

A BILL TO BE ENTITLED
AN ACT

To amend Titles 36 and 46 of the Official Code of Georgia Annotated, relating to local government and to public utilities and public transportation, respectively, so as to provide for the creation, authority, powers, and membership of the Local Government 9-1-1 Authority; to provide for definitions; to provide duties and responsibilities; to change certain provisions relating to the remittance of 9-1-1 charges; to provide for payment by service suppliers to the Local Government 9-1-1 Authority; to provide for administrative costs; to authorize audits of service providers; to provide for penalties and interest for noncompliance; to revise definitions relative to the Georgia Emergency Telephone Number 9-1-1 Service Act; to revise monthly 9-1-1 service charges; to revise the imposition of cost recovery fees; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"CHAPTER 93

36-93-1.

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

36-93-2.

As used in this chapter, the term:

(1) 'Authority' means the Local Government 9-1-1 Authority established pursuant to Code Section 36-93-3.

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

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

(4) 'Local government' means a county, municipality, regional authority, or consolidated government that provides 9-1-1 services.

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

(6) '9-1-1 system' or 'emergency 9-1-1 system' has the same meaning as provided in Code Section 46-5-122 (5).

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

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

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

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

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

36-93-3.

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

(2) All counties, municipalities, consolidated governments, and regional authorities ~~providing~~ which operate or contract for the operation of 9-1-1 services pursuant to the Georgia Emergency Telephone Number 9-1-1 Service Act of 1977 as of July 1, 2016 shall form the authority. Additional counties, municipalities, consolidated governments, or regional authorities shall become members upon their adoption of a resolution or ordinance to impose the monthly 9-1-1 charge as authorized by O.C.G.A. § 46-5-122. Any member of the authority no longer operating or contracting for the operation of 9-1-1 or enhanced 9-1-1 services shall withdraw from the authority subject to the terms of any contract, obligation, or agreement with the authority.

(b) The purpose of the authority shall be to administer, collect, audit, and remit 9-1-1 revenue for the benefit of local governments in Georgia, as specified in this chapter and on such terms

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

(1) The public interest in providing cost-efficient collection of revenues;

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

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

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

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

(1) To study and evaluate the state-wide provision of 9-1-1 service;

(2) To identify any changes necessary to accomplish more effective and efficient 9-1-1 service across this state;

(3) To identify any changes necessary in the assessment and collection of 9-1-1 fees;

(4) To make develop, offer or make recommendations to the Georgia Emergency Management Agency or other state agency, as to training that should be provided to directors of public safety answering points; and

(5) To provide an annual report which shall include proposed legislation, if any, to the Governor and the General Assembly by December 1 of each year.

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

(A) Four members who shall be elected officials of a county governing authority, county managers or county administrators from a county with a public safety answering point appointed by the Governor upon recommendation of the Association County Commissioners of Georgia. At least two of the four appointees shall be elected officials;

(B) One county finance director from a county with a public safety answering point appointed by the Governor upon recommendation of the Association County Commissioners of Georgia;

(C) One elected official of a city governing authority, city manager, or city finance director from a city with a public safety answering point appointed by the Governor upon recommendation of the Georgia Municipal Association;

- (D) One member of the Georgia Chapter of the National Emergency Number Association appointed by the Governor upon recommendation of the Association;
- (E) One member of the Georgia Chapter of the Association of Public Safety Communications Officials appointed by the Governor upon recommendation of the Association;
- (F) One member of the Georgia 9-1-1 Director's Association appointed by the Governor upon recommendation of the Association;
- (G) Two sheriffs currently responsible for managing a public safety answering point appointed by the Governor upon recommendation of the Georgia Sheriffs Association;
- (H) The director of the Georgia Emergency Management Agency or his designee;
- (I) The director of the Georgia Department of Public Safety or his designee; and
- (J) Two members from the telecommunications industry appointed by the Governor.
- (2) The initial term for appointments made pursuant to subparagraphs (A) and (C) of paragraph (1) of this subsection shall be from July 1, 2016, until June 30, 2019. The initial term for appointments made pursuant to subparagraphs (B), (D), (E) and (F) of paragraph (1) of this subsection shall be from July 1, 2016, until June 30, 2018. The initial term for appointments made pursuant to subparagraphs (G) and (J) of paragraph (1) of this subsection shall be from July 1, 2016, until June 30, 2017. All subsequent terms shall be for three years. Any vacancies that occur prior to the end of a term shall be filled by appointment of the original appointing authority and shall be for the remainder of the unexpired term. The members appointed pursuant to subparagraphs (H) and (I) of paragraph (1) of this subsection shall serve ex officio.
- (3) Each member of the board of directors may be authorized by the authority to receive an expense allowance and reimbursement from funds of the authority in the same manner as provided for in Code Section 45-7-21. Except as specifically provided in this subsection, members of the board of directors shall receive no compensation for their services.
- (4) Seven voting members of the board of directors shall constitute a quorum; and the affirmative votes of four voting members of the authority shall be required for any action to be taken by the authority.
- (5) The director of the Georgia Emergency Management Agency shall convene the initial meeting of the board of directors of the authority no later than July 15, 2016 at which

