

House Bill 1059

By: Representatives Hitchens of the 161st, Powell of the 32nd, Tanner of the 9th, Lumsden of the 12th, Caldwell of the 131st, and others

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 public utilities and public transportation, respectively, so as to provide for
3 the creation, authority, powers, and membership of the Local Government 9-1-1 Authority;
4 to provide for definitions; to provide duties and responsibilities; to change certain provisions
5 relating to the remittance of 9-1-1 charges; to provide for payment by service suppliers to the
6 Local Government 9-1-1 Authority; to provide for administrative costs; to authorize audits
7 of service providers; to provide for penalties and interest for noncompliance; to revise
8 definitions relative to the Georgia Emergency Telephone Number 9-1-1 Service Act; to
9 revise monthly 9-1-1 service charges; to revise the imposition of cost recovery fees; to
10 provide for related matters; to provide for effective dates; to repeal conflicting laws; and for
11 other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

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

16 style="text-align:center">"CHAPTER 93

17 36-93-1.

18 This chapter shall be known and may be cited as the 'Local Government 9-1-1 Authority
19 Act.'

20 36-93-2.

21 As used in this chapter, the term:

22 (1) 'Authority' means the Local Government 9-1-1 Authority established pursuant to
23 Code Section 36-93-3.

- 24 (2) 'Board of directors' or 'board' means the governing body of the authority.
- 25 (3) 'Enhanced ZIP Code' has the same meaning as provided in paragraph (6) of Code
 26 Section 46-5-122.
- 27 (4) 'Local government' means a county, municipality, regional authority, or consolidated
 28 government that provides 9-1-1 services.
- 29 (5) '9-1-1 charge' has the same meaning as provided in paragraph (11) of Code
 30 Section 46-5-122.
- 31 (6) '9-1-1 system' or 'emergency 9-1-1 system' has the same meaning as provided in
 32 paragraph (5) of Code Section 46-5-122.
- 33 (7) 'Prepaid wireless service' has the same meaning as provided in paragraph (12.1) of
 34 Code Section 46-5-122.
- 35 (8) 'Public safety answering point' has the same meaning as provided in paragraph (15)
 36 of Code Section 46-5-122.
- 37 (9) 'Service supplier' has the same meaning as provided in paragraph (16) of Code
 38 Section 46-5-122.
- 39 (10) 'Telephone subscriber' has the same meaning as provided in paragraph (17) of Code
 40 Section 46-5-122.
- 41 (11) 'Wireless enhanced 9-1-1 charge' has the same meaning as provided in
 42 paragraph (18) of Code Section 46-5-122.
- 43 36-93-3.
- 44 (a)(1) There is established the Local Government 9-1-1 Authority as a body corporate
 45 and politic, an instrumentality of the state, and a public corporation, and by that name the
 46 authority may contract and be contracted with and bring and defend actions.
- 47 (2) All counties, municipalities, consolidated governments, and regional authorities
 48 which operate or contract for the operation of 9-1-1 services pursuant to the Georgia
 49 Emergency Telephone Number 9-1-1 Service Act of 1977 as of July 1, 2016, shall form
 50 the authority. Additional counties, municipalities, consolidated governments, or regional
 51 authorities shall become members upon their adoption of a resolution or ordinance to
 52 impose the monthly 9-1-1 charge as authorized by Code Section 46-5-122. Any member
 53 of the authority no longer operating or contracting for the operation of 9-1-1 or enhanced
 54 9-1-1 services shall withdraw from the authority subject to the terms of any contract,
 55 obligation, or agreement with the authority.
- 56 (b) The purpose of the authority shall be to administer, collect, audit, and remit 9-1-1
 57 revenue for the benefit of local governments in Georgia, as specified in this chapter and on
 58 such terms and conditions as may be determined to be in the best interest of the operation
 59 of local government in light of the following factors:

- 60 (1) The public interest in providing cost-efficient collection of revenues;
 61 (2) Increasing compliance in collection of revenues in providing fairness to the persons
 62 and entities currently paying their share and the taxpayers who make up for the revenue
 63 shortfall through higher tax rates;
 64 (3) Easing the administrative burden on vendors and service suppliers; and
 65 (4) Such other factors as are in the public interest and welfare of the citizens of Georgia.
 66 (c) In addition to the purposes specified in subsection (b) of this Code section, the
 67 authority shall have the following duties and responsibilities:
 68 (1) To study and evaluate the state-wide provision of 9-1-1 service;
 69 (2) To identify any changes necessary to accomplish more effective and efficient 9-1-1
 70 service across this state;
 71 (3) To identify any changes necessary in the assessment and collection of 9-1-1 fees;
 72 (4) To develop, offer, or make recommendations to the Georgia Emergency Management
 73 Agency or another state agency as to training that should be provided to directors of
 74 public safety answering points; and
 75 (5) To provide an annual report which shall include proposed legislation, if any, to the
 76 Governor and the General Assembly by December 1 of each year.
 77 (d)(1) Control and management of the authority shall be vested in a board of directors,
 78 which shall consist of the following members:
 79 (A) Four members who shall be elected officials of a county governing authority,
 80 county managers, or county administrators from a county with a public safety
 81 answering point appointed by the Governor upon recommendation of the Association
 82 County Commissioners of Georgia. At least two of the four appointees shall be elected
 83 officials;
 84 (B) One county finance director from a county with a public safety answering point
 85 appointed by the Governor upon recommendation of the Association County
 86 Commissioners of Georgia;
 87 (C) One elected official of a city governing authority, city manager, or city finance
 88 director from a city with a public safety answering point appointed by the Governor
 89 upon recommendation of the Georgia Municipal Association;
 90 (D) One member of the Georgia Chapter of the National Emergency Number
 91 Association appointed by the Governor upon recommendation of the Association;
 92 (E) One member of the Georgia Chapter of the Association of Public Safety
 93 Communications Officials appointed by the Governor upon recommendation of the
 94 Association;
 95 (F) One member of the Georgia 9-1-1 Director's Association appointed by the
 96 Governor upon recommendation of the Association;

