

House Bill 751 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Powell of the 32nd, Rogers of the 10th, Rhodes of the 120th, Efstoration of the 104th, and Jasperse of the 11th

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 Speaker of the House of Representatives who shall
112 be an elected member of a county governing authority that operates or contracts for the
113 operation of a public safety answering point. The Association County Commissioners
114 of Georgia may provide recommendations to the Speaker of the House of
115 Representatives for such appointment;
- 116 (F) One member appointed by the Lieutenant Governor who shall be a county
117 manager, county administrator, or finance officer from a county that operates or
118 contracts for the operation of a public safety answering point. The Association County
119 Commissioners of Georgia may provide recommendations to the Lieutenant Governor
120 for such appointment;
- 121 (G) One member appointed by the Lieutenant Governor who shall be an elected
122 member of a city governing authority that operates or contracts for the operation of a
123 public safety answering point. The Georgia Municipal Association may provide
124 recommendations to the Lieutenant Governor for such appointment;
- 125 (H) One member appointed by the Speaker of the House of Representatives who shall
126 be a city manager, city administrator, or finance officer from a city that operates or
127 contracts for the operation of a public safety answering point. The Georgia Municipal
128 Association may provide recommendations to the Speaker of the House of
129 Representatives for such appointment;
- 130 (I) Two members from the telecommunications industry who shall be appointed by the
131 Governor;

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

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

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

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

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

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

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

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

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

165 (e) The authority shall have perpetual existence.

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

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

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

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

206 (j) This article, being for the welfare of the state and its inhabitants, shall be liberally
207 construed to affect the purposes thereof.

208 (k) Notwithstanding any provision of this Code section to the contrary, the authority shall
209 have no jurisdiction concerning the setting of rates, terms, and conditions for the offering
210 of telecommunications services, as defined in Code Section 46-5-162, or for the offering
211 of broadband service, VoIP, or wireless service, as such terms are defined in Code Section
212 46-5-221.

213 (l) The board shall be subject to and shall comply with Chapter 13 of Title 50, the 'Georgia
214 Administrative Procedure Act,' in the same manner as an agency as such term is defined
215 in Code Section 50-13-2. The board may promulgate and amend, from time to time, such
216 rules or regulations, consistent with this article and Chapter 13 of Title 50, the 'Georgia
217 Administrative Procedure Act,' as it deems consistent with or required for the public
218 welfare, for the administration of any provision of this article, or for the orderly conduct
219 of the board's affairs. Any claim by the authority that a service supplier has violated any
220 provision of this article shall be adjudicated as a contested proceeding under Code Section
221 50-13-13 and be subject to judicial review under Code Section 50-13-19.

222 38-3-183.

223 The director of the Georgia Emergency Management and Homeland Security Agency shall
224 appoint an executive director, subject to approval by the board, who shall be the
225 administrative head of the authority, and shall establish the salary of the executive director.

226 The executive director shall serve at the pleasure of such director. The executive director,
227 with the concurrence and approval of such director, shall hire officers, agents, and
228 employees; prescribe their duties, responsibilities, and qualifications; set their salaries; and
229 perform such other duties as may be prescribed by the authority. Such officers, agents, and
230 employees shall serve at the pleasure of the executive director.

231 38-3-184.

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

234 38-3-185.

235 (a) Beginning January 1, 2019, all 9-1-1 charges and all wireless enhanced 9-1-1 charges
236 imposed by the governing authority of a local government pursuant to Code Section
237 46-5-133 and collected by a service supplier pursuant to Code Sections 46-5-134 and

238 46-5-134.1 shall be remitted monthly by each service supplier to the authority not later than
239 the twentieth day of the month following the month in which they are collected. Any
240 charges not remitted in a timely manner shall accrue interest at the rate specified in Code
241 Section 48-2-40, until the date they are paid.

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

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

258 38-3-186.

259 (a) The authority shall contract with the Department of Revenue for the collection and
260 disbursement of charges remitted to the authority under subsection (a) of Code Section
261 38-3-185, other than prepaid wireless 9-1-1 charges under Code Section 46-5-134.2. Under
262 such nonmonetary contract and to defray the cost of administering such collection and
263 disbursement, the Department of Revenue shall receive payment equal to 1 percent of the
264 total amount of the gross charges remitted to the authority under subsection (a) of Code
265 Section 38-3-185, other than prepaid wireless 9-1-1 charges under Code Section
266 46-5-134.2.

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

273 38-3-187.

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

276 38-3-188.

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

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

292 38-3-189.

