

House Bill 281

By: Representatives Smith of the 129th, Loudermilk of the 14th, Graves of the 12th, Floyd of the 147th, and Mosley of the 178th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 32 of Title 50 of the Official Code of Georgia Annotated, relating to the
2 Georgia Regional Transportation Authority, so as to provide for additional powers to enter
3 upon certain lands; to provide for procedures and conditions; to provide for a sales and use
4 tax exemption with respect to property purchased by or used by the authority; to provide that
5 no provision of Chapter 7 of Title 46 shall apply to any bus, other motor vehicle, or rapid rail
6 system of the authority which provides transit services; to repeal conflicting laws; and for
7 other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Chapter 32 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia
11 Regional Transportation Authority, is amended in subsection (a) of Code Section 50-32-11,
12 relating to powers of such authority, by adding a new paragraph immediately following
13 paragraph (31), to be designated paragraph (31.1), to read as follows:

14 "(31.1) To enter upon any lands in the state for the purpose of making such surveys,
15 soundings, drillings, and examinations as the authority may deem necessary or desirable
16 to accomplish the purposes of this title; and such entry by any authorized agent or
17 employee of the authority shall not be deemed a trespass, nor shall it be deemed an entry
18 which would constitute a taking in a condemnation proceeding, provided that reasonable
19 notice is given the owner or occupant of the property to be entered, and that such entry
20 shall be done in a reasonable manner with as little inconvenience as possible to the owner
21 or occupant of the property;"

22 **SECTION 2.**

23 Said chapter is further amended by striking Code Section 50-32-37, relating to tax
24 exemptions applicable to such authority, and inserting in its place a new Code Section
25 50-32-37 to read as follows:

1 "50-32-37.

2 It is found, determined, and declared that the creation of this authority and the carrying out
3 of its corporate purposes is in all respects for the benefit of the people of the state and that
4 the authority is an institution of purely public charity and will be performing an essential
5 governmental function in the exercise of the power conferred upon it by this chapter. For
6 such reasons the state covenants with the owners from time to time of the bonds, notes, and
7 other obligations issued under this chapter that the authority shall not be required to pay
8 any taxes or assessments imposed by the state or any of its counties, municipal
9 corporations, political subdivisions, or taxing districts upon any property acquired by the
10 authority or under its jurisdiction, control, possession, or supervision or leased by it to
11 others, or upon its activities in the operation or maintenance of any such property or on any
12 income derived by the authority in the form of fees, recording fees, rentals, charges,
13 purchase price, installments, or otherwise, and that the bonds, notes, and other obligations
14 of the authority, their transfer, and the income therefrom shall at all times be exempt from
15 taxation within the state. The tax exemption provided in this chapter shall ~~not~~ include ~~any~~
16 an exemption from sales and use tax on property purchased by the authority or for use by
17 the authority."

18 **SECTION 3.**

19 Said chapter is further amended by adding a new Code section immediately following Code
20 Section 50-32-70, to be designated Code Section 50-32-71, to read as follows:

21 "50-32-71.

22 No provision of Chapter 7 of Title 46 shall apply to any bus, other motor vehicle, or rapid
23 rail system of the authority which provides transit services."

24 **SECTION 4.**

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