

Senate Bill 134

By: Senators Thompson of the 33rd, Stokes of the 43rd, Tanksley of the 32nd, Hooks of the 14th
and Meyer von Bremen of the 12th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 32 of the Official Code of Georgia Annotated, the "Georgia Code of Public
2 Transportation," so as to change provisions relating to the name, membership, powers, and
3 operations of the State Tollway Authority; to provide that the new name of the authority shall
4 be the State Road and Tollway Authority; to change provisions relating to use of federal
5 funds and performance of federal duties by the Department of Transportation; to authorize
6 construction of all or parts of the Developmental Highway System by the State Road and
7 Tollway Authority; to authorize receipt of certain federal funds by the authority; to define
8 and redefine certain terms relating to the authority; to provide for the scope of projects of the
9 authority and the operations and financing of the authority; to authorize the authority to
10 receive and administer certain federal assistance; to provide for the issuance of bonds by the
11 authority and the repayment of such bonds from certain sources; to provide for related
12 matters; to amend numerous provisions of the Official Code of Georgia Annotated so as to
13 change certain references to the State Tollway Authority to reflect the new name of the
14 authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

18 Title 32 of the Official Code of Georgia Annotated, the "Georgia Code of Public
19 Transportation," is amended by striking paragraphs (5) and (7) of subsection (a) of Code
20 Section 32-2-2, relating to powers and duties of the Department of Transportation, and
21 inserting in their respective places new paragraphs to read as follows:

22 "(5) The department shall have the authority to negotiate, let, and enter into contracts
23 with the Georgia Highway Authority, the State Road and Tollway Authority, any person,
24 any state agency, or any county or municipality of the state for the construction or
25 maintenance of any public road or any other mode of transportation or for the benefit of

1 or pertaining to the department or its employees in such manner and subject to such
2 express limitations as may be provided by law;"

3 "(7) The department and the State Road and Tollway Authority shall be the proper
4 agency agencies of the state to discharge all duties imposed on the state by any act of
5 Congress allotting federal funds to be expended for public road and other transportation
6 purposes in this state. The department shall have the authority to accept and use federal
7 funds; to enter into any contracts or agreements with the United States or its agencies or
8 subdivisions relating to the planning, financing, construction, improvement, operation,
9 and maintenance of any public road or other mode or system of transportation; and to do
10 all things necessary, proper, or expedient to achieve compliance with the provisions and
11 requirements of all applicable federal-aid acts and programs. Nothing in this title is
12 intended to conflict with any federal law; and, in case of such conflict, such portion as
13 may be in conflict with such federal law is declared of no effect to the extent of the
14 conflict;"

15 SECTION 1-2.

16 Said Title 32 is further amended by striking paragraph (1) of subsection (d) of Code Section
17 32-2-61, relating to limitations on contracting powers of the Department of Transportation,
18 and inserting in its place a new paragraph to read as follows:

19 "(d)(1) The department is prohibited from negotiating any contract for the construction
20 or maintenance of a public road involving the expenditure of \$50,000.00 or more except
21 any contract:

22 (A) With counties, municipalities, and state agencies, provided that such negotiated
23 contract shall be made at the average bid price of the same kind of work let to contract
24 after advertisement during a period of 60 days prior to the making of the contract;

25 (B) With a railroad company or utility concerning relocation of its tracks or facilities
26 where the same are not then located on a public road and such relocation is necessary
27 as an incident to the construction or improvement of a public road. However, nothing
28 contained in this subsection shall be construed as requiring the department to furnish
29 a site or right of way for railroad or railway lines or tracks or utility facilities required
30 to be removed from a public road. Furthermore, this subsection shall not prevent the
31 department from assisting in the removal and relocation of publicly owned utilities
32 from locations on public roads as provided in Code Section 32-6-170;

33 (C) For emergency construction or maintenance involving the expenditure of
34 \$50,000.00 or more when the public interest requires that the work be done without the
35 delay of advertising for public bids; ~~or~~

1 (D) For the procurement of business, professional, or other services from any person,
 2 firm, or corporation as an independent contractor; or
 3 (E) With the State Road and Tollway Authority."

