

**HB 277, Transportation investment Act of 2010**  
**(Signed by Governor Perdue on 6/2/10)**

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COMMITTEE OF CONFERENCE SUBSTITUTE TO HB 277

A BILL TO BE ENTITLED  
AN ACT

To enact the "Transportation Investment Act of 2010"; to provide for a short title; to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to provide for certain powers and duties of the Department of Transportation; to provide for certain responsibilities of the commissioner of transportation; to provide for certain responsibilities of the director of planning; to suspend restrictions on the use by public transit authorities of local sales and use tax proceeds; to change the membership of the board of directors of the Metropolitan Atlanta Rapid Transit Authority; to provide for a Georgia Coordinating Committee for Rural and Human Services Transportation; to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for legislative findings and intent; to provide for the creation of special districts; to provide for a special district transportation sales and use tax in such special districts; to provide for definitions; to provide for an exemption from the cap on the imposition of local sales and use taxes; to provide for the development of an investment list of projects; to provide for a referendum; to provide for the rate and manner of imposition of such tax; to provide for collection and administration of such tax; to provide for use of the proceeds of such tax; to provide for returns; to provide for distribution and expenditure of proceeds; to provide for annual reporting; to provide for regional Citizens Review Panels; to provide for tax credits; to provide for certain exemptions; to provide for the effect on any local sales and use taxes; to provide for judicial actions; to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to provide for the creation of the Transit Governance Study Commission; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

<b>SECTION 1.</b> This Act shall be known and may be cited as the "Transportation Investment Act of 2010."	
<b>SECTION 1.1.</b>	<b>GDOT</b>

<p>Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, is amended by revising subsection (a) of Code Section 32-2-41, relating to the powers and duties of the commissioner of transportation, as follows:</p> <p>"(a) As the chief executive officer of the department, the commissioner shall have direct and full control of the department. He or she shall possess, exercise, and perform all the duties, powers, and authority which may be vested in the department by law, except those duties, powers, and authority which are expressly reserved by law to the board or the director of planning. The commissioner's principal responsibility shall be the faithful implementation of transportation plans produced by the director of planning and approved by the Governor and the State Transportation Board, subject to the terms of such appropriations Acts as may be adopted from time to time. <u>The commissioner shall also be responsible for the duties and activities assigned to the commissioner in Article 5 of Chapter 8 of Title 48.</u> When the board is not in regular or called session, the commissioner shall perform, exercise, and possess all duties, powers, and authority of the board except:</p> <p>(1) Approval of the advertising of nonnegotiated construction contracts; and</p> <p>(2) Approval of authority lease agreements.</p> <p>The commissioner shall also have the authority to exercise the power of eminent domain and to execute all contracts, authority lease agreements, and all other functions except those that cannot legally be delegated to him or her by the board."</p>	<p><b>Commissioner</b></p>
<p><b>SECTION 2.</b></p> <p>Said title is further amended by revising Code Section 32-2-43, relating to the responsibilities of the director of planning, as follows:</p> <p>"32-2-43.</p> <p>(a) There shall be a director of planning appointed by the Governor subject to approval by a majority vote of <u>both</u> the House Transportation Committee <u>and</u> the Senate Transportation Committee. The director shall serve during the term of the Governor by whom he or she is appointed and at the pleasure of the Governor. Before assuming the duties of his or her office, the director shall qualify by giving bond with a corporate surety licensed to do business in this state, such bond to be in the amount of</p>	<p><b>GDOT Director of Planning</b></p>

<p>\$500,000.00 and payable to the Governor and his or her successors in office. The bond shall be subject to the approval of the Governor and shall be conditioned on the faithful discharge of the duties of the office. The premium for the bond shall be paid out of the funds of the department.</p> <p>(b) The director of planning's principal responsibility shall be the development of transportation plans, including the development of the state-wide strategic transportation plan and state-wide transportation improvement program and other comprehensive plans pursuant to the provisions of Code Section 32-2-3 and Code Section 32-2-22, strategic transportation plans pursuant to the provisions of Code Section 32-2-41.1, and benchmarks and value engineering studies pursuant to the provisions of Code Section 32-2-41.2, in consultation with the board, the Governor, and the commissioner. <u>The director shall also be responsible for the duties and activities assigned to the director in Article 5 of Chapter 8 of Title 48.</u> The director shall be the director of the Planning Division of the department and shall possess, exercise, and perform all the duties, powers, and authority which may be vested in such division by law and are necessary or appropriate for such purpose, except those duties, powers, and authority which are expressly reserved by law to the board or the commissioner."</p>	
<p><b>SECTION 3.</b></p> <p>Said title is further amended by adding new Code sections immediately following Code Section 32-9-12 to read as follows:</p> <p><u>"32-9-13.</u></p> <p><u>Provisions in all laws, whether general or local, including but not limited to the Metropolitan Atlanta Rapid Transit Authority Act of 1965 approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, that set forth restrictions on the use by public transit authorities of annual proceeds from local sales and use taxes shall be suspended for the period beginning on the effective date of this Code section and continuing for three years. The greater discretion over such funds shall not abrogate the obligation of the public transit authority to comply with federal and state safety regulations and guidelines. Newly unrestricted funds shall be utilized, subject to total funding, to maintain the level of service for the transit system as it existed on <b>January 1, 2010</b>. Furthermore, except as had been previously contracted to by the public transit authority prior to <b>January 1, 2010</b>, no funds newly unrestricted during this suspended period shall be used by a public transit authority to benefit any person or other entity for any of the following: annual cost-of-living or merit based salary raises or increases in hourly wages; increased</u></p>	<p><b>3 year suspension of funding restriction</b></p>

<p><u>overtime due to such wage increases; payment of bonuses; or to increase the level of benefits of any kind.</u></p>	
<p><u>32-9-14.</u></p> <p><u>(a) Any provisions to the contrary in the Metropolitan Atlanta Rapid Transit Authority Act of 1965, approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, notwithstanding, the terms of all members of the board of directors of the Metropolitan Atlanta Rapid Transit Authority shall terminate on <b>December 31, 2010</b>, and the board shall be reconstituted according to the provisions of this Code section.</u></p> <p><u>(b) Effective <b>January 1, 2011</b>, the board of directors of the authority shall be composed of 11 voting members and one nonvoting member. Of the voting members: three members shall be residents of the City of Atlanta to be nominated by the mayor and elected by the city council; four members shall be residents of DeKalb County to be appointed by the DeKalb County Board of Commissioners and at least one of such appointees shall be a resident of that portion of DeKalb County lying south of the southernmost corporate boundaries of the City of Decatur and at least one of such appointees shall be a resident of that portion of DeKalb County lying north of the southernmost corporate boundaries of the City of Decatur; three members shall be residents of Fulton County to be appointed by the local governing body thereof, and one of such appointees shall be a resident of that portion of Fulton County lying south of the corporate limits of the City of Atlanta and two of such appointees shall be residents of that portion of Fulton County lying north of the corporate limits of the City of Atlanta. The commissioner of transportation shall be a voting member of the board and the executive director of the Georgia Regional Transportation Authority shall be a nonvoting member of the board. The governing body that appoints a member shall appoint successors thereto for terms of office of four years in the same manner that such governing body makes its other appointments to the board.</u></p> <p><u>(c) All appointments shall be for terms of four years except that a vacancy caused otherwise than by expiration of term shall be filled for the unexpired portion thereof by the local governing body that made the original appointment to the vacant position, or its successor in office. A member of the board may be appointed to succeed himself or herself for one four-year term. Appointments to fill expiring terms shall be made by the local governing body prior to the expiration of the term, but such appointments shall not be made more than 30 days prior to the expiration of the term. Members appointed to the board shall</u></p>	<p><b>MARTA Board</b></p>

