

The Senate Committee on Public Safety offered the following substitute to HB 751:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to
2 emergency management, so as to establish the Georgia Emergency Communications
3 Authority; to provide for definitions; to provide for a short title; to provide for members,
4 powers, duties, and responsibilities of the authority; to provide for a board of directors and
5 executive director of the authority; to provide for legal services for the authority; to provide
6 for remittance of certain 9-1-1 charges to the authority; to provide for payment by service
7 suppliers to the authority; to provide for administrative costs; to provide for audits; to provide
8 for the assessment of penalties and interest by the authority for noncompliance; to provide
9 for the nondisclosure of certain information submitted to the authority or Department of
10 Revenue; to provide for the use of funds; to amend Title 46 of the Official Code of Georgia
11 Annotated, relating to public utilities and public transportation, so as to revise the Georgia
12 Emergency Telephone Number 9-1-1 Service Act of 1977 to account for the establishment
13 of the authority; to revise definitions; to transfer certain duties from the Georgia Emergency
14 Management and Homeland Security Agency to the authority; to abolish the 9-1-1 Advisory
15 Committee; to revise provisions regarding the registration of certain information by service
16 suppliers and Voice over Internet Protocol service suppliers; to revise standards for the
17 establishment and approval of 9-1-1 systems; to establish criteria for county-wide imposition
18 of 9-1-1 charges; to revise the 9-1-1 charge assessed to telephone subscribers; to revise the
19 administrative fee retained by service suppliers; to provide for a cost recovery fee billed to
20 subscribers; to revise the prepaid wireless 9-1-1 charge that counties and municipalities may
21 assess and such charge's terms of remittance; to amend Chapter 8 of Title 35, Title 45, and
22 Article 1 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to
23 employment and training of peace officers, public officers and employees, and state
24 administrative organization, respectively, so as to make conforming changes; to provide for
25 the nonconfidentiality and nonprivilege of certain information collected by the authority and
26 Department of Revenue; to provide for related matters; to provide for effective dates and
27 applicability; to repeal conflicting laws; and for other purposes.

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

29 PART I
30 SECTION 1-1.

31 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency
32 management, is amended by adding a new article to read as follows:

33 "ARTICLE 12

34 38-3-180.

35 This article shall be known and may be cited as the 'Georgia Emergency Communications
36 Authority Act.'

37 38-3-181.

38 As used in this article, the term:

39 (1) 'Authority' means the Georgia Emergency Communications Authority established
40 pursuant to Code Section 38-3-182.

41 (2) 'Board of directors' or 'board' means the governing body of the authority.

42 (3) 'Emergency 9-1-1 system' or '9-1-1 system' has the same meaning as provided in
43 Code Section 46-5-122.

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

45 (5) 'Local government' means a county, municipality, regional authority, or consolidated
46 government in this state that operates or contracts for the operation of a public safety
47 answering point and has adopted a resolution or ordinance pursuant to Code Section
48 46-5-133 to impose 9-1-1 charges under Code Section 46-5-134.

49 (6) 'Next Generation 9-1-1' or 'NG911' is a secure, nationwide, interoperable,
50 standards-based, all Internet protocol emergency communications infrastructure enabling
51 end-to-end transmission of all types of data, including, but not limited to, voice and
52 multimedia communications from the public to a public safety answering point.

53 (7) '9-1-1 charge' has the same meaning as provided in Code Section 46-5-122.

54 (8) 'Public safety answering point' has the same meaning as provided in Code Section
55 46-5-122.

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

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

58 (11) 'Wireless enhanced 9-1-1 charge' has the same meaning as provided in Code Section
59 46-5-122.

60 38-3-182.

61 (a)(1) There is established the Georgia Emergency Communications Authority as a body
 62 corporate and politic, an instrumentality of the state, and a public corporation, and by that
 63 name the authority may contract and be contracted with and defend and bring actions,
 64 including, but not limited to, a private right of action to enforce this article. The authority
 65 shall be an entity within the Georgia Emergency Management and Homeland Security
 66 Agency and attached to said agency for all operational purposes.

67 (2) All local governments as of July 1, 2018, shall be members of the authority.
 68 Additional local governments shall become members upon adoption of a resolution or
 69 ordinance to impose the monthly 9-1-1 charge as authorized by Code Section 46-5-133
 70 and contingent upon approval by the authority which shall not be unreasonably withheld.
 71 Any local government member of the authority that ceases operating or contracting for
 72 the operation of a public safety answering point shall withdraw from the authority subject
 73 to the terms of any contract, obligation, or agreement with the authority.

74 (b) The primary purpose of the authority shall be to administer, collect, audit, and remit
 75 9-1-1 revenues for the benefit of local governments, as specified in this article, and on such
 76 terms and conditions as may be determined to be in the best interest of the operation of
 77 local governments in light of the following factors:

- 78 (1) The public interest in providing cost-efficient collection of revenues;
 79 (2) Increasing compliance in collection of revenues;
 80 (3) Easing the administrative burden on vendors and service suppliers; and
 81 (4) Such other factors as are in the public interest and welfare of the citizens of Georgia.

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

- 84 (1) Apply for, receive, and use federal grants or state grants or both;
 85 (2) Study, evaluate, and recommend technology standards for the regional and state-wide
 86 provision of a public safety communications network and 9-1-1 system;
 87 (3) Identify any changes necessary to accomplish more effective and efficient 9-1-1
 88 service across this state including consolidation and interoperability of 9-1-1 systems;
 89 (4) Identify any changes necessary in the assessment and collection of fees under Part 4
 90 of Article 2 of Chapter 5 of Title 46;
 91 (5) Develop, offer, or make recommendations to the Georgia Public Safety Training
 92 Center, Georgia Peace Officers and Standards Training Council, and other state agencies
 93 as to training that should be provided to telecommunicators, trainers, supervisors, and
 94 directors of public safety answering points;
 95 (6) Recommend minimum standards for operation of public safety answering points;

96 (7) Collect data and statistics regarding the performance of public safety answering
97 points; and

98 (8) Identify any necessary changes or enhancements to develop and deploy NG911
99 statewide.