- 97 (G) Two sheriffs currently responsible for managing a public safety answering point
98 appointed by the Governor upon recommendation of the Georgia Sheriffs Association;
99 (H) The director of the Georgia Emergency Management Agency or his or her
100 designee;
101 (I) One director of a county emergency management agency currently responsible for
102 managing a public safety answering point appointed by the Governor; and
103 (J) Two members from the telecommunications industry appointed by the Governor.
104 (2) The initial term for appointments made pursuant to subparagraphs (A) and (C) of
105 paragraph (1) of this subsection shall be from July 1, 2016, until June 30, 2019. The
106 initial term for appointments made pursuant to subparagraphs (B), (D), (E) and (F) of
107 paragraph (1) of this subsection shall be from July 1, 2016, until June 30, 2018. The
108 initial term for appointments made pursuant to subparagraphs (G) and (J) of paragraph (1)
109 of this subsection shall be from July 1, 2016, until June 30, 2017. All subsequent terms
110 shall be for three years. Any vacancies that occur prior to the end of a term shall be filled
111 by appointment of the original appointing authority and shall be for the remainder of the
112 unexpired term. The members appointed pursuant to subparagraphs (H) and (I) of
113 paragraph (1) of this subsection shall serve ex officio.
114 (3) Each member of the board of directors may be authorized by the authority to receive
115 an expense allowance and reimbursement from funds of the authority in the same manner
116 as provided for in Code Section 45-7-21. Except as specifically provided in this
117 subsection, members of the board of directors shall receive no compensation for their
118 services.
119 (4) Eight voting members of the board of directors shall constitute a quorum, and the
120 affirmative votes of four voting members of the authority shall be required for any action
121 to be taken by the authority.
122 (5) The director of the Georgia Emergency Management Agency shall convene the initial
123 meeting of the board of directors of the authority no later than July 15, 2016, at which
124 meeting the directors shall elect one of their members, who is an elected official, as
125 chairperson. In addition, the directors shall elect from their membership a vice
126 chairperson, a secretary, and a treasurer.
127 (6) The board of directors shall promulgate bylaws and may adopt other procedures for
128 governing its affairs and for discharging its duties as may be permitted or required by law
129 or applicable rules and regulations.
130 (e) The authority shall have perpetual existence.
131 (f) The authority through its board of directors shall have the power and authority:
132 (1) To have a seal and alter the same at its pleasure;

- 133 (2) To make and execute contracts, lease agreements, and all other instruments necessary
134 or convenient to exercise the powers of the authority or to further the public purpose for
135 which the authority is created;
- 136 (3) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or
137 personal property of every kind and character, or any interest therein, in furtherance of
138 the public purpose of the authority;
- 139 (4) To apply for and to accept any gifts or grants, loan guarantees, loans of funds,
140 property, or financial or other aid in any form from the federal government or any agency
141 or instrumentality thereof, from the state government or any agency or instrumentality
142 thereof, or from any other source for any or all of the purposes specified in this Code
143 section and to comply, subject to the provisions of this Code section, with the terms and
144 conditions thereof;
- 145 (5) To contract with state agencies or any local government for the use by the authority
146 of any property, facilities, or services of the state or any such state agency or local
147 government or for the use by any state agency or local government of any facilities or
148 services of the authority, and such state agencies and local governments are authorized
149 to enter into such contracts;
- 150 (6) To fix and collect fees and charges for data, media, and incidental services furnished
151 by it to any individual or private entity;
- 152 (7) To deposit or otherwise invest funds held by it in any state depository or in any
153 investment which is authorized for the investment of proceeds of state general obligation
154 bonds and to use for its corporate purposes or redeposit or reinvest interest earned on
155 such funds;
- 156 (8) To exercise any power granted by the laws of this state to public or private
157 corporations that is not in conflict with the public purpose of the authority;
- 158 (9) To do all things necessary or convenient to carry out the powers conferred by this
159 Code section and to carry out such duties and activities as are specifically imposed upon
160 the authority by law;
- 161 (10) To hire an attorney to provide legal services;
- 162 (11) To sue and to be sued;
- 163 (12) To provide for the collection of moneys;
- 164 (13) To manage, control, and direct such funds and the expenditures made therefrom;
- 165 (14) To distribute the moneys at the discretion of the authority in such manner and
166 subject to such terms and limitations as provided by Code Section 36-93-6; and
- 167 (15) To exercise all other powers necessary for the development and implementation of
168 the duties and responsibilities provided for in this chapter.

169 (g) The creation of the authority and the carrying out of its corporate purposes are in all
170 respects for the benefit of the people of this state and are public purposes. The authority
171 shall be carrying out an essential governmental function on behalf of counties,
172 municipalities, consolidated governments, and local authorities in the exercise of the
173 powers conferred upon it by this chapter and is, therefore, given immunity from liability
174 for carrying out its intended functions.

