

The Senate Veterans, Military and Homeland Security Committee offered the following substitute to SB 144:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia
2 Annotated, relating to the emergency telephone number "9-1-1" system, so as to create the
3 Georgia Emergency 9-1-1 Support Authority as a body corporate and politic, an
4 instrumentality of the state, and a public corporation; to require the authority to establish an
5 Emergency Information Program for emergency first responders; to provide for the purposes
6 of the authority, which purposes shall include, but not be limited to, ensuring that effective
7 9-1-1 service is provided to all Georgians in all areas of this state, helping to provide
8 meaningful 9-1-1 service to the most needy persons in Georgia including the elderly,
9 disabled, and poor, assisting the implementation of updated technological resources and
10 enhanced 9-1-1 services throughout the State of Georgia, facilitating the adoption of
11 information services for the provision of lifesaving information to first responders, auditing
12 the payment of certain 9-1-1 fees by prepaid wireless telephone service providers to increase
13 compliance in collection of revenues and provide fairness to those service providers already
14 paying such fees, supporting the public interest in providing cost-efficient collection of
15 revenues, and disbursing funds to local governments for the operation and improvement of
16 emergency telephone 9-1-1 services; to provide for duties of the authority; to make available
17 on a state-wide basis services and resources to local governments for improvement in
18 emergency 9-1-1 systems; to attach the Emergency 9-1-1 Support Authority to the Office of
19 Planning and Budget for administrative purposes; to provide for tax exempt status of the
20 authority; to provide that moneys received by the authority shall be held in trust; to amend
21 Code Section 38-3-20, relating to the creation of the Georgia Emergency Management
22 Agency, director, and director's duties, so as to conform cross-references; to provide for
23 related matters; to provide for an effective date; to repeal conflicting laws; and for other
24 purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to the emergency telephone number "9-1-1" system, is amended by revising paragraphs (2) through (3) of Code Section 46-5-122, relating to definitions for emergency telephone number 9-1-1 system provisions, as follows:

~~"(2) 'Authority' means the Georgia Emergency 9-1-1 Support Authority. 'Agency' means the Georgia Emergency Management Agency established pursuant to Code Section 38-3-20 unless the context clearly requires otherwise.~~

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

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

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

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

SECTION 2.

Said part is further amended by repealing Code Section 46-5-123, relating to the creation of the "9-1-1" Advisory Committee, selection of members, and filling vacancies, and enacting a new Code Section 46-5-123 to read as follows:

"46-5-123.

(a)(1) There is established the Georgia Emergency 9-1-1 Support Authority as a body corporate and politic, an instrumentality of the state, and a public corporation; and by that name, the authority may contract and be contracted with and bring and defend actions.

(2) The purpose of the authority shall be to establish a representative group able to:

(A) Assist in the adoption and implementation of updated technological resources and enhanced 9-1-1 system services throughout the State of Georgia;

(B) Facilitate the availability and implementation of data collection programs for the voluntary provision of lifesaving information to first responders;

(C) Disburse funds to local governments for the operation and improvement of emergency telephone 9-1-1 system services;

(D) Audit the payment of 9-1-1 fees by telephone service providers including prepaid wireless 9-1-1 service providers for the benefit of local governments;

(E) For the benefit of local governments in Georgia, administer, collect, audit, and remit prepaid wireless 9-1-1 revenues that have been levied by local governments pursuant to Code Section 46-5-134.2;

(F) Assist in the development and support of regional 9-1-1 system service providers throughout this state, including establishing an Emergency Information Program; and

