

Senate Bill 416

By: Senators Cowser of the 46th, Harbison of the 15th, Harper of the 7th, Thompson of the 14th and Dugan of the 30th

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 12, Code Section 20-2-1185, Code Section 31-12-2.1, Chapter  
2 3 of Title 35, Chapter 3 of Title 38, Code Sections 40-1-23 and 46-5-122, Title 48, and  
3 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to establishment  
4 of water emergency response procedures; school safety plans; investigation of potential  
5 bioterrorism activity and regulations and planning health emergencies; the Georgia Bureau  
6 of Investigation; emergency management; regulatory compliance inspections, notifications,  
7 contacts with state, permit required for transporting materials, escorts or inspections,  
8 exceptions, recovery for damage or discharge, civil monetary penalties, routing agencies, and  
9 adoption of regulations; definitions; revenue and taxation; and general provisions regarding  
10 torts, respectively, so as to rename the Georgia Emergency Management Agency to the  
11 Georgia Emergency Management and Homeland Security Agency; to rename the director  
12 of emergency management to the director of emergency management and homeland security;  
13 to establish the Georgia Information Sharing and Analysis Center within the Georgia Bureau  
14 of Investigation; to provide for a fusion center for the sharing and analysis of homeland  
15 security activity information; to provide for and revise definitions; to provide for operations  
16 and responsibilities of the center; to provide for membership in the center; to define the  
17 duties and responsibilities of the director of emergency management and homeland security;  
18 to provide for related matters; to repeal conflicting laws; and for other purposes.

19 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

20 **SECTION 1.**

21 Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to establishment  
22 of water resources, is amended by revising subsection (c) of Code Section 12-5-30.4, relating  
23 to establishment of water emergency response procedures, as follows:

24 "(c) If the division determines that there is a threat to the health or property of downstream  
25 users of the waters of this state, the division shall as soon as possible, but not more than 24  
26 hours after such determination, notify and consult with the Georgia Emergency

27 Management and Homeland Security Agency, the appropriate local emergency  
 28 management agency, the appropriate local county health department, and other appropriate  
 29 divisions within the department as necessary to determine if it is necessary to prepare and  
 30 distribute a public notice concerning such threat. Upon notification by the division, the  
 31 local emergency management agency or the local county health department shall prepare  
 32 and post such public notice through electronic media and print. Such public notice shall  
 33 be located at places where the public regularly uses the waters of this state or seeks  
 34 information about such waters."

35 **SECTION 2.**

36 Said chapter is further amended by revising subsection (a) of Code Section 12-5-204, relating  
 37 to completion and submission of emergency plan and costs, as follows:

38 "(a) The authority shall ensure the completion of the emergency plan not later than  
 39 September 1, 2011, and shall submit the emergency plan to the director of the  
 40 Environmental Protection Division of the Department of Natural Resources, the director  
 41 of the Georgia Emergency Management and Homeland Security Agency, the Governor,  
 42 Lieutenant Governor, Speaker of the House of Representatives, and chairpersons of the  
 43 Senate and House Committees on Natural Resources and Environment and of the Senate  
 44 and House Committees on Appropriations not later than September 15, 2011."

45 **SECTION 3.**

46 Code Section 20-2-1185 of the Official Code of Georgia Annotated, relating to school safety  
 47 plans, is amended by revising subsections (b) and (d) as follows:

48 "(b) A public school may request funding assistance from the state for the installation of  
 49 safety equipment, including, but not limited to, video surveillance cameras, metal detectors,  
 50 and other similar security devices. Funding may be provided to a public school in  
 51 accordance with a school safety plan prepared by the school and approved by the local  
 52 board of education, the Department of Education, and the Georgia Emergency Management  
 53 and Homeland Security Agency."

54 "(d) The Georgia Emergency Management and Homeland Security Agency shall provide  
 55 training and technical assistance to public school systems, and may provide this same  
 56 training and technical assistance to private school systems, and independent private schools  
 57 throughout this state in the area of emergency management and safe school operations.  
 58 This training and technical assistance shall include, but not be limited to, crisis response  
 59 team development, site surveys and safety audits, crisis management planning, exercise  
 60 design, safe school planning, emergency operations planning, search and seizure, bomb  
 61 threat management, and model school safety plans."