175 (h) The authority shall not be required to pay taxes or assessments upon any real or
176 personal property acquired or under its jurisdiction, control, possession, or supervision.

177 (i) Any action against the authority shall be brought in the Superior Court of Fulton
178 County, and such court shall have exclusive, original jurisdiction of such actions; provided,
179 however, that actions seeking equitable relief may be brought in the county of residence
180 of any member of the authority.

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

183 (k) The provisions of this chapter shall be regarded as supplemental and additional to
184 powers conferred by the Constitution and laws of the State of Georgia and shall not be
185 regarded as in derogation of any powers now existing.

186 (l) This chapter, being for the welfare of the state and its inhabitants, shall be liberally
187 construed to effect the purposes thereof.

188 36-93-4.

189 The board of the authority shall appoint an executive director as the administrative head
190 of the authority. The board shall establish the salary of the executive director. The
191 executive director, with the concurrence and approval of the board, shall hire officers,
192 agents, and employees; prescribe their duties, responsibilities, and qualifications; set their
193 salaries; and perform such other duties as may be prescribed by the authority. Such
194 officers, agents, and employees shall serve at the pleasure of the executive director.

195 36-93-5.

196 (a) On and after January 1, 2017, all 9-1-1 charges and all wireless enhanced 9-1-1 charges
197 imposed by the governing authority of a local government pursuant to Code
198 Section 46-5-133 and collected by a service supplier pursuant to Code Sections 46-5-134
199 and 46-5-134.1 shall be remitted by each service supplier to the authority monthly not later
200 than the twentieth day of the month following the month in which they are collected. Any
201 charges not remitted in a timely manner shall accrue interest at the rate specified in Code
202 Section 48-2-40, compounded daily, until the date they are paid.

203 (b) Utilizing enhanced ZIP Codes and any other information required by the authority,
204 each service supplier collecting and remitting 9-1-1 and wireless enhanced 9-1-1 charges
205 to the authority pursuant to subsection (a) of this Code section shall submit with the
206 remitted charges a report identifying the amount of the charges collected and remitted from
207 telephone subscribers attributable to each county or municipality that operates a 9-1-1
208 public safety answering point including counties and municipalities that operate
209 multijurisdictional or regional 9-1-1 systems or have created a joint authority pursuant to
210 Code Section 46-5-138.

211 (c) Notwithstanding the provisions of subsections (a) and (b) of this Code section, all
212 prepaid wireless service suppliers shall remit the wireless enhanced 9-1-1 charge collected
213 from their subscribers to the individual counties, cities, consolidated governments, and
214 regional authorities that have 9-1-1 and enhanced 9-1-1 service in accordance with Code
215 Section 46-5-134.2.

216 36-93-6.

217 (a) The authority may retain from the charges remitted to it pursuant to subsection (a) of
218 Code Section 36-93-5 an amount necessary to cover the costs of administration of the
219 authority. The amount retained shall not exceed 3 percent of the charges remitted to the
220 authority.

221 (b) The remainder of the charges remitted by service suppliers shall be paid by the
222 authority to each county and municipality that operates a 9-1-1 public safety answering
223 point monthly on a pro rata basis based on the remitted amounts attributable to each county
224 or municipality reported by service suppliers in the reports required by subsection (b) of
225 Code Section 36-93-5. Such payments shall be made by the authority to the counties and
226 municipalities that operate a 9-1-1 public safety answering point not later than 30 days
227 following the date charges must be remitted by service suppliers to the authority pursuant
228 to subsection (a) of Code Section 36-93-5.

229 36-93-7.

230 (a) On and after January 1, 2017, the authority is authorized to audit the financial and
231 business records of any service supplier offering communication services capable of
232 connecting 9-1-1 service to the extent necessary to ensure proper collection and remittance
233 of charges in accordance with this chapter and with Part 4 of Article 2 of Chapter 5 of
234 Title 46. The board of the authority shall develop a schedule for auditing service suppliers
235 according to criteria adopted by the board; provided, however, that in no event shall the
236 board of the authority audit a service supplier more than once every three years.

237 (b) Failure of a service supplier to comply with an audit request shall result in a civil
238 penalty of not more than \$1,000.00 per day for each day the service supplier refuses
239 compliance. A good faith attempt to comply by a service supplier with an audit request
240 shall serve as a defense to a claim of failure to comply. In the event a good faith effort to
241 comply is found by the authority or Superior Court of Fulton County, there shall be no civil
242 penalty.

243 (c) Any service supplier found to have willfully failed to collect and remit charges as
244 required in this chapter shall be subject to a civil penalty of \$25,000.00 or the percent of
245 charges due and owing based on the percentage specified in subsection (a) of Code
246 Section 48-2-44, whichever is greater. Such civil penalty shall be in addition to the
247 payment of charges due and owing and shall accrue interest at the rate specified in Code
248 Section 48-2-40.

249 (d) A service supplier found to be in violation of any provision of this chapter shall have
250 30 days to appeal such decision to the authority from the date notice of the penalty is
251 served upon the violator by means of certified mail. An aggrieved party having appealed
252 to the authority shall have 30 days from service of the authority's opinion to appeal the
253 decision in the Superior Court of Fulton County. The appeal shall be limited to the record
254 before the authority and the decision of the authority shall be upheld, absent an abuse of
255 direction by the authority, if there is any evidence to support the authority's decision. An
256 appeal to the Superior Court of Fulton County shall not stay the imposition of any penalty,
257 and interest shall accrue on any past due penalty at the rate specified in Code Section
258 48-2-40.

