

ADOPTED

The House Committee on Rules offers the following substitute to SB 222:

**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 **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 "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 a public safety communications network and 9-1-1 service;
 72 (3) Identify any changes necessary to accomplish more effective and efficient 9-1-1
 73 service across this state including consolidation and interoperability of 9-1-1 systems;
 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;
 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; and
 81 (7) Collect data and statistics regarding the performance of public safety answering
 82 points.

83 (d)(1) Control and management of the authority shall be vested in a board of directors.
 84 Such board shall consist of the following:

- 85 (A) Two members who shall be appointed by the Speaker of the House of
 86 Representatives, one of whom shall be an elected official of a city or county governing
 87 authority that operates or contracts for the operation of a public safety answering point;
 88 (B) Two members who shall be appointed by the Lieutenant Governor, one of whom
 89 shall be an elected official of a city or county governing authority that operates or
 90 contracts for the operation of a public safety answering point;
 91 (C) The commissioner of the Department of Public Safety or his or her designee;
 92 (D) The director of the Georgia Emergency Management and Homeland Security
 93 Agency or his or her designee;
 94 (E) Three members who shall be 9-1-1 directors, each of whom shall be currently
 95 employed by a public safety answering point, who shall be appointed by the Governor.

96 The 9-1-1 Directors Association may provide recommendations to the Governor for
 97 such appointments;

98 (F) One member who shall be an elected member of a county governing authority that
 99 operates or contracts for the operation of a public safety answering point, who shall be
 100 appointed by the Governor. The Association County Commissioners of Georgia may
 101 provide recommendations to the Governor for such appointment;

102 (G) One member who shall be a county manager, county administrator, or finance
 103 officer from a county that operates or contracts for the operation of a public safety
 104 answering point, who shall be appointed by the Governor. The Association County
 105 Commissioners of Georgia may provide recommendations to the Governor for such
 106 appointment;

107 (H) One member who shall be an elected member of a city governing authority or a
 108 city manager or finance director from a city that operates or contracts for the operation
 109 of a public safety answering point, who shall be appointed by the Governor. The
 110 Georgia Municipal Association may provide recommendations to the Governor for such
 111 appointment;

112 (I) One member from the telecommunications industry who shall be appointed by the
 113 Governor;

114 (J) One member shall be a sheriff who is responsible for managing a public safety
 115 answering point, who shall be appointed by the Governor. The Georgia Sheriffs'
 116 Association may provide recommendations to the Governor for such appointment;

117 (K) One police chief who is serving a local government that operates or contracts for
 118 the operation of a public safety answering point, who shall be appointed by the
 119 Governor. The Georgia Association of Chiefs of Police may provide recommendations
 120 to the Governor for such appointment;

121 (L) One fire chief who is serving a local government that operates or contracts for the
 122 operation of a public safety answering point, who shall be appointed by the Governor.
 123 The Georgia Association of Fire Chiefs may provide recommendations to the Governor
 124 for such appointment;

125 (M) The director of the Georgia Public Safety Training Center or his or her designee,
 126 who shall be a nonvoting member; and

127 (N) The director of the Georgia Technology Authority or his or her designee, who shall
 128 be a nonvoting member.

129 (2) The initial term for appointments made pursuant to subparagraphs (A) and (B) of
 130 paragraph (1) of this subsection shall be from July 1, 2017, until June 30, 2020. The
 131 initial term for appointments made pursuant to subparagraphs (E), (F), (G), and (H) of
 132 paragraph (1) of this subsection shall be from July 1, 2017, until June 30, 2019. The

133 initial term for appointments made pursuant to subparagraphs (I), (J), (K), and (L) of
 134 paragraph (1) of this subsection shall be from July 1, 2017, until June 30, 2018. All
 135 subsequent terms shall be for three years. Any vacancies that occur prior to the end of
 136 a term shall be filled by appointment in the same manner as the original appointment and
 137 shall be for the remainder of the unexpired term.

138 (3) The board may appoint additional persons to serve in an advisory role to the board.
 139 Such advisers shall be nonvoting and shall not be counted in ascertaining if a quorum is
 140 present.