**SECTION 4.**

62  
63 Code Section 31-12-2.1 of the Official Code of Georgia Annotated, relating to investigation  
64 of potential bioterrorism activity and regulations and planning for public health emergencies,  
65 is amended by revising subsections (b) and (c) as follows:

66 "(b) The department shall promulgate rules and regulations appropriate for management  
67 of any public health emergency declared pursuant to the provisions of Code Section  
68 38-3-51, with particular regard to coordination of the public health emergency response of  
69 the state pursuant to subsection (i) of said Code section. Such rules and regulations shall  
70 be applicable to the activities of all entities created pursuant to Chapter 3 of this title in  
71 such circumstances, notwithstanding any other provisions of law. In developing such rules  
72 and regulations, the department shall consult and coordinate as appropriate with the  
73 Georgia Emergency Management and Homeland Security Agency, the Federal Emergency  
74 Management Agency, the Georgia Department of Public Safety, the Georgia Department  
75 of Agriculture, and the federal Centers for Disease Control and Prevention. The  
76 department is authorized, in the course of management of a declared public health  
77 emergency, to adopt and implement emergency rules and regulations pursuant to the  
78 provisions of subsection (b) of Code Section 50-13-4. Such rules and regulations shall be  
79 adopted pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' but  
80 shall be automatically referred by the Office of Legislative Counsel to the House of  
81 Representatives and Senate Committees on Judiciary.

82 (c) The department shall promulgate, prepare, and maintain a public health emergency  
83 plan and draft executive order for the declaration of a public health emergency pursuant to  
84 Code Section 38-3-51 and Chapter 13 of Title 50. In preparation of such public health  
85 emergency plan and draft executive order, the department shall consult and coordinate as  
86 appropriate with the Georgia Emergency Management and Homeland Security Agency, the  
87 Federal Emergency Management Agency, the Georgia Department of Public Safety, the  
88 Georgia Department of Agriculture, and the federal Centers for Disease Control and  
89 Prevention."

**SECTION 5.**

90  
91 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia  
92 Bureau of Investigation, is amended by adding a new article to read as follows:

**ARTICLE 9**

93

94 35-3-200.95 As used in this article, the term:

96 (1) 'Center' means the Georgia Information Sharing and Analysis Center.

97 (2) 'Fusion center' means collaborative effort which combines resources, expertise,  
 98 intelligence, and other information from various agencies of state and local governments  
 99 with the goal of maximizing the ability of this state to detect, prevent, and respond to  
 100 criminal activities or to otherwise engage in homeland security activities.

101 (3) 'Homeland security activity' means any activity related to the prevention or discovery  
 102 of, response to, or recovery from:

103 (A) A terrorist attack;

104 (B) A hostile military or paramilitary action; or

105 (C) An extraordinary law enforcement emergency.

106 35-3-201.

107 There is established the Georgia Information Sharing and Analysis Center within the  
 108 Georgia Bureau of Investigation. The center shall be a fusion center maintaining criminal  
 109 intelligence and terrorism analytical components.

110 35-3-202.

111 (a) Responsibility for the development, maintenance, and operations of the center shall be  
 112 vested in the director.

113 (b) The director shall appoint and maintain the necessary professional and support staff to  
 114 enable the center to effectively and efficiently carry out its duties and responsibilities under  
 115 this article.

116 35-3-203.

117 (a) The director through the center shall share and provide homeland security activity  
 118 information to the director of emergency management and homeland security, including,  
 119 but not limited to, threats, warnings, and developing situations, when an investigation  
 120 reveals conduct of a terroristic nature or in material support of terroristic activities,  
 121 recruitment of terrorists, or information on the activities of known terrorist organizations.

122 (b) The center shall liaise with the bureau, the Federal Bureau of Investigation, Joint  
 123 Terrorism Task Force, United States Department of Homeland Security, and other local,  
 124 state, and federal intelligence and law enforcement officials for purposes of carrying out  
 125 its duties and responsibilities under this article.