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

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

103 (B) The commissioner of the Department of Revenue or his or her designee;

104 (C) The director of the Georgia Public Safety Training Center or his or her designee;

105 (D) Three members appointed by the Governor who shall be 9-1-1 directors, each of
106 whom shall be currently employed by a public safety answering point. The Georgia
107 9-1-1 Directors Association, the Georgia Chapter of the Association of Public Safety
108 Communications Officials, and the Georgia Chapter of the National Emergency
109 Number Association may provide recommendations to the Governor for such
110 appointments;

111 (E) One member appointed by the Governor who shall be an elected member of a
112 county governing authority that operates or contracts for the operation of a public safety
113 answering point. The Association County Commissioners of Georgia may provide
114 recommendations to the Governor for such appointment;

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

119 (G) One member appointed by the Governor who shall be an elected member of a city
120 governing authority that operates or contracts for the operation of a public safety
121 answering point. The Georgia Municipal Association may provide recommendations
122 to the Governor for such appointment;

123 (H) One member appointed by the Governor who shall be a city manager, city
124 administrator, or finance officer from a city that operates or contracts for the operation
125 of a public safety answering point. The Georgia Municipal Association may provide
126 recommendations to the Governor for such appointment;

127 (I) Two members from the telecommunications industry who shall be appointed by the
128 Governor;

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

132 (K) One police chief appointed by the Governor who is serving a local government.
133 The Georgia Association of Chiefs of Police may provide recommendations to the
134 Governor for such appointment; and

135 (L) One fire chief appointed by the Governor who is serving a local government. The
136 Georgia Association of Fire Chiefs may provide recommendations to the Governor for
137 such appointment.

138 (2) The initial term for appointments made pursuant to subparagraphs (D), (E), (F), (G),
139 and (H) of paragraph (1) of this subsection shall be from July 1, 2018, until June 30,
140 2021. The initial term for appointments made pursuant to subparagraphs (I), (J), (K), and
141 (L) of paragraph (1) of this subsection shall be from July 1, 2018, until June 30, 2020.
142 All subsequent terms shall be for three years. Any vacancies that occur prior to the end
143 of a term shall be filled by appointment in the same manner as the original appointment
144 and shall be for the remainder of the unexpired term.

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

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

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

155 (6) The executive director of the authority shall convene the initial meeting of the board
156 of the authority no later than September 1, 2018, at which time the board shall elect one
157 of its members as chairperson. In addition, the board shall elect from its membership a
158 vice chairperson and a secretary/treasurer.

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

162 (e) The authority shall have perpetual existence.

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

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

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

- 168 (3) Acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or
169 personal property of every kind and character, or any interest therein, in furtherance of
170 the purpose of the authority;
- 171 (4) Apply for and to accept any gifts or grants, loan guarantees, loans of funds, property,
172 or financial or other aid in any form from the federal government or any agency or
173 instrumentality thereof, from the state government or any agency or instrumentality
174 thereof, or from any other source for any or all purposes specified in this article and to
175 comply, subject to the provisions of this article, with the terms and conditions thereof;
- 176 (5) Deposit or otherwise invest funds held by it in any state depository or in any
177 investment that is authorized for the investment of proceeds of state general obligation
178 bonds and to use for its corporate purposes or redeposit or reinvest interest earned on
179 such funds;
- 180 (6) Exercise any powers granted by the laws of this state to public or private corporations
181 that are not in conflict with the public purpose of the authority;
- 182 (7) Do all things necessary or convenient to carry out the powers conferred by this article
183 and to carry out such duties and activities as are specifically imposed upon the authority
184 by law;
- 185 (8) Bring and defend actions;
- 186 (9) Provide for the collection of moneys;
- 187 (10) Manage, control, and direct proceeds retained under subsection (a) of Code Section
188 38-3-188 and the expenditures made therefrom;
- 189 (11) Distribute the proceeds identified under subsection (b) of Code Section 38-3-188
190 in such manner and subject to such terms and limitations as provided by such Code
191 section; and
- 192 (12) Exercise all other powers necessary for the development and implementation of the
193 duties and responsibilities provided for in this article.
- 194 (g) The creation of the authority and the carrying out of its purpose under this article are
195 in all respects for the benefit of the people of this state. The authority shall be carrying out
196 an essential governmental function on behalf of local governments in the exercise of the
197 powers conferred upon it by this article and is, therefore, given the same immunity from
198 liability for carrying out its intended functions as other state officials and employees.
- 199 (h) The authority shall not be required to pay taxes or assessments upon any real or
200 personal property acquired under its jurisdiction, control, possession, or supervision.
- 201 (i) All moneys received by the authority pursuant to this article shall be deemed to be trust
202 funds to be held and applied solely as provided in this article.
- 203 (j) This article, being for the welfare of the state and its inhabitants, shall be liberally
204 construed to affect the purposes thereof.

205 (k) Notwithstanding any provision of this Code section to the contrary, the authority shall
 206 have no jurisdiction concerning the setting of rates, terms, and conditions for the offering
 207 of telecommunications services, as defined in Code Section 46-5-162, or for the offering
 208 of broadband service, VoIP, or wireless service, as such terms are defined in Code Section
 209 46-5-221.

210 (l) The board shall be subject to and shall comply with Chapter 13 of Title 50, the 'Georgia
 211 Administrative Procedure Act,' in the same manner as an agency as such term is defined
 212 in Code Section 50-13-2. The board may promulgate and amend, from time to time, such
 213 rules or regulations, consistent with this article and Chapter 13 of Title 50, the 'Georgia
 214 Administrative Procedure Act,' as it deems consistent with or required for the public
 215 welfare, for the administration of any provision of this article, or for the orderly conduct
 216 of the board's affairs. Any claim by the authority that a service supplier has violated any
 217 provision of this article shall be adjudicated as a contested proceeding under Code Section
 218 50-13-13 and be subject to judicial review under Code Section 50-13-19.

219 38-3-183.

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

228 38-3-184.

229 The Attorney General shall provide legal services for the authority and, in connection
 230 therewith, Code Sections 45-15-13 through 45-15-16 shall be fully applicable.

231 38-3-185.

232 (a) Beginning January 1, 2019, all 9-1-1 charges and all wireless enhanced 9-1-1 charges
 233 imposed by the governing authority of a local government pursuant to Code Section
 234 46-5-133 and collected by a service supplier pursuant to Code Sections 46-5-134 and
 235 46-5-134.1 shall be remitted monthly by each service supplier to the authority not later than
 236 the twentieth day of the month following the month in which they are collected. Any
 237 charges not remitted in a timely manner shall accrue interest at the rate specified in Code
 238 Section 48-2-40, until the date they are paid.

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

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

255 38-3-186.

256 (a) The authority shall contract with the Department of Revenue for the collection and
257 disbursement of charges remitted to the authority under subsection (a) of Code Section
258 38-3-185, other than prepaid wireless 9-1-1 charges under Code Section 46-5-134.2. Under
259 such nonmonetary contract and to defray the cost of administering such collection and
260 disbursement, the Department of Revenue shall receive payment equal to 1 percent of the
261 total amount of the gross charges remitted to the authority under subsection (a) of Code
262 Section 38-3-185, other than prepaid wireless 9-1-1 charges under Code Section
263 46-5-134.2.

