

Senate Bill 285

By: Senator Robertson of the 29th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 33-8-8.3 of the Official Code of Georgia Annotated, relating to the
2 funding of services, or reduction of ad valorem taxes, in unincorporated areas of counties and
3 powers and duties of governing authority, so as to require counties and municipal
4 corporations to remit a portion of premium taxes to the Peace Officers' Annuity and Benefit
5 Fund; to amend Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating
6 to the Peace Officers' Annuity and Benefit Fund, so as to provide for certain premium taxes
7 to be paid to the fund; to provide the board with the authority to increase the monthly benefit
8 multiplier; to provide for limitations and restrictions; to provide for legislative intent to
9 appropriate certain funds; to provide for a definition; to provide for related matters; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Code Section 33-8-8.3 of the Official Code of Georgia Annotated, relating to the funding of
14 services, or reduction of ad valorem taxes, in unincorporated areas of counties and powers
15 and duties of governing authority, is amended as follows:

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16 "33-8-8.3.

17 (a) The Except as provided in subsection (c) of this Code section, the proceeds from the
18 county taxes levied for county purposes, as provided by this chapter, shall be separated
19 from other county funds and shall be used by the county governing authorities solely for
20 the purpose of either:

21 (1) Funding the provision of the following services to inhabitants of the unincorporated
22 areas of such counties directly or by intergovernmental contract as authorized by Article
23 IX, Section III, Paragraph I of the Constitution of the State of Georgia:

24 (A) Police protection, except such protection provided by the county sheriff;

25 (B) Fire protection;

26 (C) Curbside or on-site residential or commercial garbage and solid waste collection;

27 (D) Curbs, sidewalks, and street lights;

28 (E) Flood risk reduction, which, for purposes of this paragraph, ~~such term~~ shall mean
29 policies adopted or projects implemented by a county to reduce the risks from flood
30 events to residents of or property located in unincorporated areas of such county that
31 are prone to experiencing floods. Such policies or projects may include but are not
32 limited to the creation of flood risk management strategies and plans, installation of
33 storm-water management infrastructure, and acquisition of high-risk properties; and

34 (F) Such other services as may be provided by the county governing authority for the
35 primary benefit of the inhabitants of the unincorporated area of the county; or

36 (2) Reducing ad valorem taxes of the inhabitants of the unincorporated areas of those
37 counties in which the governing authority of a county does not provide any of the
38 services enumerated in paragraph (1) of this subsection to inhabitants of the
39 unincorporated areas. In fixing the ad valorem tax millage rate for the year, the
40 governing authorities of such counties shall be authorized and directed to reduce such ad
41 valorem tax millage rate on taxable property within the unincorporated areas of such

42 counties to offset any of the proceeds derived from any tax provided for in this chapter
 43 which cannot be expended pursuant to paragraph (1) of this subsection.

44 (b) In the adoption of the budget utilizing any of the funds derived from the tax imposed
 45 by Code Sections 33-8-8.1 and 33-8-8.2, the governing authority of a county shall specify
 46 in such budget the amount of such funds expended as authorized by paragraph (1) of
 47 subsection (a) of this Code section or used to reduce ad valorem taxes as provided in
 48 paragraph (2) of subsection (a) of this Code section. Said budget shall also specify the
 49 amount of any other funds expended for such purpose or purposes as are authorized to be
 50 expended for services referred to in paragraph (1) of subsection (a) of this Code section.
 51 Such provisions shall be spread on the minutes of the meeting at which such budget is
 52 adopted.

53 (c) On or before October 30 of each year, each county and municipal corporation shall
 54 remit 1.5 percent of all funds distributed to them pursuant to subsection (g) of Code
 55 Section 33-8-8.1 and subsection (b) of Code Section 33-8-8.2 to the Peace Officers'
 56 Annuity and Benefit Fund established in Chapter 17 of Title 47."

57 **SECTION 2.**

58 Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to the Peace
 59 Officers' Annuity and Benefit Fund, is amended in Article 4, relating to revenues collected
 60 from fines and fees, by adding a new Code section to read as follows:

61 "47-17-64.

62 The fund shall receive all moneys remitted to it pursuant to subsection (c) of Code
 63 Section 33-8-8.3. Such moneys shall be used for the sole purpose of supporting the
 64 benefits paid to members of the Peace Officers' Annuity and Benefit Fund and such funds
 65 shall not lapse as otherwise required by Article III, Section IX, Paragraph IV(c) of the
 66 Constitution of Georgia. Additionally, it is the intention of the General Assembly, subject
 67 to the appropriations process, that an amount equal to one-half of 1 percent of state

68 insurance premium taxes collected annually and remitted to the department pursuant to
69 Code Section 33-8-4 be appropriated each year to the Peace Officers' Annuity and Benefit
70 Fund."

71 **SECTION 3.**

72 Said chapter is further amended in Code Section 47-17-80, relating to retirement benefit
73 payment options, payment to surviving spouse, reemployment, changes in retirement
74 benefits, and death of member, by revising subsection (b) as follows:

75 "(b)(1) Option One shall consist of a single life annuity payable in monthly payments for
76 the life of the member only. The monthly payment under this option shall be an amount
77 equal to \$30.00 per month for each full year of creditable service and in the event the
78 member shall have additional service credit not totaling a full year, the further sum of
79 one-twelfth of the amount paid per month for each additional year of service credit shall
80 be paid for each month of additional service credit, provided that the member either has
81 at least ten years of membership service, or 15 years of membership service for
82 individuals who became members on or after July 1, 2010, and is at least 55 years of age
83 or has at least 30 years of creditable service, regardless of age. Such monthly benefit
84 payment shall be paid on each full year and additional full months of creditable service
85 up to a maximum of 30 years of total service.

86 (2)(A) As used in this paragraph, the term 'funded ratio' means the actuarial value of
87 plan assets divided by the actuarial accrued liability of such plan as of the most recent
88 actuarial valuation approved by the board.

89 (B) On and after July 1, 2027, the board is authorized to increase the benefit multiplier
90 in paragraph (1) of this subsection from \$30.00 per month up to \$35.00 per month,
91 provided that any increase in the benefit multiplier is for an amount not less than \$1.00
92 and that any such increase does not lower the funded ratio of the system below 90
93 percent, based on the recommendation of the actuary of the board."

94

SECTION 4.

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