

The House Committee on Transportation offered the following substitute to SB 221:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated,
2 relating to the officers of the Department of Transportation, so as to provide that the
3 commissioner of transportation shall have the authority to appoint and employ investigators;
4 to provide for powers of such investigators; to amend Article 3 of Chapter 5 of Title 32 of
5 the Official Code of Georgia Annotated, relating to the allocation of funds for public roads,
6 so as to change the provision regarding the commencement date for such balancing; to amend
7 Part 1 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated,
8 relating to general provisions of the State Road and Tollway Authority, so as to limit the use
9 and disposition of toll revenues to the construction, maintenance, or improvement of the
10 project from which the tolls are collected, for the construction, maintenance, or improvement
11 of transportation projects physically or operationally connected with and bearing the same
12 state highway route number as such project, or for use on other toll facilities; to provide for
13 related matters; to provide an effective date; to repeal conflicting laws; and for other
14 purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Article 3 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to
18 officers of the Department of Transportation, is amended by striking subsection (b) of Code
19 Section 32-2-41, relating to powers, duties, and authority of the commissioner, and inserting
20 in its place the following:

21 "(b)(1) The commissioner shall have the authority to employ, discharge, promote,
22 supervise, and determine the compensation of such personnel as he or she may deem
23 necessary or useful to the effective operation and administration of the department except
24 that the commissioner shall not employ a person who is related within the second degree
25 of consanguinity to the commissioner or any member of the board, provided that such
26 prohibition shall not be applied so as to terminate the employment of persons employed

1 before said prohibited relationship was created by the subsequent election of a board
2 member or appointment of a commissioner. The commissioner shall also have the
3 authority to create, staff, abolish, and regulate such organizational elements as may be
4 deemed necessary or proper for the efficient operation of the department.

5 (2) Notwithstanding the provisions of subsection (b) of Code Section 32-6-29, the
6 commissioner shall have the authority to appoint and employ five nonuniformed
7 investigators who shall be certified peace officers pursuant to the provisions of Chapter
8 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.' The investigators
9 shall have full arrest powers in cases involving internal affairs of the department and in
10 cases involving obstruction of, encroaching on, or injury to public roads or rights of way.

11 In such cases, the investigators shall be authorized:

12 (A) To investigate crimes committed anywhere in the state;

13 (B) To arrest any person violating the criminal laws of this state;

14 (C) To serve and execute warrants after notifying the law enforcement agency of the
15 local jurisdiction of the intent to serve such warrant or warrants;

16 (D) To enforce in general the criminal laws of this state;

17 (E) To issue citations for civil damage to any person found to be violating the laws,
18 rules, and regulations pertaining to vegetation management; and

19 (F) To carry firearms while performing their duties but only if such investigators have
20 been certified by the Georgia Peace Officer Standards and Training Council as having
21 successfully completed the course of training required by Chapter 8 of Title 35, the
22 'Georgia Peace Officer Standards and Training Act.'

23 (3) The power granted to the commissioner in paragraph (1) of this subsection shall be
24 subject to and limited by Article 1 of Chapter 20 of Title 45 establishing a merit system
25 for department employees, to the extent that the same or any amendments thereto are now
26 or may be hereafter applicable to department personnel."

27 SECTION 2.

28 Article 3 of Chapter 5 of Title 32 of the Official Code of Georgia Annotated, relating to the
29 allocation of funds for public roads, is amended by striking subsection (a) of Code Section
30 32-5-30, relating to the allocation of state and federal funds, and inserting in its place the
31 following:

32 "(a) The total of expenditures from the State Public Transportation Fund under paragraphs
33 (4), (5), and (6) of Code Section 32-5-21 plus expenditures of federal funds appropriated
34 to the department, not including any state or federal funds specifically designated for
35 maintenance and operations, any project undertaken for purposes of the Developmental
36 Highway System provided by Code Section 32-4-22, or any project of the Georgia

1 Regional Transportation Authority, Georgia Ports Authority, or Metropolitan Atlanta
 2 Rapid Transit Authority, shall be budgeted by the department over each five-year period
 3 commencing ~~July 1, 1999~~ July 1, 2003, and quinquennially thereafter such that at the end
 4 of such period funding obligations equivalent to at least 85 percent of such total for such
 5 period shall have been divided equally among the congressional districts in this state, as
 6 those districts existed at the commencement of such period, for public road and other
 7 public transportation purposes in such districts; with the remainder of such total divided
 8 among such congressional districts such that 5 percent of such total for such period shall
 9 have been obligated for public road projects incidental to economic development purposes
 10 anywhere in this state, and no such congressional district shall have received funding
 11 obligations pursuant to this subsection for such period which are more than 20 percent
 12 greater than that received by any other such congressional district pursuant to this
 13 subsection for such period."

14 **SECTION 3.**

15 Part 1 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated,
 16 relating to general provisions of the State Road and Tollway Authority, is amended by
 17 striking in its entirety Code Section 32-10-65 and inserting in its place the following:

18 "32-10-65.

19 The authority is authorized to fix, revise, charge, and collect tolls for the use of each
 20 project. Such tolls shall be so fixed and adjusted as to carry out and perform the terms and
 21 provisions of any resolution, trust indenture, or contract with or for the benefit of
 22 bondholders; and such tolls shall not be subject to supervision or regulation by any other
 23 commission, board, bureau, or agency of the state. The use and disposition of tolls and
 24 revenues shall be subject to the provisions of the resolution authorizing the issuance of
 25 such bonds or of the trust indenture securing the same, if there are any. No tolls collected
 26 in excess of the requirements under subsection (a) of Code Section 32-10-64 shall be used
 27 for any purpose other than for the construction, maintenance, or improvement of the project
 28 from which such tolls are collected, for the construction, maintenance, or improvement of
 29 any project physically or operationally connected with and bearing the same state highway
 30 system route number as such toll project, or for use on other toll facilities of the state to
 31 include debt service for revenue bonds bearing the authority's name."

32 **SECTION 4.**

33 This Act shall become effective on July 1, 2003.

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SECTION 5.

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