

House Bill 1518

By: Representatives Wix of the 33rd, Post 1, Parsons of the 29th, Heard of the 75th, McBee of the 74th, and Barnes of the 84th, Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia
2 Annotated, the "Georgia Emergency Telephone Number '911' System," so as to revise the
3 legislative declaration; to make editorial changes to substitute terms used in the industry for
4 existing terms; to revise definitions; to change provisions relating to the "911" Advisory
5 Committee; to require all service suppliers doing business in this state to provide certain
6 information to the Georgia Emergency Management Agency and to periodically update such
7 information; to authorize an increase in the monthly 9-1-1 charge and the monthly wireless
8 enhanced 9-1-1 charge in specified circumstances; to provide for expenditures for equipment,
9 facilities, and services for interoperability; to delete provisions relating to the Wireless Phase
10 I Reserve Account and the Wireless Phase II Reserve Account; to provide for transfer of
11 funds in such accounts to the Emergency Telephone System Fund; to provide for cost
12 recovery by wireless service providers for expenditures on implementation and provision of
13 wireless 9-1-1 services; to provide for disputes arising from the collection of cost recovery
14 fees; to provide for a two-step plan for wireless enhanced 9-1-1; to restrict use of Emergency
15 Telephone System Fund moneys for interoperability to local governments that conform to
16 the two-step plan and standards set by the Georgia Technology Authority; to amend the
17 Official Code of Georgia Annotated so as to make editorial changes to substitute a term used
18 in the industry for an existing term; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

21 Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the
22 "Georgia Emergency Telephone Number '911' System," is amended by striking Code Section
23 46-5-121, relating to legislative intent regarding the emergency telephone system, and
24 inserting in lieu thereof the following:

1 "46-5-121.

2 (a) The General Assembly finds and declares that it is in the public interest to shorten the
 3 time required for a citizen to request and receive emergency aid. ~~There currently exist~~
 4 ~~numerous different emergency phone numbers throughout the state.~~ Provision for a single,
 5 primary three-digit emergency number through which emergency services can be quickly
 6 and efficiently obtained would provide a significant contribution to law enforcement and
 7 other public service efforts by making it easier to notify public safety personnel. Such a
 8 simplified means of procuring emergency services will result in the saving of lives, a
 9 reduction in the destruction of property, and quicker apprehension of criminals. It is the
 10 intent of the General Assembly to establish and implement a cohesive state-wide
 11 emergency telephone number '911' 9-1-1 system which will provide citizens with rapid,
 12 direct access to public safety agencies by dialing telephone number '911' 9-1-1 with the
 13 objective of reducing the response time to situations requiring law enforcement, fire,
 14 medical, rescue, and other emergency services.

15 (b) The General Assembly further finds and declares that the benefits of '911' 9-1-1
 16 service should be widely available, regardless of whether a '911' 9-1-1 call is placed from
 17 a traditional ~~landline~~ wireline telephone or from a wireless telephone. It is also declares and
 18 finds that it is in the public interest that users of wireline and wireless telephones, whether
 19 for the transmission of voice or data or both, should bear some of the cost of providing this
 20 life-saving service, ~~as users of landline telephones currently do.~~ It is the intent of the
 21 General Assembly to ~~bring wireless telephone service within the scope of this part and to~~
 22 establish a means by which local public safety agencies may provide enhanced '911' 9-1-1
 23 service to wireless telephone users."

24 SECTION 2.

25 Said part is further amended by striking Code Section 46-5-122, relating to definitions
 26 relative to the emergency telephone system, and inserting in lieu thereof the following:

27 "46-5-122.

28 As used in this part, the term:

29 (1) 'Addressing' means the assigning of a numerical address and street name (the name
 30 may be numerical) to each location within a local government's geographical area
 31 necessary to provide public safety service as determined by the local government. This
 32 address replaces any route and box number currently in place in the '911' 9-1-1 data base
 33 and facilitates quicker response by public safety agencies.

34 (1.1) 'Agency' means the Georgia Emergency Management Agency established pursuant
 35 to Code Section 38-3-20 unless the context clearly requires otherwise.

