

The House Committee on Energy, Utilities and Telecommunications offers the following substitute to HB 1049:

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 38 and 50 of the Official Code of Georgia Annotated, relating to military,
2 emergency management, and veterans affairs and state government, respectively, so as to
3 facilitate the sharing of information and reporting of cyber attacks; to require governmental
4 agencies and utilities to report any cyber attacks to the director of emergency management
5 and homeland security; to provide for definitions; to provide for the director to promulgate
6 certain rules and regulations; to provide for proceedings related to cybersecurity to be held
7 in executive session; to provide for certain information, data, and reports related to
8 cybersecurity and cyber attacks to be exempt from public disclosure and inspection; to
9 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Title 38 of the Official Code of Georgia Annotated, relating to military, emergency
14 management, and veterans affairs, is amended by adding a new Code section to read as
15 follows:

16 "38-3-22.3.

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

18 (1) 'Agency' means:

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

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

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

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

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

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

35 (b)(1) Except as provided in paragraph (2) of this subsection, every agency shall report
 36 to the director of emergency management and homeland security, or his or her designee,
 37 any cyber attack incident, data breach, or identified use of malware on an agency or
 38 computer or network determined by the director to be the type of cyber attack, data
 39 breach, or use of malware to create a life-safety event, substantially impact the security
 40 of data and information systems, or affect critical systems, equipment, or service delivery.

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

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

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

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

55 (c) Every utility shall report to the director of emergency management and homeland
 56 security, or his or her designee, any cyber attack incident, data breach, or identified use of
 57 malware on a utility computer or network reported to the United States government or any
 58 agency thereof. Within two hours of making such report to the United States government
 59 or any agency thereof, the utility shall provide substantially the same information to the
 60 director of emergency management and homeland security or his or her designee.

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

63 **SECTION 2.**

64 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 65 by revising subsection (b) of Code Section 50-14-3, relating to excluded proceedings, by
 66 deleting "and" at the end of paragraph (3), by replacing the period with "; or" at the end of
 67 paragraph (4), and by adding a new paragraph to read as follows:

68 "(5) Any portions of meetings when any agency is discussing cybersecurity or voting to
 69 approve any action related to cybersecurity. For purposes of this paragraph,
 70 'cybersecurity' means information technology infrastructure details, including network
 71 architecture, schematics, and information technology system designs, source code,
 72 detailed hardware and software inventories, security plans, vulnerability reports, security
 73 risk assessment details, audit reports, security compliance reports, authentication
 74 credentials, security policies and processes, security incident reports, information
 75 collected during incident response, and any other information technology data that, if
 76 disclosed, could allow unauthorized access to the information technology assets of the
 77 state."

78 **SECTION 3.**

79 Said title further amended in subsection (a) of Code Section 50-18-72, relating to when
 80 disclosure of public records is not required, by deleting "or" at the end of paragraph (49), by
 81 replacing the period with a semicolon at the end of paragraph (50), and by adding two new
 82 paragraphs to read as follows:

83 "(51) Records, data, or information concerning cybersecurity. For purposes of this
 84 paragraph, 'cybersecurity' shall have the same meaning as provided in paragraph (5) of
 85 subsection (b) of Code Section 50-14-3; or
 86 (52) Any reports or records produced pursuant to Code Section 38-3-22.3."

87 **SECTION 4.**

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

90 **SECTION 5.**

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