

Senate Bill 285

By: Senator Robertson of the 29th

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 12 of Chapter 3 of Title 38 and Part 4 of Article 2 of Chapter 5 of Title 46
2 of the Official Code of Georgia Annotated, relating to the Emergency Communications
3 Authority and emergency telephone number 9-1-1 system, respectively, so as to provide for
4 an increase in the percentage of all 9-1-1 charges to be remitted to the Peace Officers'
5 Annuity and Benefit Fund; to provide for a \$1.00 increase in the monthly 9-1-1 charge
6 assessed by local governments; to provide for a \$1.00 increase in the monthly wireless
7 enhanced 9-1-1 charge assessed by local governments; to provide for a \$1.00 increase in the
8 prepaid 9-1-1 charge assessed by local governments; to amend Code Section 47-17-80 of the
9 Official Code of Georgia Annotated, relating to retirement benefit options, payment to
10 surviving spouse, requirements, effect of reemployment, effect of changes in retirement
11 benefits, and payment on death of member, so as to provide for an increase in monthly
12 benefits; to provide conditions for an effective date and automatic repeal; to provide for
13 related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

15
16 Article 12 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to the
17 Emergency Communications Authority, is amended by revising Code Section 38-3-188,
18 relating to retention of funds by Department of Revenue and payments to local governments,
19 as follows:

20 "38-3-188.

21 (a) The Department of Revenue shall retain and remit from the total amount of funds
22 collected by it from charges imposed pursuant to subsection (a) of Code Section 38-3-185
23 and pursuant to Code Section 46-5-134.2 an amount equal to 1 percent to the authority and
24 an amount equal to ~~0.75~~ 40.75 percent of the total amount to the Peace Officers' Annuity
25 and Benefit Fund as further provided for in Code Section 47-17-63.

26 (b) Except for the amounts retained by the authority, Department of Revenue, Peace
27 Officers' Annuity and Benefit Fund, and service suppliers pursuant to Code Sections
28 38-3-186 and 46-5-134 and this Code section, the remainder of the charges remitted by
29 service suppliers shall be paid by the Department of Revenue to each local government on
30 a pro rata basis based on the remitted amounts attributable to each such local government
31 reported by service suppliers in the reports required by subsection (b) of Code Section
32 38-3-185. Such payments shall be made by the Department of Revenue to such local
33 governments not later than 30 days following the date charges must be remitted by service
34 suppliers to the Department of Revenue pursuant to subsection (a) of Code Section
35 38-3-185. Under no circumstances shall such payments be, or be deemed to be, revenues
36 of the state and such payments shall not be subject to or available for appropriation by the
37 state for any purpose."

SECTION 2.

38
39 Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,
40 relating to emergency telephone number 9-1-1 system, is amended in Code Section 46-5-134,

41 relating to billing of subscribers, liability of subscriber for service charge, taxes on service,
42 establishment of Emergency Telephone System Fund, cost recovery fee, records, and use of
43 funds, by revising subsection (a) as follows:

44 "(a)(1)(A)(i) Unless exempt, the telephone subscriber of any telephone service shall
45 be billed for the monthly 9-1-1 charge, if any, imposed with respect to such telephone
46 service by the service supplier. Beginning on July 1, 2026, such 9-1-1 charge shall
47 be \$2.50 ~~Such 9-1-1 charge shall be \$1.50~~ per month per telephone service provided
48 to the telephone subscriber except as reduced pursuant to paragraph (4) of subsection
49 (d) of this Code section.

50 (ii) In computing the amount due under this subsection, the number of 9-1-1 charges
51 a telephone subscriber shall be assessed shall not exceed the number of simultaneous
52 outbound calls that can be made from voice channels the service supplier has
53 activated and enabled. For telephone service that provides to multiple locations
54 shared simultaneous outbound voice channel capacity configured to and capable of
55 accessing a 9-1-1 system in different states, the monthly 9-1-1 charge shall be
56 assessed only for the portion of such shared voice channel capacity in this state as
57 identified by the service supplier's books and records. In determining the portion of
58 shared capacity in this state, a service supplier may rely on, among other factors, a
59 customer's certification of its allocation of capacity in this state, which may be based
60 on each end user location, the total number of end users, and the number of end users
61 at each end user location.

62 (B) All telephone services billed to federal, state, or local governments shall be exempt
63 from the 9-1-1 charge. Each service supplier shall, on behalf of the local government,
64 collect the 9-1-1 charge from those telephone subscribers to whom it provides
65 telephone service in the area served by the emergency 9-1-1 system. As part of its
66 normal billing process, the service supplier shall collect the 9-1-1 charge for each
67 month a telephone service is in service, and it shall list the 9-1-1 charge as a separate

68 entry on each bill. Nothing in this Code section shall be construed to require a service
69 supplier to list the 9-1-1 charge as a surcharge or separate entry on each bill. Service
70 suppliers that do not list the 9-1-1 charge as a separate entry on each bill shall remit the
71 9-1-1 charge for each telephone subscriber that pays the bill; provided, however, that
72 this information shall be maintained in a form auditors can access. If a service supplier
73 receives a partial payment for a bill from a telephone subscriber, the service supplier
74 shall apply the payment against the amount the telephone subscriber owes the service
75 supplier first.