1 (1.2) 'Cost recovery' means the mechanism by which service suppliers may recover the
 2 costs they expend on the implementation and provision of wireless 9-1-1 services.

3 (2) 'Director' means the director of emergency management appointed pursuant to Code
 4 Section 38-3-20.

5 (3) 'Emergency "911" 9-1-1 system' means a local exchange telephone service or
 6 wireless service which facilitates the placing of calls by persons in need of emergency
 7 services to a public safety answering point by dialing the telephone number '911' 9-1-1
 8 and under which calls to '911' 9-1-1 are answered by public safety answering points
 9 established and operated by the local government subscribing to the '911' 9-1-1 service.
 10 The term 'emergency "911" 9-1-1 system' also includes 'enhanced "911" 9-1-1 service,'
 11 which means an emergency telephone system that provides the caller with emergency
 12 '911' 9-1-1 system service and, in addition, directs '911' 9-1-1 calls to appropriate public
 13 safety answering points by selective routing based on the geographical location from
 14 which the call originated and provides the capability for automatic number identification
 15 and automatic location identification features.

16 (4) 'Exchange access facility' means the access from a particular telephone subscriber's
 17 premises to the telephone system of a service supplier. Exchange access facilities include
 18 service supplier provided access lines, PBX trunks, and Centrex network access registers,
 19 all as defined by tariffs of the telephone companies as approved by the Georgia Public
 20 Service Commission. Exchange access facilities do not include service supplier owned
 21 and operated telephone pay station lines, Wide Area Telecommunications Services
 22 (WATS), Foreign Exchange (FX), or incoming only lines.

23 (4.1) 'Interoperability' means the ability of multivendor devices to work together using
 24 a common set of protocols. In regard to two-way radio, interoperability means the ability
 25 for users to intercommunicate directly subscriber-radio to subscriber-radio regardless of
 26 the frequency band or protocol without intervention of a dispatcher or other manual
 27 patches being required.

28 (5) 'Local government' means any city, county, military base, or political subdivision of
 29 Georgia and its agencies.

30 (6) "'911" 9-1-1 charge' means a contribution to the local government for the '911' 9-1-1
 31 service start-up equipment costs, subscriber notification costs, addressing costs, billing
 32 costs, nonrecurring and recurring installation, maintenance, service, and network charges
 33 of a service supplier providing '911' 9-1-1 service pursuant to this part, ~~and~~ costs
 34 associated with the hiring, training, and compensating of dispatchers employed by the
 35 local government to operate said '911' 9-1-1 system at the public safety answering points,
 36 and the costs associated with the purchasing and maintenance of interoperable
 37 communication systems pursuant to subsection (g) of Code Section 46-5-134.

1 (7) 'Public agency' means the state and any city, county, city and county, municipal
 2 corporation, chartered organization, public district, or public authority located in whole
 3 or in part within this state which provides or has authority to provide fire-fighting, law
 4 enforcement, ambulance, medical, or other emergency services.

5 (8) 'Public safety agency' means a functional division of a public agency which provides
 6 fire-fighting, law enforcement, emergency medical, suicide prevention, ~~civil defense~~
 7 emergency management, poison control, drug prevention, child abuse, spouse abuse, or
 8 other emergency services.

9 (8.1) 'Public safety answering point' means the public safety agency which receives
 10 incoming '911' 9-1-1 telephone calls and dispatches appropriate public safety agencies
 11 to respond to such calls.

12 (9) 'Service supplier' means a person or entity who provides local exchange telephone
 13 service or wireless service to a telephone subscriber.

14 (10) 'Telephone subscriber' means a person or entity to whom local exchange telephone
 15 service or wireless service, either residential or commercial, is provided and in return for
 16 which the person or entity is billed on a monthly basis. When the same person, business,
 17 or organization has several telephone access lines, each exchange access facility shall
 18 constitute a separate subscription. When the same person, business, or organization has
 19 several wireless telephones, each wireless telecommunications connection shall constitute
 20 a separate connection.

