By: Representative Parsons of the 44th

A BILL TO BE ENTITLED AN ACT

To amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia 1 2 Annotated, relating to emergency telephone number 9-1-1 system, so as to revise a definition; to provide for the manner of billing of certain fees; to provide for the 3 centralization of collection of 9-1-1 fees; to provide for a single, state-wide 9-1-1 fee that is 4 5 applicable to all telephone services and prepaid wireless services throughout the state; to 6 increase the fee for prepaid wireless; to revise the manner of calculating the distribution of 9-1-1 revenues; to provide for related matters; to provide for an effective date; to repeal 7 conflicting laws; and for other purposes. 8

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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11	Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,
12	relating to emergency telephone number 9-1-1 system, is amended in Code Section 46-5-122,
13	relating to definitions, by revising paragraph (16.1) as follows:
14	"(16.1) 'Telephone service' means any method by which a 9-1-1 emergency call is
15	delivered to a public safety answering point. The term 'telephone service' shall include
16	local exchange telephone service or other telephone communication service, wireless
17	service, prepaid wireless service, mobile telecommunications service, computer service,
18	Voice over Internet Protocol service, or any technology that delivers or is required by law
19	to deliver a call to a public safety answering point a service that:
20	(A) Is capable of contacting and has been enabled to contact a public safety answering
21	point via a 9-1-1 system by entering or dialing the digits 9-1-1;
22	(B) Is a telecommunications service as such term is defined by Code Section 48-8-2;
23	and
24	(C) Is neither a prepaid calling service nor a prepaid wireless calling service as such

25 terms are defined in Code Section 48-8-2."

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SECTION 2.

Said part is further amended by revising Code Section 46-5-134, relating to billing of
subscribers, liability of subscriber for service charge, taxes on service, establishment of
Emergency Telephone System Fund, records, and use of funds, as follows:

30 ″46-5-134.

31 (a)(1)(A) The telephone subscriber of any telephone service may be billed for the 32 monthly 9-1-1 charge, if any, imposed with respect to such telephone service by the service supplier. Such 9-1-1 state-wide charge may not exceed shall be \$1.50 per 33 34 month per telephone service provided to the telephone subscriber. In the event that any 35 telephone service supplier, due to its normal billing practices, is unable to charge differing amounts set by each local government as the 9-1-1 charge, such telephone 36 37 service supplier shall collect on behalf of local governments that have authorized a 38 9-1-1 charge \$1.50 per month per telephone service provided to the telephone 39 subscribers to whom it provides telephone service in every area served by the 40 emergency 9-1-1 system.

(B) All telephone services billed to federal, state, or local governments shall be exempt 41 42 from the 9-1-1 charge. Each service supplier shall, on behalf of the local government, 43 collect the 9-1-1 charge from those telephone subscribers to whom it provides 44 telephone service in the area served by the emergency 9-1-1 system. As part of its 45 normal billing process, the service supplier shall collect the 9-1-1 charge for each 46 month a telephone service is in service, and it shall list the 9-1-1 charge as a separate 47 entry on each bill. If a service supplier receives a partial payment for a bill from a 48 telephone subscriber, the service supplier shall apply the payment against the amount the telephone subscriber owes the service supplier first. 49

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

(D) After July 1, 2016, each telephone service provider shall bill the fee to a subscriber
 of an exchange access facility on a basis of 12 service-identified access lines for each
 digital transmission link, including primary rate interface service or equivalent
 Digital-Signal-1-level service, which can be channelized and split into 23 or 24
 voice-grade or data-grade channels for communications.

57 (2)(A) If the governing authority of a local government operates or contracts for the 58 operation of an emergency 9-1-1 system which is capable of providing or provides 59 automatic number identification of a wireless telecommunications connection and the 60 location of the base station or cell site which receives a 9-1-1 call from a wireless 61 telecommunications connection, the subscriber of a wireless telecommunications 62 connection whose billing address is within the geographic area that is served by the

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local government or that would be served by the local government for the purpose of
such an emergency 9-1-1 system may be billed for the monthly wireless enhanced 9-1-1
charge, if any, imposed with respect to that connection by the wireless service supplier.
Such wireless enhanced 9-1-1 charge may not exceed the amount of the monthly 9-1-1
charge imposed upon other telephone subscribers pursuant to paragraph (1) of this
subsection nor exceed \$1.00 per month per wireless telecommunications connection
provided to the telephone subscriber.