- 62 (G) Develop, acquire, and distribute services, supplies, and materials, including
63 lifesaving equipment and training, for local emergency 9-1-1 system service providers.
- 64 (b) All information provided to the authority or any emergency 9-1-1 system service
65 provider shall be done on a voluntary basis. The authority shall not be authorized to
66 mandate the provision of any documents, information, or collection of data from any source
67 or entity.
- 68 (c) Individual information collected for purposes of providing emergency medical
69 response by first responders shall not be subject to release pursuant to Article 4 of Chapter
70 18 of Title 50 or other law.
- 71 (d) The authority shall consist of 13 members as follows:
- 72 (1) One member who shall be the director of the Georgia Emergency Management
73 Agency and who shall serve as the chairperson of the authority;
- 74 (2) Six members who shall be a mayor, a chief of police, a fire chief, a county
75 commissioner, a sheriff, and an emergency medical services director and who shall be
76 appointed by the Governor; and
- 77 (3) Six members who are experienced in and currently involved in public safety, local
78 government, or management of emergency services, three of whom shall be appointed
79 by the President of the Senate, and three of whom shall be appointed by the Speaker of
80 the House of Representatives.
- 81 (e) Members shall serve for terms of two years beginning January 1, 2014, and until their
82 respective successors are appointed. Members may serve for consecutive terms. Each
83 member of the authority may be authorized by the authority to receive an expense
84 allowance and reimbursement from funds of the authority in the same manner as provided
85 for in Code Section 45-7-21.
- 86 (f) Seven members of the authority shall constitute a quorum, and the affirmative votes of
87 seven members of the authority shall be required for any action to be taken by the
88 authority. A simple majority vote of a quorum of members shall be a conclusive and
89 binding decision of the authority.
- 90 (g) The authority may, in its discretion, appoint an executive director as the administrative
91 head of the authority and shall set his or her salary. The executive director, with the
92 concurrence and approval of the authority, is authorized to hire officers, agents,
93 contractors, and employees, including legal and financial advisors; prescribe their duties,
94 responsibilities, and qualifications and set their salaries; and perform such other duties as
95 may be prescribed by the authority. Such officers, agents, and employees shall serve at the
96 pleasure of the executive director, subject to the approval of the authority.

97 (h) The authority may promulgate rules and regulations for its own governance and for
98 discharging its duties as may be permitted or required by law or applicable rules and
99 regulations.

100 (i) The Attorney General shall provide legal services for the authority in the same manner
101 provided for in Code Sections 45-15-13 through 45-15-16.

102 (j) The authority shall have the following powers:

103 (1) To have a seal and alter the same at its pleasure;

104 (2) To make and execute contracts, lease agreements, and all other instruments necessary
105 or convenient to exercise the duties of the authority or to further the public purpose for
106 which the authority is created;

107 (3) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or
108 personal property of every kind and character, or any interest therein, in furtherance of
109 the public purpose of the authority;

110 (4) To apply for and to accept any gifts or grants or loan guarantees or loans of funds or
111 property or financial or other aid in any form from the federal government or any agency
112 or instrumentality thereof, or from the state or any agency or instrumentality thereof, or
113 from any other source for any or all of the purposes specified in this Code section and to
114 comply, subject to the provisions of this Code section, with the terms and conditions
115 thereof;

116 (5) To contract with state agencies or any local government for the use by the authority
117 of any property, facilities, or services of the state or any such state agency or local
118 government or for the use by any state agency or local government of any facilities or
119 services of the authority; and such state agencies and local governments shall be
120 authorized to enter into such contracts;

121 (6) To fix and collect fees and charges for services furnished by it to any private
122 individual or private entity;

123 (7) To deposit or otherwise invest funds held by it in any state depository or in any
124 investment which is authorized for the investment of proceeds of state general obligation
125 bonds and to use for its corporate purposes or redeposit or reinvest interest earned on
126 such funds;

127 (8) To determine the recipients of assistance grants provided for under Code Section
128 46-5-134.2;

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

130 (10) To make changes necessary to accomplish more effective and efficient 9-1-1 service
131 across this state;

132 (11) To provide training to directors of public safety answering points or other personnel;

- 133 (12) To provide for the collection of moneys and to manage, control, and direct such
134 funds and the expenditures made therefrom;
- 135 (13) To establish and administer a 9-1-1 grant fund program for local governments and
136 regional 9-1-1 developments and cooperatives;
- 137 (14) To distribute funds at the discretion of the authority in such manner and subject to
138 such terms and limitations as the authority in its discretion shall determine will best
139 further the public purposes of the authority;
- 140 (15) To exercise any power granted by the laws of this state to public or private
141 corporations which is not in conflict with the public purpose of the authority; and
- 142 (16) To do all things necessary or convenient to carry out the powers conferred by this
143 Code section and to carry out such duties and activities as are specifically imposed upon
144 the authority by law.
- 145 (k) The creation of the authority and the carrying out of its corporate purposes are in all
146 respects for the benefit of the people of this state and are public purposes, and in no event
147 shall the authority assess a fee against a sheriff's office, state agency, or local government
148 of this state. The authority shall perform an essential government function in the exercise
149 of the powers conferred upon it by this Code section. The authority shall not be required
150 to pay taxes or assessments upon any property acquired or under its jurisdiction, control,
151 possession, or supervision.
- 152 (l) Any action against the authority shall be brought in the superior court of the county in
153 which its primary office is situated, and such court shall have exclusive, original
154 jurisdiction of such actions; provided, however, that actions seeking equitable relief may
155 be brought in the county of residence of any member of the authority.
- 156 (m) All moneys received by the authority pursuant to this Code section shall be deemed
157 to be trust funds to be held and applied solely as provided in this Code section.
- 158 (n) The authority is authorized to audit any telephone, wireless, or internet provider
159 offering communication services capable of connecting 9-1-1 service to ensure compliance
160 with the provisions of this part. The authority may audit or cause to be audited by the state
161 auditor, or other auditor, the financial and business records of any service supplier to the
162 extent necessary to ensure proper collection and remittances in accordance with this part.
163 Failure of the service supplier to comply with an audit request shall result in a civil penalty
164 of not more than \$1,000.00 per day for each day the service supplier refuses compliance.
165 Any service provider found to have willfully failed to provide for the payment of fees as
166 required in this part shall result in a civil penalty of not more than \$25,000.00. Such civil
167 penalty shall be in addition to the payment of fees due and owing. A provider found to be
168 in violation of any provision of this part shall have 30 days to appeal such decision to the
169 authority from the date notice of the penalty is served upon the violator by means of

