



State of Georgia Continuity of Government Plan



2017

Executive & Legislative Branch Orders of Succession

Approval and Implementation

This Continuity of Government plan demonstrates how the State's Executive and Legislative Branches of Government will continue performing essential functions when governmental operations are disrupted. This plan specifically addresses how the State's constitutional responsibilities will be preserved, maintained and reestablished.

This plan has been developed in accordance with:

- The Constitution of the State of Georgia;
- The Official Code of the Georgia Annotated (O.C.G.A.)
- The Homeland Security Act of 2002 (Public Law 107-296), dated November 25, 2002;
- Presidential Decision Directive 67, Enduring Constitutional Government and Continuity of Government Operations, dated October 21, 1998
- The Governor's Executive Order authorizing the Georgia Emergency Operations Plan (GEOP); and
- Other related Directives, executive orders, and policies.

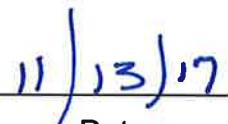
This plan supersedes the State of Georgia Continuity of Government Plan dated December 19 2012.



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Date

Executive Summary

Continuity of Government Planning ensures the State of Georgia is capable of conducting essential missions and functions under all threats and conditions, with or without warning.

During natural and manmade disasters, the State's government must continue its essential functions, and continue to exist. Government Stability promotes public confidence in the government's ability to save lives and minimize property losses.

To mitigate the consequences of potential catastrophes ranging from terrorist attacks to natural disasters, the state of Georgia has identified specific threats and vulnerabilities and developed and adopted this Continuity of Government plan.

This ensures that the State's government operations will continue to function or, in the worst case, be fully restored. Important elements include establishment of lines of succession, ensuring that authority is delegated to appropriate elected officials prior to an emergency, safeguarding vital records and establishing alternate emergency operations centers.

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Record of Change

Record of Distribution

Plan #	Office/Department	Representative	Signature
1			
2			
3			
4			
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1.0 Introduction

1.1 Purpose

The evolving threat environment nationwide, including, natural, man-made and technological disasters, increases the need for visible Continuity of Government (COG) capabilities and plans. COG enables continued operations across the full spectrum of potential emergencies. The purpose of this plan is to identify how the State's Executive and Legislative Branches of Government will continue performing essential functions when important governmental operations are disrupted. This plan will specifically address how the State's constitutional responsibilities will be preserved, maintained and reestablished.

1.2 Scope

This Plan addresses succession of leadership, delegation of emergency authority, command and control, resumption and recovery from any incident, emergency or disaster threatening to disrupt constitutional responsibilities.

This plan ensures the continuation of Georgia's essential functions in the event normal Executive and Legislative operations are disrupted. It applies to all state government personnel and ensures State employees are familiar with continuity policies and procedures and their respective roles and responsibilities.

This plan does not cover state agency specific Continuity of Operations Plans (COOP) or emergency measures taken by the Georgia Emergency Management and Homeland Security Agency, herein referred to as (GEMA/HS) to assist local governments during emergencies or disasters.

Each state agency is responsible for maintaining and exercising their own COOP to ensure continued operations during emergencies/disasters.

1.3 General Objectives

This plan is designed to meet the following objectives:

1. Ensure the Executive and Legislative Branches of Georgia can perform critical and essential functions under all conditions.
2. Reduce loss of life and minimize property damage by ensuring government can continue critical operations.
3. Execute a successful order of succession with accompanying authorities in the event the Governor, Lieutenant Governor or the Speaker of the House is unable, unavailable or incapable of assuming and performing their responsibilities of the office.
4. Reduce or mitigate disruptions to operations.
5. Ensure State government has facilities where it can continue to perform its critical functions during a continuity event.

6. Protect essential facilities, equipment, records and other assets, in the event of a disruption.
7. Achieve timely recovery and reconstitution from an emergency of both the Executive and Legislative branches of Georgia.

1.4 Planning Assumptions

Activation of this COG Plan is based on the following assumptions and considerations:

1. Government officials may or may not receive adequate warning of impending emergencies or disasters.
2. Disasters and emergencies requiring activation of this plan have the potential to hinder normal operations of the Executive and Legislative branches of government.
3. When governmental operations are interrupted, the Governor or the General Assembly will activate the COG plan to ensure a quick and deliberate response to all potential adverse impacts.
4. Both governmental and non-governmental personnel and resources located outside the area affected by the emergency or threat may be unavailable as necessary to continue essential functions.
5. Key personnel may be rendered unavailable, or may be unable to participate in the reconstitution of State government.
6. An emergency may require state personnel and political subdivisions, to function with some loss of service until full recovery is made.
7. The Georgia Constitution and the Official Code of Georgia Annotated address emergency powers of the Governor and the Legislature's authority in times of disasters or emergencies as well as orders of succession for each branch of government.
8. All state agencies and departments will conform to and support the emergency response orders and all of the Governors' orders, proclamations and directives.
9. The Office of the Governor and all supporting state agency Public Information Officers will operate a Joint Information Center (JIC) to ensure consistent, accurate and timely messaging to the public regarding COG Operations. The JIC may be operated virtually through the internet.

