

House Bill 394 (AS PASSED HOUSE AND SENATE)

By: Representatives Lunsford of the 110th, Ralston of the 7th, O`Neal of the 146th, Harbin of the 118th, Morris of the 155th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
 2 relating to offenses against public order, so as to provide for the crime of unlawful conduct
 3 during 9-1-1 calls; to provide for criminal penalties; to amend Part 4 of Article 2 of Chapter
 4 5 of Title 46 of the Official Code of Georgia Annotated, relating to the emergency telephone
 5 number 9-1-1 system, so as to define certain terms; to provide for an accounting; to provide
 6 for a 9-1-1 surcharge on prepaid wireless service subscriptions; to provide for the collection
 7 of such surcharge and the deposit of the same into the state treasury; to provide for the
 8 Emergency 9-1-1 Assistance Fund; to provide a statement of intent with respect to the
 9 appropriation of funds; to provide for the lapse of unexpended amounts; to provide for
 10 administration of the fund by the Department of Community Affairs; to provide for grants
 11 from the Emergency 9-1-1 Assistance Fund; to provide certain uniform, state-wide training
 12 for directors of public safety answering points; to amend Chapter 5 of Title 46 of the Official
 13 Code of Georgia Annotated, relating to telephone and telegraph service, so as to revise
 14 definitions for purposes of conformity; to provide for related matters; to repeal conflicting
 15 laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
 19 offenses against public order, is amended by inserting a new Code section to read as follows:

20 "16-11-39.2.

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

22 (1) 'Call' shall have the same meaning as set forth in paragraph (2.1) of Code Section
 23 46-5-122.

24 (2) 'False report' means the fabrication of an incident or crime or of material information
 25 relating to an incident or crime which the person making the report knows to be false at
 26 the time of making the report.

1 (3) 'Harass' means to knowingly and willingly engage in any conduct directed toward a
 2 communications officer that is likely to impede or interfere with such communications
 3 officer's duties, that threatens such communication officer or any member of his or her
 4 family, or that places any member of the public served or to be served by 9-1-1 service
 5 in danger of injury or delayed assistance.

6 (4) 'Harassing' means the willful use of opprobrious and abusive language which has no
 7 legitimate purpose in relation to imparting information relevant to an emergency call.

8 (5) '9-1-1' means a public safety answering point as defined in paragraph (15) of Code
 9 Section 46-5-122. The term '9-1-1' also means the digits, address, Internet Protocol
 10 address, or other information used to access or initiate a call to a public safety answering
 11 point.

12 (b) A person commits the offense of unlawful conduct during a 9-1-1 telephone call if he
 13 or she:

14 (1) Without provocation, uses obscene, vulgar, or profane language with the intent to
 15 intimidate or harass a 9-1-1 communications officer;

16 (2) Calls or otherwise contacts 9-1-1, whether or not conversation ensues, for the purpose
 17 of annoying, harassing, or molesting a 9-1-1 communications officer or for the purpose
 18 of interfering with or disrupting emergency telephone service;

19 (3) Calls or otherwise contacts 9-1-1 and fails to hang up or disengage the connection for
 20 the intended purpose of interfering with or disrupting emergency service;

21 (4) Calls or otherwise contacts 9-1-1 with the intention to harass a communications
 22 officer; or

23 (5) Calls or otherwise contacts 9-1-1 and makes a false report.

24 (c) Any person who violates subsection (b) of this Code section shall be guilty of a
 25 misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than
 26 \$500.00 or 12 months in jail, or both.

27 (d) Any violation of subsection (b) of this Code section shall be considered to have been
 28 committed in any county where such call to or contact with 9-1-1 originated or in any
 29 county where the call to or contact with 9-1-1 was received."

30 SECTION 2.

31 Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,
 32 relating to the emergency telephone number 9-1-1 system, is amended by revising Part 4 as
 33 follows:

"Part 4

1
2 46-5-120.

3 This part shall be known and may be cited as the 'Georgia Emergency Telephone Number
4 9-1-1 Service Act of 1977.'

5 46-5-121.

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

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

27 (c) The General Assembly further finds and declares that communication technology is
28 rapidly and constantly changing. It is in the public interest that as different means of
29 accessing 9-1-1 service emerge, that the users of such technology bear some of the cost of
30 providing this life-saving service, as users of landline and wireless telephones currently do.
31 It is the intent of the General Assembly to bring these new and emerging technologies
32 within the scope of this part and establish a means by which local public safety agencies
33 may provide 9-1-1 service to such users.

1 (d) The General Assembly further finds and declares that the safety and well-being of the
 2 citizens of Georgia is of the utmost importance, and it is in the public interest to provide
 3 the highest level of emergency response service on a local, regional, and state-wide basis.

4 46-5-122.

5 As used in this part, the term:

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

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

13 (2.1) 'Call' means any communication, message, signal, or transmission.

14 (2.2) 'Center' means the Georgia Public Safety Training Center.

15 (2.3) 'Department' means the Department of Community Affairs established pursuant to
 16 Code Section 50-8-1.

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

19 (4) 'Cost recovery' means the mechanism by which service suppliers may recover the
 20 recurring and nonrecurring costs they expend on the implementation of wireless 9-1-1
 21 services.

22 (5) 'Emergency 9-1-1 system' or '9-1-1 system' means a ~~local exchange~~ telephone service,
 23 computer service, or wireless service, or other service which facilitates the placing of
 24 calls by persons in need of emergency services to a public safety answering point by
 25 dialing the telephone number 9-1-1 and under which calls to 9-1-1 are answered or
 26 otherwise responded to by public safety answering points established and operated by the
 27 local government subscribing to the 9-1-1 service. The term 'emergency 9-1-1 system'
 28 also includes 'enhanced 9-1-1 service,' which means an emergency ~~telephone~~ system that
 29 provides the ~~caller~~ user with emergency 9-1-1 system service and, in addition, directs
 30 9-1-1 calls to appropriate public safety answering points by selective routing based on the
 31 geographical location from which the call originated and provides the capability for
 32 automatic number identification and automatic location identification features.

33 (6) 'Enhanced ZIP Code' means a United States postal ZIP Code of 9 or more digits.

34 (7) 'Exchange access facility' means the access from a particular telephone subscriber's
 35 premises to the telephone system of a service supplier. Exchange access facilities include
 36 service supplier provided access lines, PBX trunks, and Centrex network access registers,

1 all as defined by tariffs of the telephone companies as approved by the Georgia Public
 2 Service Commission. The term 'exchange access facility,' also includes Voice over
 3 Internet Protocol service suppliers and any other communication, message, signal, or
 4 information delivery system capable of initiating a 9-1-1 emergency call. Exchange
 5 access facilities do not include service supplier owned and operated telephone pay station
 6 lines, Wide Area Telecommunications Services (WATS), Foreign Exchange (FX), or
 7 incoming only lines.

8 (8) 'FIPS' means the Federal Information Processing Standard (FIPS) 55-3 or any future
 9 enhancement.