170 certified mail. An aggrieved party having appealed to the authority shall have 30 days
 171 from service of the authority's opinion to appeal the decision in the Superior Court of
 172 Fulton County. The appeal shall be limited to the record before the authority and the
 173 decision of the authority shall be upheld, absence an abuse of direction by the authority,
 174 if there is any evidence to support the authority's decision. An appeal to superior court
 175 shall not stay the imposition of any penalty and interest shall accrue on any past due
 176 penalty at a rate of 7 percent per annum. Any fee not paid in a timely manner shall accrue
 177 interest at a rate of 15 percent per annum, compounded daily, until the date the fees are
 178 paid.

179 (o) The Department of Revenue shall be authorized and required to accept the remittance
 180 of any moneys owing to the authority and transfer the same to the authority within 30 days
 181 of receipt.

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

186 (q) The authority shall be assigned to the Office of Planning and Budget for administrative
 187 purposes only, as prescribed in Code Section 50-4-3."

188 **SECTION 3.**

189 Said part is further amended by revising Code Section 46-5-124, relating to guidelines for
 190 implementing a state-wide emergency 9-1-1 system and training and equipment standards,
 191 as follows:

192 "46-5-124.

193 (a) The agency authority shall develop guidelines for implementing, enhancing, and
 194 operating a state-wide emergency 9-1-1 system. The guidelines shall provide for:

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

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

203 (3) The coordination necessary between local governments planning or developing a
 204 9-1-1 system and other state agencies, the Public Service Commission, all affected utility
 205 and telephone companies, wireless service suppliers, and other agencies;

- 206 (4) The actions to establish emergency telephone service necessary to meet the
 207 requirements for each local government, including law enforcement, fire-fighting,
 208 medical, suicide prevention, rescue, or other emergency services; and
- 209 (5) The actions to be taken by a local government desiring to provide wireless enhanced
 210 9-1-1 service, including requirements contained in 47 Code of Federal Regulations
 211 Section 20.18.
- 212 (b) The agency authority shall be responsible for encouraging and promoting the planning,
 213 development, and implementation of local 9-1-1 system plans. The agency authority shall
 214 develop any necessary procedures to be followed by public agencies for implementing and
 215 coordinating such plans and shall mediate whenever disputes arise or agreements cannot
 216 be reached between the local political jurisdiction and other entities involving the 9-1-1
 217 system.
- 218 (c) Notwithstanding any other law to the contrary, no communications officer hired to the
 219 staff of a public safety answering point shall be required to complete his or her training
 220 pursuant to Code Section 35-8-23 prior to being hired or employed for such position.
- 221 (d) The agency authority shall maintain the registry of wireless service suppliers provided
 222 for in Code Section 46-5-124.1."

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SECTION 4.

224 Said part is further amended by revising Code Section 46-5-124.1, relating to service
 225 suppliers or Voice over Internet Protocol service suppliers registering certain information
 226 with the director, updating information, and notices of delinquency, as follows:

227 "46-5-124.1.