21 (11) 'Wireless enhanced "911" 9-1-1 charge' means a contribution to the local
 22 government for the following:

23 (A) The costs to the local government of implementing or upgrading, and maintaining,
 24 an emergency '911' 9-1-1 system which is capable of receiving and utilizing the
 25 following information, as it relates to '911' 9-1-1 calls made from a wireless
 26 telecommunications connection: automatic number identification, the location of the
 27 base station or cell site which receives the '911' 9-1-1 call, and the location of the
 28 wireless telecommunications connection;

29 (B) Nonrecurring and recurring installation, maintenance, service, and network charges
 30 of a wireless service supplier to provide the information described in subparagraph (A)
 31 of this paragraph; and

32 (C) Other costs which may be paid with money from the Emergency Telephone
 33 System Fund, pursuant to subsection (e) ~~(f)~~ of Code Section 46-5-134.

34 (12) 'Wireless service' means 'commercial mobile service' as defined under Section
 35 332(D) of the federal Telecommunications Act of 1996 (47 U.S.C. Section 157 et seq.),
 36 regulations of the Federal Communications Commission, and the Omnibus Budget
 37 Reconciliation Act of 1993 (P.L. 103-66) and includes real-time, two-way interconnected

1 voice service which is provided over networks which utilize intelligent switching
 2 capability and offer seamless handoff to customers. The term does not include one-way
 3 signaling service, data transmission service, nonlocal radio access line service, or a
 4 private telecommunications service.

5 (13) 'Wireless service supplier' means a provider of wireless service.

6 (14) 'Wireless telecommunications connection' means any mobile station for wireless
 7 service that connects a provider of wireless service to a provider of local exchange
 8 telephone service."

9 **SECTION 3.**

10 Said part is further amended in Code Section 46-5-123, relating to the '911' Advisory
 11 Committee, by striking subsection (a) and inserting in lieu thereof the following:

12 "(a) For the purposes of the development and implementation of a plan for the state-wide
 13 emergency telephone number ~~'911'~~ 9-1-1 system, there is created the ~~'911'~~ 9-1-1 Advisory
 14 Committee to be composed of the director of emergency management, who shall serve as
 15 chairperson; the ~~commissioner of administrative services~~ director of the Georgia
 16 Technology Authority or his or her designee; and ten other members appointed by the
 17 Governor, as follows:

18 (1) Three members appointed from nominees of the Georgia Municipal Association;

19 (2) Three members appointed from nominees of the Association County Commissioners
 20 of Georgia; and

21 (3) Four members who are experienced in and currently involved in the management of
 22 emergency telephone systems."

23 **SECTION 4.**

24 Said part is further amended by striking Code Section 46-5-124.1, relating to information
 25 required to be registered by certain wireless service suppliers, and inserting in lieu thereof
 26 the following:

27 "46-5-124.1.

28 (a) ~~Any wireless service supplier that provides wireless service or is authorized to provide~~
 29 ~~wireless service in Georgia~~ All service suppliers doing business in the State of Georgia
 30 shall register with the agency and shall provide the following information ~~with~~ to the
 31 director:

32 (1) The name, address, and telephone number of the representative of the ~~wireless~~
 33 service supplier to whom the resolution adopted pursuant to Code Section 46-5-133 or
 34 other notification of intent to provide automatic number identification or automatic

1 location identification, or both, of a wireless telecommunications connection should be
2 submitted;

3 (2) The name, address, and telephone number of the representative of the ~~wireless~~
4 service supplier with whom a local government must coordinate to implement automatic
5 number identification or automatic location identification, or both, of a wireless
6 telecommunications connection;

7 (3) The counties in Georgia in which the ~~wireless~~ service supplier is authorized to
8 provide ~~wireless~~ service; and

9 (4) Every corporate name under which the ~~wireless~~ service supplier is authorized to
10 provide ~~wireless~~ service in Georgia.

11 ~~(b) A wireless service supplier shall notify the director of any change to the information~~
12 ~~described in subsection (a) of this Code section within 30 days of such change. After the~~
13 initial submission by each service supplier doing business in the State of Georgia, the
14 information required by subsection (a) of this Code section shall be updated and submitted
15 to the director by the tenth day of January and the tenth day of July of each year, except
16 that the director, in his or her discretion, may establish a different semiannual schedule.

