Senate Bill 222
By: Senators Kennedy of the 18th, Mullis of the 53rd, Jeffares of the 17th, Unterman of the 45th, Miller of the 49th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

To amend Titles 36, 45, and 46 of the Official Code of Georgia Annotated, relating to local government, public officers and employees, and public utilities and public transportation, respectively, so as to create the Local Government 9-1-1 Authority; to provide for a short title; to provide for definitions; to provide for members, powers, duties, authority, and responsibilities; to change certain provisions relating to the remittance of 9-1-1 charges; to provide for payment by service suppliers to the Local Government 9-1-1 Authority; to provide for administrative costs; to provide for legal representation; to provide for penalties and interest for noncompliance; to revise definitions relative to the Georgia Emergency Telephone Number 9-1-1 Service Act; to provide for conforming changes; to provide for related matters; to provide for effective dates; to provide for applicability to certain causes of action; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by adding a new chapter to read as follows:

"CHAPTER 93

36-93-1.
This chapter shall be known and may be cited as the 'Local Government 9-1-1 Authority Act.'

36-93-2.
As used in this chapter, the term:
(1) 'Authority' means the Local Government 9-1-1 Authority established pursuant to Code Section 36-93-3.
(2) 'Board of directors' or 'board' means the governing body of the authority.
(3) 'Emergency 9-1-1 system' or '9-1-1 system' has the same meaning as provided in paragraph (5) of Code Section 46-5-122.

(4) 'Enhanced ZIP Code' has the same meaning as provided in paragraph (6) of Code Section 46-5-122.

(5) 'Local government' means a county, municipality, regional authority, or consolidated government in this state that operates or contracts for the operation of a public safety answering point and has adopted a resolution or ordinance pursuant to Code Section 46-5-133 to impose 9-1-1 charges under Code Section 46-5-134.

(6) '9-1-1 charge' has the same meaning as provided in paragraph (11) of Code Section 46-5-122.

(7) 'Prepaid wireless service' has the same meaning as provided in paragraph (12.1) of Code Section 46-5-122.

(8) 'Public safety answering point' has the same meaning as provided in paragraph (15) of Code Section 46-5-122.

(9) 'Service supplier' has the same meaning as provided in paragraph (16) of Code Section 46-5-122.

(10) 'Telephone subscriber' has the same meaning as provided in paragraph (17) of Code Section 46-5-122.

(11) 'Wireless enhanced 9-1-1 charge' has the same meaning as provided in paragraph (18) of Code Section 46-5-122.

(a)(1) There is established the Local Government 9-1-1 Authority as a body corporate and politic, an instrumentality of the state, and a public corporation, and by that name the authority may contract and be contracted with and defend and bring actions, including a private right of action to enforce this chapter.

(2) All local governments that operate or contract for the operation of a public safety answering point as of July 1, 2017, shall be members of the authority. Additional local governments shall become members upon their adoption of a resolution or ordinance to impose the monthly 9-1-1 charge as authorized by Code Section 46-5-134. Any local government member of the authority that ceases operating or contracting for the operation of a public safety answering point shall withdraw from the authority subject to the terms of any contract, obligation, or agreement with the authority.

(b) The purpose of the authority shall be to administer, collect, audit, and remit 9-1-1 revenue for the benefit of local governments, as specified in this chapter, and on such terms and conditions as may be determined to be in the best interest of the operation of local government in light of the following factors:
(1) The public interest in providing cost-efficient collection of revenues;

(2) Increasing compliance in collection of revenues in providing fairness to the persons and entities currently paying their share and the taxpayers who make up for the revenue shortfall through higher tax rates;

(3) Easing the administrative burden on vendors and service suppliers; and

(4) Such other factors as are in the public interest and welfare of the citizens of Georgia.