- 228 (a) Any service supplier or Voice over Internet Protocol service supplier doing business
 229 in Georgia shall register the following information with the director authority:
- 230 (1) The name, address, and telephone number of the representative of the service supplier
 231 or Voice over Internet Protocol service supplier to whom the resolution adopted pursuant
 232 to Code Section 46-5-133 or other notification of intent to provide automatic number
 233 identification or automatic location identification, or both, of a telephone service
 234 connection should be submitted;
- 235 (2) The name, address, and telephone number of the representative of the service supplier
 236 or Voice over Internet Protocol service supplier with whom a local government must
 237 coordinate to implement automatic number identification or automatic location
 238 identification, or both, of a telephone service connection;
- 239 (3) The counties in Georgia in which the service supplier or Voice over Internet Protocol
 240 service supplier is authorized to provide telephone service at the time the filing is made;
 241 and

- 242 (4) Every corporate name under which the service supplier or Voice over Internet
 243 Protocol service supplier is authorized to provide telephone service in Georgia.
- 244 (b) After the initial submission by each service supplier or Voice over Internet Protocol
 245 service supplier doing business in this state not later than January 10, 2014, the information
 246 required by subsection (a) of this Code section shall be updated and submitted to the
 247 director authority by the tenth day of January and the tenth day of July of each year or such
 248 other semiannual schedule as the director authority may establish.
- 249 (c) The director authority shall send a notice of delinquency to any service supplier or
 250 Voice over Internet Protocol service supplier which fails to comply with subsection (b) of
 251 this Code section. Such notice shall be sent by certified mail or statutory overnight
 252 delivery. Any service supplier or Voice over Internet Protocol service supplier that fails
 253 to register and provide the information required by this Code section within 30 days after
 254 receipt of a notice of delinquency shall not be eligible to receive cost recovery funds as
 255 provided in subsection (e) of Code Section 46-5-134 until the service supplier or Voice
 256 over Internet Protocol service supplier is in compliance with subsection (b) of this Code
 257 section."

258 SECTION 5.

259 Said part is amended further by adding a new Code section to read as follows:

260 "46-5-124.2.

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

262 (1) 'Computer aided dispatch' means a data base that provides for 9-1-1 potential caller
 263 information that includes information related to disabilities and special needs of potential
 264 callers.

265 (2) 'Disability' means a physical or mental impairment of a person that substantially
 266 limits one or more major life activities.

267 (3) 'Emergency Information Program' means a supplemental 9-1-1 and emergency
 268 management data base to be used in emergency scenarios.

269 (4) 'Public safety answering point' means a location responsible for answering 9-1-1
 270 telephone calls or other emergency telephone calls on behalf of emergency first
 271 responders.

272 (5) 'Special needs' means a condition that causes a person to have an increased risk for
 273 chronic physical, developmental, behavioral, or emotional requirements and thus more
 274 likely to require health related services in a manner unlike persons generally.

275 (b) The authority is authorized to establish and maintain a state-wide Emergency
 276 Information Program that shall include the provision of computer aided dispatch for
 277 emergency first responders. The authority is authorized to contract with private vendors

278 and private service providers for the establishment and initiation of such program. All
279 public safety answering points, law enforcement agencies, and emergency management
280 agencies shall be required to participate in the Emergency Information Program. The
281 authority shall promote awareness and use of the program by 9-1-1 potential callers
282 throughout this state.

283 (c) The Emergency Information Program is created as a hosted supplemental 9-1-1 and
284 emergency management data base and shall be required to be used by all public safety
285 answering points and emergency management agencies throughout the state. Such
286 supplemental data base shall allow for individuals to provide information to be used in
287 emergency scenarios and planning. The Emergency Information Program service shall:

288 (1) Collect a variety of formatted data relevant to 9-1-1, emergency management, and
289 other public safety agencies. Such information shall include, without limitation,
290 photographs of the individual, physical descriptions, medical conditions, allergies,
291 household data, primary language indicator, and emergency contacts;

292 (2) Allow for information to be entered by individuals via a secure website, where they
293 can elect to provide as little or as much information as they choose;

294 (3) Be compliant with all accessibility elements of Section 508 of the federal
295 Rehabilitation Act of 1973;

296 (4) Manage the currency of the data through an automated aging and reminder process,
297 occurring at least twice per year, requesting community members to keep their data
298 up-to-date;

299 (5) Automatically display data provided by individuals to 9-1-1 call-takers for all types
300 of phones, including landlines, mobile telephones, and Voice over Internet Protocol when
301 a call is placed to 9-1-1 from a registered and confirmed phone number;

302 (6) Support the delivery of community member information via a secure Internet
303 connection to all public safety answering points in the state;

304 (7) Work across all 9-1-1 call-taking equipment in Georgia and allow for the easy
305 transfer of information into computer aided dispatch or records management systems;

306 (8) Provide decision support to emergency management through the collection,
307 aggregation, and visualization of community provided information via a hosted,
308 web-based, geospatial interface;