126 (c) The center shall allow unrestricted access to secure communications equipment to the  
 127 director of emergency management and homeland security and his or her representatives  
 128 who possess the appropriate federally approved security clearances for the dissemination

129 of homeland security activity information by the United States Department of Homeland  
 130 Security.

131 (d) The director of emergency management and homeland security shall serve as this  
 132 state's security manager for the purpose of identifying and processing state personnel for  
 133 security clearances through the United States Department of Homeland Security.

134 35-3-204.

135 (a) Membership in the center shall consist of the director, the director of emergency  
 136 management and homeland security, the commissioner of public safety, the commissioner  
 137 of natural resources, the commissioner of corrections, the state fire marshal, the Attorney  
 138 General, the adjutant general, and state and local fire service, law enforcement, homeland  
 139 security, emergency management, corrections, and other appropriate agencies and  
 140 disciplines as determined by the director of emergency management and homeland security  
 141 in consultation with the director. Such members shall assign or make available their  
 142 analysts or other personnel to the center as such need is determined by the director of  
 143 emergency management and homeland security.

144 (b) The director of emergency management and homeland security shall maintain Georgia  
 145 Emergency Management and Homeland Security Agency analysts in the center as needed  
 146 as determined by the director of emergency management and homeland security."

147 **SECTION 6.**

148 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency  
 149 management, is amended by revising Code Section 38-3-20, relating to Georgia Emergency  
 150 Management Agency created, director, staff, offices, director's duties, and disaster  
 151 coordinator, as follows:

152 "38-3-20.

153 (a) There is established the Georgia Emergency Management and Homeland Security  
 154 Agency with a director of emergency management and homeland security who shall be the  
 155 head thereof. The Georgia Emergency Management and Homeland Security Agency shall  
 156 be assigned to the Office of Planning and Budget for administrative purposes only as  
 157 provided in Code Section 50-4-3.

158 (b) The Governor shall appoint the director of emergency management and homeland  
 159 security. He or she shall hold office at the pleasure of the Governor, who shall fix his or  
 160 her compensation. The director of emergency management and homeland security shall  
 161 hold no other state office.

162 (c) The director may employ such professional, technical, clerical, stenographic, and other  
 163 personnel, may fix their compensation, and may make such expenditures within the

164 appropriation therefor, or from other funds made available for purposes of emergency  
 165 management and homeland security, as may be necessary to carry out the purposes of  
 166 Article 9 of Chapter 3 of Title 35, Article 1, this article, and Article 3 of this chapter, the  
 167 duties of the agency and the director described in Part 4 of Article 2 of Chapter 5 of Title  
 168 46, the 'Georgia Emergency Telephone Number 9-1-1 Service Act of 1977,' as amended.

169 (d) The director and other personnel of the Georgia Emergency Management and  
 170 Homeland Security Agency shall be provided with appropriate office space, furniture,  
 171 equipment, supplies, stationery, and printing in the same manner as provided for personnel  
 172 of other state agencies.

173 (e) The director, subject to the direction and control of the Governor, shall:

174 (1) ~~Be~~ be the executive head of the Georgia Emergency Management and Homeland  
 175 Security Agency and shall be responsible to the Governor for carrying out the program  
 176 for emergency management and homeland security in this state. ~~He or she shall~~  
 177 coordinate;

178 (2) Serve as the central authority reporting to the Governor on all matters relating to  
 179 homeland security;

180 (3) Have command and control authority over all operational areas involving terrorist  
 181 activity within this state, including, but not limited to, the Homeland Security Task Force  
 182 and the Homeland Security Central Command when activated by the Governor;

183 (4) Coordinate the activities of all organizations for emergency management and  
 184 homeland security within the state; ~~shall maintain;~~

185 (5) Maintain liaison with and cooperate with emergency management agencies and  
 186 organizations of other states and of the federal government;:

187 (6) Oversee all risk and threat assessments and coordinate all plans for timely and  
 188 complete responses through a network of state, local, and federal organizations,  
 189 including, but not limited to, the coordination of efficient and timely flow of information;

