

House Bill 1442

By: Representatives Lunsford of the 110th, Mangham of the 94th, and Hatfield of the 177th

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 36 and 46 of the Official Code of Georgia Annotated, relating to local
2 government and to public utilities and public transportation, respectively, so as to provide
3 for the creation, authority, powers, and membership of the Local Government Prepaid
4 Wireless 9-1-1 Fee Collection Authority; to provide for definitions; to change certain
5 provisions relating to the remittance of 9-1-1 charges; to provide for payment by prepaid
6 wireless service suppliers to the Local Government Prepaid Wireless 9-1-1 Fee Collection
7 Authority and not to the Emergency 9-1-1 Assistance Fund; to provide for related matters;
8 to provide an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
12 by adding a new chapter to read as follows:

13 "CHAPTER 93

14 36-93-1.

15 This chapter shall be known and may be cited as the 'Local Government Prepaid Wireless
16 9-1-1 Fee Collection Authority Act.'

17 36-93-2.

18 As used in this chapter, the term:

19 (1) 'Authority' means the Local Government Prepaid Wireless 9-1-1 Fee Collection
20 Authority established pursuant to Code Section 36-93-3.

21 (2) 'Board of directors' or 'board' means the governing body of the authority.

22 (3) 'Enhanced ZIP Code' has the same meaning as provided in Code Section 46-5-122.

23 (4) 'Local government' means a county, municipality, regional authority, or consolidated
 24 government that provides 9-1-1 services.

25 (5) 'Prepaid wireless service' has the same meaning as provided in Code Section
 26 46-5-122.

27 (6) 'Public safety answering point' has the same meaning as provided in Code Section
 28 46-5-122.

29 (7) 'Wireless enhanced 9-1-1 charge' has the same meaning as provided in Code Section
 30 46-5-122.

31 36-93-3.

32 (a)(1) There is established the Local Government Prepaid Wireless 9-1-1 Fee Collection
 33 Authority as a body corporate and politic, an instrumentality of the state, and a public
 34 corporation; and by that name the authority may contract and be contracted with and
 35 bring and defend actions.

36 (2) All counties, municipalities, consolidated governments, and regional authorities
 37 providing 9-1-1 service pursuant to the Georgia Emergency Telephone Number 9-1-1
 38 Service Act of 1977 shall form the authority. Additional counties, municipalities,
 39 consolidated governments, or regional authorities shall become members upon their
 40 adoption of a resolution or ordinance to impose the monthly 9-1-1 charge. Any member
 41 of the authority no longer providing 9-1-1 or enhanced 9-1-1 services may withdraw from
 42 the authority subject to the terms of any contract, obligation, or agreement with the
 43 authority.

44 (3) The purpose of the authority shall be to administer, collect, audit, and remit prepaid
 45 wireless 9-1-1 revenue for the benefit of local governments in Georgia, on such terms and
 46 conditions as may be determined to be in the best interest of the operation of local
 47 government in light of the following factors:

48 (A) The public interest in providing cost-efficient collection of revenues;

49 (B) Increasing compliance in collection of revenues provides fairness to the persons
 50 and entities currently paying their share and the taxpayers who make up for the revenue
 51 shortfall through higher tax rates;

52 (C) Easing the administrative burden on vendors and service suppliers; and

53 (D) Such other factors as are in the public interest and welfare of the citizens of
 54 Georgia.