309 (9) Allow Emergency Information Program data to be made available at a city, county,
310 state, or national level to help protect Georgia's community members wherever they are
311 with similar Emergency Information Program data bases already established within the
312 United States;

313 (10) Allow local communities the ability to tailor data collected based on their unique
314 regional requirements;

- 315 (11) Make data available to first responders; and
- 316 (12) Be designed to work in current or future Next Generation 9-1-1 systems.
- 317 (d) Public safety and emergency management agencies shall make reasonable efforts to
 318 publicize the Emergency Information Program. Means of publicizing the data base may
 319 include, but are not limited to, pamphlets, social media, neighborhood watch programs,
 320 community policing programs, television, municipal notification systems, and websites.
- 321 (e) When special needs information is made available with the 9-1-1 call, the
 322 telecommunicator shall, where appropriate, relay that information to responding personnel.
- 323 (f) The information gathered as part of the Emergency Information Program shall remain
 324 strictly confidential. The information shall be used only to provide assistance to 9-1-1
 325 telecommunicators, first responders, and emergency management personnel. No public
 326 safety worker shall knowingly violate the provisions of this Code section.
- 327 (g) Citizens electing to participate in the Emergency Information Program shall be advised
 328 that the provision of special needs information will not result in preferential treatment.
- 329 (h) Any person who knowingly and intentionally provides false or fraudulent information
 330 about any person, including himself or herself, or who knowingly and intentionally releases
 331 private medical, disability, or special needs information about any person, shall be guilty
 332 of a misdemeanor offense."

333 **SECTION 6.**

334 Said part is further amended by revising Code Section 46-5-126, relating to cooperation by
 335 commission and telephone industry, as follows:

336 "46-5-126.

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

340 **SECTION 7.**

341 Said part is further amended by revising Code Section 46-5-127, relating to approval of 9-1-1
 342 systems by the agency, as follows:

343 "46-5-127.

344 After January 1, 1978, no emergency 9-1-1 system shall be established, and no existing
 345 system shall be expanded to provide wireless enhanced 9-1-1 service, without written
 346 confirmation by the agency authority that the local plan conforms to the guidelines and
 347 procedures provided for in Code Section 46-5-124."

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SECTION 8.

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Said part is further amended by revising Code Section 46-5-128, relating to cooperation by public agencies, as follows:

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351

"46-5-128.

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

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SECTION 9.

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Said part is further amended by revising Code Section 46-5-129, relating to use of 9-1-1 emblem, as follows:

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"46-5-129.

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

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SECTION 10.

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Said part is further amended by revising Code Section 46-5-130, relating to federal assistance, as follows:

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"46-5-130.

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The agency authority is authorized to apply for and accept federal funding assistance in the development and implementation of a state-wide emergency 9-1-1 system."

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SECTION 11.

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Said part is further amended by revising Code Section 46-5-134.2, relating to prepaid wireless 9-1-1 charge, definitions, imposition of fee by localities, collection and remission of charges, and distribution of funds, as follows:

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372

"46-5-134.2.

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

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(1) ~~'Commissioner' means the state revenue commissioner~~ 'Authority' means the Georgia Emergency 9-1-1 Support Authority.

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376

(2) 'Consumer' means a person who purchases prepaid wireless service in a retail transaction.

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378

(3) 'Department' means the Department of Revenue.

379

(4) 'Prepaid wireless 9-1-1 charge' means the charge that is required to be collected by a seller from a consumer in the amount established under subsection (b) of this Code section.

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381

382 (5) ~~Reserved.~~

383 (6)(5) 'Provider' means a person that provides prepaid wireless service pursuant to a
384 license issued by the Federal Communications Commission.

385 (7)(6) 'Retail transaction' means the purchase of prepaid wireless service from a seller
386 for any purpose other than resale.

387 (8)(7) 'Seller' means a person who sells prepaid wireless service to another person.

388 (9)(8) 'Wireless telecommunications service' means commercial mobile radio service as
389 defined by 47 C.F.R. Section 20.3, as amended.

390 (b)(1) Counties and municipalities that operate a 9-1-1 public safety answering point,
391 including counties and municipalities that operate multijurisdictional or regional 9-1-1
392 systems or have created a joint authority pursuant to Code Section 46-5-138, are
393 authorized to impose by ordinance or resolution a prepaid wireless 9-1-1 charge in the
394 amount of 75¢ per retail transaction. Imposition of the charge authorized by this Code
395 section by a county or municipality shall be contingent upon compliance with the
396 requirements of paragraph (1) of subsection (j) of this Code section.

