

House Bill 446

By: Representatives Powell of the 32nd, Parsons of the 44th, Dickey of the 140th, Lumsden of the 12th, and Willard of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 36, 45, and 46 of the Official Code of Georgia Annotated, relating to local
2 government, public officers and employees, and public utilities and public transportation,
3 respectively, so as to create the Local Government 9-1-1 Authority; to provide for a short
4 title; to provide for definitions; to provide for members, powers, duties, authority, and
5 responsibilities; to change certain provisions relating to the remittance of 9-1-1 charges; to
6 provide for payment by service suppliers to the Local Government 9-1-1 Authority; to
7 provide for administrative costs; to provide for legal representation; to provide for penalties
8 and interest for noncompliance; to revise definitions relative to the Georgia Emergency
9 Telephone Number 9-1-1 Service Act; to provide for conforming changes; to provide for
10 related matters; to provide for effective dates; to provide for applicability to certain causes
11 of action; to repeal conflicting laws; and for 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) 'Emergency 9-1-1 system' or '9-1-1 system' has the same meaning as provided in
 26 paragraph (5) of Code Section 46-5-122.
- 27 (4) 'Enhanced ZIP Code' has the same meaning as provided in paragraph (6) of Code
 28 Section 46-5-122.
- 29 (5) 'Local government' means a county, municipality, regional authority, or consolidated
 30 government in this state that operates or contracts for the operation of a public safety
 31 answering point and has adopted a resolution or ordinance pursuant to Code
 32 Section 46-5-133 to impose 9-1-1 charges under Code Section 46-5-134.
- 33 (6) '9-1-1 charge' has the same meaning as provided in paragraph (11) of Code
 34 Section 46-5-122.
- 35 (7) 'Prepaid wireless service' has the same meaning as provided in paragraph (12.1) of
 36 Code Section 46-5-122.
- 37 (8) 'Public safety answering point' has the same meaning as provided in paragraph (15)
 38 of Code Section 46-5-122.
- 39 (9) 'Service supplier' has the same meaning as provided in paragraph (16) of Code
 40 Section 46-5-122.
- 41 (10) 'Telephone subscriber' has the same meaning as provided in paragraph (17) of Code
 42 Section 46-5-122.
- 43 (11) 'Wireless enhanced 9-1-1 charge' has the same meaning as provided in
 44 paragraph (18) of Code Section 46-5-122.
- 45 36-93-3.
- 46 (a)(1) There is established the Local Government 9-1-1 Authority as a body corporate
 47 and politic, an instrumentality of the state, and a public corporation, and by that name the
 48 authority may contract and be contracted with and defend and bring actions, including a
 49 private right of action to enforce this chapter.
- 50 (2) All local governments that operate or contract for the operation of a public safety
 51 answering point as of July 1, 2017, shall be members of the authority. Additional local
 52 governments shall become members upon their adoption of a resolution or ordinance to
 53 impose the monthly 9-1-1 charge as authorized by Code Section 46-5-134. Any local
 54 government member of the authority that ceases operating or contracting for the operation
 55 of a public safety answering point shall withdraw from the authority subject to the terms
 56 of any contract, obligation, or agreement with the authority.
- 57 (b) The purpose of the authority shall be to administer, collect, audit, and remit 9-1-1
 58 revenue for the benefit of local governments, as specified in this chapter, and on such terms

59 and conditions as may be determined to be in the best interest of the operation of local
 60 government in light of the following factors:

- 61 (1) The public interest in providing cost-efficient collection of revenues;
 62 (2) Increasing compliance in collection of revenues in providing fairness to the persons
 63 and entities currently paying their share and the taxpayers who make up for the revenue
 64 shortfall through higher tax rates;
 65 (3) Easing the administrative burden on vendors and service suppliers; and
 66 (4) Such other factors as are in the public interest and welfare of the citizens of Georgia.

67 (c) In addition to the purposes specified in subsection (b) of this Code section, the
 68 authority shall have the duties and responsibilities to:

- 69 (1) Apply for, receive, and use federal grants, state grants, or both;
 70 (2) Study, evaluate, and recommend technology standards for the state-wide provision
 71 of 9-1-1 service;
 72 (3) Identify any changes necessary to accomplish more effective and efficient 9-1-1
 73 service across this state;
 74 (4) Identify any changes necessary in the assessment and collection of fees under Part 4
 75 of Article 2 of Chapter 5 of Title 46;
 76 (5) Develop, offer, or make recommendations to the Georgia Public Safety Training
 77 Center or another state agency as to training that should be provided to directors of public
 78 safety answering points; and
 79 (6) Provide an annual report which shall include proposed legislation, if any, to the
 80 Governor and the General Assembly by December 1 of each year.