meeting the directors shall elect one of their members, who is an elected official, as chairperson. In addition, the directors shall elect from their membership, a vice chairperson, a secretary and a treasurer.

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

(e) The authority shall have perpetual existence.

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

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

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

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

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

(5) To contract with state agencies or any local government for the use by the authority of any property, facilities, or services of the state or any such state agency or local government or for the use by any state agency or local government of any facilities or services of the authority; and such state agencies and local governments are authorized to enter into such contracts;

(6) To fix and collect fees and charges for data, media, and incidental services furnished by it to any individual or private entity;

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

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

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

(10) To hire an attorney to provide legal services;

(11) To sue and to be sued;

(12) To provide for the collection of moneys;

(13) To manage, control, and direct such funds and the expenditures made therefrom;

(14) To distribute the moneys at the discretion of the authority in such manner and subject to such terms and limitations as provided by Code Section 36-93-6; and

(15) To exercise all other powers, necessary for the development and implementation of the duties and responsibilities provided for in this chapter.

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

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

(i) Any action against the authority shall be brought in the Superior Court of Fulton County, and such court shall have exclusive, original jurisdiction of such actions; provided, however, that actions seeking equitable relief may be brought in the county of residence of any member of the authority.

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

(k) The provisions of this chapter shall be regarded as supplemental and additional to powers conferred by the Constitution and laws of the State of Georgia and shall not be regarded as in derogation of any powers now existing.

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

36-93-4.

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

36-93-5.

(a) On and after January 1, 2017, all 9-1-1 charges and all wireless enhanced 9-1-1 charges imposed by the governing authority of a local government pursuant to Code Section 46-5-133 and collected by a service supplier pursuant to Code Sections 46-5-134 and 46-5-134.1 shall be remitted by each service supplier to the authority monthly not later than the twentieth day of the month following the month in which they are collected. Any charges not remitted in a timely manner shall accrue interest at the rate specified in Code Section 48-2-40, compounded daily, until the date they are paid.

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

(c) Notwithstanding the provisions of subsections (a) and (b) of this Code section, all prepaid wireless service suppliers shall remit the wireless enhanced 9-1-1 charge collected from their subscribers to the individual counties, cities, consolidated governments, and regional authorities that have 9-1-1 and enhanced 9-1-1 service in accordance with Code Section 46-5-134.2.

36-93-6.

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

(b) The remainder of the charges remitted by service suppliers shall be paid by the authority to each county and municipality that operates a 9-1-1 public safety answering point monthly on a pro rata basis based on the remitted amounts reported by service suppliers in the reports required by Code Section 36-93-5 (b).

36-93-7.

(a) On and after January 1, 2017, the authority is authorized to audit the financial and business records of any service supplier offering communication services capable of connecting 9-1-1 service to the extent necessary to ensure proper collection and remittance of charges in accordance with this chapter and with Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated. The board of the authority shall develop a schedule for auditing service suppliers according to criteria adopted by the board; however, in no event shall the board of the authority audit a service supplier more than once every three years.

(b) Failure of a service supplier to comply with an audit request shall result in a civil penalty of not more than \$1,000.00 per day for each day the service supplier refuses compliance. A good faith attempt to comply by a service supplier with an audit request shall serve as a defense to a claim of failure to comply. In the event a good faith effort to comply is found by the authority or Superior Court of Fulton County, there shall be no civil penalty.

(c) Any service supplier found to have willfully failed to collect and remit charges as required in this chapter shall be subject to a civil penalty of \$25,000.00 or the percent of charges due and owing based on the percentage specified in Code Section 48-2-44 (a) whichever is greater. Such civil penalty shall be in addition to the payment of charges due and owing and accrued interest at the rate specified in Code Section 48-2-40 .