70 (B) If the governing authority of a local government operates or contracts for the operation of an emergency 9-1-1 system which is capable of providing or provides 71 72 automatic number identification and automatic location identification of a wireless 73 telecommunications connection, the subscriber of a wireless telecommunications 74 connection whose place of primary use is within the geographic area that is served by 75 the local government or that would be served by the local government for the purpose 76 of such an emergency 9-1-1 system may be billed for the monthly wireless enhanced 9-1-1 charge, if any, imposed with respect to that connection by the wireless service 77 78 supplier. Such wireless enhanced 9-1-1 charge may not exceed the amount of the 79 monthly 9-1-1 charge imposed upon other telephone subscribers pursuant to 80 paragraph (1) of this subsection and shall be imposed on a monthly basis for each 81 wireless telecommunications connection provided to the telephone subscriber.

82 (C) All wireless telecommunications connections billed to federal, state, or local 83 governments shall be exempt from the wireless enhanced 9-1-1 charge. Each wireless 84 service supplier shall, on behalf of the local government, collect the wireless enhanced 9-1-1 charge from those telephone subscribers whose place of primary use is within the 85 geographic area that is served by the local government or that would be served by the 86 87 local government for the purpose of such an emergency 9-1-1 system. As part of its normal billing process, the wireless service supplier shall collect the wireless enhanced 88 89 9-1-1 charge for each month a wireless telecommunications connection is in service, 90 and it shall list the wireless enhanced 9-1-1 charge as a separate entry on each bill. If 91 a wireless service supplier receives partial payment for a bill from a telephone 92 subscriber, the wireless service supplier shall apply the payment against the amount the 93 telephone subscriber owes the wireless service supplier first.

- 94 (D) Notwithstanding the foregoing, the application of any 9-1-1 service charge with
 95 respect to a mobile telecommunications service, as defined in 4 U.S.C. Section 124(7),
 96 shall be governed by the provisions of Code Section 48-8-6.
- 97 (E) This paragraph shall not apply to prepaid wireless service or the telephone98 subscribers or service suppliers of such service.

99 (b) Every telephone subscriber in the area served by the emergency 9-1-1 system shall be 100 liable for the 9-1-1 charges and the wireless enhanced 9-1-1 charges imposed under this 101 Code section until it has been paid to the service supplier. A service supplier shall have no obligation to take any legal action to enforce the collection of the 9-1-1 charge or wireless 102 enhanced 9-1-1 charge. The service supplier shall provide the governing authority within 103 60 days with the name and address of each subscriber who has refused to pay the 9-1-1 104 charge or wireless enhanced 9-1-1 charge after such 9-1-1 charge or wireless enhanced 105 106 9-1-1 charge has become due. A collection action may be initiated by the local government 107 that imposed the charges, and reasonable costs and attorneys' fees associated with that 108 collection action may be awarded to the local government collecting the 9-1-1 charge or

109 wireless enhanced 9-1-1 charge.

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

- 117 (d)(1) Each service supplier that collects 9-1-1 charges or wireless enhanced 9-1-1 118 charges on behalf of the local government state revenue commissioner is entitled to retain 119 as an administrative fee an amount equal to 3 percent of the gross 9-1-1 or wireless 120 enhanced 9-1-1 charge receipts to be remitted to the local government state revenue 121 commissioner; provided, however, that such amount shall not exceed 3¢ for every dollar so remitted. The remaining amount shall be due quarterly to the local government state 122 123 revenue commissioner and shall be remitted to it the Department of Revenue no later than 124 60 days after the close of a calendar quarter.
- (2) The 9-1-1 charges and the wireless enhanced 9-1-1 charges collected by the service
 supplier shall be deposited and accounted for in a separate restricted revenue fund known
 as the Emergency Telephone System Fund maintained by the local government state
 revenue commissioner. The local government state revenue commissioner may invest
 the money in the fund in the same manner that other moneys of the local government may
 be invested and any income earned from such investment shall be deposited into the
 Emergency Telephone System Fund.
- (3) On or before July 1, 2005 2015, any funds that may have been deposited in a separate
 restricted wireless reserve account required by this Code section prior to such date shall
 be transferred to the Emergency Telephone System Fund required by paragraph (2) of
 this subsection.