264 (b) The authority shall also contract with the Department of Revenue for the collection and
265 disbursement of prepaid wireless 9-1-1 charges remitted to counties and municipalities
266 under Code Section 46-5-134.2. Under such nonmonetary contract and to defray the cost
267 of administering such collection and disbursement, the Department of Revenue shall
268 receive payment equal to 1 percent of the total amount of the gross charges remitted to the
269 authority or Department of Revenue under Code Section 46-5-134.2.

270 38-3-187.

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

273 38-3-188.

274 (a) The Department of Revenue shall retain from the charges remitted to it pursuant to
275 subsection (a) of Code Section 38-3-185 and pursuant to Code Section 46-5-134.2 an
276 amount equal to 1 percent of the total amount of such charges and remit such amount to the
277 authority.

278 (b) Except for the amounts retained by the authority, Department of Revenue, and service
279 suppliers pursuant to Code Sections 38-3-186 and 46-5-134 and this Code section, the
280 remainder of the charges remitted by service suppliers shall be paid by the Department of
281 Revenue to each local government on a pro rata basis based on the remitted amounts
282 attributable to each such local government reported by service suppliers in the reports
283 required by subsection (b) of Code Section 38-3-185. Such payments shall be made by the
284 Department of Revenue to such local governments not later than 30 days following the date
285 charges must be remitted by service suppliers to the Department of Revenue pursuant to
286 subsection (a) of Code Section 38-3-185. Under no circumstances shall such payments be,
287 or be deemed to be, revenues of the state and such payments shall not be subject to or
288 available for appropriation by the state for any purpose.

289 38-3-189.

290 (a)(1) Beginning January 1, 2019, the authority is authorized to employ or contract with
291 an independent auditor 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 article and with Part 4 of Article 2 of Chapter 5 of
295 Title 46. If the authority chooses to contract with the Department of Revenue to audit the
296 financial and business records of any service supplier offering communication services
297 capable of connecting 9-1-1 service, the contract shall be nonmonetary and any and all
298 costs associated with the performance of such audits shall be considered paid for by the
299 administrative fee retained by the Department of Revenue under Code Section 38-3-186.
300 Under no circumstances shall the Department of Revenue retain any additional charges
301 for the purpose of conducting such audits. Such audits shall apply only to charges
302 required to be imposed and collected pursuant to Part 4 of Article 2 of Chapter 5 of Title
303 46 on or after January 1, 2019. Any audits other than those conducted by the Department
304 of Revenue shall be conducted at the authority's sole expense. The Department of
305 Revenue shall provide to the authority access to all of the department's collection data and
306 records of monthly returns of service suppliers under this Code section. Except as
307 provided by Code Section 38-3-190, such data and records shall not be used by the
308 authority for any purpose other than audits under this Code section and shall otherwise

309 retain any confidential status while in the possession of or use by the authority or others
310 retained by the authority.

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

315 (3) Any claim by the authority seeking to adjust the amount of any billing, remittance,
316 or charge reported by the service supplier as required under Code Section 38-3-185 or
317 imposing any penalty shall be limited to a period of three years prior to the date of the
318 initial notice to the service supplier of the audit.

319 (b) Failure of a service supplier to comply with any audit required under paragraph (2) of
320 subsection (a) of this Code section, when notice of such audit has been duly served upon
321 a service supplier's registered agent, shall result in a civil penalty of not more than
322 \$1,000.00 per day for each day the service supplier refuses to comply, commencing on a
323 date certain as stated in such notice, which in no case shall be less than 45 days, unless
324 otherwise agreed in writing by the parties. A good faith attempt by a service supplier to
325 comply with any such audit shall serve as a defense to a claim of failure to comply in any
326 contested proceeding under Code Section 50-13-13 or judicial review under Code Section
327 50-13-19, and if upheld, there shall be no civil penalty.

328 (c) Willful failure of any service supplier to have billed the monthly charges under Code
329 Section 38-3-185 or 46-5-134.2 or to have remitted such collected charges as required shall
330 be subject to a civil penalty of not more than \$25,000.00 in the aggregate or 3 percent of
331 the amount that should have been remitted, whichever is less. The civil penalty shall be
332 in addition to the amount that should have been remitted and shall accrue interest at the rate
333 specified in Code Section 48-2-40. The remedy set forth in this Code section shall be
334 enforced solely by the authority and shall be the only remedy for any claim against a
335 service supplier for failure to bill or remit the monthly charges under Code Section
336 38-3-185 or 46-5-134.2.

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

344 (2)(A) The authority shall issue a written decision within 90 days of the executive
345 director's receipt of the service supplier's written request for approval of the billing

346 practice; provided, however, that the authority may, in its discretion, either request
347 additional information or determine that it needs more time, in which case the authority
348 shall provide notice of same to the service supplier and a single additional 90 day
349 period shall commence.

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

353 (3) The written approval of a billing practice under this subsection or the approval of a
354 billing practice under subparagraph (B) of paragraph (2) of this subsection shall not
355 impair or prohibit the board from adopting and implementing subsequently new
356 requirements by rule or regulation that the board deems appropriate which supersede any
357 such prior approved billing practices; provided, however, that in no case shall any
358 approval of a billing practice by the authority be superseded for a period of at least three
359 years following the date of approval.

360 38-3-190.

361 (a) Except as otherwise provided in this Code section, all information submitted by a
362 service supplier to the authority or Department of Revenue pursuant to this article shall be
363 presumed to be confidential, proprietary, a trade secret, or subject to exemption from
364 disclosure under state or federal law and shall not be subject to disclosure under Article 4
365 of Chapter 18 of Title 50. Except as provided in this Code section, such information shall
366 not be released to any person other than to the submitting service supplier, the authority,
367 or auditors or attorneys employed by or under contract with the authority or the Georgia
368 Emergency Management and Homeland Security Agency without the express permission
369 of the submitting service supplier. Members of the authority shall also have access to
370 information for the purpose of determining the accuracy of collections and remittances of
371 individual service suppliers related to the member's jurisdiction. Such information shall
372 be used solely for the purposes stated under this article.

373 (b) Information collected by the authority and Department of Revenue related to this
374 article and Part 4 of Article 2 of Chapter 5 of Title 46 may be publicly released or
375 published but only in aggregate amounts that do not identify or allow identification of
376 numbers of subscribers or revenues attributable to an individual service supplier. All
377 requests for information shall be submitted to the authority and not directly to the
378 Department of Revenue.

379 (c) Nothing in this Code section shall prohibit the authority or Department of Revenue
380 from complying with a court order or request of a state or federal grand jury, taxing or

381 regulatory authority, law enforcement agency, or prosecuting attorney in conjunction with
 382 an ongoing administrative, criminal, or tax investigation.

383 38-3-191.

384 All funds, distributions, revenues, grants, appropriations, and rights and privileges of value
 385 of every nature accruing to the authority shall be used only for the purpose of developing,
 386 maintaining, administering, managing, and promoting the authority, state-wide 9-1-1
 387 advancements, and state-wide public safety communications interoperability and may
 388 never be appropriated for any other purpose."