141 (4) Members of the board of directors shall receive no compensation for their services
 142 but may be authorized by the authority to receive an expense allowance and
 143 reimbursement from funds of the authority in the same manner as provided for in Code
 144 Section 45-7-21, but only in connection with the member's physical attendance at a
 145 meeting of the board.

146 (5) Nine members of the board of directors shall constitute a quorum, and the affirmative
 147 votes of a majority of a quorum shall be required for any action to be taken by the board.

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

153 (7) The board of directors shall promulgate bylaws and may adopt other procedures for
 154 governing its affairs and for discharging its duties as may be permitted or required by law
 155 or applicable rules and regulations.

156 (e) The authority shall have perpetual existence.

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

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

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

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

165 (4) Apply for and to accept any gifts or grants, loan guarantees, loans of funds, property,
 166 or financial or other aid in any form from the federal government or any agency or
 167 instrumentality thereof, from the state government or any agency or instrumentality
 168 thereof, or from any other source for any or all of the purposes specified in this Code

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

206 for the offering of broadband, VoIP, or wireless service as such terms are defined in Code
207 Section 46-5-221.

208 (l) The board shall be subject to and shall comply with Chapter 13 of Title 50, the 'Georgia
209 Administrative Procedure Act,' in the same manner as an 'agency' as that term is defined
210 in paragraph (1) of Code Section 50-13-2. The board may promulgate and amend, from
211 time to time, such rules or regulations, consistent with this chapter and Chapter 13 of
212 Title 50, the 'Georgia Administrative Procedure Act,' as it deems consistent with or
213 required for the public welfare, for the administration of any provision of this chapter, or
214 for the orderly conduct of the board's affairs. Any claim by the authority that a service
215 supplier has violated any provision of this chapter shall be adjudicated as a contested
216 proceeding under Code Section 50-13-13 and be subject to judicial review under Code
217 Section 50-13-19.

218 36-93-4.

219 The board of the authority shall appoint an executive director who shall be the
220 administrative head of the authority. The board shall establish the salary of the executive
221 director. The executive director, with the concurrence and approval of the board, shall hire
222 officers, agents, and employees; prescribe their duties, responsibilities, and qualifications;
223 set their salaries; and perform such other duties as may be prescribed by the authority.
224 Such officers, agents, and employees shall serve at the pleasure of the executive director.

225 36-93-5.

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

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

240 (2) For purposes of the monthly report identifying the amount of charges collected and
 241 remitted as required in paragraph (1) of this subsection, the service supplier shall attempt
 242 to utilize enhanced ZIP Codes. If an enhanced ZIP Code designation is not available for
 243 an address or if the service supplier is unable to determine the applicable enhanced ZIP
 244 Code designation after exercising due diligence to determine the designation, the service
 245 supplier may apply the five-digit ZIP Code to that address. For purposes of this
 246 subsection, there is a rebuttable presumption that a service supplier has exercised due
 247 diligence if the service supplier has attempted to determine the enhanced ZIP Code
 248 designation by utilizing software used by the Streamlined Sales Tax Governing Board for
 249 purposes of Code Section 48-8-70.

250 36-93-5.1.

251 (a)(1) The authority shall contract with the Department of Revenue for the collection and
 252 disbursement of charges remitted to the authority under subsection (a) of Code
 253 Section 36-93-5, other than prepaid wireless charges under Code Section 46-5-134.2.
 254 Under such contract, the Department of Revenue may be authorized to retain an amount
 255 not to exceed 1 percent of the total amount of charges remitted to the authority under
 256 subsection (a) of Code Section 36-93-5, other than prepaid wireless charges under Code
 257 Section 46-5-134.2, to defray the cost of administering such collection and disbursement.