55 (b)(1) Control and management of the authority shall be vested in a board of directors,
 56 which shall consist of the following members:

57 (A) Four members who shall be elected officials of a county governing body, county
 58 managers, or county administrators from a county with a public safety answering point

- 59 to be appointed by the Governor upon recommendation by the Association County
60 Commissioners of Georgia;
- 61 (B) One county finance director from a county with a public safety answering point
62 who is a certified public accountant appointed by the Governor upon recommendation
63 by the Association County Commissioners of Georgia;
- 64 (C) One elected official of a city governing body, city manager, or city finance director
65 who is a certified public accountant from a city with a public safety answering point
66 appointed by the Governor upon recommendation by the Georgia Municipal
67 Association;
- 68 (D) One county 9-1-1 director appointed by the Governor upon recommendation by
69 the Association County Commissioners of Georgia;
- 70 (E) One city 9-1-1 director appointed by the Governor upon recommendation by the
71 Georgia Municipal Association;
- 72 (F) Two members of the 9-1-1 Advisory Committee appointed by the Governor; and
73 (G) Two ex officio nonvoting members from the telecommunications industry
74 appointed by the Governor.
- 75 (2) The initial term for appointments made pursuant to subparagraphs (A) and (B) of
76 paragraph (1) of this Code section shall be from January 1, 2011, until December 31,
77 2013. The initial term for appointments made pursuant to subparagraphs (C), (D), and
78 (E) of paragraph (1) of this Code section shall be from January 1, 2011, until December
79 31, 2012. The initial term for appointments made pursuant to subparagraphs (F) and (G)
80 of paragraph (1) of this Code section shall be from January 1, 2011, until December 31,
81 2011. All subsequent terms shall be for three years. Any vacancies shall be filled by
82 appointment of the original appointing authority and shall be for the remainder of the
83 term.
- 84 (3) Each member of the board of directors may be authorized by the authority to receive
85 an expense allowance and reimbursement from funds of the authority in the same manner
86 as provided for in Code Section 45-7-21. Except as specifically provided in this
87 subsection, members of the board of directors shall receive no compensation for their
88 services.
- 89 (4) Six members of the board of directors shall constitute a quorum; and the affirmative
90 votes of four members of the authority shall be required for any action to be taken by the
91 authority.
- 92 (5) The directors shall elect one of their members as chairperson and another as vice
93 chairperson and shall also elect a secretary and a treasurer or a secretary-treasurer, either
94 of whom may, but need not be, a 9-1-1 director.

- 95 (6) The board of directors may promulgate rules and regulations for its own government
96 and for discharging its duties as may be permitted or required by law or applicable rules
97 and regulations.
- 98 (c) The authority shall have perpetual existence.
- 99 (d) The authority through its board of directors shall have the power and authority:
- 100 (1) To have a seal and alter the same at its pleasure;
- 101 (2) To make and execute contracts, lease agreements, and all other instruments necessary
102 or convenient to exercise the powers of the authority or to further the public purpose for
103 which the authority is created;
- 104 (3) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or
105 personal property of every kind and character, or any interest therein, in furtherance of
106 the public purpose of the authority;
- 107 (4) To apply for and to accept any gifts or grants or loan guarantees or loans of funds or
108 property or financial or other aid in any form from the federal government or any agency
109 or instrumentality thereof, or from the state or any agency or instrumentality thereof, or
110 from any other source for any or all of the purposes specified in this Code section and to
111 comply, subject to the provisions of this Code section, with the terms and conditions
112 thereof;
- 113 (5) To contract with state agencies or any local government for the use by the authority
114 of any property, facilities, or services of the state or any such state agency or local
115 government or for the use by any state agency or local government of any facilities or
116 services of the authority; and such state agencies and local governments are authorized
117 to enter into such contracts;
- 118 (6) To fix and collect fees and charges for data, media, and incidental services furnished
119 by it to any individual or private entity;
- 120 (7) To deposit or otherwise invest funds held by it in any state depository or in any
121 investment which is authorized for the investment of proceeds of state general obligation
122 bonds and to use for its corporate purposes or redeposit or reinvest interest earned on
123 such funds;
- 124 (8) To exercise any power granted by the laws of this state to public or private
125 corporations that is not in conflict with the public purpose of the authority;
- 126 (9) To do all things necessary or convenient to carry out the powers conferred by this
127 Code section and to carry out such duties and activities as are specifically imposed upon
128 the authority by law;
- 129 (10) To hire an attorney to provide legal services;
- 130 (11) To sue and to be sued;
- 131 (12) To provide for the collection of moneys;

132 (13) To manage, control, and direct such funds and the expenditures made therefrom;
133 (14) To distribute the moneys at the discretion of the authority in such manner and
134 subject to such terms and limitations as the authority in its discretion determines will best
135 further the public purpose of the authority; and

136 (15) To exercise all other powers necessary for the development and implementation of
137 the system provided for in this Code section.

