

COMMITTEES OF CONFERENCE SUBSTITUTE TO HB 930

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 9 of Title 32, Chapter 80 of Title 36, Title 48, and Title 50 of the Official
2 Code of Georgia Annotated, relating to mass transportation, provisions applicable to
3 counties, municipal corporations, and other governmental entities, revenue and taxation, and
4 state government, respectively, so as to provide for transit funding and governance; to
5 provide for definitions; to provide for procedures for the authorization of the creation of
6 certain community improvement districts; to provide for exceptions to the ceiling on local
7 sales and use taxes; to provide for the imposition of a transit special purpose local option
8 sales and use tax within special districts; to establish special districts; to provide for
9 definitions, procedures, conditions, and limitations for the imposition, collection,
10 disbursement, and termination of the tax; to provide for powers, duties, and authority of the
11 state revenue commissioner; to provide for other matters relative to the foregoing; to create
12 the Atlanta-region Transit Link "ATL" Authority; to provide for a short title; to provide for
13 definitions; to provide for a board of directors and provide for appointments, removal, voting,
14 and meetings; to provide for purpose and powers of the authority; to provide for jurisdiction
15 of the authority; to provide for funding for such authority; to provide for the provision of
16 local government services by such authority; to provide for a new article relating to the
17 Metropolitan Atlanta Rapid Transit Authority; to provide for definitions; to provide for
18 conditions and limitations for levy of retail sales and use tax by City of Atlanta to provide
19 public transportation; to provide for the levy of a sales and use tax in Fulton County to
20 provide public transportation; to provide for procedures, conditions, and limitations for the
21 imposition of such tax; to provide for a referendum; to require compliance with zoning
22 ordinances by certain development; to provide for the Metropolitan Atlanta Rapid Transit
23 Overview Committee; to require certain branding by the Metropolitan Atlanta Rapid Transit
24 Authority; to provide for definitions; to remove limitations upon the amount the state can
25 contribute to the Metropolitan Atlanta Rapid Transit Authority for a system of rapid transit;
26 to authorize transportation services to be entered into with such authority; to provide for
27 conditions and limitations upon such transportation services contracts; to provide for
28 procedures for Gwinnett County for entering a rapid transit contract with such authority; to

29 provide for methods of funding services obtained through such rapid transit contract; to
30 provide conditions upon approval of such rapid transit contract; to provide for a referendum;
31 to provide for ballot language; to create a Cobb County Special District for Transit
32 Committee for the purposes of formulating a proposed map for a special district in Cobb
33 County and proposed terms of a rapid transit contract for transportation services and facilities
34 within such district to be provided by the Metropolitan Atlanta Rapid Transit Authority; to
35 provide for definitions; to provide for membership of such committee; to authorize the board
36 of commissioners of Cobb County to enter into a rapid transit contract on behalf of a special
37 district within the county; to provide for methods of funding services obtained through a
38 rapid transit contract; to provide conditions upon such rapid transit contract; to provide for
39 a referendum; to provide for ballot language; to provide for authority to collect a tax in such
40 special district; to provide for limitations upon the collection of such tax; to provide for
41 automatic repeals; to provide for authority to collect a tax in such special district; to provide
42 for limitations upon the collection of such tax; to provide for the appointment of members
43 to the board of directors of such authority; to amend Title 32 of the Official Code of Georgia
44 Annotated, relating to highways, bridges, and ferries, so as to amend the referendum
45 requirement prior to the provision of transit services by contract; to provide for definitions
46 and powers relative to the State Road and Tollway Authority; to redesignate Code Section
47 32-10-76 of the Official Code of Georgia Annotated, relating to grant programs, pilot
48 program formation, factors to be considered in selecting pilot projects, and eligible projects;
49 to amend Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to local
50 government provisions applicable to counties, so as to provide for referendum approval
51 required prior to expenditure of public funds for establishment of fixed guideway transit; to
52 amend Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the
53 Governor, so as to provide for the power of the Governor to delegate approval of the
54 state-wide transportation improvement plan; to amend Title 50 of the Official Code of
55 Georgia Annotated, relating to state government, so as to provide for definitions relative to
56 the Environmental Finance Authority; to provide for definitions relative to the Georgia
57 Regional Transportation Authority; to repeal Code Section 50-32-5 of the Official Code of
58 Georgia Annotated, relating to development of the Atlanta region's Concept 3 transit
59 proposal, use of federal and state planning funds, and assessment of economic benefit and
60 environmental impact; to amend power of the Georgia Regional Transportation Authority;
61 to provide for legislative intent relative to the provision of transit services; to repeal Code
62 Section 50-32-71 of the Official Code of Georgia Annotated, relating to exemption of buses,
63 motor vehicles, and rapid rail systems of the Georgia Regional Transportation Authority
64 from motor carrier regulations; to amend the Official Code of Georgia Annotated, so as to
65 correct cross-references; to provide for related matters; to provide for effective dates; to

provide for nonapplicability to prior taxable years; to repeal conflicting laws; and for other purposes.

68 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

FUNDING

SECTION 1-1.

72 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to provisions
73 applicable to counties, municipal corporations, and other governmental entities, is amended
74 by adding a new Code section to read as follows:

"36-80-26.

(a) For purposes of this Code section, the term:

(1) 'County' means any county created under the Constitution or laws of this state.

(2) 'Regional transit plan' means the official multiyear plan for transit services and facilities adopted pursuant to Code Section 50-39-12.

(3) 'Transit' means regular, continuing shared-ride or shared-use surface transportation services that are made available by a public entity and are open to the general public or open to a segment of the general public defined by age, disability, or low income. Such term includes services or systems operated by or under contract with the state, a public agency or authority, a county or municipality, a community improvement district, or any other similar public entity of this state and all accompanying infrastructure and services necessary to provide access to these modes of transportation. Such term excludes charter or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal services, limousine carriers, and ride share network services, transportation referral services, and taxi services not paid for by a public entity.

(4) 'Transit projects' means and includes purposes to establish, enhance, operate, and maintain, or improve access to transit, including general obligation debt and other multiyear obligations issued to finance such projects.

(b) A community improvement district for the purpose of the provision of transit projects which are wholly or partially located in more than one county may be created under the authority granted in and consistent with the processes set forth in Section VII of Article IX of the Georgia Constitution. Any such multi-county community improvement district may be authorized to be created upon the passage of a local act of the General Assembly by each county in which such community improvement district is to be wholly or partially located. The transit projects to be provided by such community improvement district shall

100 be projects included in the regional transit plan and through agreement with the
101 Atlanta-region Transit Link 'ATL' Authority. The administrative body of any such
102 community improvement district shall include one member appointed by the governing
103 authority of each county or municipality which is located wholly or partially within such
104 community improvement district."

105 **SECTION 1-2.**

106 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
107 amended in Code Section 48-8-6, relating to prohibition of political subdivisions from
108 imposing various taxes, ceiling on local sales and use taxes, and taxation of mobile
109 telecommunications, by revising subsection (a) as follows:

110 "(a) There shall not be imposed in any jurisdiction in this state or on any transaction in this
111 state local sales taxes, local use taxes, or local sales and use taxes in excess of 2 percent.
112 For purposes of this prohibition, the taxes affected are any sales tax, use tax, or sales and
113 use tax which is levied in an area consisting of less than the entire state, however
114 authorized, including such taxes authorized by or pursuant to constitutional amendment,
115 except that the following taxes shall not count toward or be subject to such 2 percent
116 limitation:

- 117 (1) A sales and use tax for educational purposes exempted from such limitation under
118 Article VIII, Section VI, Paragraph IV of the Constitution;
119 (2) Any tax levied for purposes of a metropolitan area system of public transportation,
120 as authorized by the amendment to the Constitution set out at Georgia Laws, 1964,
121 page 1008; the continuation of such amendment under Article XI, Section I,
122 Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional
123 amendment; provided, however, that the exception provided for under this paragraph
124 shall only apply:

125 (A) In a county in which a tax is being imposed under subparagraph (a)(1)(D) of Code
126 Section 48-8-111 in whole or in part for the purpose or purposes of a water capital
127 outlay project or projects, a sewer capital outlay project or projects, a water and sewer
128 capital outlay project or projects, water and sewer projects and costs as defined under
129 paragraph (4) of Code Section 48-8-200, or any combination thereof and with respect
130 to which the county has entered into an intergovernmental contract with a municipality,
131 in which the average waste-water system flow of such municipality is not less than 85
132 million gallons per day, allocating proceeds to such municipality to be used solely for
133 water and sewer projects and costs as defined under paragraph (4) of Code
134 Section 48-8-200. The exception provided for under this subparagraph shall apply only
135 during the period the tax under such subparagraph (a)(1)(D) is in effect. The exception

136 provided for under this subparagraph shall not apply in any county in which a tax is
137 being imposed under Article 2A of this chapter;

138 (B) In a county in which the tax levied for purposes of a metropolitan area system of
139 public transportation is first levied after January 1, 2010, and before ~~November 1, 2016~~
140 January 1, 2021. Such tax shall not apply to the following:

- 141 (i) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport. For
142 purposes of this division, a 'qualifying airline' means any person which is authorized
143 by the Federal Aviation Administration or another appropriate agency of the United
144 States to operate as an air carrier under an air carrier operating certificate and which
145 provides regularly scheduled flights for the transportation of passengers or cargo for
146 hire. For purposes of this division, a 'qualifying airport' means any airport in this state
147 that has had more than 750,000 takeoffs and landings during a calendar year; and
148 (ii) The sale of motor vehicles; or

149 (C) In a county in which a tax is levied and collected pursuant to Part 2 of Article 2A
150 of this chapter;

151 (3) In the event of a rate increase imposed pursuant to Code Section 48-8-96, only the
152 amount in excess of the initial 1 percent sales and use tax and in the event of a newly
153 imposed tax pursuant to Code Section 48-8-96, only the amount in excess of a 1 percent
154 sales and use tax;

155 (4) A sales and use tax levied under Article 4 of this chapter;

156 (5) Either a ~~A~~ sales and use tax levied under Article 5 of this chapter or a ~~sales and use~~
157 tax levied under Article 5B of this chapter; and

158 (6) A sales and use tax levied under Article 5A of this chapter; and

159 (7) A sales and use tax levied under Article 2 of Chapter 9 of Title 32.

160 If the imposition of any otherwise authorized local sales tax, local use tax, or local sales
161 and use tax would result in a tax rate in excess of that authorized by this subsection, then
162 such otherwise authorized tax may not be imposed."

163 **SECTION 1-3.**

164 Said title is further amended by adding a new article to read as follows:

165 **"ARTICLE 5B**

166 **Part 1**

167 48-8-269.40.

168 As used in this article, the term:

- 169 (1) 'Authority' means the Atlanta-region Transit Link 'ATL' Authority created pursuant
170 to Chapter 39 of Title 50.
- 171 (2) 'County' means any county created under the Constitution or laws of this state.
- 172 (3) 'Dealer' shall have the same meaning as provided for in paragraph (8) of Code
173 Section 48-8-2.
- 174 (4) 'Intergovernmental agreement' means a contract entered into pursuant to Article IX,
175 Section III, Paragraph I of the Constitution.
- 176 (5) 'Nonattainment area' means those counties currently having or previously designated
177 as having excess levels of ozone, carbon monoxide, or particulate matter in violation of
178 the standards in the federal Clean Air Act, as amended in 1990 and codified at
179 42 U.S.C.A. Sections 7401 to 7671q and which fall under the jurisdiction exercised by
180 the Atlanta-region Transit Link 'ATL' Authority or any predecessor authority as described
181 in Article 2 of Chapter 39 of Title 50.
- 182 (6) 'Qualified municipality' means a qualified municipality as defined in paragraph (4)
183 of Code Section 48-8-110 and which is located wholly or partly within a special district.
- 184 (7) 'Regional transit plan' means the official multiyear plan for transit services and
185 facilities adopted pursuant to Code Section 50-39-12.
- 186 (8) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
187 services that are made available by a public entity and are open to the general public or
188 open to a segment of the general public defined by age, disability, or low income. Such
189 term includes services or systems operated by or under contract with the state, a public
190 agency or authority, a county or municipality, a community improvement district, or any
191 other similar public entity of this state and all accompanying infrastructure and services
192 necessary to provide access to these modes of transportation. Such term excludes charter
193 or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal
194 services, limousine carriers, and ride share network services, transportation referral
195 services, and taxi services not paid for by a public entity.
- 196 (9) 'Transit projects' means and includes purposes to establish, enhance, operate, and
197 maintain, or improve access to transit, including general obligation debt and other
198 multiyear obligations issued to finance such projects, the operations and maintenance of
199 such projects once constructed, and the contracted purchase of transit services from
200 providers without direct capital investment.

201 48-8-269.41.

202 (a) Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the
203 Constitution of this state, 159 special districts are created within this state. The

204 geographical boundary of each county shall correspond with and shall be conterminous
205 with the geographical boundary of the 159 special districts created.

206 (b)(1) Any two or more neighboring counties which are not located within a
207 nonattainment area may, by following the procedures required by Part 2 of this article,
208 impose within their respective special districts a transit special purpose local option sales
209 and use tax, the proceeds of which shall be used only for transit projects.

210 (2) Any county located in a nonattainment area may, by following the procedures
211 required by Part 3 of this article, impose within the special district a transit special
212 purpose local option sales and use tax, the proceeds of which shall be used only for transit
213 projects.

214 48-8-269.42.

215 Prior to the issuance of any call for the referendum by any county that desires to levy a tax
216 for transit projects authorized under this article, the county shall determine whether the
217 region has proposed a referendum on a tax under Article 5 of this chapter. This
218 determination shall be based on whether, pursuant to paragraphs (2) and (3) of
219 subsection (c) of Code Section 48-8-245, a majority of the governing authorities of
220 counties within the region containing the county proposing the tax have passed resolutions
221 calling for the levy of a tax under Article 5 of this chapter. If a majority of the governing
222 authorities of the counties in the region have passed such a resolution, the county proposing
223 a tax under this article shall postpone the referendum under this part until the regional
224 referendum has been decided. No ballot shall propose a tax under this article and under
225 Article 5 of this chapter at the same election.

226 Part 2

227 48-8-269.43.

228 (a) Any two or more neighboring counties qualified to levy a tax pursuant to paragraph (1)
229 of subsection (b) of Code Section 48-8-269.41 shall deliver or mail a written notice to the
230 mayor or chief elected official in each qualified municipality located within its respective
231 special district prior to the issuance of the call for the referendum. Such notice shall
232 contain the date, time, place, and purpose of a meeting at which the governing authorities
233 of the counties and of each qualified municipality therein are to meet to discuss possible
234 transit projects for inclusion in the referendum and the rate of tax. The notice shall be
235 delivered or mailed at least ten days prior to the date of the meeting. The meeting shall be
236 held at least 60 days prior to any issuance of the call for the referendum.

237 (b) At the meeting required by subsection (a) of this Code section, the two or more
238 neighboring counties and all qualified municipalities therein may select transit projects to
239 be funded by the proceeds of the tax authorized by this article. Each county planning to
240 participate in the selected transit project or projects shall enter into intergovernmental
241 agreements which shall include, at a minimum:

- 242 (1) A list of the transit projects proposed to be funded from the tax;
243 (2) An agreement identifying the operator of any transit projects proposed if such project
244 or projects are services which require an operator;
245 (3) The estimated or projected dollar amounts allocated for each transit project from
246 proceeds from the tax;
247 (4) The procedures for distributing proceeds from the tax to each county;
248 (5) A schedule for distributing proceeds from the tax to each county, which shall include
249 the priority or order in which transit projects will be fully or partially funded;
250 (6) A provision that all transit projects included in the agreement shall be funded from
251 proceeds from the tax except as otherwise agreed;
252 (7) A provision that proceeds from the tax shall be maintained in separate accounts and
253 utilized exclusively for the specified purposes;
254 (8) Record-keeping and audit procedures necessary to carry out the purposes of this part;
255 and
256 (9) Such other provisions as the counties choose to address.

257 (c)(1) As soon as practicable after the meeting required in subsection (a) of this Code
258 section and the execution of an intergovernmental agreement, the governing authority of
259 each county calling for a referendum shall, by a majority vote on a resolution offered for
260 such purpose, submit the list of transit projects and the question of whether the tax should
261 be approved to electors of the special district in the next scheduled election and shall
262 notify the county election superintendent within the special district by forwarding to the
263 superintendent a copy of such resolution calling for the imposition of the tax. Such list,
264 or a digest thereof, shall be available during regular business hours in the office of the
265 county clerk.

- 266 (2) The resolution authorized by paragraph (1) of this subsection shall describe or
267 identify:
268 (A) The specific transit projects to be funded;
269 (B) The approximate cost of such transit projects;
270 (C) The operator selected for any transit project or projects proposed if such project or
271 projects are services which require an operator; and

(D) The maximum period of time, to be stated in calendar years, for which the tax may be imposed and the rate thereof. The maximum period of time for the imposition of the tax shall not exceed 30 years.

(d) Unless the referendum required in Code Section 48-8-269.44 is approved in each of the participating counties, the tax shall not be imposed.

48-8-269.44.

(a)(1) The ballot submitting the question of the imposition of a tax for transit projects to the voters within the special district shall have written or printed thereon the following:

YES Shall a special percent sales and use tax be imposed in the special district consisting of County for a period of time not to exceed
 NO _____ and for the raising of funds for transit projects?

(2) The ballot shall have written and printed thereon the following:

'NOTICE TO ELECTORS: Unless the tax is approved in (list each county that has selected the project) for the transit projects, the tax shall not become effective.'

(3) If debt is to be issued, the ballot shall also have written or printed thereon, following the language specified by paragraph (1) of this subsection, the following:

'If imposition of the tax is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of _____ in the principal amount of \$ _____ for the above purpose.'

(b) The election superintendent shall issue the call and conduct the election in the manner authorized by general law. Each such election shall be governed, held, and conducted in accordance with the provisions of law from time to time governing the holding of special elections as provided in Code Section 21-2-540. The superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State and to the commissioner. The expense of the election shall be paid from county funds. All persons desiring to vote in favor of imposing the tax shall vote 'Yes,' and all persons opposed to imposing the tax shall vote 'No.' If more than one-half of the votes cast throughout the entire special district are in favor of imposing the tax in each of the special districts that have elected to hold the referendum, then the tax shall be imposed as provided in this article.

(c) Where such question is not approved by the voters, the county may resubmit such question from time to time upon compliance with the requirements of this article.

(d)(1) If the intergovernmental agreement and proposal include the authority to issue general obligation debt and if more than one-half of the votes cast throughout the entire special district and in each of the special districts that have elected to hold the referendum are in favor of the proposal, then the authority to issue such debt in accordance with

308 Article IX, Section V, Paragraph I of the Constitution is given to the proper officers of
309 the county or qualified municipality; otherwise, such debt shall not be issued. If the
310 authority to issue such debt is so approved by the voters as required in this subsection,
311 then such debt may be issued without further approval by the voters.

312 (2) If the issuance of general obligation debt is included and approved as provided in this
313 Code section, then the governing authority of the county may incur such debt either
314 through the issuance and validation of general obligation bonds or through the execution
315 of a promissory note or notes or other instrument or instruments. If such debt is incurred
316 through the issuance of general obligation bonds, such bonds and their issuance and
317 validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as
318 specifically provided otherwise in this article. If such debt is incurred through the
319 execution of a promissory note or notes or other instrument or instruments, no validation
320 proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10
321 through 36-80-14 except as specifically provided otherwise in this article. In either event,
322 such general obligation debt shall be payable first from the separate account in which are
323 placed the proceeds received by the county from the tax. Such general obligation debt
324 shall, however, constitute a pledge of the full faith, credit, and taxing power of the
325 county; and any liability on such debt which is not satisfied from the proceeds of the tax
326 shall be satisfied from the general funds of the county.

327 Part 3

328 48-8-269.45.

329 (a)(1) Any county qualified to levy a tax pursuant to paragraph (2) of subsection (b) of
330 Code Section 48-8-269.41 shall deliver or mail a written notice to the mayor or chief
331 elected official in each qualified municipality located within the special district prior to
332 the issuance of the call for the referendum. Such notice shall contain the date, time,
333 place, and purpose of a meeting at which the governing authorities of the county and of
334 each qualified municipality are to meet to discuss possible transit projects from the
335 regional transit plan for inclusion in the referendum and the rate of tax. The notice shall
336 be delivered or mailed at least ten days prior to the date of the meeting. The meeting
337 shall be held at least 60 days prior to any issuance of the call for the referendum.

338 (2) At the meeting the county and all qualified municipalities may select transit projects
339 for the county from the regional transit plan to be funded by the proceeds of the tax
340 authorized by this article.

341 (b) Following the meeting required by subsection (a) of this Code section, the county shall
342 deliver or mail a written notice to the authority of the intent to call for a referendum to

343 impose the tax authorized by this article. Such notice shall include a list of transit projects
344 located within such county chosen from the regional transit plan which the county intends
345 to fund with proceeds from the tax authorized under this article and the proposed operator
346 of any such transit projects if such project or projects are services which require an
347 operator.

348 (c) Upon receipt of such notice from a county, the authority shall approve or deny any or
349 all projects within a submitted transit project list and the proposed operator of any transit
350 projects if such project or projects are services which require an operator. In making a
351 determination upon whether to approve transit projects, the authority shall take into
352 consideration any other transit projects the authority has approved for any neighboring
353 counties, any transit projects in progress in any neighboring counties, and any additional
354 federal or state funding that may be available for any projects. The authority shall make
355 a determination and send notification to a county approving or denying the submitted
356 transit projects and operators, if applicable, no later than 20 days from the receipt of such
357 list.