190 (7) Be responsible for crisis and consequence management planning, including, but not  
 191 limited to, measures to identify, acquire, and plan the use of resources needed to  
 192 anticipate, prevent, or resolve a threat or act of terrorism;

193 (8) Coordinate and review all activities involving homeland security within any agency,  
 194 authority, or entity of this state, including, but not limited to, oversight of homeland  
 195 security activities found within the Department of Public Safety, the Georgia Bureau of  
 196 Investigation, the Georgia National Guard, the Department of Natural Resources, the  
 197 Department of Community Health, and the Department of Public Health;

198 (9) Evaluate information developed by the criminal justice community in regard to  
 199 threats or potential threats of terrorism; and

200 ~~(10) Have shall have~~ such additional authority, duties, and responsibilities authorized by  
 201 Article 1, this article, and Article 3 of this chapter as may be prescribed by the Governor  
 202 and such additional authority, duties, and responsibilities as described in Article 9 of  
 203 Chapter 3 of Title 35 and Part 4 of Article 2 of Chapter 5 of Title 46, the 'Georgia  
 204 Emergency Telephone Number 9-1-1 Service Act of 1977,' as amended.

205 (f) The director of emergency management and homeland security shall also be the  
 206 disaster coordinator and shall act for the Governor when requested to do so."

207 **SECTION 7.**

208 Said chapter is further amended by revising subsection (a) of Code Section 38-3-22, relating  
 209 to Governor's emergency management powers and duties, as follows:

210 "(a) The Governor shall have general direction and control of the Georgia Emergency  
 211 Management and Homeland Security Agency and shall be responsible for the carrying out  
 212 of the provisions of Article 1, this article, and Article 3 of this chapter and, in the event of  
 213 disaster or emergency beyond local control, may assume direct operational control over all  
 214 or any part of the emergency management functions within this state."

215 **SECTION 8.**

216 Said chapter is further amended by revising subsection (c) and paragraph (2) of subsection  
 217 (d) of Code Section 38-3-22.1, relating to safety plan addressing threat of terrorism required  
 218 of state agencies or authorities, exemptions, training and technical assistance, and  
 219 confidentiality of plans and related documentation, as follows:

220 "(c) Subject to the availability of funds for such purpose, the Georgia Emergency  
 221 Management and Homeland Security Agency shall provide training and technical  
 222 assistance to agencies and authorities and may provide such training and technical  
 223 assistance to local units of government and to critical facilities operated by the private  
 224 sector. Such training and technical assistance shall include, but not be limited to, crisis  
 225 response team development, site surveys and safety audits, crisis management planning,  
 226 exercise design, safe school planning, emergency operations planning, search and seizure,  
 227 bomb threat management, and model safety plans."

228 "(2) Any other record produced pursuant to this Code section the disclosure of which  
 229 would, in the determination of the director of the Georgia Emergency Management and  
 230 Homeland Security Agency, endanger the life or physical safety of any person or persons  
 231 or the physical safety of any public property."

232

**SECTION 9.**

233 Said chapter is further amended by revising subparagraph (a)(3)(F) and paragraph (6) of  
 234 subsection (a) of Code Section 38-3-27, relating to local organizations for emergency  
 235 management, creation, structure, powers, directors, appointment, qualifications, and  
 236 compensation, state to provide financial assistance, and entitlement for funding, as follows:

237 "(F) Except as provided in this subparagraph, any director or deputy director of a local  
 238 emergency management organization appointed after July 1, 1999, shall be a certified  
 239 emergency manager under the Georgia Emergency Management and Homeland  
 240 Security Agency's Certified Emergency Manager Program. The curriculum of the  
 241 Certified Emergency Manager Program and requirements for certification shall be  
 242 determined by the director of emergency management and homeland security and shall  
 243 include, but not be limited to, professional development series training, independent  
 244 study courses, emergency preparedness courses, and field-delivered courses.  
 245 Certification may be obtained by an appointed director or deputy director within six  
 246 months of his or her appointment. Certification shall expire biennially. As a condition  
 247 of certification renewal, such emergency management personnel shall be required to  
 248 satisfactorily complete continuing education requirements provided for in subparagraph  
 249 (G) of this paragraph."

