

House Bill 751 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED  
AN ACT

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

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

29 **PART I**  
30 **SECTION 1-1.**

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

33 "ARTICLE 12

34 38-3-180.

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

37 38-3-181.

38 As used in this article, the term:

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

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

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

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

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

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

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

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

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

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

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

60 38-3-182.

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

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

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

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

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

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

- 96 (7) Collect data and statistics regarding the performance of public safety answering  
97 points; and
- 98 (8) Identify any necessary changes or enhancements to develop and deploy NG911  
99 statewide.
- 100 (d)(1) Control and management of the authority shall be vested in a board of directors  
101 which shall consist of the following:
- 102 (A) The commissioner of the Department of Public Safety or his or her designee;  
103 (B) The commissioner of the Department of Revenue or his or her designee;  
104 (C) The director of the Georgia Public Safety Training Center or his or her designee;  
105 (D) Three members appointed by the Governor who shall be 9-1-1 directors, each of  
106 whom shall be currently employed by a public safety answering point. The Georgia  
107 9-1-1 Directors Association, the Georgia Chapter of the Association of Public Safety  
108 Communications Officials, and the Georgia Chapter of the National Emergency  
109 Number Association may provide recommendations to the Governor for such  
110 appointments;
- 111 (E) One member appointed by the Governor who shall be an elected member of a  
112 county governing authority that operates or contracts for the operation of a public safety  
113 answering point. The Association County Commissioners of Georgia may provide  
114 recommendations to the Governor for such appointment;
- 115 (F) One member appointed by the Governor who shall be a county manager, county  
116 administrator, or finance officer from a county that operates or contracts for the  
117 operation of a public safety answering point. The Association County Commissioners  
118 of Georgia may provide recommendations to the Governor for such appointment;
- 119 (G) One member appointed by the Governor who shall be an elected member of a city  
120 governing authority that operates or contracts for the operation of a public safety  
121 answering point. The Georgia Municipal Association may provide recommendations  
122 to the Governor for such appointment;
- 123 (H) One member appointed by the Governor who shall be a city manager, city  
124 administrator, or finance officer from a city that operates or contracts for the operation  
125 of a public safety answering point. The Georgia Municipal Association may provide  
126 recommendations to the Governor for such appointment;
- 127 (I) Two members from the telecommunications industry who shall be appointed by the  
128 Governor;
- 129 (J) One member appointed by the Governor who is a sheriff responsible for managing  
130 a public safety answering point. The Georgia Sheriffs' Association may provide  
131 recommendations to the Governor for such appointment;

- 132 (K) One police chief appointed by the Governor who is serving a local government.  
133 The Georgia Association of Chiefs of Police may provide recommendations to the  
134 Governor for such appointment; and
- 135 (L) One fire chief appointed by the Governor who is serving a local government. The  
136 Georgia Association of Fire Chiefs may provide recommendations to the Governor for  
137 such appointment.
- 138 (2) The initial term for appointments made pursuant to subparagraphs (D), (E), (F), (G),  
139 and (H) of paragraph (1) of this subsection shall be from July 1, 2018, until June 30,  
140 2021. The initial term for appointments made pursuant to subparagraphs (I), (J), (K), and  
141 (L) of paragraph (1) of this subsection shall be from July 1, 2018, until June 30, 2020.  
142 All subsequent terms shall be for three years. Any vacancies that occur prior to the end  
143 of a term shall be filled by appointment in the same manner as the original appointment  
144 and shall be for the remainder of the unexpired term.
- 145 (3) The board may appoint additional persons to serve in an advisory role to the board.  
146 Such advisers shall be nonvoting and shall not be counted in ascertaining if a quorum is  
147 present.
- 148 (4) Members of the board of directors shall receive no compensation for their services  
149 but may be authorized by the authority to receive an expense allowance and  
150 reimbursement from funds of the authority in the same manner as provided for in Code  
151 Section 45-7-21, but only in connection with the member's physical attendance at a  
152 meeting of the board.
- 153 (5) Nine members of the board of directors shall constitute a quorum, and the affirmative  
154 votes of a majority of a quorum shall be required for any action to be taken by the board.
- 155 (6) The executive director of the authority shall convene the initial meeting of the board  
156 of the authority no later than September 1, 2018, at which time the board shall elect one  
157 of its members as chairperson. In addition, the board shall elect from its membership a  
158 vice chairperson and a secretary/treasurer.
- 159 (7) The board of directors shall promulgate bylaws and may adopt other procedures for  
160 governing its affairs and for discharging its duties as may be permitted or required by law  
161 or applicable rules and regulations.
- 162 (e) The authority shall have perpetual existence.
- 163 (f) The authority through its board of directors shall have the power and authority to:
- 164 (1) Have a seal and alter the same at its pleasure;  
165 (2) Make and execute contracts, lease agreements, and all other instruments necessary  
166 or convenient to exercise the powers of the authority or to further the public purpose for  
167 which the authority is created;