<p><u>serve for the terms of office specified in this Code section and until their respective successors are appointed and qualified.</u></p>	
<p><u>(d) The local governing bodies of Clayton, Cobb, and Gwinnett Counties may, any other provision of this Code section to the contrary notwithstanding, negotiate, enter into, and submit to the qualified voters of their respective counties the question of approval of a rapid transit contract between the county submitting the question and the authority. The local governing bodies of these counties shall be authorized to execute such rapid transit contracts prior to the holding of a referendum provided for in Section 24 of the Metropolitan Atlanta Rapid Transit Authority Act of 1965, approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended; provided, however, that any such rapid transit contract shall not become valid and binding unless the same is approved by a majority of those voting in said referendum, which approval shall also be deemed approval of further participation in the authority. Upon approval of such rapid transit contract, the county entering into such contract shall be a participant in the authority, and its rights and responsibilities shall, insofar as possible, be the same as those belonging to Fulton and DeKalb Counties, and the local governing body of the county may then appoint two residents of the county to the board of directors of the authority, to serve a term ending on the thirty-first day of December in the fourth full year after the year in which the referendum approving said rapid transit contract was held, in which event the board of directors of the authority shall, be composed also of such additional members.</u></p>	<p><b>MARTA Expansion</b></p>
<p><u>(e) No person shall be appointed as a member of the board who holds any other public office or public employment except an office in the reserves of the armed forces of the United States or the National Guard; any member who accepts or enters upon any other public office or public employment shall be disqualified thereby to serve as a member.</u></p> <p><u>(f) A local governing body may remove any member of the board appointed by it for cause. No member shall be thus removed unless the member has been given a copy of the allegations against him or her and an opportunity to be publicly heard in his or her own defense in person with or by counsel with at least ten days' written notice to the member. A member thus removed from office shall have the right to a judicial review of the member's removal by an appeal to the superior court of the county of the local governing body which appointed the member, but only on the ground of error of law or abuse of</u></p>	<p><b>MARTA Board (continued)</b></p>

discretion. In case of abandonment of the member's office, conviction of a crime involving moral turpitude or a plea of nolo contendere thereto, removal from office, or disqualification under subsection (e) of this Code section, the office of a member shall be vacant upon the declaration of the board. A member shall be deemed to have abandoned the member's office upon failure to attend any regular or special meeting of the board for a period of four months without excuse approved by a resolution of the board, or upon removal of the member's residence from the territory of the local governing body that appointed the member.

(g) Each appointed member of the board, except the chairperson, shall be paid by the authority a per diem allowance, in an amount equal to that provided by Code Section 45-7-21 for each day on which that member attends an official meeting of the board, of any committee of the board, or of the authority's Pension Committee, Board of Ethics, or Arts Council; provided, however, that said per diem allowance shall not be paid to any such member for more than 130 days in any one calendar year. If the chairperson of the board is an appointed member of the board, the chairperson shall be paid by the authority a per diem allowance in the same amount for each day in which the chairperson engages in official business of the authority, including but not limited to, attendance of any of the aforesaid meetings. A member of the board shall also be reimbursed for actual expenses incurred by that member in the performance of that member's duties as authorized by the board. A board member shall not be allowed employee benefits.

(h) The board shall elect one of its members as chairperson and another as vice chairperson for terms to expire on December 31 of each year to preside at meetings and perform such other duties as the board may prescribe. The presiding officer of the board may continue to vote as any other member, notwithstanding the member's duties as presiding officer, if the member so desires. The board shall also elect from its membership a secretary and a treasurer who shall serve terms expiring on December 31 of each year. A member of the board may hold only one office on the board at any one time.

(i) The board shall hold at least one meeting each month. The secretary of the board shall give written notice to each member of the board at least two days prior to any called meeting that may be scheduled, and said secretary shall be informed of the call of such meeting sufficiently in advance so as to provide for the giving of notice as above. A majority of the total membership of the board, as it may exist at the time, shall constitute a quorum. On any question presented, the number of members present shall be recorded. By affirmative vote of a majority of the members present, the board may exercise all the powers and perform all the duties of the board, except as otherwise hereinafter provided or as limited by

its bylaws, and no vacancy on the original membership of the board, or thereafter, shall impair the power of the board to act. All meetings of the board, its executive committee, or any committee appointed by the board shall be subject to Chapter 14 of Title 50.

(j) Notwithstanding any other provisions of this Code section, the following actions by the board shall require the affirmative vote of one more than a majority of the total membership of the board as it may exist at the time:

(1) The issuance and sale of revenue bonds or equipment trust certificates;

(2) The purchase or lease of any privately owned system of transportation of passengers for hire in its entirety, or any substantial part thereof. Prior to the purchase or lease of any such privately owned system a public hearing pertaining thereto shall have been held and notice of such public hearing shall have been advertised; provided, however, that no sum shall be paid for such privately owned system of transportation in excess of the fair market value thereof determined by a minimum of two appraisers qualified to appraise privately owned systems of transportation and approved by a majority of the local governments participating in the financing of such purchase;

(3) The award of any contract involving \$100,000.00 or more for construction, alterations, supplies, equipment, repairs, maintenance, or services other than professional services or for the purchase, sale, or lease of any property. The board by appropriate resolution may delegate to the general manager the general or specific authority to enter into contracts involving less than \$100,000.00;

(4) The grant of any concession; and

(5) The award of any contract for the management of any authority owned property or facility.

(k) The board shall appoint and employ, as needed, a general manager and a general counsel, none of whom may be members of the board or a relative of a member of the board, and delegate to them such authority as it may deem appropriate. It may make such bylaws or rules and regulations as it may deem appropriate for its own government, not inconsistent with this Code section, including the establishment of an executive committee to exercise such authority as its bylaws may prescribe.

(l) The treasurer of the authority and such other members of the board and such other officers and employees of the authority as the board may determine shall execute corporate surety bonds, conditioned upon the faithful performance of their respective duties. A blanket form of surety bond may be used for



<p><u>this purpose. Neither the obligation of the principal or the surety shall extend to any loss sustained by the insolvency, failure, or closing of any depository which has been approved as a depository for public funds.</u></p> <p><u>(m)(1) In addition to the requirements of subsection (i) of this Code section, each member of the board shall hold a meeting once each 12 months with the local governing body that appointed such member. The secretary of the board shall give written notice to each member of the board, to each local governing body, and to the governing authority of each municipality in the county in which there is an existing or proposed rail line at least two days prior to any meeting that may be scheduled, and said secretary shall be informed of the call of such meeting sufficiently in advance so as to provide for giving such notice. These meetings shall be for the purpose of reporting to the local governing bodies on the operations of the authority and on the activities of the board and making such information available to the general public. No activity that requires action by the board shall be initiated or undertaken at any meeting conducted under this subsection.</u></p> <p><u>(2) The board shall submit once each three months a written report on the operations of the authority and on the activities of the board to each local governing body that appoints a member of the board."</u></p>	
<p><b>SECTION 4.</b></p> <p>Said title is further amended by adding a new chapter to read as follows:</p> <p><u>"CHAPTER 12</u></p> <p><u>32-12-1.</u></p> <p><u>The General Assembly finds that there exist a number of programs designed to provide rural and human services transportation and that frequently these services are provided over large geographic areas through various funding sources which are frequently targeted to narrowly defined client bases. The sheer number of such programs lends itself to a need for coordination among the programs and agencies which implement them so as to best assist economies in purchasing equipment and operating these many programs, to better serve the taxpayers of the state in ensuring the most cost-effective delivery of these services, and to best serve the clients utilizing the transportation services provided through these programs.</u></p>	<p><b>Rural &amp; HST – Georgia Coordinating Committee of the Governor’s Development Council</b></p>