389 PART II

390 SECTION 2-1.

391 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
 392 transportation, is amended in Code Section 46-5-122, relating to definitions, by revising
 393 paragraphs (2), (2.3), (3), (7), (16.1), (17), and (17.1), as follows:

394 "(2) 'Authority' 'Agency' means the ~~Georgia Emergency Management and Homeland~~
 395 ~~Security Agency established pursuant to Code Section 38-3-20 unless the context clearly~~
 396 ~~requires otherwise~~ Georgia Emergency Communications Authority established pursuant
 397 to Code Section 38-3-182."

398 "~~(2.3) 'Department' means the Department of Community Affairs established pursuant~~
 399 ~~to Code Section 50-8-1.~~

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

402 "(7) 'Exchange access facility' means the access from a particular telephone subscriber's
 403 premises to the telephone system of a service supplier. Exchange access facilities include
 404 service supplier provided access lines, PBX trunks, and Centrex network access registers,
 405 all as defined by tariffs of the telephone companies as approved by the Georgia Public
 406 Service Commission or, in the case of detariffed services, as defined in publicly available
 407 guidebooks or other publicly available service supplier publications. The term 'exchange
 408 access facility' also includes Voice over Internet Protocol service suppliers and any other
 409 communication, message, signal, or information delivery system capable of initiating a
 410 9-1-1 emergency call. Exchange access facilities do not include service supplier owned
 411 and operated telephone pay station lines, Wide Area Telecommunications Services
 412 (WATS), Foreign Exchange (FX), or incoming only lines."

413 "(16.1)(A) 'Telephone service' means any method by which a 9-1-1 emergency call is
 414 delivered to a public safety answering point. ~~The term 'telephone service'~~ Such term

415 shall include local exchange ~~telephone service~~ access facilities or other telephone
 416 communication service, wireless service, ~~prepaid wireless service~~, mobile
 417 telecommunications service, computer service, Voice over Internet Protocol service, or
 418 any technology that delivers ~~or is required by law to deliver~~ a call to a public safety
 419 answering point that is:

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

422 (ii) A telecommunications service as such term is defined in Code Section 48-8-2;
 423 and

424 (iii) Neither a prepaid calling service nor a prepaid wireless calling service as such
 425 terms are defined in Code Section 48-8-2.

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

430 (C) When the same person, business, or organization has several wireless telephones,
 431 each wireless telecommunications connection shall constitute a separate telephone
 432 service; provided, however, that multiple wireless devices that share a single telephone
 433 number and which are generally offered for use primarily by a single individual shall
 434 constitute a single telephone service.

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

437 (17) 'Telephone subscriber' means a person or entity to ~~whom~~ which retail telephone
 438 service, either residential or commercial, is provided. ~~When the same person, business,~~
 439 ~~or organization has several telephone access lines, each exchange access facility shall~~
 440 ~~constitute a separate subscription. When the same person, business, or organization has~~
 441 ~~several wireless telephones, each wireless telecommunications connection shall constitute~~
 442 ~~a separate connection.~~

443 (17.1) 'Voice over Internet Protocol service' ~~means~~ includes any technology that permits
 444 a voice conversation through any device using a voice connection to a computer, whether
 445 through a microphone, a telephone, or other device, ~~which that~~ sends a digital signal over
 446 the Internet through a broadband connection to be converted back to the human voice at
 447 a distant terminal and that delivers ~~or is required by law to deliver~~ a call to a public safety
 448 answering point. Voice over Internet Protocol service shall also include interconnected
 449 Voice over Internet Protocol service, which is service that enables real-time, two-way
 450 voice communications, requires a broadband connection from the user's location, requires
 451 Internet protocol compatible customer premises equipment, and allows users to receive

452 calls that originate on the public service telephone network and to terminate calls to the
453 public switched telephone network."

454 **SECTION 2-2.**

455 Said title is further amended by repealing Code Section 46-5-123, relating to creation of
456 9-1-1 Advisory Committee, selection of members, filling vacancies, organization, and roles
457 and responsibilities, and designating such Code section as reserved.

458 **SECTION 2-3.**

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

462 "46-5-124.

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

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

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

473 (3) The coordination necessary between local governments planning or developing a
474 9-1-1 system and other state agencies, the Public Service Commission, all affected utility
475 and telephone companies, wireless service suppliers, and other agencies;

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

479 (5) The actions to be taken by a local government desiring to provide wireless enhanced
480 9-1-1 service, including requirements contained in 47 Code of Federal Regulations C.F.R.
481 Section 20.18.

482 (b) The agency authority shall be responsible for encouraging and promoting the planning,
483 development, and implementation of local 9-1-1 system plans. The agency authority shall
484 develop any necessary procedures to be followed by public agencies for implementing and
485 coordinating such plans and shall mediate whenever disputes arise or agreements cannot

486 be reached between the local political jurisdiction and other entities involving the 9-1-1
487 system.

488 (c) Notwithstanding any other law to the contrary, no communications officer hired to the
489 staff of a public safety answering point shall be required to complete his or her training
490 pursuant to Code Section 35-8-23 prior to being hired or employed for such position.

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

493 **SECTION 2-4.**

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

497 "46-5-124.1.

498 (a) Any service supplier or Voice over Internet Protocol service supplier doing business
499 in Georgia shall register the following information by January 1, 2019, with the director
500 authority:

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

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

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

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

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

520 (c) Every ~~The director shall send a notice of delinquency to any service supplier or Voice~~
521 ~~over Internet Protocol service supplier which fails to~~ shall comply with ~~subsection~~

522 subsections (a) and (b) of this Code section. ~~Such notice shall be sent by certified mail or~~
 523 ~~statutory overnight delivery.~~ Any service supplier or Voice over Internet Protocol service
 524 supplier that fails to register and provide the information required by this Code section ~~after~~
 525 ~~receiving notice of the deficiency or noncompliance duly served upon the service supplier's~~
 526 ~~or Voice over Internet Protocol service supplier's registered agent and failing to cure the~~
 527 ~~deficiency or noncompliance within 60 days of receiving notice within 30 days after receipt~~
 528 ~~of a notice of delinquency shall:~~

529 (1) ~~Not~~ be eligible to receive cost recovery funds as provided in subsection (e) of
 530 Code Section 46-5-134 until the service supplier or Voice over Internet Protocol service
 531 supplier is in compliance with ~~subsection~~ subsections (a) and (b) of this Code section;

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

534 (3) When audited, not be subject to the three-year limit under paragraph (3) of subsection
 535 (a) of Code Section 38-3-189.

536 (d) Subsection (c) of this Code section shall apply only so long as the deficiency or
 537 noncompliance remains uncured.

538 (e) The authority may share the service supplier registry with the Department of Revenue
 539 to ensure proper collection and remittance of all 9-1-1 charges."