2.0 General and Specific Powers

Both the Executive and Legislative branches of Georgia serve critical roles and as such their continued operations are vital to the health, safety and welfare of all Georgia citizens. Each branch of government carries out essential (and non-essential) functions; the States Constitution identifies the general and specific powers of each branch as follows:

2.1 Executive Breach

Article V. Executive Branch

Section II. Duties & Powers of the Governor

Paragraph I. Executive Powers. The chief executive powers shall be vested in the Governor. The other executive officers shall have such powers as may be prescribed by this Constitution and by law.

Paragraph II. Law enforcement. The Governor shall take care that the laws are faithfully executed and shall be the conservator of the peace throughout the state.

Paragraph III. Commander in chief. The Governor shall be the commander in chief of the military forces of this state.

Paragraph IV. Veto power. Except as otherwise provided in this Constitution, before any bill or resolution shall become law, the Governor shall have the right to review such bill or resolution intended to have the effect of law which has been passed by the General Assembly. The Governor may veto, approve, or take no action on any such bill or resolution. In the event the Governor vetoes any such bill or resolution, the General Assembly may, by a two-thirds' vote, override such veto as provided in Article III of this Constitution.

Paragraph V. Writs of election. The Governor shall issue writs of election to fill all vacancies that may occur in the Senate and in the House of Representatives.

Paragraph VI. Information and recommendations to the General Assembly. At the beginning of each regular session and from time to time, the Governor may give the General Assembly information on the state of the state and recommend to its consideration such measures as the Governor may deem necessary or expedient.

Paragraph VII. Special sessions of the General Assembly.

- (a) The Governor may convene the General Assembly in special session by proclamation which may be amended by the Governor prior to the convening of the special session or amended by the Governor with the approval of three-fifths of the members of each house after the special session has convened; but no laws shall be enacted at any such special session except those which relate to the purposes stated in the proclamation or in any amendment thereto.
- (b) The Governor shall convene the General Assembly in special session for all purposes whenever three-fifths of the members to which each house is entitled certify to the Governor in writing, with a copy to the Secretary of State, that in their opinion an emergency exists in the affairs of the state. The General Assembly may convene itself if, after receiving such certification, the Governor fails to do so within three days, excluding Sundays.
- (c) Special sessions of the General Assembly shall be limited to a period of 40 days unless extended by three-fifths' vote of each house and approved by the Governor or unless at the expiration of such period an impeachment trial of some officer of state government is pending, in which event the House shall adjourn and the Senate shall remain in session until such trial is completed.

Paragraph VIII. Filling vacancies.

- (a) When any public office shall become vacant by death, resignation, or otherwise, the Governor shall promptly fill such vacancy unless otherwise provided by this Constitution or by law; and persons so appointed shall serve for the unexpired term unless otherwise provided by this Constitution or by law.
- (b) In case of the death or withdrawal of a person who received a majority of votes cast in an election for the office of Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, or Commissioner of Labor, the Governor elected at the same election, upon becoming Governor, shall have the power to fill such office by appointing, subject to the confirmation of the Senate, an individual to serve until the next general election and until a successor for the balance of the unexpired term shall have been elected and qualified.

Paragraph IX. Appointments by Governor. The Governor shall make such appointments as are authorized by this Constitution or by law. If a person whose confirmation is required by the Senate is once rejected by the Senate, that person shall not be re-nominated by the Governor for appointment to the same office until the expiration of a period of one year from the date of such rejection.

Paragraph X. Information from officers and employees. The Governor may require information in writing from constitutional officers and all other officers and employees of the executive branch on any subject relating to the duties of their respective offices or employment.

2.2 Legislative Branch

Article III. Legislative Branch

Section VI. Exercise of Powers

Paragraph I. General Powers. The General Assembly shall have the power to make all laws not inconsistent with this State Constitution, and not repugnant to the Constitution of the United States, which it shall deem necessary and proper for the welfare of the state.

Paragraph II. Specific powers.

- (a) Without limitation of the powers granted under Paragraph I, the General Assembly shall have the power to provide by law for:
 - (1) Restrictions upon land use in order to protect and preserve the natural resources, environment, and vital areas of this state.
 - (2) A militia and for the trial by courts-martial and non-judicial punishment of its members, the discipline of whom , when not in federal service , shall be in accordance with law and the directives of the Governor acting as commander in chief.

- (3) The participation by the state and political subdivisions and instrumentalities of the state in federal programs and the compliance with laws relating thereto, including but not limited to the powers, which may be exercised to the extent and in the manner necessary to effect such participation and compliance, to tax, to expend public money, to condemn property, and to zone property.
 - (4) The continuity of state and local governments in periods of emergency resulting from disasters caused by enemy attack including but not limited to the suspension of all constitutional legislative rules during such emergency.
 - (5) The participation by the state with any county, municipality, nonprofit organization, or any combination thereof in the operation of any of the facilities operated by such agencies for the purpose of encouraging and promoting tourism in this state .
 - (6) The control and regulation of outdoor advertising devices adjacent to federal aid interstate and primary highways and for the acquisition of property or interest therein for such purposes and may exercise the powers of taxation and provide for the expenditure of public funds in connection therewith.
- (b) The General Assembly shall have the power to implement the provisions of Article I, Section III, Paragraph I (2.); Article IV, Section VIII, Paragraph II; Article IV, Section VIII, Paragraph III; and Article X, Section II, Paragraph XII of the Constitution of 1976 in force and effect on June 30, 1983; and all laws heretofore adopted thereunder and valid at the time of their enactment shall continue in force and effect until modified or repealed.
- (c) The distribution of tractors, farm equipment, heavy equipment, new motor vehicles, and parts therefor in the State of Georgia vitally affects the general economy of the state and the public interest and public welfare. Notwithstanding the provisions of Article I, Section I, Paragraphs I, II, and III or Article III, Section VI, Paragraph V (c) of this Constitution, the General Assembly in the exercise of its police power shall be authorized to regulate tractor, farm equipment, heavy equipment, and new motor vehicle manufacturers, distributors, dealers, and their representatives doing business in Georgia, including agreements among such parties, in order to prevent frauds, unfair business practices, unfair methods of competition, impositions, and other abuses upon its citizens. Any law enacted by the General Assembly shall not impair the obligation of an existing contract but may apply with respect to the renewal of such a contract after the effective date of such law.

