

House Bill 1032

By: Representatives Brockway of the 102nd, Taylor of the 79th, Kaiser of the 59th, and Frye of the 118th

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 the creation of the Transit
3 Rail Expansion Commission for the purpose of providing oversight, funding, and support to
4 transit rail expansion districts; to provide for a short title; to provide for legislative intent; to
5 provide for definitions; to provide for assignment of the commission to the authority for
6 administrative purposes; to provide for commission membership, appointment of a
7 chairperson, and authority to hire personnel; to provide for commission members' expenses;
8 to provide for powers and duties of the commission; to require recommendations by the
9 commission to the Governor and General Assembly; to provide for the acceptance of federal
10 funds, gifts, and donations by the commission; to provide for the allocation of \$2.00 to a
11 transit expansion fund from the state general fund for every dollar collected in a transit rail
12 expansion district; to provide for the disbursement of funds to maintain and expand transit
13 rail infrastructure in a transit rail expansion district; to provide for reporting of funds
14 collected and funds disbursed to the General Assembly; to provide for related matters; to
15 repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Chapter 32 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia
19 Regional Transportation Authority, is amended by adding a new article to read as follows:

20 "ARTICLE 5A

21 50-32-62.

22 This article shall be known and may be cited as the 'Transit Rail Expansion Commission
23 Act.'

24 50-32-63.

25 The General Assembly finds that real property owners within close proximity of rail transit
 26 stations receive significant positive economic development opportunities because of such
 27 proximity. It is further declared that the number of available rail transit stations has a
 28 positive impact on the value of certain parcels of real property and that the establishment
 29 of transit rail expansion districts is an effective means for increasing the number of rail
 30 transit stations for a given district. As authorized under Article IX, Section VIII of the
 31 Constitution, the General Assembly shall appropriate \$2.00 to the Transit Rail Expansion
 32 Commission for each dollar collected by a transit rail expansion district for the expansion
 33 and maintenance of transit rail infrastructure.

34 50-32-64.

35 As used in this article, the term:

36 (1) 'Assessment' means a tax, fee, or assessment levied upon a transit rail expansion
 37 district pursuant to the authority established under and to be used for the purposes set
 38 forth in Article IX, Section VIII of the Constitution.

39 (2) 'Commission' means the Transit Rail Expansion Commission.

40 (3) 'Qualifying parcel' means any real property located wholly or partially within 1/4
 41 mile from a location within a rail transit station as determined by the commission.

42 (4) 'Rail transit station' means a building or permanent structure where passengers of a
 43 mass transportation system enter and exit the system or await arrival of such system's
 44 high-speed vehicles which travel on rights of way fully protected from other vehicular
 45 and pedestrian traffic.

46 (5) 'Transit rail expansion district' means a majority of owners of qualifying parcels
 47 which in aggregate represents at least 75 percent by value of all real property located
 48 within 1/4 mile from a rail transit station and that has requested an assessment pursuant
 49 to Article IX, Section VIII, Paragraph III of the Constitution.

50 50-32-65.

51 There is established the Transit Rail Expansion Commission, which is assigned to the
 52 authority for administrative purposes only as prescribed in Code Section 50-4-3.

53 50-32-66.

54 (a) The commission shall consist of nine members. The executive director of the State
 55 Road and Tollway Authority, commissioner of transportation, and state revenue
 56 commissioner shall be permanent members of the commission. The Governor, President
 57 Pro Tempore of the Senate, and Speaker of the House of Representatives shall each appoint

58 two of the remaining six members, with such members to serve terms of two years,
 59 provided that, with respect to the first members appointed, the members appointed by the
 60 Governor shall be appointed for terms of three years, the members appointed by the
 61 Speaker of the House of Representatives shall be appointed for terms of two years, and the
 62 members appointed by the President Pro Tempore of the Senate shall be appointed for
 63 terms of one year.

64 (b) In the event of death, resignation, disqualification, or removal for any reason of any
 65 member of the commission, the vacancy shall be filled in the same manner as the original
 66 appointment, and the successor shall serve for the unexpired term.

67 (c) Membership on the commission does not constitute a public office, and no member
 68 shall be disqualified from holding public office by reason of his or her membership.

69 (d) The Governor shall designate a chairperson of the commission from among the
 70 members, which chairperson shall serve at the pleasure of the Governor. The commission
 71 may elect such other officers and committees as it considers appropriate.

72 (e) The commission, with the approval of the Governor, may employ such professional,
 73 technical, or clerical personnel as deemed necessary to carry out the purposes of this
 74 article.