4 SECTION 1-3.

5 Said Title 32 is further amended by striking subsection (c) of Code Section 32-4-22, relating
 6 to the Developmental Highway System, and inserting in its place a new subsection to read
 7 as follows:

8 "(c) The Developmental Highway System shall be under the control and supervision of the
 9 board, subject to the provisions of this Code section or any other Act of the General
 10 Assembly; provided, however, that the State Road and Tollway Authority is authorized to
 11 construct all or any part of such system and to enter into agreements with the department,
 12 pursuant to Code Section 32-2-61, for such purpose. Any project the cost of which is paid
 13 from the proceeds of garvee bonds as defined in Code Section 32-10-90.1 shall be,
 14 pursuant to a contract or agreement between the authority and the department, planned,
 15 designed, and constructed by the Department of Transportation or a contractor contracting
 16 with the Department of Transportation."

17 SECTION 1-4.

18 Said Title 32 is further amended by striking subsection (a) of Code Section 32-5-1, relating
 19 to receipt of federal funds, and inserting in its place a new subsection to read as follows:

20 "(a) The director of the Office of Treasury and Fiscal Services is designated ~~the~~ a proper
 21 authority to receive any of the federal-aid funds apportioned by the federal government
 22 under 23 U.S.C. and to receive any other federal funds apportioned to the State of Georgia
 23 for public road and other public transportation purposes, unless designated otherwise by
 24 the federal government and except as such funds may be directed by the federal
 25 government to the State Road and Tollway Authority."

26 SECTION 1-5.

27 Said Title 32 is further amended by striking Code Section 32-5-2, relating to appropriation
 28 of federal funds, and inserting in its place a new Code section to read as follows:

29 "32-5-2.

30 All federal funds received by the director of the Office of Treasury and Fiscal Services
 31 under Code Section 32-5-1 are continually appropriated to the department for the purpose
 32 specified in the grants of such funds except as such funds may be directed by the federal
 33 government to the State Road and Tollway Authority, provided that no federal funds or
 34 funds appropriated to the department shall be expended for procurement of rights of way

1 for a road to be constructed on a county road system except as otherwise provided by law
2 or by agreement between the federal government and the department."

3 SECTION 1-6.

4 Said Title 32 is further amended by striking paragraph (2) and paragraphs (5) through (8) of
5 Code Section 32-10-60, relating to definitions applicable to the State Tollway Authority, and
6 inserting in their respective places new paragraphs to read as follows:

7 "(2) 'Authority' means the State Tollway Authority created by the 'State Tollway
8 Authority Act,' Ga. L. 1953, Jan.-Feb. Sess., p. 302, as amended particularly by Ga. L.
9 1972, p. 179, and on and after the date of the year 2001 change of the authority's name
10 also means the State Road and Tollway Authority."

11 "(5) 'Project' means land public transportation systems, including: (A) one or more roads
12 or bridges or a system of roads, bridges, and tunnels or improvements thereto included
13 on an approved state-wide transportation improvement program on the Developmental
14 Highway System as set forth in Code Section 32-4-22, as now or hereafter amended, or
15 a comprehensive transportation plan pursuant to Code Section 32-2-3 or which are toll
16 access roads, bridges, or tunnels, with access limited or unlimited as determined by the
17 authority, and such buildings, structures, parking areas, appurtenances, and facilities
18 related thereto, including but not limited to approaches, cross streets, roads, bridges,
19 tunnels, and avenues of access for such system; and (B) any program for mass
20 transportation or mass transportation facilities as approved by the authority and the
21 department and such buildings, structures, parking areas, appurtenances, and facilities
22 related thereto, including, but not limited to, approaches, cross streets, roads, bridges,
23 tunnels, and avenues of access for such facilities.

24 (6) 'Relocation expenses' means all necessary relocation expenses, replacement housing
25 expenses, relocation advisory services, expenses incident to the transfer of real property,
26 and litigation expenses of any individual, family, business, farm operation, or nonprofit
27 organization displaced by authority projects to the extent authorized by the Uniform
28 Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended
29 by the Uniform Relocation Act Amendments of 1987, Title IV of Public Law 100-17.