81 (d)(1) Control and management of the authority shall be vested in a board of directors,
 82 which shall consist of the following members to be appointed by the Governor:

83 (A) Two members who shall be elected officials of different county governing
 84 authorities from counties that are members of the Association County Commissioners
 85 of Georgia and that operate or contract for the operation of a public safety answering
 86 point. The Association County Commissioners of Georgia may provide
 87 recommendations to the Governor for these appointments;

88 (B) One member who shall be a county manager or county administrator from a county
 89 that is a member of the Association County Commissioners of Georgia and that
 90 operates or contracts for the operation of a public safety answering point. The
 91 Association County Commissioners of Georgia may provide recommendations to the
 92 Governor for this appointment;

93 (C) One member who shall be a county finance director from a county that is a member
 94 of the Association County Commissioners of Georgia and that operates or contracts for
 95 the operation of a public safety answering point. The Association County

96 Commissioners of Georgia may provide recommendations to the Governor for this
 97 appointment;
 98 (D) Two members who shall be any combination of elected officials of a city
 99 governing authority, city manager, or city finance director from cities that are members
 100 of the Georgia Municipal Association and that operate or contract for the operation of
 101 a public safety answering point. The Georgia Municipal Association may provide
 102 recommendations to the Governor for this appointment;
 103 (E) One member of the Georgia Chapter of the National Emergency Number
 104 Association currently employed by a public safety answering point. The Georgia
 105 Chamber of the National Emergency Number Association may provide
 106 recommendations to the Governor for this appointment;
 107 (F) One member of the Georgia Chapter of the Association of Public Safety
 108 Communications Officials currently employed by a public safety answering point. The
 109 Georgia Chapter of the Association of Public Safety Communications Officials may
 110 provide recommendations to the Governor for this appointment;
 111 (G) One member of the Georgia 9-1-1 Director's Association currently employed by
 112 a public safety answering point. The Georgia 9-1-1 Director's Association may provide
 113 recommendations to the Governor for this appointment;
 114 (H) Two sheriffs who are members of the Georgia Sheriffs' Association and who are
 115 currently responsible for managing a public safety answering point. The Georgia
 116 Sheriffs' Association may provide recommendations to the Governor for these
 117 appointments;
 118 (I) The director of the Georgia Emergency Management and Homeland Security
 119 Agency or his or her designee;
 120 (J) One police chief who is a member of the Georgia Association of Police Chiefs and
 121 who is serving a local government that operates or contracts for the operation of a
 122 public safety answering point. The Georgia Association of Chiefs of Police may
 123 provide recommendations to the Governor for this appointment; and
 124 (K) Two members from the telecommunications industry appointed by the Governor.
 125 (2) The initial term for appointments made pursuant to subparagraphs (A), (B), and (D)
 126 of paragraph (1) of this subsection shall be from July 1, 2017, until June 30, 2020. The
 127 initial term for appointments made pursuant to subparagraphs (C), (E), (F), and (G) of
 128 paragraph (1) of this subsection shall be from July 1, 2017, until June 30, 2019. The
 129 initial term for appointments made pursuant to subparagraphs (H), (J), and (K) of
 130 paragraph (1) of this subsection shall be from July 1, 2017, until June 30, 2018. All
 131 subsequent terms shall be for three years. The member appointed pursuant to
 132 subparagraph (I) of paragraph (1) of this subsection shall serve ex officio. Except for the

133 ex officio member, any vacancies that occur prior to the end of a term shall be filled by
134 appointment of the Governor and shall be for the remainder of the unexpired term.

135 (3) Members of the board of directors shall receive no compensation for their services
136 but may be authorized by the authority to receive an expense allowance and
137 reimbursement from funds of the authority in the same manner as provided for in Code
138 Section 45-7-21.

139 (4) Eight members of the board of directors shall constitute a quorum, and the
140 affirmative votes of a majority of a quorum shall be required for any action to be taken
141 by the board.

142 (5) The director of the Georgia Emergency Management and Homeland Security
143 Agency shall convene the initial meeting of the board of the authority no later than
144 September 1, 2017, at which meeting the board shall elect one of their members, who is
145 an elected official, as chairperson. In addition, the board shall elect from their
146 membership a vice chairperson, a secretary, and a treasurer.

147 (6) The board of directors shall promulgate bylaws and may adopt other procedures for
148 governing its affairs and for discharging its duties as may be permitted or required by law
149 or applicable rules and regulations.

150 (e) The authority shall have perpetual existence.

151 (f) The authority through its board of directors shall have the power and authority to:

152 (1) Have a seal and alter the same at its pleasure;

153 (2) Make and execute contracts, lease agreements, and all other instruments necessary
154 or convenient to exercise the powers of the authority or to further the public purpose for
155 which the authority is created;

156 (3) Acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or
157 personal property of every kind and character, or any interest therein, in furtherance of
158 the public purpose of the authority;

159 (4) Apply for and to accept any gifts or grants, loan guarantees, loans of funds, property,
160 or financial or other aid in any form from the federal government or any agency or
161 instrumentality thereof, from the state government or any agency or instrumentality
162 thereof, or from any other source for any or all of the purposes specified in this Code
163 section and to comply, subject to the provisions of this Code section, with the terms and
164 conditions thereof;

165 (5) Fix and collect fees and charges for data, media, and incidental services furnished by
166 it to any individual or private entity;