358 (d)(1) As soon as practicable after receipt of notice from the authority, the governing
359 authority of the county desiring to call for a referendum shall, by a majority vote on a
360 resolution offered for such purpose, submit the list of transit projects and the question of
361 whether the tax should be approved to electors of the special district in the next scheduled
362 election and shall notify the county election superintendent within the special district by
363 forwarding to the superintendent a copy of such resolution calling for the imposition of
364 the tax. Such list, or a digest thereof, shall be available during regular business hours in
365 the office of the county clerk.

366 (2) The resolution authorized by paragraph (1) of this subsection shall describe or
367 identify:

- 368 (A) The specific transit projects to be funded which shall have been selected from the
369 regional transit plan and approved by the authority;
- 370 (B) The approximate cost of such transit projects;
- 371 (C) The operator selected for any transit project or projects proposed if such project or
372 projects are services which require an operator; and
- 373 (D) The maximum period of time, to be stated in calendar years, for which the tax may
374 be imposed and the rate thereof. The maximum period of time for the imposition of the
375 tax shall not exceed 30 years.

376 48-8-269.46.

377 (a)(1) The ballot submitting the question of the imposition of a tax for transit projects to
378 the voters within the special district shall have written or printed thereon the following:

YES Shall a special percent sales and use tax be imposed in the special district consisting of County for a period of time not to exceed
 NO and for the raising of funds for transit projects?"

(2) If debt is to be issued, the ballot shall also have written or printed thereon, following the language specified by paragraph (1) of this subsection, the following:

'If imposition of the tax is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of \$ [REDACTED] in the principal amount of \$ [REDACTED] for the above purpose.'

(b) The election superintendent shall issue the call and conduct the election in the manner authorized by general law. Each such election shall be governed, held, and conducted in accordance with the provisions of law from time to time governing the holding of special elections as provided in Code Section 21-2-540. The superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State and to the commissioner. The expense of the election shall be paid from county funds. All persons desiring to vote in favor of imposing the tax shall vote 'Yes,' and all persons opposed to imposing the tax shall vote 'No.' If more than one-half of the votes cast throughout the entire special district are in favor of imposing the tax, then the tax shall be imposed as provided in this article.

(c) Where such question is not approved by the voters, the county may resubmit such question from time to time upon compliance with the requirements of this article.

(d)(1) If the proposal includes the authority to issue general obligation debt and if more than one-half of the votes cast throughout the entire special district are in favor of the proposal, then the authority to issue such debt in accordance with Article IX, Section V, Paragraph I of the Constitution is given to the proper officers of the county; otherwise, such debt shall not be issued. If the authority to issue such debt is so approved by the voters, then such debt may be issued without further approval by the voters.

(2) If the issuance of general obligation debt is included and approved as provided in this Code section, then the governing authority of the county may incur such debt either through the issuance and validation of general obligation bonds or through the execution of a promissory note or notes or other instrument or instruments. If such debt is incurred through the issuance of general obligation bonds, such bonds and their issuance and validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as specifically provided otherwise in this article. If such debt is incurred through the execution of a promissory note or notes or other instrument or instruments, no validation proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10 through 36-80-14 except as specifically provided otherwise in this article. In either event, such general obligation debt shall be payable first from the separate account in which are

416 placed the proceeds received by the county from the tax. Such general obligation debt
417 shall, however, constitute a pledge of the full faith, credit, and taxing power of the
418 county; and any liability on such debt which is not satisfied from the proceeds of the tax
419 shall be satisfied from the general funds of the county.

420 Part 4

421 48-8-269.47.

422 (a) Any tax approved under this article shall be at a rate of up to 1 percent and may be in
423 increments of 0.05 percent.

424 (b)(1) If the imposition of a tax under this article is approved at the election as provided
425 for pursuant to this article, the tax shall be imposed on the first day of the next succeeding
426 calendar quarter which begins more than 80 days after the date of the election at which
427 the tax was approved by the voters.

428 (2) With respect to services which are regularly billed on a monthly basis, however, the
429 resolution shall become effective with respect to and the tax shall apply to services billed
430 on or after the effective date specified in paragraph (1) of this subsection.

431 (c) The tax shall cease to be imposed on the final day of the maximum period of time
432 specified for the imposition of the tax.

433 (d) At any point in time within two years of the expiration date of a tax under this article,
434 proceedings for the reimposition of a tax under this article may be initiated in the same
435 manner as provided in this article for initial imposition of such tax.

436 48-8-269.48.

437 A tax levied pursuant to this article shall be exclusively administered and collected by the
438 commissioner to be used within the special district or special districts imposing the tax for
439 the transit projects specified in the resolution calling for the imposition of the tax. Such
440 administration and collection shall be accomplished in the same manner and subject to the
441 same applicable provisions, procedures, and penalties provided in Article 1 of this chapter;
442 provided, however, that all moneys collected from each taxpayer by the commissioner shall
443 be applied first to such taxpayer's liability for taxes owed the state; and provided, further,
444 that the commissioner may rely upon a representation by or on behalf of the special district
445 or the Secretary of State that such a tax has been validly imposed, and the commissioner
446 and the commissioner's agents shall not be liable to any person for collecting any such tax
447 which was not validly imposed. Dealers shall be allowed a percentage of the amount of
448 the tax due and accounted for and shall be reimbursed in the form of a deduction in
449 submitting, reporting, and paying the amount due if such amount is not delinquent at the

450 time of payment. The deduction shall be at the rate and subject to the requirements
451 specified under subsections (b) through (f) of Code Section 48-8-50.

452 48-8-269.49.

453 Each sales tax return remitting taxes collected under this article shall separately identify
454 the location of each transaction at which any of the taxes remitted were collected and shall
455 specify the amount of sales and the amount of taxes collected at each such location for the
456 period covered by the return in order to facilitate the determination by the commissioner
457 that all taxes imposed by this article are collected and distributed according to situs of sale.

458 48-8-269.50.

459 (a) The proceeds of the tax collected by the commissioner in each special district qualified
460 to levy the tax under Part 2 of this article shall be disbursed as soon as practicable after
461 collection as follows:

- 462 (1) One percent of the amount collected shall be paid into the general fund of the state
463 treasury in order to defray the costs of administration; and
- 464 (2) Except for the percentage provided in paragraph (1) of this subsection, the remaining
465 proceeds of the tax shall be distributed pursuant to the terms of the intergovernmental
466 agreement.

467 (b) The proceeds of the tax collected by the commissioner in each special district qualified
468 to levy the tax under Part 3 of this article shall be disbursed as soon as practicable after
469 collection as follows:

- 470 (1) One percent of the amount collected shall be paid into the general fund of the state
471 treasury in order to defray the costs of administration; and
- 472 (2) Except for the percentage provided in paragraph (1) of this subsection, the remaining
473 proceeds of the tax shall be distributed to the special district for the transit projects
474 specified in the resolution calling for the imposition of the tax.

475 48-8-269.51.

476 (a) The proceeds of a tax under this article shall not be subject to any allocation or
477 balancing of state and federal funds provided for by general law, and such proceeds shall
478 not be considered or taken into account in any such allocation or balancing.

479 (b) The approval of the tax under this article shall not in any way diminish the percentage
480 of state or federal funds allocated to any of the local governments under Code Section
481 32-5-27 or Chapter 39 of Title 50 within the special district levying the tax.

482 48-8-269.52.

483 (a) Except as to rate, a tax imposed under this article shall correspond to the tax imposed
484 by Article 1 of this chapter. No item or transaction which is not subject to taxation under
485 Article 1 of this chapter shall be subject to a tax imposed under this article, except that a
486 tax imposed under this article shall not apply to:

- 487 (1) The sale or use of any type of fuel used for off-road heavy-duty equipment, off-road
488 farm or agricultural equipment, or locomotives;
- 489 (2) The sale or use of jet fuel;
- 490 (3) The sale or use of fuel that is used for propulsion of motor vehicles on the public
491 highways;
- 492 (4) The sale or use of energy used in the manufacturing or processing of tangible goods
493 primarily for resale, as such sale or use is described in Code Section 48-8-3.2;
- 494 (5) The sale or use of motor fuel, as defined under paragraph (9) of Code Section 48-9-2,
495 for public mass transit; or
- 496 (6) The purchase or lease of any motor vehicle pursuant to Code Section 48-5C-1.

497 (b) Except as otherwise specifically provided in this article, the tax imposed pursuant to
498 this article shall be subject to any sales and use tax exemption which is otherwise imposed
499 by law; provided, however, that the tax levied by this article shall be applicable to the sale
500 of food and food ingredients as provided for in paragraph (57) of Code Section 48-8-3.

501 48-8-269.53.

502 Where a local sales or use tax has been paid with respect to tangible personal property by
503 the purchaser either in another local tax jurisdiction within this state or in a tax jurisdiction
504 outside this state, the tax may be credited against the tax authorized to be imposed by this
505 article upon the same property. If the amount of sales or use tax so paid is less than the
506 amount of the tax due under this article, the purchaser shall pay an amount equal to the
507 difference between the amount paid in the other tax jurisdiction and the amount due under
508 this article. The commissioner may require such proof of payment in another local tax
509 jurisdiction as he or she deems necessary and proper. No credit shall be granted, however,
510 against the tax under this article for tax paid in another jurisdiction if the tax paid in such
511 other jurisdiction is used to obtain a credit against any other local sales and use tax levied
512 in the county or in a special district which includes the county.

513 48-8-269.54.

514 No tax shall be imposed upon the sale of tangible personal property which is ordered by
515 and delivered to the purchaser at a point outside the geographical area of the special district
516 in which the tax is imposed regardless of the point at which title passes, if the delivery is

517 made by the seller's vehicle, United States mail, or common carrier or by private or contract
518 carrier.

519 48-8-269.55.

520 The commissioner shall have the power and authority to promulgate such rules and
521 regulations as shall be necessary for the effective and efficient administration and
522 enforcement of the collection of the tax.

523 48-8-269.56.

524 Except as provided in Code Section 48-8-6, the tax authorized under this part shall be in
525 addition to any other local sales and use tax. Except as otherwise provided in this article
526 and except as provided in Code Section 48-8-6, the imposition of any other local sales and
527 use tax within a county or qualified municipality within a special district shall not affect
528 the authority of a county to impose the tax authorized under this article, and the imposition
529 of the tax authorized under this article shall not affect the imposition of any otherwise
530 authorized local sales and use tax within the special district.

531 48-8-269.57.

532 (a)(1) The proceeds received from the tax shall be used by the special district or special
533 districts exclusively for the transit projects specified in the resolution calling for
534 imposition of the tax. When the proceeds are received by a special district authorized to
535 levy the tax pursuant to Part 2 of this article, such proceeds shall be kept in a separate
536 account from other funds of any county receiving proceeds of the tax and shall not in any
537 manner be commingled with other funds of any county prior to the expenditure.

538 (2) The governing authority of each county receiving any proceeds from the tax under
539 this article shall maintain a record of each and every purpose for which the proceeds of
540 the tax are used. A schedule shall be included in each annual audit which shows for each
541 purpose in the resolution calling for imposition of the tax the original estimated cost, the
542 current estimated cost if it is not the original estimated cost, amounts expended in prior
543 years, and amounts expended in the current year. The auditor shall verify and test
544 expenditures sufficient to provide assurances that the schedule is fairly presented in
545 relation to the financial statements. The auditor's report on the financial statements shall
546 include an opinion, or disclaimer of opinion, as to whether the schedule is presented fairly
547 in all material respects in relation to the financial statements taken as a whole.

548 (b) No general obligation debt shall be issued in conjunction with the imposition of the tax
549 unless the county governing authority determines that, and if the debt is to be validated it
550 is demonstrated in the validation proceedings that, during each year in which any payment

551 of principal or interest on the debt comes due, the county will receive from the tax net
552 proceeds sufficient to fully satisfy such liability. General obligation debt issued under this
553 article shall be payable first from the separate account in which are placed the proceeds
554 received by the county from the tax. Such debt, however, shall constitute a pledge of the
555 full faith, credit, and taxing power of the county; and any liability on such debt which is
556 not satisfied from the proceeds of the tax shall be satisfied from the general funds of the
557 county.

558 (c) The resolution calling for the imposition of the tax may specify that all of the proceeds
559 of the tax will be used for payment of general obligation debt issued in conjunction with
560 the imposition of the tax, and, in that event, such proceeds shall be solely for such purpose
561 except as otherwise provided in subsection (f) of this Code section.

562 (d) The resolution calling for the imposition of the tax may specify that a part of the
563 proceeds of the tax will be used for payment of general obligation debt issued in
564 conjunction with the imposition of the tax. The resolution shall specifically state the other
565 purposes for which such proceeds will be used. In such a case, no part of the net proceeds
566 from the tax received in any year shall be used for such other purposes until all debt service
567 requirements of the general obligation debt for that year have first been satisfied from the
568 account in which the proceeds of the tax are placed.

569 (e) The resolution calling for the imposition of the tax may specify that no general
570 obligation debt is to be issued in conjunction with the imposition of the tax. The resolution
571 shall specifically state the purpose or purposes for which the proceeds will be used.

572 (f)(1)(A)(i) If the proceeds of the tax are specified to be used solely for the purpose
573 of payment of general obligation debt issued in conjunction with the imposition of the
574 tax authorized to be levied pursuant to Part 2 of this article, then any net proceeds of
575 the tax in excess of the amount required for final payment of such debt may be used
576 for additional transit projects, provided that a subsequent intergovernmental
577 agreement meeting the requirements set forth in subsection (b) of Code Section
578 48-8-269.43 has been entered into. If a subsequent intergovernmental agreement
579 required by this division is not entered into, then such excess proceeds shall be subject
580 to and applied as provided in paragraph (2) of this subsection.

581 (ii) If the proceeds of the tax are specified to be used solely for the purpose of
582 payment of general obligation debt issued in conjunction with the imposition of the
583 tax authorized to be levied pursuant to Part 3 of this article, then any net proceeds of
584 the tax in excess of the amount required for final payment of such debt may be used
585 for additional transit projects, provided that such projects are selected from the
586 regional transit plan and approved by the authority. If approval from the authority
587 regarding additional transit projects to be funded with any excess net proceeds is not

588 obtained, then such excess proceeds shall be subject to and applied as provided in
589 paragraph (2) of this subsection.

590 (B)(i) If the special district receives from the tax net proceeds in excess of the
591 maximum cost of the transit projects stated in the resolution calling for the imposition
592 of the tax or in excess of the actual cost of such projects when the tax was authorized
593 to be levied pursuant to Part 2 of this article, then such excess proceeds may be used
594 for additional transit projects, provided that a subsequent intergovernmental
595 agreement meeting the requirements set forth in subsection (b) of Code Section
596 48-8-269.43 has been entered into. If a subsequent intergovernmental agreement
597 required by this division is not entered into, then such excess proceeds shall be subject
598 to and applied as provided in paragraph (2) of this subsection.

599 (ii) If the special district receives from the tax net proceeds in excess of the maximum
600 cost of the transit projects stated in the resolution calling for the imposition of the tax
601 or in excess of the actual cost of such projects when the tax was authorized to be
602 levied pursuant to Part 3 of this article, then such excess proceeds may be used for
603 additional transit projects, provided that such projects are selected from the regional
604 transit plan and approved by the authority. If approval from the authority regarding
605 additional transit projects to be funded with any excess net proceeds is not obtained,
606 then such excess proceeds shall be subject to and applied as provided in paragraph (2)
607 of this subsection.

608 (2) Except as provided in paragraph (1) of this subsection, excess proceeds shall be used
609 solely for the purpose of reducing any indebtedness of any county within the special
610 district other than indebtedness incurred pursuant to this article. If there is no such other
611 indebtedness or if the excess proceeds exceed the amount of any such other indebtedness,
612 then the excess proceeds shall next be paid into the general fund of such county, it being
613 the intent that any funds so paid into the general fund of such county be used for the
614 purpose of reducing ad valorem taxes.

615 48-8-269.58.

616 Not later than December 31 of each year, the governing authority of the county receiving
617 any proceeds from the tax under this part shall publish annually, in a newspaper of general
618 circulation in the boundaries of such county, a simple, nontechnical report which shows for
619 each transit project in the resolution calling for the imposition of the tax the original
620 estimated cost, the current estimated cost if it is not the original estimated cost, amounts
621 expended in prior years, and amounts expended in the current year. The report shall also
622 include a statement of what corrective action the county intends to implement with respect

623 to each project which is underfunded or behind schedule and a statement of any surplus
624 funds which have not been expended for a purpose."

625 **PART II**
626 **GOVERNANCE**
627 **SECTION 2-1.**

628 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
629 by adding a new chapter to read as follows:

630 "**CHAPTER 39**
631 **ARTICLE 1**

632 50-39-1.

633 This chapter shall be known and may be cited as the 'Atlanta-region Transit Link 'ATL'
634 Authority Act.'

635 50-39-2.

636 As used in this chapter, the term:

637 (1) 'Authority' means the Atlanta-region Transit Link 'ATL' Authority.

638 (2) 'Bond' includes any revenue bond, bond, note, or other obligation.

639 (3) 'Clean Air Act' means the federal Clean Air Act, as amended in 1990 and codified
640 at 42 U.S.C.A. Sections 7401 to 7671q.

641 (4) 'Cost of project' or 'cost of any project' means:

642 (A) All costs of acquisition, by purchase or otherwise, construction, assembly,
643 installation, modification, renovation, extension, rehabilitation, operation, or
644 maintenance incurred in connection with any project, facility, or undertaking of the
645 authority or any part thereof;

646 (B) All costs of real property or rights in property, fixtures, or personal property used
647 in or in connection with or necessary for any project, facility, or undertaking of the
648 authority or for any facilities related thereto, including but not limited to the cost of all
649 land, interests in land, estates for years, easements, rights, improvements, water rights,
650 and connections for utility services; the cost of fees, franchises, permits, approvals,
651 licenses, and certificates; the cost of securing any such franchises, permits, approvals,
652 licenses, or certificates; the cost of preparation of any application therefor; and the cost
653 of all fixtures, machinery, equipment, furniture, and other property used in or in
654 connection with or necessary for any project, facility, or undertaking of the authority;

- 655 (C) All financing charges, bond insurance or other credit enhancement fee, and loan
656 or loan guarantee fees and all interest on revenue bonds, notes, or other obligations of
657 the authority which accrue or are paid prior to and during the period of construction of
658 a project, facility, or undertaking of the authority and during such additional period as
659 the authority may reasonably determine to be necessary to place such project, facility,
660 or undertaking of the authority in operation;
- 661 (D) All costs of engineering, surveying, planning, environmental assessments, financial
662 analyses, and architectural, legal, and accounting services and all expenses incurred by
663 engineers, surveyors, planners, environmental scientists, fiscal analysts, architects,
664 attorneys, accountants, and any other necessary technical personnel in connection with
665 any project, facility, or undertaking of the authority or the issuance of any bonds, notes,
666 or other obligations for such project, facility, or undertaking;
- 667 (E) All expenses for inspection of any project, facility, or undertaking of the authority;
- 668 (F) All fees of fiscal agents, paying agents, and trustees for bond owners under any
669 bond resolution, trust agreement, indenture of trust, or similar instrument or agreement;
670 all expenses incurred by any such fiscal agents, paying agents, bond registrar, and
671 trustees; and all other costs and expenses incurred relative to the issuance of any bonds,
672 revenue bonds, notes, or other obligations for any project, facility, or undertaking of the
673 authority, including bond insurance or credit enhancement fee;
- 674 (G) All fees of any type charged by the authority in connection with any project,
675 facility, or undertaking of the authority;
- 676 (H) All expenses of or incidental to determining the feasibility or practicability of any
677 project, facility, or undertaking of the authority;
- 678 (I) All costs of plans and specifications for any project, facility, or undertaking of the
679 authority;
- 680 (J) All costs of title insurance and examinations of title with respect to any project,
681 facility, or undertaking of the authority;
- 682 (K) Repayment of any loans for the advance payment of any part of any of the
683 foregoing costs, including interest thereon and any other expenses of such loans;
- 684 (L) Administrative expenses of the authority and such other expenses as may be
685 necessary or incidental to any project, facility, or undertaking of the authority or the
686 financing thereof or the placing of any project, facility, or undertaking of the authority
687 in operation; and
- 688 (M) The establishment of a fund or funds for the creation of a debt service reserve, a
689 renewal and replacement reserve, or such other funds or reserves as the authority may
690 approve with respect to the financing and operation of any project, facility, or
691 undertaking of the authority and as may be authorized by any bond resolution, trust

692 agreement, indenture, or trust or similar instrument or agreement pursuant to the
693 provisions of which the issuance of any revenue bonds, notes, or other obligations of
694 the authority may be authorized.

695 Any cost, obligation, or expense incurred for any of the purposes specified in this
696 paragraph shall be a part of the cost of the project, facility, or undertaking of the authority
697 and may be paid or reimbursed as such out of the proceeds of revenue bonds, notes, or
698 other obligations issued by the authority or as otherwise authorized by this chapter.

699 (5) 'County' means any county created under the Constitution or laws of this state.

700 (6) 'Facility' shall have the same meaning as 'project.'

