

House Resolution 419

By: Representatives Harbin of the 118th, Cheokas of the 134th, England of the 108th, Roberts of the 154th, McCall of the 30th, and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that an amount equal to the
 2 state sales and use tax collected on sales of motor fuels for the purpose of propelling motor
 3 vehicles on the public roads of this state not otherwise exempted by general law shall be
 4 appropriated for all activities incident to providing and maintaining an adequate system of
 5 regional public-use airports in this state; to authorize the General Assembly to appropriate
 6 and direct the use of such funds by general law; to provide for submission of this amendment
 7 for ratification or rejection; and for other purposes.

8 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article III, Section IX, Paragraph VI of the Constitution is amended by revising
 11 subparagraph (b) as follows:

12 "(b)(1) An amount equal to all money derived from motor fuel taxes received by the
 13 state in each of the immediately preceding fiscal years, less the amount of refunds,
 14 rebates, and collection costs authorized by law, is hereby appropriated for the fiscal year
 15 beginning July 1, of each year following, for all activities incident to providing and
 16 maintaining an adequate system of public roads and bridges in this state, as authorized
 17 by laws enacted by the General Assembly of Georgia, and for grants to counties by law
 18 authorizing road construction and maintenance, as provided by law authorizing such
 19 grants. Said sum is hereby appropriated for, and shall be available for, the aforesaid
 20 purposes regardless of whether the General Assembly enacts a general appropriations
 21 Act; and said sum need not be specifically stated in any general appropriations Act passed
 22 by the General Assembly in order to be available for such purposes. However, this shall
 23 not preclude the General Assembly from appropriating for such purposes an amount
 24 greater than the sum specified above for such purposes. The expenditure of such funds
 25 shall be subject to all the rules, regulations, and restrictions imposed on the expenditure
 26 of appropriations by provisions of the Constitution and laws of this state, unless such
 27 provisions are in conflict with the provisions of this ~~paragraph.~~ And subparagraph;

28 provided, however, that the proceeds of the tax hereby appropriated shall not be subject
 29 to budgetary reduction. In the event of invasion of this state by land, sea, or air or in case
 30 of a major catastrophe so proclaimed by the Governor, said funds may be utilized for
 31 defense or relief purposes on the executive order of the Governor.

32 (2) An amount equal to 25 percent in 2013, then increasing each year thereafter by 5
 33 percent to a maximum of 45 percent, of the state sales and use tax collected on sales of
 34 motor fuels for the purpose of propelling motor vehicles on the public roads of this state
 35 not otherwise exempted by general law on January 1, 2011, less the amount of refunds,
 36 rebates, and collection costs authorized by law, in each of the immediately preceding
 37 fiscal years, is hereby allocated to the regional public-use airports improvement fund for
 38 the fiscal year beginning July 1, 2013, and continuing on July 1 of each year following,
 39 for all activities incident to providing and maintaining an adequate system of regional
 40 public-use airports in this state. The General Assembly is specifically authorized to
 41 allocate and specify the use of this fund by general law. Said sum is hereby appropriated
 42 for, and shall be available for, the aforesaid purposes regardless of whether the General
 43 Assembly enacts a general appropriations Act; and said sum need not be specifically
 44 stated in any general appropriations Act passed by the General Assembly in order to be
 45 available for such purposes. However, this shall not preclude the General Assembly from
 46 appropriating for such purposes an amount greater than the sum specified above for such
 47 purposes. The expenditure of such funds shall be subject to all the rules, regulations, and
 48 restrictions imposed on the expenditure of appropriations by provisions of the
 49 Constitution and laws of this state, unless such provisions are in conflict with the
 50 provisions of this subparagraph; provided, however, that the proceeds of the tax hereby
 51 appropriated shall not be subject to budgetary reduction and shall not be subject to the
 52 provisions of Article III, Section IX, Paragraph IV(c), relative to the lapsing of funds, or
 53 to any allocation or balancing of state and federal funds otherwise required by general
 54 law. In the event of invasion of this state by land, sea, or air or in case of a major
 55 catastrophe so proclaimed by the Governor, said funds may be utilized for defense or
 56 relief purposes on the executive order of the Governor."

57 **SECTION 2.**

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

61 "() YES Shall the Constitution of Georgia be amended so as to provide that a portion
 62 () NO of the state sales and use tax collected on the sale or use of motor fuel shall
 63 be appropriated to fund regional public-use airports?"

64 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
65 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
66 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
67 become a part of the Constitution of this state.