138 (e) The creation of the authority and the carrying out of its corporate purposes are in all
139 respects for the benefit of the people of this state and are public purposes. The authority
140 shall be carrying out an essential governmental function on behalf of counties,
141 municipalities, consolidated governments, and local authorities in the exercise of the
142 powers conferred upon it by this Code section and is, therefore, given immunity from
143 liability for carrying out its intended functions. The authority shall not be required to pay
144 taxes or assessments upon any property acquired or under its jurisdiction, control,
145 possession, or supervision.

146 (f) Any action against the authority shall be brought in the Superior Court of Fulton
147 County, and such court shall have exclusive, original jurisdiction of such actions; provided,
148 however, that actions seeking equitable relief may be brought in the county of residence
149 of any member of the authority.

150 (g) All money received by the authority pursuant to this Code section shall be deemed to
151 be trust funds to be held and applied solely as provided in this chapter.

152 (h) The provisions of this Code section shall be deemed to provide an additional and
153 alternative method for doing things authorized by this Code section and shall be regarded
154 as supplemental and additional to powers conferred by the Constitution and laws of the
155 State of Georgia and shall not be regarded as in derogation of any powers now existing.

156 (i) This Code section, being for the welfare of the state and its inhabitants, shall be
157 liberally construed to effect the purposes thereof.

158 36-93-4.

159 The board shall appoint an executive director as the administrative head of the authority.
160 The board shall establish the salary of the executive director. The executive director, with
161 the concurrence and approval of the board, shall hire officers, agents, and employees;
162 prescribe their duties, responsibilities, and qualifications and set their salaries; and perform
163 such other duties as may be prescribed by the authority. Such officers, agents, and
164 employees shall serve at the pleasure of the executive director.

165 36-93-5.

166 (a) All prepaid wireless service suppliers shall remit the wireless enhanced 9-1-1 charge
 167 collected from their subscribers to the authority, rather than the individual counties, cities,
 168 consolidated governments, and regional authorities that have 9-1-1 and enhanced 9-1-1
 169 service.

170 (b) Such fees shall be remitted in accordance with Code Section 46-5-134.2.

171 36-93-6.

172 (a) The authority may retain an amount for administrative fees not to exceed 3 percent of
 173 the fees collected.

174 (b) The remainder of the fees collected through the prepaid wireless service suppliers shall
 175 be paid on a pro rata basis to the local governments that provide 9-1-1 and enhanced 9-1-1
 176 service.

177 36-93-7.

178 The authority may, in its discretion, audit any telephone, wireless, or Internet provider
 179 offering communication services capable of connecting 9-1-1 service to ensure compliance
 180 with this chapter and with Part 4 of Article 2 of Chapter 5 of Title 46."

181 **SECTION 2.**

182 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
 183 transportation, is amended by revising Code Section 46-5-122, relating to definitions relative
 184 to the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," as follows:

185 "46-5-122.

186 As used in this part, the term:

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

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

194 (2.1) 'Authority' means the Local Government Prepaid Wireless 9-1-1 Fee Collection
 195 Authority established pursuant to Code Section 36-93-3.

196 ~~(2.1)~~(2.2) 'Call' means any communication, message, signal, or transmission.

197 ~~(2.2)~~(2.3) 'Center' means the Georgia Public Safety Training Center.