10 (9) 'Local government' means any city, county, military base, or political subdivision of
 11 Georgia and its agencies.

12 (10) 'Mobile telecommunications service' means commercial mobile radio service, as
 13 such term is defined in 47 C.F.R. Section 20.3.

14 (11) '9-1-1 charge' means a contribution to the local government for the 9-1-1 service
 15 start-up equipment costs, subscriber notification costs, addressing costs, billing costs,
 16 nonrecurring and recurring installation, maintenance, service, and network charges of a
 17 service supplier providing 9-1-1 service pursuant to this part, and costs associated with
 18 the hiring, training, and compensating of dispatchers employed by the local government
 19 to operate said 9-1-1 system at the public safety answering points.

20 (11.1) '9-1-1 number' means the digits, address, Internet Protocol address, or other
 21 information used to access or initiate a call to a public safety answering point.

22 (12) 'Place of primary use' means the street address representative of where the
 23 customer's use of the mobile telecommunications service primarily occurs, which must
 24 be the residential street address or the primary business street address of the customer.

25 (12.1) 'Prepaid wireless service' means any method pursuant to which a customer pays
 26 a wireless service provider in advance for a wireless telecommunications connection.
 27 Such term shall include, without limitation, calling or usage privileges included with the
 28 purchase of a wireless telephone as well as additional calling or usage privileges
 29 purchased by any means, including, without limitation, a calling card, a wireless
 30 communication, or an Internet transaction.

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

35 (14) 'Public safety agency' means a functional division of a public agency which
 36 provides fire-fighting, law enforcement, emergency medical, suicide prevention,

1 emergency management dispatching, poison control, drug prevention, child abuse, spouse
2 abuse, or other emergency services.

3 (15) 'Public safety answering point' means the public safety agency which receives
4 incoming 9-1-1 telephone calls and dispatches appropriate public safety agencies to
5 respond to such calls.

6 (16) 'Service supplier' means a person or entity who provides ~~local exchange~~ telephone
7 service ~~or wireless service~~ to a telephone subscriber.

8 (16.1) 'Telephone service' means any method by which a 9-1-1 emergency call is
9 delivered to a public safety answering point. The term 'telephone service' shall include
10 local exchange telephone service or other telephone communication service, wireless
11 service, prepaid wireless service, mobile telecommunications service, computer service,
12 Voice over Internet Protocol service, or any technology that delivers or is required by law
13 to deliver a call to a public safety answering point.

14 (17) '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 (17.1) 'Voice over Internet Protocol service' means any technology that permits a voice
22 conversation using a voice connection to a computer, whether through a microphone, a
23 telephone, or other device, which sends a digital signal over the Internet through a
24 broadband connection to be converted back to the human voice at a distant terminal and
25 that delivers or is required by law to deliver a call to a public safety answering point.
26 Voice over Internet Protocol service shall also include interconnected Voice over Internet
27 Protocol service, which is service that enables real-time, two-way voice communications,
28 requires a broadband connection from the user's location, requires Internet protocol
29 compatible customer premises equipment, and allows users to receive calls that originate
30 on the public service telephone network and to terminate calls to the public switched
31 telephone network.

32 (17.2) 'Voice over Internet Protocol service supplier' means a person or entity who
33 provides Voice over Internet Protocol service to subscribers for a fee.

34 (18) 'Wireless enhanced 9-1-1 charge' means a contribution to the local government for
35 the following:

36 (A) The costs to the local government of implementing or upgrading, and maintaining,
37 an emergency 9-1-1 system which is capable of receiving and utilizing the following

1 information, as it relates to 9-1-1 calls made from a wireless telecommunications
 2 connection: automatic number identification, the location of the base station or cell site
 3 which receives the 9-1-1 call, and the location of the wireless telecommunications
 4 connection;

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

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

10 (19) 'Wireless service' means 'commercial mobile service' as defined under Section
 11 332(D) of the federal Telecommunications Act of 1996 (47 U.S.C. Section 157, et seq.),
 12 regulations of the Federal Communications Commission, and the Omnibus Budget
 13 Reconciliation Act of 1993 (P.L. 103-66) and includes real-time, two-way interconnected
 14 voice service which is provided over networks which utilize intelligent switching
 15 capability and offer seamless handoff to customers. The term does not include one-way
 16 signaling service, data transmission service, nonlocal radio access line service, or a
 17 private telecommunications service. The term does include prepaid wireless service.

18 (20) 'Wireless service supplier' means a provider of wireless service.

19 (21) 'Wireless telecommunications connection' means any mobile station for wireless
 20 service that connects a provider of wireless service to a provider of ~~local exchange~~
 21 telephone service.

22 46-5-123.

23 (a) For the purposes of the development and implementation of a plan for the state-wide
 24 emergency ~~telephone number~~ 9-1-1 system, there is created the 9-1-1 Advisory Committee
 25 to be composed of the director of ~~emergency management~~ the agency, who shall serve as
 26 chairperson; the director of the Georgia Technology Authority or his or her designee; the
 27 commissioner of the department or his or her designee; and 12 other members appointed
 28 by the Governor, as follows:

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

30 (2) Three members appointed from nominees of the Association County Commissioners
 31 of Georgia;

32 (3) Four members who are experienced in and currently involved in the management of
 33 emergency telephone systems; and

34 (4) Two members who are representatives of the telecommunications industry, one of
 35 whom shall be a representative of a wireless service supplier and one of whom shall be
 36 a representative of a land based service supplier.

1 (b) When appointments are made, the associations making nominations pursuant to this
 2 Code section shall submit at least three times as many nominees as positions to be filled
 3 at that time by nominees of the association.

4 (c) The appointed members of the committee shall serve at the pleasure of the Governor.
 5 Vacancies shall be filled in the same manner as the original appointment.

6 (d) The committee shall organize itself as it deems appropriate and may elect other officers
 7 from among its members.

8 (e) The committee shall hold meetings at the call of the chairperson; provided, however,
 9 that it shall meet at least three times a year. A quorum for transacting business shall be a
 10 majority of the members of the committee.

11 (f) The committee shall be assigned to the agency for administrative purposes only, as
 12 prescribed in Code Section 50-4-3.

13 (g) The committee shall have the following duties and responsibilities:

14 (1) To make recommendations to the commissioner of the department regarding the
 15 recipients of assistance grants provided for under 46-5-134.2;

16 (2) To study and evaluate the state-wide provision of 9-1-1 service;

17 (3) To identify any changes necessary to accomplish more effective and efficient 9-1-1
 18 service across this state;

19 (4) To identify any changes necessary in the assessment and collection of 9-1-1 fees;

20 (5) To make recommendations to the agency as to training that should be provided to
 21 directors of public safety answering points; and

22 (6) To provide an annual report which shall include proposed legislation, if any, to the
 23 Governor and the General Assembly by December 1 of each year.

24 46-5-124.