167 (6) Deposit or otherwise invest funds held by it in any state depository or in any
168 investment that is authorized for the investment of proceeds of state general obligation

169 bonds and to use for its corporate purposes or redeposit or reinvest interest earned on
170 such funds;
171 (7) Exercise any power granted by the laws of this state to public or private corporations
172 that is not in conflict with the public purpose of the authority;
173 (8) Do all things necessary or convenient to carry out the powers conferred by this Code
174 section and to carry out such duties and activities as are specifically imposed upon the
175 authority by law;
176 (9) Bring and defend actions;
177 (10) Provide for the collection of moneys;
178 (11) Manage, control, and direct proceeds retained under subsection (a) of Code Section
179 36-93-6 and the expenditures made therefrom;
180 (12) Distribute the proceeds identified under subsection (b) of Code Section 36-93-6 in
181 such manner and subject to such terms and limitations as provided by such Code section;
182 and
183 (13) Exercise all other powers necessary for the development and implementation of the
184 duties and responsibilities provided for in this chapter.
185 (g) The creation of the authority and the carrying out of its purposes under this chapter are
186 in all respects for the benefit of the people of this state and are public purposes. The
187 authority shall be carrying out an essential governmental function on behalf of local
188 governments in the exercise of the powers conferred upon it by this chapter and is,
189 therefore, given the same immunity from liability for carrying out its intended functions
190 as other state officials and employees.
191 (h) The authority shall not be required to pay taxes or assessments upon any real or
192 personal property acquired or under its jurisdiction, control, possession, or supervision.
193 (i) All money received by the authority pursuant to this chapter shall be deemed to be trust
194 funds to be held and applied solely as provided in this chapter.
195 (j) This chapter, being for the welfare of the state and its inhabitants, shall be liberally
196 construed to effect the purposes thereof.
197 (k) Notwithstanding any provision of this Code section to the contrary, the authority shall
198 have no jurisdiction concerning the setting of rates, terms, and conditions for the offering
199 of telecommunications services as defined in paragraph (18) of Code Section 46-5-162 or
200 for the offering of broadband, VoIP, or wireless service as such terms are defined in Code
201 Section 46-5-221.
202 (l) The board shall be subject to and shall comply with Chapter 13 of Title 50, the 'Georgia
203 Administrative Procedure Act,' in the same manner as an 'agency' as that term is defined
204 in paragraph (1) of Code Section 50-13-2. The board may promulgate and amend, from
205 time to time, such rules or regulations, consistent with this chapter and Chapter 13 of

206 Title 50, the 'Georgia Administrative Procedure Act,' as it deems consistent with or
207 required for the public welfare, for the administration of any provision of this chapter, or
208 for the orderly conduct of the board's affairs. Any claim by the authority that a service
209 supplier has violated any provision of this chapter shall be adjudicated as a contested
210 proceeding under Code Section 50-13-13 and be subject to judicial review under Code
211 Section 50-13-19.

212 36-93-4.

213 The board of the authority shall appoint an executive director who shall be the
214 administrative head of the authority. The board shall establish the salary of the executive
215 director. The executive director, with the concurrence and approval of the board, shall hire
216 officers, agents, and employees; prescribe their duties, responsibilities, and qualifications;
217 set their salaries; and perform such other duties as may be prescribed by the authority.
218 Such officers, agents, and employees shall serve at the pleasure of the executive director.

219 36-93-5.

220 (a) Beginning January 1, 2019, all 9-1-1 charges and all wireless enhanced 9-1-1 charges
221 imposed by the governing authority of a local government pursuant to Code
222 Section 46-5-133 and collected by a service supplier pursuant to Code Sections 46-5-134
223 and 46-5-134.1 shall be remitted by each service supplier to the authority monthly not later
224 than the twentieth day of the month following the month in which they are collected. Any
225 charges not remitted in a timely manner shall accrue interest at the rate specified in Code
226 Section 48-2-40, until the date they are paid.

227 (b)(1) Each service supplier collecting and remitting 9-1-1 and wireless enhanced 9-1-1
228 charges to the authority pursuant to subsection (a) of this Code section shall submit with
229 the remitted charges a report identifying the amount of the charges being collected and
230 remitted from telephone subscribers attributable to each county or municipality that
231 operates a public safety answering point including counties and municipalities that
232 operate multijurisdictional or regional 9-1-1 systems or have created a joint authority
233 pursuant to Code Section 46-5-138.

234 (2) For purposes of the monthly report identifying the amount of charges collected and
235 remitted as required in paragraph (1) of this subsection, the service supplier shall attempt
236 to utilize enhanced ZIP Codes. If an enhanced ZIP Code designation is not available for
237 an address or if the service supplier is unable to determine the applicable enhanced ZIP
238 Code designation after exercising due diligence to determine the designation, the service
239 supplier may apply the five-digit ZIP Code to that address. For purposes of this
240 subsection, there is a rebuttable presumption that a service supplier has exercised due

241 diligence if the service supplier has attempted to determine the enhanced ZIP Code
 242 designation by utilizing software approved by the Streamlined Sales Tax Governing
 243 Board for purposes of Code Section 48-8-70.