17 (c) Service suppliers who fail to register and provide the information required by this Code
18 section shall not be eligible to receive cost recovery funds pursuant to subsection (e) of
19 Code Section 46-5-134."

20 **SECTION 5.**

21 Said part is further amended by striking Code Section 46-5-134, relating to billing of
22 subscribers, service charge, taxes on service, the Emergency Telephone System Fund,
23 records, and use of federal, state, municipal, or private funds, and inserting in lieu thereof the
24 following:

25 "46-5-134.

26 (a)(1) The subscriber of an exchange access facility may be billed for the monthly '911'
27 9-1-1 charge, if any, imposed with respect to that facility by the service supplier. Such
28 '911' 9-1-1 charge may not exceed \$1.50 per month per exchange access facility provided
29 to the telephone subscriber. All exchange access facilities billed to federal, state, or local
30 governments shall be exempt from the '911' 9-1-1 charge. Each service supplier shall, on
31 behalf of the local government, collect the '911' 9-1-1 charge from those telephone
32 subscribers to whom it provides exchange telephone service in the area served by the
33 emergency '911' 9-1-1 system. As part of its normal billing process, the service supplier
34 shall collect the '911' 9-1-1 charge for each month an exchange access facility is in
35 service, and it shall list the '911' 9-1-1 charge as a separate entry on each bill. If a service
36 supplier receives a partial payment for a bill from a telephone subscriber, the service

1 supplier shall apply the payment against the amount the telephone subscriber owes the
2 service supplier first.

3 (2)(A) If the governing authority of a local government operates or contracts for the
4 operation of an emergency '911' 9-1-1 system which is capable of providing or provides
5 automatic number identification of a wireless telecommunications connection and the
6 location of the base station or cell site which receives a '911' 9-1-1 call from a wireless
7 telecommunications connection, the subscriber of a wireless telecommunications
8 connection whose billing address is within the geographic area that is served by the
9 local government or that would be served by the local government for the purpose of
10 such an emergency '911' 9-1-1 system may be billed for the monthly wireless enhanced
11 '911' 9-1-1 charge, if any, imposed with respect to that connection by the wireless
12 service supplier. ~~Such~~ Except as otherwise provided by subparagraph (B.1) of this
13 paragraph, such wireless enhanced '911' 9-1-1 charge may not exceed the amount of the
14 monthly '911' 9-1-1 charge imposed upon subscribers of exchange access facilities
15 pursuant to paragraph (1) of this subsection ~~and, in no event, shall such wireless~~
16 ~~enhanced '911' charge~~ nor exceed \$1.00 per month per wireless telecommunications
17 connection provided to the telephone subscriber.

18 (B) ~~On and after October 1, 2001, if~~ If the governing authority of a local government
19 operates or contracts for the operation of an emergency '911' 9-1-1 system which is
20 capable of providing or provides automatic number identification and automatic
21 location identification of a wireless telecommunications connection, the subscriber of
22 a wireless telecommunications connection whose billing address is within the
23 geographic area that is served by the local government or that would be served by the
24 local government for the purpose of such an emergency '911' 9-1-1 system may be
25 billed for the monthly wireless enhanced '911' 9-1-1 charge, if any, imposed with
26 respect to that connection by the wireless service supplier. ~~Such~~ Except as otherwise
27 provided by subparagraph (B.1) of this paragraph, such wireless enhanced '911' 9-1-1
28 charge may not exceed the amount of the monthly '911' 9-1-1 charge imposed upon
29 subscribers of exchange access facilities pursuant to paragraph (1) of this subsection
30 and shall be imposed on a monthly basis for each wireless telecommunications
31 connection provided to the telephone subscriber.

32 (B.1)(i) The fees authorized by paragraph (1) of this subsection and subparagraphs
33 (A) and (B) of the paragraph may be increased to an amount up to \$2.00 by local
34 governments who provide or will have the capability of providing within 12 months
35 of the increase an enhanced 9-1-1 service or the capability of an automatic number
36 identification and automatic location identification of a wireless telecommunications
37 connection to a subscriber of a wireless telecommunications connection. In the event

1 that a local government fails to provide the enhanced 9-1-1 service or an automatic
 2 number identification and automatic location identification of a wireless
 3 telecommunications connection capability to a subscriber of a wireless
 4 telecommunications connection within 12 months of the fee increase authorized by
 5 this subparagraph, the maximum monthly 9-1-1 fee will be reduced to \$1.50.

