



Summary of 2018 9-1-1 Legislation (HB751)

PURPOSE:

Create the Georgia Emergency Communications Authority within GEMA/HS with the objectives of increasing funding to local jurisdictions operating 911 centers and providing a solid foundation for future technological advancements in the emergency communications arena.

SECTION BREAKDOWN:

Section 1-1

New code sections

38-3-180: Names the bill the “Georgia Emergency Communications Authority Act”.

38-3-181: Define the terms authority, board of directors, emergency 9-1-1 system, enhanced ZIP Code, local government, Next Generation 9-1-1, 9-1-1 charge, service supplier, telephone subscriber, and wireless enhanced 9-1-1 charge.

38-3-182:

- Establishes the Georgia Emergency Communications Authority (GECA) as an entity within GEMA/HS.
- States all local governments that operate a PSAP shall be members of the Authority.
- Outlines purpose, duties, responsibilities.
- Names board seats (15 members).
- Allows the board to appoint advisory members.

38-3-183: Subject to board approval, GEMA/HS Director will appoint an Executive Director of the authority and set his/her salary.

38-3-184: The Attorney General’s Office will provide legal services for the authority.

38-3-185:

- Beginning January 1, 2019, all 9-1-1 charges will be remitted by each service supplier to the authority monthly, not later than the 20th day of the following month.
- Each service supplier will submit a report with the remitted charges identifying the amount of charges being collected and remitted attributable to each local government.

38-3-186:

- GECA will contract with DOR for the collection and disbursement of charges remitted to the authority.
- DOR will retain 1% for administration of collection and disbursement.

38-3-187: GECA and service suppliers will work in cooperation towards a statewide public safety communications network.

38-3-188:

- GECA will retain 1% for operations.
- The payments will be made by DOR to the local governments not later than thirty days following the date charges must be remitted by service suppliers to DOR.
- Under no circumstances will the payments be, or be deemed to be, revenues of the state and will not be subject to, or available for, appropriation by the state for any purpose.

38-3-189:

- Allows GECA to contract with DOR or independent auditors for financial audits of service suppliers.
 - If GECA chooses to contract with DOR for auditing purposes, the contract will be non-monetary and the cost of the audit will be considered paid for by the administrative fee mentioned in 38-3-186.
- The board will develop an auditing schedule (no more than once every three years).
- Failure to comply with audit will result in not more than a \$1,000 per day penalty for each day of noncompliance.
- Failure of service supplier to bill the required monthly charge will result in a not more than \$25,000 or 3 percent penalty.
- GECA has the ability to approve billing practices.

38-3-190:

- All information submitted by a service supplier to GECA or DOR will be confidential and such information can only be released to the service supplier, GECA, auditors, and GEMA/HS employed or contracted attorneys.

- Members of the authority may also have access to information for the purpose of determining the accuracy of collections and remittances of individual service suppliers related to the member’s jurisdiction.
 - Any requests for information from DOR must come through the Authority.
- General information may be released by GECA, but only in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual service supplier.

38-3-191: All funds accruing to GECA will only be used for the purpose of developing, maintaining, administering, managing, and promoting GECA, 9-1-1 advancements, and statewide public safety communication interoperability.

Section 2-1

Amends Title 46 relating to public utilities and public transportation and relating to definitions regarding the Emergency Telephone Number 9-1-1 System

- Authority, director, exchange access facility, telephone service, telephone subscriber, Voice over Internet Protocol service definitions are amended.

Section 2-2

Amends Title 46 relating to the creation of the 9-1-1 Advisory Committee, selection of members, filling of vacancies, organization, and roles and responsibilities

- Repeals and reserves Code Section 46-5-123 (9-1-1 Advisory Committee).

Section 2-3

Amends Title 46 relating to guidelines for implementing a statewide emergency 9-1-1 system and training and equipment standards

- The authority will develop guidelines for implementing a statewide emergency 9-1-1 system; strikes “agency” and replaces with “authority.”
- The authority will be responsible for encouraging and promoting the planning, development, and implementation of local 9-1-1 system plans; strikes “agency” and replaces with “authority.”
- The authority will maintain the existing registry of wireless service suppliers; strikes “agency” and replaces with “authority.”

Section 2-4

Amends Title 46 relating to service suppliers or VoIP service suppliers

- Any service supplier or VoIP service supplier must register specified information with the authority, rather than GEMA/HS, by January 1, 2019.

- Any changes to the specified information must be reported to GECA within 60 days of such change.
- If a service supplier fails to register or update information, the service supplier will:
 - Not be eligible to receive cost recovery funds
 - Shall be subject to a \$1,000 per day fine
 - Not be subject to the three-year limit related to auditing
- The Authority may share the service supplier registry with DOR to ensure proper collection and remittance.