540 **SECTION 2-5.**

541 Said title is further amended by revising Code Section 46-5-126, relating to cooperation by
 542 commission and telephone industry, as follows:

543 "46-5-126.

544 The agency authority shall coordinate its activities with those of the Public Service
 545 Commission, which shall encourage the Georgia telephone industry to activate facility
 546 modification plans for a timely 9-1-1 implementation."

547 **SECTION 2-6.**

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

550 "46-5-127.

551 (a) After January 1, 1978, and prior to January 1, 2019, no emergency 9-1-1 system shall
 552 be established, and no existing system shall be expanded to provide wireless enhanced
 553 9-1-1 service, without written confirmation by the agency Georgia Emergency
 554 Management and Homeland Security Agency that the local plan conforms to the guidelines
 555 and procedures provided for in Code Section 46-5-124.

556 (b) On or after January 1, 2019, no emergency 9-1-1 system shall be established, and no
 557 existing system shall be expanded to provide wireless enhanced 9-1-1 service, without
 558 written confirmation by the authority that the local plan conforms to the guidelines and
 559 procedures provided for in Code Section 46-5-124. The authority shall not deny
 560 establishment of a new system or an expansion to provide wireless enhanced 9-1-1 service
 561 if the local plan conforms to the guidelines and procedures provided for in Code Section
 562 46-5-124."

563 **SECTION 2-7.**

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

566 "46-5-128.

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

571 **SECTION 2-8.**

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

574 "46-5-129.

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

577 **SECTION 2-9.**

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

580 "46-5-130.

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

583 **SECTION 2-10.**

584 Said title is further amended by revising Code Section 46-5-131, relating to exemptions from
 585 liability in operation of 9-1-1 system, as follows:

586 "46-5-131.

587 (a) Whether participating in a state-wide emergency 9-1-1 system or an emergency 9-1-1
 588 system serving one or more local governments, neither the state nor the authority nor any

589 local government of the state nor any emergency 9-1-1 system provider or service supplier
 590 or its employees, directors, officers, contractors, and agents, except in cases of wanton and
 591 willful misconduct or bad faith, shall be liable for death or injury to any person or for
 592 damage to property as a result of either developing, adopting, establishing, participating
 593 in, implementing, maintaining, or carrying out duties involved in operating the emergency
 594 9-1-1 system or in the identification of the telephone number, address, or name associated
 595 with any person accessing an emergency 9-1-1 system.

596 (b) No local government of the State of Georgia shall be required to release, indemnify,
 597 defend, or hold harmless any emergency 9-1-1 system provider from any loss, claim,
 598 demand, suit, or other action or any liability whatsoever which arises out of subsection (a)
 599 of this Code section, unless the local government agrees or has agreed to assume such
 600 obligations."

601 **SECTION 2-11.**

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

605 "(d) Unless a municipality has imposed any charge authorized by this part, a county's
 606 imposition by resolution of any charge authorized by this part shall be applied countywide
 607 and the emergency 9-1-1 system shall be provided as a county-wide service. Any
 608 emergency call from a member of the public received by such a county or contracted public
 609 safety answering point shall be directed to the appropriate county or municipality public
 610 safety agency personnel who are able to respond to such call or other county or municipal
 611 dispatching personnel, and such public safety answering point shall maintain the
 612 connection with the caller or such public safety or dispatching personnel until the public
 613 safety answering point relays sufficient information for such personnel to respond to the
 614 call. Such county shall not impose fees or charges on the municipality or its public safety
 615 agency for the emergency call and connection services described in this subsection;
 616 provided, however, that nothing in this subsection is intended to supersede any existing
 617 intergovernmental agreements not otherwise in conflict with this subsection. The authority
 618 is authorized to adopt rules and regulations consistent with this subsection to ensure that
 619 emergency callers receive public safety services in an efficient, effective, and responsive
 620 manner and that responding public safety personnel are provided the necessary information
 621 to provide such services."

SECTION 2-12.

Said title is further amended in 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, by revising subsections (a), (b), (d), (e), and (i) as follows:

~~"(a)(1)(A)(i) Unless exempt, the~~ 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 (4) 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 this state as identified by the service supplier's books and records. In determining the portion of shared capacity in this state, a service supplier may rely on, among other factors, a customer's certification of its allocation of capacity in this state, 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 shall 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

659 9-1-1 charge for each telephone subscriber that pays the bill; provided, however, that
 660 this information shall be maintained in a form auditors can access. If a service supplier
 661 receives a partial payment for a bill from a telephone subscriber, the service supplier
 662 shall apply the payment against the amount the telephone subscriber owes the service
 663 supplier first.

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

666 (2)(A) If the governing authority body of a local government operates or contracts for
 667 the operation of ~~an emergency 9-1-1 system which a public safety answering point that~~
 668 is capable of providing or provides automatic number identification of a wireless
 669 telecommunications connection and the location of the base station or cell site which
 670 receives a 9-1-1 call from a wireless telecommunications connection, the subscriber of
 671 a wireless telecommunications connection whose ~~billing address~~ place of primary use
 672 is within the geographic area that is served by the local government or that would be
 673 served by the local government for the purpose of such ~~an emergency 9-1-1 system a~~
 674 public safety answering point may be billed for the monthly wireless enhanced 9-1-1
 675 charge, if any, imposed with respect to that connection by the wireless service supplier.
 676 Such wireless enhanced 9-1-1 charge ~~may not exceed the amount of the monthly 9-1-1~~
 677 ~~charge imposed upon other telephone subscribers pursuant to paragraph (1) of this~~
 678 ~~subsection nor exceed \$1.00~~ shall be \$1.50 per month per wireless telecommunications
 679 connection provided to the telephone subscriber except as otherwise provided in
 680 paragraph (4) of subsection (d) of this Code section.

681 (B) If the governing authority body of a local government operates or contracts for the
 682 operation of an emergency 9-1-1 system which is capable of providing or provides
 683 automatic number identification and automatic location identification of a wireless
 684 telecommunications connection, the subscriber of a wireless telecommunications
 685 connection whose place of primary use is within the geographic area that is served by
 686 the local government or that would be served by the local government for the purpose
 687 of such an emergency 9-1-1 system may be billed for the monthly wireless enhanced
 688 9-1-1 charge, if any, imposed with respect to that connection by the wireless service
 689 supplier. Such wireless enhanced 9-1-1 charge may not exceed the amount of the
 690 monthly 9-1-1 charge imposed upon other telephone subscribers pursuant to paragraph
 691 (1) of this subsection and shall be imposed on a monthly basis for each wireless
 692 telecommunications connection provided to the telephone subscriber.