3.0 Concept of Operations

The Governor or the Governor's successor may enact the COG Plan at any time he or she deems appropriate. Activation of the COG Plan and relocation of key personnel is a scenario-driven process allowing for a flexible and scalable response to all emergencies and other events potentially disrupting operations, with or without warning. COG Plan activation is not required for all emergencies and disruptive situations. Other actions may be deemed more appropriate. The decision to activate the State of Georgia COG

Plan is based upon projected or actual impact and severity of the incident. All State agencies and departments are obligated to

- Comply with response directives and tasking's from the Governor's office,
- Provide support as defined in the most current GEOP and
- Implement the appropriate sections of their COOP/COG plans.

Georgia statutes and Constitution provide operational guidance for changes to the seat of state government, succession of the Governor (and other Chief Executives) and emergency powers of the Governor and the General Assembly during a disaster or emergency incident. The statutes, directives and citations of all applicable codes are as follows:

3.1 Georgia Emergency Management Act

Articles 1 through 3 of Title 38 of chapter 3 may be cited as the "Georgia Emergency

O.C.G.A § 38-3-2. Policy and purpose

- (a) Because of the existing and increasing possibility of the occurrence of emergencies or disasters resulting from manmade or natural causes or enemy attack; in order to ensure that preparations of this state will be adequate to deal with such emergencies or disasters; generally to provide for the common defense and to protect the public peace, health, and safety; and to preserve the lives and property of the people of this state, it is found and declared to be necessary:
- (1) To create a state emergency management agency and to authorize the creation of local organizations for emergency management in the political subdivisions of the state;
 - (2) To confer upon the Governor and upon the executive heads of governing bodies of the chapter;
 - (3) To provide for the rendering of mutual aid among the political subdivisions of the state, with other states, and with the federal government with respect to the carrying out of emergency management functions; and
 - (4) To authorize the establishment of such organizations and the taking of such steps as are necessary and appropriate to carry out Articles 1 through 3 of this chapter.
- (b) It is further declared to be the purpose of Articles 1 through 3 of this chapter and the policy of this state that all emergency management functions of this state be coordinated to the maximum extent with the comparable functions of the federal government, including its various departments and agencies; of other states and localities; and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any emergency or disaster that may occur.

O.C.G.A § 38-3-51. Emergency powers of Governor; termination of emergency; limitations in energy emergency; immunity

- (a) In the event of actual or impending emergency or disaster of natural or human origin, or pandemic influenza emergency, or impending or actual enemy attack, or a public health emergency, within or affecting this state or against the United States, the Governor may declare that a state of emergency or disaster exists. As a condition precedent to declaring that a state of emergency or disaster exists as a result of a public health emergency, the Governor shall issue a call for a special session of the General Assembly pursuant to Article V, Section II, Paragraph VII of the Constitution of Georgia, which session shall convene at 8:00 A.M. on the second day following the date of such declaration for the purpose of concurring with or terminating the public health emergency. The state of emergency or disaster shall continue until the Governor finds that the threat or danger has passed or the emergency or disaster has been dealt with, to the extent that emergency or disaster conditions no longer exist, and terminates the state of emergency or disaster. No state of emergency or disaster may continue for longer than 30 days unless renewed by the Governor. The General Assembly by concurrent resolution may terminate a state of emergency or disaster at any time. Thereupon, the Governor shall by appropriate action end the state of emergency or disaster.
- (b) A declaration of a state of emergency or disaster shall activate the emergency and disaster response and recovery aspects of the state and local emergency or disaster plans applicable to the political subdivision or area in question and shall be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to Articles 1 through 3 of this chapter or any other law relating to emergencies or disasters.
- (c) The Governor shall have and may exercise for such period as the state of emergency or disaster exists or continues the following additional emergency powers:
 - (1) To enforce all laws, rules, and regulations relating to emergency management and to assume direct operational control of all civil forces and helpers in the state;
 - (2) To seize, take for temporary use, or condemn property for the protection of the public in accordance with condemnation proceedings as provided by law;
 - (3) To sell, lend, give, or distribute all or any such property among the inhabitants of the state and to account to the proper agency for any funds received for the property; and
 - (4) To perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population.