250 "(6) A local director whose salary is reimbursed in part or in full by the Georgia  
 251 Emergency Management and Homeland Security Agency shall also meet all requirements  
 252 which may be imposed by the federal emergency management agency or its successor."

253

**SECTION 10.**

254 Said chapter is further amended by revising subsection (d) of Code Section 38-3-50, relating  
 255 to emergency interim successors to various officials and necessity of declared emergency,  
 256 as follows:

257 "(d) Designations of emergency interim successors to state officers shall become official  
 258 upon the officer filing a list of the successors with the Secretary of State, who shall inform  
 259 the Governor, the Georgia Emergency Management and Homeland Security Agency, all  
 260 emergency interim successors to the officer involved, and the judge of the probate court  
 261 of the county of legal residence of the successors of all such designations and any changes  
 262 therein. Any designation of an emergency interim successor may be changed or altered by  
 263 the officer concerned filing a notice of the change or alteration with the Secretary of State."

264 **SECTION 11.**

265 Said chapter is further amended by revising Code Section 38-3-57, relating to establishment  
 266 of standardized, verifiable, performance based unified incident command system, utilization,  
 267 training, implementation, funding, and first informer broadcasters, as follows:

268 "38-3-57.

269 (a) The Georgia Emergency Management and Homeland Security Agency shall establish  
 270 and maintain, in collaboration with all appropriate state agencies and volunteer  
 271 organizations with emergency support function roles and professional organizations that  
 272 represent local public safety agencies, including the Emergency Management Association  
 273 of Georgia, the Georgia Association of Police Chiefs, the Georgia Fire Chiefs' Association,  
 274 and the Georgia Sheriffs' Association, a standardized, verifiable, performance based unified  
 275 incident command system.

276 (b) Such system shall be consistent with the Georgia Emergency Operations Plan and shall  
 277 be utilized in response to emergencies and disasters referenced in the Georgia Emergency  
 278 Operations Plan, including presidentially declared disasters and states of emergency issued  
 279 by the Governor.

280 (c) The Georgia Emergency Management and Homeland Security Agency, in cooperation  
 281 with the Georgia Public Safety Training Center and the State Forestry Commission, shall  
 282 develop or adopt a course of instruction for use in training and certifying emergency  
 283 response personnel in unified incident command.

284 (d) All local public safety and emergency response organizations, including emergency  
 285 management agencies, law enforcement agencies, fire departments, and emergency medical  
 286 services, shall implement the standardized unified incident command system provided for  
 287 in subsection (a) of this Code section by October 1, 2004.

288 (e) Local agencies that have not established such system by October 1, 2004, shall not be  
 289 eligible for state reimbursement for any response or recovery related expenses.

290 (f)(1) As used in this subsection, the term:

291 (A) 'Broadcaster' means any corporation or other entity that is primarily engaged in the  
 292 business of broadcasting video or audio programming, whether through the public  
 293 airwaves, cable, direct or indirect satellite transmission, or any other similar means of  
 294 communication.

295 (B) 'Emergency' means the declaration of a state of emergency or disaster as provided  
 296 in Code Section 38-3-51 or as presidentially declared.

297 (C) 'First informer broadcaster' means a broadcaster in Georgia who makes application  
 298 to the Georgia Emergency Management and Homeland Security Agency for  
 299 designation as a first informer broadcaster and who is granted such designation as a first

300 informer broadcaster pursuant to rules and regulations promulgated by the director of  
 301 emergency management and homeland security.