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

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

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

219 38-3-183.

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

228 38-3-184.

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

231 38-3-185.

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

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

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

255 38-3-186.

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

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

270 38-3-187.

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



273 38-3-188.

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

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

289 38-3-189.

290 (a)(1) Beginning January 1, 2019, the authority is authorized to employ or contract with  
291 an independent auditor or the Department of Revenue to audit the financial and business  
292 records of any service supplier offering communication services capable of connecting  
293 9-1-1 service to the extent necessary to ensure proper collection and remittance of  
294 charges in accordance with this article and with Part 4 of Article 2 of Chapter 5 of  
295 Title 46. If the authority chooses to contract with the Department of Revenue to audit the  
296 financial and business records of any service supplier offering communication services  
297 capable of connecting 9-1-1 service, the contract shall be nonmonetary and any and all  
298 costs associated with the performance of such audits shall be considered paid for by the  
299 administrative fee retained by the Department of Revenue under Code Section 38-3-186.  
300 Under no circumstances shall the Department of Revenue retain any additional charges  
301 for the purpose of conducting such audits. Such audits shall apply only to charges  
302 required to be imposed and collected pursuant to Part 4 of Article 2 of Chapter 5 of Title  
303 46 on or after January 1, 2019. Any audits other than those conducted by the Department  
304 of Revenue shall be conducted at the authority's sole expense. The Department of  
305 Revenue shall provide to the authority access to all of the department's collection data and  
306 records of monthly returns of service suppliers under this Code section. Except as  
307 provided by Code Section 38-3-190, such data and records shall not be used by the  
308 authority for any purpose other than audits under this Code section and shall otherwise

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

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

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

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

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

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

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

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

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

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

360 38-3-190.

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

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

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

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

383 38-3-191.

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

## 389 PART II

### 390 SECTION 2-1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

454 **SECTION 2-2.**

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

458 **SECTION 2-3.**

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

462 "46-5-124.

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

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

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

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

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

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

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

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

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

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

493 **SECTION 2-4.**

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

497 "46-5-124.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

540 **SECTION 2-5.**

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

543 "46-5-126.

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

547 **SECTION 2-6.**

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

550 "46-5-127.

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



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

563 **SECTION 2-7.**

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

566 "46-5-128.

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

571 **SECTION 2-8.**

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

574 "46-5-129.

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

577 **SECTION 2-9.**

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

580 "46-5-130.

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

583 **SECTION 2-10.**

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

586 "46-5-131.

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

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

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

601 **SECTION 2-11.**

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

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

**SECTION 2-12.**

622  
623 Said title is further amended in Code Section 46-5-134, relating to billing of subscribers,  
624 liability of subscriber for service charge, taxes on service, establishment of Emergency  
625 Telephone System Fund, records, and use of funds, by revising subsections (a), (b), (d), (e),  
626 and (i) as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

782 **SECTION 2-13.**

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

786 "46-5-134.1.

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

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

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

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

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

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

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

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

819 **SECTION 2-14.**

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

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

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

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

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



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

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

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

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

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

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

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

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

### 903 **PART III**

#### 904 **SECTION 3-1.**

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

909 "35-8-23.

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

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

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

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

929 **SECTION 3-2.**

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

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

935 **SECTION 3-3.**

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

938 "45-15-13.

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

945 **SECTION 3-4.**

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

949 "48-2-15.

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

957 (b) This Code section shall not:

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

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

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

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

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

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

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

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

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

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

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

1011

#### **PART IV**

1012

#### **SECTION 4-1.**

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

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

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

1022 **SECTION 4-2.**

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