<p><u>32-12-2.</u></p> <p><u>There is created the Georgia Coordinating Committee for Rural and Human Services Transportation of the Governor's Development Council.</u></p> <p><u>32-12-3.</u></p> <p><u>The Georgia Coordinating Committee for Rural and Human Services Transportation and its advisory subcommittees shall meet not less often than quarterly. Administrative expenses of the committee shall be borne by the Governor's Development Council. The members of the committee shall receive no extra compensation or reimbursement of expenses from the state for their services as members of the committee.</u></p>	
<p><u>32-12-4.</u></p> <p><u>The Georgia Coordinating Committee for Rural and Human Services Transportation shall establish the State Advisory Subcommittee for Rural and Human Services Transportation which shall consist of the State School Superintendent and the commissioners of the Department of Transportation, Department of Human Services, Department of Behavioral Health and Developmental Disabilities, Department of Community Health, Department of Labor, the Governor's Development Council, and the Department of Community Affairs or their respective designees. The commissioner of transportation or his or her designee shall serve as chairperson of the State Advisory Subcommittee for Rural and Human Services Transportation. The Georgia Coordinating Committee for Rural and Human Services Transportation may also establish such additional advisory subcommittees as it deems appropriate to fulfill its mission which shall consist of a representative of each metropolitan planning organization and representatives from each regional commission in this state and may include other local government representatives; private and public sector transportation providers, both for profit and nonprofit; voluntary transportation programs representatives; public transit system representatives, both rural and urban; and representatives of the clients served by the various programs administered by the agencies represented on the State Advisory Subcommittee for Rural and Human Services Transportation. Members of advisory committees shall be responsible for their own expenses and shall receive no compensation or reimbursement of expenses from the Georgia Coordinating Committee for Rural and Human Services</u></p>	<p><b>State Advisory Subcommittee</b></p>

<p><u>Transportation, the State Advisory Subcommittee for Rural and Human Services Transportation, or the state for their services as members of an advisory committee.</u></p>	
<p>32-12-5.</p> <p><u>The Georgia Coordinating Committee for Rural and Human Services Transportation shall examine the manner in which transportation services are provided by the participating agencies represented on the committee. Such examination shall include but not be limited to:</u></p> <p><u>(1) An analysis of all programs administered by participating agencies, including capital and operating costs, and overlapping or duplication of services among such programs, with emphasis on how to overcome such overlapping or duplication;</u></p> <p><u>(2) The means by which transportation services are coordinated among state, local, and federal funding source programs;</u></p> <p><u>(3) The means by which both capital and operating costs for transportation could be combined or shared among agencies, including at a minimum shared purchase of vehicles and maintenance of such vehicles;</u></p> <p><u>(4) An analysis of those areas which might appropriately be consolidated to lower the costs of program delivery without sacrificing program quality to clients, including shared use of vehicles for client trips regardless of the funding source which pays for their trips;</u></p> <p><u>(5) An analysis of state of the art efforts to coordinate rural and human services transportation elsewhere in the nation, including at a minimum route scheduling so as to avoid duplicative trips in a given locality;</u></p> <p><u>(6) A review of any limitations which may be imposed by various federally funded programs and how the state can manage within those limitations as it reviews possible sharing opportunities;</u></p> <p><u>(7) An analysis of how agency programs interact with and impact state, local, or regional transportation services performed on behalf of the general public through state, local, or regional transit systems;</u></p> <p><u>(8) An evaluation of potential cost sharing opportunities available for clients served by committee agencies so as to maximize service delivery efficiencies and to obtain the maximum benefit on their behalf with the limited amount of funds available; and</u></p> <p><u>(9) An analysis of possible methods to reduce costs, including, but not limited to, greater use of</u></p>	<p><b>Georgia Coordinating Committee Role</b></p>

<p>privatization.</p>	
<p>32-12-6.</p> <p><u>No later than <b>July 1</b> of each year, the Governor's Development Council shall submit the preliminary report of the Georgia Coordinating Committee for Rural and Human Services Transportation to the members of the State Advisory Subcommittee for Rural and Human Services Transportation. Comments and recommendations may be submitted to the Governor's Development Council for a period of 30 days. No later than <b>September 1</b> of each year, the Governor's Development Council shall submit a final report to the Governor's Office of Planning and Budget for review and consideration. The report shall address each of the specific duties enumerated in Code Section 32-12-5 and such other subject areas within its purview as the Governor's Development Council shall deem appropriate. Each report shall focus on existing conditions in coordination of rural and human services transportation within the state and shall make specific recommendations for means to improve such current practices. Such recommendations shall address at a minimum both their cost implications and impact on client service. No later than <b>January 15</b> of each year, the Governor's Office of Planning and Budget shall submit the final report of the Governor's Development Council and any affiliated budget recommendations to the presiding officers of the General Assembly, with copies of said report sent to the chairpersons of the transportation committees, the appropriations committees, and the health and human services committees of each chamber of the General Assembly."</u></p>	<p><b>Governor's Development Council Role (GRTA)</b></p>
<p><b>SECTION 5.</b></p> <p>Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising subsection (b) of Code Section 48-8-6, relating to limitations on local imposition of certain taxes, as follows:</p> <p>"(b) There shall not be imposed in any jurisdiction in this state or on any transaction in this state local sales taxes, local use taxes, or local sales and use taxes in excess of 2 percent. For purposes of this prohibition, the taxes affected are any sales tax, use tax, or sales and use tax which is levied in an area consisting of less than the entire state, however authorized, including such taxes authorized by or pursuant to constitutional amendment, except that the following taxes shall not count toward or be</p>	<p><b>Limitations on local imposition of certain taxes</b></p>

subject to such 2 percent limitation:

(1) A sales and use tax for educational purposes exempted from such limitation under Article VIII, Section VI, Paragraph IV of the Constitution;

(2) Any tax levied for purposes of a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Georgia Laws, 1964, page 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment; provided, however, that the exception provided for under this paragraph shall only apply ~~in~~:

(A) In a county in which a tax is being imposed under subparagraph (a)(1)(D) of Code Section 48-8-111 in whole or in part for the purpose or purposes of a water capital outlay project or projects, a sewer capital outlay project or projects, a water and sewer capital outlay project or projects, water and sewer projects and costs as defined under paragraph ~~(3)~~(4) of Code Section 48-8-200, or any combination thereof and with respect to which the county has entered into an intergovernmental contract with a municipality, in which the average waste-water system flow of such municipality is not less than 85 million gallons per day, allocating proceeds to such municipality to be used solely for water and sewer projects and costs as defined under paragraph ~~(3)~~(4) of Code Section 48-8-200. The exception provided for under this ~~paragraph~~ subparagraph shall apply only during the period the tax under said subparagraph (a)(1)(D) is in effect. The exception provided for under this ~~paragraph~~ subparagraph shall not apply in any county in which a tax is being imposed under Article 2A of this chapter; or

(B) In a county in which the tax levied for purposes of a metropolitan area system of public transportation is first levied after January 1, 2010, and before November 1, 2012. Such tax shall not apply to the following:

(i) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport. For purposes of this division, a 'qualifying airline' means any person which is authorized by the Federal Aviation Administration or another appropriate agency of the United States to operate as an air carrier under an air carrier operating certificate and which provides regularly scheduled flights for the transportation of passengers or cargo for hire. For purposes of this division, a 'qualifying airport' means any airport in the state that has had more than 750,000 takeoffs and landings during a calendar year; and