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- (4) The local government Only the state revenue commissioner may on an annual basis,
 and at its expense, audit or cause to be audited the books and records of service suppliers
 with respect to the collection and remittance of 9-1-1 charges.
- 139 (5) Such monthly 9-1-1 charges and wireless enhanced 9-1-1 charges may be reduced at any time by the governing authority by resolution; provided, however, that said 140 141 governing authority shall be required to reduce such monthly 9-1-1 charge or wireless 142 enhanced 9-1-1 charge at any time the projected revenues from 9-1-1 charges or wireless enhanced 9-1-1 charges will cause the unexpended revenues in the Emergency Telephone 143 144 System Fund at the end of the fiscal year to exceed by one and one-half times the 145 unexpended revenues in such fund at the end of the immediately preceding fiscal year or at any time the unexpended revenues in such fund at the end of the fiscal year exceed by 146 147 one and one-half times the unexpended revenues in such fund at the end of the 148 immediately preceding fiscal year. Such reduction in the 9-1-1 charge or wireless 149 enhanced 9-1-1 charge shall be in an amount which will avert the accumulation of revenues in such fund at the end of the fiscal year which will exceed by one and one-half 150 151 times the amount of revenues in the fund at the end of the immediately preceding fiscal 152 year.
- 153 (5)(A) 9-1-1 charges collected by service suppliers shall be remitted to the state 154 revenue commissioner at the times and in the manner provided by Chapter 8 of Title 48. The state revenue commissioner shall establish registration and payment 155 156 procedures that substantially coincide with the registration and payment procedures that 157 apply to the sale of prepaid wireless calling service under Chapter 8 of Title 48. Audit and appeal procedures applicable under Chapter 8 of Title 48 shall apply to the 158 administration and enforcement of the 9-1-1 charge. The Taxpayer Bill of Rights under 159 160 Chapter 1 of this title shall apply as if the service supplier is the taxpayer. (B) 9-1-1 charges remitted to the state revenue commissioner as provided in this Code 161
- 162 <u>section shall be distributed to counties, municipalities, and the State of Georgia as</u>
 163 <u>follows:</u>
- 164 (i) On or before December 31 of the year prior to the first year that the 9-1-1 charge is imposed, each county and municipal corporation levying the 9-1-1 charge, 165 including counties and municipalities levying the 9-1-1 charge that operate 166 multijurisdictional or regional 9-1-1 systems or have created a joint authority pursuant 167 to Code Section 46-5-138, shall file with the state revenue commissioner a certified 168 copy of the pertinent parts of all ordinances and resolutions and amendments thereto 169 which levy the 9-1-1 charge authorized by this Code section. Such ordinance or 170 171 resolution shall specify an effective date of January 1, 2016, and impose a 9-1-1 172 charge in the amount specified in paragraph (1) of subsection (b) of this Code section.

173 The filing required by this paragraph shall be a condition of the collection of the 9-1-1 174 charge within any county or municipality; 175 (ii)(I) Each county or municipality operating a public safety answering point that 176 has levied the 9-1-1 charge authorized by this Code section and complied with the filing requirement of division (i) of this subparagraph shall receive an amount 177 178 calculated by multiplying the total amount remitted to the state revenue 179 commissioner during the 12 month period ending on June 30 times a fraction, the 180 numerator of which is the population of the jurisdiction or jurisdictions operating 181 the public safety answering point and the denominator of which is the total 182 population of this state. An amount calculated by multiplying the total amount remitted to the commissioner during the 12 month period ending on June 30 times 183 184 a fraction, the numerator of which is the total population of any jurisdiction or 185 jurisdictions operating public safety answering points that have not complied with 186 the filing requirement of division (i) of this subparagraph and the denominator of 187 which is the total population of this state, shall be deposited as provided in 188 paragraph (2) of this subsection. (II) Notwithstanding the provisions of subdivision (I) of this division, the initial 189 190 distribution shall be calculated using the total amount remitted to the commissioner 191 during the six-month period beginning January 1, 2016, and ending June 30, 2016. 192 (III) For the purposes of this division, population shall be measured by the United 193 States decennial census of 2010 or any future such census plus any corrections or 194 revisions contained in official statements by the United States Bureau of the Census 195 made prior to the first day of September immediately preceding the distribution of 196 the proceeds of such charges by the state revenue commissioner and any official 197 census data received by the state revenue commissioner from the United States 198 Bureau of the Census or its successor agency pertaining to any newly incorporated 199 municipality. Such corrections, revisions, or additional data shall be certified to the 200 commissioner by the Office of Planning and Budget on or before August 31 of each 201 <u>year.</u> 202 (C) Funds shall be distributed annually on or before October 15 of each year. Such 203 distribution shall include any delinquent charges actually collected by the state revenue 204 commissioner for a previous fiscal year which have not been previously distributed. 205 (D) Prior to calculating the distributions to county and municipal governments as provided in this subsection, the state revenue commissioner shall subtract an amount, 206 not to exceed 2 percent of remitted charges, to defray the cost of administering and 207 208 distributing funds from the telephone service state-wide 9-1-1 fee. Such amount shall 209 be paid into the general fund of the state treasury.