- (d) In addition to any other emergency powers conferred upon the Governor by law, he may:
- (1) Suspend any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster;
 - (2) Utilize all available resources of the state government and of each political subdivision of the state as reasonably necessary to cope with the emergency or disaster;
 - (3) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;
 - (4) Commandeer or utilize any private property if he finds this necessary to cope with the emergency or disaster;
 - (4.1) Compel a health care facility to provide services or the use of its facility if such services or use are reasonable and necessary for emergency response. The use of such health care facility may include transferring the management and supervision of the health care facility to the Department of Public Health for a limited or unlimited period of time not extending beyond the termination of the public health emergency;
 - (5) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if he deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery;
 - (6) Prescribe routes, modes of transportation, and destinations in connection with evacuation;
 - (7) Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein;
 - (8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, or combustibles; provided, however, that for purposes of this paragraph, the terms "explosives" and "combustibles" shall not include firearms or ammunition or any component thereof; and
 - (9) Make provision for the availability and use of temporary emergency housing.
- (e) When the available funds are not sufficient for the purpose of paying the expenses incident to carrying out the provisions authorized by Articles 1 through 3 of this chapter, the Governor may transfer from any available fund in the state treasury such sum as may be necessary to meet the emergency or disaster; and the moneys so transferred shall be repaid to the fund from which transferred when moneys become available for that purpose by legislative appropriation or otherwise.
- (f) In the event that the Governor proclaims an emergency or disaster, as defined by Articles 1 through 3 of this chapter, to be a catastrophe within the meaning of

Article III, Section IX, Paragraph VI (b) of the Constitution of the state, the funds referred to in the paragraph may be utilized by the Governor for the purpose of carrying out the provisions authorized by Articles 1 through 3 of this chapter.

- (g) In the event that the Governor proclaims an emergency or disaster, as defined in Articles 1 through 3 of this chapter, the Governor may provide welfare benefits to the citizens of this state in the form of grants to meet disaster related necessary expenses or serious needs of individuals or families adversely affected by an emergency or disaster in those cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching federal funds are available for such purposes pursuant to the Disaster Relief Act of 1974 (Pub. L. 93-288).
- (h) If the Governor declares a state of emergency solely because of an energy emergency, he shall not have the authority to:
 - (1) Seize, take for temporary use, or condemn property other than energy resources as authorized by paragraph (2) of subsection (c) of this Code section;
 - (2) Sell, lend, give, or distribute property other than energy resources as authorized by paragraph (3) of subsection (c) of this Code section; or
 - (3) Commandeer or utilize property other than energy resources as authorized by paragraph (4) of subsection (d) of this Code section.
- (i) (1) The Governor may direct the Department of Public Health to coordinate all matters pertaining to the response of the state to a public health emergency including without limitation:
 - (A) Planning and executing public health emergency assessments, mitigation, preparedness response, and recovery for the state;
 - (B) Coordinating public health emergency responses between state and local authorities;
 - (C) Collaborating with appropriate federal government authorities, elected officials of other states, private organizations, or private sector companies;
 - (D) Coordinating recovery operations and mitigation initiatives subsequent to public health emergencies;
 - (E) Organizing public information activities regarding state public health emergency response operations; and
 - (F) Providing for special identification for public health personnel involved in a public health emergency.
- (i) (2) The following due process procedures shall be applicable to any quarantine or vaccination program instituted pursuant to a declaration of a public health emergency:
 - (A) Consonant with maintenance of appropriate quarantine rules, the department shall permit access to counsel in person or by such other means as practicable that do not threaten the integrity of the quarantine;

- (B) An order imposing quarantine or a vaccination program may be appealed but shall not be stayed during the pendency of the challenge. The burden of proof shall be on the state to demonstrate that there exists a substantial risk of exposing other persons to imminent danger. With respect to vaccination, the state's burden of proof shall be met by clear and convincing evidence. With respect to quarantine, the state's burden of proof shall be met by a preponderance of the evidence;
 - (C) An individual or a class may challenge the order before any available judge of the superior courts in the county where the individual or a member of the class resides or in Fulton County. Such judge, upon attestation of the exigency of the circumstances, may proceed ex parte with respect to the state or may appoint counsel to represent the interests of the state or other unrepresented parties. The judge hearing the matter may consolidate a multiplicity of cases or, on the motion of a party or of the court, proceed to determine the interests of a class or classes. The rules of evidence applicable to civil cases shall be applied to the fullest extent practicable taking into account the circumstances of the emergency. All parties shall have the right to subpoena and cross-examine witnesses, but in enforcement of its subpoena powers the court shall take into account the circumstances of the emergency. All proceedings shall be transcribed to the extent practicable. Filing fees shall be waived and all costs borne by the state;
 - (D) The judge hearing the matter may enter an appropriate order upholding or suspending the quarantine or vaccination order. With respect to vaccination, the order may be applicable on notice to the department or its agents administering the vaccination, or otherwise in the court's discretion. With respect to quarantines, the order shall be automatically stayed for 48 hours;
 - (E) The department or any party may immediately appeal any order to the Supreme Court pursuant to paragraph (7) of subsection (a) of Code Section 5-6-34. The Supreme Court or any available Justice thereof in the event that circumstances render a full court unavailable, shall consider the appeal on an expedited basis and may suspend any time requirements for the parties to file briefs. In the event no Justice is available, then a panel of the Court of Appeals or any Judge thereof in the event that circumstances render a panel unavailable, shall consider the appeal on an expedited basis and may suspend any time requirements for the parties to file briefs. If the trial judge has proceeded ex parte or with counsel appointed for the state, the trial court shall either direct the filing of an appeal in its order or itself certify the order for appeal. Filing fees for appeal shall be waived, all costs shall be borne by the state, and such appeals shall be heard expeditiously; and
 - (F) No provisions of this paragraph shall be construed to limit or restrict the right of habeas corpus under the laws of the United States.
- (j) Any individual, partnership, association, or corporation who acts in accordance with an order, rule, or regulation entered by the Governor pursuant to the authority granted by this Code section will not be held liable to any other

individual, partnership, association, or corporation by reason thereof in any action seeking legal or equitable relief.