693 (C) All wireless telecommunications connections billed to federal, state, or local
 694 governments shall be exempt from the wireless enhanced 9-1-1 charge. Each wireless
 695 service supplier shall, on behalf of the local government, collect the wireless enhanced

696 9-1-1 charge from those telephone subscribers whose place of primary use is within the
 697 geographic area that is served by the local government or that would be served by the
 698 local government for the purpose of such an emergency 9-1-1 system. As part of its
 699 normal billing process, the wireless service supplier shall collect the wireless enhanced
 700 9-1-1 charge for each month a wireless telecommunications connection is in service,
 701 and it ~~shall~~ may list the wireless enhanced 9-1-1 charge as a separate entry on each bill.
 702 Nothing in this Code section shall be construed to require a wireless service supplier
 703 to list the 9-1-1 charge as a separate entry on each bill. Wireless service suppliers that
 704 do not list the 9-1-1 charge as a separate entry on each bill shall remit the 9-1-1 charge
 705 for each telephone subscriber that pays the bill; provided, however, that this
 706 information shall be maintained in a form auditors can access. If a wireless service
 707 supplier receives partial payment for a bill from a telephone subscriber, the wireless
 708 service supplier shall apply the payment against the amount the telephone subscriber
 709 owes the wireless service supplier first.

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

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

715 (b) Every telephone subscriber in the area served by the emergency 9-1-1 system shall be
 716 liable for the 9-1-1 charges and the wireless enhanced 9-1-1 charges imposed under this
 717 Code section until it has been paid to the service supplier. A service supplier shall have no
 718 obligation to take any legal action to enforce the collection of the 9-1-1 charge or wireless
 719 enhanced 9-1-1 charge. The service supplier shall provide the governing authority within
 720 60 days with the name and address of each subscriber who has refused to pay the 9-1-1
 721 charge or wireless enhanced 9-1-1 charge after such 9-1-1 charge or wireless enhanced
 722 9-1-1 charge has become due. A collection action may be initiated against the subscriber
 723 by the authority ~~local government that imposed the charges~~, and reasonable costs and
 724 attorneys' fees associated with that collection action may be awarded to the authority ~~local~~
 725 ~~government collecting the 9-1-1 charge or wireless enhanced 9-1-1 charge."~~

726 "(d)(1) Each service supplier that collects 9-1-1 charges or wireless enhanced 9-1-1
 727 charges on behalf of the local government is entitled to retain as an administrative fee an
 728 amount equal to ~~3~~ 1 percent of the gross 9-1-1 or wireless enhanced 9-1-1 charge receipts
 729 to be remitted to the local government; provided, however, that such amount shall not
 730 exceed ~~3¢~~ 1¢ for every dollar so remitted. ~~The remaining amount shall be due quarterly~~
 731 ~~to the local government and shall be remitted to it no later than 60 days after the close of~~
 732 ~~a calendar quarter.~~

733 (2) The 9-1-1 charges and the wireless enhanced 9-1-1 charges collected by the service
 734 supplier and transmitted to the authority for distribution to local governments pursuant
 735 to Code Section 38-3-185 shall, upon being received by a local government, be deposited
 736 and accounted for in a separate restricted revenue fund known as the Emergency
 737 Telephone System Fund maintained by the local government. The local government may
 738 invest the money in the fund in the same manner that other moneys of the local
 739 government may be invested and any income earned from such investment shall be
 740 deposited into the Emergency Telephone System Fund.

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

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

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

762 (e)(1) A ~~wireless~~ service supplier may recover its costs expended on the implementation
 763 and provision of ~~wireless enhanced~~ 9-1-1 services to subscribers ~~in an amount not to~~
 764 ~~exceed 30¢ of each 9-1-1 charge collected from a place of primary use that is within the~~
 765 ~~geographic area that is served by the local government or would be served by the local~~
 766 ~~government for the purpose of such emergency 9-1-1 system; provided, however, that~~
 767 ~~such amount may be increased to 45¢ upon implementation of step two of the state plan~~
 768 ~~governing 9-1-1 enhanced communications as provided in subsection (g) of this Code~~
 769 ~~section. Such cost recovery amount shall be based on the actual cost incurred by the~~

770 ~~wireless service supplier in providing wireless enhanced 9-1-1 services by imposing a~~
 771 ~~cost recovery fee not to exceed 45¢ per month or including such costs in existing cost~~
 772 ~~recovery or regulatory recovery fees billed to the subscriber. In no event shall a service~~
 773 ~~supplier deduct any amounts for cost recovery or otherwise from the charges to be~~
 774 ~~remitted to the authority pursuant to Code Section 38-3-185 or 46-5-134.2.~~

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

777 "(i) The service supplier shall maintain records of the amount of the 9-1-1 charges and
 778 wireless enhanced 9-1-1 charges collected for a period of at least three years from the date
 779 of collection. ~~The local government may, at its expense, require an annual audit of the~~
 780 ~~service supplier's books and records with respect to the collection and remittance of the~~
 781 ~~9-1-1 charges and wireless enhanced 9-1-1 charges."~~

782 **SECTION 2-13.**

783 Said title is further amended by revising Code Section 46-5-134.1, relating to counties where
 784 the governing authorities of more than one local government have adopted a resolution to
 785 impose an enhanced 9-1-1 charge, as follows:

786 "46-5-134.1.

787 (a) This Code section shall apply in counties where the governing ~~authorities~~ bodies of
 788 more than one local government have adopted a resolution to impose a 9-1-1 charge in
 789 accordance with the provisions of subsection (a) of Code Section 46-5-133 and
 790 notwithstanding any contrary provision of Code Section 46-5-133 or 46-5-134.

791 (b) A wireless service supplier may certify to any of the governing ~~authorities~~ bodies
 792 described in subsection (a) of this Code section that the wireless service supplier is unable
 793 to determine whether the billing addresses of its subscribers are within the geographic area
 794 that is served by such local government. Upon such certification, the wireless service
 795 supplier shall be authorized to collect the 9-1-1 charge for wireless enhanced 9-1-1 services
 796 from any of its subscribers whose billing address is within the county and is within an area
 797 that is as close as reasonably possible to the geographic area that is served by such local
 798 government. The wireless service supplier shall notify such subscribers that if such
 799 subscriber's billing address is not within the geographic area served by such local
 800 government, such subscriber is not obligated to pay the 9-1-1 charge for wireless enhanced
 801 9-1-1 service.

802 (c) Unless otherwise provided in an agreement among the governing ~~authorities~~ bodies
 803 described in subsection (a) of this Code section, the charges collected by a wireless service
 804 supplier pursuant to this Code section shall be remitted to such governing ~~authorities~~ bodies
 805 based upon the number of calls from wireless telecommunications connections that each

806 such individual local government receives and counts relative to the total number of calls
 807 from wireless telecommunications connections that are received and counted by all of such
 808 local governments.

