

House Resolution 818

By: Representatives Heard of the 75<sup>th</sup> and McBee of the 74<sup>th</sup>

A RESOLUTION

1 Proposing an amendment to the Constitution so as to declare the acquisition, establishment,  
 2 operation, and administration of the system of public transportation of passengers for hire in  
 3 any city, county, or consolidated government to be an essential governmental function and  
 4 a public purpose and to authorize the creation of a public corporation or authority for such  
 5 purpose; to provide for the submission of this amendment for ratification or rejection; and  
 6 for other purposes.

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The Constitution is amended by adding a new article immediately following Article IX, to  
 10 be designated Article IXA, to read as follows:

11 **"ARTICLE IXA.**

12 **PUBLIC TRANSPORTATION OF PASSENGERS FOR HIRE**

13 **SECTION I.**

14 **PUBLIC TRANSPORTATION**

15 Paragraph I. *Function and purpose.* The acquisition, establishment, operation, or  
 16 administration of a system of public transportation of passengers for hire within any city,  
 17 county, or consolidated government is an essential governmental function and a public  
 18 purpose for which the powers of taxation and eminent domain may be exercised and public  
 19 funds of such city, county, or consolidated government expended.

20 Paragraph II. *Powers.* The General Assembly shall create a public corporation or  
 21 authority as an instrumentality of such city, county, or consolidated government, or any  
 22 combination thereof, to perform such function, to have the power of eminent domain, the  
 23 power to borrow money and issue obligations payable from its revenues, and such other

1 powers as may be necessary or convenient for the accomplishment of such function and  
2 purpose.

3 Paragraph III. *Taxation and regulation.* The General Assembly shall provide that such  
4 public corporation or authority, as an instrumentality of the participating city, county, or  
5 consolidated government, its property, acts, activities, income, and obligations and the  
6 interest thereon, shall be exempt from any tax obligations and from regulation by any  
7 agency or commission of the state.

8 Paragraph IV. *Additional Powers.* The General Assembly shall authorize the city,  
9 county, or consolidated government to contract with such public corporation or authority  
10 for the performance of such function and purpose; to pay for the public transportation  
11 services and facilities contracted for, including the payment of the principal and interest on  
12 any obligations issued by such public corporation or authority in order to acquire the  
13 necessary facilities and property therefor and in connection therewith to establish and  
14 maintain reasonable reserves; to levy taxes to the extent necessary to fulfill the obligation  
15 incurred in such contracts; and to convey to such public corporation or authority property  
16 or facilities, or render services, which may be useful to the establishment, operation, or  
17 administration of a public transportation system within the aforesaid metropolitan area,  
18 provided that no county shall have the power to levy any tax on any subject of taxation  
19 situated within the territorial limits of any incorporated municipality which has a contract  
20 with said public corporation or authority and is itself levying a tax for that purposes.

21 Paragraph V. *Construction.* The provisions of this article shall be liberally construed to  
22 effectuate its purpose and shall not be limited or restricted by any existing provision of or  
23 amendment to this Constitution, or any general or special law heretofore enacted, and the  
24 authority granted by this article to the General Assembly may be exercised by general,  
25 special, or local laws without regard to uniformity."

## 26 SECTION 2.

27 The above proposed amendment to the Constitution shall be published and submitted as  
28 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting  
29 the above proposed amendment shall have written or printed thereon the following:

30 "( ) YES Shall the Constitution be amended so as to declare the acquisition,  
31 establishment, operation, and administration of the system of public  
32 ( ) NO transportation of passengers for hire in any city, county, or consolidated  
government to be an essential governmental function and a public purpose  
and to authorize the creation of a public corporation or authority for such  
purpose?"

- 1 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
- 2 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
- 3 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
- 4 become a part of the Constitution of this state.