

The Senate Committee on Retirement offered the following substitute to SB 285:

**MOOT**

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 provide for related matters; to repeal  
9 conflicting laws; and 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 38-3-188,  
14 relating to retention of funds by Department of Revenue and payments to local governments,  
15 as follows:

16 "38-3-188.

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

22 (b) Except for the amounts retained by the authority, Department of Revenue, Peace  
23 Officers' Annuity and Benefit Fund, and service suppliers pursuant to Code Sections  
24 38-3-186 and 46-5-134 and this Code section, the remainder of the charges remitted by  
25 service suppliers shall be paid by the Department of Revenue to each local government on  
26 a pro rata basis based on the remitted amounts attributable to each such local government  
27 reported by service suppliers in the reports required by subsection (b) of Code Section  
28 38-3-185. Such payments shall be made by the Department of Revenue to such local  
29 governments not later than 30 days following the date charges must be remitted by service  
30 suppliers to the Department of Revenue pursuant to subsection (a) of Code Section  
31 38-3-185. Under no circumstances shall such payments be, or be deemed to be, revenues  
32 of the state and such payments shall not be subject to or available for appropriation by the  
33 state for any purpose."

34

## SECTION 2.

35 Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,  
36 relating to emergency telephone number 9-1-1 system, is amended in Code Section 46-5-134,  
37 relating to billing of subscribers, liability of subscriber for service charge, taxes on service,  
38 establishment of Emergency Telephone System Fund, cost recovery fee, records, and use of  
39 funds, by revising subsection (a) as follows:

40 "(a)(1)(A)(i) Unless exempt, the telephone subscriber of any telephone service shall  
41 be billed for the monthly 9-1-1 charge, if any, imposed with respect to such telephone

42 service by the service supplier. Beginning on July 1, 2025, such 9-1-1 charge shall  
43 be \$2.50 ~~Such 9-1-1 charge shall be \$1.50~~ per month per telephone service provided  
44 to the telephone subscriber except as reduced pursuant to paragraph (4) of subsection  
45 (d) of this Code section.

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

58 (B) All telephone services billed to federal, state, or local governments shall be exempt  
59 from the 9-1-1 charge. Each service supplier shall, on behalf of the local government,  
60 collect the 9-1-1 charge from those telephone subscribers to whom it provides  
61 telephone service in the area served by the emergency 9-1-1 system. As part of its  
62 normal billing process, the service supplier shall collect the 9-1-1 charge for each  
63 month a telephone service is in service, and it shall list the 9-1-1 charge as a separate  
64 entry on each bill. Nothing in this Code section shall be construed to require a service  
65 supplier to list the 9-1-1 charge as a surcharge or separate entry on each bill. Service  
66 suppliers that do not list the 9-1-1 charge as a separate entry on each bill shall remit the  
67 9-1-1 charge for each telephone subscriber that pays the bill; provided, however, that  
68 this information shall be maintained in a form auditors can access. If a service supplier

69 receives a partial payment for a bill from a telephone subscriber, the service supplier  
70 shall apply the payment against the amount the telephone subscriber owes the service  
71 supplier first.

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

74 (2)(A) If the governing body of a local government operates or contracts for the  
75 operation of a public safety answering point that is capable of providing or provides  
76 automatic number identification of a wireless telecommunications connection and the  
77 location of the base station or cell site which receives a 9-1-1 call from a wireless  
78 telecommunications connection, the subscriber of a wireless telecommunications  
79 connection whose place of primary use is within the geographic area that is served by  
80 the local government or that would be served by the local government for the purpose  
81 of such a public safety answering point may be billed for the monthly wireless  
82 enhanced 9-1-1 charge, if any, imposed with respect to that connection by the wireless  
83 service supplier. Beginning on July 1, 2025, such wireless enhanced 9-1-1 charge shall  
84 be \$2.50 ~~Such wireless enhanced 9-1-1 charge shall be \$1.50~~ per month per wireless  
85 telecommunications connection provided to the telephone subscriber except as  
86 otherwise provided in paragraph (4) of subsection (d) of this Code section.

87 (B) If the governing body of a local government operates or contracts for the operation  
88 of an emergency 9-1-1 system which is capable of providing or provides automatic  
89 number identification and automatic location identification of a wireless  
90 telecommunications connection, the subscriber of a wireless telecommunications  
91 connection whose place of primary use is within the geographic area that is served by  
92 the local government or that would be served by the local government for the purpose  
93 of such an emergency 9-1-1 system may be billed for the monthly wireless enhanced  
94 9-1-1 charge, if any, imposed with respect to that connection by the wireless service  
95 supplier. Such wireless enhanced 9-1-1 charge may not exceed the amount of the

96 monthly 9-1-1 charge imposed upon other telephone subscribers pursuant to  
97 paragraph (1) of this subsection and shall be imposed on a monthly basis for each  
98 wireless telecommunications connection provided to the telephone subscriber.

99 (C) All wireless telecommunications connections billed to federal, state, or local  
100 governments shall be exempt from the wireless enhanced 9-1-1 charge. Each wireless  
101 service supplier shall, on behalf of the local government, collect the wireless enhanced  
102 9-1-1 charge from those telephone subscribers whose place of primary use is within the  
103 geographic area that is served by the local government or that would be served by the  
104 local government for the purpose of such an emergency 9-1-1 system. As part of its  
105 normal billing process, the wireless service supplier shall collect the wireless  
106 enhanced 9-1-1 charge for each month a wireless telecommunications connection is in  
107 service, and it may list the wireless enhanced 9-1-1 charge as a separate entry on each  
108 bill. Nothing in this Code section shall be construed to require a wireless service  
109 supplier to list the 9-1-1 charge as a separate entry on each bill. Wireless service  
110 suppliers that do not list the 9-1-1 charge as a separate entry on each bill shall remit the  
111 9-1-1 charge for each telephone subscriber that pays the bill; provided, however, that  
112 this information shall be maintained in a form auditors can access. If a wireless service  
113 supplier receives partial payment for a bill from a telephone subscriber, the wireless  
114 service supplier shall apply the payment against the amount the telephone subscriber  
115 owes the wireless service supplier first.

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

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

121 **SECTION 3.**

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

125 "(b)(1) Counties and municipalities that operate a 9-1-1 public safety answering point,  
126 including counties and municipalities that operate multijurisdictional or regional 9-1-1  
127 systems or have created a joint authority pursuant to Code Section 46-5-138, are  
128 authorized to impose by ordinance or resolution a prepaid wireless 9-1-1 charge in the  
129 amount of ~~\$1.50~~ \$2.50 per retail transaction. Imposition of the charge authorized by this  
130 Code section by a county or municipality shall be contingent upon compliance with the  
131 requirements of paragraph (1) of subsection (j) of this Code section. Any charge imposed  
132 by ordinance pursuant to this subsection prior to July 1, 2025, shall, beginning on  
133 July 1, 2025, be in the amount of \$2.50.

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

139 **SECTION 4.**

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