30 (6.1) 'Revenue' or 'revenues' shall mean any and all moneys received from the collection
31 of tolls authorized by Code Sections 32-10-64 and 32-10-65, any federal highway or
32 transit funds and reimbursements, any other federal highway or transit assistance received
33 from time to time by the authority, and any other moneys of the authority pledged for
34 such purpose.

35 (7) 'Revenue bonds,' ~~or 'revenue bond,'~~ 'bonds,' or 'bond' means ~~those negotiable revenue~~
36 any bonds, notes, interim certificates, reimbursement anticipation notes, or other

1 evidences of indebtedness of the authority authorized by Part 2 of this article, including
 2 without limitation obligations issued to refund any of the foregoing.

3 (8) 'Self-liquidating' means that, in the judgment of the authority, the revenues and
 4 earnings to be derived by the authority from any project or combination of projects or
 5 from any other revenues available to the authority, together with any maintenance, repair,
 6 operational services, funds, rights of way, engineering services, and any other in-kind
 7 services to be received by the authority from appropriations of the General Assembly, the
 8 department, other state agencies or authorities, the United States government, or any
 9 county or municipality, shall be sufficient to provide for the maintenance, repair, and
 10 operation and to pay the principal and interest of revenue bonds which may be issued for
 11 the cost of such project, projects, or combination of projects."

12 SECTION 1-7.

13 Said Title 32 is further amended by striking Code Section 32-10-61, relating to continuation
 14 of the State Tollway Authority, and inserting in its place a new Code section to read as
 15 follows:

16 "32-10-61.

17 The State Tollway Authority shall continue to be a body corporate and politic and an
 18 instrumentality and public corporation of the state known as the 'State Road and Tollway
 19 Authority.' It shall have perpetual existence. In said name it may contract and be
 20 contracted with, sue and be sued, implead and be impleaded, and complain and defend in
 21 all courts of this state, subject to the limitations of Code Section 32-10-110."

22 SECTION 1-8.

23 Said Title 32 is further amended by striking subsection (a) of Code Section 32-10-62, relating
 24 to membership of the State Tollway Authority, and inserting in lieu thereof the following:

25 "(a) The members of the authority shall be ex officio the Governor, the commissioner of
 26 transportation, ~~and~~ the director of the Office of Planning and Budget, one member to be
 27 appointed by the Lieutenant Governor and to serve during the term of office of the
 28 Lieutenant Governor and until a successor is duly appointed and qualified, and one member
 29 to be appointed by the Speaker of the House of Representatives and to serve during the
 30 term in office of the Speaker of the House of Representatives and until a successor is duly
 31 appointed and qualified; and membership shall be a separate and distinct duty for which
 32 they shall receive no additional compensation. All members of the authority shall be
 33 entitled to all actual expenses necessarily incurred while in the performance of duties on
 34 behalf of the authority. The authority shall elect one of its members as chairman. It shall
 35 also elect a secretary and a treasurer, who need not necessarily be members of the
 36 authority. The authority may make such bylaws for its government as is deemed necessary

1 but it is under no duty to do so. A majority of the members of the authority shall constitute
 2 a quorum necessary for the transaction of business, and a majority vote of those present at
 3 any meeting at which there is a quorum shall be sufficient to do and perform any action
 4 permitted to the authority by this article."