Section 2-5

Amends Title 46 relating to cooperation by commission and telephone industry

- The Authority shall coordinate its activities with those of the Public Service Commission; strikes “agency” and replaces with “authority.”

Section 2-6

Amends Title 46 relating to the approval of 9-1-1 systems by agency

- Prior to January 1, 2019, GEMA/HS will continue to approve 9-1-1 systems.
- After January 1, 2019, GECA will approve 9-1-1 systems.

Section 2-7

Amends Title 46 relating to cooperation by public agencies

- All public agencies shall assist the authority in its efforts; Strikes “agency” and replaces with “authority.”

Section 2-8

Amends Title 46 relating to use of 9-1-1 emblem

- Allows GECA to use 9-1-1 emblem on marked vehicles; Strikes “agency” and replaces with “authority.”

Section 2-9

Amends Title 46 relating to federal assistance

- Allows GECA to apply for and receive federal funding assistance; strikes “agency” and replaces with “authority.”

Section 2-10

Amends Title 46 relating to exemptions from liability in operation of 9-1-1 system

- Adds GECA and its contractors to list of exemptions from liability in operation of a 9-1-1 system.

Section 2-11

Amends Title 46 relating to the authority of local government to adopt resolution to impose monthly 9-1-1 charge by adding a new subsection

- Directs a 9-1-1 center to direct a call to the appropriate public safety personnel or dispatching personnel and maintain connection with the caller, public safety personnel, or dispatching personnel until sufficient information is relayed to be able to respond to the call.
- County may not impose a fee or charge on the city or its public safety agency for the emergency call, but does not supersede any existing IGA.
- GECA is authorized to adopt rules and regulations to ensure that emergency callers receive public safety services in an efficient, effective, and responsive manner and that public safety personnel are provided the necessary information to provide such services.

Section 2-12

Amends Title 46 relating to billing of subscribers, liability of subscriber for service charge, taxes on service, establishment of Emergency Telephone System Fund, records, and use of funds

- Sets the 9-1-1 charge to \$1.50.
- Gives clarification regarding multi-line systems to say charges will only be applied to the simultaneous outbound voice channel capacity configured to and capable of accessing a 9-1-1 system.
- The 9-1-1 charge does not have to be listed separately, but must be accessible to auditors; moves the ability to charge the 9-1-1 fee based on the billing address to the primary place of use.
- Reduces the administrative fee that service suppliers can retain from 3% to 1%.
- Allows the service suppliers to charge a cost recovery fee, not to exceed \$.45 per month, to the subscriber, but the service supplier shall not deduct any amounts for cost recovery from the charges remitted to GECA.

Section 2-13

Amends Title 46 relating to counties were the governing authorities of more than one local government have adopted a resolution to impose an enhanced 9-1-1 charge.

- Strikes “authorities” and replaces with “bodies” to avoid any confusion regarding which authority is being referenced.

Section 2-14

Amends Title 46 relating to prepaid wireless 9-1-1 charge, definitions, imposition of fee by localities, collection and remission of charges, and distribution of funds

- Increases prepaid wireless 9-1-1 charge from \$.75 to \$1.50 to provide parity with other 9-1-1 charges.

- Moves disbursement of the prepaid wireless 9-1-1 from a yearly basis to monthly beginning January 1, 2019.
- Removes the 2% administrative fee that DOR currently takes out of prepaid wireless.

Section 3-1

Amends Title 35 relating to “communications officer” defined; registration of basic training certification process; requirement of training in use of telecommunications devices for deaf persons

- Adds state employees that dispatch for public safety personnel to the list of communications officers required to complete a P.O.S.T approved basic training course.
- Directs the P.O.S.T. Council to work with GECA regarding the administration of communications officer training.

Section 3-2

Amends Title 45 relating to allowable expenses for boards

- Adds GECA board members to the list of authorities that qualify for the same monetary allowance as members of the General Assembly.

Section 3-3

Amends Title 45 relating to representation of certain authorities by the Attorney General

- Adds GECA to the list of authorities that are represented by the Attorney General.

Section 3-4

Amends Title 48 relating to confidential and privileged information and use thereof

- Adds an exemption to DOR’s confidentiality code section and refers back to Code Section 38-3-190 regarding the confidentiality and exceptions to confidentiality of 9-1-1 fees or charges.

Section 4-1

- Effective July 1, 2018, GECA is created and members are appointed and Section 2-11 is enacted.
- All other parts of the bill are effective January 1, 2019.
- The details of this bill will not diminish, extinguish, reduce, or affect any cause of action which may have existed prior to January 1, 2019.