

Senate Bill 420

By: Senators Tippins of the 37th, Hill of the 32nd, Unterman of the 45th, Jones of the 25th and Thompson of the 14th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions applicable to counties, so as to require referendum approval prior to the
3 expenditure of public funds for the establishment of a fixed guideway transit; to provide for
4 definitions; to provide for submission of the question to qualified voters; to provide for ballot
5 language; to provide for applicability; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

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

8 **SECTION 1.**

9 Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to general
10 provisions applicable to counties, is amended by adding a new Code section to read as
11 follows:

12 "36-1-27.

13 (a) As used in this Code section, the term:

14 (1) 'Expenditure of public funds' means:

15 (A) Utilizing the proceeds of any tax, proceeds from the county general fund, or any
16 other county proceeds;

17 (B) Incurring general obligation debt, revenue debt, or other multiyear obligations; or

18 (C) Entering into any intergovernmental agreement with an authority or instrumentality
19 of the state which would impact future tax revenue or obligate the payment of tax
20 revenue, general obligation debt, revenue debt, or other multiyear obligations.

21 (2) 'Fixed guideway transit' means a public transportation system using and occupying
22 a permanent, separate right of way for the exclusive use of public transportation,
23 including, but not limited to, rails for use by trains or a bus rapid transit system.

24 (3) 'Mass transportation' means any mode of transportation serving the general public
25 which is appropriate to transport people by highways or rail.

26 (4) 'Mass transportation regional system participant' means any county within a special
 27 district created pursuant to Article 5 of Chapter 8 of Title 48 in which mass transportation
 28 is provided within such special district, to such special district, or from such special
 29 district by a multicounty regional transportation authority created by an Act of the
 30 General Assembly, including but not limited to the Georgia Regional Transportation
 31 Authority or the Metropolitan Atlanta Rapid Transit Authority.

32 (b) Prior to an expenditure of any public funds for the establishment, maintenance, and
 33 operation of a fixed guideway transit in any county that is a mass transportation regional
 34 system participant, the governing authority of such county shall obtain approval from a
 35 majority of qualified voters of the county in a separate referendum question as provided for
 36 in this Code section.

37 (c) Prior to the issuance of the call for the referendum, the governing authority of the
 38 county that is a mass transportation regional system participant shall adopt a resolution
 39 which shall specify the type and location of a fixed guideway transit, the capital costs to
 40 establish such fixed guideway transit, the date upon which the capital costs to establish
 41 such fixed guideway transit shall be paid in full, and an estimate of the projected annual
 42 costs for maintenance and operation of such fixed guideway transit.

43 (d)(1) Whenever the governing authority of any county that is a mass transportation
 44 regional system participant wishes to submit to the electors of such county the question
 45 of whether to expend public funds for a fixed guideway transit, any such governing
 46 authority shall notify the election superintendent of such county by forwarding to the
 47 superintendent a copy of a resolution of the governing authority calling for a referendum
 48 election. Such election shall be held with a general election, general primary election,
 49 or presidential preference primary. Upon receipt of the resolution, it shall be the duty of
 50 the election superintendent to issue the call for an election for the purpose of submitting
 51 the question of authorizing the expenditure of public funds for a fixed guideway transit
 52 to the voters of the county for approval or rejection. The election superintendent shall
 53 issue the call and shall conduct the election on a date and in the manner authorized under
 54 Code Section 21-2-540. The election superintendent shall cause the date and purpose of
 55 the election along with a copy of the resolution adopted pursuant to subsection (c) of this
 56 Code section to be published once a week for two weeks immediately preceding the date
 57 of the election in the official organ of such county. The ballot shall have written or
 58 printed thereon the following:

59 '() YES Shall the expenditure of public funds for a fixed guideway transit within
 60 () NO _____ County be approved?'

61 (2) All persons desiring to vote in favor of the question shall vote 'Yes,' and all persons
 62 desiring to vote against the question shall vote 'No.' If more than one-half of the votes

63 cast are in favor of the question, then the expenditure of public funds by such county for
64 a fixed guideway transit shall be deemed approved; otherwise, such expenditures shall
65 continue to be prohibited. It shall be the duty of the election superintendent to hold and
66 conduct such elections under the same rules and regulations as govern general elections.
67 It shall be the superintendent's further duty to canvass the returns, declare the result of the
68 election, and certify the result to the Secretary of State. The expense of the election shall
69 be borne by the county holding the election.

70 (e) This Code section shall not apply to the extension of a fixed guideway transit or levy
71 of applicable sales and use taxes authorized pursuant to an Act approved March 10, 1965
72 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act
73 of 1965,' for which any referendum required under such Act shall control.

74 (f) This Code section shall not apply to a municipal corporation with a fixed guideway
75 transit project through an intergovernmental agreement with the Metropolitan Atlanta
76 Rapid Transit Authority in a county which has authorized a sales and use tax pursuant to
77 an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended.

78 (g) This Code section shall not apply to a surface transportation project as such term is
79 defined in paragraph (22) of Code Section 36-61-2."

80 **SECTION 2.**

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