

Senate Bill 144

By: Senators Mullis of the 53rd, Miller of the 49th, Staton of the 18th, Wilkinson of the 50th and Ginn of the 47th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia
2 Annotated, relating to the emergency telephone number "9-1-1" system, so as to create the
3 Georgia Emergency 9-1-1 Support Authority as a body corporate and politic, an
4 instrumentality of the state, and a public corporation; to provide for the purposes of the
5 authority, which purposes shall include, but not be limited to, ensuring that effective 9-1-1
6 service is provided to all Georgians in all areas of this state, helping to provide meaningful
7 9-1-1 service to the most needy persons in Georgia including the elderly, disabled, and poor,
8 assisting the implementation of updated technological resources and enhanced 9-1-1 services
9 throughout the State of Georgia, facilitating the adoption of information services for the
10 provision of lifesaving information to first responders, auditing the payment of certain 9-1-1
11 fees by prepaid wireless telephone service providers to increase compliance in collection of
12 revenues and provide fairness to those service providers already paying such fees, supporting
13 the public interest in providing cost-efficient collection of revenues, and disbursing funds to
14 local governments for the operation and improvement of emergency telephone 9-1-1
15 services; to provide for duties of the authority; to make available on a state-wide basis
16 services and resources to local governments for improvement in emergency 9-1-1 systems;
17 to attach the Emergency 9-1-1 Support Authority to the Office of Planning and Budget for
18 administrative purposes; to provide for tax exempt status of the authority; to provide that
19 moneys received by the authority shall be held in trust; to amend Code Section 38-3-20,
20 relating to the creation of the Georgia Emergency Management Agency, director, and
21 director's duties, so as to conform cross-references; to provide for related matters; to provide
22 for an effective date and applicability; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

25 Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,
26 relating to the emergency telephone number "9-1-1" system, is amended by revising

27 paragraphs (2) through (3) of Code Section 46-5-122, relating to definitions for emergency
28 telephone number 9-1-1 system provisions, as follows:

29 ~~"(2) 'Authority' means the Georgia Emergency 9-1-1 Support Authority. 'Agency' means~~
30 ~~the Georgia Emergency Management Agency established pursuant to Code Section~~
31 ~~38-3-20 unless the context clearly requires otherwise.~~

32 (2.1) 'Call' means any communication, message, signal, or transmission.

33 ~~(2.2) 'Center' means the Georgia Public Safety Training Center.~~

34 ~~(2.3) 'Department' means the Department of Community Affairs established pursuant to~~
35 ~~Code Section 50-8-1.~~

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

38 SECTION 2.

39 Said part is further amended by repealing Code Section 46-5-123, relating to the creation of
40 the "9-1-1" Advisory Committee, selection of members, and filling vacancies, and enacting
41 a new Code Section 46-5-123 to read as follows:

42 "46-5-123.

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

46 (2) The purpose of the authority shall be to establish a representative group able to:

47 (A) Assist in the adoption and implementation of updated technological resources and
48 enhanced 9-1-1 system services throughout the State of Georgia;

49 (B) Facilitate the availability and implementation of data collection programs for the
50 voluntary provision of lifesaving information to first responders;

51 (C) Disburse funds to local governments for the operation and improvement of
52 emergency telephone 9-1-1 system services;

53 (D) Audit the payment of 9-1-1 fees by telephone service providers;

54 (E) Administer, collect, audit, and remit prepaid wireless 9-1-1 revenue for the benefit
55 of local governments in Georgia;

56 (F) Assist in the development and support of regional 9-1-1 system service providers
57 throughout this state; and

58 (G) Develop, acquire, and distribute services, supplies, and materials, including
59 lifesaving equipment and training, for local emergency 9-1-1 system service providers.