5 SECTION 1-9.

6 Said Title 32 is further amended by striking paragraphs (7), (8), (13), and (14) of Code
 7 Section 32-10-63, relating to powers of the State Tollway Authority, and inserting in their
 8 respective places new paragraphs to describe powers of the State Road and Tollway
 9 Authority and to read as follows:

10 "(7) To accept and administer any federal highway or federal transit funds and any other
 11 federal highway or transit assistance received from time to time for the State of Georgia
 12 and to accept, with the approval of the Governor, loans and grants, either or both, of
 13 money or materials or property of any kind from the United States government or the
 14 State of Georgia or any political subdivision, authority, agency, or instrumentality of
 15 either of them, upon such terms and conditions as the United States government or the
 16 State of Georgia or such political subdivision, authority, agency, or instrumentality of
 17 either of them shall impose;

18 (8) To borrow money for any of its corporate purposes, to issue negotiable revenue
 19 bonds payable from ~~earnings~~ revenues of such projects, and to provide for the payment
 20 of the same and for the rights of the holders thereof;"

21 "(13) To make reasonable regulations for the installation, construction, maintenance,
 22 repairs, renewal, and relocation of pipes, mains, conduits, cables, wires, towers, poles,
 23 and other equipment and appliances of any public utility in, on, along, over, or under any
 24 project; and

25 (14) To pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any
 26 property of the authority, including but not limited to real property, fixtures, personal
 27 property, intangible property, revenues, income, charges, fees, or other funds and to
 28 execute any lease, trust indenture, trust agreement, resolution, agreement for the sale of
 29 the authority's bonds, loan agreement, mortgage, deed to secure debt, trust deed, security
 30 agreement, assignment, or other agreement or instrument as may be necessary or
 31 desirable, in the judgment of the authority, to secure such bonds; and

32 ~~(14)~~(15) To do all things necessary or convenient to carry out the powers expressly given
 33 in this article."

SECTION 1-10.

Said Title 32 is further amended by striking subsection (a) of Code Section 32-10-64, relating to general toll powers of the State Tollway Authority, and inserting in lieu thereof the following:

"(a) For the purpose of earning sufficient revenue to make possible, in conjunction with other funds available to the authority, the financing of the construction or acquisition of projects of the authority with revenue bonds, the authority is authorized and empowered to collect tolls on each and every project which it shall cause to be constructed or acquired. It is found, determined, and declared that the necessities of revenue bond financing are such that the authority's toll earnings on each project or projects, in conjunction with other funds available to the authority, must exceed the actual maintenance, repair, and normal reserve requirements of such projects, together with monthly or yearly sums needed for the sinking fund payments upon the principal and interest obligations of financing such project or projects; however, within the framework of these legitimate necessities of the authority and subject to all bond resolutions, trust indentures, and all other contractual obligations of the authority, the authority is charged with the duty of the operation of ~~each project~~ all projects in the aggregate at the most reasonable possible level of toll charges; and, furthermore, the authority is charged with the responsibility of a reasonable and equitable adjustment of such toll charges as between the various classes of users of any given project."

SECTION 1-10.1.

Said Title 32 is further amended by striking Code Section 32-10-69, relating to conveyance of property to the State Tollway Authority, and inserting in lieu thereof the following:

"32-10-69.

(a) The Governor is authorized and empowered to convey to the authority, on behalf of the state, any real property or interest therein or any rights of way owned by the state, including property or rights of way acquired in the name of the department or board, which is used at the time or may, upon completion of any action committed to the authority by this article, be used as a ~~tollway~~ project. The consideration for such conveyance shall be determined by the Governor and expressed in the deed of conveyance; however, such consideration shall be nominal, the benefits flowing to the state and its citizens constituting full and adequate actual consideration, provided that in the event of the inability of the authority to issue or sell the revenue bonds required for financing the completion of any given project or projects, then, subject to the intervening rights of any innocent party, all rights, titles, and interests so conveyed shall forever revert to the department or agency from which it came.

1 (b) The governing authority of any county or incorporated municipality of this state is
 2 authorized and empowered on behalf of such political subdivision to convey to the
 3 authority any real property or interest therein or any rights of way owned by such political
 4 subdivision, which is used at the time or may, upon completion of any action committed
 5 to the authority by this article, be used as a tollway project if conveyed by a county or
 6 incorporated municipality. The consideration for such conveyance shall be determined by
 7 the governing authority of such political subdivision and expressed in the deed of
 8 conveyance. Such consideration, however, shall be nominal, the benefits flowing to the
 9 political subdivisions and its citizens constituting full and adequate actual consideration.
 10 However, nothing in this subsection shall prevent the authority from reimbursing a political
 11 subdivision, as authorized in Code Section 32-10-70.