397 (2) Where a county or municipality that operates a 9-1-1 public safety answering point
398 fails to comply with the requirements of paragraph (1) of subsection (j) of this Code
399 section by December 31, 2011, on and after that date, the prepaid wireless 9-1-1 charge
400 authorized by paragraph (1) of this subsection shall be imposed within the jurisdiction of
401 such counties and municipalities as a state fee ~~for state purposes~~. The state fee shall be
402 remitted to the department and the department shall transfer the collected fees to the
403 authority. Pursuant to Code Section 45-12-92.1 such fees shall be retained by the
404 authority for the purpose of defraying the costs of administering programs on behalf of
405 9-1-1 emergency services for local governments.

406 (c) Where a county or municipality imposes a prepaid wireless 9-1-1 charge as authorized
407 by paragraph (1) of subsection (b) of this Code section, or the prepaid wireless 9-1-1
408 charge is imposed by the State of Georgia by paragraph (2) of subsection (b) of this Code
409 section, the prepaid wireless 9-1-1 charge shall be collected by the seller from the
410 consumer with respect to each retail transaction occurring in this state. The amount of the
411 prepaid wireless 9-1-1 charge shall be either separately stated on an invoice, receipt, or
412 other similar document that is provided to the consumer by the seller or otherwise disclosed
413 to the consumer.

414 (d) For the purposes of subsection (c) of this Code section, a retail transaction that is
415 effected in person by a consumer at a business location of the seller shall be treated as
416 occurring in this state if that business location is in this state, and any other retail
417 transaction shall be treated as occurring in this state if the retail transaction is treated as

418 occurring in this state for purposes of a prepaid wireless calling service as provided in
419 paragraph (3) of subsection (e) of Code Section 48-8-77.

420 (e) The prepaid wireless 9-1-1 charge shall be the liability of the consumer and not of the
421 seller or of any provider, except that the seller shall be liable to remit all prepaid wireless
422 9-1-1 charges that the seller collects from consumers as provided in this Code section,
423 including all such charges that the seller is deemed to collect where the amount of the
424 charge has not been separately stated on an invoice, receipt, or other similar document
425 provided to the consumer by the seller.

426 (f) The amount of the prepaid wireless 9-1-1 charge that is collected by a seller from a
427 consumer, if such amount is separately stated on an invoice, receipt, or other similar
428 document provided to the consumer by the seller, shall not be included in the base for
429 measuring any tax, fee, surcharge, or other charge that is imposed by this state, any
430 political subdivision of this state, or any intergovernmental agency.

431 (g)(1) If a minimal amount of prepaid wireless service is sold with a prepaid wireless
432 device for a single, nonitemized price, then the seller may elect not to apply the amount
433 specified in subsection (b) of this Code section to such transaction.

434 (2) If a minimal amount of prepaid wireless service is separately priced and sold as part
435 of a single retail transaction that does not contain a prepaid wireless device or another
436 prepaid wireless service, then the seller may elect not to apply the amount specified in
437 subsection (b) of this Code section to such transaction.

438 (3) For purposes of this subsection, the term 'minimal' means an amount of service
439 denominated as ten minutes or less or \$5.00 or less.

440 (h) Prepaid wireless 9-1-1 charges collected by sellers shall be remitted to the
441 ~~commissioner~~ department and the department shall then transfer the funds collected to the
442 authority at the times and in the manner provided by Chapter 8 of Title 48 with respect to
443 the sales and use tax imposed on prepaid wireless calling service. The ~~commissioner~~
444 department working in cooperation with the authority shall establish registration and
445 payment procedures that substantially coincide with the registration and payment
446 procedures that apply to the sale of prepaid wireless calling service under Chapter 8 of Title
447 48. Audit and appeal procedures applicable under Chapter 8 of Title 48 shall apply to the
448 prepaid wireless 9-1-1 charge. The ~~commissioner~~ department shall establish procedures
449 by which a seller of prepaid wireless service may document that a sale is not a retail
450 transaction, which procedures shall substantially coincide with the procedures for
451 documenting sale for resale transactions under Chapter 8 of Title 48. Nothing in this Code
452 section shall authorize the ~~commissioner~~ department or the authority to require that sellers
453 of prepaid wireless services identify, report, or specify the jurisdiction within which the

454 retail sale of such services occurred. The department shall make all records related to the
 455 collection of fees pursuant to this Code section available to the authority.

456 (i) A seller shall be permitted to deduct and retain 3 percent of prepaid wireless 9-1-1
 457 charges that are collected by the seller from consumers.