60 (b) The authority shall consist of 13 members as follows:

61 (1) One member who shall be the director of the Georgia Emergency Management
62 Agency and who shall serve as the chairperson of the authority;

63 (2) Three members appointed from nominees of the Georgia Municipal Association who
64 shall be an elected official of a city governing body, city manager, city finance director,
65 or city 9-1-1 director, one of whom shall be appointed by the Governor, one of whom
66 shall be appointed by the President of the Senate, and one of whom shall be appointed by
67 the Speaker of the House of Representatives;

68 (3) Three members appointed from nominees of the Association County Commissioners
69 of Georgia who shall be an elected official of a county governing body, county manager,
70 county administrator, or county 9-1-1 operator, one of whom shall be appointed by the
71 Governor, one of whom shall be appointed by the President of the Senate, and one of
72 whom shall be appointed by the Speaker of the House of Representatives;

73 (4) Three members who are experienced in and currently involved in the management
74 of emergency telephone systems, one of whom shall be appointed by the Governor, one
75 of whom shall be appointed by the President of the Senate, and one of whom shall be
76 appointed by the Speaker of the House of Representatives;

77 (5) One member who shall be the executive director of the Georgia Sheriffs' Association;

78 (6) One member who shall be the president of the Georgia Association of Fire Chiefs;
79 and

80 (7) One member who shall be the executive director of the Georgia Association of
81 Emergency Medical Services.

82 (c) Members who are not ex officio shall serve for terms of two years beginning January 1,
83 2014, and until their respective successors are appointed. Members may serve for
84 consecutive terms. Each member of the authority may be authorized by the authority to
85 receive an expense allowance and reimbursement from funds of the authority in the same
86 manner as provided for in Code Section 45-7-21.

87 (d) Seven members of the authority shall constitute a quorum, and the affirmative votes
88 of seven members of the authority shall be required for any action to be taken by the
89 authority. A simple majority vote of a quorum of members shall be a conclusive and
90 binding decision of the authority.

91 (e) The authority may, in its discretion, appoint an executive director as the administrative
92 head of the authority and shall set his or her salary. The executive director, with the
93 concurrence and approval of the authority, is authorized to hire officers, agents,
94 contractors, and employees, including legal and financial advisors; prescribe their duties,
95 responsibilities, and qualifications and set their salaries; and perform such other duties as
96 may be prescribed by the authority. Such officers, agents, and employees shall serve at the
97 pleasure of the executive director, subject to the approval of the authority.

98 (f) The authority may promulgate rules and regulations for its own governance and for
99 discharging its duties as may be permitted or required by law or applicable rules and
100 regulations.

101 (g) The authority shall be the sole owner of information compiled or developed through
102 any function performed or any program or system administered by, or on behalf of, the
103 authority such that no private person or public entity shall be authorized to sell or otherwise
104 exercise control over the data collected and made available by the authority.

105 (h) Individual information collected for purposes of providing emergency medical
106 response by first responders shall not be subject to release pursuant to the inspection of
107 public records provisions in Article 4 of Chapter 18 of Title 50 or other law.

108 (i) The Attorney General shall provide legal services for the authority in the same manner
109 provided for in Code Sections 45-15-13 through 45-15-16.

110 (j) The authority shall have the following powers:

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

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

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

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

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

129 (6) To fix and collect fees and charges for services furnished by it to any private
130 individual or private entity;

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

- 135 (8) To determine the recipients of assistance grants provided for under Code Section
136 46-5-134.2;
- 137 (9) To study and evaluate the state-wide provision of 9-1-1 service;
- 138 (10) To make changes necessary to accomplish more effective and efficient 9-1-1 service
139 across this state;
- 140 (11) To make any changes necessary in the assessment and collection of 9-1-1 fees
141 consistent with state law;
- 142 (12) To provide training to directors of public safety answering points or other personnel;
- 143 (13) To provide for the collection of moneys and to manage, control, and direct such
144 funds and the expenditures made therefrom;
- 145 (14) To establish and administer a 9-1-1 grant fund program for local governments and
146 regional 9-1-1 developments and cooperatives;
- 147 (15) To distribute funds at the discretion of the authority in such manner and subject to
148 such terms and limitations as the authority in its discretion shall determine will best
149 further the public purposes of the authority;
- 150 (16) To exercise any power granted by the laws of this state to public or private
151 corporations which is not in conflict with the public purpose of the authority; and
- 152 (17) To do all things necessary or convenient to carry out the powers conferred by this
153 Code section and to carry out such duties and activities as are specifically imposed upon
154 the authority by law.
- 155 (k) The creation of the authority and the carrying out of its corporate purposes are in all
156 respects for the benefit of the people of this state and are public purposes, and in no event
157 shall the authority assess a fee against a sheriff's office, state agency, or local government
158 of this state. The authority shall perform an essential government function in the exercise
159 of the powers conferred upon it by this Code section. The authority shall not be required
160 to pay taxes or assessments upon any property acquired or under its jurisdiction, control,
161 possession, or supervision.
- 162 (l) Any action against the authority shall be brought in the superior court of the county in
163 which its primary office is situated, and such court shall have exclusive, original
164 jurisdiction of such actions; provided, however, that actions seeking equitable relief may
165 be brought in the county of residence of any member of the authority.
- 166 (m) All moneys received by the authority pursuant to this Code section shall be deemed
167 to be trust funds to be held and applied solely as provided in this Code section.
- 168 (n) The authority is authorized to audit any telephone, wireless, or internet provider
169 offering communication services capable of connecting 9-1-1 service to ensure compliance
170 with the provisions of this part. The authority may audit or cause to be audited by the state
171 auditor, or other auditor, the financial and business records of any service supplier to the

