

House Resolution 509

By: Representatives Smith of the 129th and Floyd of the 147th

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for the creation of a
 2 Transportation Trust Fund; to provide for a levy of a 1 percent sales and use tax on the
 3 purchase of tangible goods and certain services at retail; to provide for the deposit of the
 4 proceeds of such tax into such trust fund; to provide for the governance of such trust fund by
 5 the State Transportation Board and oversight of such trust fund by a Transportation Trust
 6 Fund Oversight Committee; to provide for the administration of such fund by a
 7 Transportation Trust Fund Agency; to provide for purposes and limitations on expenditures
 8 from such trust fund; to provide for the periodic submission of the continuance of such levy
 9 to the people for approval or disapproval; to provide for the authority of the General
 10 Assembly with respect to the foregoing; to provide for other matters relative to the foregoing;
 11 to provide for the submission of this amendment for ratification or rejection; and for other
 12 purposes.

13 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

15 The Constitution is amended by adding at the end of Article III thereof a new Section XI to
 16 read as follows:

17 "SECTION XI.

18 TRANSPORTATION TRUST FUND

19 Paragraph I. *Transportation Trust Fund; Transportation Trust Fund Oversight*
 20 *Committee.* (a) There is created a trust fund of perpetual duration for use in all activities
 21 incident to providing an adequate system of transportation in this state. Revenues raised,
 22 collected, or appropriated for purposes of the fund shall be paid into and disbursed from
 23 the fund as provided by law without being subject to the limitations of Article III, Section
 24 IX, Paragraph I; Article III, Section IX, Paragraph IV(c); Article III, Section IX, Paragraph
 25 VI(a); or Article VII, Section III, Paragraph II. The General Assembly is authorized to
 26 appropriate moneys to the fund, but no moneys subject to the provisions of Article III,

1 Section IX, Paragraph VI(b) shall be appropriated to the fund. Toll revenues generated by
2 any project funded in whole or in part by the fund may be paid into the fund as provided
3 by law. The funds in the fund shall be as fully invested as is practicable, consistent with
4 the requirements to make disbursements therefrom, and the return from such investments
5 shall be deposited in the fund for further investment or disbursement. The governance of
6 the fund shall be vested in the State Transportation Board as provided by law.

7 (b) In the first partial and first full fiscal years of the existence of the fund there shall
8 disbursed from the fund for all purposes not more than 80 percent of the moneys paid or
9 deposited into the fund from time to time in such fiscal years. From the second through the
10 fifth full fiscal years of the existence of the fund there shall be disbursed from the fund for
11 all purposes in each fiscal year not more than 80 percent of the moneys paid or deposited
12 into the fund in the previous fiscal year. From the sixth to the ninth full fiscal years of the
13 existence of the fund there shall be disbursed from the fund for all purposes in each fiscal
14 year not more than 90 percent of the moneys paid or deposited into the fund in the previous
15 fiscal year. After the ninth full fiscal year of the existence of the fund disbursements from
16 the fund shall be as provided by law.

17 (c) The expenditure of moneys paid into the fund shall be subject to all the rules,
18 regulations, and restrictions otherwise imposed on the expenditure of appropriations by
19 provisions of this Constitution and laws of this state, unless such provisions are in conflict
20 with the provisions of this section. In the event of invasion of this state by land, sea, or air
21 or in case of a major catastrophe so proclaimed by the Governor, said funds may be utilized
22 for defense or relief purposes on the executive order of the Governor.

23 (d) There shall be a Transportation Trust Fund Oversight Committee which shall consist
24 of one member appointed by the Governor, one member appointed by the Lieutenant
25 Governor, one member appointed by the Speaker of the House of Representatives, the
26 chairpersons of the Transportation Committees and the Appropriations Committees of the
27 Senate and the House of Representatives, the chairperson of the State Transportation Board
28 and the commissioner of transportation. Appointed members shall serve during the term
29 of office of their appointing officer and until their successors are appointed and qualified.
30 The qualifications, compensation, and removal from office of appointed members shall be
31 as provided by law. The committee shall be charged with the general oversight of the
32 governance and administration of the Transportation Trust Fund Agency and with such
33 other powers and duties as provided by law.

1 Paragraph II. *Transportation Trust Fund Agency; duties and purposes.* (a) The
2 maintenance and administration of the Transportation Trust Fund and the direction of
3 disbursements therefrom shall be vested in a Transportation Trust Fund Agency as
4 provided by law. The State Transportation Board shall select an executive director who
5 shall be the chief executive officer of the agency and shall have such powers and duties as
6 provided by law. No appropriated funds shall be utilized to operate the agency. The
7 agency shall be subject to public contracting laws applicable to the Department of
8 Transportation except as provided by law. The agency may employ or retain experts,
9 employees, agents, and attorneys in such manner and for such purposes as provided by law.
10 The agency shall be empowered as provided by law to issue negotiable revenue bonds and
11 other instruments payable from and secured by the fund or other assets of the agency for
12 the purposes authorized by this section. Such bonds and other instruments except as
13 otherwise provided in this section shall constitute obligations of the agency and not of the
14 state, but the bonds of the agency for all authorized purposes may be guaranteed as
15 provided by Article VII, Section IV, Paragraph III. The agency shall be an instrumentality
16 of the state and shall have such additional responsibilities, powers, and duties as provided
17 by law.