701 (7) 'Local government' or 'local governing authority' means any municipal corporation
702 or county or any state or local authority, board, or political subdivision created by the
703 General Assembly or pursuant to the Constitution and laws of this state.

704 (8) 'May' means permission and not command.

705 (9) 'Metropolitan planning organization' means the forum for cooperative transportation
706 decision making for a metropolitan planning area.

707 (10) 'Metropolitan transportation plan' means the official intermodal transportation plan
708 that is developed and adopted through the metropolitan transportation planning process
709 for a metropolitan planning area.

710 (11) 'Municipal corporation' or 'municipality' means any city or town in this state.

711 (12) 'Obligation' means any bond, revenue bond, note, lease, contract, evidence of
712 indebtedness, debt, or other obligation of the authority, the state, or local governments
713 which is authorized to be issued under this chapter or under the Constitution or other laws
714 of this state, including refunding bonds.

715 (13) 'Office of profit or trust under the state' means any office created by or under the
716 provisions of the Constitution, but does not include elected officials of county or local
717 governments.

718 (14) 'Project' means the acquisition, construction, installation, modification, renovation,
719 repair, extension, renewal, replacement, or rehabilitation of land, interest in land,
720 buildings, structures, facilities, or other improvements and the acquisition, installation,
721 modification, renovation, repair, extension, renewal, replacement, rehabilitation, or
722 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature
723 whatsoever used on, in, or in connection with any such land, interest in land, building,
724 structure, facility, or other improvement, all for the essential public purpose of providing
725 facilities and services to meet transit needs and environmental standards and to aid in the
726 accomplishment of the purposes of the authority.

727 (15) 'Regional transit plan' means the official multiyear plan adopted by the authority for
728 the provision of transit services throughout the jurisdiction of the authority pursuant to
729 Code Section 50-39-12.

730 (16) 'Revenue bond' includes any bond, note, or other obligation payable from revenues
731 derived from any project, facility, or undertaking of the authority.

732 (17) 'State implementation plan' means the portion or portions of an applicable
733 implementation plan approved or promulgated, or the most recent revision thereof, under
734 Sections 110, 301(d), and 175A of the Clean Air Act.

735 (18) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
736 services that are made available by a public entity and are open to the general public or
737 open to a segment of the general public defined by age, disability, or low income. Such
738 term includes services or systems operated by or under contract with the state, a public
739 agency or authority, a county or municipality, a community improvement district, or any
740 other similar public entity of this state and all accompanying infrastructure and services
741 necessary to provide access to these modes of transportation. Such term excludes charter
742 or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal
743 services, limousine carriers, ride share network services, transportation referral services,
744 and taxi services not paid for by a public entity.

745 (19) 'Transportation improvement program' means a staged, multiyear, intermodal
746 program as defined in 23 C.F.R. Section 450.104 and consisting of transportation projects
747 which is consistent with the metropolitan transportation plan.

748 (20) 'Undertaking' shall have the same meaning as the term 'project.'

749 50-39-3.

750 (a) There is created the Atlanta-region Transit Link 'ATL' Authority as a body corporate
751 and politic, which shall be deemed an instrumentality of the State of Georgia and a public
752 corporation thereof, for purposes of managing or causing to be managed transit and air
753 quality within certain areas of this state; and by that name, style, and title such body may
754 contract and be contracted with and bring and defend actions in all courts of this state.
755 Such authority shall serve as the sole entity for coordination and planning and the
756 dispersing of federal and state funding for transit within the jurisdiction of the authority.
757 Such authority shall work with counties, municipalities, and operators of transit services
758 within the jurisdiction of the authority to provide a consistent and integrated vision for
759 transit through transparent decision making and execution. This Code section shall not be
760 deemed to impair or interfere in any manner with any existing rights under a contract
761 entered into prior to December 1, 2018, or any federal grants or agreements awarded or
762 entered into prior to December 1, 2018. This Code section shall not be applicable to

763 projects or services provided for under the terms of a contract entered into as of December
764 1, 2018, under the authority granted pursuant to a local constitutional amendment set out
765 at Ga. L. 1964, p. 1008, and the planning, funding, coordination, and delivery of such
766 projects or services shall be as provided for by such contract or contracts.

767 (b) The management of the business and affairs of the authority shall be vested in a board
768 of directors, subject to the provisions of this chapter and to the provisions of bylaws
769 adopted by the board as authorized by this chapter. The board of directors shall make
770 bylaws governing its own operation and shall have the power to make bylaws, rules, and
771 regulations for the government of the authority and the operation, management, and
772 maintenance of such projects as the board may determine appropriate to undertake from
773 time to time.

774 (c) Except as otherwise provided in this chapter, a majority of the members of the board
775 then in office shall constitute a quorum for the transaction of business. The vote of a
776 majority of the members of the board present at the time of the vote, if a quorum is present
777 at such time, shall be the act of the board unless the vote of a greater number is required
778 by law or by the bylaws of the board of directors. The board of directors, by resolution
779 adopted by a majority of the full board of directors, may designate from among its
780 members one or more committees, each consisting of two or more members of the board,
781 which shall have and exercise such authority as the board may delegate to it under such
782 procedures as the board may direct by resolution establishing such committee or
783 committees.

784 (d) No vacancy on the authority shall impair the right of a majority of the appointed
785 members from exercising all rights and performing all duties of the authority. The
786 authority shall have perpetual existence. Any change in the name or composition of the
787 authority shall in no way affect the vested rights of any person under this chapter or impair
788 the obligations of any contracts existing under this chapter.

789 50-39-4.

790 (a)(1) The board of directors of the authority shall consist of 16 members, ten of whom
791 shall be appointed from the authority districts described in paragraph (2) of this
792 subsection, five of whom shall be appointed as described in paragraph (3) of this
793 subsection, and the commissioner of transportation who shall serve ex officio and be a
794 nonvoting member. The members appointed from such authority districts shall be
795 appointed by a majority vote of a caucus of the members of the House of Representatives
796 and Senate whose respective districts are include any portion of such authority district,
797 the chairpersons of the county board of commissioners whose counties are located within
798 such authority districts, and one mayor from the municipalities located within such

799 authority districts who shall be chosen by a caucus of all mayors from the municipalities
800 located within such authority districts; provided that if any authority district is wholly or
801 partially located within the City of Atlanta, the mayor of the City of Atlanta shall be
802 entitled to his or her own vote in addition to the vote by the mayor outside the limits of
803 such city selected by the caucus of mayors to cast a vote. Each such appointee shall be
804 a resident of the authority district which he or she represents and possess significant
805 experience or expertise in a field that would be beneficial to the accomplishment of the
806 function and purpose of this chapter. No later than December 1, 2018, the respective
807 caucuses appointing board members from the authority districts shall meet and appoint
808 their respective board members of said board of directors. Such meeting shall be called
809 by the chairperson of the board of commissioners from the county with the largest
810 population represented in the authority district.

811 (2)(A) For purposes of appointing members of the board other than those members
812 appointed pursuant to paragraph (3) of this subsection, there are hereby created ten
813 authority districts, which shall be as described in the plan attached to and made part of
814 this Act and further identified as 'Plan: transit-dist-2018 Plan Type: Regional
815 Administrator: H009 User: Gina.'

816 (B) When used in such attachment, the term 'VTD' (voting tabulation district) shall
817 mean and describe the same geographical boundaries as provided in the report of the
818 Bureau of the Census for the United States decennial census of 2010 for the State of
819 Georgia.

820 (C) The separate numeric designations in an authority district description which are
821 underneath a VTD heading shall mean and describe individual Blocks within a VTD
822 as provided in the report of the Bureau of the Census for the United States decennial
823 census of 2010 for the State of Georgia.

824 (D) Any part of the jurisdiction of the authority which is not included in any such
825 authority district described in that attachment shall be included within that authority
826 district contiguous to such part which contains the least population according to the
827 United States decennial census of 2010 for the State of Georgia.

828 (E) Any part of the jurisdiction of the authority which is described in that attachment
829 as being in a particular authority district shall nevertheless not be included within such
830 authority district if such part is not contiguous to such authority district. Such
831 noncontiguous part shall instead be included within that authority district contiguous
832 to such part which contains the least population according to the United States
833 decennial census of 2010 for the State of Georgia.

834 (F) Except as otherwise provided in the description of any authority district, whenever
835 the description of such authority district refers to a named city, it shall mean the

836 geographical boundaries of that city as shown on the census map for the United States
837 decennial census of 2010 for the State of Georgia.

838 (G) The plan attached shall be reviewed by the Senate and House Transportation
839 Committees after the report of the Bureau of the Census for the United States decennial
840 census of 2020 or any future such census.

841 (3) The Lieutenant Governor and Speaker of the House of Representatives shall each
842 appoint two board members. The Governor shall appoint one member who shall serve
843 as the chairperson.

844 (b) All members of the board and their successors shall each be appointed for terms of four
845 years, except that those members appointed from odd-numbered authority districts shall
846 each serve an initial term of two years. After such initial two-year term, that caucus which
847 appointed such member for such initial term shall appoint successors thereto for terms of
848 office of four years. All members of the board shall serve until the appointment and
849 qualification of a successor except as otherwise provided in this Code section. Other than
850 the commissioner of transportation, no person holding any other office of profit or trust
851 under the state shall serve upon the board. The chairperson of the board of directors shall
852 be appointed by the Governor and a vice chairperson shall be selected annually from
853 among the members by majority vote of those members present and voting.

854 (c) All successors shall be appointed in the same manner as original appointments.
855 Vacancies in office shall be filled in the same manner as original appointments. A person
856 appointed to fill a vacancy shall serve for the unexpired term. No vacancy on the board
857 shall impair the right of the quorum of the remaining members then in office to exercise
858 all rights and perform all duties of the board.

859 (d) The members of the board of directors shall be entitled to and shall be reimbursed for
860 their actual travel expenses necessarily incurred in the performance of their duties and, for
861 each day actually spent in the performance of their duties, shall receive the same per diem
862 as do members of the General Assembly.

863 (e) Members of the board of directors shall be subject to removal by the appointing
864 authority or a majority vote of the appointing caucus for misfeasance, malfeasance,
865 nonfeasance, failure to attend three successive meetings of the board without good and
866 sufficient cause, abstention from voting unless authorized under subsection (h) of this Code
867 section, or upon a finding of a violation of Code Section 45-10-3 pursuant to the
868 procedures applicable to such Code section. A violation of Code Section 45-10-3 may also
869 subject a member to the penalties provided in subparagraphs (a)(1)(A), (a)(1)(B), and
870 (a)(1)(C) of Code Section 45-10-28, pursuant to subsection (b) of such Code section. In
871 the event that a vacancy or vacancies on the board render the board able to obtain a quorum
872 but unable to obtain the attendance of a number of members sufficient to constitute such

supermajorities as may be required by this chapter, the board shall entertain no motion or measure requiring such a supermajority until a number of members sufficient to constitute such supermajority is present.

(f) The members of the authority shall be subject to the applicable provisions of Chapter 10 of Title 45, including without limitation Code Sections 45-10-3 through 45-10-5. Members of the authority shall be public officers who are members of a state board for purposes of the financial disclosure requirements of Article 3 of Chapter 5 of Title 21. The members of the authority shall be accountable in all respects as trustees. The authority shall keep suitable books and records of all actions and transactions and shall submit such books together with a statement of the authority's financial position to the state auditor on or about the close of the state's fiscal year. The books and records shall be inspected and audited by the state auditor at least once in each year.

(g) Meetings of the board of directors, regular or special, shall be held at the time and place fixed by or under the bylaws, with no less than five days' public notice for regular meetings as prescribed in the bylaws and such notice as the bylaws may prescribe for special meetings. Each member shall be given written notice of all meetings as prescribed in the bylaws. Meetings of the board may be called by the chairperson or by such other person or persons as the bylaws may authorize.

(h) No member may abstain from a vote other than for reasons constituting disqualification to the satisfaction of a majority of a quorum of the board on a record vote.

(i) The board may, in its discretion, appoint an executive director as the administrative head of the authority and shall set his or her salary. The executive director of the Georgia Regional Transportation Authority shall serve as a temporary director until the board is constituted and an executive director is appointed by such board.

(j) The authority is assigned to the Georgia Regional Transportation Authority for administrative purposes only.

(k) The authority shall annually submit a report of projects of regional and state significance from the regional transit plan to the Office of Planning and Budget, the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives for consideration by such parties for inclusion in the bond package for the upcoming fiscal year budget. The required date of submission of such report shall coincide with the required submission date of estimates of financial requirements of a budget unit pursuant to Code Section 45-12-78.

50-39-5.

The Atlanta Regional Commission in conjunction with the authority and the director of planning for the Department of Transportation shall utilize federal and state planning funds

909 to continue the development of the Atlanta region's Concept 3 transit proposal, including
910 assessment of potential economic benefit to the region and the state, prioritization of
911 corridors based on highest potential economic benefit and lowest environmental impact,
912 and completion of environmental permitting.

913 ARTICLE 2

914 50-39-10.

- 915 (a)(1) This chapter shall operate uniformly throughout the state.
- 916 (2)(A) The initial jurisdiction of the authority for purposes of this chapter shall
917 encompass the territory of every county which was designated by the United States
918 Environmental Protection Agency (USEPA) in the *Code of Federal Regulations* as of
919 December 31, 1998, as a county included in whole or in part within a nonattainment
920 area under the Clean Air Act and which the board designates, through regulation, as a
921 county having excess levels of ozone, carbon monoxide, or particulate matter.
- 922 (B) The jurisdiction of the authority for purposes of this chapter shall also encompass
923 the territory of every county designated by the USEPA in the *Code of Federal*
924 *Regulations* after December 31, 1998, as a county included in whole or in part within
925 a nonattainment area under the Clean Air Act and which the board designates, through
926 regulation, as a county having excess levels of ozone, carbon monoxide, or particulate
927 matter, provided that the jurisdictional area encompassed under this subparagraph shall
928 be contiguous with the jurisdictional area encompassed under subparagraph (A) of this
929 paragraph.
- 930 (b)(1) By December 1, 2018, the director of the Environmental Protection Division shall
931 report and certify to the authority those counties which were designated by the USEPA
932 as included in whole or in part within a nonattainment area pursuant to subsection (a) of
933 this Code section and, pursuant to criteria established by that division, counties which are
934 reasonably expected to become nonattainment areas under the Clean Air Act within seven
935 years from the date of such report and certification. Such report and certification shall
936 be updated every six months thereafter. Within the geographic territory of any county
937 so designated, the board shall provide, by resolution or regulation, that the funding,
938 planning, design, construction, contracting, leasing, and other related facilities of the
939 authority shall be made available to county and local governments for the purpose of
940 planning, designing, constructing, operating, and maintaining transit systems and transit
941 projects, air quality installations, and all facilities necessary and beneficial thereto, and
942 for the purpose of designing and implementing designated metropolitan planning
943 organizations' transit plans and transportation improvement programs and the authority's

944 regional transit plan, on such terms and conditions as may be agreed to between the
945 authority and such county or local governments.

946 (2) The jurisdiction of the authority for purposes of this chapter shall be extended to any
947 county the territory of which is contiguous with the jurisdiction established by
948 subsection (a) of this Code section which is designated by the USEPA in the *Code of*
949 *Federal Regulations* as a county included in whole or in part within a nonattainment area
950 under the Clean Air Act and which the board deems as a county having excess levels of
951 ozone, carbon monoxide, or particulate matter. A majority vote of the board and passage
952 of a resolution by the board of commissioners of such county shall be required for the
953 extension of the jurisdiction to include such a contiguous county.

954 (3) The jurisdiction of the authority for purposes of this chapter may be extended to any
955 county the territory of which is not contiguous with the jurisdiction established by
956 subsection (a) of this Code section which is designated by the USEPA in the *Code of*
957 *Federal Regulations* as a county included in whole or in part within a nonattainment area
958 under the Clean Air Act and which the board designates as a county having excess levels
959 of ozone, carbon monoxide, or particulate matter. Such county may be brought within
960 the jurisdiction of the authority by a majority vote of the board and upon the effective
961 date of a local law enacted by the General Assembly for such purpose.

962 (c) Upon acquiring jurisdiction over the territory of any county, the authority's jurisdiction
963 over such territory shall continue until 20 years have elapsed since the later of the date such
964 county was redesignated by the USEPA as in attainment under the Clean Air Act or such
965 designation by the USEPA is no longer made.

966 (d)(1) Upon the lapse of the authority's jurisdiction over a geographic area pursuant to
967 the provisions of this Code section, the authority shall have the power to enter into such
968 contracts, lease agreements, and other instruments necessary or convenient to manage and
969 dispose of real property and facilities owned or operated by the authority within such
970 geographic area, and shall dispose of all such property not more than five years after the
971 lapse of such jurisdiction, but shall retain jurisdiction for the purpose of operating and
972 managing such property and facilities until their final disposition.

973 (2) The provisions of this subsection shall be implemented consistent with the terms of
974 such contracts, lease agreements, or other instruments or agreements as may be necessary
975 or required to protect federal interests in assets purchased, leased, or constructed utilizing
976 federal funding in whole or in part, and the authority is empowered to enter into such
977 contracts, lease agreements, or other instruments or agreements with appropriate federal
978 agencies or other representatives or instrumentalities of the federal government from time
979 to time as necessary to achieve the purposes of this chapter and the protection of federal
980 interests.

981 (e) Except for the purpose of reviewing proposed regional transit plans and transportation
982 improvement programs prepared by metropolitan planning organizations in accordance
983 with requirements specifically placed upon the Governor by federal law, the jurisdiction
984 of the authority shall not extend to the territory and facilities of any airport as defined in
985 Code Section 6-3-20.1 and which is certified under 14 C.F.R. Part 139. In no event shall
986 the authority have jurisdiction to design, construct, repair, improve, expand, own, maintain,
987 or operate any such airport or any facilities of such airport.

988 (f) Any county within the jurisdiction of the authority which provided no transit services
989 or was provided no transit services by a state authority on or before July 1, 2018, shall be
990 prohibited from initiating any transit services within such county without prior approval
991 from the voters in a county wide referendum called for such purpose.

992 50-39-11.

993 (a) The authority shall have the following general powers:

994 (1) To sue and be sued in all courts of this state, the original jurisdiction and venue of
995 any such action being the superior court of any county wherein a substantial part of the
996 business was transacted, the tortious act, omission, or injury occurred, or the real property
997 is located, except that venue and jurisdiction for bond validation proceedings shall be as
998 provided by paragraph (9) of subsection (e) of Code Section 50-39-32;

999 (2) To have a seal and alter the same at its pleasure;

1000 (3) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and
1001 maintain or cause to be operated and maintained transit systems and transit projects, and
1002 all facilities and appurtenances necessary or beneficial thereto, within the geographic area
1003 over which the authority has jurisdiction or which are included within a regional transit
1004 plan or transportation improvement program and provide transit services within the
1005 geographic jurisdiction of the authority, and to contract with any state, regional, or local
1006 government, authority, or department, or with any private person, firm, or corporation,
1007 for those purposes, and to enter into contracts and agreements with the Georgia
1008 Department of Transportation, county and local governments, and transit system
1009 operators for those purposes;

1010 (4) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and
1011 maintain or cause to be operated and maintained air quality control installations, and all
1012 facilities and appurtenances necessary or beneficial thereto, within the geographic area
1013 over which the authority has jurisdiction for such purposes pursuant to this chapter, and
1014 to contract with any state, regional, or local government, authority, or department, or with
1015 any private person, firm, or corporation, for those purposes; provided, however, that
1016 where such air quality control measures are included in an applicable implementation

1017 plan, they shall be approved by the Environmental Protection Division of the state
1018 Department of Natural Resources and by the United States Environmental Protection
1019 Agency where necessary to preserve their protected status during any conformity lapse;
1020 (5) To make and execute contracts, lease agreements, and all other instruments necessary
1021 or convenient to exercise the powers of the authority or to further the public purpose for
1022 which the authority is created, such contracts, leases, or instruments to include contracts
1023 for acquisition, construction, operation, management, or maintenance of projects and
1024 facilities owned by local government, the authority, or by the state or any political
1025 subdivision, department, agency, or authority thereof, and to include contracts relating
1026 to the execution of the powers of the authority and the disposal of the property of the
1027 authority from time to time; and any and all local governments, departments, institutions,
1028 authorities, or agencies of the state are authorized to enter into contracts, leases,
1029 agreements, or other instruments with the authority upon such terms and to transfer real
1030 and personal property to the authority for such consideration and for such purposes as
1031 they deem advisable;

1032 (6) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or
1033 personal property of every kind and character, or any interest therein, in furtherance of
1034 the public purpose of the authority, in compliance, where required, with applicable
1035 federal law including without limitation the Uniform Relocation Assistance and Real
1036 Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. Section 4601, et seq.,
1037 23 C.F.R. Section 1.23, and 23 C.F.R. Section 713(c);

1038 (7) To appoint an executive director who shall be executive officer and administrative
1039 head of the authority. The executive director shall be appointed and serve at the pleasure
1040 of the board. The executive director shall hire officers, agents, and employees, prescribe
1041 their duties and qualifications and fix their compensation, and perform such other duties
1042 as may be prescribed by the authority. Such officers, agents, and employees shall serve
1043 at the pleasure of the executive director;