25 (a) The agency shall develop guidelines for implementing a state-wide emergency
 26 ~~telephone number~~ 9-1-1 system. The guidelines shall provide for:

27 (1) Steps of action necessary for public agencies to effect the necessary coordination,
 28 regulation, and development preliminary to a 9-1-1 system that ~~will~~ shall incorporate the
 29 requirements of each public service agency in each local government of Georgia;

30 (2) Identification of mutual aid agreements necessary to effect the 9-1-1 system,
 31 including coordination on behalf of the State of Georgia with any federal agency to
 32 secure financial assistance or other desirable activities in connection with the receipt of
 33 funding that may be provided to communities for the planning, development, or
 34 implementation of the 9-1-1 system;

1 (3) The coordination necessary between local governments planning or developing a
 2 9-1-1 system and other state agencies, the Public Service Commission, all affected utility
 3 and telephone companies, wireless service suppliers, and other agencies;

4 (4) The actions to establish emergency telephone ~~communications~~ service necessary to
 5 meet the requirements for each local government, including law enforcement,
 6 fire-fighting, medical, suicide prevention, rescue, or other emergency services; and

7 (5) The actions to be taken by a local government desiring to provide wireless enhanced
 8 9-1-1 service, including requirements contained in 47 Code of Federal Regulations
 9 Section 20.18.

10 (b) The agency shall be responsible for encouraging and promoting the planning,
 11 development, and implementation of local 9-1-1 system plans. The agency shall develop
 12 any necessary procedures to be followed by public agencies for implementing and
 13 coordinating such plans and shall mediate whenever disputes arise or agreements cannot
 14 be reached between the local political jurisdiction and other entities involving the 9-1-1
 15 system.

16 (c) ~~Subject to the approval of the Governor, the director shall be authorized to promulgate~~
 17 ~~rules and regulations to establish minimum standards relating to training and equipment.~~
 18 ~~Such training standards shall not be inconsistent with the training course or certification~~
 19 ~~required for communications officers under Code Section 35-8-23.~~ Notwithstanding any
 20 other law to the contrary, no communications officer hired to the staff of a ~~9-1-1~~
 21 ~~communications center~~ public safety answering point shall be required to complete his or
 22 her training pursuant to Code Section 35-8-23 prior to being hired or employed for such
 23 position.

24 (d) The agency shall maintain the registry of wireless service suppliers provided for in
 25 Code Section 46-5-124.1.

26 46-5-124.1.

27 (a) Any service supplier doing business in Georgia shall register the following information
 28 with the director:

29 (1) The name, address, and telephone number of the representative of the service supplier
 30 to whom the resolution adopted pursuant to Code Section 46-5-133 or other notification
 31 of intent to provide automatic number identification or automatic location identification,
 32 or both, of a wireless telecommunications connection should be submitted;

33 (2) The name, address, and telephone number of the representative of the service supplier
 34 with whom a local government must coordinate to implement automatic number
 35 identification or automatic location identification, or both, of a wireless
 36 telecommunications connection;

1 (3) The counties in Georgia in which the service supplier is authorized to provide
2 wireless service at the time the filing is made; and

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

5 (b) After the initial submission by each service supplier doing business in this state, the
6 information required by subsection (a) of this Code section shall be updated and submitted
7 to the director by the tenth day of January and the tenth day of July of each year or such
8 other semiannual schedule as the director may establish.

9 (c) The director shall send a notice of delinquency to any service supplier which fails to
10 comply with subsection (b) of this Code section. Such notice shall be sent by certified mail
11 or statutory overnight delivery. Any service supplier which fails to register and provide
12 the information required by this Code section within 30 days after receipt of a notice of
13 delinquency shall not be eligible to receive cost recovery funds as provided in subsection
14 (e) of Code Section 46-5-134 until the service supplier is in compliance with subsection (b)
15 of this Code section.

16 46-5-125.

17 Nothing in this part shall be construed to prohibit or discourage the formation of
18 multijurisdictional or regional 9-1-1 systems; and any system established pursuant to this
19 part may include the jurisdiction, or any portion thereof, of more than one public agency.

20 46-5-126.

21 The agency shall coordinate its activities with those of the Public Service Commission,
22 which shall encourage the Georgia telephone industry to activate facility modification plans
23 for a timely 9-1-1 implementation.

24 46-5-127.

25 After January 1, 1978, no emergency ~~telephone number~~ 9-1-1 system shall be established,
26 and no existing system shall be expanded to provide wireless enhanced 9-1-1 service,
27 without written confirmation by the agency that the local plan conforms to the guidelines
28 and procedures provided for in Code Section 46-5-124.

29 46-5-128.

30 All public agencies shall assist the agency in its efforts to carry out the intent of this part;
31 and such agencies shall comply with the guidelines developed pursuant to Code Section
32 46-5-124 by furnishing a resolution of intent regarding an emergency ~~telephone number~~
33 9-1-1 system.

1 46-5-129.

2 The agency may develop a 9-1-1 emblem which may be utilized on marked vehicles used
3 by public safety agencies participating in a local 9-1-1 system.

4 46-5-130.

5 The agency is authorized to apply for and accept federal funding assistance in the
6 development and implementation of a state-wide emergency ~~telephone number~~ 9-1-1
7 system.

8 46-5-131.

9 (a) Whether participating in a state-wide emergency 9-1-1 system or an emergency 9-1-1
10 system serving one or more local governments, neither the state nor any local government
11 of the state nor any emergency 9-1-1 system provider; or service supplier or its employees,
12 directors, officers, and agents, except in cases of wanton and willful misconduct or bad
13 faith, shall be liable for death or injury to ~~the~~ any person or for damage to property as a
14 result of either developing, adopting, establishing, participating in, implementing,
15 maintaining, or carrying out duties involved in operating the ~~9-1-1 emergency telephone~~
16 emergency 9-1-1 system or in the identification of the telephone number, address, or name
17 associated with any person accessing an emergency 9-1-1 system.

18 (b) No local government of the State of Georgia shall be required to release, indemnify,
19 defend, or hold harmless any emergency 9-1-1 system provider from any loss, claim,
20 demand, suit, or other action or any liability whatsoever which arises out of subsection (a)
21 of this Code section, unless the local government agrees or has agreed to assume such
22 obligations.

23 46-5-132

24 It shall be unlawful for any ~~wireless~~ service supplier to assess or charge any fee for an
25 emergency ~~telephone~~ call placed on a ~~9-1-1 emergency telephone~~ an emergency 9-1-1
26 system. The prohibition provided for in this Code section shall only apply to actual
27 emergency ~~telephone~~ calls made on such system and shall not apply to nor prohibit any fee
28 assessed or charged for the implementation or enhancement of such system.

29 46-5-133.