259 36-93-8.

260 (a) All information submitted by a service supplier to the authority pursuant to this chapter
261 which is defined as proprietary under state law is confidential and is not subject to
262 disclosure under Article 4 of Chapter 18 of Title 50. Such information shall not be released
263 to any person other than to the submitting service supplier or the authority without the
264 express permission of the submitting service supplier.

265 (b) Notwithstanding the provisions of subsection (a) of this Code section, general
266 information collected by the authority may be released or published but only in aggregate
267 amounts that do not identify or allow identification of numbers of subscribers or revenues
268 attributable to an individual service supplier."

269

SECTION 2.

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

273 "46-5-122.

274 As used in this part, the term:

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

280 (2) '~~Agency~~' 'Authority' means the ~~Georgia Emergency Management Agency established~~
 281 ~~pursuant to Code Section 38-3-20 unless the context clearly requires otherwise~~ Local
 282 Government 9-1-1 Authority established pursuant to Code Section 36-93-3.

283 (2.1) 'Call' means any communication, message, signal, or transmission.

284 (2.2) 'Center' means the Georgia Public Safety Training Center.

285 ~~(2.3) 'Department' means the Department of Community Affairs established pursuant to~~
 286 ~~Code Section 50-8-1.~~

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

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

292 (5) 'Emergency 9-1-1 system' or '9-1-1 system' means a telephone service, computer
 293 service, wireless service, or other service which facilitates the placing of calls by persons
 294 in need of emergency services to a public safety answering point by dialing the telephone
 295 number 9-1-1 and under which calls to 9-1-1 are answered or otherwise responded to by
 296 public safety answering points established and operated by the local government
 297 subscribing to the 9-1-1 service. The term 'emergency 9-1-1 system' also includes
 298 'enhanced 9-1-1 service,' which means an emergency system that provides the user with
 299 emergency 9-1-1 system service and, in addition, directs 9-1-1 calls to appropriate public
 300 safety answering points by selective routing based on the geographical location from
 301 which the call originated and provides the capability for automatic number identification
 302 and automatic location identification features.

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

304 (7) 'Exchange access facility' means the access from a particular telephone subscriber's
 305 premises to the telephone system of a service supplier. Exchange access facilities include

306 service supplier provided access lines, PBX trunks, and Centrex network access registers,
 307 all as defined by tariffs of the telephone companies as approved by the Georgia Public
 308 Service Commission. The term 'exchange access facility' also includes Voice over
 309 Internet Protocol service suppliers and any other communication, message, signal, or
 310 information delivery system capable of initiating a 9-1-1 emergency call. Exchange
 311 access facilities do not include service supplier owned and operated telephone pay station
 312 lines, Wide Area Telecommunications Services (WATS), Foreign Exchange (FX), or
 313 incoming only lines.

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

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

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

320 (11) '9-1-1 charge' means a contribution to the local government for the 9-1-1 service
 321 start-up equipment costs, subscriber notification costs, addressing costs, billing costs,
 322 nonrecurring and recurring installation, maintenance, service, and network charges of a
 323 service supplier providing 9-1-1 service pursuant to this part, and costs associated with
 324 the hiring, training, and compensating of dispatchers employed by the local government
 325 to operate said 9-1-1 system at the public safety answering points.

326 (11.1) '9-1-1 number' means the digits, address, Internet Protocol address, or other
 327 information used to access or initiate a call to a public safety answering point.

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

331 (12.1) 'Prepaid wireless service' means any method where a telephone subscriber pays
 332 in advance for a wireless telecommunications connection:

333 (A) That is sold in predetermined units or dollars:

334 (i) The number of which declines with use in a known amount; and

335 (ii) Which expire without an additional retail purchase of units or dollars;

336 (B) That is not offered in conjunction with other communications services for which
 337 the terms permit payment in arrears; and

338 (C) The charges for which are:

339 (i) Not billed to any telephone subscriber or other person; or

340 (ii) Not provided to a telephone subscriber or other person in a monthly statement.

341 Such term shall include, without limitation, calling or usage privileges included with the
 342 purchase of a wireless telephone as well as additional calling or usage privileges

343 purchased by any means, including, without limitation, a calling card, a call, or an
344 Internet transaction.

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

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

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

356 (16) 'Service supplier' means a person or entity who provides telephone service to a
357 telephone subscriber or to a third party retail seller of the service.

358 (16.1) 'Telephone service' means ~~any method by which a 9-1-1 emergency call is~~
359 ~~delivered to a public safety answering point. The term 'telephone service' shall include~~
360 ~~local exchange telephone service or other telephone communication service, wireless~~
361 ~~service, prepaid wireless service, mobile telecommunications service, computer service,~~
362 ~~Voice over Internet Protocol service, or any technology that delivers or is required by law~~
363 ~~to deliver a call to a public safety answering point a service that:~~

364 (A) Is capable of contacting and has been enabled to contact a public safety answering
365 point via a 9-1-1 system by entering or dialing the digits 9-1-1;

366 (B) Is a telecommunications service as such term is defined by paragraph (39) of Code
367 Section 48-8-2; and

368 (C) Is neither a prepaid calling service as such term is defined in paragraph (22) of
369 Code Section 48-8-2 nor a prepaid wireless calling service as such term is defined in
370 paragraph (25) of Code Section 48-8-2.