258 (2) Except for the amount authorized under paragraph (1) of this subsection to be
 259 retained for the Department of Revenue to defray administrative costs, the proceeds of
 260 any and all 9-1-1 charges collected pursuant to any provision of Part 4 of Article 2 of
 261 Chapter 5 of Title 46, except for prepaid wireless charges under Code Section 46-5-134.2,
 262 shall constitute proceeds of local government and shall be due and payable to local
 263 government as required under this chapter. Under no circumstances shall such charges
 264 be, or be deemed to be, revenues of the state and such charges shall not be subject to, or
 265 available for, appropriation by the state for any purpose.

266 (b) The authority shall also contract with the Department of Revenue for the collection and
 267 disbursement of prepaid wireless charges remitted to county and municipal government
 268 authorities under Code Section 46-5-134.2. Under such contract and to defray the cost of
 269 administering such collection and disbursement, the Department of Revenue shall receive
 270 payment for the actual and reasonable cost of its services not to exceed 1 percent of the
 271 total amount of the gross charges remitted to the department under Code Section
 272 46-5-134.2.

273 36-93-5.2.

274 The authority and telecommunications service suppliers shall work in cooperation with the
275 state to plan for and implement a state-wide public safety communications network.

276 36-93-6.

277 (a) The Department of Revenue shall retain from the charges remitted to it pursuant to
278 subsection (a) of Code Section 36-93-5 and pursuant to Code Section 46-5-134.2 an
279 amount equal to 1 percent of the total amount of such charges and remit such amount to the
280 authority to cover the authority's costs of administration of this chapter.

281 (b) Except for the amount retained under subsection (a) of this Code section, the remainder
282 of the charges remitted by service suppliers shall be paid by the Department of Revenue
283 to each local government on a pro rata basis based on the remitted amounts attributable to
284 each such local government reported by service suppliers in the reports required by
285 subsection (b) of Code Section 36-93-5. Such payments shall be made by the Department
286 of Revenue to such local governments not later than 30 days following the date charges
287 must be remitted by service suppliers to the Department of Revenue pursuant to subsection
288 (a) of Code Section 36-93-5.

289 36-93-7.

290 (a)(1) Beginning January 1, 2019, the authority is authorized to employ or contract with
291 an auditor, auditors, or the Department of Revenue to audit the financial and business
292 records of any service supplier offering communication services capable of connecting
293 9-1-1 service to the extent necessary to ensure proper collection and remittance of
294 charges in accordance with this chapter and with Part 4 of Article 2 of Chapter 5 of Title
295 46. Such audits shall apply only to charges required to be imposed and collected pursuant
296 to Part 4 of Article 2 of Chapter 5 of Title 46 on or after January 1, 2019, and shall be
297 conducted at the authority's sole expense. The Department of Revenue shall provide to
298 the authority access to all of the department's collection data and records of monthly
299 returns of service suppliers under this Code section. Except as provided by Code Section
300 36-93-8, such data and records shall not be used by the authority for any purpose other
301 than audits under this Code section and shall otherwise retain any confidential status
302 while in the possession of or use by the authority or others retained by the authority.

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

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

311 (b) Failure of a service supplier to comply with any audit required under paragraph (2) of
312 subsection (a) of this Code section, when notice of such audit has been duly served upon
313 a service supplier's registered agent, shall result in a civil penalty of not more than
314 \$1,000.00 per day for each day the service supplier refuses compliance commencing on a
315 date certain as stated in such notice, which in no case shall be less than 45 days, unless
316 otherwise agreed in writing by the parties. A good faith attempt by a service supplier to
317 comply with any such audit shall serve as a defense to a claim of failure to comply in any
318 contested proceeding under Code Section 50-13-13 or judicial review under Code
319 Section 50-13-19, and, if upheld, there shall be no civil penalty.

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

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

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

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

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

350 36-93-8.

351 (a) Except as otherwise provided in this Code section, all information submitted by a
 352 service supplier to the authority pursuant to this chapter shall be presumed to be a
 353 confidential, proprietary, trade secret or subject to exemption from disclosure under state
 354 or federal law and shall not be subject to disclosure under Article 4 of Chapter 18 of
 355 Title 50. Except as provided in this Code section, such information shall not be released
 356 to any person other than to the submitting service supplier, the authority, auditors, and
 357 attorneys employed by or under contract with the authority without the express permission
 358 of the submitting service supplier. Members of the authority may have access to
 359 information for the purpose of determining the accuracy of collections and remittances
 360 related to the member's jurisdiction. Such information shall be used solely for the purposes
 361 stated under this chapter.

