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 of Georgia Annotated, relating to the Emergency Communications Authority, and the Peace Officers' Annuity and Benefit Fund, respectively, so as to revise the amounts retained from charges imposed on certain telecommunications related to the provision of 9-1-1 services; to reduce the amount retained by the state and provide for retention and remittance to the Peace Officers' Annuity and Benefit Fund; to provide that certain certified communications officers shall be eligible for membership in such fund; to provide for related matters; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

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

SECTION 2.
Said article is further amended by revising Code Section 38-3-188, relating to retention of funds by the Department of Revenue and payments to local governments, as follows:

(a) The Department of Revenue shall retain and remit from the total amount of funds collected by it from charges remitted to it imposed pursuant to subsection (a) of Code Section 38-3-185 and pursuant to Code Section 46-5-134.2 an amount equal to 1 percent of the total amount of such charges and remit such amount to the authority and an amount equal to 0.75 percent of the total amount to the Peace Officers' Annuity and Benefit Fund as further provided for in Code Section 47-17-63.
(b) Except for the amounts retained by the authority, Department of Revenue, Peace Officers' Annuity and Benefit Fund, and service suppliers pursuant to Code Sections 38-3-186 and 46-5-134 and this Code section, the remainder of the charges remitted by service suppliers shall be paid by the Department of Revenue to each local government on a pro rata basis based on the remitted amounts attributable to each such local government reported by service suppliers in the reports required by subsection (b) of Code Section 38-3-185. Such payments shall be made by the Department of Revenue to such local governments not later than 30 days following the date charges must be remitted by service suppliers to the Department of Revenue pursuant to subsection (a) of Code Section 38-3-185. Under no circumstances shall such payments be, or be deemed to be, revenues of the state and such payments shall not be subject to or available for appropriation by the state for any purpose.

SECTION 3.
Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to the Peace Officers' Annuity and Benefit Fund, is amended in paragraph (5) of Code Section 47-17-1, relating to definitions, by striking "and" at the end of subparagraph (K), by replacing the period and quotation mark with a quotation mark followed by "; and" at the end of subparagraph (L), and by adding the following:

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

SECTION 4.
Said chapter is further amended by enacting a new Code section to read as follows:
The board, the Georgia Emergency Communications Authority, and the Department of Revenue shall coordinate to the extent necessary to ensure that the fund receives the amounts that it is owed pursuant to subsection (a) of Code Section 38-3-188.”

SECTION 5.
This Act shall become effective on July 1, 2022, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2022, as required by subsection (a) of Code Section 47-20-50.

SECTION 6.
All laws and parts of laws in conflict with this Act are repealed.