371 (17) 'Telephone subscriber' means a person or entity to whom telephone service, either
372 residential or commercial, is provided. When the same person, business, or organization
373 has several telephone access lines, each exchange access facility shall constitute a
374 separate subscription. When the same person, business, or organization has several
375 wireless telephones, each wireless telecommunications connection shall constitute a
376 separate connection.

377 (17.1) 'Voice over Internet Protocol service' means any technology that permits a voice
378 conversation using a voice connection through a telephone jack or through ~~to~~ a computer,
379 whether through a microphone, a telephone, or other device, which sends a digital signal

380 over the Internet through a broadband connection to be converted back to the human
381 voice at a distant terminal and that delivers or is required by law to deliver a call to a
382 public safety answering point. Voice over Internet Protocol service shall also include
383 interconnected Voice over Internet Protocol service, which is service that enables
384 real-time, two-way voice communications, requires a broadband connection from the
385 user's location, requires Internet protocol compatible customer premises equipment, and
386 allows users to receive calls that originate on the public service telephone network and
387 to terminate calls to the public switched telephone network.

388 (17.2) 'Voice over Internet Protocol service supplier' means a person or entity who
389 provides Voice over Internet Protocol service to subscribers for a fee.

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

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

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

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

403 (19) 'Wireless service' means 'commercial mobile service' as defined under Section
404 332(D) of the federal Telecommunications Act of 1996 (47 U.S.C. Section 157, et seq.),
405 regulations of the Federal Communications Commission, and the Omnibus Budget
406 Reconciliation Act of 1993 (P.L. 103-66) and includes real-time, two-way interconnected
407 voice service which is provided over networks which utilize intelligent switching
408 capability and offer seamless handoff to customers. The term does not include one-way
409 signaling service, data transmission service, nonlocal radio access line service, or a
410 private telecommunications service. The term does include prepaid wireless service.

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

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

414 **SECTION 3.**

415 Said title is further amended by repealing and reserving Code Section 46-5-123, relating to
 416 creation of 9-1-1 Advisory Committee, selection of members, filling of vacancies,
 417 organization, and roles and responsibilities.

418 **SECTION 4.**

419 Said title is further amended by revising Code Section 46-5-124, relating to guidelines for
 420 implementing state-wide emergency 9-1-1 system and training and equipment standards, as
 421 follows:

422 "46-5-124.

423 (a) The agency authority shall develop guidelines for implementing a state-wide
 424 emergency 9-1-1 system. The guidelines shall provide for:

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

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

433 (3) The coordination necessary between local governments planning or developing a
 434 9-1-1 system and other state agencies, the Public Service Commission, all affected utility
 435 and telephone companies, wireless service suppliers, and other agencies;

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

439 (5) The actions to be taken by a local government desiring to provide wireless enhanced
 440 9-1-1 service, including requirements contained in 47 Code of Federal Regulations
 441 Section 20.18.

442 (b) The agency authority shall be responsible for encouraging and promoting the planning,
 443 development, and implementation of local 9-1-1 system plans. The agency shall develop
 444 any necessary procedures to be followed by public agencies for implementing and
 445 coordinating such plans and shall mediate whenever disputes arise or agreements cannot
 446 be reached between the local political jurisdiction and other entities involving the 9-1-1
 447 system.

- 448 (c) Notwithstanding any other law to the contrary, no communications officer hired to the
 449 staff of a public safety answering point shall be required to complete his or her training
 450 pursuant to Code Section 35-8-23 prior to being hired or employed for such position.
- 451 (d) The ~~agency~~ authority shall maintain the registry of wireless service suppliers provided
 452 for in Code Section 46-5-124.1."

453 SECTION 5.

454 Said title is further amended by revising Code Section 46-5-124.1, relating to service
 455 suppliers or Voice over Internet Protocol service suppliers must register certain information
 456 with the director, updating information, and notices of delinquency, as follows:

457 "46-5-124.1.

458 (a) Any service supplier or Voice over Internet Protocol service supplier doing business
 459 in Georgia shall register the following information with the ~~director~~ authority:

460 (1) The name, address, and telephone number of the representative of the service supplier
 461 or Voice over Internet Protocol service supplier to whom the resolution adopted pursuant
 462 to Code Section 46-5-133 or other notification of intent to provide automatic number
 463 identification or automatic location identification, or both, of a telephone service
 464 connection should be submitted;

465 (2) The name, address, and telephone number of the representative of the service supplier
 466 or Voice over Internet Protocol service supplier with whom a local government must
 467 coordinate to implement automatic number identification or automatic location
 468 identification, or both, of a telephone service connection;

469 (3) The counties in Georgia in which the service supplier or Voice over Internet Protocol
 470 service supplier is authorized to provide telephone service at the time the filing is made;
 471 ~~and~~

472 (4) The counties in Georgia in which the service supplier or Voice over Internet Protocol
 473 service supplier is, in fact, providing telephone service. Each service supplier or Voice
 474 over Internet Protocol service supplier shall amend the information registered with the
 475 authority within ten business days of the date such service is commenced in any county
 476 in Georgia; and

477 ~~(4)(5)~~ Every corporate name under which the service supplier or Voice over Internet
 478 Protocol service supplier is authorized to provide telephone service in Georgia.

479 (b) After the initial submission by each service supplier or Voice over Internet Protocol
 480 service supplier doing business in this state, the information required by subsection (a) of
 481 this Code section shall be updated and submitted to the ~~director~~ authority by the tenth day
 482 of January and the tenth day of July of each year or such other semiannual schedule as the
 483 ~~director~~ board of the authority may establish.