30 (a) Subject to the provisions of subsection (b) of this Code section, the governing authority
31 of any local government which operates or which contracts for the operation of an
32 emergency 9-1-1 system is authorized to adopt a resolution to impose a monthly 9-1-1
33 charge upon each ~~exchange access facility~~ telephone service subscribed to by telephone

1 subscribers whose exchange access lines are in the areas served or which would be served
 2 by the 9-1-1 service. Subject to the provisions of subsection (b) of this Code section and
 3 of subparagraphs (a)(2)(A) and (a)(2)(B) of Code Section 46-5-134, the governing
 4 authority of any local government which operates or contracts for the operation of an
 5 emergency 9-1-1 system which is capable of providing or provides enhanced 9-1-1 service
 6 to persons or entities with a wireless telecommunications connection, excluding a military
 7 base, is authorized to adopt a resolution to impose a monthly wireless enhanced 9-1-1
 8 charge upon each wireless telecommunications connection, other than a connection for
 9 prepaid wireless service, subscribed to by telephone subscribers whose place of primary
 10 use is within the geographic area that is served by the local government or that would be
 11 served by the local government for the purpose of such an emergency 9-1-1 system. Such
 12 resolution, or any amendment to such resolution, shall fix a date on which such resolution
 13 and the imposition and collection of the 9-1-1 charge or wireless enhanced 9-1-1 charge,
 14 as provided in the resolution, shall become effective; provided, however, that such effective
 15 date shall be at least 120 days following the date of the adoption of such resolution or any
 16 amendment to such resolution by the local government. The 9-1-1 charge must be uniform,
 17 may not vary according to the type of ~~exchange access facility~~ telephone service used, and
 18 may be billed on a monthly or quarterly basis. The wireless enhanced 9-1-1 charge must
 19 be uniform, not vary according to the type of wireless telecommunications connection
 20 used, and may be billed on a monthly or quarterly basis.

21 (a.1) Any 9-1-1 charges shall be imposed only on the telephone subscriber of the entity
 22 that provides telephone service directly to the telephone subscriber. If a service supplier
 23 obtains its connectivity to the public switched telephone network or the public safety
 24 answering point through another service supplier, that other service supplier shall not be
 25 subject to any 9-1-1 charges with respect to the affected services.

26 (b)(1) Except as provided in paragraph (2) of this subsection, no local government shall
 27 be authorized to exercise the power conferred by this Code section unless either:

28 (A) A majority of the voters residing in that political subdivision who vote in an
 29 election called for such purpose shall vote to authorize the implementation of this Code
 30 section. Such election shall be called and conducted as other special elections are called
 31 and conducted in such local government when requested by such local government
 32 authority. The question or questions on the ballot shall be as prescribed by the election
 33 superintendent, provided that separate questions may be posed regarding
 34 implementation of a 9-1-1 charge and of a wireless enhanced 9-1-1 charge; or

35 (B) After a public hearing held upon not less than ten days' public notice.

36 (2) The provisions of paragraph (1) of this subsection shall not apply with respect to a
 37 local government if the governing authority of such local government has on or before

1 March 7, 1988, contracted with a ~~local exchange~~ telephone service supplier for the
 2 purchase or operation, or both, of a ~~local exchange~~ telephone 9-1-1 system.

3 (c) On and after January 1, 1999, no monthly 9-1-1 charge provided for in this Code
 4 section ~~may~~ shall be imposed or continue to be imposed unless each ~~dispatch center~~ public
 5 safety answering point funded in whole or in part from such charges is in compliance with
 6 Code Section 36-60-19, relating to required TDD training for communications officers.

7 46-5-134.

8 (a)(1)(A) The telephone subscriber of an ~~exchange access facility~~ any telephone
 9 service may be billed for the monthly 9-1-1 charge, if any, imposed with respect to ~~that~~
 10 facility such telephone service by the service supplier. Such 9-1-1 charge may not
 11 exceed \$1.50 per month per ~~exchange access facility~~ telephone service provided to the
 12 telephone subscriber. In the event that any telephone service supplier, due to its normal
 13 billing practices, is unable to charge differing amounts set by each local government as
 14 the 9-1-1 charge, such telephone service supplier shall collect on behalf of local
 15 governments that have authorized a 9-1-1 charge \$1.50 per month per telephone service
 16 provided to the telephone subscribers to whom it provides telephone service in every
 17 area served by the emergency 9-1-1 system.

18 (B) All ~~exchange access facilities~~ telephone services billed to federal, state, or local
 19 governments shall be exempt from the 9-1-1 charge. Each service supplier shall, on
 20 behalf of the local government, collect the 9-1-1 charge from those telephone
 21 subscribers to whom it provides ~~exchange~~ telephone service in the area served by the
 22 emergency 9-1-1 system. As part of its normal billing process, the service supplier
 23 shall collect the 9-1-1 charge for each month an ~~exchange access facility~~ a telephone
 24 service is in service, and it shall list the 9-1-1 charge as a separate entry on each bill.
 25 If a service supplier receives a partial payment for a bill from a telephone subscriber,
 26 the service supplier shall apply the payment against the amount the telephone
 27 subscriber owes the service supplier first.

28 (C) This paragraph shall not apply to wireless service or prepaid wireless service or the
 29 telephone subscribers or service suppliers of such services.

30 (2)(A) If the governing authority of a local government operates or contracts for the
 31 operation of an emergency 9-1-1 system which is capable of providing or provides
 32 automatic number identification of a wireless telecommunications connection and the
 33 location of the base station or cell site which receives a 9-1-1 call from a wireless
 34 telecommunications connection, the subscriber of a wireless telecommunications
 35 connection whose billing address is within the geographic area that is served by the
 36 local government or that would be served by the local government for the purpose of

1 such an emergency 9-1-1 system may be billed for the monthly wireless enhanced 9-1-1
2 charge, if any, imposed with respect to that connection by the wireless service supplier.
3 Such wireless enhanced 9-1-1 charge may not exceed the amount of the monthly 9-1-1
4 charge imposed upon other telephone subscribers ~~of exchange access facilities~~ pursuant
5 to paragraph (1) of this subsection nor exceed \$1.00 per month per wireless
6 telecommunications connection provided to the telephone subscriber.

7 (B) If the governing authority of a local government operates or contracts for the
8 operation of an emergency 9-1-1 system which is capable of providing or provides
9 automatic number identification and automatic location identification of a wireless
10 telecommunications connection, the subscriber of a wireless telecommunications
11 connection whose place of primary use is within the geographic area that is served by
12 the local government or that would be served by the local government for the purpose
13 of such an emergency 9-1-1 system may be billed for the monthly wireless enhanced
14 9-1-1 charge, if any, imposed with respect to that connection by the wireless service
15 supplier. Such wireless enhanced 9-1-1 charge may not exceed the amount of the
16 monthly 9-1-1 charge imposed upon other telephone subscribers ~~of exchange access~~
17 ~~facilities~~ pursuant to paragraph (1) of this subsection and shall be imposed on a monthly
18 basis for each wireless telecommunications connection provided to the telephone
19 subscriber.