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

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

369 **SECTION 2.**

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

373 "45-15-13.

374 As used in Code Sections 45-15-14 through 45-15-16, the term 'state authorities' means the
 375 following instrumentalities of the state: Georgia Building Authority, Georgia Education
 376 Authority (Schools), Georgia Education Authority (University), Georgia Highway
 377 Authority, Georgia Ports Authority, State Road and Tollway Authority, Jekyll

378 Island—State Park Authority, ~~and~~ Stone Mountain Memorial Association, and Local
 379 Government 9-1-1 Authority."

380 **SECTION 3.**

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

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

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

391 "(7) 'Exchange access facility' means the access from a particular telephone subscriber's
 392 premises to the telephone system of a service supplier. Exchange access facilities include
 393 service supplier provided access lines, PBX trunks, and Centrex network access registers,
 394 all as defined by tariffs of the telephone companies as approved by the Georgia Public
 395 Service Commission or, in the case of detariffed services, as defined in publicly available
 396 guidebooks or other publicly available service supplier publications. The term 'exchange
 397 access facility' also includes Voice over Internet Protocol service suppliers and any other
 398 communication, message, signal, or information delivery system capable of initiating a
 399 9-1-1 emergency call. Exchange access facilities do not include service supplier owned
 400 and operated telephone pay station lines, Wide Area Telecommunications Services
 401 (WATS), Foreign Exchange (FX), or incoming only lines."

402 "(16.1)(A) 'Telephone service' means any method by which a 9-1-1 emergency call is
 403 delivered to a public safety answering point. ~~The term 'telephone service' shall include~~
 404 ~~local~~ Such term shall include exchange ~~telephone service~~ access facilities or other
 405 telephone communication service, wireless service, ~~prepaid wireless service~~, mobile
 406 telecommunications service, computer service, Voice over Internet Protocol service, or
 407 any technology that delivers ~~or is required by law to deliver~~ a call to a public safety
 408 answering point that:

- 409 (i) Is capable of contacting and has been enabled to contact a public safety answering
 410 point via a 9-1-1 system by entering or dialing the digits 9-1-1;
 411 (ii) Is a telecommunications service as such term is defined by paragraph (39) of
 412 Code Section 48-8-2; and

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

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

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

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

425 (17) 'Telephone subscriber' means a person or entity to ~~whom~~ which retail telephone
 426 service, either residential or commercial, is provided. ~~When the same person, business,~~
 427 ~~or organization has several telephone access lines, each exchange access facility shall~~
 428 ~~constitute a separate subscription. When the same person, business, or organization has~~
 429 ~~several wireless telephones, each wireless telecommunications connection shall constitute~~
 430 ~~a separate connection.~~

431 (17.1) 'Voice over Internet Protocol service' ~~means~~ includes any technology that permits
 432 a voice conversation using a voice connection through any device to a computer, whether
 433 through a microphone, a telephone, or other device, ~~which that~~ sends a digital signal over
 434 the Internet or in Internet Protocol through a broadband connection to be converted back
 435 to the human voice at a distant terminal and that delivers ~~or is required by law to deliver~~
 436 a call to a public safety answering point. Voice over Internet Protocol service shall also
 437 include interconnected Voice over Internet Protocol service, which is service that enables
 438 real-time, two-way voice communications, requires a broadband connection from the
 439 user's location, requires Internet protocol compatible customer premises equipment, and
 440 allows users to receive calls that originate on the public service telephone network and
 441 to terminate calls to the public switched telephone network."

442 **SECTION 4.**

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

446

SECTION 5.

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

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

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

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

460 (3) The coordination necessary between local governments planning or developing a
 461 9-1-1 system and other state agencies, the Public Service Commission, all affected utility
 462 and telephone companies, wireless service suppliers, and other agencies;

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

466 (5) The actions to be taken by a local government desiring to provide wireless enhanced
 467 9-1-1 service, including requirements contained in 47 Code of Federal Regulations
 468 Section 20.18.