293 (a)(1) Beginning January 1, 2019, the authority is authorized to employ or contract with
294 an independent auditor or the Department of Revenue to audit the financial and business
295 records of any service supplier offering communication services capable of connecting
296 9-1-1 service to the extent necessary to ensure proper collection and remittance of
297 charges in accordance with this article and with Part 4 of Article 2 of Chapter 5 of
298 Title 46. If the authority chooses to contract with the Department of Revenue to audit the
299 financial and business records of any service supplier offering communication services
300 capable of connecting 9-1-1 service, the contract shall be nonmonetary and any and all
301 costs associated with the performance of such audits shall be considered paid for by the
302 administrative fee retained by the Department of Revenue under Code Section 38-3-186.
303 Under no circumstances shall the Department of Revenue retain any additional charges
304 for the purpose of conducting such audits. Such audits shall apply only to charges
305 required to be imposed and collected pursuant to Part 4 of Article 2 of Chapter 5 of Title
306 46 on or after January 1, 2019. Any audits other than those conducted by the Department
307 of Revenue shall be conducted at the authority's sole expense. The Department of

308 Revenue shall provide to the authority access to all of the department's collection data and
309 records of monthly returns of service suppliers under this Code section. Except as
310 provided by Code Section 38-3-190, such data and records shall not be used by the
311 authority for any purpose other than audits under this Code section and shall otherwise
312 retain any confidential status while in the possession of or use by the authority or others
313 retained by the authority.

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

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

322 (b) Failure of a service supplier to comply with any audit required under paragraph (2) of
323 subsection (a) of this Code section, when notice of such audit has been duly served upon
324 a service supplier's registered agent, shall result in a civil penalty of not more than
325 \$1,000.00 per day for each day the service supplier refuses to comply, commencing on a
326 date certain as stated in such notice, which in no case shall be less than 45 days, unless
327 otherwise agreed in writing by the parties. A good faith attempt by a service supplier to
328 comply with any such audit shall serve as a defense to a claim of failure to comply in any
329 contested proceeding under Code Section 50-13-13 or judicial review under Code Section
330 50-13-19, and if upheld, there shall be no civil penalty.

331 (c) Willful failure of any service supplier to have billed the monthly charges under Code
332 Section 38-3-185 or 46-5-134.2 or to have remitted such collected charges as required shall
333 be subject to a civil penalty of not more than \$25,000.00 in the aggregate or 3 percent of
334 the amount that should have been remitted, whichever is less. The civil penalty shall be
335 in addition to the amount that should have been remitted and shall accrue interest at the rate
336 specified in Code Section 48-2-40. The remedy set forth in this Code section shall be
337 enforced solely by the authority and shall be the only remedy for any claim against a
338 service supplier for failure to bill or remit the monthly charges under Code Section
339 38-3-185 or 46-5-134.2.

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

345 the authority by certified mail. The authority may request additional information from
346 the service supplier regarding the billing practice.

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

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

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

363 38-3-190.

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

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

380 requests for information shall be submitted to the authority and not directly to the
 381 Department of Revenue.

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

386 38-3-191.

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

392 **PART II**

393 **SECTION 2-1.**

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

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

401 ~~"(2.3) 'Department' means the Department of Community Affairs established pursuant~~
 402 ~~to Code Section 50-8-1.~~

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

405 "(7) 'Exchange access facility' means the access from a particular telephone subscriber's
 406 premises to the telephone system of a service supplier. Exchange access facilities include
 407 service supplier provided access lines, PBX trunks, and Centrex network access registers,
 408 all as defined by tariffs of the telephone companies as approved by the Georgia Public
 409 Service Commission or, in the case of detariffed services, as defined in publicly available
 410 guidebooks or other publicly available service supplier publications. The term 'exchange
 411 access facility' also includes Voice over Internet Protocol service suppliers and any other
 412 communication, message, signal, or information delivery system capable of initiating a
 413 9-1-1 emergency call. Exchange access facilities do not include service supplier owned

414 and operated telephone pay station lines, Wide Area Telecommunications Services
415 (WATS), Foreign Exchange (FX), or incoming only lines."

416 "(16.1)(A) 'Telephone service' means any method by which a 9-1-1 emergency call is
417 delivered to a public safety answering point. ~~The term 'telephone service'~~ Such term
418 shall include local exchange ~~telephone service~~ access facilities or other telephone
419 communication service, wireless service, ~~prepaid wireless service~~, mobile
420 telecommunications service, computer service, Voice over Internet Protocol service, or
421 any technology that delivers ~~or is required by law to deliver~~ a call to a public safety
422 answering point that is:

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

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

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

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

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

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

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

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

451 voice communications, requires a broadband connection from the user's location, requires
 452 Internet protocol compatible customer premises equipment, and allows users to receive
 453 calls that originate on the public service telephone network and to terminate calls to the
 454 public switched telephone network."