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210	(E) Funds distributed to a county or municipality pursuant to this Code section shall
210	be deposited and accounted for in a separate restricted revenue fund known as the
211	Emergency Telephone System Fund, maintained by the local government pursuant to
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213	paragraph (2) of subsection (d) of this Code section. The state revenue commissioner shall deposit all funds received pursuant to perpendent (2) of subsection (b) of this Code
	shall deposit all funds received pursuant to paragraph (2) of subsection (b) of this Code
215	section, other than the funds received pursuant to paragraph (4) of this subsection, into
216	the general fund of the state treasury in compliance with Article 4 of Chapter 12 of
217	Title 45, the 'Budget Act.' It is the intention of the General Assembly, subject to the
218	appropriation process, that an amount equal to the amount deposited into the general
219	fund of the state treasury as provided in this paragraph be appropriated each year to a
220	program of state grants to counties and municipalities administered by the Department
221	of Revenue for the purpose of supporting the operations of public safety answering
222	points in the improvement of 9-1-1 service delivery. The Department of Revenue shall
223	promulgate rules and regulations for the administration of the 9-1-1 grant program.
224	(F) Notwithstanding a county's or municipality's failure to comply with the filing
225	requirement of paragraph (1) of this subsection prior to January 1, 2016, a county or
226	municipality that subsequently meets such filing requirements prior to January 1 of any
227	subsequent year shall become eligible to participate in the next succeeding distribution
228	of proceeds pursuant to subdivision (I) of division (ii) of subparagraph (B) of this
229	paragraph.
230	(7)(A) No service supplier shall be liable for damages to any person resulting from or
231	incurred in connection with the provision of or failure to provide, 9-1-1 or enhanced
232	9-1-1 service, or for identifying or failing to identify, the telephone number, address,
233	location, or name associated with any person or device that is accessing or attempting
234	to access 9-1-1 or enhanced 9-1-1 service.
235	(B) No service supplier shall be liable for damages to any person resulting from or
236	incurred in connection with the provision of any lawful assistance to any investigative
237	or law enforcement officer of the United States, this or any other state, or any political
238	subdivision of this or any other state in connection with any lawful investigation or
239	other law enforcement activity by such law enforcement officer.
240	(C) In addition to the liability provisions of subparagraphs (A) and (B) of this
241	subsection, the provisions of Code Section 46-5-135 shall apply to service suppliers.
242	(e)(1) A wireless service supplier may recover its costs expended on the implementation
243	and provision of wireless enhanced 9-1-1 services to subscribers in an amount not to by
244	withholding the amounts set forth in this Code section before remitting the sums to the
245	Department of Revenue. The amounts to be recovered from subscribers shall not exceed
246	30¢ of each 9-1-1 charge collected from a place of primary use that is within the