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

(1) Apply for, receive, and use federal grants, state grants, or both;

(2) Study, evaluate, and recommend technology standards for the state-wide provision of a public safety communications network and 9-1-1 service;

(3) Identify any changes necessary to accomplish more effective and efficient 9-1-1 service across this state including consolidation and interoperability of 9-1-1 systems;

(4) Identify any changes necessary in the assessment and collection of fees under Part 4 of Article 2 of Chapter 5 of Title 46;

(5) Develop, offer, or make recommendations to the Georgia Public Safety Training Center or another state agency as to training that should be provided to directors of public safety answering points;

(6) Provide an annual report which shall include proposed legislation, if any, to the Governor and the General Assembly by December 1 of each year; and

(7) Collect data and statistics regarding the performance of public safety answering points.

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

(A) Two members who shall be appointed by the Speaker of the House of Representatives, one of whom shall be an elected official of a city or county governing authority that operates or contracts for the operation of a public safety answering point;

(B) Two members who shall be appointed by the Lieutenant Governor, one of whom shall be an elected official of a city or county governing authority that operates or contracts for the operation of a public safety answering point;

(C) The commissioner of the Department of Public Safety or his or her designee;

(D) The director of the Georgia Emergency Management and Homeland Security Agency or his or her designee;

(E) Three members who shall be 9-1-1 directors, each of whom shall be currently employed by a public safety answering point, who shall be appointed by the Governor. The 9-1-1 Directors Association may provide recommendations to the Governor for such appointments:
(F) One member who shall be an elected member of a county governing authority that operates or contracts for the operation of a public safety answering point, who shall be appointed by the Governor. The Association County Commissioners of Georgia may provide recommendations to the Governor for such appointment;

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

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

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

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

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

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

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

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

(2) The initial term for appointments made pursuant to subparagraphs (A) and (B) of paragraph (1) of this subsection shall be from July 1, 2017, until June 30, 2020. The initial term for appointments made pursuant to subparagraphs (E), (F), (G), and (H) of paragraph (1) of this subsection shall be from July 1, 2017, until June 30, 2019. The initial term for appointments made pursuant to subparagraphs (I), (J), (K), and (L) of paragraph (1) of this subsection shall be from July 1, 2017, until June 30, 2018. All
subsequent terms shall be for three years. Any vacancies that occur prior to the end of
a term shall be filled by appointment in the same manner as the original appointment and
shall be for the remainder of the unexpired term.

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

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

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

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

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

(e) The authority shall have perpetual existence.

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

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

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

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

(4) Apply for and to accept any gifts or grants, loan guarantees, loans of funds, property,
or financial or other aid in any form from the federal government or any agency or
instrumentality thereof, from the state government or any agency or instrumentality
thereof, or from any other source for any or all of the purposes specified in this Code
section and to comply, subject to the provisions of this Code section, with the terms and
conditions thereof;
(5) Fix and collect fees and charges for data, media, and incidental services furnished by it to any individual or private entity;

(6) Deposit or otherwise invest funds held by it in any state depository or in any investment that is authorized for the investment of proceeds of state general obligation bonds and to use for its corporate purposes or redeposit or reinvest interest earned on such funds;

(7) Exercise any power granted by the laws of this state to public or private corporations that is not in conflict with the public purpose of the authority;

(8) Do all things necessary or convenient to carry out the powers conferred by this Code section and to carry out such duties and activities as are specifically imposed upon the authority by law;

(9) Bring and defend actions;

(10) Provide for the collection of moneys;

(11) Manage, control, and direct proceeds retained under subsection (a) of Code Section 36-93-6 and the expenditures made therefrom;

(12) Distribute the proceeds identified under subsection (b) of Code Section 36-93-6 in such manner and subject to such terms and limitations as provided by such Code section; and

(13) Exercise all other powers necessary for the development and implementation of the duties and responsibilities provided for in this chapter.

(g) The creation of the authority and the carrying out of its purposes under this chapter are in all respects for the benefit of the people of this state and are public purposes. The authority shall be carrying out an essential governmental function on behalf of local governments in the exercise of the powers conferred upon it by this chapter and is, therefore, given the same immunity from liability for carrying out its intended functions as other state officials and employees.