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

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

477

SECTION 6.

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

481 "46-5-124.1.

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

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

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

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

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

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

503 (c) ~~The director shall send a notice of delinquency to any~~ Every service supplier or Voice
504 over Internet Protocol service supplier ~~which fails to~~ shall comply with ~~subsection (b)~~
505 subsections (a) and (b) of this Code section. Such notice shall be sent by certified mail or
506 statutory overnight delivery. Any service supplier or Voice over Internet Protocol service
507 supplier that fails to register and provide the information required by this Code section:

508 ~~(1) within 30 days after receipt of a notice of delinquency shall~~ Shall not be eligible to
509 receive cost recovery funds as provided in subsection (e) of Code Section 46-5-134 until
510 the service supplier or Voice over Internet Protocol service supplier is in compliance with
511 ~~subsection~~ subsections (a) and (b) of this Code section when notice of such failure has
512 been duly served upon a service supplier's or Voice over Internet Protocol service
513 supplier's registered agent;

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

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

518 **SECTION 7.**

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

521 "46-5-127.

522 After January 1, 1978, and prior to January 1, 2019, no emergency 9-1-1 system shall be
523 established, and no existing system shall be expanded to provide wireless enhanced 9-1-1
524 service, without written confirmation by the ~~agency~~ Georgia Emergency Management and
525 Homeland Security Agency that the local plan conforms to the guidelines and procedures
526 provided for in Code Section 46-5-124. On or after January 1, 2019, no emergency 9-1-1
527 system shall be established, and no existing system shall be expanded to provide wireless
528 enhanced 9-1-1 service, without written confirmation by the authority that the local plan
529 conforms to the guidelines and procedures provided for in Code Section 46-5-124. The
530 authority shall not deny establishment of a new system or an expansion to provide wireless
531 enhanced 9-1-1 service if the local plan conforms to the guidelines and procedures
532 provided in Code Section 46-5-124."

533 **SECTION 8.**

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

536 "46-5-128.

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

541 **SECTION 9.**

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

544 "46-5-129.

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

547 **SECTION 10.**

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

550 "46-5-130.

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

553 **SECTION 11.**

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

556 "(a) Whether participating in a state-wide emergency 9-1-1 system or an emergency 9-1-1
557 system serving one or more local governments, neither the state, nor the authority, nor any
558 local government of the state nor any emergency 9-1-1 system provider or service supplier
559 or its employees, directors, officers, contractors, and agents, except in cases of wanton and
560 willful misconduct or bad faith, shall be liable for death or injury to any person or for
561 damage to property as a result of either developing, adopting, establishing, participating
562 in, implementing, maintaining, or carrying out duties involved in operating the emergency
563 9-1-1 system or in the identification of the telephone number, address, or name associated
564 with any person accessing an emergency 9-1-1 system."

565 **SECTION 11A.**

566 Said title is further amended in Code Section 46-5-133, relating to authority of local
567 government to adopt resolution to impose monthly 9-1-1 charge, by adding a new subsection
568 to read as follows:

569 "(d) Unless a city has imposed any charge authorized by this part, a county's imposition
570 by resolution of any charge authorized by this part shall be applied county wide and the
571 emergency 9-1-1 system shall be provided as a county-wide service. Any emergency call
572 from a member of the public received by such a county operated or contracted public safety
573 answering point shall be directed to the appropriate county or city public safety agency
574 personnel who are able to respond to such call, and such public safety answering point shall
575 maintain the connection with the caller and such personnel until the connection is
576 terminated by such personnel. Such county shall not impose fees or charges on the city or
577 its public safety agency for the emergency call and connection services described in this
578 subsection; provided, however, that nothing in this subsection is intended to supersede any
579 existing intergovernmental agreements not in conflict with this subsection."

