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Georgia Emergency Management and Homeland Security Statutory Authorities Summarized

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Summary

The governor has broad emergency management powers under the Georgia Emergency Management Act of 1981 (Ga. Code §38-3-1 *et seq.*). Local governments must develop emergency management capabilities. The governor is authorized to declare a state of emergency at his or her discretion, but in the event of a public health emergency, the governor must issue a call for a special session of the General Assembly. A state of emergency remains in force until the governor determines that the threat or emergency has passed, or for a period of 30 days maximum. The state of emergency may be renewed by the governor and may be terminated by the General Assembly through enactment of a concurrent resolution. The continuity of government provisions require elected officials to submit the names of designated successors to the secretary of state, and also authorize the relocation of the seat of government to a site within or outside the state.

This report is one of a series that profiles the emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and three territories (American Samoa, Guam, and the U.S. Virgin Islands). Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

Entities with Key Responsibilities

Governor: The governor exercises general direction and control of the Georgia Emergency Management Agency and is authorized to: make, amend, or rescind orders, rules and regulations related to emergency management; prepare a comprehensive plan and emergency management program; ascertain requirements for, and plan to procure, supplies; coordinate with the President and officials of other states on emergency management procedures; use services and facilities of existing state and local offices; enter into reciprocal aid agreements and compacts with other states and the federal government; sponsor and develop mutual aid agreements within the state; and study the potential in the state to reduce consequences from manmade or natural disasters (Ga. Code §38-3-22 (a,b)). Also, the governor is authorized to control traffic for evacuation (Ga. Code §38-3-24) and may enter into, amend, supplement and implement agreements with other states for mutual military aid (Ga. Code §38-2-93). The governor has powers to: enforce all laws relating to emergency management and to assume control of all civil forces (among others); seize or condemn property; sell, give, or lend property to inhabitants; perform powers and duties to promote and secure the safety and protection of the population, and provide temporary housing (Ga. Code §38-3-51(c)).

Georgia Emergency Management Agency, director of emergency management: The director of the Georgia Emergency Management Agency (GEMA) is appointed by the governor; the director coordinates the activities of all emergency management organizations within the state; serves as liaison with, and cooperates with, other states' emergency management organizations and the federal government; acts as disaster coordinator (Ga. Code §38-3-20), and has authority to promulgate rules and regulations (Ga. Code §38-3-21). The Director of the Georgia Emergency Management Agency (GEMA) reports directly to the state director of homeland security, per executive order of the Governor, issued March 13, 2003 [information provided by GEMA staff].

Local organization for emergency management: Each county or municipality (if the county does not) may establish a local organization for emergency management. Each organization is authorized to perform emergency management functions. The statute establishes the requirements and duties of local directors (Ga. Code §§38-3-27, 38-3-28).

Department of Human Resources: The department is authorized to apply for, receive, and administer grants or donations for health purposes from the federal government and state appropriations, and to use the funds for health aspects of civil defense (Ga. Code §31-2-2).

Preparedness

State grants are authorized to be allocated to local emergency management organizations for the purchase of equipment, with matching requirements, prohibitions, and requirements for priorities established by the state director of emergency management (Ga. Code §38-3-27). The governor may authorize state department heads to lease or lend real and personal property, or to enter into contracts for the lease or loan of personal and real property, or to temporarily transfer personnel (Ga. Code §38-3-25).

The governor is authorized to use state aid to establish mobile support units to reinforce emergency management organizations in stricken areas (Ga. Code §38-3-26).

The director of emergency management is authorized to promulgate rules and regulations for training and licensing private search and rescue dog teams, and must maintain a registry of such teams (Ga. Code §38-3-36).

Declaration Procedures

The governor may declare a state of emergency in the event of an actual or pending disaster or attack, but in the event of a public health emergency, the governor is required to issue a call for a special session of the General Assembly. Such an emergency proclamation continues in effect until the governor determines that the threat has passed and terminates the state of emergency. A state of emergency may continue for a maximum of 30 days, with a possibility of renewal by the governor. The General Assembly may terminate a state of emergency with enactment of a concurrent resolution. A declaration activates the state emergency response and recovery aspects of applicable state and local plans (Ga. Code §38-3-51(a,b)).

Types of Assistance

Once a state of emergency or disaster is issued, the governor may provide welfare benefits to meet the needs of affected individuals and families (Ga. Code §38-3-51(g)).

Taxpayers receiving disaster assistance from GEMA or the Federal Emergency Management Agency are allowed a \$500 tax credit or the actual amount of assistance received, whichever is less (Ga. Code §48-7-29.4).

The state may accept federal services, equipment, supplies, material, and funds (Ga. Code §38-3-31).

Mutual Aid

The *Georgia Mutual Aid Act* is codified to authorize local law enforcement agencies to provide assistance extraterritorially in emergencies (Ga. Code §36-69-1 *et seq.*).