455 **SECTION 2-2.**

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

459 **SECTION 2-3.**

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

463 "46-5-124.

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

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

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

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

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

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

483 (b) The agency authority shall be responsible for encouraging and promoting the planning,
 484 development, and implementation of local 9-1-1 system plans. The agency authority shall
 485 develop any necessary procedures to be followed by public agencies for implementing and

486 coordinating such plans and shall mediate whenever disputes arise or agreements cannot
 487 be reached between the local political jurisdiction and other entities involving the 9-1-1
 488 system.

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

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

494 **SECTION 2-4.**

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

498 "46-5-124.1.

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

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

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

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

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

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

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

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

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

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

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

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

541 **SECTION 2-5.**

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

544 "46-5-126.

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

548 **SECTION 2-6.**

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

551 "46-5-127.

552 (a) After January 1, 1978, and prior to January 1, 2019, no emergency 9-1-1 system shall
 553 be established, and no existing system shall be expanded to provide wireless enhanced
 554 9-1-1 service, without written confirmation by the ~~agency~~ Georgia Emergency

555 Management and Homeland Security Agency that the local plan conforms to the guidelines
556 and procedures provided for in Code Section 46-5-124.

557 (b) On or after January 1, 2019, no emergency 9-1-1 system shall be established, and no
558 existing system shall be expanded to provide wireless enhanced 9-1-1 service, without
559 written confirmation by the authority that the local plan conforms to the guidelines and
560 procedures provided for in Code Section 46-5-124. The authority shall not deny
561 establishment of a new system or an expansion to provide wireless enhanced 9-1-1 service
562 if the local plan conforms to the guidelines and procedures provided for in Code Section
563 46-5-124."

564 **SECTION 2-7.**

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

567 "46-5-128.

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

572 **SECTION 2-8.**

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

575 "46-5-129.

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

578 **SECTION 2-9.**

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

581 "46-5-130.

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

584 **SECTION 2-10.**

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

587 "46-5-131.

588 (a) Whether participating in a state-wide emergency 9-1-1 system or an emergency 9-1-1
 589 system serving one or more local governments, neither the state nor the authority nor any
 590 local government of the state nor any emergency 9-1-1 system provider or service supplier
 591 or its employees, directors, officers, contractors, and agents, except in cases of wanton and
 592 willful misconduct or bad faith, shall be liable for death or injury to any person or for
 593 damage to property as a result of either developing, adopting, establishing, participating
 594 in, implementing, maintaining, or carrying out duties involved in operating the emergency
 595 9-1-1 system or in the identification of the telephone number, address, or name associated
 596 with any person accessing an emergency 9-1-1 system.

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

602 **SECTION 2-11.**

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

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

SECTION 2-12.

623
624 Said title is further amended in Code Section 46-5-134, relating to billing of subscribers,
625 liability of subscriber for service charge, taxes on service, establishment of Emergency
626 Telephone System Fund, records, and use of funds, by revising subsections (a), (b), (d), (e),
627 and (i) as follows:

628 ~~"(a)(1)(A)(i) Unless exempt, the~~ The telephone subscriber of any telephone service
629 ~~may shall~~ be billed for the monthly 9-1-1 charge, if any, imposed with respect to such
630 telephone service by the service supplier. Such 9-1-1 charge ~~may not exceed~~ shall be
631 \$1.50 per month per telephone service provided to the telephone subscriber except as
632 reduced pursuant to paragraph (4) of subsection (d) of this Code section. In the event
633 that any telephone service supplier, due to its normal billing practices, is unable to
634 charge differing amounts set by each local government as the 9-1-1 charge, such
635 telephone service supplier shall collect on behalf of local governments that have
636 authorized a 9-1-1 charge \$1.50 per month per telephone service provided to the
637 telephone subscribers to whom it provides telephone service in every area served by
638 the emergency 9-1-1 system.