1044 (8) To finance projects, facilities, and undertakings of the authority for the furtherance
1045 of the purposes of the authority within the geographic area over which the authority has
1046 jurisdiction by loan, loan guarantee, grant, lease, or otherwise, and to pay the cost of such
1047 from the proceeds of bonds, revenue bonds, notes, or other obligations of the authority
1048 or any other funds of the authority or from any contributions or loans by persons,
1049 corporations, partnerships, whether limited or general, or other entities, all of which the
1050 authority is authorized to receive, accept, and use; provided that such debt is consistent
1051 with the state debt management plan as established by the Georgia State Financing and
1052 Investment Commission pursuant to Chapter 17 of this title, the 'Georgia State Financing
1053 and Investment Commission Act';

1054 (9) To extend credit or make loans or grants for all or part of the cost or expense of any
1055 project, facility, or undertaking of a political subdivision or other entity for the
1056 furtherance of the purposes of the authority within the geographic area over which the
1057 authority has jurisdiction upon such terms and conditions as the authority may deem
1058 necessary or desirable; and to adopt rules, regulations, and procedures for making such
1059 loans and grants;

1060 (10) To borrow money to further or carry out its public purpose and to issue guaranteed
1061 revenue bonds, revenue bonds, notes, or other obligations to evidence such loans and to
1062 execute leases, trust indentures, trust agreements for the sale of its revenue bonds, notes,
1063 or other obligations, loan agreements, mortgages, deeds to secure debt, trust deeds,
1064 security agreements, assignments, and such other agreements or instruments as may be
1065 necessary or desirable in the judgment of the authority, and to evidence and to provide
1066 security for such loans;

1067 (11) To issue guaranteed revenue bonds, revenue bonds, bonds, notes, or other
1068 obligations of the authority, to receive payments from the Department of Community
1069 Affairs, and to use the proceeds thereof for the purpose of:

1070 (A) Paying or loaning the proceeds thereof to pay, all or any part of, the cost of any
1071 project or the principal of and premium, if any, and interest on the revenue bonds,
1072 bonds, notes, or other obligations of any local government issued for the purpose of
1073 paying in whole or in part the cost of any project and having a final maturity not
1074 exceeding three years from the date of original issuance thereof;

1075 (B) Paying all costs of the authority incidental to, or necessary and appropriate to,
1076 furthering or carrying out the purposes of the authority; and

1077 (C) Paying all costs of the authority incurred in connection with the issuance of the
1078 guaranteed revenue bonds, revenue bonds, bonds, notes, or other obligations;

1079 (12) To collect fees and charges in connection with its loans, commitments, management
1080 services, and servicing including, but not limited to, reimbursements of costs of
1081 financing, as the authority shall determine to be reasonable and as shall be approved by
1082 the authority;

1083 (13) Subject to any agreement with bond owners, to invest moneys of the authority not
1084 required for immediate use to carry out the purposes of this chapter, including the
1085 proceeds from the sale of any bonds and any moneys held in reserve funds, in obligations
1086 which shall be limited to the following:

1087 (A) Bonds or other obligations of the state or bonds or other obligations, the principal
1088 and interest of which are guaranteed by the state;

1089 (B) Bonds or other obligations of the United States or of subsidiary corporations of the
1090 United States government fully guaranteed by such government;

1091 (C) Obligations of agencies of the United States government issued by the Federal
1092 Land Bank, the Federal Home Loan Bank, the Federal Intermediate Credit Bank, and
1093 the Bank for Cooperatives;

1094 (D) Bonds or other obligations issued by any public housing agency or municipality
1095 in the United States, which bonds or obligations are fully secured as to the payment of
1096 both principal and interest by a pledge of annual contributions under an annual
1097 contributions contract or contracts with the United States government, or project notes
1098 issued by any public housing agency, urban renewal agency, or municipality in the
1099 United States and fully secured as to payment of both principal and interest by a
1100 requisition, loan, or payment agreement with the United States government;

1101 (E) Certificates of deposit of national or state banks or federal savings and loan
1102 associations located within the state which have deposits insured by the Federal Deposit
1103 Insurance Corporation or any Georgia deposit insurance corporation and certificates of
1104 deposit of state building and loan associations located within the state which have
1105 deposits insured by any Georgia deposit insurance corporation, including the
1106 certificates of deposit of any bank, savings and loan association, or building and loan
1107 association acting as depository, custodian, or trustee for any such bond proceeds;
1108 provided, however, that the portion of such certificates of deposit in excess of the
1109 amount insured by the Federal Deposit Insurance Corporation or any Georgia deposit
1110 insurance corporation, if any such excess exists, shall be secured by deposit with the
1111 Federal Reserve Bank of Atlanta, Georgia, or with any national or state bank located
1112 within the state, of one or more of the following securities in an aggregate principal
1113 amount equal at least to the amount of such excess:

- 1114 (i) Direct and general obligations of the state or of any county or municipality in the
1115 state;
- 1116 (ii) Obligations of the United States or subsidiary corporations included in
1117 subparagraph (B) of this paragraph;
- 1118 (iii) Obligations of agencies of the United States government included in
1119 subparagraph (C) of this paragraph; or
- 1120 (iv) Bonds, obligations, or project notes of public housing agencies, urban renewal
1121 agencies, or municipalities included in subparagraph (D) of this paragraph;

1122 (F) Interest-bearing time deposits, repurchase agreements, reverse repurchase
1123 agreements, rate guarantee agreements, or other similar banking arrangements with a
1124 bank or trust company having capital and surplus aggregating at least \$50 million or
1125 with any government bond dealer reporting to, trading with, and recognized as a
1126 primary dealer by the Federal Reserve Bank of New York having capital aggregating
1127 at least \$50 million or with any corporation which is subject to registration with the

1128 Board of Governors of the Federal Reserve System pursuant to the requirements of the
1129 Bank Holding Company Act of 1956, provided that each such interest-bearing time
1130 deposit, repurchase agreement, reverse repurchase agreement, rate guarantee
1131 agreement, or other similar banking arrangement shall permit the moneys so placed to
1132 be available for use at the time provided with respect to the investment or reinvestment
1133 of such moneys; and

1134 (G) State operated investment pools;

1135 (14) To acquire or contract to acquire from any person, firm, corporation, local
1136 government, federal or state agency, or corporation by grant, purchase, or otherwise,
1137 leaseholds, real or personal property, or any interest therein; and to sell, assign, exchange,
1138 transfer, convey, lease, mortgage, or otherwise dispose of or encumber the same; and
1139 local government is authorized to grant, sell, or otherwise alienate leaseholds, real and
1140 personal property, or any interest therein to the authority;

1141 (15) Subject to applicable covenants or agreements related to the issuance of bonds, to
1142 invest any moneys held in debt service funds or sinking funds not restricted as to
1143 investment by the Constitution or laws of this state or the federal government or by
1144 contract not required for immediate use or disbursement in obligations of the types
1145 specified in paragraph (13) of this subsection, provided that, for the purposes of this
1146 paragraph, the amounts and maturities of such obligations shall be based upon and
1147 correlated to the debt service, which debt service shall be the principal installments and
1148 interest payments, schedule for which such moneys are to be applied;

1149 (16) To provide advisory, technical, consultative, training, educational, and project
1150 assistance services to the state and local government and to enter into contracts with the
1151 state and local government to provide such services. The state and local governments are
1152 authorized to enter into contracts with the authority for such services and to pay for such
1153 services as may be provided them;

1154 (17) To make loan commitments and loans to local governments and to enter into option
1155 arrangements with local governments for the purchase of said bonds, revenue bonds,
1156 notes, or other obligations;

1157 (18) To sell or pledge any bonds, revenue bonds, notes, or other obligations acquired by
1158 it whenever it is determined by the authority that the sale thereof is desirable;

1159 (19) To apply for and to accept any gifts or grants or loan guarantees or loans of funds
1160 or property or financial or other aid in any form from the federal government or any
1161 agency or instrumentality thereof, or from the state or any agency or instrumentality
1162 thereof, or from any other source for any or all of the purposes specified in this chapter
1163 and to comply, subject to the provisions of this chapter, with the terms and conditions
1164 thereof;

1165 (20) To lease to local governments any authority owned facilities or property or any state
1166 owned facilities or property which the authority is managing under contract with the
1167 state;

1168 (21) To contract with state agencies or any local government for the use by the authority
1169 of any property or facilities or services of the state or any such state agency or local
1170 government or for the use by any state agency or local government of any facilities or
1171 services of the authority, and such state agencies and local governments are authorized
1172 to enter into such contracts;

1173 (22) To extend credit or make loans, including the acquisition of bonds, revenue bonds,
1174 notes, or other obligations of the state, any local government, or other entity, including
1175 the federal government, for the cost or expense of any project or any part of the cost or
1176 expense of any project, which credit or loans may be evidenced or secured by trust
1177 indentures, loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security
1178 agreements, or assignments, on such terms and conditions as the authority shall determine
1179 to be reasonable in connection with such extension of credit or loans, including provision
1180 for the establishment and maintenance of reserve funds; and, in the exercise of powers
1181 granted by this chapter in connection with any project, the authority shall have the right
1182 and power to require the inclusion in any such trust indentures, loan agreement, note,
1183 mortgage, deed to secure debt, trust deed, security agreement, assignment, or other
1184 instrument such provisions or requirements for guaranty of any obligations, insurance,
1185 construction, use, operation, maintenance, and financing of a project and such other terms
1186 and conditions as the authority may deem necessary or desirable;

1187 (23) As security for repayment of any bonds, revenue bonds, notes, or other obligations
1188 of the authority, to pledge, lease, mortgage, convey, assign, hypothecate, or otherwise
1189 encumber any property of the authority including, but not limited to, real property,
1190 fixtures, personal property, and revenues or other funds and to execute any lease, trust
1191 indenture, trust agreement, agreement for the sale of the authority's revenue bonds, notes
1192 or other obligations, loan agreement, mortgage, deed to secure debt, trust deed, security
1193 agreement, assignment, or other agreement or instrument as may be necessary or
1194 desirable, in the judgment of the authority, to secure any such revenue bonds, notes, or
1195 other obligations, which instruments or agreements may provide for foreclosure or forced
1196 sale of any property of the authority upon default in any obligation of the authority, either
1197 in payment of principal, premium, if any, or interest or in the performance of any term
1198 or condition contained in any such agreement or instrument;

1199 (24) To receive and use the proceeds of any tax levied to pay all or any part of the cost
1200 of any project or for any other purpose for which the authority may use its own funds
1201 pursuant to this chapter;

- 1202 (25) To use income earned on any investment for such corporate purposes of the
1203 authority as the authority in its discretion shall determine, including, but not limited to,
1204 the use of repaid principal and earnings on funds, the ultimate source of which was an
1205 appropriation to a budget unit of the state to make loans for projects;
- 1206 (26) To cooperate and act in conjunction with industrial, commercial, medical, scientific,
1207 public interest, or educational organizations; with agencies of the federal government and
1208 this state and local government; with other states and their political subdivisions; and
1209 with joint agencies thereof, and such state agencies, local government, and joint agencies
1210 are authorized and empowered to cooperate and act in conjunction and to enter into
1211 contracts or agreements with the authority and local government to achieve or further the
1212 purposes of the authority;
- 1213 (27) To coordinate, cooperate, and contract with any metropolitan planning organization
1214 for a standard metropolitan statistical area which is primarily located within an adjoining
1215 state but which includes any territory within the jurisdiction of the authority to achieve
1216 or further the purposes of the authority as provided by this chapter;
- 1217 (28) To coordinate and assist in planning for transit and air quality purposes within the
1218 geographic area over which the authority has jurisdiction pursuant to this chapter,
1219 between and among all state, regional, and local authorities charged with planning
1220 responsibilities for such purposes by state or federal law, and to adopt a regional plan or
1221 plans based in whole or in part on such planning;
- 1222 (29) To review and make recommendations to the Governor, Lieutenant Governor, and
1223 Speaker of the House of Representatives concerning all transit plans and transportation
1224 improvement programs prepared by the Department of Transportation involving design,
1225 construction, or operation of transit facilities wholly or partly within the geographic area
1226 over which the authority has jurisdiction pursuant to this chapter, and to negotiate with
1227 that department concerning changes or amendments to such plans which may be
1228 recommended by the authority consistent with applicable federal law and regulation, and
1229 to adopt such plans as all or a portion of its own regional plans;
- 1230 (30) To acquire by the exercise of the power of eminent domain any real property or
1231 rights in property which it may deem necessary for its purposes under this chapter
1232 pursuant to the procedures set forth in this chapter, and to purchase, exchange, sell, lease,
1233 or otherwise acquire or dispose of any property or any rights or interests therein for the
1234 purposes authorized by this chapter or for any facilities or activities incident thereto,
1235 subject to and in conformity with applicable federal law and regulation;
- 1236 (31) To the extent permissible under federal law, to operate as a receiver of federal
1237 grants, loans, and other moneys intended to be used within the geographic area over
1238 which the authority has jurisdiction pursuant to this chapter for inter-urban and

1239 intra-urban transit, transit plans, air quality and air pollution control, and other purposes
1240 related to the alleviation of congestion and air pollution;

1241 (32) To exercise any power granted by the laws of this state to public or private
1242 corporations which is not in conflict with the public purpose of the authority;

1243 (33) To do all things necessary or convenient to carry out the powers conferred by this
1244 chapter;

1245 (34) To procure insurance against any loss in connection with its property and other
1246 assets or obligations or to establish cash reserves to enable it to act as self-insurer against
1247 any and all such losses;

1248 (35) To accept and use federal funds; to enter into any contracts or agreements with the
1249 United States or its agencies or subdivisions relating to the planning, financing,
1250 construction, improvement, operation, and maintenance of any transit services or transit
1251 projects; and to do all things necessary, proper, or expedient to achieve compliance with
1252 the provisions and requirements of all applicable federal-aid acts and programs. Nothing
1253 in this chapter is intended to conflict with any federal law; and, in case of such conflict,
1254 such portion as may be in conflict with such federal law is declared of no effect to the
1255 extent of the conflict;

1256 (36) To ensure that any project funded by the authority in whole or in part with
1257 federal-aid funds is included in approved transportation improvement programs adopted
1258 and approved by designated metropolitan planning organizations and the Governor and
1259 in any transit plan adopted and approved by the designated metropolitan planning
1260 organization and is in compliance with the requirements of relevant portions of the
1261 regulations implementing the Clean Air Act including without limitation 40 C.F.R.
1262 Section 93.105(c)(1)(ii) and 40 C.F.R. Section 93.122(a)(1), where such inclusion,
1263 approval, designation, or compliance is required by applicable federal law or regulation;
1264 and

1265 (37) To appoint and select officers, agents, and employees, including engineering,
1266 architectural, and construction experts and attorneys, and to fix their compensation.

1267 (b) The provision of local government services and the utilization of funding mechanisms
1268 therefor consistent with the terms of this chapter shall not be subject to the provisions of
1269 Chapter 70 of Title 36; provided, however, that the authority shall, where practicable,
1270 provide for coordination and consistency between the provision of such services pursuant
1271 to the terms of this chapter and the provision of such services pursuant to Chapter 70 of
1272 Title 36.

1273 50-39-12.

1274 (a) In consultation with the metropolitan planning organization, as such term is defined in
1275 Code Section 48-8-242, which jurisdiction is located wholly or partially within the
1276 jurisdiction of the authority, the authority shall develop, annually review, and amend, as
1277 necessary, a regional transit plan. Such plan shall include, but not be limited to, transit
1278 projects based upon a region-wide approach to the provision of transit services through
1279 buses and rail, the establishment of multimodal stations within the jurisdiction of the
1280 authority, enhancement of connectivity throughout the region, cost-effective expansion of
1281 existing transit systems, and the coordination of schedules and methods of payment for
1282 transit service providers. In developing such plan, the authority may consider both macro
1283 level planning in order to efficiently coordinate transit services across jurisdictional lines
1284 as well as micro level planning of services being delivered by local governments and transit
1285 service operators, including the Metropolitan Atlanta Rapid Transit Authority, in order to
1286 ensure continuation of current services or routes. Such plan shall provide that the
1287 Metropolitan Atlanta Rapid Transit Authority shall serve as the sole operator of any system
1288 of transportation which utilizes heavy rail within the jurisdiction of the authority.

1289 (b) The plan developed pursuant to this Code section shall include, at a minimum, a six
1290 year and 20 year component which shall reflect the federal priorities set forth in
1291 23 U.S.C. Section 134(i)(2)(A)(ii) and 23 U.S.C. Section 134(j)(2)(A) and shall serve as
1292 the plans to be submitted for federal funding pursuant to such federal requirements.

1293 (c) In addition to amendments made to the plan developed pursuant to this Code section
1294 upon the initiative of the authority based upon changing conditions, the authority may
1295 amend the plan upon request from a local governing authority to include a certain project
1296 or assist with a specific transit need.

1297 (d) Such plan shall further include the creation of a unified brand to encompass all transit
1298 service providers within the jurisdiction of the authority.

1299 50-39-13.

1300 (a) The Governor may delegate to the authority, by executive order, his or her powers
1301 under applicable federal transportation planning and air quality laws and regulations,
1302 including without limitation the power to resolve revision disputes between metropolitan
1303 planning organizations and the Department of Transportation under 40 C.F.R.
1304 Section 93.105, the power of approval and responsibilities for public involvement under
1305 23 C.F.R. Section 450.216(a), and any power to serve as the designated recipient of federal
1306 funds for purposes of transit funding for capital projects and for financing and directly
1307 providing public transportation under 49 U.S.C. Sections 5302 through 5304.

1308 (b) The authority shall formulate measurable targets for air quality improvements and
1309 standards within the geographic area over which the authority has jurisdiction pursuant to
1310 this chapter, and annually shall report such targets to the Governor, Lieutenant Governor,
1311 and Speaker of the House of Representatives, together with an assessment of progress
1312 toward achieving such targets and projected measures and timetables for achieving such
1313 targets. The authority shall formulate an annual report and audit of all transit planning,
1314 funding, and operations within the jurisdiction of the authority which shall be presented by
1315 December 1 of each year to the Senate and House Transportation Committees and the local
1316 governing authorities of those counties within the jurisdiction of the authority.

1317 50-39-14.

1318 (a) In furtherance of the purposes of the authority, no project of the Georgia Rail Passenger
1319 Authority created by Article 9 of Chapter 9 of Title 46 which is located wholly or partly
1320 within the geographic area over which the authority has jurisdiction shall be commenced
1321 after May 6, 1999, unless such project is approved by the affirmative vote of two-thirds of
1322 the authorized membership of the board of directors of the authority pursuant to a motion
1323 made for that purpose; provided, however, that where such project is an approved
1324 transportation control measure pursuant to an approved state implementation plan, such
1325 project may proceed consistent with applicable federal law and regulation.

1326 (b) From time to time, by the affirmative vote of two-thirds of the authorized membership
1327 of the board of directors of the authority, the authority may direct the Georgia
1328 Environmental Finance Authority to issue revenue bonds, bonds, notes, loans, credit
1329 agreements, or other obligations or facilities to finance, in whole or in part, any project or
1330 the cost of any project of the authority wholly or partly within the geographic area over
1331 which the authority has jurisdiction, by means of a loan, extension of credit, or grant from
1332 the Georgia Environmental Finance Authority to the authority, on such terms or conditions
1333 as shall be concluded between the two authorities; provided that such debt is consistent
1334 with the state debt management plan as established by the Georgia State Financing and
1335 Investment Commission pursuant to Chapter 17 of this title, the 'Georgia State Financing
1336 and Investment Commission Act.'

1337 (c) The Georgia Environmental Finance Authority shall be subordinate to the authority in
1338 all respects, with respect to authority projects, within the geographic area over which the
1339 authority has jurisdiction; and, in the event of any conflict with the provisions of Chapter
1340 23 of this title, the provisions of this chapter shall prevail in all respects. It is expressly
1341 provided, however, that nothing in this Code section and nothing in this chapter shall be
1342 construed to permit in any manner the alteration, elimination, or impairment of any term,
1343 provision, covenant, or obligation imposed on any state authority, including but not limited

1344 to this authority, the Georgia Environmental Finance Authority, the Georgia Regional
1345 Transportation Authority, or the Georgia Rail Passenger Authority, for the benefit of any
1346 owner or holder of any bond, note, or other obligation of any such authority.

1347 50-39-15.

1348 (a) After the adoption by the authority of a resolution declaring that the acquisition of the
1349 real property described therein is necessary for the purposes of this chapter, the authority
1350 may exercise the power of eminent domain in the manner provided in Title 22; or it may
1351 exercise the power of eminent domain in the manner provided by any other applicable
1352 statutory provisions for the exercise of such power; provided, however, that the provisions
1353 of Article 7 of Chapter 16 of this title shall not be applicable to the exercise of the power
1354 of eminent domain by the authority. Property already devoted to public use may be
1355 acquired, except that no real property belonging to the state other than property acquired
1356 by or for the purposes of the Department of Transportation may be acquired without the
1357 consent of the state.

1358 (b) Real property acquired by the authority in any manner for the purposes of this chapter
1359 shall not be subject to the exercise of eminent domain by any state department, division,
1360 board, bureau, commission, authority, or other agency or instrumentality of the executive
1361 branch of state government, or by any political subdivision of the state or any agency,
1362 authority, or instrumentality thereof, without the consent of the authority.

1363 50-39-16.

1364 The authority shall have all rights afforded the state by virtue of the Constitution of the
1365 United States, and nothing in this chapter shall be construed to remove any such rights.