244 36-93-6.

245 (a) The authority may retain from the charges remitted to it pursuant to subsection (a) of
 246 Code Section 36-93-5 an amount necessary to cover the costs of administration of this
 247 chapter. The amount retained shall not exceed 3 percent of the charges remitted to the
 248 authority.

249 (b) Except for the amount retained under subsection (a) of this Code section, the remainder
 250 of the charges remitted by service suppliers shall be paid by the authority to each local
 251 government on a pro rata basis based on the remitted amounts attributable to each such
 252 local government reported by service suppliers in the reports required by subsection (b) of
 253 Code Section 36-93-5. Such payments shall be made by the authority to such local
 254 governments not later than 30 days following the date charges must be remitted by service
 255 suppliers to the authority pursuant to subsection (a) of Code Section 36-93-5.

256 36-93-7.

257 (a)(1) Beginning January 1, 2019, the authority is authorized to employ or contract with
 258 an auditor or auditors to audit the financial and business records of any service supplier
 259 offering communication services capable of connecting 9-1-1 service to the extent
 260 necessary to ensure proper collection and remittance of charges in accordance with this
 261 chapter and with Part 4 of Article 2 of Chapter 5 of Title 46. Such audits shall apply only
 262 to charges required to be imposed and collected pursuant to Part 4 of Article 2 of
 263 Chapter 5 of Title 46 on or after January 1, 2019, and shall be conducted at the authority's
 264 sole expense.

265 (2) The board shall develop a schedule for auditing service suppliers according to criteria
 266 adopted by the board. Such schedule shall provide for an audit of a service supplier not
 267 more than once every three years. Any such audit shall cover a representative sample of
 268 the service supplier's customer base in the state.

269 (3) Any claim by the authority seeking to adjust the amount of any collection,
 270 remittance, or charge reported by the service supplier as required under Code
 271 Section 36-93-5 or imposing any penalty shall be limited to the period of three years prior
 272 to the date of the initial notice to the service supplier of the audit.

273 (b) Failure of a service supplier to comply with any audit required under paragraph (2) of
 274 subsection (a) of this Code section, when notice of such audit has been duly served upon
 275 a service supplier's registered agent, shall result in a civil penalty of not more than

276 \$1,000.00 per day for each day the service supplier refuses compliance commencing on a
277 date certain as stated in such notice, which in no case shall be less than 45 days, unless
278 otherwise agreed in writing by the parties. A good faith attempt by a service supplier to
279 comply with any such audit shall serve as a defense to a claim of failure to comply in any
280 contested proceeding under Code Section 50-13-13 or judicial review under Code
281 Section 50-13-19, and, if upheld, there shall be no civil penalty.

282 (c) Willful failure of any service supplier to have billed the monthly charges under Part 4
283 of Article 2 of Chapter 5 of Title 46 or to have remitted such collected charges as required
284 in this chapter shall be subject to a civil penalty of not more than \$25,000.00 in the
285 aggregate or 3 percent of the amount that should have been remitted, whichever is less.
286 The civil penalty shall be in addition to the amount that should have been remitted and
287 shall accrue interest at the rate specified in Code Section 48-2-40. The remedy set forth
288 in this chapter shall be enforced solely by the authority.

289 (d)(1) A service supplier shall not incur any liability, including, but not limited to,
290 liability for the payment of unbilled or uncollected charges, for any billing practice
291 previously or subsequently approved in writing by the authority or otherwise approved
292 pursuant to paragraph (2) of this subsection. A service supplier may request that the
293 authority approve a billing practice by a written request sent to the executive director of
294 such authority by certified mail. The authority may request additional information from
295 the service supplier regarding the billing practice.

296 (2)(A) The authority shall issue a written decision within 90 days of the executive
297 director's receipt of the service supplier's written request for approval of the billing
298 practice; provided, however, that the authority may, in its discretion, either request
299 additional information or determine that it needs more time, in which case the authority
300 shall provide notice of same to the service supplier and a single additional 90 day
301 period shall commence.

302 (B) In the event the authority does not issue a written decision within the time period
303 specified under subparagraph (A) of this paragraph, the billing practice shall be deemed
304 approved pursuant to this subsection.

305 (3) The written approval of a billing practice under this subsection or the approval of a
306 billing practice under subparagraph (B) of paragraph (2) of this subsection shall not
307 impair or prohibit the board from adopting and implementing subsequently new
308 requirements by rule or regulation that the board deems appropriate that supersede any
309 such prior approved billing practices; provided, however, that in no case shall any
310 approval of a billing practice by the authority be superseded for a period of at least three
311 years from the date of approval.

312 36-93-8.