<p>(ii) <u>The sale of motor vehicles;</u></p> <p>(3) In the event of a rate increase imposed pursuant to Code Section 48-8-96, only the amount in excess of the initial 1 percent sales and use tax and in the event of a newly imposed tax pursuant to Code Section 48-8-96, only the amount in excess of a 1 percent sales and use tax; <del>and</del></p> <p>(4) <u>A sales and use tax levied under Article 4 of this chapter; and</u></p> <p>(5) <u>A sales and use tax levied under Article 5 of this chapter.</u></p> <p>If the imposition of any otherwise authorized local sales tax, local use tax, or local sales and use tax would result in a tax rate in excess of that authorized by this subsection, then such otherwise authorized tax may not be imposed."</p>	
<p><b>SECTION 6.</b></p> <p>Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by adding a new article in Chapter 8 to read as follows:</p> <p><u>"ARTICLE 5</u> <u>Part 1</u></p> <p><u>48-8-240.</u></p> <p><u>The local governments of the State of Georgia are of vital importance to the state and its citizens. The state has an essential public interest in promoting, developing, sustaining, and assisting local governments. The General Assembly finds that the design and construction of transportation projects is a critical local government service for which adequate funding is not presently available. Many transportation projects cross multiple jurisdictional boundaries and must be coordinated in their design and construction. The General Assembly finds that the most efficient means to coordinate and fund such projects is through the creation of special districts that correspond with the boundaries of existing regional commissions. The purpose of this article is to provide for special districts that will enable the coordinated design and construction of transportation projects that will develop and promote the</u></p>	<p><b>Special Districts</b></p>

<p><u>essential public interests of the state and its citizens at the state, regional, and local levels. The General Assembly intends through the creation of such special districts to enable the citizens within each district to decide in an election whether to authorize the imposition of a special district transportation sales and use tax to fund the projects on an investment list collaboratively developed by the affected local governments and the state. This article shall be construed liberally to achieve its purpose.48-8-241.</u></p> <p><u>(a) There are created within this state 12 special districts. The geographical boundary of each special district shall correspond with and shall be coterminous with the geographical boundary of the applicable region of the 12 regional commissions provided for in subsection (f) of Code Section 50-8-4.</u></p> <p><u>(b) When the imposition of a special district sales and use tax is authorized according to the procedures provided in this article within a special district, subject to the requirement of referendum approval and the other requirements of this article, a special sales and use tax shall be imposed within the special district for a period of ten years which tax shall be known as the special district transportation sales and use tax.</u></p>	
<p><u>(c) Nothing in this article shall be construed as limiting the establishment of a fund or funds which would provide at least 20 years of maintenance and operation costs from proceeds of the special district transportation sales and use tax used to construct, finance, or otherwise develop transit capital projects; provided, however, that the Metropolitan Atlanta Rapid Transit Authority, created by an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, shall not be authorized to use any proceeds from the special district transportation sales and use tax for expenses of maintenance and operation of such portions of the transportation system of such authority in existence on January1, 2011.</u></p>	<b>M&amp;O fund</b>
<p><u>(d) Any tax imposed under this article shall be at the rate of 1 percent. Except as to rate, a tax imposed under this article shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this article, except that a tax imposed under this article shall not apply to:</u></p> <p><u>(1) The sale or use of any type of fuel used for off-road heavy-duty equipment, off-road farm or agricultural equipment, or locomotives;</u></p> <p><u>(2) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport;</u></p> <p><u>(3) The sale or use of fuel that is used for propulsion of motor vehicles on the public highways. For</u></p>	<b>Tax exemptions</b>

<p><u>purposes of this paragraph, a motor vehicle means a self-propelled vehicle designed for operation or required to be licensed for operation upon the public highways;</u></p> <p><u>(4) The sale or use of energy used in the manufacturing or processing of tangible goods primarily for resale; or</u></p> <p><u>(5) For motor fuel as defined under paragraph (9) of Code Section 48-9-2 for public mass transit.</u></p>	
<p><u>The tax imposed pursuant to this article shall only be levied on the first \$5,000.00 of any transaction involving the sale or lease of a motor vehicle. The tax imposed pursuant to this article shall be subject to any sales and use tax exemption which is otherwise imposed by law; provided; however, that the tax levied by this article shall be applicable to the sale of food and beverages as provided for in division (57)(D)(i) of Code Section 48-8-3.</u></p>	<b>Tax Levied</b>
<p><u>48-8-242.</u></p> <p><u>As used in this article, the term:</u></p> <p><u>(1) 'Commission' means the Georgia State Financing and Investment Commission;</u></p> <p><u>(2) 'Cost of project' means:</u></p> <p><u>(A) All costs of acquisition, by purchase or otherwise, construction, assembly, installation, modification, renovation, extension, rehabilitation, operation, or maintenance incurred in connection with any project of the special district or any part thereof;</u></p> <p><u>(B) All costs of real property or rights in property, fixtures, or personal property used in or in connection with or necessary for any project of the special district or for any facilities related thereto, including but not limited to the cost of all land, interests in land, estates for years, easements, rights, improvements, water rights, and connections for utility services; the cost of fees, franchises, permits, approvals, licenses, and certificates; the cost of securing any such franchises, permits, approvals, licenses, or certificates; the cost of preparation of any application therefor; and the cost of all fixtures, machinery, equipment, furniture, and other property used in or in connection with or necessary for any project of the special district;</u></p> <p><u>(C) All costs of engineering, surveying, planning, environmental assessments, financial analyses, and architectural, legal, and accounting services and all expenses incurred by engineers, surveyors, planners,</u></p>	<b>Definitions</b>



environmental scientists, fiscal analysts, architects, attorneys, accountants, and any other necessary technical personnel in connection with any project of the special district;

(D) All expenses for inspection of any project of the special district;

(E) All fees of any type charged to the special district in connection with any project of the special district;

(F) All expenses of or incidental to determining the feasibility or practicability of any project of the special district;

(G) All costs of plans and specifications for any project of the special district;

(H) All costs of title insurance and examinations of title with respect to any project of the special district;

(I) Repayment of any loans for the advance payment of any part of any of the foregoing costs, including interest thereon and any other expenses of such loans;

(J) Administrative expenses of the special district and such other expenses as may be necessary or incidental to any project of the special district or the financing thereof; and

(K) The establishment of a fund or funds or such other reserves as the commission may approve with respect to the financing and operation of any project of the special district.

Any cost, obligation, or expense incurred for any of the purposes specified in this paragraph shall be a part of the cost of the project of the special district and may be paid or reimbursed as otherwise authorized by this article.

(3) 'County' means any county created under the Constitution or laws of this state.

(4) 'Dealer' means a dealer as defined in paragraph (3) of Code Section 48-8-2.

(5) 'Director' means the director of planning provided for in Code Section 32-2-43.

(6) 'LARP factor' means the sum of one-fifth of the ratio between the population of a local government's jurisdiction and the total population of the special district in which such local government is located plus four-fifths of the ratio between the paved and unpaved centerline road miles in the local government's jurisdiction and the total paved and unpaved centerline road miles in the special district in which such local government is located.

(7) 'Local government' means any municipal corporation, county, or consolidated government created by the General Assembly or pursuant to the Constitution and laws of this state.

(8) 'Metropolitan planning organization' or 'MPO' means the policy board of an organization created and designated to carry out the metropolitan transportation planning process as defined in 23 C.F.R. Section 450.

(9) 'Municipal corporation' means any incorporated city or town in this state.

(10) 'Project' means, without limitation, any new or existing airports, bike lanes, bridges, bus and rail mass transit systems, freight and passenger rail, pedestrian facilities, ports, roads, terminals, and all activities and structures useful and incident to providing, operating, and maintaining the same. The term shall also include direct appropriations to a local government for the purpose of serving as a local match for state or federal funding.