6 (ii) As a condition of imposing the increased fee authorized by this subparagraph, the
 7 local government imposing the increased fee shall be fully funding an operational
 8 local emergency 9-1-1 system that meets all state standards required by this part.

9 (iii) Where a local government imposes the increased fee authorized by this
 10 subparagraph, an amount not to exceed 25 percent of all such charges collected
 11 pursuant to this subsection may be expended for communications equipment,
 12 facilities, and services that provide for interoperability as defined in paragraph (4.1)
 13 of Code Section 46-5-122.

14 (C) All wireless telecommunications connections billed to federal, state, or local
 15 governments shall be exempt from the wireless enhanced '911' 9-1-1 charge. Each
 16 wireless service supplier shall, on behalf of the local government, collect the wireless
 17 enhanced '911' 9-1-1 charge from those telephone subscribers whose billing address is
 18 within the geographic area that is served by the local government or that would be
 19 served by the local government for the purpose of such an emergency '911' 9-1-1
 20 system. As part of its normal billing process, the wireless service supplier shall collect
 21 the wireless enhanced '911' 9-1-1 charge for each month a wireless telecommunications
 22 connection is in service, and it shall list the wireless enhanced '911' 9-1-1 charge as a
 23 separate entry on each bill. If a wireless service supplier receives partial payment for
 24 a bill from a telephone subscriber, the wireless service supplier shall apply the payment
 25 against the amount the telephone subscriber owes the wireless service supplier first.

26 (D) Notwithstanding the foregoing, the application of any '911' 9-1-1 service charge
 27 with respect to a mobile telecommunications service, as defined in 4 U.S.C. Section
 28 124(7), shall be governed by the provisions of Code Section 48-8-6.

29 (b) Every telephone subscriber in the area served by the emergency '911' 9-1-1 system
 30 shall be liable for the '911' 9-1-1 and the wireless enhanced '911' 9-1-1 charges imposed
 31 under this Code section until it has been paid to the service supplier. A service supplier
 32 shall have no obligation to take any legal action to enforce the collection of the '911' 9-1-1
 33 or wireless enhanced '911' 9-1-1 charge. The service supplier shall provide the governing
 34 authority within 60 days with the name and address of each subscriber who has refused to
 35 pay the '911' 9-1-1 or wireless enhanced '911' 9-1-1 charge after such '911' 9-1-1 or
 36 wireless enhanced '911' 9-1-1 charge has become due. A collection action may be initiated
 37 by the local government that imposed the charges, and reasonable costs and attorneys' fees

1 associated with that collection action may be awarded to the local government collecting
2 the '911' 9-1-1 or wireless enhanced '911' 9-1-1 charge.

3 (c) The local government contracting for the operation of an emergency '911' 9-1-1 system
4 shall remain ultimately responsible to the service supplier for all emergency '911' 9-1-1
5 system installation, service, equipment, operation, and maintenance charges owed to the
6 service supplier. Any taxes due on emergency '911' 9-1-1 system service provided by the
7 service supplier will be billed to the local government subscribing to the service. State and
8 local taxes do not apply to the '911' 9-1-1 or wireless enhanced '911' 9-1-1 charge billed to
9 telephone subscribers under this Code section.

10 (d)(1) Each service supplier that collects '911' 9-1-1 or wireless enhanced '911' 9-1-1
11 charges on behalf of the local government is entitled to retain as an administrative fee an
12 amount equal to 3 percent of the gross '911' 9-1-1 or wireless enhanced '911' 9-1-1 charge
13 receipts to be remitted to the local government. The remaining amount shall be due
14 quarterly to the local government and shall be remitted to it no later than 60 days after the
15 close of a calendar quarter.

16 (2) The '911' 9-1-1 and the wireless enhanced '911' 9-1-1 charges collected by the service
17 supplier and remitted to the local government shall be deposited and accounted for in a
18 separate restricted revenue fund known as the Emergency Telephone System Fund
19 maintained by the local government. The local government may invest the money in the
20 fund in the same manner that other moneys of the local government may be invested and
21 any income earned from such investment shall be deposited into the Emergency
22 Telephone System Fund.