458 (j) Prepaid wireless 9-1-1 charges remitted to the ~~commissioner~~ authority as provided in
 459 this Code section shall be distributed ~~to counties, municipalities, and the State of Georgia~~
 460 as follows:

461 (1) On or before December 31 of the year prior to the first year that the prepaid wireless
 462 9-1-1 charge is imposed, each county and municipal corporation levying the prepaid
 463 wireless 9-1-1 charge, including counties and municipalities levying the prepaid wireless
 464 9-1-1 charge that operate multijurisdictional or regional 9-1-1 systems or have created a
 465 joint authority pursuant to Code Section 46-5-138, shall file with the ~~commissioner~~
 466 department and the authority a certified copy of the pertinent parts of all ordinances and
 467 resolutions and amendments thereto which levy the prepaid wireless 9-1-1 charge
 468 authorized by this Code section. The ordinance or resolution specified herein shall
 469 ~~specify an effective date of January 1, 2012, and~~ impose a prepaid wireless 9-1-1 charge
 470 in the amount specified in paragraph (1) of subsection (b) of this Code section. The filing
 471 required by this paragraph shall be a condition of the collection of the prepaid wireless
 472 9-1-1 charge within any county or municipality;

473 (2)(A) Each county or municipality operating a public safety answering point that has
 474 levied the prepaid wireless 9-1-1 charge authorized by this Code section and complied
 475 with the filing requirement of paragraph (1) of this subsection shall receive an amount
 476 calculated by multiplying the total amount remitted to the ~~commissioner~~ department
 477 during the 12 month period ending on June 30 times a fraction, the numerator of which
 478 is the population of the jurisdiction or jurisdictions operating the public safety
 479 answering point and the denominator of which is the total population of this state. An
 480 amount calculated by multiplying the total amount remitted to the ~~commissioner~~
 481 department during the 12 month period ending on June 30 times a fraction, the
 482 numerator of which is the total population of any jurisdiction or jurisdictions operating
 483 public safety answering points that have not complied with the filing requirement of
 484 paragraph (1) of this subsection and the denominator of which is the total population
 485 of this state, shall be deposited as provided in paragraph (5) of this subsection.

486 ~~(B) Notwithstanding the provisions of subparagraph (A) of this paragraph, the initial~~
 487 ~~distribution shall be calculated using the total amount remitted to the commissioner~~
 488 ~~during the six-month period beginning January 1, 2012, and ending June 30, 2012.~~

489 ~~(C)~~(B) For the purposes of this paragraph, population shall be measured by the United
 490 States decennial census of 2010 or any future such census plus any corrections or

491 revisions contained in official statements by the United States Bureau of the Census
 492 made prior to the first day of September immediately preceding the distribution of the
 493 proceeds of such charges by the ~~commissioner~~ authority and any official census data
 494 received by the ~~commissioner~~ authority from the United States Bureau of the Census
 495 or its successor agency pertaining to any newly incorporated municipality. Such
 496 corrections, revisions, or additional data shall be certified to the ~~commissioner~~ authority
 497 by the Office of Planning and Budget on or before August 31 of each year;

498 (3) Funds shall be distributed annually on or before October 15 of each year. Such
 499 distribution shall include any delinquent charges actually collected by the ~~commissioner~~
 500 department and provided to the authority for a previous fiscal year which have not been
 501 previously distributed; provided, however, that any county or municipality may
 502 voluntarily elect to relinquish any part or all of such total amount to the authority for
 503 purposes of receiving a benefit or service provided by the authority;

504 (4) Prior to calculating the distributions to county and municipal governments as
 505 provided in this subsection, the ~~commissioner~~ authority shall subtract an amount, not to
 506 exceed ~~2~~ 3 percent of remitted charges, to defray the cost of administering and
 507 distributing funds from the prepaid wireless 9-1-1 charge. ~~Such amount shall be paid into~~
 508 ~~the general fund of the state treasury~~ Prior to calculating the distributions, the department
 509 shall subtract an amount not to exceed 1 percent of the remitted charges to defray the cost
 510 of collecting such funds. Pursuant to Code Section 45-12-92.1 such subtracted amounts
 511 shall be retained by the authority for the purpose of defraying the costs of administering
 512 programs on behalf of 9-1-1 emergency services for local governments;