(11) 'Regional transportation roundtable' or 'roundtable' means a conference of the local governments of a special district created pursuant to this article held at a centralized location within the district as chosen by the director for the purpose of establishing the investment criteria and determining projects eligible for the investment list for the special district. The regional transportation roundtable shall consist of two representatives from each county, including the chairperson, sole commissioner, mayor, or chief executive officer of the county governing authority and one mayor elected by the mayors of the county; provided, however, that, in the event such an election ends in a tie, the mayor of the municipal corporation with the highest population determined using the most recently completed United States decennial census shall be deemed to have been elected as a representative unless that mayor is already part of the roundtable. In such case, the mayor of the municipal corporation with the second highest population shall be deemed to have been elected as a representative. If a county has more than 90 percent of its population residing in municipal corporations, such county shall have the mayor of the municipal corporation with the highest population determined using the most recently completed United States decennial census as an additional representative. The regional transportation roundtable shall elect five representatives from among its members to serve as an executive committee. The executive committee shall also include two members of the House of Representatives selected by the chairperson of the House Transportation Committee and one member of the Senate selected by the chairperson of the Senate Transportation Committee. Each member of the General Assembly appointed to the executive committee

<p><u>shall be a nonvoting member of the executive committee and shall represent a district which lies wholly or partially within the region represented by the executive committee. The executive committee shall not have more than one representative from any one county, but any member of the General Assembly serving on the executive committee shall not count as a representative of his or her county.</u></p> <p><u>(12) 'Special Regional Transportation Funding Election Act' means an Act specifically and exclusively enacted for the purpose of ordering that a referendum be held for the reimposition of the special district transportation sales and use tax within the region that includes the districts, in their entirety or any portion thereof, of the members from a local legislative delegation in the General Assembly. A majority of the signatures of the legislative delegation for a majority of the counties within the region shall be required for the bill to be placed upon the local calendar of each chamber. This method shall be exclusively used for this purpose and no other bill shall be placed or voted upon on the local calendar utilizing this method of qualification for placement thereon. This Act shall be treated procedurally by the General Assembly as a local Act and all counties within the region shall receive the legal notice requirements of a local Act.</u></p> <p><u>(13) 'State-wide strategic transportation plan' means the official state-wide transportation plan as defined in paragraph (6) of subsection (a) of Code Section 32-2-22.</u></p> <p><u>(14) 'State-wide transportation improvement program' means a state-wide prioritized listing of transportation projects as defined in paragraph (7) of subsection (a) of Code Section 32-2-22.</u></p> <p><u>(15) 'Transportation improvement program' means a prioritized listing of transportation projects as defined in paragraph (8) of subsection (a) of Code Section 32-2-22.</u></p>	
<p><u>48-8-243.</u></p> <p><u>(a) Within 60 calendar days following approval by the Governor of the state-wide strategic transportation plan, the State Transportation Board shall consider the state-wide strategic transportation plan in accordance with the provisions of subsection (c) of Code Section 32-2-22. Upon approval of the state-wide strategic transportation plan by the State Transportation Board, the director shall provide in written form to the local governments and any MPO's within each special district across the state recommended criteria for the development of an investment list of projects and programs. The establishment of such criteria shall comport with the investment policies provided in subsection (a) of Code Section 32-2-41.1</u></p>	<p><b>Draft criteria</b></p>

<p><u>and the state-wide strategic transportation plan. The recommended criteria shall include performance goals, allocation of investments in alignment with performance, and execution of projects.</u></p>	
<p><u>The state fiscal economist shall develop an estimate of the proceeds of the special district transportation sales and use tax for each special district using financial data supplied by the department. Such estimate shall include reasonable ranges of anticipated growth, if any. The director shall include such estimates and ranges in the recommended criteria for developing the draft investment list.</u></p>	<p><b>Financial estimate</b></p>
<p><u>Any local government or MPO desiring to submit comments on the recommended criteria shall make such submission to the director no later than <b>September 30, 2010</b>. On or before <b>November 10, 2010</b>, the mayors in each county shall elect the mayoral representative to the regional transportation <b>roundtable</b> and notify the county commission chairperson and the director of that mayor's name. The director shall accept comments from any MPO located wholly or partially within each special district in finalizing the recommended district criteria in a written report on or before <b>November 15, 2010</b>. Such report shall also include notice of the date, time, and location of the first regional transportation <b>roundtable</b> for each special district for the purpose of considering the recommended district criteria and for electing members of the executive committee for each special district. Any amendment to the recommended criteria, approval of such criteria, and election of the executive committee shall be enacted by a majority vote of the representatives present at the <b>roundtable</b> meeting. Upon approval of the criteria, the director shall promptly deliver a report to the commissioner of transportation, local governments, any MPO located wholly or partially within each special district and the members of the General Assembly whose districts lie wholly or partially within each special district detailing the criteria approved by the <b>roundtable</b>.</u></p>	<p><b>Final criteria</b></p>
<p><u>(b) With regard to any area of a special district that is not part of an MPO, following receipt of the report provided for in subsection (a) of this Code section, and after receiving comments, if any, from members of the General Assembly whose districts lie wholly or partially within such area, the local governments in such area may submit projects to the director to assemble a list of example investments for such special district that comport with the special district's investment criteria. With regard to any area of a special district that is part of an MPO, following receipt of the report provided for in subsection (a) of this Code section, and after receiving comments, if any, from members of the General Assembly whose districts lie wholly or partially within such area, the local governments may submit projects to the</u></p>	<p><b>Example projects</b></p>

<p><u>director and to the MPO for the director to use to assemble a list of example investments for such special district that comport with the special district's investment criteria. The list of example investments for each special district shall not be required to be fiscally constrained within the budget of the revenues projected to be generated by each special district's sales and use tax and shall be submitted to the executive committee for each regional transportation <b>roundtable</b> for consideration. The executive committee in collaboration with the director shall choose from the list of example investments to create the draft investment list, which shall be approved by majority vote of the executive committee. Such draft investment list shall be fiscally constrained within the ranges of revenues projected to be generated by the special district sales and use tax, as determined by the state fiscal economist. The special district's draft investment list as approved by the executive committee shall be considered by the regional transportation <b>roundtable</b>.</u></p>	
<p><u>The director shall deliver the draft investment list to the local governments, MPO's, and members of the General Assembly whose districts lie wholly or partially within each special district for each special district not later than <b>August 15, 2011</b>. The director shall include in the draft investment list a statement of the specific public benefits to be expected upon the completion of each project on the investment list and how the special district's investment criteria are furthered by each project. Examples of specific public benefits include, but are not limited to, congestion mitigation, increased lane capacity, public safety, and economic development. The director shall include in such delivery notice of the date, time, and location of each district's executive committee meeting and final regional transportation <b>roundtable</b>. Prior to holding the final regional transportation <b>roundtable</b>, the executive committee shall hold, after proper notice to the public, at least two public meetings in the region for the purpose of receiving public comment on the draft regional investment list. The executive committee shall prepare and deliver to all members of the regional <b>roundtable</b> and the director a summary of the public comment on the regional investment list. The local governments, MPO's, and members of the General Assembly whose districts lie wholly or partially within such special district may submit comments on the draft investment list addressed to both the director and the executive committee no later than two weeks prior to the dates of the final regional transportation <b>roundtable</b> and the executive committee meeting, respectively, for the special district.</u></p>	<p><b>Draft investment list</b></p>
<p><u>At the final regional transportation <b>roundtable</b>, the draft investment list approved by the executive committee shall be considered for approval by a majority vote of the representatives present at the</u></p>	<p><b>Final investment list</b></p>