313 (a) Except as otherwise provided in this Code section, all information submitted by a
 314 service supplier to the authority pursuant to this chapter shall be presumed to be a
 315 confidential, proprietary, trade secret or subject to exemption from disclosure under state
 316 or federal law and shall not be subject to disclosure under Article 4 of Chapter 18 of
 317 Title 50. Except as provided in this Code section, such information shall not be released
 318 to any person other than to the submitting service supplier, the authority, auditors, and
 319 attorneys employed by or under contract with the authority without the express permission
 320 of the submitting service supplier. Members of the authority may have access to
 321 information for the purpose of determining the accuracy of collections and remittances
 322 related to the member's jurisdiction. Such information shall be used solely for the purposes
 323 stated under this chapter.

324 (b) General information collected by the authority may be released or published but only
 325 in aggregate amounts that do not identify or allow identification of numbers of subscribers
 326 or revenues attributable to an individual service supplier.

327 (c) Nothing in this Code section shall prohibit the authority from complying with a court
 328 order or request of a state or federal grand jury, taxing or regulatory authority, law
 329 enforcement agency, or prosecuting attorney in conjunction with an ongoing
 330 administrative, criminal, or tax investigation."

331 **SECTION 2.**

332 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
 333 is amended by revising Code Section 45-15-13, relating to representation of certain
 334 authorities by the Attorney General, as follows:

335 "45-15-13.

336 As used in Code Sections 45-15-14 through 45-15-16, the term 'state authorities' means the
 337 following instrumentalities of the state: Georgia Building Authority, Georgia Education
 338 Authority (Schools), Georgia Education Authority (University), Georgia Highway
 339 Authority, Georgia Ports Authority, State Road and Tollway Authority, Jekyll
 340 Island—State Park Authority, ~~and~~ Stone Mountain Memorial Association, and Local
 341 Government 9-1-1 Authority."

342 **SECTION 3.**

343 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
 344 transportation, is amended in Code Section 46-5-122, relating to definitions regarding the
 345 Emergency Telephone Number 9-1-1 System, by repealing paragraph (2.3) and by revising
 346 paragraphs (2), (3), (7), (16.1), (17), and (17.1) as follows:

347 "(2) 'Agency Authority' means the ~~Georgia Emergency Management and Homeland~~
 348 ~~Security Agency established pursuant to Code Section 38-3-20 unless the context clearly~~
 349 ~~requires otherwise~~ Local Government 9-1-1 Authority established pursuant to Code
 350 Section 36-93-3."

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

353 "(7) 'Exchange access facility' means the access from a particular telephone subscriber's
 354 premises to the telephone system of a service supplier. Exchange access facilities include
 355 service supplier provided access lines, PBX trunks, and Centrex network access registers,
 356 all as defined by tariffs of the telephone companies as approved by the Georgia Public
 357 Service Commission or, in the case of detariffed services, as defined in publicly available
 358 guidebooks or other publicly available service supplier publications. The term 'exchange
 359 access facility' also includes Voice over Internet Protocol service suppliers and any other
 360 communication, message, signal, or information delivery system capable of initiating a
 361 9-1-1 emergency call. Exchange access facilities do not include service supplier owned
 362 and operated telephone pay station lines, Wide Area Telecommunications Services
 363 (WATS), Foreign Exchange (FX), or incoming only lines."

364 "(16.1)(A) 'Telephone service' means any method by which a 9-1-1 emergency call is
 365 delivered to a public safety answering point. ~~The term 'telephone service' shall include~~
 366 ~~local~~ Such term shall include exchange telephone service access facilities or other
 367 telephone communication service, wireless service, ~~prepaid wireless service~~, mobile
 368 telecommunications service, computer service, Voice over Internet Protocol service, or
 369 any technology that delivers ~~or is required by law to deliver~~ a call to a public safety
 370 answering point that:

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

373 (ii) Is a telecommunications service as such term is defined by paragraph (39) of
 374 Code Section 48-8-2; and

375 (iii) Is neither a prepaid calling service as such term is defined in paragraph (22) of
 376 Code Section 48-8-2 nor a prepaid wireless calling service as such term is defined in
 377 paragraph (25) of Code Section 48-8-2.

378 (B) When a service supplier provides to the same person, business, or organization the
 379 voice channel capacity to make more than one simultaneous outbound call from an
 380 exchange access facility, then each such separate simultaneous outbound call voice
 381 channel capacity, regardless of technology, shall constitute a separate telephone service.

382 (C) When the same person, business, or organization has several wireless telephones,
 383 each wireless telecommunications connection shall constitute a separate telephone
 384 service.

385 (D) A broadband connection used for telephone service shall not constitute a separate
 386 voice channel capacity subscription for purposes of the 9-1-1 charge.

