

Senate Bill 404

By: Senators Seabaugh of the 28th, Balfour of the 9th and Johnson of the 1st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,
2 relating to telecommunications and competition development, so as to create the Georgia
3 Broadband Education Commission to educate the general public on the benefits of broadband
4 technology and improving utilization of broadband technology within Georgia; to provide
5 for the membership, appointment, terms, and duties of such commission; to provide that
6 payments of any penalty or performance plans relating to local exchange companies be paid
7 to the state and administered by the Georgia Broadband Education Commission; to promote
8 parity among local exchange carriers; to provide for related matters; to provide a conditional
9 effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 4 of Chapter of 5 of Title 46 of the Official Code of Georgia Annotated, relating to
13 telecommunications and competition development, is amended by adding a new subsection
14 (h) to Code Section 46-5-164, relating to interconnection among certificated local exchange
15 companies, to read as follows:

16 "(h) Any penalty or performance plan administered or approved by the commission (1)
17 may provide for payments only to the state but in no case may it provide for payments to
18 individual local exchange carriers; (2) the obligations imposed by any such plan must be
19 imposed on all local exchange carriers; and (3) any moneys collected pursuant to such
20 penalties or plans shall be used as necessary to fund the Georgia Education Trust Fund as
21 administered by the Georgia Broadband Education Commission."

22 **SECTION 2.**

23 Said article is further amended by adding a new Code Section 46-5-164.1 to read as follows:

1 "46-5-164.1.

2 (a) There is established the Georgia Broadband Education Commission whose purpose is
3 to educate the public on the benefits of broadband technology and to improve the
4 utilization of broadband technology within the state.

5 (b) The Georgia Broadband Education Commission shall consist of ten members who shall
6 serve for terms of four years, except that with respect to the first members appointed, four
7 members shall be appointed for a term of three years, three for a term of two years, and
8 three for a term of one year. The members of the commission shall be appointed by the
9 Governor as follows:

10 (1) Three members shall be representatives from incumbent local exchange companies;

11 (2) Three members shall be representatives from wireless industry companies;

12 (3) Two members shall be representatives from competitive local exchange companies;
13 and

14 (4) Two members shall be from the public at large.

15 The Governor shall also establish initial terms of office for all ten members of the
16 commission within the limitations of this subsection.

17 (c) In the event of death, resignation, disqualification, or removal for any reason of any
18 member of the commission, the vacancy shall be filled in the same manner as the original
19 appointment and the successor shall serve for the unexpired term.

20 (d) The Governor shall designate a chairperson of the commission from among the
21 members, which chairperson shall serve in that position at the pleasure of the Governor.
22 The commission may elect such other officers and committees as it considers appropriate.

23 (e) The commission, with the approval of the Governor, may employ such professional,
24 technical, or clerical personnel as deemed necessary to carry out the purposes of this Code
25 section.

26 (f) Members of the commission shall serve without compensation but shall receive the
27 same expense allowance per day as that received by a member of the General Assembly
28 for each day such member of the commission is in attendance at a meeting of such
29 commission, plus either reimbursement for actual transportation costs while traveling by
30 public carrier or the same mileage allowance for use of a personal car in connection with
31 such attendance as members of the General Assembly receive. Such expense and travel
32 allowance shall be paid in lieu of any per diem, allowance, or other remuneration now
33 received by any such member for such attendance. Expense allowances and other costs
34 authorized in this Code section shall be paid from moneys in the Georgia Broadband
35 Education Trust Fund.

36 (g) The commission shall do all of the following:

1 (1) Meet at such times and places as it shall determine necessary or convenient to
2 perform its duties. The commission shall also meet on the call of the chairperson or the
3 Governor;

4 (2) Maintain minutes of its meetings;

5 (3) Adopt rules and regulations for the transaction of its business;

6 (4) Accept applications for disbursements of available money from the trust fund;

7 (5) Maintain records of all expenditures of the commission, funds received as gifts and
8 donations, and disbursements made from the trust fund; and

9 (6) Conform to the standards and requirements prescribed by the state auditor pursuant
10 to Chapter 6 of Title 50.

11 The commission shall utilize existing state resources and staff of participating departments
12 whenever practicable.

13 (h) The commission may recommend to the Governor and the General Assembly changes
14 in state programs, statutes, policies, budgets, and standards relating to the education of the
15 public as to the benefits of broadband technology and improving utilization of broadband
16 technology in this state.

17 (i) There is created the Georgia Broadband Education Trust Fund as a separate fund in the
18 state treasury. The director of the Office of Treasury and Fiscal Services shall credit to the
19 trust fund all amounts transferred to such fund and shall invest the trust fund moneys in the
20 same manner as authorized for investing other moneys in the state treasury.

21 (j) The commission may authorize the disbursement of available money from the trust
22 fund, after appropriation thereof, for purposes of providing education to the public as to the
23 benefits of broadband technology and improving utilization of broadband technology in
24 this state to a person, entity, or program eligible pursuant to criteria to be set by such
25 commission to criteria to be set by such commission. The commission may also authorize
26 the disbursement of trust fund money for the actual and necessary operating expenses that
27 the commission incurs in performing its duties; provided, however, that such disbursements
28 shall be kept at a minimum in furtherance of the primary purpose of the trust fund, which
29 is to disburse money to provide broadband technology education to the citizens of this state
30 and to improve utilization of broadband technology.

31 (k) No funds shall be disbursed from the trust fund to any person, entity, or program or for
32 any purpose authorized in subsection (j) of this Code section until approved by the
33 Governor; provided, however, that the Governor may not authorize the disbursement of
34 funds to a person, entity, or program which the commission has not recommended for a
35 grant."