1366 50-39-17.

1367 Neither the members of the authority nor any officer or employee of the authority acting
1368 on behalf thereof, while acting within the scope of his or her authority, shall be subject to
1369 any liability resulting from:

- 1370 (1) The construction, ownership, maintenance, or operation of any project financed with
1371 the assistance of the authority;
- 1372 (2) The construction, ownership, maintenance, or operation of any project, facility, or
1373 undertaking authorized by the authority and owned by a local government; or
- 1374 (3) Carrying out any of the powers expressly given in this chapter.

1375 50-39-18.

1376 (a) Upon request of the board of the authority, the Department of Transportation and the
1377 Department of Natural Resources shall provide to the authority and its authorized personnel
1378 and agents access to all books, records, and other information resources available to those
1379 departments which are not of a commercial proprietary nature and shall assist the authority
1380 in identifying and locating such information resources. Reimbursement for costs of
1381 identification, location, transfer, or reproduction of such information resources, including
1382 personnel costs incurred by the respective departments for such purposes, shall be made
1383 by the authority to those respective departments.

1384 (b) The authority may request from time to time, and the Department of Transportation
1385 and the Department of Natural Resources shall provide as permissible under the
1386 Constitution and laws of this state, the assistance of personnel and the use of facilities,
1387 vehicles, aircraft, and equipment of those departments, and reimbursement for all costs and
1388 salaries thereby incurred by the respective departments shall be made by the authority to
1389 those respective departments.

1390 ARTICLE 3

1391 50-39-30.

1392 In accomplishing its purposes pursuant to the provisions of this chapter, the authority may
1393 utilize, unless otherwise prohibited by law, any combination of the following funding
1394 resources:

- 1395 (1) Revenue bonds as authorized by this chapter;
- 1396 (2) Guaranteed revenue bonds as authorized by this chapter;
- 1397 (3) Funds obtained in a special district, for the purposes of providing transit services,
1398 transit projects, and air quality services within such district or, by contract with, between,
1399 and among local governments within such special districts, throughout such districts;
- 1400 (4) Moneys borrowed by the authority pursuant to the provisions of this chapter;
- 1401 (5) Such federal funds as may from time to time be made available to the authority or for
1402 purposes coincident with the purposes of the authority within the territory over which the
1403 authority has jurisdiction; and
- 1404 (6) Such grants or contributions from persons, firms, corporations, or other entities as the
1405 authority may receive from time to time.

1406 50-39-31.

1407 The authority may serve as the entity to discharge all duties imposed on the state by any
1408 act of Congress allotting federal funds to be expended for transit projects and purposes

1409 within the jurisdiction of the authority. Unless designated otherwise by the federal
1410 government, the authority shall be designated as the proper and sole authority to receive
1411 any of the federal aid funds apportioned by the federal government for use within the
1412 jurisdiction of the authority and may disburse such funds in accordance with the purposes
1413 of this article. This Code section shall not be deemed to impair or interfere in any manner
1414 with any existing rights under a contract entered into prior to December 1, 2018, or any
1415 federal grants or agreements awarded or entered into prior to December 1, 2018. This
1416 Code section shall not be applicable to projects or services provided for under the terms of
1417 a contract entered into as of December 1, 2018, under the authority granted pursuant to a
1418 local constitutional amendment set out at Ga. L. 1964, p. 1008, and the planning, funding,
1419 coordination, and delivery of such projects or services shall be as provided for by such
1420 contract or contracts.

1421 50-39-32.

1422 (a)(1) The authority shall have the power and is authorized at one time or from time to
1423 time to provide by one or more authorizing resolutions for the issuance of revenue bonds,
1424 but the authority shall not have the power to incur indebtedness under this subsection in
1425 excess of the cumulative principal sum of \$1 billion but excluding from such limit bonds
1426 issued for the purpose of refunding bonds which have been previously issued. The
1427 authority shall have the power to issue such revenue bonds and the proceeds thereof for
1428 the purpose of paying all or part of the costs of any project or undertaking which is for
1429 the purpose of exercising the powers delegated to it by this chapter, and the construction
1430 and provision of such installations and facilities as the authority may from time to time
1431 deem advisable to construct or contract for those purposes, as such undertakings and
1432 facilities shall be designated in the resolution of the board of directors authorizing the
1433 issuance of such bonds; provided that such debt is consistent with the state debt
1434 management plan as established by the Georgia State Financing and Investment
1435 Commission pursuant to Chapter 17 of this title, the 'Georgia State Financing and
1436 Investment Commission Act.'

1437 (2) The revenue bonds and the interest payable thereon shall be exempt from all taxation
1438 within the state imposed by the state or any county, municipal corporation, or other
1439 political subdivision of the state.

1440 (b) In addition, the authority shall have the power and is authorized to issue bonds in such
1441 principal amounts as the authority deems appropriate, such bonds to be primarily secured
1442 by a pool of obligations issued by local governments when the proceeds of the local
1443 government obligations are applied to projects of the authority.

1444 (c) The authority shall have the power from time to time to refund any bonds by the
1445 issuance of new bonds whether the bonds to be refunded have or have not matured and may
1446 issue bonds partly to refund bonds then outstanding and partly for any other corporate
1447 purpose.

1448 (d) Bonds issued by the authority may be general or limited obligations payable solely out
1449 of particular revenues or other moneys of the authority as may be designated in the
1450 proceedings of the authority under which the bonds shall be authorized to be issued, subject
1451 to any agreements entered into between the authority and state agencies, local government,
1452 or private parties and subject to any agreements with the owners of outstanding bonds
1453 pledging any particular revenues or moneys.

1454 (e)(1) The authority is authorized to obtain from any department, agency, or corporation
1455 of the United States of America or governmental insurer, including the state, any
1456 insurance or guaranty, to the extent now or hereafter available, as to or for the payment
1457 or repayment of interest or principal, or both, or any part thereof on any bonds or notes
1458 issued by the authority or on any obligations of federal, state, or local governments
1459 purchased or held by the authority; and to enter into any agreement or contract with
1460 respect to any such insurance or guaranty, except to the extent that the same would in any
1461 way impair or interfere with the ability of the authority to perform and fulfill the terms
1462 of any agreement made with the owners of the bonds or notes of the authority.

1463 (2) Bonds issued by the authority shall be authorized by resolution of the authority, be
1464 in such denominations, bear such date or dates, and mature at such time or times as the
1465 authority determines to be appropriate, except that bonds and any renewal thereof shall
1466 mature within 25 years of the date of their original issuance. Such bonds shall be subject
1467 to such terms of redemption, bear interest at such rate or rates payable at such times, be
1468 in registered form or book-entry form through a securities depository, or both, as to
1469 principal or interest or both principal and interest, carry such registration privileges, be
1470 executed in such manner, be payable in such medium of payment at such place or places,
1471 and be subject to such terms and conditions as such resolution of the authority may
1472 provide; provided, however, in lieu of specifying the rate or rates of interest which the
1473 bonds to be issued by an authority are to bear, the resolution of the authority may provide
1474 that the bonds when issued will bear interest at a rate not exceeding a maximum per
1475 annum rate of interest which may be fixed or may fluctuate or otherwise change from
1476 time to time as specified in the resolution or may state that, in the event the bonds are to
1477 bear different rates of interest for different maturity dates, none of such rates will exceed
1478 the maximum rate, which rate may be fixed or may fluctuate or otherwise change from
1479 time to time, as specified. Bonds may be sold at public or private sale for such price or
1480 prices as the authority shall determine.

- 1481 (3) Any resolution or resolutions authorizing bonds or any issue of bonds may contain
1482 provisions which may be a part of the contract with the owners of the bonds thereby
1483 authorized as to:
- 1484 (A) Pledging all or part of its revenues, together with any other moneys, securities,
1485 contracts, or property, to secure the payment of the bonds, subject to such agreements
1486 with bond owners as may then exist;
- 1487 (B) Setting aside of reserves and the creation of sinking funds and the regulation and
1488 disposition thereof;
- 1489 (C) Limiting the purpose to which the proceeds from the sale of bonds may be applied;
- 1490 (D) Limiting the right of the authority to restrict and regulate the use of any project or
1491 part thereof in connection with which bonds are issued;
- 1492 (E) Limiting the issuance of additional bonds, the terms upon which additional bonds
1493 may be issued and secured, and the refunding of outstanding or other bonds;
- 1494 (F) Setting the procedure, if any, by which the terms of any contract with bond owners
1495 may be amended or abrogated, including the proportion of bond owners which must
1496 consent thereto and the manner in which such consent may be given;
- 1497 (G) Creating special funds into which any revenues or other moneys may be deposited;
- 1498 (H) Setting the terms and provisions of any trust, deed, or indenture or other agreement
1499 under which the bonds may be issued;
- 1500 (I) Vesting in a trustee or trustees such properties, rights, powers, and duties in trust
1501 as the authority may determine;
- 1502 (J) Defining the acts or omissions to act which may constitute a default in the
1503 obligations and duties of the authority to the bond owners and providing for the rights
1504 and remedies of the bond owners in the event of such default, including as a matter of
1505 right the appointment of a receiver; provided, however, that such rights and remedies
1506 shall not be inconsistent with the general laws of the state and other provisions of this
1507 chapter;
- 1508 (K) Limiting the power of the authority to sell or otherwise dispose of any
1509 environmental facility or any part thereof or other property, including municipal bonds
1510 held by it;
- 1511 (L) Limiting the amount of revenues and other moneys to be expended for operating,
1512 administrative, or other expenses of the authority;
- 1513 (M) Providing for the payment of the proceeds of bonds, obligations, revenues, and
1514 other moneys to a trustee or other depository and for the method of disbursement
1515 thereof with such safeguards and restrictions as the authority may determine; and
- 1516 (N) Establishing any other matters of like or different character which in any way
1517 affect the security for the bonds or the rights and remedies of bond owners.

1518 (4) In addition to the powers conferred upon the authority to secure its bonds, the
1519 authority shall have power in connection with the issuance of bonds to enter into such
1520 agreements as the authority may deem necessary, consistent, or desirable concerning the
1521 use or disposition of its revenues or other moneys or property, including the mortgaging
1522 of any property and the entrusting, pledging, or creation of any other security interest in
1523 any such revenues, moneys, or property and the doing of any act, including refraining
1524 from doing any act, which the authority would have the right to do in the absence of such
1525 agreements. The authority shall have power to enter into amendments of any such
1526 agreements within the powers granted to the authority by this chapter and to perform such
1527 agreements. The provisions of any such agreements may be made a part of the contract
1528 with the owners of bonds of the authority.

1529 (5) Any pledge of or other security interest in revenues, moneys, accounts, contract
1530 rights, general intangibles, or other personal property made or created by the authority
1531 shall be valid, binding, and perfected from the time when such pledge is made or other
1532 security interest attaches without any physical delivery of the collateral or further act, and
1533 the lien of any such pledge or other security interest shall be valid, binding, and perfected
1534 against all parties having claims of any kind in tort, contract, or otherwise against the
1535 authority irrespective of whether or not such parties have notice thereof. No instrument
1536 by which such a pledge or security interest is created nor any financing statement need
1537 be recorded or filed.

1538 (6) All bonds issued by the authority shall be executed in the name of the authority by
1539 the chairperson and secretary of the authority and shall be sealed with the official seal or
1540 a facsimile thereof. The facsimile signature of the chairperson and the secretary of the
1541 authority may be imprinted in lieu of the manual signature if the authority so directs.
1542 Bonds bearing the manual or facsimile signature of a person in office at the time such
1543 signature was signed or imprinted shall be fully valid, notwithstanding the fact that before
1544 or after delivery thereof such person ceased to hold such office.

1545 (7) Prior to the preparation of definitive bonds, the authority may issue interim receipts,
1546 interim certificates, or temporary bonds exchangeable for definitive bonds upon the
1547 issuance of the latter; the authority may provide for the replacement of any bond which
1548 shall become mutilated or be destroyed or lost.

1549 (8) All bonds issued by the authority under this chapter may be executed, confirmed, and
1550 validated under and in accordance with Article 3 of Chapter 82 of Title 36, except as
1551 otherwise provided in this chapter.

1552 (9) The venue for all bond validation proceedings pursuant to this chapter shall be Fulton
1553 County, and the Superior Court of Fulton County shall have exclusive final court
1554 jurisdiction over such proceedings.

1555 (10) Bonds issued by the authority shall have a certificate of validation bearing the
1556 facsimile signature of the clerk of the Superior Court of Fulton County and shall state the
1557 date on which said bonds were validated; and such entry shall be original evidence of the
1558 fact of judgment and shall be received as original evidence in any court of this state.

1559 (11) The authority shall reimburse the district attorney for his or her actual costs, if any,
1560 associated with the bond validation proceedings. The fees payable to the clerk of the
1561 Superior Court of Fulton County for validation shall be as follows for each bond,
1562 regardless of the denomination of such bond:

1563 (A) Fifty cents each for the first 100 bonds;

1564 (B) Twenty-five cents each for the next 400 bonds; and

1565 (C) Ten cents for each such bond over 500.

1566 (12) Whether or not the bonds of the authority are of such form and character as to be
1567 negotiable instruments, the bonds are made negotiable instruments within the meaning
1568 of and for all the purposes of Georgia law subject only to the provisions of the bonds for
1569 registration.

1570 (13) Neither the members of the authority nor any person executing bonds shall be liable
1571 personally thereon or be subject to any personal liability or accountability solely by
1572 reason of the issuance thereof.

1573 (14) The authority, subject to such agreements with bond owners as then may exist, shall
1574 have power out of any moneys available therefor to purchase bonds of the authority,
1575 which shall thereupon be canceled, at a price not in excess of the following:

1576 (A) If the bonds are then redeemable, the redemption price then applicable plus
1577 accrued interest to the next interest payment date; or

1578 (B) If the bonds are not then redeemable, the redemption price applicable on the first
1579 date after such purchase upon which the bonds become subject to redemption, plus
1580 accrued interest to the next interest payment date.

1581 (15) In lieu of specifying the rate or rates of interest which bonds to be issued by the
1582 authority are to bear, the notice to the district attorney or the Attorney General, the notice
1583 to the public of the time, place, and date of the validation hearing, and the petition and
1584 complaint for validation may state that the bonds when issued will bear interest at a rate
1585 not exceeding a maximum per annum rate of interest, which rate may be fixed or may
1586 fluctuate or otherwise change from time to time, specified in such notices and petition
1587 and complaint or may state that, in the event the bonds are to bear different rates of
1588 interest for different maturity dates, none of such rates will exceed the maximum rate,
1589 which rate may be fixed or may fluctuate or otherwise change from time to time, so
1590 specified; provided, however, that nothing in this Code section shall be construed as
1591 prohibiting or restricting the right of the authority to sell such bonds at a discount, even

1592 if in doing so the effective interest cost resulting therefrom would exceed the maximum
1593 per annum interest rate specified in such notices and in the petition and complaint.

1594 50-39-33.

1595 (a) The authority shall have the power and is authorized to issue guaranteed revenue bonds
1596 in a maximum aggregate principal amount not to exceed \$1 billion, under the terms and
1597 conditions set forth in this chapter, pursuant to the provisions of Article 2 of Chapter 17 of
1598 this title, which bonds shall constitute guaranteed revenue debt under Article VII,
1599 Section IV, Paragraph III of the Constitution of this state; provided that such debt is
1600 consistent with the state debt management plan as established by the Georgia State
1601 Financing and Investment Commission pursuant to Chapter 17 of this title, the 'Georgia
1602 State Financing and Investment Commission Act.' The General Assembly hereby finds and
1603 determines that such issue will be self-liquidating over the life of the issue, and declares
1604 its intent to appropriate an amount equal to the highest annual debt service requirements
1605 for such issue. The proceeds of such bonds and the investment earnings thereon shall be
1606 used to finance transit services or transit projects, including any costs of such projects.

1607 (b) The guaranteed revenue bonds and the interest payable thereon shall be exempt from
1608 all taxation within the state imposed by the state or any county, municipal corporation, or
1609 other political subdivision of the state.

1610 50-39-34.

1611 The bonds of the authority are made securities in which all public officials and bodies of
1612 the state and all counties and municipalities, all insurance companies and associations, and
1613 other persons carrying on an insurance business, all banks, bankers, trust companies,
1614 savings banks, and savings associations, including savings and loan associations,
1615 investment companies and other persons carrying on a banking business, and
1616 administrators, guardians, executors, trustees, and other fiduciaries and all other persons
1617 whatsoever, who are now or may hereafter be authorized to invest in bonds or other
1618 obligations of the state, may properly and legally invest funds including capital in their
1619 control or belonging to them. The bonds are also made securities which may be deposited
1620 with and may be received by all public officers and bodies of this state and all counties and
1621 municipalities for any purposes for which the deposit of bonds or other obligations of this
1622 state are now or hereafter may be authorized.

1623 50-39-35.

1624 The State of Georgia does pledge to and agree with the owners of any bonds issued by the
1625 authority pursuant to this chapter that the state will not alter or limit the rights vested in the

1626 authority to fulfill the terms of any agreement made with or for the benefit of the owners
1627 of bonds or in any way impair the rights and remedies of bond owners until the bonds,
1628 together with the interest thereon, with interest on any unpaid installments of interest, and
1629 all costs and expenses in connection with any action or proceeding by or on behalf of such
1630 owners, are fully met and discharged or funds for the payment of such are fully provided.
1631 The authority is authorized to include this pledge and agreement of the state in any
1632 agreement with bond owners.

1633 50-39-36.

1634 The offer, sale, or issuance of bonds, notes, or other obligations by the authority shall not
1635 be subject to regulation under Chapter 5 of Title 10, known as the 'Georgia Uniform
1636 Securities Act of 2008.' No notice, proceeding, or publication except those required in this
1637 chapter shall be necessary to the performance of any act authorized in this chapter; nor
1638 shall any such act be subject to referendum.

1639 50-39-37.

1640 No bonds, notes, or other obligations of and no indebtedness incurred by the authority,
1641 other than guaranteed revenue bonds, shall constitute an indebtedness or obligation or a
1642 pledge of the faith and credit of the State of Georgia or of its agencies; nor shall any act of
1643 the authority in any manner constitute or result in the creation of an indebtedness of the
1644 state or its agencies or a cause of action against the state or its agencies; provided, however,
1645 the state, to the extent permitted by its Constitution, may guarantee payment of such bonds,
1646 notes, or other obligations as guaranteed revenue debt.

1647 50-39-38.

1648 It is found, determined, and declared that the creation of this authority and the carrying out
1649 of its corporate purposes is in all respects for the benefit of the people of the state and that
1650 the authority is an institution of purely public charity and will be performing an essential
1651 governmental function in the exercise of the power conferred upon it by this chapter. For
1652 such reasons the state covenants with the owners from time to time of the bonds, notes, and
1653 other obligations issued under this chapter that the authority shall not be required to pay
1654 any taxes or assessments imposed by the state or any of its counties, municipal
1655 corporations, political subdivisions, or taxing districts upon any property acquired by the
1656 authority or under its jurisdiction, control, possession, or supervision or leased by it to
1657 others, or upon its activities in the operation or maintenance of any such property or on any
1658 income derived by the authority in the form of fees, recording fees, rentals, charges,
1659 purchase price, installments, or otherwise, and that the bonds, notes, and other obligations

1660 of the authority, their transfer, and the income therefrom shall at all times be exempt from
1661 taxation within the state. The tax exemption provided in this chapter shall include an
1662 exemption from sales and use tax on property purchased by the authority or for use by the
1663 authority.

1664 50-39-39.

1665 The issuance of any bond, revenue bond, note, or other obligation or incurring of debt,
1666 public or otherwise, by the authority must be approved by the commission established by
1667 Article VII, Section IV, Paragraph VII of the Constitution of the State of Georgia of 1983
1668 or its successor.

1669 50-39-40.

1670 No bonded indebtedness of any kind shall be incurred by the authority or on behalf of the
1671 authority by the Georgia Environmental Finance Authority at any time when the highest
1672 aggregate annual debt service requirements of the state for the then current fiscal year or
1673 any subsequent fiscal year for outstanding general obligation debt and guaranteed revenue
1674 debt, including the proposed debt and treating it as state general obligation debt or
1675 guaranteed revenue debt for purposes of calculating debt limitations under this Code
1676 section, and the highest aggregate annual payments for the then current fiscal year or any
1677 subsequent fiscal year of the state under all contracts then in force to which the provisions
1678 of the second paragraph of Article IX, Section VI, Paragraph I(a) of the Constitution of
1679 1976 are applicable, exceed 7.5 percent of the total revenue receipts, less refunds of the
1680 state treasury in the fiscal year immediately preceding the fiscal year in which any such
1681 debt is to be incurred.

1682 ARTICLE 4

1683 50-39-50.

1684 (a) For the purposes of this Code section, the term 'lease agreement' shall mean and
1685 include a lease, operating lease rental agreement, usufruct, sale and lease back, or any other
1686 lease agreement having a term of not more than 50 years and concerning real, personal, or
1687 mixed property, any right, title, or interest therein by and between the state, the authority,
1688 a local government, or any combination thereof.

1689 (b) A local government by resolution of its governing body may enter into a lease
1690 agreement for the provision of transit services, transit projects, or air quality services
1691 utilizing facilities owned by the authority upon such terms and conditions as the authority

1692 shall determine to be reasonable including, but not limited to, the reimbursement of all
1693 costs of construction and financing and claims arising therefrom.