3.2 Seat of State Government

O.C.G.A. § 38-3-52. Emergency locations --State government; proclamation; effect of official acts

- (a) Whenever, due to an emergency or disaster resulting from manmade or natural causes or enemy attack, it becomes imprudent, inexpedient, or impossible to conduct the affairs of state government at the normal location of the seat thereof in Atlanta, Fulton County, the Governor, as often as the exigencies of the situation require, shall by proclamation declare an emergency temporary location or locations for the seat of government at such place or places within or outside this state as he may deem advisable under the circumstances and shall take such action and issue such orders as may be necessary for an orderly transition of the affairs of state government to the emergency temporary location or locations. The emergency temporary location or locations shall remain as the seat of government until the General Assembly shall by law establish a new location or locations or until the emergency or disaster is declared to be ended by the Governor and the seat of government is returned to its normal location.
- (b) During such time as the seat of government remains at the emergency temporary location or locations, all official acts required by law to be performed at the seat of government by any officer, agency, department, or authority in this state, including the convening and meeting of the General Assembly, shall be as valid and binding when performed at the emergency temporary location or locations as if performed at the normal location of the seat of government.

O.C.G.A. § 38-3-53. Emergency locations --Meeting of General Assembly; call; suspension of constitutional rules.

The General Assembly shall meet at the new location provided for in Code Section 38-3-52 either upon the call of the Governor or, if no call is issued, through the initiative of the members thereof following an emergency or disaster resulting from manmade or natural causes or enemy attack impending or affecting this state. At such time the General Assembly shall not be limited by any constitutional provisions relating to length of sessions, and it may suspend the operation of any and all constitutional rules governing the procedure of both the House of Representatives and the Senate as it deems necessary during the period of emergency or disaster.

3.3 Lines of Succession

O.C.G.A. § 38-3-50. Emergency interim successors to various officials; necessity of declared emergency

- (a) As used in this Code section, the term:
 - (1) "Disaster" means any happening that causes great harm or damage.
 - (2) "Emergency" means a sudden generally unexpected occurrence or set of circumstances demanding immediate action.

- (3) "Emergency interim successor" means a person designated pursuant to this Code section, in the event an officer is unavailable to exercise the powers and discharge the duties of an office, until a successor is appointed or elected and qualified as may be prescribed by the Constitution, statutes, laws, charters, and ordinances of this state and its political subdivisions, or until the lawful incumbent or his successor is able to resume the exercise of the powers and the discharge of the duties of the office.
 - (4) "Local offices and local officers" means positions in the political subdivisions of the state.
 - (5) "Office" means the position of head of any and all departments, agencies, boards, or commissions of the state or any of its political subdivisions; all constitutional General Assembly offices; all constitutional and other county offices; all of the judgeships of the state and its political subdivisions; and all of the positions in the legislative departments of the state or its political subdivisions.
 - (6) "Officer" means the individual who shall hold an office.
 - (7) "Political subdivisions" means cities, counties, towns, villages, authorities, and any other bodies created by the state and exercising any of the governmental powers of the state.
 - (8) "State office" and "state officer" mean positions in the government of this state.
 - (9) "Unavailable" means either that a vacancy in an office exists as the result of any emergency as defined in paragraph (2) of this subsection and there is no deputy or other successor authorized to exercise all of the powers and discharge all of the duties of the office, or that the lawful incumbent of the office, including any deputy exercising the powers and discharging the duties of an office because of a vacancy, and his duly authorized deputy are absent or unable to exercise the powers and discharge the duties of the office.
- (b) All state officers shall within 30 days after taking office, in addition to any deputy authorized pursuant to law to exercise all of the powers and discharge the duties of office, designate by title individuals as emergency interim successors and specify their order of succession. The officer shall review and revise, as necessary, designations made pursuant to this Code section to ensure their current status. The officer will designate a sufficient number of such emergency interim successors so that there will be not less than three nor more than seven deputies or emergency interim successors or any combination thereof at any time. In the event that any state officer is unavailable following an emergency or disaster and in the event his deputy, if any, is also unavailable, the powers of his office shall be exercised and the duties of his office shall be discharged by his designated emergency interim successors in the order specified. The emergency successors shall exercise the powers and discharge the duties only until such time as the Governor under the Constitution or authority other than this Code section, or other official authorized under the Constitution or this Code section to exercise the powers and discharge the duties of the office of Governor, may, where a

vacancy exists, appoint a successor to fill the vacancy or until a successor is otherwise appointed or elected and qualified as provided by law, or until an officer or his deputy or a preceding named emergency interim successor becomes available to exercise or resume the exercise of the powers and discharge the duties of his office.