23 ~~(2)(A) Before July 1, 2002, 30¢ of the monthly wireless enhanced '911' charge imposed~~
24 ~~pursuant to subparagraph (a)(2)(A) of this Code section shall be deposited in a separate~~
25 ~~restricted reserve account of the Emergency Telephone System Fund, which shall be~~
26 ~~designated as the Wireless Phase I Reserve Account. Money from the Wireless Phase~~
27 ~~I Reserve Account shall be used only to pay the nonrecurring and recurring installation,~~
28 ~~maintenance, service, and network charges of a wireless service supplier which are~~
29 ~~associated with providing automatic number identification of a wireless~~
30 ~~telecommunications connection and the location of the base station or cell site which~~
31 ~~receives a '911' call from a wireless telecommunications connection; provided,~~
32 ~~however, that if the local government has not, by July 1, 2002, begun operation or~~
33 ~~contracted for the operation of an emergency '911' system which is capable of providing~~
34 ~~or provides automatic location identification of a wireless telecommunications~~
35 ~~connection, the funds in the Wireless Phase I Reserve Account on July 1, 2002, shall~~
36 ~~be transferred into an appropriate unrestricted account or accounts of the Emergency~~
37 ~~Telephone System Fund and may be used for any purpose authorized under subsection~~

~~(e) of this Code section. No wireless enhanced '911' charge may be imposed pursuant to subparagraph (a)(2)(B) of this Code section for a period of 24 months following the transfer of funds from the Wireless Phase I Reserve Account pursuant to this subparagraph. On and after July 1, 2002, 15¢ of the monthly wireless enhanced '911' charge imposed pursuant to subparagraph (a)(2)(A) of this Code section shall be deposited in the Wireless Phase I Reserve Account.~~

~~(B) Thirty cents of the monthly wireless enhanced '911' charge imposed pursuant to subparagraph (a)(2)(B) of this Code section shall be deposited in a separate restricted reserve account of the Emergency Telephone System Fund, which shall be designated as the Wireless Phase II Reserve Account. Money from the Wireless Phase II Reserve Account shall be used only to pay the nonrecurring and recurring installation, maintenance, service, and network charges of a wireless service supplier which are associated with providing automatic number identification and automatic location identification of a wireless telecommunications connection. Any funds which are in the Wireless Phase I Reserve Account at the time when the wireless enhanced '911' charge is first imposed pursuant to subparagraph (a)(2)(B) of this Code section shall be transferred to the Wireless Phase II Reserve Account.~~

~~(3) The governing authority of a local government operating or contracting for the operation of an emergency '911' system shall, by resolution, reaffirm the necessity for the '911' and the wireless enhanced '911' charges beginning with the thirteenth month following the month in which emergency '911' system service is first provided in the political subdivision and during such month annually thereafter. On or before July 1, 2005, any funds that may have been deposited in a separate restricted wireless reserve account required by this Code section under prior law shall be transferred to the Emergency Telephone System Fund required by paragraph (2) of this subsection.~~

~~(4) The local government may on an annual basis and at its expense audit or cause to be audited the books and records of service suppliers with respect to the collection and remittance of 9-1-1 charges.~~

~~(4)(5) Such monthly '911' 9-1-1 and wireless enhanced '911' 9-1-1 charges may be reduced at any time by the governing authority by resolution; provided, however, that the said governing authority shall be required to reduce such monthly '911' 9-1-1 or wireless enhanced '911' 9-1-1 charge at any time the projected revenues from '911' 9-1-1 or wireless enhanced '911' 9-1-1 charges will cause the unexpended revenues in the Emergency Telephone System Fund at the end of the fiscal year to exceed by one and one-half times the unexpended revenues in such fund at the end of the immediately preceding fiscal year or at any time the unexpended revenues in such fund at the end of the fiscal year exceed by one and one-half times the unexpended revenues in such fund~~