(d) A service supplier found to be in violation of any provision of this chapter shall have 30 days to appeal such decision to the authority from the date notice of the penalty is served upon the violator by means of certified mail. An aggrieved party having appealed to the authority shall have 30 days from service of the authority's opinion to appeal the decision in the Superior Court of Fulton County. The appeal shall be limited to the record before the authority and the decision of the authority shall be upheld, absent an abuse of direction by the authority, if there is any evidence to support the authority's decision. An appeal to superior court shall not stay the imposition of any penalty and interest shall accrue on any past due penalty at the rate specified in Code Section 48-2-40.

36-93-8.

(a) All information submitted by a service supplier to the authority pursuant to this chapter which is defined as proprietary under state law is confidential and is not subject to disclosure under Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated. Such information may not be released to any person other than to the submitting service supplier or the authority without the express permission of the submitting service supplier.

(b) Notwithstanding the provisions of subsection (a) of this Code section, general information collected by the authority may be released or published but only in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual service supplier.”

SECTION 2.

Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public transportation, is amended by revising Code Section 46-5-122, relating to definitions relative to the Georgia Emergency Telephone Number 9-1-1 Service Act of 1977, as follows:

"46-5-122.

As used in this part, the term:

- (1) 'Addressing' means the assigning of a numerical address and street name (the name may be numerical) to each location within a local government's geographical area necessary to

provide public safety service as determined by the local government. This address replaces any route and box number currently in place in the 9-1-1 data base and facilitates quicker response by public safety agencies.

(2) ~~'Agency' means the Georgia Emergency Management Agency established pursuant to Code Section 38-3-20 unless the context clearly requires otherwise.~~ 'Authority' means the Local Government 9-1-1 Authority established pursuant to Code Section 36-94-3.

(2.1) 'Call' means any communication, message, signal, or transmission.

(2.2) 'Center' means the Georgia Public Safety Training Center.

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

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

(4) 'Cost recovery' means the mechanism by which service suppliers may recover the recurring and nonrecurring costs they expend on the implementation of wireless 9-1-1 services.

(5) 'Emergency 9-1-1 system' or '9-1-1 system' means a telephone service, computer service, wireless service, or other service which facilitates the placing of calls by persons in need of emergency services to a public safety answering point by dialing the telephone number 9-1-1 and under which calls to 9-1-1 are answered or otherwise responded to by public safety answering points established and operated by the local government subscribing to the 9-1-1 service. The term 'emergency 9-1-1 system' also includes 'enhanced 9-1-1 service,' which means an emergency system that provides the user with emergency 9-1-1 system service and, in addition, directs 9-1-1 calls to appropriate public safety answering points by selective routing based on the geographical location from which the call originated and provides the capability for automatic number identification and automatic location identification features.

(6) 'Enhanced ZIP Code' means a United States postal ZIP Code of 9 or more digits.

(7) 'Exchange access facility' means the access from a particular telephone subscriber's premises to the telephone system of a service supplier. Exchange access facilities include service supplier provided access lines, PBX trunks, and Centrex network access registers, all as defined by tariffs of the telephone companies as approved by the Georgia Public Service Commission. The term 'exchange access facility' also includes Voice over Internet Protocol

service suppliers and any other communication, message, signal, or information delivery system capable of initiating a 9-1-1 emergency call. Exchange access facilities do not include service supplier owned and operated telephone pay station lines, Wide Area

Telecommunications Services (WATS), Foreign Exchange (FX), or incoming only lines.

(8) 'FIPS' means the Federal Information Processing Standard (FIPS) 55-3 or any future enhancement.

(9) 'Local government' means any city, county, military base, or political subdivision of Georgia and its agencies.

(10) 'Mobile telecommunications service' means commercial mobile radio service, as such term is defined in 47 C.F.R. Section 20.3.

(11) '9-1-1 charge' means a contribution to the local government for the 9-1-1 service start-up equipment costs, subscriber notification costs, addressing costs, billing costs, nonrecurring and recurring installation, maintenance, service, and network charges of a service supplier providing 9-1-1 service pursuant to this part, and costs associated with the hiring, training, and compensating of dispatchers employed by the local government to operate said 9-1-1 system at the public safety answering points.

(11.1) '9-1-1 number' means the digits, address, Internet Protocol address, or other information used to access or initiate a call to a public safety answering point.

(12) 'Place of primary use' means the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer.

(12.1) 'Prepaid wireless service' means any method pursuant to which a customer pays a wireless service ~~provider~~ supplier in advance for a wireless telecommunications connection. Such term shall include, without limitation, calling or usage privileges included with the purchase of a wireless telephone as well as additional calling or usage privileges purchased by any means, including, without limitation, a calling card, a wireless communication, or an Internet transaction.