302 (2) The unified incident command system and the Georgia Emergency Operations Plan  
 303 shall, by July 1, 2016, establish planning for first informer broadcasters such that first  
 304 informer broadcasters, to any extent practicable, may during an emergency:

305 (A) Have access to areas affected by an emergency for the purpose of restoring,  
 306 repairing, or resupplying any facility or equipment critical to the ability of a broadcaster  
 307 to acquire, produce, or transmit emergency related programming, including but not  
 308 limited to repairing and maintaining transmitters and generators and transporting fuel  
 309 for generators;

310 (B) Have access to the distribution of fuel, food, water, supplies, equipment, and any  
 311 other materials necessary for maintaining or producing a broadcast or broadcasting  
 312 signal; and

313 (C) Not have vehicles, fuel, food, water, and any other materials seized or condemned  
 314 that are essential for maintaining or producing a broadcast or broadcasting signal.

315 (3) The Georgia Emergency Management and Homeland Security Agency may develop  
 316 or adopt courses of instruction for use in training personnel of first informer broadcasters  
 317 on personal safety and navigation in an area affected by an emergency. The requirements  
 318 of any such training shall be established pursuant to rules and regulations promulgated  
 319 by the director of emergency management and homeland security. The costs of any such  
 320 training shall be paid by the first informer broadcasters participating in the training."

### 321 **SECTION 12.**

322 Said chapter is further amended by revising Code Section 38-3-140, relating to short title, as  
 323 follows:

324 "38-3-140.

325 This article shall be known and may be cited as the 'Georgia Emergency Management and  
 326 Homeland Security Agency Nomenclature Act of 2008."

### 327 **SECTION 13.**

328 Said chapter is further amended by revising Code Section 38-3-141, relating to definitions,  
 329 as follows:

330 "38-3-141.

331 As used in this article, the term:

332 (1) 'Badge' means any official badge, identification card, or security pass used by  
 333 members of the Georgia Emergency Management and Homeland Security Agency, either  
 334 in the past or currently.

335 (2) 'Director' means the director of the Georgia Emergency Management and Homeland  
336 Security Agency.

337 (3) 'Emblem' means any official patch or other emblem worn currently or formerly or  
338 used by the Georgia Emergency Management and Homeland Security Agency to identify  
339 the agency, a division of the agency, or employees of the agency.

340 (4) 'Person' means any person, corporation, organization, or political subdivision of the  
341 State of Georgia.

342 (5) 'Seal' means any official symbol, mark, or abbreviation which represents and is used,  
343 currently or in the past, by the Georgia Emergency Management and Homeland Security  
344 Agency or any other division or operation under the command of the Georgia Emergency  
345 Management and Homeland Security Agency to identify the agency, a division of the  
346 agency, or employees of the agency.

347 (6) 'Willful violator' means any person who knowingly violates the provisions of this  
348 article. Any person who violates this article after being advised in writing by the director  
349 that such person's activity is in violation of this article shall be considered a willful  
350 violator and shall be considered in willful violation of this article. Any person whose  
351 agent or representative is a willful violator and who has knowledge of the violation by  
352 the agent or representative shall also be considered a willful violator and in willful  
353 violation of this article unless, upon learning of the violation, he or she immediately  
354 terminates the agency or other relationship with such violator."

#### 355 **SECTION 14.**

356 Said chapter is further amended by revising Code Section 38-3-142, relating to use of agency  
357 name without written permission prohibited in certain circumstances, as follows:

358 "38-3-142.

359 Whoever, except with the written permission of the director, knowingly uses the words  
360 'Georgia Emergency Management Agency,' 'Georgia Homeland Security Agency,'  
361 'Emergency Management Agency,' or '~~GEMA~~' 'Homeland Security Agency,' '~~GEMA~~,'  
362 'GEMHSA,' or 'GEMA/HS' in referring to Georgia's Emergency Management and  
363 Homeland Security Agency in connection with any advertisement, circular, book,  
364 pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production  
365 in a manner reasonably calculated to convey the impression that such advertisement,  
366 circular, book, pamphlet, or other publication, play, motion picture, broadcast, telecast, or  
367 other production is approved, endorsed, or authorized by or associated with the Georgia  
368 Emergency Management and Homeland Security Agency shall be in violation of this  
369 article."

370 **SECTION 15.**

371 Said chapter is further amended by revising Code Section 38-3-143, relating to use or display  
372 of agency symbols without written permission prohibited, as follows:

373 "38-3-143.