387 (17) 'Telephone subscriber' means a person or entity to ~~whom~~ which retail telephone
 388 service, either residential or commercial, is provided. ~~When the same person, business,~~
 389 ~~or organization has several telephone access lines, each exchange access facility shall~~
 390 ~~constitute a separate subscription. When the same person, business, or organization has~~
 391 ~~several wireless telephones, each wireless telecommunications connection shall constitute~~
 392 ~~a separate connection.~~

393 (17.1) 'Voice over Internet Protocol service' ~~means~~ includes any technology that permits
 394 a voice conversation using a voice connection through any device to a computer, whether
 395 through a microphone, a telephone, or other device, ~~which~~ that sends a digital signal over
 396 the Internet or in Internet Protocol through a broadband connection to be converted back
 397 to the human voice at a distant terminal and that delivers ~~or is required by law to deliver~~
 398 a call to a public safety answering point. Voice over Internet Protocol service shall also
 399 include interconnected Voice over Internet Protocol service, which is service that enables
 400 real-time, two-way voice communications, requires a broadband connection from the
 401 user's location, requires Internet protocol compatible customer premises equipment, and
 402 allows users to receive calls that originate on the public service telephone network and
 403 to terminate calls to the public switched telephone network."

404 **SECTION 4.**

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

408 **SECTION 5.**

409 Said title is further amended in Code Section 46-5-124, relating to guidelines for
 410 implementing state-wide emergency 9-1-1 system and training and equipment standards, by
 411 revising subsections (a), (b), and (d) as follows:

412 "(a) The ~~agency~~ authority shall develop guidelines for implementing a state-wide
 413 emergency 9-1-1 system. The guidelines shall provide for:

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

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

422 (3) The coordination necessary between local governments planning or developing a
 423 9-1-1 system and other state agencies, the Public Service Commission, all affected utility
 424 and telephone companies, wireless service suppliers, and other agencies;

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

428 (5) The actions to be taken by a local government desiring to provide wireless enhanced
 429 9-1-1 service, including requirements contained in 47 Code of Federal Regulations
 430 Section 20.18.

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

437 "(d) The agency authority shall maintain the registry of wireless service suppliers provided
 438 for in Code Section 46-5-124.1."

439 **SECTION 6.**

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

443 "46-5-124.1.

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

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

451 (2) The name, address, and telephone number of the representative of the service supplier
 452 or Voice over Internet Protocol service supplier with whom a local government must

453 coordinate to implement automatic number identification or automatic location
454 identification, or both, of a telephone service connection;

455 (3) The counties in Georgia in which the service supplier or Voice over Internet Protocol
456 service supplier is authorized to provide telephone service at the time the filing is made;
457 and

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

460 (b) After the initial submission by each service supplier or Voice over Internet Protocol
461 service supplier doing business in this state, if the information required by subsection (a)
462 of this Code section changes, it shall be updated and submitted to the director by the tenth
463 day of January and the tenth day of July of each year or such other semiannual schedule
464 as the director may establish authority within 60 days of such change.

465 (c) ~~The director shall send a notice of delinquency to any~~ Every service supplier or Voice
466 over Internet Protocol service supplier ~~which fails to shall~~ comply with subsection (b) of
467 this Code section. ~~Such notice shall be sent by certified mail or statutory overnight~~
468 ~~delivery.~~ Any service supplier or Voice over Internet Protocol service supplier that fails
469 to register and provide the information required by this Code section;

470 (1) within 30 days after receipt of a notice of delinquency shall Shall not be eligible to
471 receive cost recovery funds as provided in subsection (e) of Code Section 46-5-134 until
472 the service supplier or Voice over Internet Protocol service supplier is in compliance with
473 subsection (b) of this Code section;

474 (2) Shall be subject to a fine by the authority in the amount of \$1,000.00 per each day
475 of failure to comply with subsection (b) of this Code section; and

476 (3) Shall, when audited, not be subject to the three-year limit under paragraph (3) of
477 subsection (a) of Code Section 36-93-7."

478

SECTION 7.

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

481 "46-5-127.

482 After January 1, 1978, and prior to January 1, 2019, no emergency 9-1-1 system shall be
483 established, and no existing system shall be expanded to provide wireless enhanced 9-1-1
484 service, without written confirmation by the ~~agency~~ Georgia Emergency Management and
485 Homeland Security Agency that the local plan conforms to the guidelines and procedures
486 provided for in Code Section 46-5-124. On or after January 1, 2019, no emergency 9-1-1
487 system shall be established, and no existing system shall be expanded to provide wireless
488 enhanced 9-1-1 service, without written confirmation by the authority that the local plan

489 conforms to the guidelines and procedures provided for in Code Section 46-5-124. The
 490 authority shall not deny establishment of a new system or an expansion to provide wireless
 491 enhanced 9-1-1 service if the local plan conforms to the guidelines and procedures
 492 provided in Code Section 46-5-124."

493 **SECTION 8.**

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

496 "46-5-128.

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

501 **SECTION 9.**

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

504 "46-5-129.

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

507 **SECTION 10.**

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

510 "46-5-130.

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

513 **SECTION 11.**

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

516 "(a) Whether participating in a state-wide emergency 9-1-1 system or an emergency 9-1-1
 517 system serving one or more local governments, neither the state, nor the authority, nor any
 518 local government of the state nor any emergency 9-1-1 system provider or service supplier
 519 or its employees, directors, officers, contractors, and agents, except in cases of wanton and
 520 willful misconduct or bad faith, shall be liable for death or injury to any person or for
 521 damage to property as a result of either developing, adopting, establishing, participating

522 in, implementing, maintaining, or carrying out duties involved in operating the emergency
 523 9-1-1 system or in the identification of the telephone number, address, or name associated
 524 with any person accessing an emergency 9-1-1 system."