- 198 ~~(2.3) 'Department' means the Department of Community Affairs established pursuant to~~
 199 ~~Code Section 50-8-1.~~
- 200 (3) 'Director' means the director of emergency management appointed pursuant to Code
 201 Section 38-3-20.
- 202 (4) 'Cost recovery' means the mechanism by which service suppliers may recover the
 203 recurring and nonrecurring costs they expend on the implementation of wireless 9-1-1
 204 services.
- 205 (5) 'Emergency 9-1-1 system' or '9-1-1 system' means a telephone service, computer
 206 service, wireless service, or other service which facilitates the placing of calls by persons
 207 in need of emergency services to a public safety answering point by dialing the telephone
 208 number 9-1-1 and under which calls to 9-1-1 are answered or otherwise responded to by
 209 public safety answering points established and operated by the local government
 210 subscribing to the 9-1-1 service. The term 'emergency 9-1-1 system' also includes
 211 'enhanced 9-1-1 service,' which means an emergency system that provides the user with
 212 emergency 9-1-1 system service and, in addition, directs 9-1-1 calls to appropriate public
 213 safety answering points by selective routing based on the geographical location from
 214 which the call originated and provides the capability for automatic number identification
 215 and automatic location identification features.
- 216 (6) 'Enhanced ZIP Code' means a United States postal ZIP Code of 9 or more digits.
- 217 (7) 'Exchange access facility' means the access from a particular telephone subscriber's
 218 premises to the telephone system of a service supplier. Exchange access facilities include
 219 service supplier provided access lines, PBX trunks, and Centrex network access registers,
 220 all as defined by tariffs of the telephone companies as approved by the Georgia Public
 221 Service Commission. The term 'exchange access facility' also includes Voice over
 222 Internet Protocol service suppliers and any other communication, message, signal, or
 223 information delivery system capable of initiating a 9-1-1 emergency call. Exchange
 224 access facilities do not include service supplier owned and operated telephone pay station
 225 lines, Wide Area Telecommunications Services (WATS), Foreign Exchange (FX), or
 226 incoming only lines.
- 227 (8) 'FIPS' means the Federal Information Processing Standard (FIPS) 55-3 or any future
 228 enhancement.
- 229 (9) 'Local government' means any city, county, military base, or political subdivision of
 230 Georgia and its agencies.
- 231 (9.1) 'Local Government Prepaid Wireless 9-1-1 Fee Collection Authority' means the
 232 authority established pursuant to Code Section 36-93-3.
- 233 (10) 'Mobile telecommunications service' means commercial mobile radio service, as
 234 such term is defined in 47 C.F.R. Section 20.3.

235 (11) '9-1-1 charge' means a contribution to the local government for the 9-1-1 service
236 start-up equipment costs, subscriber notification costs, addressing costs, billing costs,
237 nonrecurring and recurring installation, maintenance, service, and network charges of a
238 service supplier providing 9-1-1 service pursuant to this part, and costs associated with
239 the hiring, training, and compensating of dispatchers employed by the local government
240 to operate said 9-1-1 system at the public safety answering points.

241 (11.1) '9-1-1 number' means the digits, address, Internet Protocol address, or other
242 information used to access or initiate a call to a public safety answering point.

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

246 (12.1) 'Prepaid wireless service' means any method pursuant to which a customer pays
247 a wireless service ~~provider~~ supplier in advance for a wireless telecommunications
248 connection. Such term shall include, without limitation, calling or usage privileges
249 included with the purchase of a wireless telephone as well as additional calling or usage
250 privileges purchased by any means, including, without limitation, a calling card, a
251 wireless communication, or an Internet transaction.

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

256 (14) 'Public safety agency' means a functional division of a public agency which
257 provides fire-fighting, law enforcement, emergency medical, suicide prevention,
258 emergency management dispatching, poison control, drug prevention, child abuse, spouse
259 abuse, or other emergency services.

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

263 (16) 'Service supplier' means a person or entity who provides telephone service to a
264 telephone subscriber or to a thirty-party retail seller of the service.