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- 247 geographic area that is served by the local government or would be served by the local government for the purpose of such emergency 9-1-1 system; provided, however, that 248 249 such amount may be increased to 45¢ upon implementation of step two of the state plan 250 governing 9-1-1 enhanced communications as provided in subsection (g) of this Code section; provided, however, that from January 1, 2016, through December 31, 2016, this 251 252 amount shall be reduced to 35¢; from January 1, 2017, through December 31, 2017, this amount shall be reduced to 25¢; and on and after January 1, 2018, the amount shall be 253 <u> 15ϕ </u>. Such cost recovery amount shall be based on the actual cost incurred by the wireless 254
- 255 service supplier in providing wireless enhanced 9-1-1 services.
- (2) Any costs that a wireless supplier may incur to provide wireless enhanced 9-1-1
 services may be recovered through a separate line item or surcharge on subscribers' bills.
 (2)(3) A wireless service supplier shall not be authorized to recover any costs under
 paragraph (1) of this subsection with respect to any prepaid wireless services.
- (f)(1) In addition to cost recovery as provided in subsection (e) of this Code section,
 money from the Emergency Telephone System Fund shall be used only to pay for:
- (A) The lease, purchase, or maintenance of emergency telephone equipment, including
 necessary computer hardware, software, and data base provisioning; addressing; and
 nonrecurring costs of establishing a 9-1-1 system;
- (B) The rates associated with the service supplier's 9-1-1 service and other service
 supplier's recurring charges;
- 267 (C) The actual cost, according to generally accepted accounting principles, of salaries 268 and employee benefits incurred by the local government for employees hired by the 269 local government solely for the operation and maintenance of the emergency 9-1-1 system and employees who work as directors as that term is defined in Code Section 270 271 46-5-138.2, whether such employee benefits are purchased directly from a third-party 272 insurance carrier, funded by the local government's self-funding risk program, or funded by the local government's participation in a group self-insurance fund. As used 273 in this paragraph, the term 'employee benefits' means health benefits, disability benefits, 274 death benefits, accidental death and dismemberment benefits, pension benefits, 275 retirement benefits, workers' compensation, and such other benefits as the local 276 government may provide. Said Such term shall also include any post-employment 277 benefits the local government may provide; 278
- (D) The actual cost, according to generally accepted accounting principles, of training
 employees hired by the local government solely for the operation and maintenance of
 the emergency 9-1-1 system and employees who work as directors as that term is
 defined in Code Section 46-5-138.2;

- (E) Office supplies of the public safety answering points used directly in providing
 emergency 9-1-1 system services;
- (F) The cost of leasing or purchasing a building used as a public safety answering
 point. Moneys from the fund shall not be used for the construction or lease of an
 emergency 9-1-1 system building until the local government has completed its street
 addressing plan;
- (G) The lease, purchase, or maintenance of computer hardware and software used at
 a public safety answering point, including computer-assisted dispatch systems and
 automatic vehicle location systems;
- (H) Supplies directly related to providing emergency 9-1-1 system services, including
 the cost of printing emergency 9-1-1 system public education materials; and
- (I) The lease, purchase, or maintenance of logging recorders used at a public safetyanswering point to record telephone and radio traffic.
- (2)(A) In addition to cost recovery as provided in subsection (e) of this Code section,
 money from the Emergency Telephone System Fund may be used to pay for those
 purposes set forth in subparagraph (B) of this paragraph, if:
- 299
 - (i) The local government's 9-1-1 system provides enhanced 9-1-1 service;
- (ii) The revenues from the 9-1-1 charges or wireless enhanced 9-1-1 charges in the
 local government's Emergency Telephone System Fund at the end of any fiscal year
 shall be projected to exceed the cost of providing enhanced 9-1-1 services as
 authorized in subparagraphs (A) through (I) of paragraph (1) of this subsection and
 the cost of providing enhanced 9-1-1 services as authorized in subparagraphs (A)
 through (I) of paragraph (1) of this subsection includes a reserve amount equal to at
 least 10 percent of the previous year's expenditures; and
- 307 (iii) Funds for such purposes are distributed pursuant to an intergovernmental
 308 agreement between the local governments whose citizens are served by the
 309 emergency 9-1-1 system proportionately by population as determined by the most
 310 recent decennial census published by the United States Bureau of the Census at the
 311 time such agreement is entered into.
- (B) Pursuant to subparagraph (A) of this paragraph, the Emergency Telephone System
 Fund may be used to pay for:
- (i) The actual cost, according to generally accepted accounting principles, of
 insurance purchased by the local government to insure against the risks and liability
 in the operation and maintenance of the emergency 9-1-1 system on behalf of the
 local government or on behalf of employees hired by the local government solely for
 the operation and maintenance of the emergency 9-1-1 system and employees who
 work as directors as that term is defined in Code Section 46-5-138.2, whether such

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insurance is purchased directly from a third-party insurance carrier, funded by the
local government's self-funding risk program, or funded by the local government's
participation in a group self-insurance fund. As used in this division, the term 'cost
of insurance' shall include, but shall not be limited to, any insurance premiums, unit
fees, and broker fees paid for insurance obtained by the local government;

(ii) The lease, purchase, or maintenance of a mobile communications vehicle and
equipment, if the primary purpose and designation of such vehicle is to function as
a backup 9-1-1 system center;

(iii) The allocation of indirect costs associated with supporting the 9-1-1 system
center and operations as identified and outlined in an indirect cost allocation plan
approved by the local governing authority that is consistent with the costs allocated
within the local government to both governmental and business-type activities;

(iv) The lease, purchase, or maintenance of mobile public safety voice and data
equipment, geo-targeted text messaging alert systems, or towers necessary to carry
out the function of 9-1-1 system operations; and

(v) The lease, purchase, or maintenance of public safety voice and data
communications systems located in the 9-1-1 system facility that further the
legislative intent of providing the highest level of emergency response service on a
local, regional, and state-wide basis, including equipment and associated hardware
and software that support the use of public safety wireless voice and data
communication systems.