(13) 'Public agency' means the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides or has authority to provide fire-fighting, law enforcement, ambulance, medical, or other emergency services.

(14) 'Public safety agency' means a functional division of a public agency which provides fire-fighting, law enforcement, emergency medical, suicide prevention, emergency management dispatching, poison control, drug prevention, child abuse, spouse abuse, or other emergency services.

(15) 'Public safety answering point' means the public safety agency which receives incoming 9-1-1 telephone calls and dispatches appropriate public safety agencies to respond to such calls.

(16) 'Service supplier' means a person or entity who provides telephone service to a telephone subscriber or to a third party retail seller of the service.

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

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

(B) is a telecommunications service as such term is defined by Code Section 48-8-2 (39);
and,

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

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

(17.1) 'Voice over Internet Protocol service' means any technology that permits a voice conversation using a voice connection through a telephone jack or to a computer, whether through a microphone, a telephone, or other device, which sends a digital signal over the Internet through a broadband connection to be converted back to the human voice at a distant

terminal and that delivers or is required by law to deliver a call to a public safety answering point. Voice over Internet Protocol service shall also include interconnected Voice over Internet Protocol service, which is service that enables real-time, two-way voice communications, requires a broadband connection from the user's location, requires Internet protocol compatible customer premises equipment, and allows users to receive calls that originate on the public service telephone network and to terminate calls to the public switched telephone network.

(17.2) 'Voice over Internet Protocol service supplier' means a person or entity who provides Voice over Internet Protocol service to subscribers for a fee.

(18) 'Wireless enhanced 9-1-1 charge' means a contribution to the local government for the following:

(A) The costs to the local government of implementing or upgrading, and maintaining, an emergency 9-1-1 system which is capable of receiving and utilizing the following information, as it relates to 9-1-1 calls made from a wireless telecommunications connection: automatic number identification, the location of the base station or cell site which receives the 9-1-1 call, and the location of the wireless telecommunications connection;

(B) Nonrecurring and recurring installation, maintenance, service, and network charges of a wireless service supplier to provide the information described in subparagraph (A) of this paragraph; and

(C) Other costs which may be paid with money from the Emergency Telephone System Fund, pursuant to subsection (e) of Code Section 46-5-134.

(19) 'Wireless service' means 'commercial mobile service' as defined under Section 332(D) of the federal Telecommunications Act of 1996 (47 U.S.C. Section 157, et seq.), regulations of the Federal Communications Commission, and the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66) and includes real-time, two-way interconnected voice service which is provided over networks which utilize intelligent switching capability and offer seamless handoff to customers. The term does not include one-way signaling service, data transmission service, nonlocal radio access line service, or a private telecommunications service. The term does include prepaid wireless service.

(20) 'Wireless service supplier' means a provider of wireless service.

(21) 'Wireless telecommunications connection' means any mobile station for wireless service that connects a provider of wireless service to a provider of telephone service."

SECTION 3.

Said title is further amended by deleting in its entirety Code Section 46-5-123, regarding the creation of a 9-1-1 Advisory Committee, and substituting in its place the following:

“Reserved”

SECTION 4.

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

“46-5-124.

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

- (1) Steps of action necessary for public agencies to effect the necessary coordination, regulation, and development preliminary to a 9-1-1 system that shall incorporate the requirements of each public service agency in each local government of Georgia;
- (2) Identification of mutual aid agreements necessary to effect the 9-1-1 system, including coordination on behalf of the State of Georgia with any federal agency to secure financial assistance or other desirable activities in connection with the receipt of funding that may be provided to communities for the planning, development, or implementation of the 9-1-1 system;
- (3) The coordination necessary between local governments planning or developing a 9-1-1 system and other state agencies, the Public Service Commission, all affected utility and telephone companies, wireless service suppliers, and other agencies;
- (4) The actions to establish emergency telephone service necessary to meet the requirements for each local government, including law enforcement, fire-fighting, medical, suicide prevention, rescue, or other emergency services; and

- (5) The actions to be taken by a local government desiring to provide wireless enhanced 9-1-1 service, including requirements contained in 47 Code of Federal Regulations Section 20.18.
- (b) The agency authority shall be responsible for encouraging and promoting the planning, development, and implementation of local 9-1-1 system plans. The agency shall develop any necessary procedures to be followed by public agencies for implementing and coordinating such plans and shall mediate whenever disputes arise or agreements cannot be reached between the local political jurisdiction and other entities involving the 9-1-1 system.
- (c) Notwithstanding any other law to the contrary, no communications officer hired to the staff of a public safety answering point shall be required to complete his or her training pursuant to Code Section 35-8-23 prior to being hired or employed for such position.
- (d) The agency authority shall maintain the registry of wireless service suppliers provided for in Code Section 46-5-124.1.”