<p><u><b>roundtable</b>. Should the <b>roundtable</b> reject the draft investment list approved by the executive committee, the <b>roundtable</b> then may negotiate amendments that meet the district's investment criteria to the draft investment list, which shall be chosen from the list of example investments for each special district, each voted on separately and requiring a majority vote of the representatives present at the <b>roundtable</b> for approval. Upon consideration of all offered amendments, upon motion, the <b>roundtable</b> shall vote as to the approval of the amended draft list, requiring a majority vote of the representatives present at the <b>roundtable</b>.</u></p>	<p><b>development</b></p>
<p><u>The approved investment list, if any, shall be provided to the director. On or before <b>October 15, 2011</b>, the director shall deliver such list to the commission, the commissioner of transportation, the executive director of the Georgia Regional Transportation Authority, local governments, MPO's, and members of the General Assembly whose districts lie wholly or partially within each special district for each special district. The approved investment list shall include:</u></p> <ul style="list-style-type: none"> <li><u>(1) The specific transportation projects to be funded;</u></li> <li><u>(2) The anticipated schedule of such projects;</u></li> <li><u>(3) The approximate cost of such projects; and</u></li> <li><u>(4) The estimated amount of net proceeds to be raised by the tax including the amount of proceeds to be distributed to local governments pursuant to subsection (e) of Code Section 48-8-249</u></li> </ul>	<p><b>Approved investment list</b></p>
<p><u>If a <b>roundtable</b> does not approve the original draft investment list or an amended draft investment list on or before <b>October 15, 2011</b>, then a special district gridlock shall be declared by the director and no election shall be held in such special district. The question of levying the tax shall not be submitted to the voters of the special district until after 24 months immediately following the month in which the special district gridlock was reached.</u></p> <p><u>(c) In the event a special district gridlock is declared, the local governments in such special district shall be required to provide a 50 percent match for any local maintenance and improvement grants by the Department of Transportation. Such 50 percent match requirement shall remain in place until the special district <b>roundtable</b> approves an investment list meeting the special district's investment criteria and an election is held within the special district on the levy of the special district transportation sales and use tax.</u></p>	<p><b>Special district gridlock</b></p>

Part 2

**Election notice**

48-8-244.

(a) Simultaneously with the director's delivery of the approved investment list in accordance with subsection (b) of Code Section 48-8-243, the **roundtable** shall deliver a notice to the election superintendents of each county within the respective special districts. Upon receipt of the notice, the election superintendents shall issue the call for an election for the purpose of submitting the question of the imposition of the tax to the voters within each special district. The election superintendents shall issue the call and shall conduct the election in the manner authorized under Code Section 21-2-540. The first election shall be held on the date of the general state-wide primary in 2012. The election superintendents shall cause the date and purpose of the election to be published once a week for four weeks immediately preceding the date of the election in the official organs of their respective counties.

(b) The ballot submitting the question of the levy of the special district transportation tax authorized by this article to the voters within each special district shall have written or printed thereon the following:

- ( ) YES      Shall \_\_\_\_\_ County's transportation system and the transportation network in this region and the state be improved by providing for a 1 percent special district transportation sales and use tax for the purpose of transportation projects and programs for a period of ten years?'
- ( ) NO

(c) All persons desiring to vote in favor of levying the tax shall vote 'Yes' and all persons opposed to levying the tax shall vote 'No.' If more than one-half of the votes cast throughout the entire special district are in favor of levying the tax, then the tax shall be levied as provided in this article; otherwise the tax shall not be levied and the question of levying the tax shall not again be submitted to the voters of the special district until after 24 months immediately following the month in which the election was held. Each election superintendent shall hold and conduct the election under the same rules and regulations as govern special elections. Each election superintendent shall canvass the returns from his or her county, declare the result of the election in that county, and certify the result to the Secretary of State. The Secretary of State shall compile the results from each county in the special district, declare the result

<p><u>of the election in the special district, and certify the result to the governing authority of each local government and MPO within the special district and the state revenue commissioner. The expense of the election in each county within each special district shall be paid from funds of each county.</u></p>	
<p><u>(d) In the event a special district sales and use tax election is held and the voters in a special district do not approve the levy of the special district transportation sales and use tax, the local governments in such special district shall be required to provide a 30 percent match for any local maintenance and improvement grants by the Department of Transportation for transportation projects and programs for at least 24 months and until such time as a special district sales and use tax is approved.</u></p>	<p><b>Tax not approved</b></p>
<p><u>In the event the voters in a special district approve the levy of the special district transportation sales and use tax, the local governments in such special district shall be required to provide a 10 percent match for any local maintenance and improvement grants by the Department of Transportation for transportation projects and programs for the duration of the levy of the special district transportation sales and use tax.</u></p>	<p><b>Tax approved</b></p>
<p><u>48-8-244.1.</u>  <u>The approval of the levy of the special district transportation sales and use tax in a special district shall not in any way diminish the percentage of funds allocated to a special district or any of the local governments within a special district under the provisions of subsection (c) of Code Section 32-5-27. The amount of funds expended in a special district shall not be decreased due to the use of proceeds from the special district transportation sales and use tax to construct transportation projects that have a high priority in the state-wide strategic transportation plan. If a special district constructs a project on the approved investment list using proceeds from the special district tax, then the state funding under subsection (c) of Code Section 32-5-27 shall not be diverted to priority projects in other special districts.</u></p>	<p><b>No balancing of funds</b></p>
<p><u>48-8-245.</u>  <u>(a) If the imposition of the special district transportation sales and use tax is approved at the special election, the collection of such tax shall begin on the first day of the next succeeding calendar quarter beginning more than 80 days after the date of the election. With respect to services which are regularly billed on a monthly basis, however, the tax shall become effective with respect to and the tax shall apply to services billed on or after the effective date specified in the previous sentence.</u></p>	<p><b>Taxing begins</b></p>



<p><u>(b) The tax shall cease to be imposed on the earliest of the following dates:</u></p> <p><u>(1) On the final day of the ten-year period of time specified for the imposition of the tax; or</u></p> <p><u>(2) As of the end of the calendar quarter during which the state revenue commissioner determines that the tax has raised revenues sufficient to provide to the special district net proceeds equal to or greater than the amount specified as the estimated amount of net proceeds to be raised by the special district transportation tax.</u></p>	<p><b>Taxing ends</b></p>
<p><u>(c)(1) No more than a single 1 percent tax under this article may be collected at any time within a special district.</u></p>	<p><b>1% limit</b></p>
<p><u>(2) Upon the enactment by the General Assembly of a Special Regional Transportation Funding Election Act and the adoption of resolutions by the governing bodies of a majority of the counties within a special district in which a tax authorized by this article is in effect, an election may be held for the reimposition of the tax while the tax is in effect. Proceedings for the development of an investment list and for the reimposition of a tax shall be in the same manner as provided for in Code Section 48-8-243.</u></p> <p><u>(3) Following the expiration of the special district transportation sales and use tax under this article, or following a special election in which voters in a special district rejected the imposition of the tax, upon the passage by the General Assembly of a Special Regional Transportation Funding Election Act and the adoption of resolutions by the governing bodies of a majority of counties within a special district, an election may be held for the imposition of a tax under this article in the same manner as provided in this article for the initial imposition of such tax. Such subsequent election shall be held on the date of a state-wide general primary. The development of the investment list for such special district shall follow the dates established in Code Section 48-8-243 with the years adjusted appropriately, and such schedule shall be posted on a website developed by the state revenue commissioner to be used exclusively for matters related to the special district transportation sales and use tax within 30 days of the later of the state revenue commissioner's receipt of notice from the final county governing body required to adopt a resolution or of the passage of the Special Regional Transportation Funding Election Act by the General Assembly.</u></p>	<p><b>Reimposition of Tax</b></p>
<p><u>48-8-246.</u></p>	<p><b>Tax collection</b></p>