341 (g) All 9-1-1 systems and communication systems provided pursuant to this part shall
342 conform to the two-step state plan governing enhanced 9-1-1 service as follows:

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

348 (2) In step two, the governing authority of a local government shall operate or contract
349 for the operation of an emergency 9-1-1 system that provides or is capable of providing
350 automatic number identification and automatic location of a wireless telecommunications
351 connection.

(h) The local government may contract with a service supplier for any term negotiated by
the service supplier and the local government for an emergency 9-1-1 system and may
make payments from the Emergency Telephone System Fund to provide any payments
required by the contract, subject to the limitations provided by subsection (e) of this Code
section.

(i) The service supplier shall maintain records of the amount of the 9-1-1 charges and
wireless enhanced 9-1-1 charges collected for a period of at least three years from the date
of collection. The local government Department of Revenue may, at its expense, require
an annual audit of the service supplier's books and records with respect to the collection
and remittance of the 9-1-1 charges and wireless enhanced 9-1-1 charges.

(j) In order to provide additional funding for the local government for emergency 9-1-1
system purposes, the local government may receive federal, state, municipal, or private
funds which shall be expended for the purposes of this part.

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

368 (l) In the event the local government is a federal military base providing emergency
369 services to telephone subscribers residing on the base, a telephone service supplier is
370 authorized to apply the 9-1-1 charges collected to the bill for 9-1-1 service rather than remit
371 the funds to an Emergency Telephone System Fund.

- (m)(1) Any local government collecting or expending any 9-1-1 charges or wireless
 enhanced 9-1-1 charges in any fiscal year beginning on or after July 1, 2005, shall
 document the amount of funds collected and expended from such charges. Any local
 government collecting or expending 9-1-1 funds shall certify in its audit, as required
 under Code Section 36-81-7, that 9-1-1 funds were expended in compliance with the
 expenditure requirements of this Code section.
- 378 (2) Any local government which makes expenditures not in compliance with this Code 379 section may be held liable for pro rata reimbursement to telephone and wireless telecommunications subscribers of amounts improperly expended. Such liability may be 380 381 established in judicial proceedings by any aggrieved party. The noncompliant local 382 government shall be solely financially responsible for the reimbursement and for any costs associated with the reimbursement. Such reimbursement shall be accomplished by 383 the service suppliers abating the imposition of the 9-1-1 charges and wireless enhanced 384 385 9-1-1 charges until such abatement equals the total amount of the rebate."
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SECTION 3.

Said part is further amended in 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, by revising paragraph (1) of subsection (b) and subsection (j) as
follows:

391 "(b)(1) Counties and municipalities that operate a 9-1-1 public safety answering point,
 392 including counties and municipalities that operate multijurisdictional or regional 9-1-1

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393 systems or have created a joint authority pursuant to Code Section 46-5-138, are 394 authorized to impose by ordinance or resolution a prepaid wireless 9-1-1 charge in the 395 amount of 75ϕ <u>\$1.50</u> per retail transaction. Imposition of the charge authorized by this 396 Code section by a county or municipality shall be contingent upon compliance with the requirements of paragraph (1) of subsection (j) of this Code section." 397