1694 (c) No lease agreement shall be deemed to be a contract subject to any law requiring that
1695 a contract shall be let only after receipt of competitive bids.

1696 (d) Any lease agreement may provide for the construction of such transit project or air
1697 quality facility by the local government as agent for the authority. In such event, all
1698 contracts for such construction shall be let by such local government in accordance with
1699 the provisions of law otherwise applicable to the letting of such contracts by such local
1700 government and with the provisions of state law pertaining to prevailing wages, labor
1701 standards, and working hours. Any such lease agreement may contain provisions by which
1702 such local government shall indemnify the authority against any and all damages resulting
1703 from acts or omissions to act on the part of such local government or its officers, agents,
1704 or employees in constructing such facility or facilities, in letting any contracts in
1705 connection therewith, or in operating and maintaining the same.

1706 (e) Any lease agreement executed by the authority directly with any local government may
1707 provide at the termination thereof that title to the transit project or air quality facility
1708 project shall vest in the local government or its successor in interest, if any, free and clear
1709 of any liens or encumbrances created in connection with any contract or bonds, revenue
1710 bonds, notes, or other obligations involving the authority.

1711 (f) Any lease agreement directly between the state or authority and a local government
1712 may contain provisions requiring the local government to perform any or all of the
1713 following:

1714 (1) In the case of a transit service or transit project, to establish and collect rates, fees,
1715 and charges so as to produce revenues sufficient to pay all or a specified portion of:

1716 (A) The costs of operation, maintenance, renewal, replacement, and repairs of the
1717 transit project of such local government; and

1718 (B) Outstanding bonds, revenue bonds, notes, or other obligations incurred for the
1719 purposes of such transit project and to provide for the payment of all amounts as they
1720 shall become due and payable under the terms of such lease agreement, including
1721 amounts for the creation and maintenance of any required reserves;

1722 (2) In the case of an air quality facility, to establish and collect rents, rates, fees, and
1723 charges so as to produce revenues sufficient to pay all or a specified portion of:

1724 (A) The costs of operation, maintenance, renewal, and repairs of the air quality facility
1725 of such local government; and

1726 (B) Outstanding bonds, revenue bonds, notes, or other obligations incurred for the
1727 purposes of such air quality facility and to provide for the payment of all amounts as

1728 they shall become due and payable under the terms of such lease agreement, including
1729 amounts for the creation and maintenance of any required reserves;
1730 (3) To create and maintain reasonable reserves or other special funds;
1731 (4) To create and maintain a special fund or funds as additional security for the punctual
1732 payment of any rentals due under such lease agreement and for the deposit therein of such
1733 revenues as shall be sufficient to pay said lease rentals and any other amounts becoming
1734 due under such lease agreements as the same shall become due and payable; or
1735 (5) To perform such other acts and take such other action as may be deemed necessary
1736 and desirable by the authority to secure the complete and punctual performance by such
1737 local government of such lease agreements and to provide for the remedies of the
1738 authority in the event of a default by such local government in such payment.

1739 50-39-51.

1740 (a) The authority may make grants or loans to a local government to pay all or any part of
1741 the cost of a project. In the event the local government agrees to accept such grants or
1742 loans, the authority may require the local government to issue bonds or revenue bonds as
1743 evidence of such grants or loans. The authority and a local government may enter into such
1744 loan commitments and option agreements as may be determined appropriate by the
1745 authority.

1746 (b) The authority may require as a condition of any grant or loan to a local government
1747 that such local government shall perform any or all of the following:

1748 (1) In the case of grants or loans for transit services or transit projects, establish and
1749 collect rates, fees, and charges so as to produce revenues sufficient to pay all or a
1750 specified portion of:

1751 (A) Costs of operation, maintenance, replacement, renewal, and repairs; and

1752 (B) Outstanding indebtedness incurred for the purposes of such service, project, or
1753 facility, including the principal of and interest on the bonds, revenue bonds, notes, or
1754 other obligations issued by the local government, as the same shall become due and
1755 payable, and to create and maintain any required reserves;

1756 (2) In the case of grants or loans for an air quality facility, establish and collect rents,
1757 rates, fees, and charges so as to produce revenues sufficient to pay all or a specified
1758 portion of:

1759 (A) Costs of operation, maintenance, renewal, replacement, and repairs of the air
1760 quality facility of such local government; and

1761 (B) Outstanding indebtedness incurred for the purposes of such air quality facility,
1762 including the principal of and interest on the bonds, revenue bonds, notes, or other

1763 obligations issued by the local government, as the same shall become due and payable,
1764 and to create and maintain any required reserves;

1765 (3) Create and maintain a special fund or funds, as additional security for the payment
1766 of the principal of such revenue bonds and the interest thereon and any other amounts
1767 becoming due under any agreement, entered into in connection therewith and for the
1768 deposit therein of such revenues as shall be sufficient to make such payment as the same
1769 shall become due and payable;

1770 (4) Create and maintain such other special funds as may be required by the authority; and

1771 (5) Perform such other acts, including the conveyance of real and personal property
1772 together with all right, title, or interest therein to the authority, or take other actions as
1773 may be deemed necessary or desirable by the authority to secure the payment of the
1774 principal of and interest on such bonds, revenue bonds, notes, or other obligations and to
1775 provide for the remedies of the authority in the event of any default by such local
1776 government in such payment.

1777 (c) All local governments issuing and selling bonds, revenue bonds, notes, or other
1778 obligations to the authority are authorized to perform such acts, take such action, adopt
1779 such proceedings, and to make and carry out such contracts with the authority as may be
1780 contemplated by this chapter.

1781 (d) In connection with the making of any loan authorized by this chapter, the authority
1782 may fix and collect such fees and charges, including, but not limited to, reimbursement of
1783 all costs of financing by the authority, as the authority shall determine to be reasonable.
1784 Neither the Public Service Commission nor any local government or state agency shall
1785 have jurisdiction over the authority's power over the regulation of such fees or charges.

1786 50-39-52.

1787 (a) In the event of a failure of any local government to collect and remit in full all amounts
1788 due to the authority and all amounts due to others, which involve the credit or guarantee
1789 of the authority or of the state, on the date such amounts are due under the terms of any
1790 bond, revenue bond, note, or other obligation of the local government, it shall be the duty
1791 of the authority to notify the state treasurer who shall withhold all funds of the state and all
1792 funds administered by the state, its agencies, boards, and instrumentalities allotted to such
1793 local government, excluding funds for education purposes, until such local government has
1794 collected and remitted in full all sums due and cured or remedied all defaults on any such
1795 bond, revenue bond, note, or other obligation.

1796 (b) Nothing contained in this Code section shall mandate the withholding of funds
1797 allocated to a local government which would violate contracts to which the state is a party.

1798 the requirements of federal law imposed on the state, or judgments of any court binding the
 1799 state.

1800 ARTICLE 5

1801 50-39-60.

1802 This chapter, being for the welfare of this state and its inhabitants, shall be liberally
 1803 construed to effect the purposes specified in this chapter.

1804 50-39-61.

1805 No provision of Chapter 1 of Title 40 shall apply to any bus, other motor vehicle, or rapid
 1806 rail system of the authority which provides transit services."

1807 **PART III**

1808 MARTA

1809 **SECTION 3-1.**

1810 Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass
 1811 transportation, is amended by designating Code Sections 32-9-1 through 32-9-12 as new
 1812 Article 1, designating Code Sections 32-9-13 and 32-9-14 as Article 2, and revising newly
 1813 designated Article 2 to read as follows:

1814 "ARTICLE 2

1815 32-9-13.

1816 (a) As used in this ~~Code section~~ article, the term:

1817 (1) 'Authority' means the authority created by the MARTA Act and pursuant to a local
 1818 constitutional amendment for purposes of establishing a metropolitan area system of
 1819 public transportation set out at Ga. L. 1964, p. 1008.

1820 (2) 'Board' means the board of directors of the authority.

1821 (2)(3) 'City' means the City of Atlanta.

1822 (3)(4) 'MARTA Act' means an Act known as the 'Metropolitan Atlanta Rapid Transit
 1823 Authority Act of 1965,' approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended.

1824 (5) 'Metropolitan area' means the counties of Clayton, Cobb, DeKalb, Fulton, and
 1825 Gwinnett and the City.

1826 (6) 'Qualified municipality' shall have the same meaning as provided in paragraph (4) of
 1827 Code Section 48-8-110.

1828 (7) 'Regional transit plan' means the official multiyear plan for transit services and
1829 facilities adopted pursuant to Code Section 50-39-12.

1830 32-9-14.

1831 (b)(a) Any provisions to the contrary in the MARTA Act notwithstanding and pursuant to
1832 the authority granted under a provision of the Constitution enacted by Ga. L. 1964, p. 1008,
1833 the city shall be authorized to levy a retail sales and use tax up to .50 0.50 percent under
1834 the provisions set forth in this Code section. Such tax shall be in addition to any tax which
1835 is currently authorized and collected under the MARTA Act. The city may elect to hold
1836 a referendum in 2016 as provided for by this Code section by the adoption of a resolution
1837 or ordinance by its governing body on or prior to June 30, 2016; provided, however, that
1838 if the city does not adopt a resolution or ordinance on or prior to June 30, 2016, it may elect
1839 to hold a referendum at the November, 2017, municipal general election by the adoption
1840 of a resolution or ordinance by its governing body to that effect on or prior to June 30,
1841 2017. Such additional tax shall not count toward any local sales tax limitation provided for
1842 by Code Section 48-8-6. Any tax imposed under this part Code section at a rate of less
1843 than .50 0.50 percent shall be in an increment of .05 0.05 percent. Any tax imposed under
1844 this part Code section shall run concurrently as to duration of the levy with the 1 percent
1845 tax currently levied pursuant to the 'Metropolitan Atlanta Rapid Transit Authority Act of
1846 1965,' approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended MARTA Act.

1847 (c)(b)(1) No later than May 31 of the year a referendum is to be called for as provided
1848 in this Code section, the authority shall submit to the city a preliminary list of new rapid
1849 transit projects within or serving the geographical area of the city which may be funded
1850 in whole or in part by the proceeds of the additional tax authorized by this Code section.

1851 (2) No later than July 31 of the year a referendum is to be called for as provided in this
1852 Code section, the authority shall submit to the city a final list of new rapid transit projects
1853 within or serving the city to be funded in whole or in part by the proceeds of the tax
1854 authorized by this Code section. Such final list of new rapid transit projects shall be
1855 incorporated into the rapid transit contract established under Section 24 of the MARTA
1856 Act between the authority and the city upon approval by the qualified voters of the city
1857 of the referendum to levy the additional tax authorized by this Code section.

1858 (d)(c) Before the additional tax authorized under this Code section shall become valid, the
1859 tax shall be approved by a majority of qualified voters of the city in a referendum thereon.
1860 The procedure for holding the referendum called for in this Code section shall be as
1861 follows: There shall be published in a newspaper having general circulation throughout the
1862 city, once each week for four weeks immediately preceding the week during which the
1863 referendum is to be held, a notice to the electors thereof that on the day named therein an

election will be held to determine the question of whether or not the tax authorized by this Code section should be collected in the city for the purpose of expanding and enhancing the rapid transit system. Such election shall be held in all the election districts within the territorial limits of the city. The question to be presented to the electorate in any such referendum shall be stated on the ballots or ballot labels as follows:

YES Shall an additional sales tax of (insert percentage) percent be collected in the City of Atlanta for the purpose of significantly expanding and enhancing MARTA transit service in Atlanta?
 NO

The question shall be published as a part of the aforesaid notice of election. Each such election shall be governed, held, and conducted in accordance with the provisions of law from time to time governing the holding of special elections. After the returns of such an election have been received, and the same have been canvassed and computed, the result shall be certified to the governing body of the city, in addition to any other person designated by law to receive the same, and such governing body shall officially declare the result thereof. Each election called by the governing body of the city under the provisions of this Code section shall be governed by and conducted in accordance with the provisions of law governing the holding of elections by the city. The expense of any such election shall be paid by the city.

(e)(d) If a majority of those voting in such an election vote in favor of the proposition submitted, then the rapid transit contract between the authority and the city shall authorize the levy and collection of the tax provided for by this Code section, and the final list provided for in paragraph (2) of subsection (e) (b) of this Code section shall be incorporated therein. All of the proceeds derived from the additional tax provided for by this Code section shall be first allocated for payment of the cost of the rapid transit projects incorporated in such contract, except as otherwise provided by the terms of such rapid transit contract, and thereafter, upon completion and payment of such rapid transit projects, as provided for in such contract and this Code section. It shall be the policy of the authority to provide that the tax collected under this Code section in an amount exceeding the cost of the rapid transit projects incorporated in the contract shall be expended solely within and for the benefit of the city. When a tax is imposed under this Code section, the rate of any tax approved as provided for by Article 5A of Chapter 8 of Title 48 shall and the tax provided for by this Code section, in aggregate, shall not exceed a rate of 1 percent.

1901 (g)(f)(1) Except as provided for to the contrary in this Code section, the additional tax
1902 provided for by this Code section shall be collected in the same manner and under the
1903 same conditions as set forth in Section 25 of the MARTA Act.

1904 (2) The tax provided for by this Code section shall not be subject to any restrictions as
1905 to rate provided for by the MARTA Act and shall not be subject to the provisions of
1906 paragraph (2) of subsection (b) or subsection (k) of Section 25 of the MARTA Act.

1907 (3) A tax levied under this paragraph shall be added to the state sales and use tax
1908 imposed by Article 1 of Chapter 8 of Title 48 and the state revenue commissioner is
1909 authorized and directed to establish a bracket system by appropriate rules and regulations
1910 to collect the tax imposed under this paragraph in the city.

1911 32-9-15.

1912 (a) Any provisions to the contrary in the MARTA Act notwithstanding and pursuant to the
1913 authority granted under a provision of the Constitution enacted by Ga. L. 1964, p. 1008,
1914 the governing authority of Fulton County shall be authorized to levy a retail sales and use
1915 tax up to 0.20 percent in the portion of such county located outside the jurisdictional limits
1916 of the city upon satisfaction of the provisions set forth in this Code section. Such tax shall
1917 be in addition to any tax which is currently authorized and collected under the MARTA
1918 Act. Such additional tax shall not count toward any local sales tax limitation provided for
1919 by Code Section 48-8-6. Such additional tax shall not be utilized to fund heavy rail. Any
1920 tax imposed under this Code section at a rate of less than 0.20 percent shall be in an
1921 increment of 0.05 percent. The minimum period of time for the imposition of the tax
1922 imposed under this Code section shall be ten years and the maximum period of time for the
1923 imposition shall not exceed 30 years.

1924 (b) Prior to the call for a referendum authorized by this Code section, the governing
1925 authority of Fulton County shall deliver or mail a written notice to the authority and to the
1926 mayor or chief elected official in each qualified municipality located within such county
1927 and outside the jurisdictional limits of the city. Such notice shall contain the date, time,
1928 place, and purpose of a meeting at which the authority and the governing authority of such
1929 county and of each qualified municipality are to meet to discuss possible projects within
1930 or serving the geographical area of the county which may be funded in whole or in part by
1931 the proceeds of the additional tax authorized by this Code section and the rate of such tax.
1932 The notice shall be delivered or mailed at least ten days prior to the date of the meeting.
1933 The meeting shall be held at least 60 days prior to the issuance of the call for the
1934 referendum.

1935 (c) Following the meeting required by subsection (b) of this Code section and prior to any
1936 tax being imposed under this Code section, the qualified municipalities and governing

1937 authority representing at least 70 percent of the population of Fulton County outside the
1938 boundaries of the city may execute an intergovernmental agreement memorializing their
1939 agreement to the levy of a tax and the rate of such tax; provided, however, that no tax shall
1940 be authorized to be imposed under this Code section if no such intergovernmental
1941 agreement is entered into. An intergovernmental agreement authorized by this subsection
1942 shall, at a minimum, include:

1943 (1) If such tax is to be levied after January 1, 2019, a list of the projects proposed to be
1944 funded from the tax which shall be from the regional transit plan and approved by the
1945 Atlanta-regional Transit Link 'ATL' Authority;

1946 (2) The rate of tax to be imposed upon approval of a referendum; and

1947 (3) The duration of the tax to be imposed upon approval of a referendum.

1948 (d) Upon execution of an intergovernmental agreement as provided for in subsection (c)
1949 of this Code section, the governing authority of Fulton County shall be authorized to enter
1950 into a rapid transit service contract based upon the conditions agreed to in such
1951 intergovernmental agreement. Such rapid transit service contract shall incorporate the list
1952 of projects included in the intergovernmental agreement pursuant to paragraph (1) of
1953 subsection (c) of this Code section. Such rapid transit contract shall become effective and
1954 binding only upon passage of a referendum approving the imposition of an additional tax
1955 held in accordance with the provisions of subsection (e) of this Code section.

1956 (e) Before the additional tax authorized under this Code section shall become valid or the
1957 rapid transit contract shall become binding, the tax shall be approved by a majority of
1958 qualified voters in Fulton County residing outside the jurisdictional boundaries of the city
1959 in a referendum thereon. The procedure for holding the referendum called for in this Code
1960 section shall be as follows: There shall be published in a newspaper having general
1961 circulation throughout Fulton County, once each week for four weeks immediately
1962 preceding the week during which the referendum is to be held, a notice to the electors
1963 thereof that on the day named therein an election will be held to determine the question of
1964 whether or not the tax authorized by this Code section should be collected in Fulton County
1965 for the purpose of expanding and enhancing the rapid transit system. Such election shall
1966 be held in all the election districts within the territorial limits of Fulton County located
1967 outside the jurisdictional boundaries of the city. The question to be presented to the
1968 electorate in any such referendum shall be stated on the ballots or ballot labels as follows:

1969 '() YES Shall an additional sales tax of (insert rate) be collected for a period of
1970 (insert number) years in the portion of Fulton County outside of the City
1971 () NO of Atlanta for the purpose of (description of project or projects)?'

1972 The question shall be published as a part of the aforesaid notice of election. Each such
1973 election shall be governed, held, and conducted in accordance with the provisions of law

1974 from time to time governing the holding of special elections. After the returns of such an
1975 election have been received, and the same have been canvassed and computed, the result
1976 shall be certified to the board of commissioners of Fulton County, in addition to any other
1977 person designated by law to receive the same, and such board of commissioners shall
1978 officially declare the result thereof. Each election called by the board of commissioners
1979 of Fulton County under the provisions of this Code section shall be governed by and
1980 conducted in accordance with the provisions of law governing the holding of elections by
1981 such county. The expense of any such election shall be paid by the county.

1982 (f) If a majority of those voting in such an election vote in favor of the proposition
1983 submitted, then the rapid transit contract between the authority and Fulton County shall be
1984 binding and the levy and collection of the tax provided for by this Code section shall be
1985 authorized. All of the proceeds derived from the additional tax provided for by this Code
1986 section shall be first allocated for payment of the cost of the rapid transit projects
1987 incorporated in such contract, except as otherwise provided by the terms of such rapid
1988 transit contract, and thereafter, upon completion and payment of such rapid transit projects,
1989 as provided for in such contract and this Code section. It shall be the policy of the
1990 authority to provide that the tax collected under this Code section in an amount exceeding
1991 the cost of the rapid transit projects incorporated in the contract shall be expended solely
1992 within and for the benefit of Fulton County.

1993 (g) If a majority of those voting in an election provided for by this Code section vote
1994 against the proposition submitted, Fulton County may elect to resubmit such proposition
1995 provided that the requirements of this Code section are satisfied.

1996 (h)(1) Except as provided for to the contrary in this Code section, the additional tax
1997 provided for by this Code section shall be collected in the same manner and under the
1998 same conditions as set forth in Section 25 of the MARTA Act.

1999 (2) The tax provided for by this Code section shall not be subject to any restrictions as
2000 to rate provided for by the MARTA Act and shall not be subject to the provisions of
2001 paragraph (2) of subsection (b) or subsection (k) of Section 25 of the MARTA Act.

2002 (3) A tax levied under this Code section shall be added to the state sales and use tax
2003 imposed by Article 1 of Chapter 8 of Title 48, and the state revenue commissioner is
2004 authorized and directed to establish a bracket system by appropriate rules and regulations
2005 to collect the tax imposed under this Code section in the area of Fulton County outside
2006 the jurisdictional boundaries of the city.

2007 (i)(1) For purposes of this subsection, the term 'transit oriented development' means any
2008 commercial, residential, retail, or office building or development located on authority
2009 property or connected physically or functionally to a transit station, including, without
2010 limitation, joint development projects on authority property which provide for lease of

2011 authority property to private parties, convenient access to a transit station, and
2012 construction of a development for any such use. Notwithstanding the foregoing, the
2013 location of retail concessions within a transit station shall not alone constitute a transit
2014 oriented development.

2015 (2) With respect to any local jurisdiction levying a tax as provided for by this Code
2016 section, the power of zoning and planning provided for by Article IX, Section II,
2017 Paragraph IV of the Constitution of Georgia shall extend to transit oriented development
2018 and to authority property which is not part of the transportation system, transportation
2019 projects, or rapid transit system or projects of the authority as provided for by the
2020 MARTA Act.

2021 32-9-14 32-9-16.