484 (c) The ~~director~~ authority shall send a notice of delinquency to any service supplier or
 485 Voice over Internet Protocol service supplier which fails to comply with subsection (b) of
 486 this Code section. Such notice shall be sent by certified mail or statutory overnight
 487 delivery. ~~Any Failure of a service supplier or Voice over Internet Protocol service supplier~~
 488 ~~that fails~~ to register and provide the information required by this Code section within 30
 489 days after receipt of a notice of delinquency shall ~~not be eligible to receive cost recovery~~
 490 ~~funds as provided in subsection (e) of Code Section 46-5-134~~ result in a civil penalty of not
 491 more than \$1,000.00 per day until the service supplier or Voice over Internet Protocol
 492 service supplier is in compliance with subsection (b) of this Code section."

493

SECTION 6.

494 Said title is further amended by revising Code Section 46-5-127, relating to approval of 9-1-1
 495 systems by agency, as follows:

496 "46-5-127.

497 After January 1, 1978, no emergency 9-1-1 system shall be established, and no existing
 498 system shall be expanded to provide wireless enhanced 9-1-1 service, without written
 499 confirmation by the agency Georgia Emergency Management Agency that the local plan
 500 conforms to the guidelines and procedures provided for in Code Section 46-5-124;
 501 provided, however, that, on and after July 1, 2016, no emergency 9-1-1 system shall be
 502 established, and no existing system shall be expanded to provide wireless enhanced 9-1-1
 503 service, without written confirmation by the authority that the local plan conforms to the
 504 guidelines and procedures provided for in Code Section 46-5-124."

505

SECTION 7.

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

508 "46-5-128.

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

513

SECTION 8.

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

516 "46-5-129.

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

519 **SECTION 9.**

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

522 "46-5-130.

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

525 **SECTION 10.**

526 Said title is further amended by revising subsection (a) of Code Section 46-5-131, relating
527 to exemptions from liability in operation of 9-1-1 system, as follows:

528 "(a) Whether participating in a state-wide emergency 9-1-1 system or an emergency 9-1-1
529 system serving one or more local governments, neither the state, nor the authority, nor any
530 local government of the state nor any emergency 9-1-1 system provider or service supplier
531 or its employees, directors, officers, and agents, except in cases of wanton and willful
532 misconduct or bad faith, shall be liable for death or injury to any person or for damage to
533 property as a result of either developing, adopting, establishing, participating in,
534 implementing, maintaining, or carrying out duties involved in operating the emergency
535 9-1-1 system or in the identification of the telephone number, address, or name associated
536 with any person accessing an emergency 9-1-1 system."

537 **SECTION 11.**

538 Said title is further amended by revising subsections (a), (d), and (f) of Code
539 Section 46-5-134, relating to billing of subscribers, liability of subscriber for service charge,
540 taxes on service, establishment of Emergency Telephone System Fund, records, and use of
541 funds, as follows:

542 "(a)(1)(A) The telephone subscriber of any telephone service may be billed for the
543 monthly 9-1-1 charge, if any, imposed with respect to such telephone service by the
544 service supplier. Such 9-1-1 charge ~~may not exceed~~ shall be \$1.50 per month per
545 telephone service provided to the telephone subscriber except as reduced pursuant to
546 paragraph (4) of subsection (d) of this Code section. ~~In the event that any telephone~~
547 ~~service supplier, due to its normal billing practices, is unable to charge differing~~
548 ~~amounts set by each local government as the 9-1-1 charge, such telephone service~~
549 ~~supplier shall collect on behalf of local governments that have authorized a 9-1-1~~

550 ~~charge \$1.50 per month per telephone service provided to the telephone subscribers to~~
 551 ~~whom it provides telephone service in every area served by the emergency 9-1-1~~
 552 ~~system.~~

553 (B) All telephone services billed to federal, state, or local governments shall be exempt
 554 from the 9-1-1 charge. Each service supplier shall, on behalf of the local government,
 555 collect the 9-1-1 charge from those telephone subscribers to whom it provides
 556 telephone service in the area served by the emergency 9-1-1 system. As part of its
 557 normal billing process, the service supplier shall collect the 9-1-1 charge for each
 558 month a telephone service is in service, and it shall list the 9-1-1 charge as a separate
 559 entry on each bill. If a service supplier receives a partial payment for a bill from a
 560 telephone subscriber, the service supplier shall apply the payment against the amount
 561 the telephone subscriber owes the service supplier first.

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

564 (2)(A) If the governing authority of a local government operates or contracts for the
 565 operation of an emergency 9-1-1 system which is capable of providing or provides
 566 automatic number identification of a wireless telecommunications connection and the
 567 location of the base station or cell site which receives a 9-1-1 call from a wireless
 568 telecommunications connection, the subscriber of a wireless telecommunications
 569 connection whose billing address is within the geographic area that is served by the
 570 local government or that would be served by the local government for the purpose of
 571 such an emergency 9-1-1 system may be billed for the monthly wireless enhanced 9-1-1
 572 charge, if any, imposed with respect to that connection by the wireless service supplier.
 573 Such wireless enhanced 9-1-1 charge ~~may not exceed the amount of the monthly 9-1-1~~
 574 ~~charge imposed upon other telephone subscribers pursuant to paragraph (1) of this~~
 575 ~~subsection nor exceed \$1.00~~ shall be \$1.50 per month per wireless telecommunications
 576 connection provided to the telephone subscriber except as reduced pursuant to
 577 paragraph (4) of subsection (d) of this Code section.

