

The Senate Committee on Transportation offered the following substitute to SB 420:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"36-1-27.

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

(1) 'Expenditure of public funds' means:

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

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

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

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

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

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

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

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

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

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

(2) All persons desiring to vote in favor of the question shall vote 'Yes,' and all persons 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 **SECTION 2.**

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