265 (16.1) 'Telephone service' means any method by which a 9-1-1 emergency call is
266 delivered to a public safety answering point. The term 'telephone service' shall include
267 local exchange telephone service or other telephone communication service, wireless
268 service, prepaid wireless service, mobile telecommunications service, computer service,
269 Voice over Internet Protocol service, or any technology that delivers or is required by law
270 to deliver a call to a public safety answering point.

271 (17) 'Telephone subscriber' means a person or entity to whom telephone service, either
272 residential or commercial, is provided. When the same person, business, or organization
273 has several telephone access lines, each exchange access facility shall constitute a
274 separate subscription. When the same person, business, or organization has several
275 wireless telephones, each wireless telecommunications connection shall constitute a
276 separate connection.

277 (17.1) 'Voice over Internet Protocol service' means any technology that permits a voice
278 conversation using a voice connection through a telephone jack or to a computer, whether
279 through a microphone, a telephone, or other device, which sends a digital signal over the
280 Internet through a broadband connection to be converted back to the human voice at a
281 distant terminal and that delivers or is required by law to deliver a call to a public safety
282 answering point. Voice over Internet Protocol service shall also include interconnected
283 Voice over Internet Protocol service, which is service that enables real-time, two-way
284 voice communications, requires a broadband connection from the user's location, requires
285 Internet protocol compatible customer premises equipment, and allows users to receive
286 calls that originate on the public service telephone network and to terminate calls to the
287 public switched telephone network.

288 (17.2) 'Voice over Internet Protocol service supplier' means a person or entity who
289 provides Voice over Internet Protocol service to subscribers for a fee.

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

292 (A) The costs to the local government of implementing or upgrading, and maintaining,
293 an emergency 9-1-1 system which is capable of receiving and utilizing the following
294 information, as it relates to 9-1-1 calls made from a wireless telecommunications
295 connection: automatic number identification, the location of the base station or cell site
296 which receives the 9-1-1 call, and the location of the wireless telecommunications
297 connection;

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

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

303 (19) 'Wireless service' means 'commercial mobile service' as defined under Section
304 332(D) of the federal Telecommunications Act of 1996 (47 U.S.C. Section 157, et seq.),
305 regulations of the Federal Communications Commission, and the Omnibus Budget
306 Reconciliation Act of 1993 (P.L. 103-66) and includes real-time, two-way interconnected
307 voice service which is provided over networks which utilize intelligent switching

308 capability and offer seamless handoff to customers. The term does not include one-way
 309 signaling service, data transmission service, nonlocal radio access line service, or a
 310 private telecommunications service. The term does include prepaid wireless service.

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

312 (21) 'Wireless telecommunications connection' means any mobile station for wireless
 313 service that connects a provider of wireless service to a provider of telephone service."

314 SECTION 3.

315 Said title is further amended by revising Code Section 46-5-123, regarding the creation of
 316 a 9-1-1 Advisory Committee, as follows:

317 "46-5-123.

318 (a) For the purposes of the development and implementation of a plan for the state-wide
 319 emergency 9-1-1 system, there is created the 9-1-1 Advisory Committee to be composed
 320 of the director of the agency, who shall serve as chairperson; the director of the Georgia
 321 Technology Authority or his or her designee; the ~~commissioner of the department~~
 322 executive director of the Local Government Prepaid Wireless 9-1-1 Fee Collection
 323 Authority or his or her designee; and 12 other members appointed by the Governor, as
 324 follows:

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

326 (2) Three members appointed from nominees of the Association County Commissioners
 327 of Georgia;

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

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

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

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

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

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

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

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

346 ~~(1) To make recommendations to the commissioner of the department regarding the~~
347 ~~recipients of assistance grants provided for under Code Section 46-5-134.2;~~

348 ~~(2)~~(1) To study and evaluate the state-wide provision of 9-1-1 service;

349 ~~(3)~~(2) To identify any changes necessary to accomplish more effective and efficient
350 9-1-1 service across this state;

351 ~~(4)~~(3) To identify any changes necessary in the assessment and collection of 9-1-1 fees;

352 ~~(5)~~(4) To make recommendations to the agency as to training that should be provided to
353 directors of public safety answering points; and

354 ~~(6)~~(5) To provide an annual report which shall include proposed legislation, if any, to the
355 Governor and the General Assembly by December 1 of each year.