- (c) All emergency interim successors designated under this Code section shall have the same qualifications as are prescribed by law for the officer by whom they are designated.
- (d) Designations of emergency interim successors to state officers shall become official upon the officer filing a list of the successors with the Secretary of State, who shall inform the Governor, the Georgia Emergency Management and Homeland Security Agency, all emergency interim successors to the officer involved, and the judge of the probate court of the county of legal residence of the successors of all such designations and any changes therein. Any designation of an emergency interim successor may be changed or altered by the officer concerned filing a notice of the change or alteration with the Secretary of State.
- (e) All constitutional county officers shall within 30 days after taking office, in addition to any deputy authorized pursuant to law to exercise all the powers and discharge the duties of the office, designate by title individuals as emergency interim successors and specify their order of succession. The successors shall have the same powers, duties, and qualifications as specified by subsections (b) and (c) of this Code section for successors to state officers. Designations of the successors shall be made in the same manner as prescribed for successors to state officers in subsection (d) of this Code section.
- (f) The legislative bodies of all political subdivisions of the state are authorized and directed to provide by ordinance or resolution for emergency interim successors for the officers of the political subdivisions. The resolutions and ordinances shall not be inconsistent with this Code section.
- (g) At the time of their designation, emergency interim successors shall take such oath as may be required for them to exercise the powers and discharge the duties of the office to which they may succeed. Notwithstanding any other provision of law, no person, as a prerequisite to the exercise of the powers or discharge of the duties of an office to which he succeeds, shall be required to comply with any other provision of law relative to taking office.
- (h) Emergency interim successors shall receive the same compensation as is paid the officer by whom they are appointed. The compensation shall be paid only during such time as a successor shall exercise the powers of the officer by whom he has been designated.
- (i) Governmental powers shall be exercised by emergency interim successors appointed under this Code section only during a period of emergency or disaster, as defined by this Code section.

3.4 Orders of Succession to become Governor

Article V. Executive Branch

Section I. Election of Governor and Lieutenant Governor

Paragraph V. Succession to executive power.

- (a) In case of the temporary disability of the Governor as determined in the manner provided in Section IV of this article, the Lieutenant Governor shall exercise the powers and duties of the Governor and receive the same compensation as the Governor until such time as the temporary disability of the Governor ends.
- (b) In case of the death, resignation, or permanent disability of the Governor or the Governor-elect, the Lieutenant Governor or the Lieutenant Governor-elect, upon becoming the Lieutenant Governor, shall become the Governor until a successor shall be elected and qualified as hereinafter provided. A successor to serve for the unexpired term shall be elected at the next general election; but, if such death, resignation, or permanent disability shall occur within 30 days of the next general election or if the term will expire within 90 days after the next general election, the Lieutenant Governor shall become Governor for the unexpired term. No person shall be elected or appointed to the office of Lieutenant Governor for the unexpired term in the event the Lieutenant Governor shall become Governor as herein provided.

3.5 Succession to the Office of Governor

Article V. Executive Branch

Section I. Election of Governor and Lieutenant Governor

Paragraph V. Succession to executive power.

- (c) In case of the death, resignation, or permanent disability of both the Governor or the Governor-elect and the Lieutenant Governor or the Lieutenant Governor-elect or in case of the death, resignation, or permanent disability of the Governor and there shall be no Lieutenant Governor, the Speaker of the House of Representatives shall exercise the powers and duties of the Governor until the election and qualification of a Governor at a special election , which shall be held within 90 days from the date on which the Speaker of the House of Representatives shall have assumed the powers and duties of the Governor, and the person elected shall serve out the unexpired term .

3.6 Executive Branch Emergency Powers

O.C.G.A. § 38-3-22. Governor's emergency management powers and duties

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

- (b) In performing his duties under Articles 1 through 3 of this chapter, the Governor is further authorized and empowered:
- (1) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of Articles 1 through 3 of this chapter with due consideration to the plans of the federal government;
 - (2) To prepare a comprehensive plan and program for emergency management in this state, such plan and program to be integrated into and coordinated with the emergency management and preparedness plans of the federal government and of other states to the fullest possible extent; and to coordinate the preparation of plans and programs for emergency management by the political subdivisions of this state, such plans to be integrated into and coordinated with the emergency management plan and program of this state to the fullest possible extent;
 - (3) In accordance with the plan and program for emergency management in this state, to ascertain the requirements of the state or the political subdivisions thereof for food, clothing, and other necessities of life, in the event of a manmade or natural emergency or disaster, or enemy attack; to plan for and procure supplies, medicines, materials, and equipment, and to use and employ from time to time any of the property, services, and resources within the state for the purposes set forth in Articles 1 through 3 of this chapter; to make surveys of the industries, resources, and facilities within the state as are necessary to carry out the purposes of Articles 1 through 3 of this chapter; to institute training programs and public information programs, to take all other preparatory steps including the partial or full mobilization of emergency management organizations in advance of actual emergency or disaster, and to ensure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need;
 - (4) To coordinate with the President, the heads of the armed forces, the agency or officers responsible for emergency management and defense of the United States, and the officers and agencies of other states, matters pertaining to emergency management in the state and nation and the incidents thereof; and in connection therewith, to take any measures which he may deem proper to carry into effect any request of the President and the appropriate federal officers and agencies for any action looking to emergency management, including the direction or control of emergency management exercises he deems necessary and appropriate for operational capability;
 - (5) To take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with Articles 1 through 3 of this chapter and with the orders, rules, and regulations made pursuant thereto;
 - (6) To employ such measures and give such directions to the Department of Public Health and local boards of health as may be reasonably necessary for the purpose of securing compliance with Articles 1 through 3 of this chapter or with the findings or recommendations of the Department of Public Health and local

boards of health by reason of conditions arising from emergencies or disasters, manmade or natural, or the threat of enemy attack or otherwise;