12 (c) The board or its successors and the department are empowered to acquire, in any
 13 manner now permitted to them by law, and to expend funds available to them for such
 14 acquisition, real property, interests therein, or rights of way which upon acquisition may
 15 be conveyed by the Governor as provided in this Code section to the authority."

16 SECTION 1-11.

17 Said Title 32 is further amended by striking paragraphs (5) and (6) of Code Section 32-10-72,
 18 relating to the authority fund of the State Tollway Authority, and inserting in lieu thereof the
 19 following:

20 "(5) The most advantageous open market purchase of the authority's bonds that the
 21 authority may accomplish; and

22 (6) Investment ~~at the highest interest rate obtainable in United States government~~
 23 ~~securities of guaranteed convertibility or maturities not in excess of two years, provided~~
 24 ~~that all funds so invested and all earnings of such funds shall always be available to and~~
 25 ~~ultimately expended for the other purposes of this Code section~~ in such securities and in
 26 such manner as it determines to be in its best interest; and

27 (7) Subject to the terms of any resolution or trust indenture authorizing the issuance of
 28 revenue bonds, the transfer of funds to the department to be used by the department for
 29 department purposes."

30 SECTION 1-12.

31 Said Title 32 is further amended by striking Code Section 32-10-90, relating to power of the
 32 State Tollway Authority to issue bonds, and inserting in its place a new Code section to read
 33 as follows:

1 "32-10-90.

2 The authority shall have the power and is authorized, at one time or from time to time, to
 3 provide by resolution for the issuance of negotiable revenue bonds of the authority for the
 4 purpose of paying all or any part of the cost, as defined in paragraph (4) of Code Section
 5 32-10-60, of any one or a combination of projects. The principal and interest of such
 6 revenue bonds shall be payable from and may be secured by a pledge of tolls and other
 7 revenues of all or any part of the project financed in whole or in part with the proceeds of
 8 such issue or with the proceeds of bonds refunded or to be refunded by such issue or by a
 9 pledge of any other revenues of the authority that are legally available for such purpose.
 10 The bonds of each issue shall be dated, shall bear interest as provided for in Code Section
 11 32-10-91, shall mature not later than 40 years from the date of issue, shall be payable in
 12 such media of payments as to both principal and interest as may be determined by the
 13 authority, and may be made redeemable before maturity, at the option of the authority, at
 14 such price or prices and under such terms and conditions as may be fixed by the authority
 15 in the resolution providing for the issuance of the bonds."

16 **SECTION 1-12.1.**

17 Said Title 32 is further amended by adding immediately after Code Section 32-10-90 a new
 18 Code Section 32-10-90.1 to read as follows:

19 "32-10-90.1.

20 (a) As used in this Code section, the term 'grant anticipation revenue vehicle' or 'garvee
 21 bond' means any bond issued by the authority which is an eligible debt financing
 22 instrument within the scope of 23 U.S.C. Section 122 or which is otherwise to be repaid
 23 or reimbursed in whole or in part, directly or indirectly, from federal funds.

24 (b) With respect to garvee bonds and projects financed by garvee bonds, the provisions
 25 and limitations of this Code section shall control over any other conflicting provisions of
 26 this article, it being the intention of the General Assembly that grant anticipation revenue
 27 vehicles and projects funded thereby be fully subject to the terms expressed in this Code
 28 section.

29 (c) For the purpose of issuance and use of the proceeds of garvee bonds the authority and
 30 the department shall give priority, as far as reasonably practicable in the judgment of the
 31 department, to the completion of those portions of the Developmental Highway System as
 32 set out in paragraphs (1) through (13) and paragraphs (15) and (16) of subsection (a) of
 33 Code Section 32-4-22 and such further paragraphs as may be added to such subsection
 34 from time to time, with due regard to the timely and economical completion of the portion
 35 set out in paragraph (14) thereof.