20 (C) All wireless telecommunications connections billed to federal, state, or local
21 governments shall be exempt from the wireless enhanced 9-1-1 charge. Each wireless
22 service supplier shall, on behalf of the local government, collect the wireless enhanced
23 9-1-1 charge from those telephone subscribers whose place of primary use is within the
24 geographic area that is served by the local government or that would be served by the
25 local government for the purpose of such an emergency 9-1-1 system. As part of its
26 normal billing process, the wireless service supplier shall collect the wireless enhanced
27 9-1-1 charge for each month a wireless telecommunications connection is in service,
28 and it shall list the wireless enhanced 9-1-1 charge as a separate entry on each bill. If
29 a wireless service supplier receives partial payment for a bill from a telephone
30 subscriber, the wireless service supplier shall apply the payment against the amount the
31 telephone subscriber owes the wireless service supplier first.

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

35 (E) This paragraph shall not apply to prepaid wireless service or the telephone
36 subscribers or service suppliers of such service.

1 (b) Every telephone subscriber in the area served by the emergency 9-1-1 system shall be
2 liable for the 9-1-1 charges and the wireless enhanced 9-1-1 charges imposed under this
3 Code section until it has been paid to the service supplier. A service supplier shall have no
4 obligation to take any legal action to enforce the collection of the 9-1-1 charge or wireless
5 enhanced 9-1-1 charge. The service supplier shall provide the governing authority within
6 60 days with the name and address of each subscriber who has refused to pay the 9-1-1
7 charge or wireless enhanced 9-1-1 charge after such 9-1-1 charge or wireless enhanced
8 9-1-1 charge has become due. A collection action may be initiated the local government
9 that imposed the charges, and reasonable costs and attorneys' fees associated with that
10 collection action may be awarded to the local government collecting the 9-1-1 charge or
11 wireless enhanced 9-1-1 charge.

12 (c) The local government contracting for the operation of an emergency 9-1-1 system shall
13 remain ultimately responsible to the service supplier for all emergency 9-1-1 system
14 installation, service, equipment, operation, and maintenance charges owed to the service
15 supplier. Any taxes due on emergency 9-1-1 system service provided by the service
16 supplier will be billed to the local government subscribing to the service. State and local
17 taxes do not apply to the 9-1-1 charge or wireless enhanced 9-1-1 charge billed to
18 telephone subscribers under this Code section.

19 (d)(1) Each service supplier that collects 9-1-1 charges or wireless enhanced 9-1-1
20 charges on behalf of the local government is entitled to retain as an administrative fee an
21 amount equal to 3 percent of the gross 9-1-1 or wireless enhanced 9-1-1 charge receipts
22 to be remitted to the local government; provided, however, that such amount shall not
23 exceed 3¢ for every dollar so remitted. The remaining amount shall be due quarterly to
24 the local government and shall be remitted to it no later than 60 days after the close of a
25 calendar quarter.

26 (2) The 9-1-1 charges and the wireless enhanced 9-1-1 charges collected by the service
27 supplier shall be deposited and accounted for in a separate restricted revenue fund known
28 as the Emergency Telephone System Fund maintained by the local government. The
29 local government may invest the money in the fund in the same manner that other
30 moneys of the local government may be invested and any income earned from such
31 investment shall be deposited into the Emergency Telephone System Fund.

32 (3) On or before July 1, 2005, any funds that may have been deposited in a separate
33 restricted wireless reserve account required by this Code section prior to such date shall
34 be transferred to the Emergency Telephone System Fund required by paragraph (2) of
35 this subsection.

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

4 (5) Such monthly 9-1-1 charges and wireless enhanced 9-1-1 charges may be reduced
 5 at any time by the governing authority by resolution; provided, however, that ~~the~~ said
 6 governing authority shall be required to reduce such monthly 9-1-1 charge or wireless
 7 enhanced 9-1-1 charge at any time the projected revenues from 9-1-1 charges or wireless
 8 enhanced 9-1-1 charges will cause the unexpended revenues in the Emergency Telephone
 9 System Fund at the end of the fiscal year to exceed by one and one-half times the
 10 unexpended revenues in such fund at the end of the immediately preceding fiscal year or
 11 at any time the unexpended revenues in such fund at the end of the fiscal year exceed by
 12 one and one-half times the unexpended revenues in such fund at the end of the
 13 immediately preceding fiscal year. Such reduction in the 9-1-1 charge or wireless
 14 enhanced 9-1-1 charge shall be in an amount which will avert the accumulation of
 15 revenues in such fund at the end of the fiscal year which will exceed by one and one-half
 16 times the amount of revenues in the fund at the end of the immediately preceding fiscal
 17 year.

18 (e) A wireless service supplier may recover its costs expended on the implementation and
 19 provision of wireless enhanced 9-1-1 services to subscribers in an amount not to exceed
 20 30¢ of each 9-1-1 charge collected from a place of primary use that is within the
 21 geographic area that is served by the local government or would be served by the local
 22 government for the purpose of such emergency 9-1-1 system; provided, however, that such
 23 amount may be increased to 45¢ upon implementation of step two of the state plan
 24 governing 9-1-1 enhanced communications as provided in subsection (g) of this Code
 25 section. Such cost recovery amount shall be based on the actual cost incurred by the
 26 wireless service supplier in providing wireless enhanced 9-1-1 services.

27 (f) In addition to cost recovery as provided in subsection (e) of this Code section, money
 28 from the Emergency Telephone System Fund shall be used only to pay for:

29 (1) The lease, purchase, or maintenance of emergency telephone equipment, including
 30 necessary computer hardware, software, and data base provisioning; addressing; and
 31 nonrecurring costs of establishing a 9-1-1 system;

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

34 (3) The actual cost of salaries, including benefits, of employees hired by the local
 35 government solely for the operation and maintenance of the emergency 9-1-1 system and
 36 the actual cost of training such of those employees who work as dispatchers or who work
 37 as directors as that term is defined in Code Section 46-5-138.2;

