

Senate Bill 84

By: Senators Albers of the 56th, Harper of the 7th and Robertson of the 29th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 12 of Chapter 3 of Title 38 and Chapter 17 of Title 47 of the Official Code
2 of Georgia Annotated, relating to the Emergency Communications Authority, and the Peace
3 Officers' Annuity and Benefit Fund, respectively, so as to revise the amounts retained from
4 charges imposed on certain telecommunications related to the provision of 9-1-1 services;
5 to reduce the amount retained by the state and provide for retention and remittance to the
6 Peace Officers' Annuity and Benefit Fund; to provide that certain certified communications
7 officers shall be eligible for membership in such fund; to provide for related matters; to
8 provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 12 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to the
13 Emergency Communications Authority, is amended by revising Code Section 38-3-186,
14 relating to contracting with Department of Revenue for collection and disbursement of
15 charges remitted, and the collection and disbursement of prepaid wireless 9-1-1 charges, as
16 follows:

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17 "38-3-186.

18 (a) The authority shall contract with the Department of Revenue for the collection and
19 disbursement of charges remitted to the authority under subsection (a) of Code Section
20 38-3-185, other than prepaid wireless 9-1-1 charges under Code Section 46-5-134.2. Under
21 such nonmonetary contract and to defray the cost of administering such collection and
22 disbursement, the Department of Revenue shall receive payment equal to ~~1 percent~~ 0.25
23 percent of the total amount of the gross charges remitted to the authority under subsection
24 (a) of Code Section 38-3-185, other than prepaid wireless 9-1-1 charges under Code
25 Section 46-5-134.2.

26 (b) The authority shall also contract with the Department of Revenue for the collection and
27 disbursement of prepaid wireless 9-1-1 charges remitted to counties and municipalities
28 under Code Section 46-5-134.2. Under such nonmonetary contract and to defray the cost
29 of administering such collection and disbursement, the Department of Revenue shall
30 receive payment equal to ~~1 percent~~ 0.25 percent of the total amount of the gross charges
31 remitted to the authority or Department of Revenue under Code Section 46-5-134.2."

32

SECTION 2.

33 Said article is further amended by revising Code Section 38-3-188, relating to retention of
34 funds by the Department of Revenue and payments to local governments, as follows:

35 "38-3-188.

36 (a) The Department of Revenue shall retain and remit from the total amount of funds
37 collected by it from charges ~~remitted to it~~ imposed pursuant to subsection (a) of Code
38 Section 38-3-185 and pursuant to Code Section 46-5-134.2 an amount equal to 1 percent
39 ~~of the total amount of such charges and remit such amount~~ to the authority and an amount
40 equal to 0.75 percent of the total amount to the Peace Officers' Annuity and Benefit Fund
41 as further provided for in Code Section 47-17-63.

42 (b) Except for the amounts retained by the authority, Department of Revenue, Peace
43 Officers' Annuity and Benefit Fund, and service suppliers pursuant to Code Sections
44 38-3-186 and 46-5-134 and this Code section, the remainder of the charges remitted by
45 service suppliers shall be paid by the Department of Revenue to each local government on
46 a pro rata basis based on the remitted amounts attributable to each such local government
47 reported by service suppliers in the reports required by subsection (b) of Code Section
48 38-3-185. Such payments shall be made by the Department of Revenue to such local
49 governments not later than 30 days following the date charges must be remitted by service
50 suppliers to the Department of Revenue pursuant to subsection (a) of Code Section
51 38-3-185. Under no circumstances shall such payments be, or be deemed to be, revenues
52 of the state and such payments shall not be subject to or available for appropriation by the
53 state for any purpose."

54

SECTION 3.

55 Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to the Peace
56 Officers' Annuity and Benefit Fund, is amended in paragraph (5) of Code Section 47-17-1,
57 relating to definitions, by striking "and" at the end of subparagraph (K), by replacing the
58 period and quotation mark with a quotation mark followed by "; and" at the end of
59 subparagraph (L), and by adding the following:

60 "(M) Each communications officer, as such term is defined in Code Section 35-8-23,
61 who is certified or maintains compliance with rules and regulations prescribed by the
62 Georgia Peace Officer Standards and Training Council with respect to such position."

63

SECTION 4.

64 Said chapter is further amended by enacting a new Code section to read as follows:

65 "47-17-63.

66 The board, the Georgia Emergency Communications Authority, and the Department of
67 Revenue shall coordinate to the extent necessary to ensure that the fund receives the
68 amounts that it is owed pursuant to subsection (a) of Code Section 38-3-188."

69

SECTION 5.

70 This Act shall become effective on July 1, 2022, only if it is determined to have been
71 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
72 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
73 become effective and shall be automatically repealed in its entirety on July 1, 2022, as
74 required by subsection (a) of Code Section 47-20-50.

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SECTION 6.

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