172 extent necessary to ensure proper collection and remittances in accordance with this part.
 173 Failure of the service supplier to comply with an audit request shall result in a civil penalty
 174 of not more than \$1,000.00 per day for each day the service supplier refuses compliance.
 175 Any service provider found to have willfully failed to provide for the payment of fees as
 176 required in this part shall result in a civil penalty of not more than \$25,000.00. Such civil
 177 penalty shall be in addition to the payment of fees due and owing. A provider found to be
 178 in violation of any provision of this part shall have 30 days to appeal such decision to the
 179 authority from the date notice of the penalty is served upon the violator by means of
 180 certified mail. An aggrieved party having appealed to the authority shall have 30 days
 181 from service of the authority's opinion to appeal the decision in the Superior Court of
 182 Fulton County. The appeal shall be limited to the record before the authority and the
 183 decision of the authority shall be upheld, absence an abuse of direction by the authority,
 184 if there is any evidence to support the authority's decision. An appeal to superior court
 185 shall not stay the imposition of any penalty and interest shall accrue on any past due
 186 penalty at a rate of 7 percent per annum. Any fee not paid in a timely manner shall accrue
 187 interest at a rate of 15 percent per annum, compounded daily, until the date the fees are
 188 paid.

189 (o) The Department of Revenue shall be authorized and required to accept the remittance
 190 of any moneys owing to the authority and transfer the same to the authority within 30 days
 191 of receipt.

192 (p) The authority shall be assigned to the Office of Planning and Budget for administrative
 193 purposes only, as prescribed in Code Section 50-4-3."

194 **SECTION 3.**

195 Said part is further amended by revising Code Section 46-5-124, relating to guidelines for
 196 implementing a state-wide emergency 9-1-1 system and training and equipment standards,
 197 as follows:

198 "46-5-124.

199 (a) The agency authority shall develop guidelines for implementing, enhancing, and
 200 operating a state-wide emergency 9-1-1 system. The guidelines shall provide for:

- 201 (1) Steps of action necessary for public agencies to effect the necessary coordination,
 202 regulation, and development preliminary to a 9-1-1 system that shall incorporate the
 203 requirements of each public service agency in each local government of Georgia;
- 204 (2) Identification of mutual aid agreements necessary to effect the 9-1-1 system,
 205 including coordination on behalf of the State of Georgia with any federal agency to
 206 secure financial assistance or other desirable activities in connection with the receipt of

- 207 funding that may be provided to communities for the planning, development, or
 208 implementation of the 9-1-1 system;
- 209 (3) The coordination necessary between local governments planning or developing a
 210 9-1-1 system and other state agencies, the Public Service Commission, all affected utility
 211 and telephone companies, wireless service suppliers, and other agencies;
- 212 (4) The actions to establish emergency telephone service necessary to meet the
 213 requirements for each local government, including law enforcement, fire-fighting,
 214 medical, suicide prevention, rescue, or other emergency services; and
- 215 (5) The actions to be taken by a local government desiring to provide wireless enhanced
 216 9-1-1 service, including requirements contained in 47 Code of Federal Regulations
 217 Section 20.18.
- 218 (b) The agency authority shall be responsible for encouraging and promoting the planning,
 219 development, and implementation of local 9-1-1 system plans. The agency authority shall
 220 develop any necessary procedures to be followed by public agencies for implementing and
 221 coordinating such plans and shall mediate whenever disputes arise or agreements cannot
 222 be reached between the local political jurisdiction and other entities involving the 9-1-1
 223 system.
- 224 (c) Notwithstanding any other law to the contrary, no communications officer hired to the
 225 staff of a public safety answering point shall be required to complete his or her training
 226 pursuant to Code Section 35-8-23 prior to being hired or employed for such position.
- 227 (d) The agency authority shall maintain the registry of wireless service suppliers provided
 228 for in Code Section 46-5-124.1."