36 (d) Any project the cost of which is paid from the proceeds of garvee bonds shall be,
 37 pursuant to a contract or agreement between the authority and the department, planned,

1 designed, and constructed by the Department of Transportation or a contractor contracting
2 with the Department of Transportation.

3 (e) If during any state fiscal year the amount of federal reimbursement available to the
4 State of Georgia under 23 U.S.C. Section 122 is or will be reduced below 90 percent of the
5 amount available during Fiscal Year 2000-2001, the authority shall not thereafter issue any
6 garvee bond.

7 (f) If cost effective as determined by the authority, garvee bonds shall be insured."

8 SECTION 1-13.

9 Said Title 32 is further amended by striking Code Section 32-10-92, relating to the form of
10 bonds of the State Tollway Authority, and inserting in lieu thereof the following:

11 "32-10-92.

12 ~~The authority shall determine the form of the bonds, including any interest coupons to be~~
13 ~~attached thereto, and shall fix the denomination or denominations of the bonds and the~~
14 ~~place or places of payment of principal and interest thereof, which may be at any bank or~~
15 ~~trust company inside or outside the state. The bonds may be issued in coupon or registered~~
16 ~~form or both, as the authority may determine, and provision may be made for the~~
17 ~~registration of any coupon bond as to principal alone and also as to both principal and~~
18 ~~interest. Bonds issued by the authority shall be authorized by resolution of the authority,~~
19 ~~be in such denominations, bear such date or dates, and mature at such time or times within~~
20 ~~40 years from the issuance thereof as the authority determines to be appropriate. Such~~
21 ~~bonds shall be subject to such terms of redemption, bear interest at such rate or rates~~
22 ~~payable at such times, be in registered form or book-entry form through a securities~~
23 ~~depository, or both, as to principal or interest or both principal and interest, carry such~~
24 ~~registration privileges, be executed in such manner, be payable in such medium of payment~~
25 ~~at such place or places, and be subject to such terms and conditions as such resolution of~~
26 ~~the authority may provide; provided, however, in lieu of specifying the rate or rates of~~
27 ~~interest which the bonds to be issued by an authority are to bear, the resolution of the~~
28 ~~authority may provide that the bonds when issued will bear interest at a rate not exceeding~~
29 ~~a maximum per annum rate of interest which may be fixed or may fluctuate or otherwise~~
30 ~~change from time to time as specified in the resolution or may state that, in the event the~~
31 ~~bonds are to bear different rates of interest for different maturity dates, none of such rates~~
32 ~~will exceed the maximum rate, which rate may be fixed or may fluctuate or otherwise~~
33 ~~change from time to time, as specified. Bonds may be sold at public or private sale for such~~
34 ~~price or prices as the authority shall determine.~~"

SECTION 1-13.1.

Said Title 32 is further amended by striking Code Section 32-10-93, relating to signing bonds, and inserting in lieu thereof the following:

"32-10-93.

All bonds issued by the authority shall be executed in the name of the authority by the chairperson and secretary of the authority and shall be sealed with the official seal of the authority or a facsimile thereof. The facsimile signatures of the chairperson and secretary of the authority may be imprinted thereon in lieu of the manual signatures of such officers if the authority so directs in the resolution authorizing such bonds or otherwise. In case any officer whose manual or facsimile signature shall appear on any bonds ~~or whose facsimile signature shall appear on any coupon~~ shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery. ~~All such bonds shall be signed by the chairman of the authority, and the official seal of the authority shall be affixed thereto and attested by the secretary of the authority, and any coupons attached thereto shall bear the signature or facsimile signature of the chairman of the authority. Any coupon may bear the facsimile signature of such person, and any bond may be signed, sealed, and attested on behalf of the authority by such persons as at the actual time of the execution of such bonds shall be duly authorized to hold the proper office although at the date of such bonds such persons may not have been so authorized or shall not have held such office.~~"

SECTION 1-13.2.

Said Title 32 is further amended by striking Code Section 32-10-99, relating to source of payment of bonds of the State Tollway Authority, and inserting in its place a new Code section to read as follows:

"32-10-99.