809 (d) The authority powers granted to a wireless service supplier pursuant to this Code
 810 section shall terminate:

811 (1) On the date that the wireless service supplier certifies to a governing authority body
 812 of a local government described in subsection (a) of this Code section that the wireless
 813 service supplier is able to determine whether the billing addresses of its subscribers are
 814 within the geographic area that is served by such governing authority body; or

815 (2) On the date which is 180 days from the date that any of its subscribers were first
 816 billed under this Code section, whichever is earlier.

817 Upon termination of such authority powers, the wireless service supplier shall collect the
 818 9-1-1 charge for wireless enhanced 9-1-1 service as provided in Code Section 46-5-134."

819 **SECTION 2-14.**

820 Said title is further amended in Code Section 46-5-134.2, relating to prepaid wireless 9-1-1
 821 charge, definitions, imposition of fee by localities, collection and remission of charges, and
 822 distribution of funds, by revising subsections (b) and (j) as follows:

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

830 (2) Where a county or municipality that operates a 9-1-1 public safety answering point
 831 fails to comply with the requirements of paragraph (1) of subsection (j) of this Code
 832 section by December 31, 2011, on and after that date, the prepaid wireless 9-1-1 charge
 833 authorized by paragraph (1) of this subsection shall be imposed within the jurisdiction of
 834 such counties and municipalities as a state fee for state purposes."

835 "(j) Prepaid wireless 9-1-1 charges remitted to the commissioner as provided in this Code
 836 section shall be distributed to counties, municipalities, and the State of Georgia as follows:

837 (1) On or before December 31 of the year prior to the first year that the prepaid wireless
 838 9-1-1 charge is imposed, each county and municipal corporation levying the prepaid
 839 wireless 9-1-1 charge, including counties and municipalities levying the prepaid wireless
 840 9-1-1 charge that operate multijurisdictional or regional 9-1-1 systems or have created a
 841 joint authority pursuant to Code Section 46-5-138, shall file with the commissioner a

842 certified copy of the pertinent parts of all ordinances and resolutions and amendments
 843 thereto which levy the prepaid wireless 9-1-1 charge authorized by this Code section.
 844 The ordinance or resolution specified herein shall specify an effective date of January 1,
 845 2012, and impose a prepaid wireless 9-1-1 charge in the amount specified in paragraph
 846 (1) of subsection (b) of this Code section. The filing required by this paragraph shall be
 847 a condition of the collection of the prepaid wireless 9-1-1 charge within any county or
 848 municipality;

849 (2)(A) Each county or municipality operating a public safety answering point that has
 850 levied the prepaid wireless 9-1-1 charge authorized by this Code section and complied
 851 with the filing requirement of paragraph (1) of this subsection shall receive an amount
 852 calculated by multiplying the total amount remitted to the commissioner ~~during the 12~~
 853 ~~month period ending on June 30~~ monthly times a fraction, the numerator of which is the
 854 population of the jurisdiction or jurisdictions operating the public safety answering
 855 point and the denominator of which is the total population of this state. An amount
 856 calculated by multiplying the total amount remitted to the commissioner ~~during the 12~~
 857 ~~month period ending on June 30~~ monthly times a fraction, the numerator of which is the
 858 total population of any jurisdiction or jurisdictions operating public safety answering
 859 points that have not complied with the filing requirement of paragraph (1) of this
 860 subsection and the denominator of which is the total population of this state, shall be
 861 deposited as provided in paragraph ~~(5)~~ (4) of this subsection.

862 (B) Notwithstanding the provisions of subparagraph (A) of this paragraph, the initial
 863 monthly distribution shall be calculated using the total amount remitted to the
 864 commissioner ~~during the six-month period~~ beginning January 1, ~~2012~~ 2019, and ending
 865 ~~June 30, 2012~~ January 31, 2019.

866 (C) For the purposes of this paragraph, population shall be measured by the United
 867 States decennial census of 2010 or any future such census plus any corrections or
 868 revisions contained in official statements by the United States Bureau of the Census
 869 made prior to the first day of September immediately preceding the distribution of the
 870 proceeds of such charges by the commissioner and any official census data received by
 871 the commissioner from the United States Bureau of the Census or its successor agency
 872 pertaining to any newly incorporated municipality. Such corrections, revisions, or
 873 additional data shall be certified to the commissioner by the Office of Planning and
 874 Budget on or before August 31 of each year;

875 (3) Funds shall be distributed ~~annually on or before October 15 of each year~~ monthly not
 876 later than 30 days following the date charges must be remitted by the seller to the
 877 department. Such distribution shall include any delinquent charges actually collected by
 878 the commissioner for a previous fiscal year which have not been previously distributed;

879 ~~(4) Prior to calculating the distributions to county and municipal governments as~~
 880 ~~provided in this subsection, the commissioner shall subtract an amount, not to exceed 2~~
 881 ~~percent of remitted charges, to defray the cost of administering and distributing funds~~
 882 ~~from the prepaid wireless 9-1-1 charge. Such amount shall be paid into the general fund~~
 883 ~~of the state treasury;~~

884 (5) Funds distributed to a county or municipality pursuant to this Code section shall be
 885 deposited and accounted for in a separate restricted revenue fund known as the
 886 Emergency Telephone System Fund, maintained by the local government pursuant to
 887 paragraph (2) of subsection (d) of Code Section 46-5-134. The commissioner shall
 888 deposit all funds received pursuant to paragraph (2) of subsection (b) of this Code
 889 section, ~~other than the funds received pursuant to paragraph (4) of this subsection,~~ into
 890 the general fund of the state treasury in compliance with Article 4 of Chapter 12 of Title
 891 45, the 'Budget Act.' It is the intention of the General Assembly, subject to the
 892 appropriation process, that an amount equal to the amount deposited into the general fund
 893 of the state treasury as provided in this paragraph be appropriated each year to a program
 894 of state grants to counties and municipalities administered by the department for the
 895 purpose of supporting the operations of public safety answering points in the
 896 improvement of 9-1-1 service delivery. The department shall promulgate rules and
 897 regulations for the administration of the 9-1-1 grant program; and

898 ~~(6)~~(5) Notwithstanding a county's or municipality's failure to comply with the filing
 899 requirement of paragraph (1) of this subsection prior to January 1, 2012, a county or
 900 municipality that subsequently meets such filing requirements prior to January 1 of any
 901 subsequent year shall become eligible to participate in the next succeeding distribution
 902 of proceeds pursuant to subparagraph (A) of paragraph (2) of this subsection."

903 **PART III**

904 **SECTION 3-1.**

905 Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and
 906 training of peace officers, is amended by revising Code Section 35-8-23, relating to basic
 907 training course for communications officers, certification requirements, duties of council, and
 908 rules and regulations, as follows:

909 "35-8-23.