SECTION 5.

Said title is further amended by revising Code Section 46-5-124.1, relating to registration of service suppliers or Voice over Internet Protocol service suppliers as follows:

“46-5-124. 1.

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

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

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

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

(4) The counties in Georgia in which the service supplier or Voice over Internet Protocol service supplier is, in fact, providing telephone service. Each service supplier or Voice over Internet Protocol service supplier shall amend the information registered with the authority within 10 business days of the date that service is commenced in any county in Georgia; and
~~(4)~~(5) Every corporate name under which the service supplier or Voice over Internet Protocol service supplier is authorized to provide telephone service in Georgia.

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

(c) The ~~director~~ authority shall send a notice of delinquency to any service supplier or Voice over Internet Protocol service supplier which fails to comply with subsection (b) of this Code section. Such notice shall be sent by certified mail or statutory overnight delivery. ~~Any~~ Failure of a service supplier or Voice over Internet Protocol service supplier that fails to register and provide the information required by this Code section within 30 days after receipt of a notice of delinquency shall not be eligible to receive cost recovery funds as provided in subsection (e) of Code Section 46-5-134 result in a civil penalty of not more than \$1,000.00 per day until the service supplier or Voice over Internet Protocol service supplier is in compliance with subsection (b) of this Code section.”

SECTION 6.

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

“After January 1, 1978, no emergency 9-1-1 system shall be established, and no existing system shall be expanded to provide wireless enhanced 9-1-1 service, without written confirmation by the Georgia Emergency Management Agency that the local plan conforms to the guidelines and procedures provided for in Code Section 46-5-124; except that on and after July 1, 2016, no emergency 9-1-1 system shall be established, and no existing system shall be expanded to provide wireless enhanced 9-1-1 service, without written confirmation by the

authority that the local plan conforms to the guidelines and procedures provided for in Code Section 46-5-124.”

SECTION 7.

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

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

SECTION 8.

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

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

SECTION 9.

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

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

SECTION 10.

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

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

SECTION 11.

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

“(a) (1) (A) The telephone subscriber of any telephone service may 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 shall be ~~may not exceed~~ \$1.50 per month per telephone service provided to the telephone subscriber. ~~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.~~

(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. If a service supplier receives a partial payment for a bill from a telephone subscriber, the

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

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

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

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

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

1 charge from those telephone subscribers whose place of primary use is within the geographic area that is served by the local government or that would be served by the local government for the purpose of such an emergency 9-1-1 system. As part of its normal billing process, the wireless service supplier shall collect the wireless enhanced 9-1-1 charge for each month a wireless telecommunications connection is in service, and it shall list the wireless enhanced 9-1-1 charge as a separate entry on each bill. If a wireless service supplier receives partial payment for a bill from a telephone subscriber, the wireless service supplier shall apply the payment against the amount the telephone subscriber owes the wireless service supplier first.

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

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

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

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

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

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

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

(e) ~~(4)~~ A wireless service supplier may recover its costs expended on the implementation and provision of wireless enhanced 9-1-1 services to subscribers by imposing a cost recovery fee or including such costs in existing costs or regulatory recovery fees in an amount not to exceed 30 cent(s) of on each 9-1-1 charge collected from a place of primary use that is within the geographic area that is served by the local government or would be served by the local government for the purpose of such emergency 9-1-1 system; provided, however, that such amount may be increased to 45 cent(s) upon implementation of step two of the state plan governing 9-1-1 enhanced communications as provided in subsection (g) of this Code section. Such cost recovery amount shall be based on the actual cost incurred by the wireless service supplier in providing wireless enhanced 9-1-1 services.