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

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

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

(k) Notwithstanding any provision of this Code section to the contrary, the authority shall have no jurisdiction concerning the setting of rates, terms, and conditions for the offering of telecommunications services as defined in paragraph (18) of Code Section 46-5-162 or for the offering of broadband, VoIP, or wireless service as such terms are defined in Code Section 46-5-221.
(l) The board shall be subject to and shall comply with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' in the same manner as an 'agency' as that term is defined in paragraph (1) of Code Section 50-13-2. The board may promulgate and amend, from time to time, such rules or regulations, consistent with this chapter and Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' as it deems consistent with or required for the public welfare, for the administration of any provision of this chapter, or for the orderly conduct of the board's affairs. Any claim by the authority that a service supplier has violated any provision of this chapter shall be adjudicated as a contested proceeding under Code Section 50-13-13 and be subject to judicial review under Code Section 50-13-19.

36-93-4.

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

36-93-5.

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

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

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

36-93-5.1.

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

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

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

36-93-5.2.

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

36-93-6.
(a) The Department of Revenue shall retain from the charges remitted to it pursuant to subsection (a) of Code Section 36-93-5 and pursuant to Code Section 46-5-134.2 an amount equal to 1 percent of the total amount of such charges and remit such amount to the authority to cover the authority's costs of administration of this chapter.

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

36-93-7.

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

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

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

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

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

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

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

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

(3) The written approval of a billing practice under this subsection or the approval of a
billing practice under subparagraph (B) of paragraph (2) of this subsection shall not
impair or prohibit the board from adopting and implementing subsequently new
requirements by rule or regulation that the board deems appropriate that supersede any
such prior approved billing practices; provided, however, that in no case shall any
approval of a billing practice by the authority be superseded for a period of at least three
years from the date of approval.
(a) Except as otherwise provided in this Code section, all information submitted by a
service supplier to the authority pursuant to this chapter shall be presumed to be a
confidential, proprietary, trade secret or subject to exemption from disclosure under state
or federal law and shall not be subject to disclosure under Article 4 of Chapter 18 of
Title 50. Except as provided in this Code section, such information shall not be released
to any person other than to the submitting service supplier, the authority, auditors, and
attorneys employed by or under contract with the authority without the express permission
of the submitting service supplier. Members of the authority may have access to
information for the purpose of determining the accuracy of collections and remittances
related to the member's jurisdiction. Such information shall be used solely for the purposes
stated under this chapter.

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

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

SECTION 2.

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


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

SECTION 3.

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

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

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

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

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

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

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

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

(B) When a service supplier provides to the same person, business, or organization the voice channel capacity to make more than one simultaneous outbound call from an
exchange access facility, then each such separate simultaneous outbound call voice
channel capacity, regardless of technology, shall constitute a separate telephone service.
(C) When the same person, business, or organization has several wireless telephones,
each wireless telecommunications connection shall constitute a separate telephone service.
(D) A broadband connection used for telephone service shall not constitute a separate
voice channel capacity subscription for purposes of the 9-1-1 charge.
(17) 'Telephone subscriber' means a person or entity to whom retail telephone
service, either residential or commercial, is provided. When the same person, business,
or organization has several telephone access lines, each exchange access facility shall
constitute a separate subscription. When the same person, business, or organization has
several wireless telephones, each wireless telecommunications connection shall constitute
a separate connection.
(17.1) 'Voice over Internet Protocol service' means includes any technology that permits
a voice conversation using a voice connection through any device to a computer, whether
through a microphone, a telephone, or other device, which sends a digital signal over
the Internet or in Internet Protocol through a broadband connection to be converted back
to the human voice at a distant terminal and that delivers or is required by law to deliver
a call to a public safety answering point. Voice over Internet Protocol service shall also
include interconnected Voice over Internet Protocol service, which is service that enables
real-time, two-way voice communications, requires a broadband connection from the
user's location, requires Internet protocol compatible customer premises equipment, and
allows users to receive calls that originate on the public service telephone network and
to terminate calls to the public switched telephone network."

