

House Resolution 830

By: Representative Brockway of the 102nd

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for the creation, purposes,
2 administration, cooperation with local governments, and regulation by general law of transit
3 community improvement districts in which property may be the subject of taxes, fees, and
4 assessments for the accomplishment of the purposes of such districts; to provide for the
5 submission of this amendment for ratification or rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article IX of the Constitution is amended by inserting a new Section VIII to read as follows:

9 **"SECTION VIII.**

10 **TRANSIT COMMUNITY IMPROVEMENT DISTRICTS**

11 Paragraph I. *Creation.* The General Assembly may by general law create one or more
12 transit community improvement districts for any county or municipality or combination
13 thereof.

14 Paragraph II. *Purposes.* The purpose of a transit community improvement district shall
15 be the provision of extensions of existing transit rail infrastructure, including rail lines,
16 terminals, rail cars, and other associated capital expenditures.

17 Paragraph III. *Administration.* (a) Any law creating or providing for the creation of a
18 transit community improvement district shall designate the Georgia Regional Transit
19 Authority as the administrative body and shall provide for the establishment and
20 membership of a governing board for the transit community improvement district. Any
21 such law creating or providing for the creation of a governing board for the transit
22 community improvement district shall provide for the representation from each county and
23 municipality within which the transit community improvement district is wholly or
24 partially located.

25 (b) Any law creating a transit community improvement district shall provide that the
26 creation of the transit community improvement district shall be conditioned upon the
27 adoption of a resolution consenting to the creation of the transit community improvement
28 district by:

29 (1) The governing authority of each county, if the transit community improvement
30 district is located wholly or partially within the area of a county;

31 (2) The governing authority of each municipality, if the transit community
32 improvement district is located wholly or partially within the incorporated area of a
33 municipality; and

34 (3) The governing authorities of each community improvement district formed
35 pursuant to Section VII of this article if the transit community improvement district is
36 located wholly or partially within the established area of such transit community
37 improvement district.

38 (c) The governing board of each transit community improvement district may be
39 authorized to levy appropriate taxes, fees, and assessments within the transit community
40 improvement district only on real property used for nonresidential purposes, specifically
41 excluding all property used for residential, agricultural, or forestry purposes and
42 specifically excluding tangible personal property and intangible property. The law creating
43 or providing for the creation of a transit community improvement district shall provide that
44 appropriate taxes, fees, and assessments levied by the governing board of the transit
45 community improvement district shall be equitably apportioned among the properties
46 subject to such appropriate taxes, fees, and assessments. The law creating or providing for
47 the creation of a transit community improvement district shall provide that the proceeds of
48 appropriate taxes, fees, and assessments levied by the governing board of the transit
49 community improvement district shall be used only for the purpose established in
50 Paragraph II of this section. Any appropriate tax, fee, or assessment so levied shall be
51 collected by the county or municipality in which the transit community improvement
52 district is created in the same manner as taxes, fees, and assessments levied by such county
53 or municipality. The proceeds of appropriate taxes, fees, and assessments so levied, less
54 such fee to cover the costs of collection as may be specified by law, shall be transmitted
55 by the collecting county or municipality to the governing board of the transit community
56 improvement district and shall be expended by the governing board of the transit
57 community improvement district only for the purposes authorized in this section.

58 Paragraph IV. **Cooperation with local governments.** The capital expenditures provided
59 pursuant to this section shall be provided for in a cooperation agreement executed jointly
60 by the governing board and the Board of Directors of the Metropolitan Atlanta Rapid
61 Transit Authority. The provisions of this section shall in no way limit the authority of any

62 county or municipality to provide services or facilities within any transit community
 63 improvement district, and any county or municipality shall retain full and complete
 64 authority and control over any of its facilities located within a transit community
 65 improvement district. Said control shall include, but not be limited to, the modification of,
 66 access to, and degree and type of services provided through or by facilities of the
 67 municipality or county. Nothing contained in this section shall be construed to limit or
 68 preempt the application of any governmental laws, ordinances, resolutions, or regulations
 69 to any transit community improvement district or facilities provided therein.

70 Paragraph V. **Regulation by law.** The General Assembly may by general law regulate,
 71 restrict, and limit the creation of transit community improvement districts and the exercise
 72 of the powers of administrative bodies of transit community improvement districts."

73

SECTION 2.

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

77 "() YES Shall the Constitution of Georgia be amended so as provide for the creation
 78 of transit community improvement districts in which property, with the
 79 () NO consent of the owners thereof, may be subject to taxes, fees, and
 80 assessments for the purpose of providing extensions of existing transit rail
 81 infrastructure, including rail lines, terminals, rail cars, and other associated
 82 capital expenditures?"

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

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