75 50-32-67.

76 Members of the commission shall serve without compensation but shall receive the same
 77 expense allowance per day as that received by a member of the General Assembly for each
 78 day such member of the commission is in attendance at a meeting of such commission, plus
 79 either reimbursement for actual transportation costs while traveling by public carrier or the
 80 same mileage allowance for use of a personal car in connection with such attendance as
 81 members of the General Assembly receive. Such expense and travel allowance shall be
 82 paid in lieu of any per diem, allowance, or other remuneration now received by any such
 83 member for such attendance.

84 50-32-68.

85 (a) The commission shall do all of the following:

86 (1) Meet at such times and places as it shall determine necessary or convenient to
 87 perform its duties. The commission shall also meet on the call of the chairperson or the
 88 Governor;

89 (2) Maintain minutes of its meetings;

90 (3) Adopt rules and regulations for the transaction of its business;

91 (4) Develop a state-wide strategy for the expansion of mass public rail transit;

- 92 (5) Determine the location within a rail transit station which shall be used for
 93 determining whether real property qualifies as a qualifying parcel;
- 94 (6) Determine a rate of assessment on real property, provided that such rate shall be no
 95 more than 2 1/2 percent of the assessed value of the real property located within a transit
 96 rail expansion district and shall be applied uniformly to all transit rail expansion districts;
- 97 (7) Certify any applications of written consent to the creation of a transit rail expansion
 98 district;
- 99 (8) Verify all real property in the proposed transit rail expansion district are qualifying
 100 parcels;
- 101 (9) Levy the assessment on a transit rail expansion district at the rate provided for in
 102 paragraph (6) of this subsection;
- 103 (10) Collect the proceeds of any assessment placed upon a transit rail expansion district;
- 104 (11) Disburse funds pursuant to Code Section 50-32-69.2;
- 105 (12) Maintain records of all expenditures of the commission, funds received as gifts and
 106 donations, and disbursements made; and
- 107 (13) Conform to the standards and requirements prescribed by the State Accounting
 108 Office pursuant to Chapter 5B of this title.
- 109 (b) The commission shall utilize existing state resources and staff of participating
 110 departments whenever practicable.
- 111 50-32-69.
- 112 (a) As soon as practicable after the end of each fiscal year, the Office of the State
 113 Treasurer shall report the amount of funds collected pursuant to the assessment in a transit
 114 rail expansion district to the Office of Planning and Budget and the commission. Pursuant
 115 to the authority of Article IX, Section VIII, Paragraph III of the Constitution, an amount
 116 equal to twice the proceeds received in a transit rail expansion district in any fiscal year
 117 shall be made available during the following fiscal year to the commission for the purposes
 118 set forth in Code Section 50-32-69.2.
- 119 (b) Not later than October 1 of each year, the commission shall provide a report to the
 120 Governor, President of the Senate, and Speaker of the House of Representatives. The
 121 report shall include the amount of funds collected from the assessment in all transit rail
 122 expansion districts for the previous fiscal year, the amount of such funds appropriated to
 123 the commission for such year, and the manner and purposes for which such funds have
 124 been expended.

125 50-32-69.1.

126 The commission may accept and solicit federal funds granted by Congress or executive
127 order for the purposes of this article as well as gifts and donations from individuals, private
128 organizations, or foundations. The acceptance and use of federal funds do not commit state
129 funds and shall not place an obligation upon the General Assembly to continue the
130 purposes for which the federal funds are made available. All funds received in the manner
131 described in this Code section, proceeds collected pursuant to Code Section 50-32-68, and
132 dedication of funds pursuant to Code Section 50-32-69 shall be deposited into the transit
133 rail infrastructure expansion fund.

134 50-32-69.2.

135 The commission shall authorize the disbursement of funds from assessments collected and
136 moneys appropriated to the commission by the General Assembly pursuant to Article IX,
137 Section VIII, Paragraph III of the Constitution for purposes of maintaining and expanding
138 transit rail infrastructure in a transit rail expansion district to a person, entity, local
139 government, or program that is eligible pursuant to criteria to be set by the commission.

140 50-32-69.3.

141 The commission may recommend to the Governor and the General Assembly changes in
142 state programs, statutes, policies, budgets, and standards relating to the provision of mass
143 public rail transit services in this state, with the objective of maintaining and expanding
144 transit rail infrastructure in order to maximize economic development, decrease traffic
145 congestion, and provide reliable transportation options for citizens and visitors."

146 **SECTION 2.**

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