2022 (a) There is created the Metropolitan Atlanta Rapid Transit Overview Committee to be
2023 composed of the following 14 members: the chairperson of the State Planning and
2024 Community Affairs Committee of the House of Representatives; the chairperson of the
2025 State and Local Governmental Operations Committee of the Senate; the chairperson of the
2026 Ways and Means Committee of the House of Representatives; a member of the Banking
2027 and Financial Institutions Committee of the Senate to be selected by the President of the
2028 Senate; two members of the House of Representatives appointed by the Speaker of the
2029 House, at least one of whom shall be from the area served by the authority; two members
2030 of the Senate, to be appointed by the President thereof, at least one of whom shall be from
2031 the area served by the authority; and three members of the House of Representatives and
2032 three members of the Senate appointed by the Governor, at least two of whom shall be
2033 from the area served by the authority. The appointed members of the committee shall serve
2034 two-year terms concurrent with their terms as members of the General Assembly. The
2035 chairperson of the committee shall be appointed by the Speaker of the House from the
2036 membership of the committee, and the vice chairperson of the committee shall be
2037 appointed by the President of the Senate from the membership of the committee. The
2038 chairperson and vice chairperson shall serve terms of two years concurrent with their terms
2039 as members of the General Assembly. Vacancies in an appointed member's position or in
2040 the offices of chairperson or vice chairperson of the committee shall be filled for the
2041 unexpired term in the same manner as the original appointment. The committee shall
2042 periodically inquire into and review the operations, contracts, safety, financing,
2043 organization, and structure of the Metropolitan Atlanta Rapid Transit Authority authority,
2044 as well as periodically review and evaluate the success with which said authority is
2045 accomplishing its legislatively created purposes.

2046 (b) The state auditor, the Georgia Department of Transportation, and the Attorney General
2047 shall make available to the committee the services of their staffs' facilities and powers in
2048 order to assist the committee in its discharge of its duties herein set forth. The committee
2049 may employ staff and secure the services of independent accountants, engineers, and
2050 consultants. Upon authorization by joint resolution of the General Assembly, the
2051 committee shall have the power while the General Assembly is in session or during the
2052 interim between sessions to compel the attendance of witnesses and the production of
2053 documents in aid of its duties. In addition, when the General Assembly is not in session,
2054 the committee shall have the power to compel the attendance of witnesses and the
2055 production of documents in aid of its duties, upon application of the chairperson of the
2056 committee with the concurrence of the Speaker of the House and the President of the
2057 Senate.

2058 (c) The ~~Metropolitan Atlanta Rapid Transit Authority~~ authority shall cooperate with the
2059 committee, its authorized personnel, the Attorney General, the state auditor, and the
2060 Georgia Department of Transportation in order that the charges of the committee, set forth
2061 in this Code section, may be timely and efficiently discharged. The authority shall submit
2062 to the committee such reports and data as the committee shall reasonably require of the
2063 authority in order that the committee may adequately inform itself of the activities of the
2064 authority required by this Code section. The Attorney General is authorized to bring
2065 appropriate legal actions to enforce any laws specifically or generally relating to the
2066 authority or as to any subpoenas issued by the committee. The committee shall, on or
2067 before the first day of January of each year, and at such other times as it deems to be in the
2068 public interest, submit to the General Assembly a report of its findings and
2069 recommendations based upon the review of the operations of the ~~Metropolitan Atlanta~~
2070 ~~Rapid Transit Authority~~ authority, as set forth in this Code section.

2071 (d) In the discharge of its duties, the committee shall evaluate the performance of the
2072 authority in providing public transportation consistent with the following criteria:

- 2073 (1) Public safety;
- 2074 (2) Prudent, legal, and accountable expenditure of public funds;
- 2075 (3) Responsiveness to community needs and community desires;
- 2076 (4) Economic vitality of the transportation system and economic benefits to the
2077 community;
- 2078 (5) Efficient operation; and
- 2079 (6) Impact on the environment.

2080 To assist in evaluating the performance of the authority, the committee may appoint a
2081 citizens' advisory committee or committees. Such citizens' advisory committee or
2082 committees shall act in an advisory capacity only.

2083 (e)(1) The committee is authorized to expend state funds available to the committee for
2084 the discharge of its duties. Said funds may be used for the purposes of compensating
2085 staff personnel; paying the expenses of advertising notices of intention to amend the
2086 '~~Metropolitan Atlanta Rapid Transit Authority Act of 1965~~', as amended MARTA Act;
2087 paying for services of independent accountants, engineers, and consultants; paying
2088 necessary expenses of the citizens' advisory committee or committees; and paying all
2089 other necessary expenses incurred by the committee in performing its duties.

2090 (2) The members of the committee shall receive the same compensation, per diem,
2091 expenses, and allowances for their service on the committee as is authorized by law for
2092 members of interim legislative study committees.

2093 (3) The funds necessary for the purposes of this Code section shall come from the funds
2094 appropriated to and available to the legislative branch of government.

2095 (f) Nothing contained within this Code section shall relieve the ~~Metropolitan Atlanta Rapid~~
2096 ~~Transit Authority authority~~ of the responsibilities imposed upon it under the '~~Metropolitan~~
2097 ~~Atlanta Rapid Transit Authority Act of 1965~~', as amended, MARTA Act for planning,
2098 designing, purchasing, acquiring, constructing, improving, equipping, financing,
2099 maintaining, administering, and operating a system of rapid transit for the metropolitan
2100 area of Atlanta.

2101 32-9-17.

2102 (a) On and after January 1, 2019, the board shall utilize a logo and brand upon any newly
2103 acquired capital asset worth more than \$250,000.00 that is regularly visible to the public
2104 which shall include the acronym 'ATL' as a prominent feature.

2105 (b) On and after January 1, 2023, the board shall utilize a logo and brand upon any
2106 property of the authority which shall include the acronym 'ATL' as a prominent feature.

2107 (c) Such branding and logo will in no manner change the official name, business,
2108 contracts, or other obligations of the authority.

2109 (d) The powers and duties conferred under this Code section shall be in addition to any
2110 powers and duties authorized in the MARTA Act and shall in no way be interpreted to
2111 repeal any portion of such Act.

2112 32-9-18.

2113 Any provision of the MARTA Act which limits the amount the state may contribute to the
2114 system of the rapid transit system of the authority shall stand repealed.

2115 32-9-19.

2116 (a) Notwithstanding the provisions of the MARTA Act, any county, municipality, special
2117 tax or community improvement district, political subdivision of this state within the
2118 metropolitan area, or any combination thereof may execute a transportation services
2119 contract with the authority to provide public transportation services, facilities, or both, for,
2120 to, or within such county, municipality, district, subdivision, or combination thereof. A
2121 transportation services contract executed pursuant to this subsection:

2122 (1) Shall not be a rapid transit contract subject to the conditions established therefor in
2123 Code Sections 32-9-20 and 32-9-22 or Section 24 of the MARTA Act;

2124 (2) May not utilize a method of financing those public transportation services or facilities
2125 provided under the contract which involves:

2126 (A) The issuance of bonds under subsection (c) of Section 24 of the MARTA Act;

2127 (B) The levy of the special retail sales and use tax described and authorized in
2128 Section 25 of the MARTA Act; or

2129 (C) Both methods described in subparagraphs (A) and (B) of this paragraph;

2130 (3) Shall require that the costs of any transportation services and facilities contracted for,
2131 as determined by the board on the basis of reasonable estimates, allocations of costs and
2132 capital, and projections, shall be borne by one or more of the following:

2133 (A) Fares;

2134 (B) Other revenues generated by such services or facilities;

2135 (C) Any subsidy provided, directly or indirectly, by or on behalf of the public entity
2136 with which the authority contracted for the services and facilities; or

2137 (D) A special retail sales and use tax described and authorized in Article 5B of
2138 Chapter 8 of Title 48; and

2139 (4) Shall be for services on the regional transit plan and approved by the Atlanta-regional
2140 Transit Link 'ATL' Authority.

2141 (b) Notwithstanding the provisions of the MARTA Act, any county, municipality, special
2142 tax or community improvement district, political subdivision of this state outside the
2143 metropolitan area, or any combination thereof may execute a transportation services
2144 contract with the authority to provide public transportation services, facilities, or both, for,
2145 to, or within such county, municipality, district, subdivision, or combination thereof.

2146 Under a transportation services contract executed pursuant to this subsection:

2147 (1) The services and facilities shall be provided pursuant to a transportation services
2148 contract meeting the requirements therefor under subsection (a) of this Code section; and

2149 (2) The contract shall not authorize the construction of any extension of or addition to
2150 the authority's existing rapid rail system.

2151 32-9-20.

2152 (a)(1) Any provisions to the contrary in the MARTA Act notwithstanding and pursuant
2153 to the authority granted under a provision of the Constitution enacted by Ga. L. 1964, p.
2154 1008, and subject to such limitations set forth in this Code section, the authority and the
2155 board of commissioners of Gwinnett County may negotiate and determine the extent of
2156 financial participation and the time or times such financial participation may be required
2157 with respect to Gwinnett County in order to finance the provision of a rapid transit system
2158 through the joint instrumentality of the authority. Except as provided in Code
2159 Section 32-9-19 if such county is entering into a transportation services contract, such
2160 determination shall take the form of a rapid transit contract to be entered into between the
2161 authority and the local government. The final execution of a rapid transit contract shall
2162 be completed in every instance in the manner hereinafter set forth in this Code section.
2163 (2) As one method of providing the financial participation determined by the board of
2164 commissioners and the authority to be Gwinnett County's proper share of the cost of
2165 financing a rapid transit project or projects, Gwinnett County may, in the manner
2166 prescribed by law and subject to the conditions and limitations prescribed by law, issue
2167 its general obligation bonds, pay over the proceeds thereof to the authority, and thereby
2168 complete and make final the execution of the proposed rapid transit contract anticipated
2169 by such bond authorization and issuance and the authority shall agree in such contract to
2170 perform for such local government the aforesaid governmental function and to provide
2171 specified public transportation services and facilities.

2172 (3) As an alternative method of providing the financial participation determined by the
2173 board of commissioners and the authority to be Gwinnett County's proper share of the
2174 cost of financing a rapid transit project or projects, Gwinnett County may enter into a
2175 rapid transit contract or contracts calling for the authority to perform for it the aforesaid
2176 governmental function and calling for it to make periodic payments to the authority for
2177 the public transportation services and facilities contracted for, which payments may
2178 include amounts required to defray the periodic principal and interest payments on any
2179 obligations issued by the authority for the purpose of financing the cost of any rapid
2180 transit project or projects, amounts necessary to establish and maintain reasonable
2181 reserves to insure the payment of said debt service and to provide for renewals,
2182 extensions, repairs and improvements and additions to any project or projects, and
2183 amounts required to defray any operational deficit which the system or any part thereof
2184 may incur from time to time.

2185 (b) The board of commissioners of Gwinnett County, subject to the conditions provided
2186 in this Code section, shall be authorized to enter into a rapid transit contract for and on
2187 behalf of the county with the authority for the provision of the aforesaid services and

2188 extension of the existing system to and from and within said county subject to approval by
2189 a majority of the qualified voters within said county voting in a referendum as provided for
2190 in subsection (c) of this Code section. As a condition precedent to the board of
2191 commissioners of Gwinnett County holding such referendum, if a rapid transit contract is
2192 entered into after January 1, 2019, the rapid transit service to be provided through the
2193 execution of a rapid transit contract shall be from the regional transit plan and approved by
2194 the Atlanta-regional Transit Link 'ATL' Authority.

2195 (c) The procedure for holding the referendum called for in subsection (b) of this Code
2196 section shall be as follows: There shall be published in a newspaper having general
2197 circulation throughout the territory of Gwinnett County, once each week for four weeks
2198 immediately preceding the week during which the referendum is to be held, a notice to the
2199 electors thereof that on the day named therein an election will be held to determine the
2200 question of whether or not the local government shall enter into the proposed rapid transit
2201 contract and said notices shall contain the full text of said proposed contract, which
2202 contract shall set forth the obligations of the parties thereto. It is expressly provided,
2203 however, that none of the documents or exhibits which are incorporated in such contract
2204 by reference or are attached to such contract and made a part thereof shall be published.
2205 Such special election shall be held at all the election districts within the territorial limits of
2206 Gwinnett County. The question to be presented to the electorate in any such referendum
2207 shall be and shall be stated on the ballots or ballot label as follows:

2208 'Gwinnett County has executed a contract for the provision of transit services, dated as
2209 of (insert date).

2210 Shall this contract be approved?

2211 YES NO '

2212 The question shall be published as a part of the aforesaid notice of election. Such election
2213 shall be governed by and held and conducted in accordance with the provisions of law from
2214 time to time governing the holding of special elections as provided in Chapter 2 of Title 21,
2215 the 'Georgia Election Code.' After the returns of such an election have been received, and
2216 the same have been canvassed and computed, the result shall be certified to the board of
2217 commissioners of Gwinnett County, in addition to any other person designated by law to
2218 receive the same, and such board of commissioners shall officially declare the result
2219 thereof.

2220 (d) If a majority of those voting in such an election vote in favor of the proposition
2221 submitted, then the rapid transit contract as approved shall become valid and binding in
2222 accordance with its terms.

2223 (e) The board of commissioners of Gwinnett County may elect any method provided in
2224 subsection (a) of this Code section to finance the participation required of it in whole or in

2225 part, and the election of one method shall not preclude the election of another method with
2226 respect thereto or with respect to any additional or supplementary participation determined
2227 to be necessary.

2228 (f) When the authority and the board of commissioners of Gwinnett County have
2229 completed and fully executed a rapid transit contract in compliance with the requirements
2230 of this Code section, and the voters shall have approved such contract as herein provided,
2231 such contract shall constitute an obligation on the part of the local government for the
2232 payment of which its good faith and credit are pledged, but in no other way can the good
2233 faith and credit of any local government be pledged with respect to a rapid transit contract.

2234 (g) The board of commissioners of Gwinnett County may use public funds to provide for
2235 a rapid transit system within the metropolitan area and may levy and collect any taxes
2236 authorized to it by law to the extent necessary to fulfill the obligations incurred in a rapid
2237 transit contract or contracts with the authority.

2238 (h) Gwinnett County may transfer to the authority any property or facilities, or render any
2239 services, with or without consideration, which may be useful to the establishment,
2240 operation, or administration of the rapid transit system contemplated hereunder, and may
2241 contract with the authority for any other purpose incidental to the establishment, operation,
2242 or administration of such system, or any part or project thereof or the usual facilities related
2243 thereto.

2244 32-9-21.

2245 (a) There is created a Cobb County Special District for Transit Committee to be composed
2246 of the members of the board of commissioners of Cobb County and the members of the
2247 House of Representatives and Senate whose respective districts include any portion of
2248 Cobb County.

2249 (b) The first meeting of the committee shall be called by the chairperson of the board of
2250 commissioners. A chairperson of the committee shall be selected by majority vote of the
2251 members at the first meeting. The committee shall formulate a map for a proposed special
2252 district within Cobb County for the provision of public transportation services and for the
2253 construction, maintenance, and operation of transportation projects to and from and within
2254 said district by the authority. Such proposed special district shall be known as the Cobb
2255 County Special District for Transit. The committee shall be authorized to solicit input from
2256 the residents of Cobb County and hold public meetings for use in the development of the
2257 map of such proposed district.

2258 (c) The committee shall appoint two subcommittees to approve the proposed map, prior
2259 to submission of the map to the full committee for final approval. One subcommittee shall
2260 be composed of the members of the board of commissioners and the other subcommittee

2261 shall be composed of the legislative members. Each subcommittee shall elect a chairperson
2262 by majority vote and may adopt rules as deemed necessary. No map shall be brought
2263 before the whole committee for consideration until such map has been approved by
2264 majority vote of both subcommittees.

2265 (d) Upon final approval of the map by a majority vote of the whole committee, the
2266 committee shall negotiate terms of a proposed rapid transit contract between the authority
2267 and Cobb County on behalf of the special district in consultation with the Atlanta-region
2268 Transit Link 'ATL' Authority, if such contract is to be entered into after January 1, 2019.
2269 Such proposed rapid transit contract shall include the extent of financial participation and
2270 the time or times such financial participation may be required with respect to Cobb County
2271 in order to finance the provision of a rapid transit system through the joint instrumentality
2272 of the authority. The committee may recommend one or both of the following methods for
2273 providing such financial participation:

2274 (1) In the manner prescribed by law and subject to the conditions and limitations
2275 prescribed by law, Cobb County may issue its general obligation bonds, pay over the
2276 proceeds thereof to the authority, and thereby complete and make final the execution of
2277 the proposed rapid transit contract anticipated by such bond authorization and issuance
2278 and the authority shall agree in such contract to perform specified public transportation
2279 services for the Cobb County Special District for Transit and to provide specified
2280 construction, maintenance, and operation of transportation projects; or

2281 (2) Cobb County may enter into a rapid transit contract or contracts calling for the
2282 authority to perform specified public transportation services for the Cobb County Special
2283 District for Transit and to provide specified construction, maintenance, and operation of
2284 transportation projects. In such contract or contracts, Cobb County, acting on behalf of
2285 the special district, shall make periodic payments to the authority for the public
2286 transportation services and facilities contracted for, which payments may include
2287 amounts required to defray the periodic principal and interest payments on any
2288 obligations issued by the authority for the purpose of financing the cost of any rapid
2289 transit project or projects, amounts necessary to establish and maintain reasonable
2290 reserves to insure the payment of said debt service and to provide for renewals,
2291 extensions, repairs, and improvements and additions to any project or projects, and
2292 amounts required to defray any operational deficit which the system or any part thereof
2293 may incur from time to time.

2294 The committee may elect any method provided in this subsection as a recommendation to
2295 finance the participation required of Cobb County, in whole or in part, and the election of
2296 one method shall not preclude the election of another method with respect thereto or with
2297 respect to any additional or supplementary participation determined to be necessary.

2298 (e) The committee shall provide to the board of commissioners of Cobb County the
2299 recommended map for the special district, which was approved by majority vote of the
2300 committee, and a proposed rapid transit contract, no later than December 1, 2019.

2301 (f) Any final execution of a rapid transit contract for the Cobb County Special District for
2302 Transit shall be completed by the Cobb County board of commissioners and the authority
2303 pursuant to the requirements set forth in Code Section 32-9-22.

2304 (g) The committee shall stand abolished and this Code section shall stand repealed by
2305 operation of law on December 1, 2019.

2306 32-9-22.

2307 (a) Any provisions to the contrary in the MARTA Act notwithstanding and pursuant to the
2308 authority granted under a provision of the Constitution enacted by Ga. L. 1964, p. 1008,
2309 and subject to such limitations set forth in this Code section, the authority and the board
2310 of commissioners of Cobb County may, after taking into consideration the
2311 recommendations of the Cobb County Special District for Transit Committee, adopt the
2312 map recommended by such committee by passage of a resolution or ordinance and, upon
2313 such passage, enter into a rapid transit contract. The contract entered into shall be based
2314 solely upon the recommendation of the committee. The final execution of a rapid transit
2315 contract shall be completed in every instance in the manner hereinafter set forth in this
2316 Code section.

2317 (b) The board of commissioners of Cobb County, subject to the conditions provided in this
2318 Code section, shall be authorized to enter into a rapid transit contract for and on behalf of
2319 the Cobb County Special District for Transit with the authority for the provision of the
2320 aforesaid services and extension of the existing system to and from and within said district
2321 subject to approval by a majority of the qualified voters within said district voting in a
2322 referendum as provided for in subsection (c) of this Code section. As a condition precedent
2323 to the board of commissioners of Cobb County holding such referendum, the rapid transit
2324 service to be provided through the execution of a rapid transit contract shall be based upon
2325 the map and rapid transit contract terms approved by majority vote of the Cobb County
2326 Special District for Transit Committee, be from the regional transit plan, and be approved
2327 by the Atlanta-regional Transit Link 'ATL' Authority if the contract is to be entered into
2328 after January 1, 2019.

2329 (c) The procedure for holding the referendum called for in subsection (b) of this Code
2330 section shall be as follows: There shall be published in a newspaper having general
2331 circulation throughout the territory of the Cobb County Special District for Transit, once
2332 each week for four weeks immediately preceding the week during which the referendum
2333 is to be held, a notice to the electors thereof that on the day named therein an election will

2334 be held to determine the question of whether or not the local government shall enter into
2335 the proposed rapid transit contract and said notices shall contain the full text of said
2336 proposed contract, which contract shall set forth the obligations of the parties thereto. It
2337 is expressly provided, however, that none of the documents or exhibits which are
2338 incorporated in such contract by reference or are attached to such contract and made a part
2339 thereof shall be published. Such special election shall be held at all the election districts
2340 within the territorial limits of the Cobb County Special District for Transit. The question
2341 to be presented to the electorate in any such referendum shall be stated on the ballots or
2342 ballot label as follows:

2343 'Cobb County has executed a contract for the provision of transit services for the Cobb
2344 County Special District for Transit, dated as of (insert date).

2345 Shall this contract be approved?

2346 YES NO '

2347 The question shall be published as a part of the aforesaid notice of election. Such election
2348 shall be governed by and held and conducted in accordance with the provisions of law from
2349 time to time governing the holding of special elections as provided in Chapter 2 of Title 21,
2350 the 'Georgia Election Code.' After the returns of such an election have been received, and
2351 the same have been canvassed and computed, the result shall be certified to the board of
2352 commissioners of Cobb County, in addition to any other person designated by law to
2353 receive the same, and such board of commissioners shall officially declare the result
2354 thereof.