580 **SECTION 12.**

581 Said title is further amended by revising subsections (a), (d), and (e) of Code
582 Section 46-5-134, relating to billing of subscribers, liability of subscriber for service charge,

583 taxes on service, establishment of Emergency Telephone System Fund, records, and use of
584 funds, as follows:

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

595 (ii) In computing the amount due under this subsection, the number of 9-1-1 charges
596 a telephone subscriber shall be assessed shall not exceed the number of simultaneous
597 outbound calls that can be made from voice channels the service supplier has
598 activated and enabled. For telephone service that provides to multiple locations
599 shared simultaneous outbound voice channel capacity configured to and capable of
600 accessing a 9-1-1 system in different states, the monthly 9-1-1 charge shall be
601 assessed only for the portion of such shared voice channel capacity in Georgia as
602 identified by the service supplier's books and records. In determining the portion of
603 the shared capacity in the state, a service supplier may rely on, among other factors,
604 a customer's certification of its allocation of capacity in Georgia, which may be based
605 on each end user location, the total number of end users, and the number of end users
606 at each end user location.

607 (B) All telephone services billed to federal, state, or local governments shall be exempt
608 from the 9-1-1 charge. Each service supplier shall, on behalf of the local government,
609 collect the 9-1-1 charge from those telephone subscribers to whom it provides
610 telephone service in the area served by the emergency 9-1-1 system. As part of its
611 normal billing process, the service supplier shall collect the 9-1-1 charge for each
612 month a telephone service is in service, and it ~~shall~~ may list the 9-1-1 charge as a
613 separate entry on each bill. Nothing in this Code section shall be construed to require
614 a service supplier to list the 9-1-1 charge as a surcharge or separate entry on each bill.
615 Service suppliers that do not list the 9-1-1 charge as a separate entry on each bill shall
616 remit the 9-1-1 charge for each telephone subscriber that pays the bill; provided,
617 however, that this information shall be maintained in a form that auditors can access.
618 If a service supplier receives a partial payment for a bill from a telephone subscriber,

619 the service supplier shall apply the payment against the amount the telephone
620 subscriber owes the service supplier first.

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

623 (2)(A) If the governing authority body of a local government operates or contracts for
624 the operation of ~~an emergency 9-1-1 system which a public safety answering point that~~
625 is capable of providing or provides automatic number identification of a wireless
626 telecommunications connection and the location of the base station or cell site which
627 receives a 9-1-1 call from a wireless telecommunications connection, the subscriber of
628 a wireless telecommunications connection whose ~~billing address~~ primary place of use
629 is within the geographic area that is served by the local government or that would be
630 served by the local government for the purpose of such ~~an emergency 9-1-1 system a~~
631 public safety answering point may be billed for the monthly wireless enhanced 9-1-1
632 charge, if any, imposed with respect to that connection by the wireless service supplier.
633 Such wireless enhanced 9-1-1 charge ~~may not exceed the amount of the monthly 9-1-1~~
634 ~~charge imposed upon other telephone subscribers pursuant to paragraph (1) of this~~
635 ~~subsection nor exceed \$1.00~~ shall be \$1.50 per month per wireless telecommunications
636 connection provided to the telephone subscriber except as otherwise provided in
637 paragraph (5) of subsection (d) of this Code section.

638 (B) If the governing authority body of a local government operates or contracts for the
639 operation of an emergency 9-1-1 system which is capable of providing or provides
640 automatic number identification and automatic location identification of a wireless
641 telecommunications connection, the subscriber of a wireless telecommunications
642 connection whose place of primary use is within the geographic area that is served by
643 the local government or that would be served by the local government for the purpose
644 of such an emergency 9-1-1 system may be billed for the monthly wireless enhanced
645 9-1-1 charge, if any, imposed with respect to that connection by the wireless service
646 supplier. Such wireless enhanced 9-1-1 charge may not exceed the amount of the
647 monthly 9-1-1 charge imposed upon other telephone subscribers pursuant to
648 paragraph (1) of this subsection and shall be imposed on a monthly basis for each
649 wireless telecommunications connection provided to the telephone subscriber.