229 **SECTION 4.**

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

233 "46-5-124.1.

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

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

241 (2) The name, address, and telephone number of the representative of the service supplier
 242 or Voice over Internet Protocol service supplier with whom a local government must

243 coordinate to implement automatic number identification or automatic location
 244 identification, or both, of a telephone service connection;

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

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

250 (b) After the initial submission by each service supplier or Voice over Internet Protocol
 251 service supplier doing business in this state not later than January 10, 2014, the information
 252 required by subsection (a) of this Code section shall be updated and submitted to the
 253 ~~director~~ authority by the tenth day of January and the tenth day of July of each year or such
 254 other semiannual schedule as the ~~director~~ authority may establish.

255 (c) The ~~director~~ authority shall send a notice of delinquency to any service supplier or
 256 Voice over Internet Protocol service supplier which fails to comply with subsection (b) of
 257 this Code section. Such notice shall be sent by certified mail or statutory overnight
 258 delivery. Any service supplier or Voice over Internet Protocol service supplier that fails
 259 to register and provide the information required by this Code section within 30 days after
 260 receipt of a notice of delinquency shall not be eligible to receive cost recovery funds as
 261 provided in subsection (e) of Code Section 46-5-134 until the service supplier or Voice
 262 over Internet Protocol service supplier is in compliance with subsection (b) of this Code
 263 section."

264 **SECTION 5.**

265 Said part is further amended by revising Code Section 46-5-126, relating to cooperation by
 266 commission and telephone industry, as follows:

267 "46-5-126.

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

271 **SECTION 6.**

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

274 "46-5-127.

275 After January 1, 1978, no emergency 9-1-1 system shall be established, and no existing
 276 system shall be expanded to provide wireless enhanced 9-1-1 service, without written

277 confirmation by the agency authority that the local plan conforms to the guidelines and
 278 procedures provided for in Code Section 46-5-124."

279 **SECTION 7.**

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

282 "46-5-128.

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

287 **SECTION 8.**

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

290 "46-5-129.

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

293 **SECTION 9.**

294 Said part is further amended by revising Code Section 46-5-130, relating to federal
 295 assistance, as follows:

296 "46-5-130.

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

299 **SECTION 10.**

300 Said part is further amended by revising Code Section 46-5-134.2, relating to prepaid
 301 wireless 9-1-1 charge, definitions, imposition of fee by localities, collection and remission
 302 of charges, and distribution of funds, as follows:

303 "46-5-134.2.

304 (a) As used in this Code section, the term:

305 (1) ~~'Commissioner' means the state revenue commissioner~~ 'Authority' means the Georgia
 306 Emergency 9-1-1 Support Authority.

307 (2) 'Consumer' means a person who purchases prepaid wireless service in a retail
 308 transaction.

309 (3) 'Department' means the Department of Revenue.

310 (4) 'Prepaid wireless 9-1-1 charge' means the charge that is required to be collected by
 311 a seller from a consumer in the amount established under subsection (b) of this Code
 312 section.

313 ~~(5) Reserved.~~

314 ~~(6)~~(5) 'Provider' means a person that provides prepaid wireless service pursuant to a
 315 license issued by the Federal Communications Commission.

316 ~~(7)~~(6) 'Retail transaction' means the purchase of prepaid wireless service from a seller
 317 for any purpose other than resale.

318 ~~(8)~~(7) 'Seller' means a person who sells prepaid wireless service to another person.

319 ~~(9)~~(8) 'Wireless telecommunications service' means commercial mobile radio service as
 320 defined by 47 C.F.R. Section 20.3, as amended.

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

328 (2) Where a county or municipality that operates a 9-1-1 public safety answering point
 329 fails to comply with the requirements of paragraph (1) of subsection (j) of this Code
 330 section by December 31, 2011, on and after that date, the prepaid wireless 9-1-1 charge
 331 authorized by paragraph (1) of this subsection shall be imposed within the jurisdiction of
 332 such counties and municipalities as a state fee ~~for state purposes~~. The state fee shall be
 333 remitted to the department and the department shall transfer the collected fees to the
 334 authority. Pursuant to Code Section 45-12-92.1 such fees shall be retained by the
 335 authority for the purpose of defraying the costs of administering programs on behalf of
 336 9-1-1 emergency services for local governments.