910 (a) As used in this Code section, the term 'communications officer' means and includes any
 911 person employed by the state or a local governmental agency to receive, process, or
 912 transmit public safety information and dispatch law enforcement officers, firefighters,
 913 medical personnel, or emergency management personnel.

914 (b) Any person employed on or after July 1, 1995, as a communications officer shall
 915 satisfactorily complete a basic training course approved by the council. Persons who are
 916 employed on July 1, 1994, shall register with the council and may be certified by
 917 voluntarily complying with the certification process. Any person who fails to comply with
 918 the registration or certification process of the council shall not perform any duties of a
 919 communications officer and may have his or her certificate sanctioned or revoked.

920 (c) The council shall conduct administrative compliance reviews with respect to the
 921 requirements of this Code section. The council, in coordination with the Georgia
 922 Emergency Communications Authority, shall be authorized to promulgate rules and
 923 regulations to facilitate the administration and coordination of standards, certification, and
 924 compliance reviews consistent with the provisions of this Code section.

925 (d) On and after July 1, 1998, the basic training course for communications officers shall
 926 include training in the use of telecommunications devices for the deaf (TDD's), and no
 927 person shall on or after that date be certified by the council under this Code section unless
 928 such person has satisfactorily completed such training."

929 **SECTION 3-2.**

930 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
 931 is amended in Code Section 45-7-21, relating to expense allowance and travel cost
 932 reimbursement for members of certain boards and commissions, by revising paragraph (6)
 933 of subsection (a) as follows:

934 "(6) ~~Reserved~~ Georgia Emergency Communications Authority;"

935 **SECTION 3-3.**

936 Said title is further amended by revising Code Section 45-15-13, relating to representation
 937 of state authorities by Attorney General, as follows:

938 "45-15-13.

939 As used in Code Sections 45-15-14 through 45-15-16, the term 'state authorities' means the
 940 following instrumentalities of the state: Georgia Building Authority, Georgia Education
 941 Authority (Schools), Georgia Education Authority (University), Georgia Highway
 942 Authority, Georgia Ports Authority, State Road and Tollway Authority, Jekyll
 943 Island—State Park Authority, ~~and~~ Stone Mountain Memorial Association, and Georgia
 944 Emergency Communications Authority."

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SECTION 3-4.

Article 1 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state administrative organization, is amended by revising Code Section 48-2-15, relating to confidential information, as follows:

"48-2-15.

(a) Except as otherwise provided in this Code section, information secured by the commissioner incident to the administration of any tax shall be confidential and privileged. Neither the commissioner nor any officer or employee of the department shall divulge or disclose any such confidential information obtained from the department's records or from an examination of the business of any taxpayer to any person other than the commissioner, an officer or employee of the department, an officer of the state or local government entitled in his or her official capacity to have access to such information, or the taxpayer.

(b) This Code section shall not:

(1) Be construed to prevent the use of confidential information as evidence before any state or federal court in the event of litigation involving tax liability of any taxpayer;

(2) Be deemed to prevent the print or electronic publication of statistics so arranged as not to reveal information respecting an individual taxpayer;

(3) Apply in any way whatsoever to any official finding of the commissioner with respect to any assessment or any information properly entered upon an assessment roll or other public record;

(4) Affect any information which in the regular course of business is by law made the subject matter of a public document in any federal or state office or in any local office in this state;

(5) Apply to information, records, and reports required and obtained under Article 1 of Chapter 9 of this title, which requires distributors of motor fuels to make reports of the amounts of motor fuels sold and used in each county by the distributor, or under Article 2 of Chapter 9 of this title, relating to road tax on motor carriers; ~~or~~

(6) Be construed to prevent the disclosure of information, so arranged as not to reveal information respecting an individual taxpayer, requested by the House Committee on Ways and Means or the Senate Finance Committee regarding the department's administration of any tax; or

(7) Apply to information, records, and reports required and obtained under Title 38 or Title 46 as each pertains to collection and remittance of prepaid and postpaid 9-1-1 fees or charges. The application of the exemption provided for under this paragraph to Code Section 38-3-190 shall apply exclusively to the Georgia Emergency Communications Authority and Department of Revenue in the handling of such information.

981 (c) The provisions of this Code section shall not apply with respect to Chapter 7 of this
 982 title, relating to income taxation.

983 (d) Notwithstanding this Code section, the commissioner, upon request by resolution of
 984 the governing authority of any municipality of this state having a population of 350,000 or
 985 more according to the United States decennial census of 1970 or any future such census,
 986 shall furnish to the finance officer or taxing official of the municipality any pertinent tax
 987 information from state tax returns to be used by those officials in the discharge of their
 988 official duties. Any information so furnished shall retain, in the hands of the local officials,
 989 its privileged and confidential nature to the same extent and under the same conditions as
 990 that information is privileged and confidential in the hands of the commissioner. The
 991 commissioner may make a nominal charge for any information so furnished, not to exceed
 992 the actual cost of furnishing the information. Nothing contained in this subsection shall be
 993 construed to prevent the use of the information as evidence in any state or federal court in
 994 the event of litigation involving any municipal or county tax liability of a taxpayer.

995 (e) This Code section shall not be construed to prohibit persons or groups of persons other
 996 than employees of the department from having access to tax information when necessary
 997 to conduct research commissioned by the department or where necessary in connection
 998 with the processing, storage, transmission, and reproduction of such tax information; the
 999 programming, maintenance, repair, testing, and procurement of equipment; and the
 1000 providing of other services for purposes of tax administration. Any such access shall be
 1001 pursuant to a written agreement with the department providing for the handling, permitted
 1002 uses, and destruction of such tax information, requiring security clearance checks for such
 1003 persons or groups of persons similar to those required of employees of the department, and
 1004 including such other terms and conditions as the department may require to protect the
 1005 confidentiality of the tax information to be disclosed. Any person who divulges or makes
 1006 known any tax information obtained under this subsection shall be subject to the same civil
 1007 and criminal penalties as those provided for divulgence of information by employees of the
 1008 department.

1009 (f) This Code section shall not be construed to prohibit disclosure as required in subsection
 1010 (h) of Code Section 48-2-35."

1011 **PART IV**
 1012 **SECTION 4-1.**

1013 (a) This Act shall become effective July 1, 2018, for the purposes of creating the Georgia
 1014 Emergency Communications Authority and appointing the members thereof and the
 1015 enactment of Section 2-11 and the provisions regarding billing practices contained in

1016 subsection (d) of Code Section 38-3-189. For all other purposes, this Act shall become
1017 effective on January 1, 2019.

1018 (b) The provisions of this Act shall not in any manner diminish, extinguish, reduce, or
1019 affect any cause of action for audits, services, or the recovery of funds from service
1020 providers which may have existed prior to January 1, 2019. Any such cause of action is
1021 expressly preserved.

1022 **SECTION 4-2.**

1023 All laws and parts of laws in conflict with this Act are repealed.