525

SECTION 12.

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

530 "(a)(1)(A)(i) ~~The~~ Unless exempt, the telephone subscriber of any telephone service ~~may~~
 531 shall be billed for the monthly 9-1-1 charge, if any, imposed with respect to such telephone
 532 service by the service supplier. Such 9-1-1 charge ~~may not exceed~~ shall be \$1.50 per
 533 month per telephone service provided to the telephone subscriber except as reduced
 534 pursuant to paragraph (5) of subsection (d) of this Code section. ~~In the event that any~~
 535 ~~telephone service supplier, due to its normal billing practices, is unable to charge differing~~
 536 ~~amounts set by each local government as the 9-1-1 charge, such telephone service supplier~~
 537 ~~shall collect on behalf of local governments that have authorized a 9-1-1 charge \$1.50 per~~
 538 ~~month per telephone service provided to the telephone subscribers to whom it provides~~
 539 ~~telephone service in every area served by the emergency 9-1-1 system.~~

540 (ii) In computing the amount due under this subsection, the number of 9-1-1 charges
 541 a telephone subscriber shall be assessed shall not exceed the number of simultaneous
 542 outbound calls that can be made from voice channels the service supplier has
 543 activated and enabled. For telephone service that provides to multiple locations
 544 shared simultaneous outbound voice channel capacity configured to and capable of
 545 accessing a 9-1-1 system in different states, the monthly 9-1-1 charge shall be
 546 assessed only for the portion of such shared voice channel capacity in Georgia as
 547 identified by the service supplier's books and records. In determining the portion of
 548 the shared capacity in the state, a service supplier may rely on, among other factors,
 549 a customer's certification of its allocation of capacity in Georgia, which may be based
 550 on each end user location, the total number of end users, and the number of end users
 551 at each end user location.

552 (B) All telephone services billed to federal, state, or local governments shall be exempt
 553 from the 9-1-1 charge. Each service supplier shall, on behalf of the local government,
 554 collect the 9-1-1 charge from those telephone subscribers to whom it provides
 555 telephone service in the area served by the emergency 9-1-1 system. As part of its
 556 normal billing process, the service supplier shall collect the 9-1-1 charge for each
 557 month a telephone service is in service, and it ~~shall~~ may list the 9-1-1 charge as a

558 separate entry on each bill. Nothing in this Code section shall be construed to require
 559 a service supplier to list the 9-1-1 charge as a surcharge or separate entry on each bill.
 560 Service suppliers that do not list the 9-1-1 charge as a separate entry on each bill shall
 561 remit the 9-1-1 charge for each telephone subscriber that pays the bill; provided,
 562 however, that this information shall be maintained in a form that auditors can access.

563 If a service supplier receives a partial payment for a bill from a telephone subscriber,
 564 the service supplier shall apply the payment against the amount the telephone
 565 subscriber owes the service supplier first.

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

568 (2)(A) If the governing authority body of a local government operates or contracts for
 569 the operation of ~~an emergency 9-1-1 system which~~ a public safety answering point that
 570 is capable of providing or provides automatic number identification of a wireless
 571 telecommunications connection and the location of the base station or cell site which
 572 receives a 9-1-1 call from a wireless telecommunications connection, the subscriber of
 573 a wireless telecommunications connection whose ~~billing address~~ primary place of use
 574 is within the geographic area that is served by the local government or that would be
 575 served by the local government for the purpose of such ~~an emergency 9-1-1 system~~ a
 576 public safety answering point may be billed for the monthly wireless enhanced 9-1-1
 577 charge, if any, imposed with respect to that connection by the wireless service supplier.
 578 Such wireless enhanced 9-1-1 charge ~~may not exceed the amount of the monthly 9-1-1~~
 579 ~~charge imposed upon other telephone subscribers pursuant to paragraph (1) of this~~
 580 ~~subsection nor exceed \$1.00~~ shall be \$1.50 per month per wireless telecommunications
 581 connection provided to the telephone subscriber except as otherwise provided in
 582 paragraph (5) of subsection (d) of this Code section.

583 (B) If the governing authority body of a local government operates or contracts for the
 584 operation of an emergency 9-1-1 system which is capable of providing or provides
 585 automatic number identification and automatic location identification of a wireless
 586 telecommunications connection, the subscriber of a wireless telecommunications
 587 connection whose place of primary use is within the geographic area that is served by
 588 the local government or that would be served by the local government for the purpose
 589 of such an emergency 9-1-1 system may be billed for the monthly wireless enhanced
 590 9-1-1 charge, if any, imposed with respect to that connection by the wireless service
 591 supplier. Such wireless enhanced 9-1-1 charge may not exceed the amount of the
 592 monthly 9-1-1 charge imposed upon other telephone subscribers pursuant to
 593 paragraph (1) of this subsection and shall be imposed on a monthly basis for each
 594 wireless telecommunications connection provided to the telephone subscriber.