337 (c) Where a county or municipality imposes a prepaid wireless 9-1-1 charge as authorized
 338 by paragraph (1) of subsection (b) of this Code section, or the prepaid wireless 9-1-1
 339 charge is imposed by the State of Georgia by paragraph (2) of subsection (b) of this Code
 340 section, the prepaid wireless 9-1-1 charge shall be collected by the seller from the
 341 consumer with respect to each retail transaction occurring in this state. The amount of the
 342 prepaid wireless 9-1-1 charge shall be either separately stated on an invoice, receipt, or
 343 other similar document that is provided to the consumer by the seller or otherwise disclosed
 344 to the consumer.

345 (d) For the purposes of subsection (c) of this Code section, a retail transaction that is
 346 effected in person by a consumer at a business location of the seller shall be treated as

347 occurring in this state if that business location is in this state, and any other retail
348 transaction shall be treated as occurring in this state if the retail transaction is treated as
349 occurring in this state for purposes of a prepaid wireless calling service as provided in
350 paragraph (3) of subsection (e) of Code Section 48-8-77.

351 (e) The prepaid wireless 9-1-1 charge shall be the liability of the consumer and not of the
352 seller or of any provider, except that the seller shall be liable to remit all prepaid wireless
353 9-1-1 charges that the seller collects from consumers as provided in this Code section,
354 including all such charges that the seller is deemed to collect where the amount of the
355 charge has not been separately stated on an invoice, receipt, or other similar document
356 provided to the consumer by the seller.

357 (f) The amount of the prepaid wireless 9-1-1 charge that is collected by a seller from a
358 consumer, if such amount is separately stated on an invoice, receipt, or other similar
359 document provided to the consumer by the seller, shall not be included in the base for
360 measuring any tax, fee, surcharge, or other charge that is imposed by this state, any
361 political subdivision of this state, or any intergovernmental agency.

362 (g)(1) If a minimal amount of prepaid wireless service is sold with a prepaid wireless
363 device for a single, nonitemized price, then the seller may elect not to apply the amount
364 specified in subsection (b) of this Code section to such transaction.

365 (2) If a minimal amount of prepaid wireless service is separately priced and sold as part
366 of a single retail transaction that does not contain a prepaid wireless device or another
367 prepaid wireless service, then the seller may elect not to apply the amount specified in
368 subsection (b) of this Code section to such transaction.

369 (3) For purposes of this subsection, the term 'minimal' means an amount of service
370 denominated as ten minutes or less or \$5.00 or less.

371 (h) Prepaid wireless 9-1-1 charges collected by sellers shall be remitted to the
372 ~~commissioner~~ department and the department shall then transfer the funds collected to the
373 authority at the times and in the manner provided by Chapter 8 of Title 48 with respect to
374 the sales and use tax imposed on prepaid wireless calling service. The ~~commissioner~~
375 department working in cooperation with the authority shall establish registration and
376 payment procedures that substantially coincide with the registration and payment
377 procedures that apply to the sale of prepaid wireless calling service under Chapter 8 of Title
378 48. Audit and appeal procedures applicable under Chapter 8 of Title 48 shall apply to the
379 prepaid wireless 9-1-1 charge. The ~~commissioner~~ department shall establish procedures
380 by which a seller of prepaid wireless service may document that a sale is not a retail
381 transaction, which procedures shall substantially coincide with the procedures for
382 documenting sale for resale transactions under Chapter 8 of Title 48. Nothing in this Code
383 section shall authorize the ~~commissioner~~ department or the authority to require that sellers

384 of prepaid wireless services identify, report, or specify the jurisdiction within which the
385 retail sale of such services occurred. The department shall make all records related to the
386 collection of fees pursuant to this Code section available to the authority.

387 (i) A seller shall be permitted to deduct and retain 3 percent of prepaid wireless 9-1-1
388 charges that are collected by the seller from consumers.