SECTION 4.
Said title is further amended by repealing and reserving Code Section 46-5-123, relating to
creation of 9-1-1 Advisory Committee, selection of members, filling of vacancies,
organization, and roles and responsibilities.

SECTION 5.
Said title is further amended in Code Section 46-5-124, relating to guidelines for
implementing state-wide emergency 9-1-1 system and training and equipment standards, by
revising subsections (a), (b), and (d) as follows:
“(a) The agency authority shall develop guidelines for implementing a state-wide
emergency 9-1-1 system. The guidelines shall provide for:
(1) Steps of action necessary for public agencies to effect the necessary coordination, regulation, and development preliminary to a 9-1-1 system that shall incorporate the requirements of each public service agency in each local government of Georgia;

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

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

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

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

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

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

SECTION 6.

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

"46-5-124.1.

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

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

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

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

and

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

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

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

(1) within 20 days after receipt of a notice of delinquency shall Shall not be eligible to
receive cost recovery funds as provided in subsection (e) of Code Section 46-5-134 until
the service supplier or Voice over Internet Protocol service supplier is in compliance with
subsections (a) and (b) of this Code section when notice of such failure has
been duly served upon a service supplier's or Voice over Internet Protocol service
supplier's registered agent;

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

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

SECTION 7.

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

46-5-127.
After January 1, 1978, and prior to January 1, 2019, no emergency 9-1-1 system shall be established, and no existing system shall be expanded to provide wireless enhanced 9-1-1 service, without written confirmation by the Georgia Emergency Management and Homeland Security Agency that the local plan conforms to the guidelines and procedures provided for in Code Section 46-5-124. On or after January 1, 2019, no emergency 9-1-1 system shall be established, and no existing system shall be expanded to provide wireless enhanced 9-1-1 service, without written confirmation by the authority that the local plan conforms to the guidelines and procedures provided for in Code Section 46-5-124. The authority shall not deny establishment of a new system or an expansion to provide wireless enhanced 9-1-1 service if the local plan conforms to the guidelines and procedures provided in Code Section 46-5-124."

SECTION 8.

Said title is further amended by revising Code Section 46-5-128, relating to cooperation by public agencies, as follows: "46-5-128. All public agencies shall assist the agency authority in its efforts to carry out the intent of this part; and such agencies shall comply with the guidelines developed pursuant to Code Section 46-5-124 by furnishing a resolution of intent regarding an emergency 9-1-1 system."

SECTION 9.

Said title is further amended by revising Code Section 46-5-129, relating to use of 9-1-1 emblem, as follows: "46-5-129. The agency authority may develop a 9-1-1 emblem which may be utilized on marked vehicles used by public safety agencies participating in a local 9-1-1 system."

SECTION 10.

Said title is further amended by revising Code Section 46-5-130, relating to federal assistance, as follows: "46-5-130. The agency authority is authorized to apply for and accept federal funding assistance in the development and implementation of a state-wide emergency 9-1-1 system."

SECTION 11.
Said title is further amended by revising subsection (a) of Code Section 46-5-131, relating to exemptions from liability in operation of 9-1-1 system, as follows:

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

SECTION 11A.

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

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

SECTION 12.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 13.

Said title is further amended by revising paragraph (1) of subsection (b) of Code
Section 46-5-134.2, relating to prepaid wireless 9-1-1 charge, definitions, imposition of fee
by localities, collection and remission of charges, and distribution of funds, as follows:
*(b)(1) Counties and municipalities that operate a 9-1-1 public safety answering point,
including counties and municipalities that operate multijurisdictional or regional 9-1-1
systems or have created a joint authority pursuant to Code Section 46-5-138, are
authorized to impose by ordinance or resolution a prepaid wireless 9-1-1 charge in the
amount of 75¢ $1.50 per retail transaction. Imposition of the charge authorized by this
Code section by a county or municipality shall be contingent upon compliance with the
requirements of paragraph (1) of this Code section.∗
SECTION 14.

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

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

SECTION 15.

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