Revenue bonds issued under this article shall not be deemed to constitute a debt of the State of Georgia or a pledge of the faith and credit of the state, but such bonds shall be payable from the ~~project~~ revenues and funds of the authority as provided for in the resolutions or trust indentures authorizing or securing such bond issues; and the issuance of such revenue bonds shall not directly, indirectly, or contingently obligate the state to levy or to pledge any form of taxation whatsoever therefor or to make any appropriation for the payment thereof; and all such bonds shall contain recitals on their face covering substantially the foregoing provisions of this Code section."

SECTION 1-14.

Said Title 32 is further amended by striking Code Section 32-10-108, relating to transfer of projects to state highway system free from tolls, and inserting in lieu thereof the following:
 "32-10-108.

Upon payment in full of all bonds ~~and the interest thereon, interest coupons,~~ and obligations of every nature whatsoever for the payment of which the revenues of any given project or projects have been pledged, in whole or in part, either originally or subsequently, either primarily or secondarily, directly or indirectly or otherwise, or upon the setting aside in trust, for the benefit of bondholders or other obligees, of a sufficient amount for the payment of all such bonds and other obligations and the interest thereon to the maturity thereof, such project or projects, if deemed by the department to be in a safe and satisfactory condition of repair and traffic capacity, ~~shall~~ may become part of the state highway system and thereafter shall be maintained by the department free of tolls. In the event such project or projects to be transferred are not in good condition, in the judgment of the department, the department shall be charged with the duty of immediately advising the authority in writing what will be necessary to accomplish such safe and satisfactory condition of repair and traffic capacity; and the authority thereafter shall apply sufficient revenue from such project or projects to the accomplishment of such safe condition of repair and traffic capacity; and, upon its accomplishment, such project or projects shall become toll free as provided in this Code section. Upon the fulfillment of all conditions necessary to the cessation of tolls upon any ~~given~~ such project, the authority shall convey by deed all right, title, and interest in and to such project to the department for and in consideration of \$1.00, which the treasurer of the department is authorized to pay from any department funds available to him for any department expenditure."

PART II**SECTION 2-1.**

Each of the following Code sections and parts of Code sections of the Official Code of Georgia Annotated is amended by striking the term "State Tollway Authority" and inserting in its place the term "State Road and Tollway Authority":

- (1) In six places in Code Section 12-7-7.1, relating to preparation and implementation of sediment control plans under the "Erosion and Sedimentation Act of 1975";
- (2) In two places in paragraph (9) of subsection (a) of Code Section 12-7-17, relating to exemptions from the "Erosion and Sedimentation Act of 1975";
- (3) In one place in Code Section 32-1-8, relating to prohibited construction or maintenance of private roads by public agencies;

1 (4) In three places in subsection (a) of Code Section 32-2-75, relating to retainage under
2 state road, highway, and bridge contracts;

3 (5) In one place in Code Section 32-10-65.1, relating to expiration of tolls established
4 under article;

5 (6) In one place in subsection (b) of Code Section 32-10-71, relating to acquisition,
6 maintenance, and operation of tollway projects by the State Tollway Authority;

7 (7) In one place in subsection (f) of Code Section 36-60-21, relating to local government
8 contracts for toll roads and bridges;

9 (8) In one place in paragraph (7) of subsection (a) of Code Section 40-16-2, relating to
10 responsibilities of the Department of Motor Vehicle Safety;

11 (9) In one place in Code Section 45-15-13, relating to representation of state authorities
12 by Attorney General;

13 (10) In one place in paragraph (9) of Code Section 50-17-21, relating to definitions of
14 terms under the "Georgia State Financing and Investment Commission Act"; and

15 (11) In one place in paragraph (2) of subsection (b) of Code Section 50-17-22, relating to
16 the State Financing and Investment Commission.

17 **PART III**

18 **SECTION 3-1.**

19 This Act shall become effective upon its approval by the Governor or upon its becoming law
20 without such approval.

21 **SECTION 3-2.**

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