1 at the end of the immediately preceding fiscal year. Such reduction in the '911' 9-1-1 or
 2 wireless enhanced '911' 9-1-1 charge shall be in an amount which will avert the
 3 accumulation of revenues in such fund at the end of the fiscal year which will exceed by
 4 one and one-half times the amount of revenues in the fund at the end of the immediately
 5 preceding fiscal year. ~~Funds in the Wireless Phase I Reserve Account and the Wireless
 6 Phase II Account shall not be considered in making the calculations described in this
 7 paragraph.~~

8 (e)(1) A wireless service supplier may recover its costs expended on the implementation
 9 and provision of wireless enhanced 9-1-1 services to subscribers, in an amount not to
 10 exceed more than 30¢ of each dollar collected from a billing address that is within the
 11 geographic area served by the local government or that would be served by the local
 12 government for the purpose of such an emergency 9-1-1 system.

13 (2) This cost recovery amount shall be based on the actual cost incurred by the wireless
 14 service supplier in providing wireless enhanced 9-1-1 services.

15 (3) Disputes arising from the collection of cost recovery fees shall be heard by the 9-1-1
 16 Advisory Committee as provided in Code Section 46-5-123.

17 (4) The method for filing a notice of a dispute concerning the collection of the cost
 18 recovery fees shall be determined by the 9-1-1 Advisory Committee.

19 (f) In addition to cost recovery as provided in subsection (e) of this Code section, money

20 ~~Money~~ from the Emergency Telephone System Fund shall be used ~~only~~ to pay for:

21 (1) The lease, purchase, or maintenance of emergency telephone equipment, including
 22 necessary computer hardware, software, and data base provisioning; addressing; and
 23 nonrecurring costs of establishing a '911' 9-1-1 system;

24 (2) The rates associated with the service supplier's '911' 9-1-1 service and other service
 25 supplier's recurring charges;

26 (3) The actual cost of salaries, including benefits, of employees hired by the local
 27 government solely for the operation and maintenance of the emergency '911' 9-1-1
 28 system and the actual cost of training such of those employees who work as dispatchers;

29 (4) Office supplies of the public safety answering points used directly in providing
 30 emergency '911' 9-1-1 system services;

31 (5) The cost of leasing or purchasing a building used as a public safety answering point.

32 Moneys from the fund cannot be used for the construction or lease of an emergency '911'
 33 9-1-1 system building until the local government has completed its street addressing plan;

34 (6) The lease, purchase, or maintenance of computer hardware and software used at a
 35 public safety answering point, including computer-assisted dispatch systems;

36 (7) Supplies directly related to providing emergency '911' 9-1-1 system services,
 37 including the cost of printing emergency '911' 9-1-1 public education materials; and

1 (8) The lease, purchase, or maintenance of logging recorders used at a public safety
2 answering point to record telephone and radio traffic.

3 (g)(1) All communication systems provided pursuant to this part shall conform to the
4 two-step state plan regarding 9-1-1 enhanced communications and the interoperability
5 standards set by the Georgia Technology Authority.

6 (2) In step one, the governing authority of a local government shall operate or contract
7 for the operation of an emergency 9-1-1 system that is capable of providing or provides
8 automatic number identification of a wireless telecommunications connection and the
9 location of the base station or cell site which receives a 9-1-1 call from a wireless
10 telecommunications connection.

11 (3) In step two, the governing authority of a local government shall operate or contract
12 for the operation of an emergency 9-1-1 system that is capable of providing or provides
13 automatic number identification and automatic location identification of a wireless
14 telecommunications connection.

15 (h)(1) Only local governments with a communication system that complies with the
16 provisions of subsection (g) of this Code section shall be authorized to utilize funding
17 from their Emergency Telephone System Fund for interoperability communication
18 equipment, facilities, and services.

19 (2) Funds from the Emergency Telephone System used for interoperability
20 communications shall be allocated among the local governments providing law
21 enforcement and fire services within a county or counties served by a public safety
22 answering point based on their respective pro rata share of the population served by each
23 local government according to the most recent decennial census.

24 ~~(f)~~(i) The local government may contract with a service supplier for any term negotiated
25 by the service supplier and the local government for an emergency '911' 9-1-1 system and
26 may make payments from the Emergency Telephone System Fund to provide any
27 payments required by the contract.