2355 (d) If a majority of those voting in such an election vote in favor of the proposition
2356 submitted, then the rapid transit contract as approved shall become valid and binding in
2357 accordance with its terms.

2358 (e) When the authority and the board of commissioners of Cobb County have completed
2359 and fully executed a rapid transit contract in compliance with the requirements of this Code
2360 section on behalf of the Cobb County Special District for Transit, and the voters within
2361 such special district shall have approved such contract as herein provided, such contract
2362 shall constitute participation of the county in the authority and obligation on the part of the
2363 local government for the payment of which its good faith and credit are pledged, but in no
2364 other way can the good faith and credit of any local government be pledged with respect
2365 to a rapid transit contract.

2366 (f) The board of commissioners of Cobb County may use public funds to provide for a
2367 rapid transit system within the metropolitan area and may levy and collect any taxes
2368 authorized to it by law to the extent necessary to fulfill the obligations incurred in a rapid
2369 transit contract or contracts with the authority.

2370 (g) Cobb County may transfer to the authority any property or facilities, or render any
2371 services, with or without consideration, which may be useful to the establishment,
2372 operation, or administration of the rapid transit system contemplated hereunder, and may
2373 contract with the authority for any other purpose incidental to the establishment, operation,
2374 or administration of such system, or any part or project thereof or the usual facilities related
2375 thereto.

2376 (h) In the event a rapid transit contract has not been entered into on behalf of the Cobb
2377 County Special District for Transit or the referendum required by this Code section fails
2378 to receive the requisite majority vote for approval prior to December 1, 2019, this Code
2379 section shall stand repealed by operation of law on such date.

2380 32-9-23.

2381 (a) In the event Gwinnett County and the authority enter into a rapid transit contract which
2382 is approved by a majority of voters, a retail sales and use tax shall be authorized to be
2383 levied pursuant to the conditions and limitations set forth in Section 25 of the MARTA Act,
2384 except as provided to the contrary in subsection (c) of this Code section. Such additional
2385 tax shall not count toward any local sales tax limitation provided for by Code
2386 Section 48-8-6.

2387 (b)(1) In the event Cobb County, acting for and on behalf of the Cobb County Special
2388 District for Transit, and the authority enter into a rapid transit contract which is approved
2389 by a majority of voters within such district, a retail sales and use tax shall be authorized
2390 to be levied pursuant to the conditions and limitations set forth in Section 25 of the
2391 MARTA Act. Such tax shall be levied only within the geographical area contained
2392 within such district. Such tax shall not count toward any local sales tax limitation
2393 provided for by Code Section 48-8-6.

2394 (2) In the event a rapid transit contract has not been entered into on behalf of the Cobb
2395 County Special District for Transit or the referendum required by Code Section 32-9-22
2396 fails to receive the requisite majority vote for approval prior to December 1, 2019, this
2397 subsection shall stand repealed and reserved by operation of law on such date.

2398 (c)(1) The retail sales and use tax authorized to be levied pursuant to this Code section
2399 shall be at a rate of up to 1 percent. Any tax imposed under this Code section shall be in
2400 increments of 0.05 percent.

2401 (2) The proceeds of the tax authorized to be levied pursuant to this Code section shall be
2402 used solely by each local government to fulfill the obligations incurred in the contracts
2403 entered into with the authority and as contemplated by this article.

2404 (3) The effective date of the tax authorized to be levied pursuant to this Code section
2405 shall be the first day of the first calendar month following approval of the tax in the

referendum required by Code Sections 32-9-20 and 32-9-22 unless a later effective date shall have been specified in the resolution or ordinance providing for the levy of the tax; provided that, with respect to services which are regularly billed on a monthly basis, the tax shall become effective with the first regular billing period coinciding with or following the effective date of the tax.

(4) The tax authorized to be levied pursuant to this Code section shall not be subject to any restrictions as to rate provided for by the MARTA Act and shall not be subject to the provisions of subsection (k) of Section 25 of the MARTA Act.

(5) A tax levied pursuant to this Code section shall be added to the state sales and use tax imposed by Article 1 of Chapter 8 of Title 48 and the state revenue commissioner is authorized and directed to establish a bracket system by appropriate rules and regulations to collect the tax imposed under this Code section.

32-9-24.

Notwithstanding subsections (a) and (b) of Section 6 of the MARTA Act to the contrary, upon approval of a rapid transit contract pursuant to Code Section 32-9-20, the board of commissioners of Gwinnett County may appoint three residents of the county to the board. The board of commissioners shall designate one such resident to serve an initial term ending on December 31 in the second full year after the year in which the referendum approving said rapid transit contract was held and one such resident to serve an initial term ending on December 31 in the fourth full year after the year in which the referendum approving said rapid transit contract was held, in which event the board shall, subsections (a) and (b) of Section 6 of the MARTA Act to the contrary notwithstanding, be composed of such additional members. Upon the conclusion of the initial terms provided for in this Code section, the board of commissioners of Gwinnett County shall appoint a successor thereto for a term of office of four years."

PART IV

CHANGES TO CONFLICTING LAW

SECTION 4-1.

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, is amended by revising Code Section 32-9-11, relating to transit services with local governments, as follows:

"32-9-11.

(a) As used in this Code section, the term:

2439 (1) 'Local government' means any county, municipality, or political subdivision of this
2440 state, or any combination thereof.

2441 (2) 'Nonattainment area' means those counties currently having or previously deemed to
2442 have excess levels of ozone, carbon monoxide, or particulate matter in violation of the
2443 standards in the federal Clean Air Act, as amended in 1990 and codified at 42 U.S.C.A.
2444 Sections 7401 to 7671q and which fall under the jurisdiction exercised by the
2445 Atlanta-region Transit Link 'ATL' Authority or any predecessor authority as described
2446 in Article 2 of Chapter 39 of Title 50.

2447 (2)(3) 'Transit agency' means any public agency, public corporation, or public authority
2448 existing under the laws of this state that is authorized by any general, special, or local law
2449 to provide any type of transit services within any area of this state but shall not include
2450 the Department of Transportation, the Georgia ~~Regional Transportation~~ Atlanta-region
2451 Transit Link 'ATL' Authority, or the Georgia Rail Passenger Authority.

2452 (3)(4) 'Transit facilities' means everything necessary and appropriate for the conveyance
2453 and convenience of passengers who utilize transit services.

2454 (4)(5) 'Transit services' means all modes of transportation serving the general public
2455 which are appropriate to transport people and their personal effects by highway or other
2456 ground conveyance but does not include rail conveyance.

2457 (b)(1) Any transit agency may, by contract with any local government for any period not
2458 exceeding 50 years, provide transit services or transit facilities for, to, or within that local
2459 government or between that local government and any area in which such transit agency
2460 provides transit services or transit facilities, except that if such services or facilities are
2461 to be funded wholly or partially by fees, assessments, or taxes levied and collected within
2462 a special district created pursuant to Article IX, Section II, Paragraph VI of the
2463 Constitution, such contract may only become effective if it is ~~approved by~~ a majority of
2464 the qualified voters ~~voting in such local government residing within the special district~~
2465 ~~to be taxed authorize such contract or tax by referendum~~ in a special election which shall
2466 be called and conducted for that purpose by the election superintendent of such local
2467 government.

2468 (2)(A) Any services provided in a county outside a nonattainment area by a transit
2469 agency pursuant to a contract authorized by this subsection shall be conditioned upon
2470 such services being included in a plan for transit services adopted or approved by the
2471 governing authority of the county and by the governing authorities of any
2472 municipalities within which transit services are to be provided as provided in the plan.
2473 (B) Any services provided by a transit agency in a county within a nonattainment area
2474 pursuant to a contract authorized by this subsection and entered into on or after
2475 January 1, 2019, shall be for services:

- 2476 (i) Approved by a local governing authority;
2477 (ii) Included in the regional transit plan adopted pursuant to Code Section 50-39-12;
2478 and
2479 (iii) Through agreement with the Atlanta-region Transit Link 'ATL' Authority.

2480 (c) The purpose of this Code section is to facilitate the exercise of the power to provide
2481 public transportation services conferred by Article IX, Section II, Paragraph III of the
2482 Constitution. This Code section does not repeal any other law conferring the power to
2483 provide public transportation services or prescribing the manner in which such power is to
2484 be exercised. This Code section does not restrict the power of the Department of
2485 Transportation, the ~~Georgia Regional Transportation~~ Atlanta-region Transit Link 'ATL'
2486 Authority, or the Georgia Rail Passenger Authority to contract with any local government
2487 to provide transit services or transit facilities, including but not limited to rail transit
2488 services and facilities, pursuant to Article IX, Section III, Paragraph I of the Constitution."

2489 **SECTION 4-2.**

2490 Said title is further amended in Code Section 32-10-60, relating to definitions relative to the
2491 State Road and Tollway Authority, by revising paragraph (6.1) as follows:

2492 "(6.1) 'Revenue' or 'revenues' shall mean any and all moneys received from ~~the:~~
2493 (A) The collection of tolls authorized by Code Sections 32-10-64 and 32-10-65, any
2494 federal highway or transit funds and reimbursements, any other federal highway or
2495 transit assistance received from time to time by the authority, any other moneys of the
2496 authority pledged for such purpose, any other moneys received by the authority
2497 pursuant to the Georgia Transportation Infrastructure Bank, and any moneys received
2498 pursuant to a public-private initiative as authorized pursuant to Code Section 32-2-78;
2499 and
2500 (B) Any federal highway transit funds and reimbursements and any other federal
2501 highway transit assistance received from time to time by the authority. This
2502 subparagraph shall stand repealed by operation of law on July 1, 2021."

2503 **SECTION 4-3.**

2504 Said title is further amended in Code Section 32-10-63, relating to powers of the State Road
2505 and Tollway Authority, by revising paragraph (7) as follows:

2506 "(7)(A) To accept and administer any federal highway ~~or federal transit~~ funds and any
2507 other federal highway ~~or transit~~ assistance received from time to time for the State of
2508 Georgia and to accept, with the approval of the Governor, loans and grants, either or
2509 both, of money or materials or property of any kind from the United States government
2510 or the State of Georgia or any political subdivision, authority, agency, or

2511 instrumentality of either of them, upon such terms and conditions as the United States
2512 government or the State of Georgia or such political subdivision, authority, agency, or
2513 instrumentality of either of them shall impose;

2514 (B) To accept and administer any federal transit funds and any other federal transit
2515 assistance received from time to time for the State of Georgia. This subparagraph shall
2516 stand repealed by operation of law on July 1, 2021;"

2517 **SECTION 4-4.**

2518 Said title is further amended by redesignating existing Code Section 32-10-76, relating to
2519 grant programs, pilot program formation, factors to be considered in selecting pilot projects,
2520 and eligible projects, as new Code Section 50-39-53.

2521 **SECTION 4-5.**

2522 Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to local government
2523 provisions applicable to counties, is amended in Code Section 36-1-27, relating to
2524 referendum approval required prior to expenditure of public funds for establishment of fixed
2525 guideway transit, by revising paragraph (4) of subsection (a) and subsections (b) and (e) as
2526 follows:

2527 "(4) 'Mass transportation regional system participant' means any county within a special
2528 district created pursuant to Article 5 of Chapter 8 of Title 48 in which mass transportation
2529 is provided within such special district, to such special district, or from such special
2530 district by a multicounty regional transportation authority created by an Act of the
2531 General Assembly, including but not limited to the ~~Georgia Regional Transportation~~
2532 ~~Authority Atlanta-region Transit Link 'ATL' Authority~~ or the Metropolitan Atlanta Rapid
2533 Transit Authority."

2534 "(b) Prior to an expenditure of any public funds for the establishment, maintenance, and
2535 operation of a fixed guideway transit in any county that is a mass transportation regional
2536 system participant, the governing authority of such county shall obtain approval from ~~a:~~
2537 (1) The Atlanta-region Transit Link 'ATL' Authority that such project is on the regional
2538 transit plan adopted by such authority pursuant to Code Section 50-39-12; and
2539 (2) A majority of qualified voters of the county in a separate referendum question as
2540 provided for in this Code section."

2541 "(e) This Code section shall not apply to the extension of a fixed guideway transit or levy
2542 of applicable sales and use taxes authorized pursuant to an Act approved March 10, 1965
2543 (~~Ga. L. 1965, p. 2243~~, as amended, known as the 'Metropolitan Atlanta Rapid Transit
2544 Authority Act of 1965,' approved March 10, 1965 (~~Ga. L. 1965, p. 2243~~, as amended, or
2545 Part 2 of Chapter 9 of Title 32 for which any referendum required under such Act or part

2546 shall control, or to any project within a county or between counties which have approved
2547 such sales and use tax, provided that such project is wholly within the territorial boundaries
2548 of such county or counties."

2549 **SECTION 4-6.**

2550 Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor,
2551 is amended by adding a new Code section to Article 2, relating to powers and duties, to read
2552 as follows:

2553 "45-12-41.

2554 The Governor may delegate to any department, authority, or qualified entity, by executive
2555 order, his or her powers under applicable federal transportation planning and air quality
2556 laws and regulations, including without limitation the power to approve state-wide
2557 transportation improvement programs under 23 U.S.C. Section 134 and 23 C.F.R. Sections
2558 450.312(b), 450.324(b), and 450.328(a)."

2559 **SECTION 4-7.**

2560 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
2561 in Code Section 50-23-4, relating to definitions relative to the Environmental Finance
2562 Authority, by revising paragraph (12) as follows:

2563 "(12) 'Project' means:

2564 (A) The acquisition, construction, installation, modification, renovation, repair,
2565 extension, renewal, replacement, or rehabilitation of land, interest in land, buildings,
2566 structures, facilities, or other improvements and the acquisition, installation,
2567 modification, renovation, repair, extension, renewal, replacement, rehabilitation, or
2568 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature
2569 whatsoever used on, in, or in connection with any such land, interest in land, building,
2570 structure, facility, or other improvement, all for the essential public purpose of
2571 providing environmental facilities and services so as to meet public health and
2572 environmental standards, protect the state's valuable natural resources, or aid the
2573 development of trade, commerce, industry, agriculture, and employment opportunities,
2574 including, but not limited to, any project as defined by Code Section 12-5-471; and
2575 (B) Projects authorized by the Georgia Regional Transportation Authority created by
2576 Chapter 32 of this title and as defined in such chapter, where the such authority has
2577 been directed to issue revenue bonds, bonds, notes, or other obligations to finance such
2578 project or the cost of a project in whole or in part, provided that the such authority's
2579 power with respect to such projects authorized by the Georgia Regional Transportation

Authority shall be limited to providing such financing and related matters as authorized by the Georgia Regional Transportation Authority; and

(C) Projects authorized by the Atlanta-region Transit Link 'ATL' Authority created pursuant to Chapter 39 of this title and as defined in such chapter, where such authority has been directed to issue revenue bonds, bonds, notes, or other obligations to finance such project or the cost of a project in whole or in part, provided that such authority's power with respect to such projects authorized by the Atlanta-region Transit Link 'ATL' Authority shall be limited to providing such financing and related matters as authorized by the Atlanta-region Transit Link 'ATL' Authority."

SECTION 4-8.

Said title is further amended in Code Section 50-32-2, relating to definitions relative to the Georgia Regional Transportation Authority, by adding new paragraphs to read as follows:

"(6.1) 'Land public transportation' means surfaces upon which travel by vehicle or persons is intended, which is either open to the public or has been acquired as right of way, including but not limited to public rights, structures, sidewalks, facilities, and appurtenances incidental to the construction, maintenance, and enjoyment of such rights of way. Such term shall not include transit."

"(18.1) 'Transit' means regular, continuing shared-ride or shared-use surface transportation services that are made available by a public entity and are open to the general public or open to a segment of the general public defined by age, disability, or low income. Such term includes services or systems operated by or under contract with the state, a public agency or authority, a county or municipality, a community improvement district, or any other similar public entity of this state and all accompanying infrastructure and services necessary to provide access to these modes of transportation. Such term excludes charter or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal services, limousine carriers, ride share network services, transportation referral services, and taxi services not paid for by a public entity."

SECTION 4-9.

Said title is further amended by repealing Code Section 50-32-5, relating to development of the Atlanta region's Concept 3 transit proposal, use of federal and state planning funds, and assessment of economic benefit and environmental impact, in its entirety.

SECTION 4-10.

Said title is further amended in Code Section 50-32-11, relating to general powers of the authority, by revising paragraphs (3), (32), (33), and (37) of subsection (a) as follows:

2614 "(3) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and
2615 maintain or cause to be operated and maintained land public transportation systems and
2616 other land transportation projects, and all facilities and appurtenances necessary or
2617 beneficial thereto, within the geographic area over which the authority has jurisdiction
2618 or which are included within an approved transportation plan or transportation
2619 improvement program and provide land public transportation services within the
2620 geographic jurisdiction of the authority, and to contract with any state, regional, or local
2621 government, authority, or department, or with any private person, firm, or corporation,
2622 for those purposes, and to enter into contracts and agreements with the Georgia
2623 Department of Transportation; and county and local governments, ~~and transit system~~
2624 operators for those purposes;"

2625 "(32) Reserved ~~To the extent permissible under federal law, to operate as a receiver of~~
2626 ~~federal grants, loans, and other moneys intended to be used within the geographic area~~
2627 ~~over which the authority has jurisdiction pursuant to this chapter for inter-urban and~~
2628 ~~intra-urban transit, land public transportation development, air quality and air pollution~~
2629 ~~control, and other purposes related to the alleviation of congestion and air pollution;~~

2630 "(33) Reserved ~~Subject to any covenant or agreement made for the benefit of owners of~~
2631 ~~bonds, notes, or other obligations issued to finance roads or toll roads, in planning for the~~
2632 ~~use of any road or toll road which lies within the geographical area over which the~~
2633 ~~authority has jurisdiction, the authority shall have the power to control or limit access~~
2634 ~~thereto, including the power to close off, regulate, or create access to or from any part,~~
2635 ~~excluding the interstate system, of any road on the state highway system, a county road~~
2636 ~~system, or a municipal street system to or from any such road or toll road or any property~~
2637 ~~or project of the authority, to the extent necessary to achieve the purposes of the~~
2638 ~~authority; the authority may submit an application for an interstate system right of way~~
2639 ~~encroachment through the state Department of Transportation, and that department shall~~
2640 ~~submit the same to the Federal Highway Administration for approval. The authority shall~~
2641 ~~provide any affected local government with not less than 60 days' notice of any proposed~~
2642 ~~access limitation;~~"

2643 "(37) To accept and use federal funds; to enter into any contracts or agreements with the
2644 United States or its agencies or subdivisions relating to the planning, financing,
2645 construction, improvement, operation, and maintenance of any public road or other mode
2646 or system of land public transportation; and to do all things necessary, proper, or
2647 expedient to achieve compliance with the provisions and requirements of all applicable
2648 federal-aid acts and programs. Nothing in this chapter is intended to conflict with any
2649 federal law; and, in case of such conflict, such portion as may be in conflict with such
2650 federal law is declared of no effect to the extent of the conflict;"

SECTION 4-11.

Said title is further amended by adding a new Code section to read as follows:

"50-32-55.

It is the intent of the General Assembly to provide for uninterrupted transit services to the people of this state. The authority shall retain power to provide any such transit services provided as of July 1, 2018, until the Atlanta-region Transit Link 'ATL' Authority is able to provide such services or July 1, 2020, whichever date occurs first."

SECTION 4-12.

Said title is further amended by repealing Code Section 50-32-71, relating to exemption of buses, motor vehicles, and rapid rail systems of the authority from motor carrier regulations, in its entirety.

SECTION 4-13.

The Official Code of Georgia Annotated is amended by replacing "Georgia Regional Transportation Authority" with "Atlanta-region Transit Link 'ATL' Authority" wherever the former occurs in:

- (1) Code Section 32-6-51, relating to erection, placement, or maintenance of unlawful or unauthorized structure on public roads, removal of such structures, penalties for such action, and authorization of placement, erection, and maintenance of commercial advertisements by a transit agency;
- (2) Code Section 32-10-76, relating to grant programs, pilot program formation and factors to be considered in and eligibility of pilot projects administered by the State Road and Tollway Authority;
- (3) Code Section 48-8-243, relating to criteria for the development of investment list projects and programs, reports for special district transportation sales and use tax, and special district gridlock;
- (4) Code Section 48-8-249, relating to use of proceeds from a special district transportation sales and use tax;
- (5) Code Section 48-8-250, relating to report on projects on the investment list related to a special district transportation sales and use tax; and
- (6) Code Section 48-8-251, relating to a Citizens Review Panel for oversight of projects and investments within a special district implementing a special district transportation sales and use tax.

2683

PART V

2684

EFFECTIVE DATE AND REPEALER

2685

SECTION 5-1.

2686 (a) Except as provided to the contrary in subsection (b) of this Section, this Act shall become
2687 effective upon its approval by the Governor or upon its becoming law without such approval.

2688 (b) Part I of this Act shall become effective on January 1, 2019, and Section 4-4 of Part IV
2689 of this Act shall become effective on July 1, 2021.

2690 (c) Tax, penalty, and interest liabilities for prior taxable years shall not be affected by the
2691 passage of Part I of this Act and shall continue to be governed by the provisions of Title 48
2692 of the Official Code of Georgia Annotated as it existed immediately prior to the effective
2693 date of Part I of this Act.

2694

SECTION 5-2.

2695 All laws and parts of laws in conflict with this Act are repealed.