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

651 (B) All telephone services billed to federal, state, or local governments shall be exempt
652 from the 9-1-1 charge. Each service supplier shall, on behalf of the local government,
653 collect the 9-1-1 charge from those telephone subscribers to whom it provides
654 telephone service in the area served by the emergency 9-1-1 system. As part of its
655 normal billing process, the service supplier shall collect the 9-1-1 charge for each
656 month a telephone service is in service, and it shall list the 9-1-1 charge as a separate
657 entry on each bill. Nothing in this Code section shall be construed to require a service
658 supplier to list the 9-1-1 charge as a surcharge or separate entry on each bill. Service
659 suppliers that do not list the 9-1-1 charge as a separate entry on each bill shall remit the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

778 "(i) The service supplier shall maintain records of the amount of the 9-1-1 charges and
 779 wireless enhanced 9-1-1 charges collected for a period of at least three years from the date
 780 of collection. ~~The local government may, at its expense, require an annual audit of the~~
 781 ~~service supplier's books and records with respect to the collection and remittance of the~~
 782 ~~9-1-1 charges and wireless enhanced 9-1-1 charges."~~

783 **SECTION 2-13.**

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

787 "46-5-134.1.

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

792 (b) A wireless service supplier may certify to any of the governing ~~authorities~~ bodies
 793 described in subsection (a) of this Code section that the wireless service supplier is unable
 794 to determine whether the billing addresses of its subscribers are within the geographic area
 795 that is served by such local government. Upon such certification, the wireless service
 796 supplier shall be authorized to collect the 9-1-1 charge for wireless enhanced 9-1-1 services
 797 from any of its subscribers whose billing address is within the county and is within an area
 798 that is as close as reasonably possible to the geographic area that is served by such local
 799 government. The wireless service supplier shall notify such subscribers that if such
 800 subscriber's billing address is not within the geographic area served by such local
 801 government, such subscriber is not obligated to pay the 9-1-1 charge for wireless enhanced
 802 9-1-1 service.

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

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

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

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

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

818 Upon termination of such authority powers, the wireless service supplier shall collect the
 819 9-1-1 charge for wireless enhanced 9-1-1 service as provided in Code Section 46-5-134."

820 **SECTION 2-14.**

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

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

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

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

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

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

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

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

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

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

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

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

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

904 **PART III**

905 **SECTION 3-1.**

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

910 "35-8-23.

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

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

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

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

930 **SECTION 3-2.**

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

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

936 **SECTION 3-3.**

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

939 "45-15-13.

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

946 **SECTION 3-4.**

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

950 "48-2-15.

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

958 (b) This Code section shall not:

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

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

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

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

969 (5) Apply to information, records, and reports required and obtained under Article 1 of
 970 Chapter 9 of this title, which requires distributors of motor fuels to make reports of the
 971 amounts of motor fuels sold and used in each county by the distributor, or under Article
 972 2 of Chapter 9 of this title, relating to road tax on motor carriers; ~~or~~

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

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

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

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

996 (e) This Code section shall not be construed to prohibit persons or groups of persons other
 997 than employees of the department from having access to tax information when necessary
 998 to conduct research commissioned by the department or where necessary in connection
 999 with the processing, storage, transmission, and reproduction of such tax information; the
 1000 programming, maintenance, repair, testing, and procurement of equipment; and the
 1001 providing of other services for purposes of tax administration. Any such access shall be
 1002 pursuant to a written agreement with the department providing for the handling, permitted
 1003 uses, and destruction of such tax information, requiring security clearance checks for such
 1004 persons or groups of persons similar to those required of employees of the department, and
 1005 including such other terms and conditions as the department may require to protect the
 1006 confidentiality of the tax information to be disclosed. Any person who divulges or makes
 1007 known any tax information obtained under this subsection shall be subject to the same civil
 1008 and criminal penalties as those provided for divulgence of information by employees of the
 1009 department.

1010 (f) This Code section shall not be construed to prohibit disclosure as required in subsection
 1011 (h) of Code Section 48-2-35."

1012 **PART IV**

1013 **SECTION 4-1.**

1014 (a) This Act shall become effective July 1, 2018, for the purposes of creating the Georgia
 1015 Emergency Communications Authority and appointing the members thereof and the
 1016 enactment of Section 2-11 and the provisions regarding billing practices contained in
 1017 subsection (d) of Code Section 38-3-189. For all other purposes, this Act shall become
 1018 effective on January 1, 2019.

1019 (b) The provisions of this Act shall not in any manner diminish, extinguish, reduce, or
1020 affect any cause of action for audits, services, or the recovery of funds from service
1021 providers which may have existed prior to January 1, 2019. Any such cause of action is
1022 expressly preserved.

1023 **SECTION 4-2.**

1024 All laws and parts of laws in conflict with this Act are repealed.