- 1 (4) Office supplies of the public safety answering points used directly in providing
2 emergency 9-1-1 system services;
- 3 (5) The cost of leasing or purchasing a building used as a public safety answering point.
4 Moneys from the fund cannot be used for the construction or lease of an emergency 9-1-1
5 system building until the local government has completed its street addressing plan;
- 6 (6) The lease, purchase, or maintenance of computer hardware and software used at a
7 public safety answering point, including computer-assisted dispatch systems;
- 8 (7) Supplies directly related to providing emergency 9-1-1 system services, including the
9 cost of printing emergency 9-1-1 system public education materials; and
- 10 (8) The lease, purchase, or maintenance of logging recorders used at a public safety
11 answering point to record telephone and radio traffic.
- 12 (g) All 9-1-1 systems and communication systems provided pursuant to this part shall
13 conform to the two-step state plan governing ~~9-1-1 enhanced communications~~ enhanced
14 9-1-1 service as follows:
- 15 (1) In step one, the governing authority of a local government shall operate or contract
16 for the operation of an emergency 9-1-1 system that provides or is capable of providing
17 automatic number identification of a wireless telecommunications connection and the
18 location of the base station or cell site which received a 9-1-1 call from a wireless
19 telecommunications connection; and
- 20 (2) In step two, the governing authority of a local government shall operate or contract
21 for the operation of an emergency 9-1-1 system that provides or is capable of providing
22 automatic number identification and automatic location of a wireless telecommunications
23 connection.
- 24 (h) The local government may contract with a service supplier for any term negotiated by
25 the service supplier and the local government for an emergency 9-1-1 system and may
26 make payments from the Emergency Telephone System Fund to provide any payments
27 required by the contract, subject to the limitations provided by subsection (e) of this Code
28 section.
- 29 (i) The service supplier shall maintain records of the amount of the 9-1-1 charges and
30 wireless enhanced 9-1-1 charges collected for a period of at least three years from the date
31 of collection. The local government may, at its expense, require an annual audit of the
32 service supplier's books and records with respect to the collection and remittance of the
33 9-1-1 charges and wireless enhanced 9-1-1 charges.
- 34 (j) In order to provide additional funding for the local government for emergency 9-1-1
35 system purposes, the local government may receive federal, state, municipal, or private
36 funds which shall be expended for the purposes of this part.

1 (k) Subject to the provisions of Code Section 46-5-133, a telephone subscriber may be
 2 billed for the monthly 9-1-1 charge or wireless enhanced 9-1-1 charge for up to 18 months
 3 in advance of the date on which the 9-1-1 ~~service~~ system becomes fully operational.

4 (l) 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 9-1-1 charges collected to the bill for
 7 9-1-1 service rather than remit the funds to an Emergency Telephone System Fund.

8 (m)(1) Any local government collecting or expending any 9-1-1 charges or wireless
 9 enhanced 9-1-1 charges in any fiscal year beginning on or after July 1, 2005, shall file an
 10 annual report of its collections and expenditures in conjunction with the annual audit
 11 required under Code Section 36-81-7. The form shall be designed by the state auditor
 12 and shall be distributed to local governments administering such funds. The annual
 13 report shall require certification by the recipient local government and by the local
 14 government auditor that funds were expended in compliance with the expenditure
 15 requirements of this Code section.

16 (2) Any local government which makes expenditures not in compliance with this Code
 17 section may be held liable for pro rata reimbursement to telephone and wireless
 18 telecommunications subscribers of amounts improperly expended. Such liability may be
 19 established in judicial proceedings by any aggrieved party. The noncompliant local
 20 government shall be solely financially responsible for the reimbursement and for any
 21 costs associated with the reimbursement. Such reimbursement shall be accomplished by
 22 the service suppliers abating the imposition of the 9-1-1 charges and ~~9-1-1~~ wireless
 23 enhanced 9-1-1 charges until such abatement equals the total amount of the rebate.

24 46-5-134.1.

25 (a) This Code section shall apply in counties where the governing authorities of more than
 26 one local government have adopted a resolution to impose a ~~wireless-enhanced~~ 9-1-1
 27 charge in accordance with the provisions of subsection (a) of Code Section 46-5-133 and
 28 notwithstanding any contrary provision of Code Section 46-5-133 or 46-5-134.

29 (b) A wireless service supplier may certify to any of the governing authorities described
 30 in subsection (a) of this Code section that the wireless service supplier is unable to
 31 determine whether the billing addresses of its subscribers are within the geographic area
 32 that is served by such local government. Upon such certification, the wireless service
 33 supplier shall be authorized to collect the 9-1-1 charge for wireless enhanced 9-1-1 ~~charge~~
 34 services from any of its subscribers whose billing address is within the county and is within
 35 an area that is as close as reasonably possible to the geographic area that is served by such
 36 local government. The wireless service supplier shall notify such subscribers that if such

1 subscriber's billing address is not within the geographic area served by such local
 2 government, such subscriber is not obligated to pay the 9-1-1 charge for wireless enhanced
 3 9-1-1 charge service.

4 (c) Unless otherwise provided in an agreement among the governing authorities described
 5 in subsection (a) of this Code section, the charges collected by a wireless service supplier
 6 pursuant to this Code section shall be remitted to such governing authorities based upon
 7 the number of calls from wireless telecommunications connections that each such
 8 individual local government receives and counts relative to the total number of calls from
 9 wireless telecommunications connections that are received and counted by all of such local
 10 governments.

11 (d) The authority granted to a wireless service supplier pursuant to this Code section shall
 12 terminate:

13 (1) On ~~on~~ the date that the wireless service supplier certifies to a governing authority
 14 described in subsection (a) of this Code section that the wireless service supplier is able
 15 to determine whether the billing addresses of its subscribers are within the geographic
 16 area that is served by such governing authority; or

17 (2) On ~~on~~ the date which is 180 days from the date that any of its subscribers were first
 18 billed under this Code section, whichever is earlier.

19 Upon termination of such authority, the wireless service supplier shall collect the 9-1-1
 20 charge for wireless enhanced 9-1-1 charge service as provided in Code Section 46-5-134.

21 46-5-134.2.

22 (a) A 9-1-1 charge shall be imposed on all prepaid wireless service subscribed to by
 23 telephone subscribers as provided in this Code section.

24 (b) A prepaid wireless service supplier shall:

25 (1) Charge and collect a fee in the amount of 3 percent of the wholesale price divided by
 26 .7 of each block of prepaid wireless service purchased by each telephone subscriber,
 27 whether such service is included with the initial purchase of a wireless telephone or other
 28 device or is recorded on a wireless telephone or other device by the purchase of a calling
 29 card, through an Internet transaction, by means of a wireless communication directly to
 30 the telephone subscriber's wireless telephone or other device, or by any other means;

31 (2) Charge and collect a fee in the amount of 3 percent of the suggested retail price of
 32 each block of prepaid wireless service purchased by each telephone subscriber, whether
 33 such service is included with the initial purchase of a wireless telephone or other device
 34 or is recorded on a wireless telephone or other device by the purchase of a calling card,
 35 through an Internet transaction, by means of a wireless communication directly to the
 36 telephone subscriber's wireless telephone or other device, or by any other means;

1 (3) Divide the total prepaid wireless service revenue earned and received in this state by
2 such prepaid wireless service supplier in a calendar month by \$50.00 and multiply the
3 quotient by \$1.50 to determine the amount of the fee to be paid to the department;

4 (4) Charge and collect a fee in the amount of \$1.50 from the account of each prepaid
5 wireless service telephone subscriber who has a sufficient positive balance as of the last
6 day of the month; or

7 (5) Use any other method to charge and collect the fee; provided, however, that in no
8 event shall the prepaid wireless service supplier charge and collect less than \$1.50 per the
9 average monthly amount of prepaid wireless service actually provided to a telephone
10 subscriber.