356 **SECTION 4.**

357 Said title is further amended by revising Code Section 46-5-134.2, relating to 9-1-1 charge
358 for prepaid wireless service, as follows:

359 "46-5-134.2.

360 (a) A 9-1-1 charge shall be imposed on all prepaid wireless service subscribed to by
361 telephone subscribers as provided in this Code section. Prepaid wireless service suppliers
362 shall be responsible for the 9-1-1 charge; provided, however, that such 9-1-1 charge may
363 be passed on to the wireless telephone subscriber or retail seller of such wireless
364 telephones. A company that sells prepaid wireless devices to a third-party retail seller shall
365 be responsible for the 9-1-1 charge imposed on all prepaid wireless service. For purposes
366 of this Code section, companies that sell prepaid wireless devices to a third-party retail
367 seller shall be considered a prepaid wireless service supplier.

368 (b) A prepaid wireless service supplier shall:

369 (1) ~~Charge and collect~~ Remit to the authority a fee in the amount of 3 percent of the
370 wholesale price divided by .7 of each block of prepaid wireless service purchased by each
371 telephone subscriber, whether such service is included with the initial purchase of a
372 wireless telephone or other device or is recorded on a wireless telephone or other device
373 by the purchase of a calling card, through an Internet transaction, by means of a wireless
374 communication directly to the telephone subscriber's wireless telephone or other device,
375 or by any other means;

376 (2) ~~Charge and collect~~ Remit to the authority a fee in the amount of 3 percent of the
377 suggested retail price of each block of prepaid wireless service purchased by each
378 telephone subscriber, whether such service is included with the initial purchase of a

379 wireless telephone or other device or is recorded on a wireless telephone or other device
 380 by the purchase of a calling card, through an Internet transaction, by means of a wireless
 381 communication directly to the telephone subscriber's wireless telephone or other device,
 382 or by any other means;

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

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

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

394 (c) A prepaid wireless service supplier shall indicate the method it elects to use pursuant
 395 to subsection (b) of this Code section on reports filed with the ~~department~~ authority and on
 396 receipts issued to the wholesale purchaser. The prepaid wireless service supplier shall
 397 include on the reports filed with the authority the amounts collected according to enhanced
 398 ZIP Codes and any other information required by the authority.

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

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

414 ~~(f)(1) There is created the Emergency 9-1-1 Assistance Fund to be administered by the~~
 415 ~~department. It is the intention of the General Assembly, subject to the appropriation~~

416 process, that an amount equal to the amount deposited into the general fund of the state
 417 treasury as provided in subsection (d) of this Code section be appropriated each year to
 418 the fund; provided, however, that any such funds unused at the end of each fiscal year
 419 shall lapse back into the state treasury as required by Article III, Section IX, Paragraph
 420 IV of the Constitution:

421 ~~(2)(A) Any governmental entity which operates, is in the process of implementing, or~~
 422 ~~is developing a plan for the implementation of a local, regional, or state-wide~~
 423 ~~emergency system may apply to the department for and receive an assistance grant from~~
 424 ~~the Emergency 9-1-1 Assistance Fund for the purchase or upgrade of equipment.~~

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

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

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

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

436 ~~(h) The department shall be authorized to use a portion of the funds collected pursuant to~~
 437 ~~this Code section to provide for the direct and indirect costs associated with the~~
 438 ~~administration of this Code section."~~

439 **SECTION 5.**

440 This Act shall become effective on January 1, 2011.

441 **SECTION 6.**

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