28 ~~(g)~~(j) The service supplier shall maintain records of the amount of the '911' 9-1-1 and
29 wireless enhanced '911' 9-1-1 charges collected for a period of at least three years from the
30 date of collection. The local government may, at its expense, require an annual audit of the
31 service supplier's books and records with respect to the collection and remittance of the
32 '911' 9-1-1 and wireless enhanced '911' 9-1-1 charges.

33 ~~(h)~~(k) In order to provide additional funding for the local government for emergency '911'
34 9-1-1 system purposes, the local government may receive federal, state, municipal, or
35 private funds which shall be expended for the purposes of this part.

1 ~~(i)~~(l) Subject to the provisions of Code Section 46-5-133, a telephone subscriber may be
 2 billed for the monthly ~~'911'~~ 9-1-1 or wireless enhanced ~~'911'~~ 9-1-1 charge for up to 18
 3 months in advance of the date on which the ~~'911'~~ 9-1-1 service becomes fully operational.
 4 ~~(j)~~(m) In the event the local government is a federal military base providing emergency
 5 services to local exchange telephone subscribers residing on the base, a local exchange
 6 telephone service supplier is authorized to apply the ~~'911'~~ 9-1-1 charges collected to the bill
 7 for ~~'911'~~ 9-1-1 service rather than remit the funds to an Emergency Telephone System
 8 Fund."

9

SECTION 6.

10 In each and every place "911" or "'911'" appears in the following provisions of the Official
 11 Code of Georgia Annotated, the expression shall be stricken and "9-1-1" shall be inserted in
 12 its place: Code Section 16-10-24.3, relating to obstructing persons making emergency
 13 telephone calls; paragraph (4) of Code Section 19-13-51, relating to definitions relative to
 14 the family violence and stalking protective order registry; paragraph (4) of subsection (a) of
 15 Code Section 31-11-1, relating to legislative findings relative to the emergency medical
 16 systems communications program; paragraph (3) of subsection (b) of Code Section
 17 31-11-53.1, relating to the automated external defibrillator program; subsection (b) of Code
 18 Section 36-60-19, relating to dispatch centers operated by local governments to receive or
 19 transmit public safety information and dispatch law enforcement officers, firefighters,
 20 medical personnel, or emergency management personnel; subsections (c) and (e) of Code
 21 Section 38-3-20, relating to the creation of the Georgia Emergency Management Agency;
 22 paragraph (5) of subsection (a) of Code Section 38-3-27, relating to local organizations for
 23 emergency management; Code Section 46-5-120, relating to the short title for the Emergency
 24 Telephone Number System; Code Section 46-5-124, relating to the guidelines for
 25 implementation of the state-wide emergency telephone system; Code Section 46-5-125,
 26 relating to multijurisdictional and regional emergency telephone systems; Code Section
 27 46-5-126, relating to cooperation by the Public Service Commission and the telephone
 28 industry; Code Section 46-5-127, relating to approval of emergency telephone systems; Code
 29 Section 46-5-128, relating to cooperation by public agencies; Code Section 46-5-129,
 30 relating to use of the "911" emblem; Code Section 46-5-130, relating to federal assistance;
 31 Code Section 46-5-131, relating to exemptions from liability; Code Section 46-5-132,
 32 relating to fees by wireless service suppliers; Code Section 46-5-133, relating to the authority
 33 of local governments to impose monthly "911" charges; Code Section 46-5-134.1, relating
 34 to counties where more than one local government has adopted a resolution to impose an
 35 enhanced "911" charge; Code Section 46-5-135, relating to the liability of a service supplier
 36 in a civil action; Code Section 46-5-136, relating to the authority of a local government to

1 create an advisory board; Code Section 46-5-138, relating to joint authorities; Code Section
2 46-5-138.1, relating to guidelines for charges on exchange access facilities involving
3 contracts between counties; Code Section 46-5-139, relating to the Joint Study Committee
4 on Wireless Enhanced "911" Charges; and paragraph (16) of subsection (a) of Code Section
5 50-18-72, relating to instances when public disclosure of public records is not required.

6 **SECTION 7.**

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