

Senate Bill 233

By: Senators Thompson of the 5th and Stoner of the 6th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges,
2 and ferries, so as to change certain provisions regarding collections, expenditures, and
3 exemptions with respect to certain revenue regarding roads; to change certain provisions
4 regarding priority of expenditures from the State Public Transportation Fund; to change
5 certain provisions regarding allocation of state and federal road funds; to provide for related
6 matters; to provide for a contingent effective date; to provide for automatic repeal under
7 certain circumstances; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
11 is amended by revising Code Section 32-5-21, relating to the priority of expenditures from
12 the State Public Transportation Fund, as follows:

13 "32-5-21.

14 Subject to the restrictions on expenditures imposed by Code Section 32-5-23, the State
15 Public Transportation Fund shall be expended by the department in the following order;
16 provided, however, that 16.66 percent of the total amount of taxes collected at the rate of
17 3 percent under paragraph (1) of subsection (b) of Code Section 48-9-14 shall be expended
18 in accordance with paragraph (6) of this Code section:

19 (1) To pay the rentals on lease contracts entered into pursuant to the authority of the
20 Constitution of Georgia;

21 (2) To pay into the State of Georgia Guaranteed Revenue Debt Common Reserve Fund
22 the amount of the highest annual debt service requirements for an issue of guaranteed
23 revenue debt for public road projects initiated pursuant to Code Section 32-10-67, upon
24 its issuance, when the guarantee of the specific issue has been authorized by an
25 appropriation of moneys governed by Article III, Section IX, Paragraph VI(b) of the

1 Constitution and the appropriation meets the requirements for such debt as provided by
2 Article VII, Section IV, Paragraph III(b) of the Constitution;

3 (3) To pay the costs of operating the department and for any emergencies or unusual
4 situations;

5 (4) To pay the costs necessary to comply with the conditions of federal-aid
6 apportionments to the state for the planning, surveying, constructing, paving, and
7 improving of the public roads in Georgia;

8 (5) Next, a sum equal to at least 15 percent of the State Public Transportation Fund, said
9 sum to be used as follows:

10 (A) One-third to pay all or part of the costs of the planning, surveying, constructing,
11 improving, paving, and completing public roads not on the state highway system;

12 (B) One-third to pay all or part of the costs of planning, surveying, constructing,
13 improving, and paving public roads on the state highway system; and

14 (C) The remaining one-third to pay all or part of the costs of planning, surveying,
15 constructing, reconstructing, paving, and improving the public roads of Georgia
16 determined by the department to be most in need of such work; ~~and~~

17 (6) A sum equal to 16.66 percent of the total amount of taxes collected at the rate of 3
18 percent under paragraph (1) of subsection (b) of Code Section 48-9-14 shall be expended
19 for transportation purposes, as determined by the department, other than public roads and
20 bridges; and

21 ~~(6)(7)~~ After the requirements set out in the foregoing provisions of this Code section
22 have been met, the remainder of the State Public Transportation Fund to be expended to
23 pay the costs of maintaining, improving, constructing, and reconstructing the public roads
24 of the state highway system, for maintaining roads within and leading to state parks, and
25 for constructing public roads by department forces."

26 SECTION 2.

27 Said title is further amended by revising subsection (a) of Code Section 32-5-30, relating to
28 the allocation of state and federal road funds, as follows:

29 "(a)(1) The total of expenditures from the State Public Transportation Fund under
30 paragraphs (4), (5), ~~and (6), and (7)~~ of Code Section 32-5-21 plus expenditures of federal
31 funds appropriated to the department, not including any federal funds specifically
32 designated for projects that have been earmarked by a member of Congress in excess of
33 appropriated funds shall be budgeted by the department over two successive budgeting
34 periods every decade.

35 (2) The first budgeting period shall commence immediately following redistricting of
36 congressional districts and shall be for a duration of five years. The second budgeting

1 period shall continue until the beginning of the budgeting period following the next
2 redistricting of congressional districts after each decennial census; provided, however,
3 if the congressional districts have been redrawn prior to a new decennial census, but after
4 the approval of an existing map based on the last decennial census, the budgeting period
5 shall include two successive budgeting periods. The first budgeting period shall end upon
6 approval of the new redistricting and the second budgeting period shall commence from
7 the date such redrawn congressional districts have been approved and shall continue until
8 the next budgeting period following the next redistricting of congressional districts. The
9 department shall budget such expenditures such that at the end of such budgeting period
10 funding obligations equivalent to at least 80 percent of such total for such budgeting
11 period shall have been divided equally among the congressional districts in this state, as
12 those districts existed at the commencement of such budgeting period, for public road
13 and other public transportation purposes in such districts.

14 **SECTION 3.**

15 This Act shall become effective on January 1, 2009; provided, however, that this Act shall
16 only become effective on January 1, 2009, upon the ratification of a resolution at the
17 November, 2008, state-wide general election, which resolution amends the Constitution so
18 as to provide that funds derived from motor fuel taxes may be appropriated for and grant
19 made for all activities incident to and providing and maintaining an adequate system of
20 public roads and bridges in this state and for any or all transportation purposes and which
21 authorizes the General Assembly to allocate and specify and direct the use of such funds by
22 general law. If such resolution is not so ratified, this Act shall not become effective and shall
23 stand repealed in its entirety on January 1, 2009.

24 **SECTION 4.**

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