11 (c) A prepaid wireless service supplier shall indicate the method it elects to use pursuant
12 to subsection (b) of this Code section on reports filed with the department and on receipts
13 issued to the wholesale purchaser.

14 (d) All fees provided for in this Code section shall be paid to the department. A prepaid
15 wireless service supplier may pay all such fees it collects throughout this state in a single
16 remittance. Such fees shall be remitted monthly to the department not later than the
17 twentieth day of the month following the month in which they are collected. Any fee not
18 paid in a timely manner shall accrue interest at the rate of 15 percent per annum,
19 compounded daily, until the date they are paid. The department shall deposit all funds
20 received into the general fund of the state treasury in compliance with Article 4 of Chapter
21 12 of Title 45, the 'Budget Act.'

22 (e) The 9-1-1 Advisory Committee may, upon a majority vote of its members, audit or
23 cause to be audited by the state auditor, or some other auditor agreed upon by a majority
24 of the committee's members, the financial and business records of any service supplier to
25 the extent necessary to ensure proper collection and remittances in accordance with this
26 Code section. Failure of the service supplier to comply with an audit request shall result
27 in a civil penalty of not more than \$1,000.00 per day the service supplier refuses
28 compliance.

29 (f)(1) There is created the Emergency 9-1-1 Assistance Fund to be administered by the
30 department. It is the intention of the General Assembly, subject to the appropriation
31 process, that an amount equal to the amount deposited into the general fund of the state
32 treasury as provided in subsection (d) of this Code section be appropriated each year to
33 the fund; provided, however, that any such funds unused at the end of each fiscal year
34 shall lapse back into the state treasury as required by Article III, Section IX, Paragraph
35 IV of the Constitution.

36 (2)(A) Any governmental entity which operates, is in the process of implementing, or
37 is developing a plan for the implementation of a local, regional, or state-wide

1 emergency system may apply to the department for and receive an assistance grant
 2 from the Emergency 9-1-1 Assistance Fund for the purchase or upgrade of equipment.

3 (B) The center may apply to the department for and receive a grant from the
 4 Emergency 9-1-1 Assistance Fund to provide professional training to directors, as the
 5 term is defined in Code Section 46-5-138.2.

6 (C) The agency may apply to the department for and receive a grant from the
 7 Emergency 9-1-1 Assistance Fund for the reasonable administrative costs of supporting
 8 the 9-1-1 Advisory Council as provided for in Code Section 46-5-123.

9 (3) Decisions on the issuance of assistance grants shall be made by the 9-1-1 Advisory
 10 Committee established by Code Section 46-5-123.

11 (g) The department shall promulgate written rules and regulations to provide for the
 12 application process and for the administration of the Emergency 9-1-1 Assistance Fund,
 13 and to otherwise implement the provisions of this Code section.

14 (h) The department shall be authorized to use a portion of the funds collected pursuant to
 15 this Code section to provide for the direct and indirect costs associated with the
 16 administration of this Code section.

17 46-5-135.

18 A service supplier, including any ~~telephone~~ company providing telephone services and its
 19 employees, directors, officers, and agents, is not liable for any damages in a civil action for
 20 injuries, death, or loss to persons or property incurred by any person as a result of any act
 21 or omission of a service supplier or any of its employees, directors, officers, or agents,
 22 except for willful or wanton misconduct, either in connection with developing, adopting,
 23 implementing, maintaining, or operating any emergency 9-1-1 system or in the
 24 identification of the telephone number, address, or name associated with any person
 25 accessing an emergency 9-1-1 system.

26 46-5-136.

27 (a) The governing authority of a local government by resolution shall create an advisory
 28 board consisting of the sheriff, representatives from other public safety agencies which
 29 respond to emergency calls under the 9-1-1 system, and other individuals knowledgeable
 30 of emergency 9-1-1 systems and the emergency needs of the citizens of the local
 31 government, provided that such advisory board shall not exceed 13 members.

32 (b) The advisory board shall assist the local government in:

33 (1) Reviewing and analyzing the progress by public safety agencies in developing 9-1-1
 34 system requirements;

- 1 (2) Recommending steps of action to effect the necessary coordination, regulation, and
 2 development of a 9-1-1 system;
- 3 (3) Identifying mutual aid agreements necessary to effect the 9-1-1 system;
- 4 (4) Assisting in the promulgation of necessary rules, regulations, operating procedures,
 5 schedules, and other such policy and administrative devices as shall be deemed necessary
 6 and appropriate; and
- 7 (5) Providing other services as may be deemed appropriate by the local government.
- 8 (c) The members of the advisory board shall not be compensated from moneys deposited
 9 into the Emergency Telephone System Fund.

10 46-5-137.

11 This part shall not be construed as affecting the jurisdiction or powers of the Public Service
 12 Commission to establish rates, charges, or tariffs.

13 46-5-138.

14 (a)(1) By proper resolution of the local governing bodies, an authority may be created
 15 and activated by:

16 (A) Any two or more municipal corporations;

17 (B) Any two or more counties; or

18 (C) One or more municipal corporations and one or more counties.

19 (2) The resolutions creating and activating a joint authority shall specify the number of
 20 members of the authority, the number to be appointed by each participating county or
 21 municipal corporation, their terms of office, and their residency requirements.

22 (3) The resolutions creating and activating joint authorities may be amended by
 23 appropriate concurrent resolutions of the participating governing bodies.

24 (b) The public authority shall be authorized to contract with the counties or municipalities
 25 which formed the authority to operate an emergency 9-1-1 system for such local
 26 governments throughout the corporate boundaries of such local governments. Pursuant to
 27 such contracts, the local governments shall be authorized to provide funding to the
 28 authority from the Emergency Telephone System Fund, ~~including the Wireless Phase I and~~
 29 ~~Phase II Reserve Accounts~~, maintained by each local government. No authority shall be
 30 formed until each local government forming the authority has imposed a monthly 9-1-1
 31 charge or a monthly wireless enhanced 9-1-1 charge.

32 (c) Each authority shall have all of the powers necessary or convenient to carry out and
 33 effectuate the purposes and provisions of this part, including, but without limiting the
 34 generality of the foregoing, the power:

35 (1) To bring and defend actions;