18 (b) The agency shall disburse proceeds from the fund or from the proceeds of bonds and
19 other instruments issued by the agency for the following purposes as provided by law:

20 (1) To fund the Developmental Highway System and Governor's Road Improvement
21 Program;

22 (2) To fund a program of local assistance to counties and municipalities to pay all or
23 part of the costs of planning, surveying, constructing, improving, paving, and completing
24 public roads not on the state highway system;

25 (3) To fund the rehabilitation and replacement of deficient, hazardous, unsafe, or
26 inadequate bridges throughout the state;

27 (4) To supplement operating costs of local public transit and bus systems;

28 (5) To fund a program of local assistance to counties and municipalities to pay all or
29 part of the costs of planning, surveying, constructing, improving, resurfacing, and
30 completing public general aviation airports not serving commercial international flights;

31 (6) To match and supplement federal funding for bikeways and sidewalk
32 improvements;

33 (7) To fund the study and implementation of high-speed intrastate and interstate
34 passenger rail and freight rail services;

35 (8) To fund the costs of planning, surveying, constructing, improving, paving, and
36 completing high-occupancy toll lane systems, managed lane systems, and truck-only toll
37 lane systems on the federal-aid and state highway systems; and

1 (9) To defray the operating expenses of the agency.

2 (c) Disbursements from the fund or from the proceeds of bonds or other instruments
3 repayable from the fund shall not be subject to any allocation or distribution formulas
4 applicable to funds subject to the provisions of Article III, Section IX, Paragraph VI(b).
5 No law shall be enacted that causes any such allocation or distribution of funds subject to
6 such provision to take into account any disbursements from the fund or from the proceeds
7 of such bonds or other instruments.

8 (d) The agency, with the approval of the State Transportation Board, is authorized to
9 disburse moneys from the fund from time to time to departments, authorities,
10 instrumentalities, and political subdivisions of the state for the purposes of this Paragraph,
11 subject to such terms and conditions as the agency, with the approval of the State
12 Transportation Board, shall impose or which shall be provided by law, but no moneys may
13 be appropriated from the fund. All such departments, authorities, instrumentalities, and
14 political subdivisions are authorized to receive such disbursements on such terms and
15 conditions, and such disbursements, if unexpended as provided by law, shall lapse to the
16 fund and not to the general fund.

17 (e) The Department of Transportation is authorized to transfer by intergovernmental
18 contract moneys appropriated or available to such department to the agency for expenditure
19 for the purposes of subparagraphs (b)(1) through (b)(8) of this Paragraph, subject to any
20 limitations on the expenditure of such funds otherwise provided for by law or this
21 Constitution. Such contract shall provide that such moneys shall be expended by the
22 agency only for the purposes designated by the department, and such moneys, if
23 unexpended under the terms of such contract, shall lapse to such department and not to the
24 general fund or the trust fund.

25 Paragraph III. *Levy for purposes of the Transportation Trust Fund; terms, conditions,*
26 *and disposition of proceeds.* From January 1 of the year following the year of the
27 ratification of the amendment which added this section to this article and for a period of ten
28 years thereafter there shall be a levy of 1 percent as a sales and use tax in this state. Such
29 levy shall be imposed and collected by law and in the same manner and subject to the same
30 terms, conditions, and exemptions as the state sales and use tax provided for by general
31 law; provided, further, that should Georgia law or this Constitution be amended to
32 eliminate such state sales and use tax, said levy of 1 percent shall continue to be imposed
33 in the same manner and subject to the same terms and conditions in effect immediately
34 prior to the effective date of the Act or amendment eliminating such state sales and use tax
35 until terminated as provided by this section. The proceeds of such levy shall be deposited
36 into the fund created by Paragraph I of this section.

1 Paragraph IV. *Submission of levy for reapproval.* The General Assembly shall provide
 2 by law that at a general or special election occurring in each tenth year following the year
 3 of the ratification of the amendment which added this section to this article a proposal for
 4 the approval or disapproval of the levy imposed pursuant to Paragraph III of this section
 5 shall be submitted to the electors of the entire state qualified to vote for members of the
 6 General Assembly unless such a proposal has been previously submitted and disapproved.
 7 If such proposal is approved by a majority of such electors, then such levy shall be
 8 continued for a period of ten years commencing on January 1 of the year following such
 9 approval. If such proposal is not so approved, then such levy shall not be continued
 10 pursuant to such Paragraph notwithstanding any provision of law unless subsequently
 11 resubmitted to such electors and so approved. The General Assembly may provide by law
 12 for such resubmission at a general or special election occurring in an even-numbered year,
 13 and if approved such levy shall be reimposed notwithstanding any provision of law and the
 14 year of such approval shall be considered the year of the ratification of the amendment
 15 which added this section for purposes of this Paragraph."

16

SECTION 2.

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

20 "() YES Shall the Constitution of Georgia be amended so as to provide for a
 21 temporary levy of a 1 percent sales tax for a period of ten years to endow a
 22 () NO Transportation Trust Fund for the purpose of financing transportation
 23 improvements throughout the state, and to provide for a vote of the people
 24 every ten years as to whether to continue such levy?"

25 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

26 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 27 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 28 become a part of the Constitution of this state.