- 398 (j) Prepaid wireless 9-1-1 charges remitted to the commissioner as provided in this Code section shall be distributed to counties, municipalities, and the State of Georgia as follows: 399 400 (1) On or before December 31 of the year prior to the first year that the prepaid wireless 401 9-1-1 charge is imposed, each county and municipal corporation levying the prepaid wireless 9-1-1 charge, including counties and municipalities levying the prepaid wireless 402 403 9-1-1 charge that operate multijurisdictional or regional 9-1-1 systems or have created a joint authority pursuant to Code Section 46-5-138, shall file with the commissioner a 404 certified copy of the pertinent parts of all ordinances and resolutions and amendments 405 406 thereto which levy the prepaid wireless 9-1-1 charge authorized by this Code section. The ordinance or resolution specified herein shall specify an effective date of January 1, 407 2012, and impose a prepaid wireless 9-1-1 charge in the amount specified in paragraph 408 409 (1) of subsection (b) of this Code section. The filing required by this paragraph shall be 410 a condition of the collection of the prepaid wireless 9-1-1 charge within any county or 411 municipality;
- 412 (2)(A) Each county or municipality operating a public safety answering point that has 413 levied the prepaid wireless 9-1-1 charge authorized by this Code section and complied 414 with the filing requirement of paragraph (1) of this subsection shall receive an amount 415 calculated by multiplying the total amount remitted to the commissioner during the 12 416 month period ending on June 30 times a fraction, the numerator of which is the 417 population of the jurisdiction or jurisdictions operating the public safety answering 418 point and the denominator of which is the total population of this state. An amount 419 calculated by multiplying the total amount remitted to the commissioner during the 12 month period ending on June 30 times a fraction, the numerator of which is the total 420 421 population of any jurisdiction or jurisdictions operating public safety answering points 422 that have not complied with the filing requirement of paragraph (1) of this subsection and the denominator of which is the total population of this state, shall be deposited as 423 424 provided in paragraph (5) of this subsection equal to the amount remitted to the 425 commissioner under subsection (h) of this Code section from sellers located within the area served by such public safety answering point. 426

(B) Notwithstanding the provisions of subparagraph (A) of this paragraph, the initial 427 428 distribution shall be calculated using the total amount remitted to the commissioner 429 during the six-month period beginning January 1, 2012, and ending June 30, 2012.

430 (C) For the purposes of this paragraph, population shall be measured by the United States decennial census of 2010 or any future such census plus any corrections or 431 432 revisions contained in official statements by the United States Bureau of the Census 433 made prior to the first day of September immediately preceding the distribution of the proceeds of such charges by the commissioner and any official census data received by 434 435 the commissioner from the United States Bureau of the Census or its successor agency 436 pertaining to any newly incorporated municipality. Such corrections, revisions, or additional data shall be certified to the commissioner by the Office of Planning and 437 438 Budget on or before August 31 of each year;

439 (3) Funds shall be distributed annually on or before October 15 of each year. Such
440 distribution shall include any delinquent charges actually collected by the commissioner
441 for a previous fiscal year which have not been previously distributed;

442 (4) Prior to calculating the distributions to county and municipal governments as
443 provided in this subsection, the commissioner shall subtract an amount, not to exceed 2
444 percent of remitted charges, to defray the cost of administering and distributing funds
445 from the prepaid wireless 9-1-1 charge. Such amount shall be paid into the general fund
446 of the state treasury <u>Reserved</u>;

- 447 (5) Funds distributed to a county or municipality pursuant to this Code section shall be 448 deposited and accounted for in a separate restricted revenue fund known as the 449 Emergency Telephone System Fund, maintained by the local government pursuant to 450 paragraph (2) of subsection (d) of Code Section 46-5-134. The commissioner shall 451 deposit all funds received pursuant to paragraph (2) of subsection (b) of this Code 452 section, other than the funds received pursuant to paragraph (4) of this subsection, into the general fund of the state treasury in compliance with Article 4 of Chapter 12 of 453 454 Title 45, the 'Budget Act.' It is the intention of the General Assembly, subject to the 455 appropriation process, that an amount equal to the amount deposited into the general fund of the state treasury as provided in this paragraph be appropriated each year to a program 456 of state grants to counties and municipalities administered by the department for the 457 purpose of supporting the operations of public safety answering points in the 458 459 improvement of 9-1-1 service delivery. The department shall promulgate rules and regulations for the administration of the 9-1-1 grant program; and 460
- (6) Notwithstanding a county's or municipality's failure to comply with the filing
 requirement of paragraph (1) of this subsection prior to January 1, 2012, a county or
 municipality that subsequently meets such filing requirements prior to January 1 of any
 subsequent year shall become eligible to participate in the next succeeding distribution
 of proceeds pursuant to subparagraph (A) of paragraph (2) of this subsection."

SECTION 4.

- 467 This Act shall become effective on January 1, 2016.
- 468 **SECTION 5.**
- All laws and parts of laws in conflict with this Act are repealed.