

House Bill 156 (AS PASSED HOUSE AND SENATE)

By: Representatives Parsons of the 44th, Martin of the 49th, Kelley of the 16th, Smith of the 133rd, Nix of the 69th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 38 of the Official Code of Georgia Annotated, relating to military,
2 emergency management, and veterans affairs, so as to provide for additional powers and
3 duties related to homeland security and the military; to facilitate the sharing of information
4 and reporting of cyber attacks; to require governmental agencies and utilities to report any
5 cyber attacks to the director of emergency management and homeland security; to provide
6 for definitions; to provide for the director to promulgate certain rules and regulations; to
7 provide for certain reports and records related to cyber attacks to be exempt from public
8 disclosure and inspection; to authorize the Governor to work to enhance the education and
9 job placement of Georgians through memoranda of agreement with major military
10 commands established in this state; to provide for conditions and limitations; to provide for
11 related matters; to provide for an effective date; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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Title 38 of the Official Code of Georgia Annotated, relating to military, emergency management, and veterans affairs, is amended by adding two new Code sections to read as follows:

"38-3-22.2.

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

(1) 'Agency' means:

(A) The executive, judicial, or legislative branch of this state and any department, agency, board, bureau, office, commission, public corporation, and authority thereof;

(B) Every county, municipal corporation, school district, or other political subdivision of this state;

(C) Every department, agency, board, bureau, office, commission, authority, or similar body of each such county, municipal corporation, or other political subdivision of this state; and

(D) Every city, county, regional, or other authority established pursuant to the laws of this state.

Such term shall not include any county, municipal corporation, or public corporation or any authority of a county, municipal corporation, or public corporation when such county, municipal corporation, public corporation, or authority is acting in the capacity of a provider of wholesale or retail electric or gas service or in the capacity of a conduit through which a municipal corporation furnishes electric or gas service.

(2) 'Utility' means any publicly, privately, or cooperatively owned line, facility, or system for producing, transmitting, or distributing power, electricity, light, heat, or gas.

(b)(1) Except as provided in paragraph (2) of this subsection, every agency shall report to the director of emergency management and homeland security, or his or her designee, any cyber attack incident, data breach, or identified use of malware on an agency or computer or network determined by the director to be the type of cyber attack, data

41 breach, or use of malware to create a life-safety event, substantially impact the security
42 of data and information systems, or affect critical systems, equipment, or service delivery.

43 (2) The reporting requirements of paragraph (1) of this Code section shall be satisfied
44 if:

45 (A) The cyber attack incident, data breach, or identified use of malware upon an
46 agency is of a nature required to be reported to the United States government or any
47 agency thereof or the agency elects to report such cyber attack incident, data breach, or
48 identified use of malware to the United States government or any agency thereof; and

49 (B) Within two hours of making such report to the United States government or any
50 agency thereof, the agency provides substantially the same information to the director
51 of emergency management and homeland security or his or her designee.

52 (3) The director of emergency management and homeland security shall, subject to
53 approval by the Governor, promulgate rules and regulations specifying the reporting
54 mechanism for making a report under paragraphs (1) and (2) of this subsection and the
55 required information and time frame for making a report under paragraph (1) of this
56 subsection.

57 (c) Every utility shall report to the director of emergency management and homeland
58 security, or his or her designee, any cyber attack incident, data breach, or identified use of
59 malware on a utility computer or network as such information is required to be reported to
60 the United States government or any agency thereof. Within two hours of making such
61 report to the United States government or any agency thereof, the utility shall provide
62 substantially the same information to the director of emergency management and homeland
63 security or his or her designee; provided, however, if such information is prohibited under
64 any federal law, rule, or regulation from being disseminated, the utility shall provide such
65 information upon the expiration or lifting of such prohibition.

66 (d) Any reports or records produced pursuant to this Code section shall not be subject to
67 public inspection or disclosure under Article 4 of Chapter 18 of Title 50.

68 (e) Nothing in this Code section shall relieve any agency or utility of any duty that may
69 exist under law to notify any person impacted by a cyber attack incident, data breach, or
70 identified use of malware, including, but not limited to, any notice required under
71 Article 34 of Chapter 1 of Title 10.

72 38-3-22.3.

73 If the Governor makes a determination that a memorandum of agreement with one or more
74 of the major military commands established in this state would substantially enhance the
75 education or job placement of Georgians in the area of science, technology, engineering,
76 math, or cyber security, he or she is authorized to enter into such an agreement, provided
77 that any state expenditures provided for in such an agreement shall be subject to
78 appropriations."

79 **SECTION 2.**

80 This Act shall become effective upon its approval by the Governor or upon its becoming law
81 without such approval.

82 **SECTION 3.**

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