- (7) To utilize the services and facilities of existing offices and agencies of the state and of the political subdivisions thereof; and all such offices and agencies shall cooperate with and extend their services and facilities to the Governor as he may request;
 - (8) To establish agencies and offices and to appoint executive, technical, clerical, and other personnel as may be necessary to carry out the provisions of Articles 1 through 3 of this chapter including, with due consideration to the recommendations of the local authorities, full-time state and regional area or field coordinators;
 - (9) To delegate any authority vested in him under Articles 1 through 3 of this chapter;
 - (10) On behalf of this state to enter into reciprocal aid agreements or compacts with other states and the federal government, either on a state-wide basis or local political subdivision basis or with a neighboring state. Such mutual aid arrangements shall include but not be limited to the furnishing or exchange of food, clothing, medicine, and other supplies; engineering services; emergency housing; police services; national or state guards while under the control of the state; health, medical, and related services; fire-fighting, rescue, transportation, and construction services and equipment; personnel necessary to provide or conduct these services; such other supplies, equipment, facilities, personnel, and services as may be needed; the reimbursement of costs and expenses for equipment, supplies, personnel, and similar items for mobile support units; and fire-fighting, police, and health units on such terms and conditions as are deemed necessary; and
 - (11) To sponsor and develop mutual aid plans and agreements between the political subdivisions of the state, similar to the mutual aid arrangements with other states referred to in paragraph (10) of this subsection.
- (c) In addition to the emergency and disaster prevention measures included in the state and local emergency management plans, the Governor shall be empowered to make such studies, surveys, or analyses of potential emergency or disaster areas of the state as he deems necessary, both public and private, to prevent or reduce the harmful consequences of emergencies or disasters resulting from manmade or natural causes or from enemy attack; and to develop or cause to be developed measures to reduce the harmful consequences indicated in the studies, surveys, or analyses.

3.7 Legislative Branch Emergency Powers

Article III. Legislative Branch (Partial)

Section I. Legislative Power

Paragraph I. Power vested in General Assembly. The legislative power of the state shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives.

Section VI. Exercise of Powers

Paragraph II. Specific powers.

- (a) Without limitation of the powers granted under Paragraph I, the General Assembly shall have the power to provide by law for:
 - (4) The continuity of state and local governments in periods of emergency resulting from disasters caused by enemy attack including but not limited to the suspension of all constitutional legislative rules during such emergency.

Article V. Executive Branch (Partial)

Section II. Duties and Powers of Governor

Paragraph VII. Special sessions of the General Assembly.

- (a) The Governor may convene the General Assembly in special session by proclamation which may be amended by the Governor prior to the convening of the special session or amended by the Governor with the approval of three-fifths of the members of each house after the special session has convened; but no laws shall be enacted at any such special session except those which relate to the purposes stated in the proclamation or in any amendment thereto.
- (b) The Governor shall convene the General Assembly in special session for all purposes whenever three-fifths of the members to which each house is entitled certify to the Governor in writing, with a copy to the Secretary of State, that in their opinion an emergency exists in the affairs of the state. The General Assembly may convene itself if, after receiving such certification, the Governor fails to do so within three days, excluding Sundays.
- (c) Special sessions of the General Assembly shall be limited to a period of 40 days unless extended by three-fifths' vote of each house and approved by the Governor or unless at the expiration of such period an impeachment trial of some officer of state government is pending, in which event the House shall adjourn and the Senate shall remain in session until such trial is completed.

O.C.G.A. § 38-3-51. Emergency powers of Governor; termination of emergency; limitations in energy emergency; immunity (Partial)

- (a) In the event of actual or impending emergency or disaster of natural or human origin, or pandemic influenza emergency, or impending or actual enemy attack, or a public health emergency, within or affecting this state or against the United States, the Governor may declare that a state of emergency or disaster exists. As a condition precedent to declaring that a state of emergency or disaster exists as a result of a public health emergency, the Governor shall issue a call for a special session of the General Assembly pursuant to Article V, Section II, Paragraph VII of the Constitution of Georgia, which session shall convene at 8:00 A.M. on the second day following the date of such declaration for the purpose of concurring

with or terminating the public health emergency. The state of emergency or disaster shall continue until the Governor finds that the threat or danger has passed or the emergency or disaster has been dealt with, to the extent that emergency or disaster conditions no longer exist, and terminates the state of emergency or disaster. No state of emergency or disaster may continue for longer than 30 days unless renewed by the Governor. The General Assembly by concurrent resolution may terminate a state of emergency or disaster at any time. Thereupon, the Governor shall by appropriate action end the state of emergency or disaster.

