

Senate Bill 77

By: Senators Reed of the 35th, Tate of the 38th, Orrock of the 36th, Fort of the 39th, Jones of the 10th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to
2 provisions applicable to municipal corporations, so as to create a special district in all
3 municipal corporations which employ in excess of 1,500 police officers and firefighters
4 combined; to impose and levy a special district tax within such districts for the purpose of
5 providing all or a portion of the salaries for police officers and firefighters; to provide for a
6 referendum; to provide for adjustment of such tax rate; to provide for related matters; to
7 provide an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to provisions
11 applicable to municipal corporations, is amended by adding a new Code section to read as
12 follows:

13 "36-60-27.

14 (a) Pursuant to the provisions of Article IX, Section II, Paragraph VI of the Constitution
15 of Georgia, there is created in each municipal corporation in this state which employs in
16 excess of 1,500 police officers and firefighters combined a special police and fire district,
17 which special district shall encompass the entire incorporated area of the municipal
18 corporation.

19 (b) There is imposed in each special police and fire district created by subsection (a) of this
20 Code section a special district ad valorem tax in the amount of 1 mill on all residential and
21 commercial real property to be collected for a four-year period; provided, however, that
22 such tax shall not become effective unless approved by a majority of the electors residing
23 within such special district voting on the question. Such tax shall be imposed beginning
24 in the fiscal year following the fiscal year in which it was approved by the electors. Four
25 years following the initial referendum, there shall be a second referendum to determine
26 whether such tax shall be continued for another four-year period. A similar referendum

27 shall be held every four years thereafter unless the electors elect to discontinue the tax, in
 28 which event there shall be no further referendums.

29 (c) The referendum required by subsection (b) of this Code section shall take place on the
 30 Tuesday next following the first Monday in November, 2009, for municipal corporations
 31 meeting the requirements of subsection (a) of this Code section on such date and on that
 32 date in the year in which any municipal corporation meets the requirements of subsection
 33 (a) of this Code section in the future.

34 (d) It shall be the duty of the election superintendent of the municipal corporation within
 35 which the referendum is held to call and conduct the referendum as provided in this Code
 36 section. The election superintendent shall cause the date and purpose of the referendum
 37 to be published once a week for two weeks immediately preceding the date thereof in the
 38 official organ of the municipal corporation within which the referendum will be held. The
 39 ballot shall have written or printed thereon the words:

40 ' () YES Shall the Act be approved which imposes a special district tax within
 41 [municipal corporation] for the purpose of providing salaries for police
 42 () NO officers and firefighters?'

43 If more than one-half of the votes cast are for approval of the tax, the tax shall be imposed
 44 as provided by this Code section. If the tax is not so approved, no further referendum shall
 45 be held unless called by a majority vote of the governing authority of the municipal
 46 corporation. The expense of such election shall be borne by the municipal corporation.
 47 It shall be the election superintendent's duty to certify the result thereof to the Secretary of
 48 State.

49 (e) The proceeds of the special district tax imposed by this Code section shall be used
 50 exclusively for salaries for police officers and firefighters within the special district. After
 51 the tax has been imposed for at least two years, the millage rate may be adjusted upward
 52 or downward or may be eliminated by a two-thirds vote of the governing authority of the
 53 municipal corporation; provided, however, that any increase shall be approved by a
 54 majority of the electors voting on the question. The election superintendent of the
 55 municipal corporation shall call a referendum on the question to be conducted at the time
 56 of the general election or municipal election, whichever is closer in time to the vote of the
 57 governing authority."

58 **SECTION 2.**

59 This Act shall become effective upon its approval by the Governor or upon its becoming law
 60 without such approval.

61

SECTION 3.

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