513 (5) Funds distributed to a county or municipality pursuant to this Code section shall be
 514 deposited and accounted for in a separate restricted revenue fund known as the
 515 Emergency Telephone System Fund, maintained by the local government pursuant to
 516 paragraph (2) of subsection (d) of Code Section 46-5-134. ~~The commissioner shall~~
 517 ~~deposit all funds received pursuant to paragraph (2) of subsection (b) of this Code~~
 518 ~~section, other than the funds received pursuant to paragraph (4) of this subsection, into~~
 519 ~~the general fund of the state treasury in compliance with Article 4 of Chapter 12 of Title~~
 520 ~~45, the 'Budget Act.'~~ It is the intention of the General Assembly, subject to the
 521 appropriation process, that an amount equal to the amount deposited into the general fund
 522 of the state treasury as provided in this paragraph be appropriated each year to a program
 523 of state grants to counties and municipalities administered by the department for the
 524 purpose of supporting the operations of public safety answering points in the
 525 improvement of 9-1-1 service delivery. The department shall promulgate rules and
 526 regulations for the administration of the 9-1-1 grant program A separate fund shall be

527 maintained by the authority for fees remitted to the authority for administrative purposes;
 528 and
 529 (6) Notwithstanding a county's or municipality's failure to comply with the filing
 530 requirement of paragraph (1) of this subsection prior to January 1, 2012, a county or
 531 municipality that subsequently meets such filing requirements prior to January 1 of any
 532 subsequent year shall become eligible to participate in the next succeeding distribution
 533 of proceeds pursuant to subparagraph (A) of paragraph (2) of this subsection.
 534 (k)(1) No provider or seller of prepaid wireless service shall be liable for damages to any
 535 person resulting from or incurred in connection with the provision of, or failure to
 536 provide, 9-1-1 or enhanced 9-1-1 service, or for identifying, or failing to identify, the
 537 telephone number, address, location, or name associated with any person or device that
 538 is accessing or attempting to access 9-1-1 or enhanced 9-1-1 service.
 539 (2) No provider or seller of prepaid wireless service shall be liable for damages to any
 540 person resulting from or incurred in connection with the provision of any lawful
 541 assistance to any investigative or law enforcement officer of the United States, this or any
 542 other state, or any political subdivision of this or any other state in connection with any
 543 lawful investigation or other law enforcement activity by such law enforcement officer.
 544 (3) In addition to the liability provisions of paragraphs (1) and (2) of this subsection, the
 545 provisions of Code Section 46-5-135 shall apply to sellers and providers of prepaid
 546 wireless service.
 547 (l) The prepaid wireless 9-1-1 charge authorized by this Code section shall be the only
 548 9-1-1 funding obligation imposed with respect to prepaid wireless service in this state, and
 549 no tax, fee, surcharge, or other charge shall be imposed by this state, any political
 550 subdivision of this state, or any intergovernmental agency for 9-1-1 funding purposes upon
 551 any provider, seller, or consumer with respect to the sale, purchase, use, or provision of
 552 prepaid wireless service."

553 **SECTION 12.**

554 Code Section 38-3-20 of the Official Code of Georgia Annotated, relating to the creation of
 555 the Georgia Emergency Management Agency, director, and director's duties, is amended by
 556 revising subsections (c) and (e) as follows:

557 "(c) The director may employ such professional, technical, clerical, stenographic, and other
 558 personnel, may fix their compensation, and may make such expenditures within the
 559 appropriation therefor, or from other funds made available for purposes of emergency
 560 management, as may be necessary to carry out the purposes of Article 1, this article, and
 561 Article 3 of this chapter, ~~the duties of the agency and the director described in Part 4 of~~

562 ~~Article 2 of Chapter 5 of Title 46, the 'Georgia Emergency Telephone Number 9-1-1~~
563 ~~Service Act of 1977,' as amended."~~

564 "(e) The director, subject to the direction and control of the Governor, shall be the
565 executive head of the Georgia Emergency Management Agency and shall be responsible
566 to the Governor for carrying out the program for emergency management in this state. He
567 or she shall coordinate the activities of all organizations for emergency management within
568 the state, shall maintain liaison with and cooperate with emergency management agencies
569 and organizations of other states and of the federal government, and shall have such
570 additional authority, duties, and responsibilities authorized by Article 1, this article, and
571 Article 3 of this chapter as may be prescribed by the Governor ~~and such additional~~
572 ~~authority, duties, and responsibilities as described in Part 4 of Article 2 of Chapter 5 of~~
573 ~~Title 46, the 'Georgia Emergency Telephone Number 9-1-1 Service Act of 1977,' as~~
574 ~~amended."~~

575 **SECTION 13.**

576 This Act shall become effective on January 1, 2014.

577 **SECTION 14.**

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