<p><u>A tax levied pursuant to this article shall be exclusively administered and collected by the state revenue commissioner for the use and benefit of the special district imposing the tax. Such administration and collection shall be accomplished in the same manner and subject to the same applicable provisions, procedures, and penalties provided in Article 1 of this chapter; provided, however, that all moneys collected from each taxpayer by the state revenue commissioner shall be applied first to such taxpayer's liability for taxes owed the state; and provided, further, that the state revenue commissioner may rely upon a representation by or in behalf of the special district or the Secretary of State that such a tax has been validly imposed, and the state revenue commissioner and the state revenue commissioner's agents shall not be liable to any person for collecting any such tax which was not validly imposed. Dealers shall be allowed a percentage of the amount of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if such amount is not delinquent at the time of payment. The deduction shall be at the rate and subject to the requirements specified under subsections (b) through (f) of Code Section 48-8-50.</u></p> <p><u>48-8-247.</u></p> <p><u>Each sales tax return remitting taxes collected under this article shall separately identify the location of each retail establishment at which any of the taxes remitted were collected and shall specify the amount of sales and the amount of taxes collected at each establishment for the period covered by the return in order to facilitate the determination by the state revenue commissioner that all taxes imposed by this article are collected and distributed according to situs of sale.</u></p>	
<p><u>48-8-248.</u></p> <p><u>The proceeds of the tax collected by the state revenue commissioner in each special district under this article shall be disbursed as soon as practicable after collection to the Georgia State Financing and Investment Commission to be maintained in a trust fund and administered by the commission on behalf of the special district imposing the tax. Such proceeds for each special district shall be kept separate from other funds of the commission and shall not in any manner be commingled with other funds of the commission.</u></p>	<b>Revenue disbursement</b>
<p><u>48-8-249.</u></p> <p><u>(a) The proceeds received from the tax authorized by this article shall be used within the special district</u></p>	<b>Use of proceeds</b>

<p><u>receiving proceeds of the tax exclusively for the projects on the approved investment list for such district as provided in subsection (b) of Code Section 48-8-243. Authorized uses of tax proceeds in connection with such projects shall include the cost of project defined in paragraph (2) of Code Section 48-8-242.</u></p>	
<p><u>(b) The commission shall be responsible for the proper application of the proceeds received from the tax authorized by this article for the approved investment list for each special district. The commission shall delegate the management of the budget, schedule, execution, and delivery of the projects contained in the approved investment list as follows:</u></p>	<p><b>Administration by GSFIC</b></p>
<p><u>(1) The commission shall contract with the Department of Transportation for all transportation projects except bus and rail mass transit systems and passenger rail in any special district the boundaries of which are not wholly contained within a single MPO; and</u></p>	<p><b>GDOT role</b></p>
<p><u>(2) The commission shall contract with the Georgia Regional Transportation Authority only for projects that are bus and rail mass transit systems and passenger rail within any special district the boundaries of which are wholly contained within a single MPO.</u></p>	<p><b>GRTA role</b></p>
<p><u>Upon entering into contracts with the Department of Transportation or the Georgia Regional Transportation Authority as provided above, the commission shall dispense funds upon the request of the commissioner of transportation or the executive director of the Georgia Regional Transportation Authority, which request shall include certification of the completion of the project or project element for which funds are requested. Payment shall be made promptly upon approval by the construction division or the financing and investment division of the commission, and such payments shall not require any other official action by the commission. The use of funds so dispensed shall be subject to review and audit by the construction division and the financing and investment division of the commission and action by the commission upon receipt of complaint or if otherwise warranted. The Department of Transportation and Georgia Regional Transportation Authority shall consult with the commission on at least a quarterly basis regarding the progress and performance in the execution, schedule, and delivery of projects on the approved investment list.</u></p> <p><u>(c) In managing the execution, schedule, and delivery of the projects on the approved investment list for a special district, the Department of Transportation or Georgia Regional Transportation Authority, as</u></p>	<p><b>Funds dispensing</b></p>

<p><u>appropriate, shall determine whether a project should be designed and constructed by the Department of Transportation, by a local government, or by another public or private entity. In making such determination the following shall be considered:</u></p> <p><u>(1) Whether such project is on the state-wide transportation improvement program, the state-wide strategic transportation plan, or a transportation improvement program;</u></p> <p><u>(2) The type and estimated cost of the project;</u></p> <p><u>(3) The location of the project and whether it encompasses multiple jurisdictions;</u></p> <p><u>(4) The experience of a local government or governments or a public or private entity in designing and constructing such project as set forth in an application in a form to be provided by the commissioner of transportation or the executive director of the Georgia Regional Transportation Authority; and</u></p> <p><u>(5) The recommendation of the MPO, if any, for such special district.</u></p>	
<p><u>Following the decision, the Department of Transportation, the local government or governments, or another public or private entity as determined under this subsection shall contract for implementing the projects in accordance with applicable state and federal requirements.</u></p>	<b>Contracting</b>
<p><u>(d) The commission shall maintain or cause to be maintained an adequate record-keeping system for each project funded by a special district transportation sales and use tax. An annual audit shall be paid for by each special district and conducted by an independent auditing firm as selected by the commission. Such audit shall include a schedule which shows for each such project the original estimated cost, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year. Such audit shall verify and test expenditures sufficient to provide assurances that the schedule is fairly presented in relation to the financial statements. The audit report on the financial statements shall include an opinion, or disclaimer of opinion, as to whether the schedule is presented fairly in all material respects in relation to the financial statements taken as a whole.</u></p>	<b>Record-keeping</b>
<p><u>(e) Twenty-five percent of the proceeds received from the tax authorized by this article shall be distributed to the local governments within the special district in which the tax is imposed if such special district's boundaries are not coterminous with an MPO. Fifteen percent of the proceeds received from the</u></p>	<b>Fund distribution to local governments</b>

<p><u>tax authorized by this article shall be distributed to the local governments within the special district in which the tax is imposed if such special district's boundaries are wholly contained within a single MPO. Such percentages shall be allocated to each local government by multiplying the LARP factor of each local government by the total amount of funds to be distributed to all the local governments in the special district. Proceeds described in this subsection shall be distributed to the local governments on an ongoing basis as they are received by the commission. Such proceeds shall be used by the local governments only for transportation projects as defined in paragraph (10) of Code Section 48-8-242 and may also serve as the local match as required for state transportation projects and grants. If a special district receives from the tax net proceeds in excess of the investment list approved by the <b>roundtable</b> for the imposition of the tax or in excess of the actual cost of the project or projects on such investment list, then such excess proceeds shall be distributed among the local governments within the special district in accordance with this subsection.</u></p>	
<p><u>48-8-250.</u></p> <p><u>Not later than December 15 of each year, the state revenue commissioner shall publish, on the website created pursuant to paragraph (3) of subsection (c) of Code Section 48-8-245, a simple, nontechnical report which shows for each project in the investment list approved by the director the original estimated cost, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year with respect to each such project. The report shall also include a statement of what corrective action the commissioner of transportation and the executive director of the Georgia Regional Transportation Authority intend to implement with respect to each project which is underfunded or behind schedule and a statement of any surplus funds which have not been expended for a project.</u></p>	<p><b>Website information, DOR</b></p>
<p><u>48-8-251.</u></p> <p><u>(a) There is created a Citizens Review Panel for each special district in which voters approved the levy of the special district sales and use tax to be composed of three citizen members appointed by the Speaker of the House of Representatives and two citizen members appointed by the Lieutenant Governor. Each member must be a resident of the special district of which Citizens Review Panel they are appointed to serve.</u></p>	<p><b>Citizens Review Panel</b></p>

<p><u>(b) In the event that any vacancy for any cause shall occur in the membership of the committee, such vacancy shall be filled by an appointment made by the official authorized by law to make such appointment within 45 days of the occurrence of such vacancy.</u></p> <p><u>(c) The panel shall, by majority vote of those members present and voting, elect from their number a chairperson and vice chairperson who shall serve at the pleasure of the panel.</u></p> <p><u>(d) The panel shall meet in regular session at least three days each year either at the state capitol in Atlanta or at such other meeting place within the state and may have such other additional meetings as may be called by the chairperson or by a majority of the members of the panel upon reasonable written notice to all members of the panel. Further, the chairperson of the panel is authorized from time to time to call meetings of subcommittees of the panel which are established by panel policy at places inside or outside the state when, in the opinion of the chairperson, the meetings of the subcommittee are needed to attend properly to the panel's business. A majority of the panel shall constitute a quorum for the transaction of all business. Any power of the panel may be exercised by a majority vote of those members present at any meeting at which there is a quorum.</u></p> <p><u>(e) Members shall receive for each day of actual attendance at meetings of the panel and the subcommittee meetings the per diem and transportation costs prescribed in Code Section 45-7-21, and a like sum shall be paid for each day actually spent in studying the transportation needs of the state or attending other functions as a representative of the panel, not to exceed ten days in any calendar year, but no member shall receive such per diem for any day for which such member receives any other per diem pursuant to such Code section. In addition, members shall receive actual transportation costs while traveling by public carrier or the legal mileage rate for the use of a personal automobile in connection with such attendance and study. Such per diem and expense shall be paid from the funds of the special district's revenues from the special district sales and use tax upon presentation, by members of the panel, of vouchers approved by the chairperson.</u></p>	
<p><u>(f) The panel shall be charged with review of the administration of the projects and programs included on the approved investment list. The panel may make such recommendations to and require such reports from the Department of Transportation, the Georgia Regional Transportation Authority, any other agency or instrumentality of the state, any political subdivision of the state, and any agency or instrumentality of such political subdivisions as it may deem appropriate and necessary from time to</u></p>	<p><b>Citizens Review Panel Role</b></p>