578 (B) If the governing authority of a local government operates or contracts for the
 579 operation of an emergency 9-1-1 system which is capable of providing or provides
 580 automatic number identification and automatic location identification of a wireless
 581 telecommunications connection, the subscriber of a wireless telecommunications
 582 connection whose place of primary use is within the geographic area that is served by
 583 the local government or that would be served by the local government for the purpose
 584 of such an emergency 9-1-1 system may be billed for the monthly wireless enhanced
 585 9-1-1 charge, if any, imposed with respect to that connection by the wireless service
 586 supplier. Such wireless enhanced 9-1-1 charge may not exceed the amount of the

587 monthly 9-1-1 charge imposed upon other telephone subscribers pursuant to
 588 paragraph (1) of this subsection and shall be imposed on a monthly basis for each
 589 wireless telecommunications connection provided to the telephone subscriber.

590 (C) All wireless telecommunications connections billed to federal, state, or local
 591 governments shall be exempt from the wireless enhanced 9-1-1 charge. Each wireless
 592 service supplier shall, on behalf of the local government, collect the wireless enhanced
 593 9-1-1 charge from those telephone subscribers whose place of primary use is within the
 594 geographic area that is served by the local government or that would be served by the
 595 local government for the purpose of such an emergency 9-1-1 system. As part of its
 596 normal billing process, the wireless service supplier shall collect the wireless enhanced
 597 9-1-1 charge for each month a wireless telecommunications connection is in service,
 598 and it shall list the wireless enhanced 9-1-1 charge as a separate entry on each bill. If
 599 a wireless service supplier receives partial payment for a bill from a telephone
 600 subscriber, the wireless service supplier shall apply the payment against the amount the
 601 telephone subscriber owes the wireless service supplier first.

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

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

607 "(d)(1) Each service supplier that collects 9-1-1 charges or wireless enhanced 9-1-1
 608 charges on behalf of the local government is entitled to retain as an administrative fee an
 609 amount equal to 3 percent of the gross 9-1-1 or wireless enhanced 9-1-1 charge receipts
 610 to be remitted to the authority for distribution to the local government pursuant to Code
 611 Section 36-93-5; provided, however, that such amount shall not exceed 3¢ for every
 612 dollar so remitted. The remaining amount shall be due ~~quarterly to the local government~~
 613 authority monthly and shall be remitted to it no later than ~~60 days after the close of a~~
 614 calendar quarter the twentieth day of the month following the month in which they are
 615 collected.

616 (2) The 9-1-1 charges and the wireless enhanced 9-1-1 charges collected by the service
 617 supplier and transmitted to the authority for distribution pursuant to Code Section 36-93-5
 618 to local governments shall, upon being received by a local government, be deposited and
 619 accounted for in a separate restricted revenue fund known as the Emergency Telephone
 620 System Fund maintained by ~~the~~ such local government. The local government may
 621 invest the money in the fund in the same manner that other moneys of the local
 622 government may be invested, and any income earned from such investment shall be
 623 deposited into the Emergency Telephone System Fund.

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

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

631 ~~(5) Such monthly 9-1-1 charges and wireless enhanced 9-1-1 charges may be reduced~~
 632 ~~at any time by the governing authority by resolution; provided, however, that said~~
 633 ~~governing authority~~ The local governing authority shall be required to reduce such
 634 monthly 9-1-1 charge or wireless enhanced 9-1-1 charge at any time the projected
 635 revenues from 9-1-1 charges or wireless enhanced 9-1-1 charges will cause the
 636 unexpended revenues in the Emergency Telephone System Fund at the end of the fiscal
 637 year to exceed by one and one-half times the unexpended revenues in such fund at the
 638 end of the immediately preceding fiscal year or at any time the unexpended revenues in
 639 such fund at the end of the fiscal year exceed by one and one-half times the unexpended
 640 revenues in such fund at the end of the immediately preceding fiscal year. Such reduction
 641 in the 9-1-1 charge or wireless enhanced 9-1-1 charge shall be in an amount which will
 642 avert the accumulation of revenues in such fund at the end of the fiscal year which will
 643 exceed by one and one-half times the amount of revenues in the fund at the end of the
 644 immediately preceding fiscal year."

645 ~~"(f)(1) In addition to cost recovery as provided in subsection (e) of this Code section,~~
 646 ~~money~~ Money from the Emergency Telephone System Fund shall be used only to pay
 647 for:

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

651 (B) The rates associated with the service supplier's 9-1-1 service and other service
 652 supplier's recurring charges;

653 (C) The actual cost, according to generally accepted accounting principles, of salaries
 654 and employee benefits incurred by the local government for employees hired by the
 655 local government solely for the operation and maintenance of the emergency 9-1-1
 656 system and employees who work as directors as that term is defined in Code Section
 657 46-5-138.2, whether such employee benefits are purchased directly from a third-party
 658 insurance carrier, funded by the local government's self-funding risk program, or
 659 funded by the local government's participation in a group self-insurance fund. As used
 660 in this paragraph, the term 'employee benefits' means health benefits, disability benefits,

661 death benefits, accidental death and dismemberment benefits, pension benefits,
662 retirement benefits, workers' compensation, and such other benefits as the local
663 government may provide. Said term shall also include any post-employment benefits
664 the local government may provide;