389 (j) Prepaid wireless 9-1-1 charges remitted to the ~~commissioner~~ authority as provided in
390 this Code section shall be distributed ~~to counties, municipalities, and the State of Georgia~~
391 as follows:

392 (1) On or before December 31 of the year prior to the first year that the prepaid wireless
393 9-1-1 charge is imposed, each county and municipal corporation levying the prepaid
394 wireless 9-1-1 charge, including counties and municipalities levying the prepaid wireless
395 9-1-1 charge that operate multijurisdictional or regional 9-1-1 systems or have created a
396 joint authority pursuant to Code Section 46-5-138, shall file with the ~~commissioner~~
397 department and the authority a certified copy of the pertinent parts of all ordinances and
398 resolutions and amendments thereto which levy the prepaid wireless 9-1-1 charge
399 authorized by this Code section. The ordinance or resolution specified herein shall
400 ~~specify an effective date of January 1, 2012, and~~ impose a prepaid wireless 9-1-1 charge
401 in the amount specified in paragraph (1) of subsection (b) of this Code section. The filing
402 required by this paragraph shall be a condition of the collection of the prepaid wireless
403 9-1-1 charge within any county or municipality;

404 (2)(A) Each county or municipality operating a public safety answering point that has
405 levied the prepaid wireless 9-1-1 charge authorized by this Code section and complied
406 with the filing requirement of paragraph (1) of this subsection shall receive an amount
407 calculated by multiplying the total amount remitted to the ~~commissioner~~ department
408 during the 12 month period ending on June 30 times a fraction, the numerator of which
409 is the population of the jurisdiction or jurisdictions operating the public safety
410 answering point and the denominator of which is the total population of this state. An
411 amount calculated by multiplying the total amount remitted to the ~~commissioner~~
412 department during the 12 month period ending on June 30 times a fraction, the
413 numerator of which is the total population of any jurisdiction or jurisdictions operating
414 public safety answering points that have not complied with the filing requirement of
415 paragraph (1) of this subsection and the denominator of which is the total population
416 of this state, shall be deposited as provided in paragraph (5) of this subsection.

417 ~~(B) Notwithstanding the provisions of subparagraph (A) of this paragraph, the initial~~
418 ~~distribution shall be calculated using the total amount remitted to the commissioner~~
419 ~~during the six-month period beginning January 1, 2012, and ending June 30, 2012.~~

420 ~~(C)~~(B) For the purposes of this paragraph, population shall be measured by the United
 421 States decennial census of 2010 or any future such census plus any corrections or
 422 revisions contained in official statements by the United States Bureau of the Census
 423 made prior to the first day of September immediately preceding the distribution of the
 424 proceeds of such charges by the ~~commissioner~~ authority and any official census data
 425 received by the ~~commissioner~~ authority from the United States Bureau of the Census
 426 or its successor agency pertaining to any newly incorporated municipality. Such
 427 corrections, revisions, or additional data shall be certified to the ~~commissioner~~ authority
 428 by the Office of Planning and Budget on or before August 31 of each year;

429 (3) Funds shall be distributed annually on or before October 15 of each year. Such
 430 distribution shall include any delinquent charges actually collected by the ~~commissioner~~
 431 department and provided to the authority for a previous fiscal year which have not been
 432 previously distributed; provided, however, that any county or municipality may
 433 voluntarily elect to relinquish any part or all of such total amount to the authority for
 434 purposes of receiving a benefit or service provided by the authority;

435 (4) Prior to calculating the distributions to county and municipal governments as
 436 provided in this subsection, the ~~commissioner~~ authority shall subtract an amount, not to
 437 exceed ~~2~~ 4 percent of remitted charges, to defray the cost of administering and
 438 distributing funds from the prepaid wireless 9-1-1 charge. ~~Such amount shall be paid into~~
 439 ~~the general fund of the state treasury~~ Prior to calculating the distributions, the department
 440 shall subtract an amount not to exceed 1 percent of the remitted charges to defray the cost
 441 of collecting such funds. Pursuant to Code Section 45-12-92.1 such subtracted amounts
 442 shall be retained by the authority for the purpose of defraying the costs of administering
 443 programs on behalf of 9-1-1 emergency services for local governments;