595 (C) All wireless telecommunications connections billed to federal, state, or local
 596 governments shall be exempt from the wireless enhanced 9-1-1 charge. Each wireless
 597 service supplier shall, on behalf of the local government, collect the wireless enhanced
 598 9-1-1 charge from those telephone subscribers whose place of primary use is within the
 599 geographic area that is served by the local government or that would be served by the
 600 local government for the purpose of such an emergency 9-1-1 system. As part of its
 601 normal billing process, the wireless service supplier shall collect the wireless enhanced
 602 9-1-1 charge for each month a wireless telecommunications connection is in service,
 603 and it ~~shall~~ may list the wireless enhanced 9-1-1 charge as a separate entry on each bill.
 604 Nothing in this Code section shall be construed to require a wireless service supplier
 605 to list the 9-1-1 charge as a separate entry on each bill. Wireless service suppliers that
 606 do not list the 9-1-1 charge as a separate entry on each bill shall remit the 9-1-1 charge
 607 for each telephone subscriber that pays the bill; provided, however, that this
 608 information shall be maintained in a form that auditors can access. If a wireless service
 609 supplier receives partial payment for a bill from a telephone subscriber, the wireless
 610 service supplier shall apply the payment against the amount the telephone subscriber
 611 owes the wireless service supplier first.

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

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

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

626 (2) The 9-1-1 charges and the wireless enhanced 9-1-1 charges collected by the service
 627 supplier and transmitted to the authority for distribution to local governments pursuant
 628 to Code Section 36-93-5 shall, upon being received by a local government, be deposited
 629 and accounted for in a separate restricted revenue fund known as the Emergency
 630 Telephone System Fund maintained by the such local government. The local government
 631 may invest the money in the fund in the same manner that other moneys of the local

632 government may be invested and any income earned from such investment shall be
633 deposited into the Emergency Telephone System Fund.

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

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

641 ~~(5) Such monthly 9-1-1 charges and wireless enhanced 9-1-1 charges may be reduced~~
642 ~~at any time by the governing authority by resolution; provided, however, that said~~
643 ~~governing authority~~ The governing body of a local government shall be required to
644 reduce such monthly 9-1-1 charge or wireless enhanced 9-1-1 charge at any time the
645 projected revenues from 9-1-1 charges or wireless enhanced 9-1-1 charges will cause the
646 unexpended revenues in the Emergency Telephone System Fund at the end of the fiscal
647 year to exceed by one and one-half times the unexpended revenues in such fund at the
648 end of the immediately preceding fiscal year or at any time the unexpended revenues in
649 such fund at the end of the fiscal year exceed by one and one-half times the unexpended
650 revenues in such fund at the end of the immediately preceding fiscal year. Such reduction
651 in the 9-1-1 charge or wireless enhanced 9-1-1 charge shall be in an amount which will
652 avert the accumulation of revenues in such fund at the end of the fiscal year which will
653 exceed by one and one-half times the amount of revenues in the fund at the end of the
654 immediately preceding fiscal year.

655 (e)(1) A ~~wireless~~ service supplier may recover its costs expended on the implementation
656 and provision of ~~wireless enhanced 9-1-1 services to subscribers in an amount not to~~
657 ~~exceed 30¢ of each 9-1-1 charge collected from a place of primary use that is within the~~
658 ~~geographic area that is served by the local government or would be served by the local~~
659 ~~government for the purpose of such emergency 9-1-1 system; provided, however, that~~
660 ~~such amount may be increased to 45¢ upon implementation of step two of the state plan~~
661 ~~governing 9-1-1 enhanced communications as provided in subsection (g) of this Code~~
662 ~~section. Such cost recovery amount shall be based on the actual cost incurred by the~~
663 ~~wireless service supplier in providing wireless enhanced 9-1-1 services~~ by imposing a
664 cost recovery fee or including such costs in existing cost recovery or regulatory recovery
665 fees billed to the subscriber. In no event shall a service supplier deduct any amounts for
666 cost recovery or otherwise from the charges to be remitted to the authority pursuant to
667 Code Section 36-93-5.

668 (2) A wireless service supplier shall not be authorized to recover any costs under
669 paragraph (1) of this subsection with respect to any prepaid wireless services."

670

SECTION 13.

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

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

681

SECTION 14.

682 (a) This Act shall become effective on July 1, 2017, for purposes of creating the Local
683 Government 9-1-1 Authority and appointing the members thereof; the provisions regarding
684 reporting contained in Code Section 36-93-5(b) shall become effective on July 1, 2018; and,
685 for all other purposes, this Act shall become effective on January 1, 2019.

686 (b) The provisions of this Act shall not in any manner diminish, extinguish, reduce, or affect
687 any cause of action for audits or the recovery of funds from service providers which arose
688 prior to January 1, 2019. Any such cause of action is expressly preserved.

689

SECTION 15.

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