665 (D) The actual cost, according to generally accepted accounting principles, of training
666 employees hired by the local government solely for the operation and maintenance of
667 the emergency 9-1-1 system and employees who work as directors as that term is
668 defined in Code Section 46-5-138.2;

669 (E) Office supplies of the public safety answering points used directly in providing
670 emergency 9-1-1 system services;

671 (F) The cost of leasing or purchasing a building used as a public safety answering
672 point. Moneys from the fund shall not be used for the construction or lease of an
673 emergency 9-1-1 system building until the local government has completed its street
674 addressing plan;

675 (G) The lease, purchase, or maintenance of computer hardware and software used at
676 a public safety answering point, including computer-assisted dispatch systems and
677 automatic vehicle location systems;

678 (H) Supplies directly related to providing emergency 9-1-1 system services, including
679 the cost of printing emergency 9-1-1 system public education materials; and

680 (I) The lease, purchase, or maintenance of logging recorders used at a public safety
681 answering point to record telephone and radio traffic.

682 (2)(A) In addition to cost recovery as provided in subsection (e) of this Code section,
683 money from the Emergency Telephone System Fund may be used to pay for those
684 purposes set forth in subparagraph (B) of this paragraph, if:

685 (i) The local government's 9-1-1 system provides enhanced 9-1-1 service;

686 (ii) The revenues from the 9-1-1 charges or wireless enhanced 9-1-1 charges in the
687 local government's Emergency Telephone System Fund at the end of any fiscal year
688 shall be projected to exceed the cost of providing enhanced 9-1-1 services as
689 authorized in subparagraphs (A) through (I) of paragraph (1) of this subsection and
690 the cost of providing enhanced 9-1-1 services as authorized in subparagraphs (A)
691 through (I) of paragraph (1) of this subsection includes a reserve amount equal to at
692 least 10 percent of the previous year's expenditures; and

693 (iii) Funds for such purposes are distributed pursuant to an intergovernmental
694 agreement between the local governments whose citizens are served by the
695 emergency 9-1-1 system proportionately by population as determined by the most
696 recent decennial census published by the United States Bureau of the Census at the
697 time such agreement is entered into.

698 (B) Pursuant to subparagraph (A) of this paragraph, the Emergency Telephone System
699 Fund may be used to pay for:

700 (i) The actual cost, according to generally accepted accounting principles, of
701 insurance purchased by the local government to insure against the risks and liability
702 in the operation and maintenance of the emergency 9-1-1 system on behalf of the
703 local government or on behalf of employees hired by the local government solely for
704 the operation and maintenance of the emergency 9-1-1 system and employees who
705 work as directors as that term is defined in Code Section 46-5-138.2, whether such
706 insurance is purchased directly from a third-party insurance carrier, funded by the
707 local government's self-funding risk program, or funded by the local government's
708 participation in a group self-insurance fund. As used in this division, the term 'cost
709 of insurance' shall include, but shall not be limited to, any insurance premiums, unit
710 fees, and broker fees paid for insurance obtained by the local government;

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

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

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

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

727 **SECTION 12.**

728 Said title is further amended by revising paragraph (1) of subsection (e) of Code
729 Section 46-5-134, relating to billing of subscribers, liability of subscriber for service charge,
730 taxes on service, establishment of Emergency Telephone System Fund, records, and use of
731 funds, as follows:

732 "(e)(1) A wireless service supplier may recover its costs expended on the implementation
733 and provision of wireless enhanced 9-1-1 services to subscribers ~~in an amount not to~~

734 ~~exceed 30¢ of each 9-1-1 charge collected from a place of primary use that is within the~~
 735 ~~geographic area that is served by the local government or would be served by the local~~
 736 ~~government for the purpose of such emergency 9-1-1 system; provided, however, that~~
 737 ~~such amount may be increased to 45¢ upon implementation of step two of the state plan~~
 738 ~~governing 9-1-1 enhanced communications as provided in subsection (g) of this Code~~
 739 ~~section. Such cost recovery amount shall be based on the actual cost incurred by the~~
 740 ~~wireless service supplier in providing wireless enhanced 9-1-1 services by imposing a~~
 741 ~~cost recovery fee or including such costs in existing costs or regulatory recovery fees.~~"

742 **SECTION 13.**

743 Said title is further amended by revising paragraph (1) of subsection (b) of Code
 744 Section 46-5-134.2, relating to prepaid wireless 9-1-1 charge, definitions, imposition of fee
 745 by localities, collection and remission of charges, and distribution of funds, as follows:

746 "(b)(1) Counties and municipalities that operate a 9-1-1 public safety answering point,
 747 including counties and municipalities that operate multijurisdictional or regional 9-1-1
 748 systems or have created a joint authority pursuant to Code Section 46-5-138, are
 749 authorized to impose by ordinance or resolution a prepaid wireless 9-1-1 charge in the
 750 amount of ~~75¢~~ \$1.50 per retail transaction. Imposition of the charge authorized by this
 751 Code section by a county or municipality shall be contingent upon compliance with the
 752 requirements of paragraph (1) of subsection (j) of this Code section."

753 **SECTION 14.**

754 Sections 1, 3, 6, 7, 8, 9, 10, 14, and 15 of this Act shall become effective on July 1, 2016.
 755 Sections 2, 4, 5, 11, 12, and 13 shall become effective on January 1, 2017.

756 **SECTION 15.**

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