O.C.G.A. § 38-3-53. Emergency locations --Meeting of General Assembly; call; suspension of constitutional rules

The General Assembly shall meet at the new location provided for in Code Section 38-3-52 either upon the call of the Governor or, if no call is issued, through the initiative of the members thereof following an emergency or disaster resulting from manmade or natural causes or enemy attack impending or affecting this state. At such time the General Assembly shall not be limited by any constitutional provisions relating to length of sessions, and it may suspend the operation of any and all constitutional rules governing the procedure of both the House of Representatives and the Senate as it deems necessary during the period of emergency or disaster.

4.0 Organization and Assignment of Responsibilities

Upon activation of the COG Plan, each branch of government has specific responsibilities to ensure seamless continuation of essential operations. The Secretary of State's Office follows and implements all statutes addressing the continuity of government, succession and emergency powers. While both the Governor's Office and the General Assembly implement appropriate and timely actions to ensure the continuance of government functions and services including the succession of the Chief Elected Officials, if necessary. In addition to the Secretary of State's Office, the Governor's Office and the General Assembly, all State Agencies and Departments are responsible for following and implementing all proclamations, directives and orders in coordination with and support of the COG Plan, GEMA/HS's COOP and individual agency COOPs.

During activation of this Plan, the Governor and the General Assembly maintain responsibility for direction and control of State government. If the Governor or the Leaders of the General Assembly become unavailable for any of the aforementioned reasons, the Orders of Succession for both the Executive and the Legislative Branches of State Government are outlined in Figures 1.0 and 2.0 below:

Figure 1.0: Succession to Executive Power

Cause/Situation	Temporary Disability of Governor	Death, Resignation, Permanent Disability of the Governor	Death, Resignation, Permanent Disability of the Governor and Lieutenant Governor
Normal Operations	Governor	Governor	Governor
Continuity of Government	Lieutenant Governor performs gubernatorial responsibilities until Governor returns.	Lieutenant Governor becomes "acting" Governor until an election is held.	Speaker of the House assumes gubernatorial responsibilities until an election is held.

Figure 2.0: Order of Succession to Legislative Power

General Assembly	Senate		House of Representatives	
Cause/Situation	Temporary Disability of Lieutenant Governor	Succession to Executive Power due to Death, Resignation or Permanent Disability of the Lieutenant Governor	Temporary Disability of Speaker of the House	Death, Resignation, Permanent Disability of the Governor and Lieutenant Governor
Normal Operations	President-Lt. Governor	President-Lt. Governor	Speaker of the House (elected by members)	Speaker of the House (elected by members)
Continuity of Government	President Pro. Temp (elected by members) assumes Presidential responsibilities	President Pro. Temp (elected by members) becomes President	Speaker of the House Pro. Temp (elected by members) assumes Speaker's responsibilities	Speaker of the House Pro. Temp (elected by members)

5.0 Plan Development and Maintenance

This Plan will be reviewed every five years and updated as required. In addition the plan shall be evaluated for recommended revisions and corrective measures as an integral part of the Agency Exercise or Event After Action Reports/Improvement Plans, as well as internal reviews that will follow the issuance of any Governor's Executive Order or passage of legislation impacting GEMA/HS.

6.0 Reference and Authority

1. Federal

- A) The Homeland Security Act of 2002 (Public Law 107-296), dated November 25, 2002.
- B) Presidential Decision Directive 62, Protection Against Unconventional Threats to the Homeland and Americans Overseas, dated May 22, 1998.
- C) Homeland Security Presidential Directive 5, Management of Domestic Incidents, dated February 28, 2003.
- D) Presidential Decision Directive 67, Enduring Constitutional Government and Continuity of Government Operations, dated October 21, 1998.
- E) 36 Code of Federal Regulations, Part 1236, and Management of Vital Records, revised as of July 1, 2000.
- F) 41 Code of Federal Regulations 101.20.103-4, Occupant Emergency Program, revised as of July 1, 2000.
- G) The National Security Act of 1947, dated July 26, 1947, as amended.
- H) Homeland Security Presidential Directive 1, Organization and Operation of the Homeland Security Council, dated October 29, 2001.
- I) Executive Order 12148, Federal Emergency Management, dated July 20, 1979, as amended.
- J) Executive Order 12472, Assignment of National Security and Emergency Preparedness Telecommunications Functions, dated April 3, 1984, as amended.
- K) Executive Order 12656, Assignment of Emergency Preparedness Responsibilities, dated November 18, 1988, as amended.
- L) Executive Order 13286, Establishing the Office of Homeland Security, dated February 28, 2003.
- M) National Continuity Policy Implementation Plan, dated August 2007.
- N) Homeland Security Presidential Directive 5, Management of Domestic Incidents, dated February 28, 2003.
- O) NFPA 1600 Standard on Disaster/Emergency Management and Business Continuity Programs, 2007 Edition.

2. State

- A) Constitution of the State of Georgia.
- B) Official Code of Georgia Annotated (OCGA).
- C) Governor's Executive Order authorizing GEOP, dated February 14, 2006, and as updated January 2008 and November 2009. (latest publication date of the GEOP)
- D) Georgia Emergency Operations Plan (GEOP), dated February 14, 2006, and as updated January 2008 and November 2009.