374 Any person who uses or displays any symbol, including any emblem, seal, or badge,  
375 current or historical, used by the Georgia Emergency Management and Homeland Security  
376 Agency without written permission from the director shall be in violation of this article."

377 **SECTION 16.**

378 Said chapter is further amended by revising Code Section 38-3-144, relating to requests for  
379 permission and grants of permission at director's discretion, as follows:

380 "38-3-144.

381 Any person seeking permission to use or display the nomenclature or symbols of the  
382 Georgia Emergency Management and Homeland Security Agency may request such  
383 permission in writing to the director. The director shall serve notice on the requesting party  
384 within 15 calendar days after receipt of the request of his or her decision on whether the  
385 person may use the nomenclature or the symbol. If the director does not respond within  
386 the 15 day time period, then the request is presumed to have been denied. The grant of  
387 permission under this article shall be at the discretion of the director and under such  
388 conditions as the director may impose."

389 **SECTION 17.**

390 Said chapter is further amended by revising Code Section 38-3-151, relating to definitions,  
391 as follows:

392 "38-3-151.

393 As used in this article, the term:

394 (1) 'Agency' means the Georgia Emergency Management and Homeland Security  
395 Agency established by Code Section 38-3-20.

396 (2) 'Building mapping information system' means a state-wide informational system  
397 containing maps of designated public buildings.

398 (3) 'Director' means the director of the agency."

399 **SECTION 18.**

400 Code Section 40-1-23 of the Official Code of Georgia Annotated, relating to regulatory  
401 compliance inspections, notifications, contacts with state, permit required for transporting  
402 materials, escorts or inspections, exceptions, recovery for damage or discharge, civil

403 monetary penalties, routing agencies, and adoption of regulations, is amended by revising  
404 subsection (q) as follows:

405 "(q) The department is designated as the routing agency as defined in Title 49 C.F.R. Part  
406 397, Subpart E. Routing determinations for hazardous materials shall be made in  
407 accordance with the provisions of Federal Hazardous Materials Law, 49 U.S.C. Section  
408 5112. The commissioner or his or her designee shall consult with Georgia Department of  
409 Transportation, Georgia Department of Natural Resources, Georgia Emergency  
410 Management and Homeland Security Agency, Georgia Department of Homeland Security,  
411 or other agencies as necessary to carry out these responsibilities."

412 **SECTION 19.**

413 Code Section 46-5-122 of the Official Code of Georgia Annotated, relating to definitions,  
414 is amended by revising paragraph (2) as follows:

415 "(2) 'Agency' means the Georgia Emergency Management and Homeland Security  
416 Agency established pursuant to Code Section 38-3-20 unless the context clearly requires  
417 otherwise."

418 **SECTION 20.**

419 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
420 amended by revising subsections (g) and (h) of Code Section 48-2-100, relating to short title,  
421 definitions, legislative findings, certain exemptions for out-of-state businesses and employees  
422 conducting operations related to declared state of emergency, and post-emergency of state  
423 laws and requirements, as follows:

424 "(g)(1) Any out-of-state business that enters this state to perform qualified work during  
425 a disaster or emergency period shall provide to the department and to the Georgia  
426 Emergency Management and Homeland Security Agency a statement that it is in this  
427 state for purposes of responding to the disaster or emergency, which statement shall  
428 include the business' name, state of domicile, principal business address, federal tax  
429 identification number, date of entry, and contact information.

430 (2) A registered business in this state shall provide the information required in paragraph  
431 (1) of this subsection to the department and to the Georgia Emergency Management and  
432 Homeland Security Agency for any affiliate that enters this state that is an out-of-state  
433 business. The notification shall also include contact information for the registered  
434 business in this state.

435 (h) The Georgia Emergency Management and Homeland Security Agency and the  
436 department shall promulgate regulations as necessary to comply with the requirements of  
437 this Code section."