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

78 (2)(A) If the governing body of a local government operates or contracts for the
79 operation of a public safety answering point that is capable of providing or provides
80 automatic number identification of a wireless telecommunications connection and the
81 location of the base station or cell site which receives a 9-1-1 call from a wireless
82 telecommunications connection, the subscriber of a wireless telecommunications
83 connection whose place of primary use is within the geographic area that is served by
84 the local government or that would be served by the local government for the purpose
85 of such a public safety answering point may be billed for the monthly wireless
86 enhanced 9-1-1 charge, if any, imposed with respect to that connection by the wireless
87 service supplier. Beginning on July 1, 2026, such wireless enhanced 9-1-1 charge shall
88 be \$2.50 ~~Such wireless enhanced 9-1-1 charge shall be \$1.50~~ per month per wireless
89 telecommunications connection provided to the telephone subscriber except as
90 otherwise provided in paragraph (4) of subsection (d) of this Code section.

91 (B) If the governing body of a local government operates or contracts for the operation
92 of an emergency 9-1-1 system which is capable of providing or provides automatic
93 number identification and automatic location identification of a wireless
94 telecommunications connection, the subscriber of a wireless telecommunications

95 connection whose place of primary use is within the geographic area that is served by
96 the local government or that would be served by the local government for the purpose
97 of such an emergency 9-1-1 system may be billed for the monthly wireless enhanced
98 9-1-1 charge, if any, imposed with respect to that connection by the wireless service
99 supplier. Such wireless enhanced 9-1-1 charge may not exceed the amount of the
100 monthly 9-1-1 charge imposed upon other telephone subscribers pursuant to
101 paragraph (1) of this subsection and shall be imposed on a monthly basis for each
102 wireless telecommunications connection provided to the telephone subscriber.

103 (C) All wireless telecommunications connections billed to federal, state, or local
104 governments shall be exempt from the wireless enhanced 9-1-1 charge. Each wireless
105 service supplier shall, on behalf of the local government, collect the wireless enhanced
106 9-1-1 charge from those telephone subscribers whose place of primary use is within the
107 geographic area that is served by the local government or that would be served by the
108 local government for the purpose of such an emergency 9-1-1 system. As part of its
109 normal billing process, the wireless service supplier shall collect the wireless
110 enhanced 9-1-1 charge for each month a wireless telecommunications connection is in
111 service, and it may list the wireless enhanced 9-1-1 charge as a separate entry on each
112 bill. Nothing in this Code section shall be construed to require a wireless service
113 supplier to list the 9-1-1 charge as a separate entry on each bill. Wireless service
114 suppliers that do not list the 9-1-1 charge as a separate entry on each bill shall remit the
115 9-1-1 charge for each telephone subscriber that pays the bill; provided, however, that
116 this information shall be maintained in a form auditors can access. If a wireless service
117 supplier receives partial payment for a bill from a telephone subscriber, the wireless
118 service supplier shall apply the payment against the amount the telephone subscriber
119 owes the wireless service supplier first.

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

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

125 **SECTION 3.**

126 Said part is further amended in Code Section 46-5-134.2, relating to prepaid wireless 9-1-1
127 charge, definitions, imposition of fee by localities, collection and remission of charges, and
128 distribution of funds, by revising subsection (b) as follows:

129 "(b)(1) Counties and municipalities that operate a 9-1-1 public safety answering point,
130 including counties and municipalities that operate multijurisdictional or regional 9-1-1
131 systems or have created a joint authority pursuant to Code Section 46-5-138, are
132 authorized to impose by ordinance or resolution a prepaid wireless 9-1-1 charge in the
133 amount of ~~\$1.50~~ \$2.50 per retail transaction. Imposition of the charge authorized by this
134 Code section by a county or municipality shall be contingent upon compliance with the
135 requirements of paragraph (1) of subsection (j) of this Code section. Any charge imposed
136 by ordinance pursuant to this subsection prior to July 1, 2026, shall, beginning on
137 July 1, 2026, be in the amount of \$2.50.

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

143 **SECTION 4.**

144 Code Section 47-17-80 of the Official Code of Georgia Annotated, relating to retirement
145 benefit options, payment to surviving spouse, requirements, effect of reemployment, effect
146 of changes in retirement benefits, and payment on death of member, is amended by revising
147 subsection (b) as follows:

148 "(b) Option One shall consist of a single life annuity payable in monthly payments for the
149 life of the member only. The monthly payment under this option shall be an amount equal
150 to ~~\$30.00~~ \$40.00 per month for each full year of creditable service and in the event the
151 member shall have additional service credit not totaling a full year, the further sum of
152 one-twelfth of the amount paid per month for each additional year of service credit shall
153 be paid for each month of additional service credit, provided that the member either has at
154 least ten years of membership service, or 15 years of membership service for individuals
155 who became members on or after July 1, 2010, and is at least 55 years of age or has at
156 least 30 years of creditable service, regardless of age. Such monthly benefit payment shall
157 be paid on each full year and additional full months of creditable service up to a maximum
158 of 30 years of total service."

159 **SECTION 5.**

160 This Act shall become effective on July 1, 2026, only if it is determined to have been
161 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
162 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
163 become effective and shall be automatically repealed in its entirety on July 1, 2026, as
164 required by subsection (a) of Code Section 47-20-50.

165 **SECTION 6.**

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