650 (C) All wireless telecommunications connections billed to federal, state, or local
651 governments shall be exempt from the wireless enhanced 9-1-1 charge. Each wireless
652 service supplier shall, on behalf of the local government, collect the wireless enhanced
653 9-1-1 charge from those telephone subscribers whose place of primary use is within the
654 geographic area that is served by the local government or that would be served by the
655 local government for the purpose of such an emergency 9-1-1 system. As part of its

656 normal billing process, the wireless service supplier shall collect the wireless enhanced
 657 9-1-1 charge for each month a wireless telecommunications connection is in service,
 658 and it ~~shall~~ may list the wireless enhanced 9-1-1 charge as a separate entry on each bill.
 659 Nothing in this Code section shall be construed to require a wireless service supplier
 660 to list the 9-1-1 charge as a separate entry on each bill. Wireless service suppliers that
 661 do not list the 9-1-1 charge as a separate entry on each bill shall remit the 9-1-1 charge
 662 for each telephone subscriber that pays the bill; provided, however, that this
 663 information shall be maintained in a form that auditors can access. If a wireless service
 664 supplier receives partial payment for a bill from a telephone subscriber, the wireless
 665 service supplier shall apply the payment against the amount the telephone subscriber
 666 owes the wireless service supplier first.

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

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

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

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

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

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

696 (5) ~~Such monthly 9-1-1 charges and wireless enhanced 9-1-1 charges may be reduced~~
 697 ~~at any time by the governing authority by resolution; provided, however, that said~~
 698 ~~governing authority~~ The governing body of a local government shall be required to
 699 reduce such monthly 9-1-1 charge or wireless enhanced 9-1-1 charge at any time the
 700 projected revenues from 9-1-1 charges or wireless enhanced 9-1-1 charges will cause the
 701 unexpended revenues in the Emergency Telephone System Fund at the end of the fiscal
 702 year to exceed by one and one-half times the unexpended revenues in such fund at the
 703 end of the immediately preceding fiscal year or at any time the unexpended revenues in
 704 such fund at the end of the fiscal year exceed by one and one-half times the unexpended
 705 revenues in such fund at the end of the immediately preceding fiscal year. Such reduction
 706 in the 9-1-1 charge or wireless enhanced 9-1-1 charge shall be in an amount which will
 707 avert the accumulation of revenues in such fund at the end of the fiscal year which will
 708 exceed by one and one-half times the amount of revenues in the fund at the end of the
 709 immediately preceding fiscal year.

710 (e)(1) A ~~wireless~~ service supplier may recover its costs expended on the implementation
 711 and provision of ~~wireless enhanced 9-1-1 services to subscribers in an amount not to~~
 712 ~~exceed 30¢ of each 9-1-1 charge collected from a place of primary use that is within the~~
 713 ~~geographic area that is served by the local government or would be served by the local~~
 714 ~~government for the purpose of such emergency 9-1-1 system; provided, however, that~~
 715 ~~such amount may be increased to 45¢ upon implementation of step two of the state plan~~
 716 ~~governing 9-1-1 enhanced communications as provided in subsection (g) of this Code~~
 717 ~~section. Such cost recovery amount shall be based on the actual cost incurred by the~~
 718 ~~wireless service supplier in providing wireless enhanced 9-1-1 services~~ by imposing a
 719 cost recovery fee, not to exceed 45 cents per month, or including such costs in existing
 720 cost recovery or regulatory recovery fees billed to the subscriber. In no event shall a
 721 service supplier deduct any amounts for cost recovery or otherwise from the charges to
 722 be remitted to the authority pursuant to Code Section 36-93-5.

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

725 **SECTION 13.**

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

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

736 **SECTION 14.**

737 (a) This Act shall become effective on July 1, 2017, for purposes of creating the Local
738 Government 9-1-1 Authority and appointing the members thereof, and enactment of Section
739 11A; the provisions regarding billing practices contained in subsection (d) of Code Section
740 36-93-7 shall become effective on July 1, 2018; and, for all other purposes, this Act shall
741 become effective on January 1, 2019.

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

745 **SECTION 15.**

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