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

(f) (1) ~~In addition to cost recovery as provided in subsection (e) of this Code section, money~~
Money from the Emergency Telephone System Fund shall be used only to pay for:

(A) The lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software, and data base provisioning; addressing; and nonrecurring costs of establishing a 9-1-1 system;

(B) The rates associated with the service supplier's 9-1-1 service and other service supplier's recurring charges;

(C) The actual cost, according to generally accepted accounting principles, of salaries and employee benefits incurred by the local government for employees hired by the local government solely for the operation and maintenance of the emergency 9-1-1 system and employees who work as directors as that term is defined in Code Section 46-5-138.2, whether such employee benefits are purchased directly from a third-party insurance carrier, funded by the local government's self-funding risk program, or funded by the local government's participation in a group self-insurance fund. As used in this paragraph, the term "employee benefits" means health benefits, disability benefits, death benefits, accidental death and dismemberment benefits, pension benefits, retirement benefits, workers' compensation, and such other benefits as the local government may provide. Said term shall also include any post-employment benefits the local government may provide;

(D) The actual cost, according to generally accepted accounting principles, of training employees hired by the local government solely for the operation and maintenance of the emergency 9-1-1 system and employees who work as directors as that term is defined in Code Section 46-5-138.2;

(E) Office supplies of the public safety answering points used directly in providing emergency 9-1-1 system services;

(F) The cost of leasing or purchasing a building used as a public safety answering point. Moneys from the fund shall not be used for the construction or lease of an emergency 9-1-1 system building until the local government has completed its street addressing plan;

(G) The lease, purchase, or maintenance of computer hardware and software used at a public safety answering point, including computer-assisted dispatch systems and automatic vehicle location systems;

(H) Supplies directly related to providing emergency 9-1-1 system services, including the

cost of printing emergency 9-1-1 system public education materials; and

(I) The lease, purchase, or maintenance of logging recorders used at a public safety answering point to record telephone and radio traffic.

(2) (A) In addition to cost recovery as provided in subsection (e) of this Code section, money from the Emergency Telephone System Fund may be used to pay for those purposes set forth in subparagraph (B) of this paragraph, if:

(i) The local government's 9-1-1 system provides enhanced 9-1-1 service;

(ii) The revenues from the 9-1-1 charges or wireless enhanced 9-1-1 charges in the local government's Emergency Telephone System Fund at the end of any fiscal year shall be projected to exceed the cost of providing enhanced 9-1-1 services as authorized in subparagraphs (A) through (I) of paragraph (1) of this subsection and the cost of providing enhanced 9-1-1 services as authorized in subparagraphs (A) through (I) of paragraph (1) of this subsection includes a reserve amount equal to at least 10 percent of the previous year's expenditures; and

(iii) Funds for such purposes are distributed pursuant to an intergovernmental agreement between the local governments whose citizens are served by the emergency 9-1-1 system proportionately by population as determined by the most recent decennial census published by the United States Bureau of the Census at the time such agreement is entered into.

(B) Pursuant to subparagraph (A) of this paragraph, the Emergency Telephone System Fund may be used to pay for:

(i) The actual cost, according to generally accepted accounting principles, of insurance purchased by the local government to insure against the risks and liability in the operation and maintenance of the emergency 9-1-1 system on behalf of the local government or on behalf of employees hired by the local government solely for the operation and maintenance of the emergency 9-1-1 system and employees who work as directors as that term is defined in Code Section 46-5-138.2, whether such insurance is purchased directly from a third-party insurance carrier, funded by the local government's self-funding risk program, or funded by the local government's participation in a group self-insurance fund. As used in this division, the term "cost of insurance" shall include, but shall not be limited to, any insurance premiums, unit fees, and broker fees paid for

insurance obtained by the local government;

(ii) The lease, purchase, or maintenance of a mobile communications vehicle and equipment, if the primary purpose and designation of such vehicle is to function as a backup 9-1-1 system center;

(iii) The allocation of indirect costs associated with supporting the 9-1-1 system center and operations as identified and outlined in an indirect cost allocation plan approved by the local governing authority that is consistent with the costs allocated within the local government to both governmental and business-type activities;

(iv) The lease, purchase, or maintenance of mobile public safety voice and data equipment, geo-targeted text messaging alert systems, or towers necessary to carry out the function of 9-1-1 system operations; and

(v) The lease, purchase, or maintenance of public safety voice and data communications systems located in the 9-1-1 system facility that further the legislative intent of providing the highest level of emergency response service on a local, regional, and state-wide basis, including equipment and associated hardware and software that support the use of public safety wireless voice and data communication systems.”

SECTION 12.

Said title is further amended by revising paragraph (1) of subsection (b) of Code Section 46-5-134.2, relating to prepaid wireless 9-1-1 charges, as follows:

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

SECTION 13.

Sections 1, 3, 6, 7, 8, 9 and 10 of this Act shall become effective on July 1, 2016. Sections 2, 4, 5, 11 and 12 shall become effective on January 1, 2017.

SECTION 14.

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