

SENATE BILL 111

By: Senators Johnson of the 42nd, Wesberry of the 37th, MacIntyre of the 40th and others

A BILL

To be entitled an Act To amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. Laws 1965, p. 2243), as amended, particularly by an Act approved March 4, 1966 (Ga. Laws 1966, p. 3264), so as to authorize the Metropolitan Atlanta Rapid Transit Authority to publicize its activities and functions; to authorize said Authority to invest and reinvest any and all idle funds or monies in certain specified investments, to authorize said Authority to exercise the power of eminent domain and the procedure in connection therewith; to change the provisions relating to the obtaining of personal services by the Authority; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act known as the Metropolitan Atlanta Rapid Transit Authority Act of 1965, approved March 10, 1965 (Ga. Laws 1965, p. 2243), as amended, particularly by an Act approved March 4, 1966 (Ga. Laws 1966, p. 3264), is further amended by inserting in Section 8 of said Act following subsection (p) thereof, two (2) new subsections which shall be known as subsections (q) and (r), and which shall read as follows:

"(q) The power to publicize in any way it may deem proper any and all activities and functions of the Authority, including but not limited to, the results of any activities conducted pursuant to subsection (c) of this Section;

"(r) The power to invest and reinvest any or all idle funds or monies, including but not limited to, funds held in reserve or debt retirement, or received through the issuance of revenue certificates or from contributions, gifts or grants, which cannot be immediately used for the purpose for which received, in any security or securities which are legal investments for Executors or Trustees, provided, however, that such investments in such securities will, at all times, be held for and when sold used for the purposes for which the money was originally received. "

Section 2. Said Act is further amended by striking therefrom Section 12 thereof in its entirety and inserting in lieu thereof a new Section which shall read as follows:

"12. The Authority shall have the power of eminent domain for the purpose of acquiring property needed for the purposes of the Authority. Condemnation proceedings for the acquisition of such property shall be in accordance with the provisions contained in Chapters 36-1 through 36-6, of the Code of Georgia of 1933, as amended, Chapter 36-11 of the Code of Georgia of 1933, as amended, or any and all other procedures now or hereafter granted by the laws and Constitution of Georgia, including but not limited to the procedure set forth in an Act approved March 13, 1957 (Ga. Laws 1957, p. 387), as amended, to persons or corporations having the privilege of exercising the right of eminent domain. In addition to such power of eminent domain, the City of Atlanta and the Counties of Fulton, DeKalb, Clayton and Gwinnett (and the County of Cobb in the event that it shall participate) may for the purposes of the

Authority exercise the broadest power of eminent domain available to them or any agency or joint agency thereof, under any Statute, and convey to the Authority any property so acquired upon payment or credit for the total cost of any acquisition hereunder. However, no local governing body shall exercise any power of eminent domain hereunder with respect to property located beyond its territorial limits."

Section 3. Said Act is further amended by striking therefrom, subsection (b) of Section 8 thereof, in its entirety, and inserting in lieu thereof a new subsection which shall read as follows:

"(b) The power to appoint, select and employ officers, agents and employees, including engineering, architectural and construction experts, fiscal agents and attorneys, to contract for the services of individuals or organizations not employed full time by the Authority, but who are engaged primarily in the rendition of personal services and not the sale of goods or merchandise, such as but not limited to the services of attorneys, accountants, engineers, architects, consultants and advisors, allowing suitable compensation and to make provisions for group insurance, retirement or other employee benefit arrangements."

Section 4. All laws or parts of laws in conflict with this Act are hereby repealed.

NOTE: We also request that the last sentence in Section 14 (a) be deleted and in lieu thereof the following substituted:

Nothing in this Section shall apply to contracts for professional services or the personal services of employees, or to contracts for services of individuals or organizations not employed full time by the Authority but who are engaged primarily in the rendition of personal services and not the sale of goods and merchandise, such as but not limited to the services of attorneys, accountants, engineers, architects, consultants and advisors.

A BILL

An Act to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. Laws 1965, p. 2243), as amended, particularly by an Act approved March 4, 1966 (Ga. Laws 1966, p. 3264), so as to clarify what costs may be capitalized as costs of a rapid transit system or project; to delete the requirement of a showing that the acquisition of a privately owned transportation system is essential to the development of rapid transit in the metropolitan area; to delete a provision subjecting said Authority to liability for certain attorneys fees of adverse parties; to indicate which public bodies said Authority may contract with pertaining to its purposes; to authorize local governments to pay operational subsidies and to contract with said Authority relative thereto; to eliminate the provision for judicial review of charges or services fixed by said Authority; to delete requirements that revenue bonds of said Authority be sold upon competitive bidding, at par and bearing interest at a rate not exceeding six per cent per annum; to provide that all obligations issued by said Authority shall have the qualities and incidents of negotiable instruments; to clarify the procedure for the validation of revenue bonds; to limit the sources from which relocation payments may be made; to provide that contracts and transactions constituting security for the payment of obligations shall not be voidable after validation; to expand the period of time within which budgets shall be proposed and reviewed; to delete the requirement of an engineering survey every three years; to clarify the relation of the Authority to the Public Service Commission; to permit the Authority to act as a self-insurer; to modify the procedures whereby local governments and other public bodies may participate in financing and supporting a rapid transit system; to renumber certain sections of the Act; and for other purposes.