<p><u>time in the interest of the region.</u></p>	
<p><u>(g) Upon the completion of a project on the investment list, the panel shall annually review the specific public benefits identified in the investment list to ascertain the degree to which such benefits have been attained. This benefit review report shall be delivered to the director and the state revenue commissioner and shall be published on the website created pursuant to paragraph (3) of subsection (c) of Code Section 48-8-245.</u></p> <p><u>(h) Beginning <b>January 1, 2013</b>, and annually thereafter, the panel shall provide a report to the General Assembly of its actions during the previous year. The report shall be available for public inspection on the website created pursuant to paragraph (3) of subsection (c) of Code Section 48-8-245. The report shall include, but not be limited to, an update on the progress on each project on the investment list for the region, including the amount of funds spent on each project.</u></p>	<p><b>Citizens Review Panel Reports</b></p>
<p><u>48-8-252.</u></p> <p><u>Where a special district transportation sales and use tax under this article has been paid with respect to tangible personal property by the purchaser either in another special district within the state or in a tax jurisdiction outside the state, the tax may be credited against the tax authorized to be imposed by this article upon the same property. If the amount of sales or use tax so paid is less than the amount of the use tax due under this article, the purchaser shall pay an amount equal to the difference between the amount paid in the other tax jurisdiction and the amount due under this article. The state revenue commissioner may require such proof of payment in another local tax jurisdiction as he or she deems necessary and proper. No credit shall be granted, however, against the tax imposed under this article for tax paid in another jurisdiction if the tax paid in such other jurisdiction is used to obtain a credit against any other sales and use tax levied in the special district.</u></p> <p><u>48-8-253.</u></p> <p><u>No tax provided for in this article shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the special district in which the tax is imposed regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier licensed by the Surface Transportation Board or the Georgia Public Service Commission.</u></p>	<p><b>Payment in another special district or outside Georgia</b></p>

<p>48-8-254.</p> <p><u>(a) As used in this Code section, the term 'building and construction materials' means all building and construction materials, supplies, fixtures, or equipment, any combination of such items, and any other leased or purchased articles when the materials, supplies, fixtures, equipment, or articles are to be utilized or consumed during construction or are to be incorporated into construction work pursuant to a bona fide written construction contract.</u></p> <p><u>(b) No tax provided for in this article shall be imposed upon the sale or use of building and construction materials when the contract pursuant to which the materials are purchased or used was advertised for bid prior to the voters' approval of the levy of the tax and the contract was entered into as a result of a bid actually submitted in response to the advertisement prior to approval of the levy of the tax.</u></p>	<p><b>Tax exemption for building and construction material contacts executed prior to vote</b></p>
<p>48-8-255.</p> <p><u>Subject to the approval of the House and Senate Transportation Committees, the state revenue commissioner shall have the power and authority to promulgate such rules and regulations as shall be necessary for the effective and efficient administration and enforcement of the collection of the special district transportation sales and use tax authorized by this article.</u></p>	<p><b>DOR role to administer and enforce tax collection</b></p>
<p>48-8-256.</p> <p><u>The tax authorized by this article shall not be subject to any allocation or balancing of state and federal funds provided for by general law, nor may such proceeds be considered or taken into account in any such allocation or balancing."</u></p>	<p><b>Exemption of funds from allocation or balancing</b></p>
<p><b>SECTION 7.</b></p> <p>Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by adding a new Code section as follows:</p> <p>"50-32-5.</p> <p><u>(a) The State of Georgia, particularly the metropolitan Atlanta region, faces a number of critical issues relating to its transportation system and ever-increasing traffic congestion. In light of the dwindling resources available to help solve the problems, it is imperative that all available resources be used to</u></p>	<p><b>Transit Governance Study Commission</b></p>



<p><u>maximum efficiency in order to alleviate the gridlock in and around the metropolitan Atlanta region. There exists a need for a thorough examination of our current transportation system and the methodical development of legislative proposals for a regional transit governing authority in Georgia.</u></p> <p><u>(b) In order to find practical, workable solutions to these problems, there is created the Transit Governance Study Commission to be composed of: four Senators from the Atlanta Regional Commission area to be appointed by the Lieutenant Governor, four Representatives from the Atlanta Regional Commission area to be appointed by the Speaker of the House of Representatives, the chairperson of the Metropolitan Atlanta Rapid Transit Oversight Committee, the chairperson of the Atlanta Regional Commission, the chairperson of the Regional Transit Committee of the Atlanta Regional Commission, one staff member from the Atlanta Regional Commission to be selected by the chairperson of the Atlanta Regional Commission, the executive director of the Georgia Regional Transportation Authority, the general manager of the Metropolitan Atlanta Rapid Transit Authority, and the directors of any other county transit systems operating in the Atlanta Regional Commission area.</u></p> <p><u>(c) The commission shall elect, by a majority vote, one of its legislative members to serve as chairperson of the commission and such other officers as the commission deems appropriate. The commission shall meet at least quarterly at the call of the chairperson. The commission may conduct such meetings and hearings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish its objectives and purposes as contained in this Code section.</u></p> <p><u>(d) All officers and agencies of the three branches of state government are directed to provide all appropriate information and assistance as requested by the commission.</u></p>	
<p><u>(e) The commission shall undertake a study of the issues described in this Code section and recommend specific legislation which the commission deems necessary or appropriate. Specifically, the commission shall prepare a preliminary report on the feasibility of combining all of the regional public transportation entities into an integrated regional transit body. This preliminary report shall be completed on or before <b>December 31, 2010</b>, and be delivered to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives. The commission shall make a final report of its findings and recommendations, with specific language for proposed legislation, if any, on or before <b>August 1, 2011</b>.</u></p>	<p><b>Transit Governance Study Commission Role</b></p>

<p>to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives. The commission shall stand abolished on <b>August 1, 2011</b>, unless extended by subsequent Act of the General Assembly.</p>	
<p><u>(f) The Atlanta Regional Commission in conjunction with the Georgia Regional Transportation Authority and the department's director of planning shall utilize federal and state planning funds to continue the development of the Atlanta region's Concept 3 transit proposal, including assessment of potential economic benefit to the region and the state, prioritization of corridors based on highest potential economic benefit and lowest environmental impact, and completion of environmental permitting. Any new transit management instrumentality created as a result of the Transit Governance Study Commission created pursuant to this Code section shall participate in the Concept 3 development activities that remain incomplete at the time of the creation of the new regional transit body."</u></p>	<p><b>Concept 3, Atlanta Region</b></p>
<p><b>SECTION 8.</b> This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, except that Part 2 of Article 5 of Chapter 8 of Title 48 as set forth in Section 6 of this Act shall become effective <b>January 1, 2011</b>.</p>	<p><b>Act is effective</b></p>
<p><b>SECTION 9.</b> All laws and parts of laws in conflict with this Act are repealed.</p>	