444 (5) Funds distributed to a county or municipality pursuant to this Code section shall be
 445 deposited and accounted for in a separate restricted revenue fund known as the
 446 Emergency Telephone System Fund, maintained by the local government pursuant to
 447 paragraph (2) of subsection (d) of Code Section 46-5-134. ~~The commissioner shall~~
 448 ~~deposit all funds received pursuant to paragraph (2) of subsection (b) of this Code~~
 449 ~~section, other than the funds received pursuant to paragraph (4) of this subsection, into~~
 450 ~~the general fund of the state treasury in compliance with Article 4 of Chapter 12 of Title~~
 451 ~~45, the 'Budget Act.'~~ ~~It is the intention of the General Assembly, subject to the~~
 452 ~~appropriation process, that an amount equal to the amount deposited into the general fund~~
 453 ~~of the state treasury as provided in this paragraph be appropriated each year to a program~~
 454 ~~of state grants to counties and municipalities administered by the department for the~~
 455 ~~purpose of supporting the operations of public safety answering points in the~~
 456 ~~improvement of 9-1-1 service delivery. The department shall promulgate rules and~~

457 ~~regulations for the administration of the 9-1-1 grant program~~ A separate fund shall be
 458 maintained by the authority for fees remitted to the authority for administrative purposes;
 459 and

460 (6) Notwithstanding a county's or municipality's failure to comply with the filing
 461 requirement of paragraph (1) of this subsection prior to January 1, 2012, a county or
 462 municipality that subsequently meets such filing requirements prior to January 1 of any
 463 subsequent year shall become eligible to participate in the next succeeding distribution
 464 of proceeds pursuant to subparagraph (A) of paragraph (2) of this subsection.

465 (k)(1) No provider or seller of prepaid wireless service shall be liable for damages to any
 466 person resulting from or incurred in connection with the provision of, or failure to
 467 provide, 9-1-1 or enhanced 9-1-1 service, or for identifying, or failing to identify, the
 468 telephone number, address, location, or name associated with any person or device that
 469 is accessing or attempting to access 9-1-1 or enhanced 9-1-1 service.

470 (2) No provider or seller of prepaid wireless service shall be liable for damages to any
 471 person resulting from or incurred in connection with the provision of any lawful
 472 assistance to any investigative or law enforcement officer of the United States, this or any
 473 other state, or any political subdivision of this or any other state in connection with any
 474 lawful investigation or other law enforcement activity by such law enforcement officer.

475 (3) In addition to the liability provisions of paragraphs (1) and (2) of this subsection, the
 476 provisions of Code Section 46-5-135 shall apply to sellers and providers of prepaid
 477 wireless service.

478 (l) The prepaid wireless 9-1-1 charge authorized by this Code section shall be the only
 479 9-1-1 funding obligation imposed with respect to prepaid wireless service in this state, and
 480 no tax, fee, surcharge, or other charge shall be imposed by this state, any political
 481 subdivision of this state, or any intergovernmental agency for 9-1-1 funding purposes upon
 482 any provider, seller, or consumer with respect to the sale, purchase, use, or provision of
 483 prepaid wireless service."

484 **SECTION 11.**

485 Code Section 38-3-20 of the Official Code of Georgia Annotated, relating to the creation of
 486 the Georgia Emergency Management Agency, director, and director's duties, is amended by
 487 revising subsections (c) and (e) as follows:

488 "(c) The director may employ such professional, technical, clerical, stenographic, and other
 489 personnel, may fix their compensation, and may make such expenditures within the
 490 appropriation therefor, or from other funds made available for purposes of emergency
 491 management, as may be necessary to carry out the purposes of Article 1, this article, and
 492 Article 3 of this chapter, ~~the duties of the agency and the director described in Part 4 of~~

493 ~~Article 2 of Chapter 5 of Title 46, the 'Georgia Emergency Telephone Number 9-1-1~~
494 ~~Service Act of 1977,' as amended."~~

495 "(e) The director, subject to the direction and control of the Governor, shall be the
496 executive head of the Georgia Emergency Management Agency and shall be responsible
497 to the Governor for carrying out the program for emergency management in this state. He
498 or she shall coordinate the activities of all organizations for emergency management within
499 the state, shall maintain liaison with and cooperate with emergency management agencies
500 and organizations of other states and of the federal government, and shall have such
501 additional authority, duties, and responsibilities authorized by Article 1, this article, and
502 Article 3 of this chapter as may be prescribed by the Governor ~~and such additional~~
503 ~~authority, duties, and responsibilities as described in Part 4 of Article 2 of Chapter 5 of~~
504 ~~Title 46, the 'Georgia Emergency Telephone Number 9-1-1 Service Act of 1977,' as~~
505 ~~amended."~~

506 **SECTION 12.**

507 This Act shall become effective on January 1, 2014.

508 **SECTION 13.**

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