The statute authorizes local mutual aid pacts (Ga. Code §38-3-29). A unit of local government in which equipment is used is liable for loss or damage to the equipment (Ga. Code §38-3-30).

The *Southern Regional Emergency Management Compact* is codified (Ga. Code §38-3-80 *et seq.*).

Funding

The statute established a state fund to provide grant assistance to local emergency management organizations (Ga. Code §38-3-27(c)).

If insufficient funds are available after an emergency or disaster declaration is issued, the governor may transfer funds from any account (Ga. Code §38-3-51(e,f)).

Hazard Mitigation

The governor may develop or require additional plans, projects, studies or research to prevent or reduce losses to human life and property from natural or manmade disasters or enemy attack, and develop or require measures to be implemented that will have the greatest potential for reducing future losses (Ga. Code §38-3-22 (c)).

Continuity of Government Operations

All state officers are to designate emergency interim successors and their order of succession within 30 days of taking office. If, after a disaster or emergency, the officer and his or her deputy are unavailable, the successors are to perform the duties until the governor appoints a successor to fill each vacancy, or an election is held as specified by law. Emergency interim successors may only exercise governmental powers during a disaster or emergency. State statutes set out the qualifications for the position, require that county officers also designate emergency interim successors, and establish oath requirements and compensation provisions (Ga. Code §38-3-50(b)-(i)).

If the governor is unable to conduct state government affairs in Atlanta, he or she, by proclamation, may declare a temporary emergency location for government within or outside the state. The temporary location remains the seat of government until the General Assembly establishes a new location, or the governor terminates the emergency or disaster, and the seat of government returns to the normal location. All state government acts passed at the temporary seat of government are binding (Ga. Code §38-3-52).

The General Assembly may meet in a new location at the call of the governor or through the initiative of members of the General Assembly following a natural or manmade disaster or enemy attack. Sessions of the assembly are not limited to length of sessions set out in the constitution. The General Assembly is authorized to suspend rules of procedure during an emergency or disaster (Ga. Code §38-3-53).

Local governments are authorized to move their seat of government during an emergency and to conduct government business (Ga. Code §38-3-54,55).

The Georgia state constitution provides a line of succession to the office of the governor (Ga. Constitution Article 5, Section I, Paragraph V).

Other

A person, firm, or corporation that permits an emergency management agency, board, other authority of the state or a political subdivision to use their premises without charge to shelter persons during a real or practice emergency is granted sovereign immunity (Ga. Code §38-3-32).

Persons who, or corporations that, provide equipment at no cost during an emergency or disaster, “whether or not officially declared as such,” are immune from civil damages (Ga. Code §38-3-33). Persons who advocate change in the U.S. government by force cannot work for any state emergency management organization (Ga. Code §38-3-34).

The statute establishes the immunity of the state for injuries or property damage suffered by volunteer emergency management workers, and provides immunity to the state or political subdivisions for death, injury, or property damage associated with emergency management activities (Ga. Code §38-3-35).

The statute prohibits counties (or municipalities under specified conditions) that have not established local organizations for emergency management from receiving state disaster relief funding (Ga. Code §38-3-27(f)).

The governor is authorized to direct the Department of Human Resources to coordinate the state response to a public health emergency, including the establishment of due process procedures for quarantine or vaccination programs (Ga. Code §38-3-51 (i)).

The Disaster Volunteer Leave Act provides that a state employee certified to provide volunteer disaster service with the Red Cross may be granted leave of up to 15 days in a 12-month period in order to participate in relief services (Ga. Code §38-3-90 *et seq.*).

Officials of every public school must prepare a school safety plan to address preparedness for natural disasters, accidents, and terrorism acts (Ga. Code §20-2-1185).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in Georgia Statutes, with Citations

Terms	Citations
Bioterrorism	Ga. Code §31-12-1.1 (1), §38-3-3 (1)
Civil defense	Ga. Code §38-3-72
Disaster	Ga. Code §38-3-91 (1)
Disaster emergency	Ga. Code §38-3-40 (a) (1), §38-3-91 (1)
Emergency	Ga. Code §38-3-50(a) (2)
Emergency interim successor	Ga. Code §38-3-50 (a) (3)
Emergency management	Ga. Code §38-3-3 (2)
Local emergency	Ga. Code §36-69-2
Public health emergency	Ga. Code §31-12-1.1 (2), §38-3-3-(6), §38-3-51

Terms	Citations
State of emergency	Ga. Code §38-3-3(7), §38-3-51
State agency	Ga. Code §38-3-91 (2)
State office	Ga. Code §38-3-50 (a) (8)
Unavailable	Ga. Code §38-3-50 (a) (9)

For Further Research

The citations noted above and other elements of the state code for Georgia may be searched at: [http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=1-1-1].