438 **SECTION 21.**

439 Said title is further amended by revising subsection (a) of Code Section 48-7-29.4, relating  
 440 to tax credit for disaster assistance funds received and rules and regulations, as follows:

441 "(a) A taxpayer who receives disaster assistance during a taxable year from the Georgia  
 442 Emergency Management and Homeland Security Agency or the Federal Emergency  
 443 Management Agency shall be allowed a credit against the tax imposed by Code Section  
 444 48-7-20 in an amount equal to \$500.00 or the actual amount of such disaster assistance,  
 445 whichever is less. The commissioner may require adequate supporting documentation  
 446 showing that the taxpayer received such assistance."

447 **SECTION 22.**

448 Said title is further amended by revising subsection (f) of Code Section 48-8-13, relating to  
 449 taxing jurisdiction for mobile telecommunications services, as follows:

450 "(f) A home service provider shall identify each customer's place of primary use and shall  
 451 provide at least quarterly a complete listing of the total number of customers to the Georgia  
 452 Emergency Management and Homeland Security Agency. The home service provider shall  
 453 indicate in such report whether it is employing an enhanced ZIP Code to assign each street  
 454 address to a specific taxing jurisdiction so as to qualify for the safe harbor provisions of  
 455 4 U.S.C. Section 120. Further, each home service provider shall, upon request, provide  
 456 information showing the total number of billings and the amount of fees collected to any  
 457 taxing jurisdiction as to the customers whose place of primary use is within the jurisdiction  
 458 of such taxing jurisdiction; provided, however, that in no event shall customer  
 459 identification be required to be released. Such information shall initially be made available  
 460 not later than July 1, 2006."

461 **SECTION 23.**

462 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
 463 provisions regarding torts, is amended by revising Code Section 51-1-50, relating to  
 464 immunity of broadcasters from liability for Levi's Call: Georgia's Amber Alert Program, as  
 465 follows:

466 "51-1-50.

467 (a) As used in this Code section, the term:

468 (1) 'Broadcast' means the transmission of video or audio programming by an electronic  
 469 or other signal conducted by radiowaves or microwaves, by wires, lines, coaxial cables,  
 470 wave guides or fiber optics, by satellite transmissions directly or indirectly to viewers or  
 471 listeners, or by any other means of communication.

472 (2) 'Broadcaster' means any corporation or other entity that is engaged in the business of  
473 broadcasting video or audio programming, whether through the public airwaves, by cable,  
474 by direct or indirect satellite transmission, or by any other means of communication.

475 (3) 'Levi's Call: Georgia's Amber Alert Program' means the voluntary program entered  
476 into by the Georgia Bureau of Investigation, the Georgia Emergency Management and  
477 Homeland Security Agency, the Georgia Association of Broadcasters, and certain  
478 broadcasters licensed to serve in the State of Georgia, which program provides that if the  
479 Georgia Bureau of Investigation verifies that a child has been abducted and is in danger,  
480 an alert containing known details of the abduction is transmitted to the Georgia  
481 Emergency Management and Homeland Security Agency, which is then transmitted by  
482 the Georgia Emergency Management and Homeland Security Agency to broadcasters in  
483 Georgia; and those broadcasters participating in the program then broadcast or otherwise  
484 disseminate the alert to listeners, viewers, or subscribers.

485 (b) Any broadcaster participating in Levi's Call: Georgia's Amber Alert Program shall not  
486 be liable for any civil damages arising from the broadcast or other dissemination of any  
487 alert generated pursuant to the Levi's Call: Georgia's Amber Alert Program. The immunity  
488 provided for in this Code section shall apply to any broadcast or dissemination of  
489 information that is substantially consistent with the information transmitted by the Georgia  
490 Emergency Management and Homeland Security Agency and that takes place during an  
491 alert requested by the Georgia Emergency Management and Homeland Security Agency  
492 and for a period of two hours after such alert has ended or the Georgia Emergency  
493 Management and Homeland Security Agency informs the participating broadcasters that  
494 the alert has changed in content.

495 (c) Nothing in this Code section shall be construed to limit or restrict in any way any legal  
496 protection a broadcaster may have under any other law for broadcasting or otherwise  
497 disseminating any information."

498 **SECTION 24.**

499 All laws and parts of laws in conflict with this Act are repealed.