- 1 (2) To adopt and amend a corporate seal;
- 2 (3) To make and execute contracts and other instruments necessary to exercise the
3 powers of the authority;
- 4 (4) To receive and administer gifts, grants, and devises of any property;
- 5 (5) To operate emergency call answering services for law enforcement, emergency
6 management, fire, and emergency medical service agencies 24 hours a day, seven days
7 a week, 365 days a year;
- 8 (6) To acquire, by purchase, gift, or construction, any real or personal property desired
9 to be acquired to operate the emergency 9-1-1 system;
- 10 (7) To sell, lease, exchange, transfer, assign, pledge, mortgage, dispose of, or grant
11 options for any real or personal property or interest therein for any such purposes; and
- 12 (8) To mortgage, convey, pledge, or assign any properties, revenues, income, tolls,
13 charges, or fees owned or received by the authority.
- 14 (d) The authority shall elect a chairperson and such other officers as deemed necessary by
15 the authority. The authority shall select a director who shall be responsible for establishing
16 operating standards and procedures and overseeing the operations of the emergency 9-1-1
17 system. The director may be an employee working in the operation of the emergency 9-1-1
18 system. The authority shall be responsible for hiring, training, supervising, and disciplining
19 employees working in the operation of the emergency 9-1-1 system. An appropriate
20 number of full-time and part-time employees shall be hired to operate the emergency 9-1-1
21 system. The authority shall determine the compensation of such employees and shall be
22 authorized to provide other employee benefits. The authority shall submit its annual budget
23 and a report of its financial records to the local governments which created the authority.
- 24 (e) The authority may contract with a service supplier in the same manner that local
25 governments are so authorized under the provisions of this part.
- 26 (f) Notwithstanding subsection (i) of Code Section 46-5-134, if the joint authority and each
27 local governing body activating the joint authority certify to the service provider in writing
28 prior to the end of the 18 month period in advance of the date on which the 9-1-1 service
29 system was to have become fully operational that the system cannot be placed in operation
30 on the date originally projected but that all parties are proceeding in a diligent and timely
31 fashion to implement such service, the service provider shall continue to collect the
32 monthly 9-1-1 charge for an additional period of 18 months or until the 9-1-1 service
33 system becomes fully operational, whichever occurs first.
- 34 (g) It is found, determined, and declared that the creation of the authority and the carrying
35 out of its corporate purposes are in all respects for the benefit of the people of this state and
36 constitute a public purpose, and ~~that~~ the authority ~~will~~ shall be performing an essential
37 governmental function in the exercise of the power conferred upon it by this Code section.

1 This state covenants that the authority shall be required to pay no taxes or assessments
 2 upon any of the property acquired or leased by it or under its jurisdiction, control,
 3 possession, or supervision, or upon its activities in the operation or maintenance of the
 4 buildings erected or acquired by it, or upon any fees, rentals, or other charges for the use
 5 of such buildings, or upon other income received by the authority. The exemption provided
 6 in this Code section shall include an exemption from state and local sales and use tax on
 7 property purchased by the authority for use exclusively by the authority.

8 46-5-138.1.

9 (a) Notwithstanding any provision of paragraph (1) of subsection (a) of Code Section
 10 46-5-134 to the contrary, where two or more counties, none of which offers emergency
 11 9-1-1 system services on May 1, 1998, and any participating municipalities within such
 12 counties, if any, agree by intergovernmental contract to initiate or contract for the joint
 13 operation of an emergency 9-1-1 system for the first time after May 1, 1998, such local
 14 governments may impose a monthly 9-1-1 charge which exceeds \$1.50 per ~~exchange~~
 15 ~~access facility~~ telephone service but only so long as the following procedure ~~is~~ shall be
 16 followed:

17 (1) The participating local governments shall, with input from a ~~local exchange~~
 18 telephone service supplier, prepare an estimated budget for the implementation of the
 19 joint emergency 9-1-1 system with costs limited to items eligible for funding through the
 20 Emergency Telephone System Fund;

21 (2) An estimate of the revenue to be generated by the 9-1-1 charge authorized by
 22 paragraph (1) of subsection (a) of Code Section 46-5-134 during the first 18 months of
 23 collection shall be prepared;

24 (3) If the total amount necessary for implementation of the emergency 9-1-1 system in
 25 paragraph (1) of this subsection exceeds the estimated revenue from imposition of the
 26 9-1-1 charge specified in paragraph (2) of this subsection, the monthly 9-1-1 charge per
 27 ~~exchange access facility~~ telephone service may be increased on a pro rata basis during the
 28 first 18 months of collection to the extent necessary to provide revenue sufficient to pay
 29 the amount specified in paragraph (1) of this subsection, but in no case shall such
 30 monthly charge be greater than \$2.50 per ~~exchange access facility~~ telephone service.
 31 Notwithstanding subsection (i) of Code Section 46-5-134, if each local governing body
 32 which is a party to an intergovernmental contract certifies to the service provider in
 33 writing prior to the end of the 18 month period in advance of the date on which the 9-1-1
 34 service system was to have become fully operational that the system cannot be placed in
 35 operation on the date originally projected but that all parties are proceeding in a diligent
 36 and timely fashion to implement such service, the service provider shall continue to

1 collect the monthly 9-1-1 charge for an additional period of 18 months or until the 9-1-1
2 service system becomes fully operational, whichever occurs first; and

3 (4) Such local governments shall comply with the requirements of Code Section
4 46-5-133 which relate to the imposition of a monthly 9-1-1 charge.

5 Nothing in this subsection shall be construed to authorize the imposition of any charge
6 upon a wireless ~~telecommunications connection~~ service. Except as otherwise provided in
7 this subsection, the requirements of Code Section 46-5-134 which relate to monthly 9-1-1
8 charges on ~~exchange access facilities~~ telephone services shall apply to charges imposed
9 pursuant to this subsection.

10 (b) The increased monthly 9-1-1 charge authorized by subsection (a) of this Code section
11 shall also be available to any joint 9-1-1 authority created pursuant to Code Section
12 46-5-138 after May 1, 1998.

13 46-5-138.2.

14 (a) As used in this Code Section, the term 'director' means any person having direct
15 operational control of a public safety answering point, any person who has as part of his
16 or her duties supervisory responsibility for one or more communication officers or other
17 employees who answer 9-1-1 calls received by a public safety answering point, or any
18 person who has system management responsibility for the public safety answering point.

19 (b) In addition to any training required under federal or state law, any persons serving as
20 a director may enroll in, attend, and complete satisfactorily a course of training and
21 instruction on the management of public safety answering points and the establishment and
22 operation of 9-1-1 systems. Such course of instruction for directors shall be developed and
23 made available by the center subject to the availability and receipt of funding."

24 SECTION 3.

25 Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and
26 telegraph service, so as to refine definitions for purposes of conformity, is amended by
27 revising paragraph (2) of Code Section 46-5-221, relating to definitions, as follows:

28 "(2) 'VoIP' means ~~voice over Internet protocol~~ Voice over Internet Protocol services
29 offering real time multidirectional voice functionality utilizing any Internet protocol."

30 SECTION 4.

31 Said chapter is further amended by revising paragraph (4) of Code Section 46-5-231, relating
32 to definitions, as follows:

33 "(4) 'Voice service provider' means any person, firm, partnership, corporation,
34 association, or municipal, county, or local governmental entity that provides telephone

1 services to a customer, irrespective of the communications technology used to provide
2 such service, including, but not limited to, traditional wireline or cable telephone service;
3 cellular, broadband personal communications service, or other wireless telephone service;
4 microwave, satellite, or other terrestrial telephone service; and ~~voice over Internet~~
5 ~~protocol~~ Voice over Internet Protocol service."

6 **SECTION 5.**

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