

House Bill 1443

By: Representative Scott of the 153<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated,  
2 relating to the State Road and Tollway Authority, so as to abolish the State Road and  
3 Tollway Authority; to provide for the transfer of certain duties, responsibilities, obligations,  
4 and functions to the Department of Transportation; to provide for the disposition of  
5 liabilities, assets, and property of the authority; to provide for the continuation of certain  
6 rules and regulations; to provide for related matters; to conform statutory references; to  
7 provide an effective date; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to the  
11 State Road and Tollway Authority, is amended by repealing and reserving Parts 1 and 2 of  
12 the article.

13 **SECTION 2.**

14 (a) Beginning July 1, 2011, all functions, duties, responsibilities, and obligations of the State  
15 Road and Tollway Authority shall belong to the Department of Transportation. The  
16 Department of Transportation shall also succeed to the rights, claims, remedies, securities,  
17 and any other debt or obligation owing to the State Road and Tollway Authority.

18 (b) The Department of Transportation shall be substituted for the State Road and Tollway  
19 Authority on any bonds, claims, causes of action, contracts, leases, agreements, or other  
20 indebtedness or obligations of the State Road and Tollway Authority. Contracts held by the  
21 State Road and Tollway Authority shall be considered contracts of the Department of  
22 Transportation, and any rights of renewal, prerogatives, benefits, and rights of enforcement  
23 under such contracts shall also be transferred to the Department of Transportation.

24 (c) All assets, moneys, properties both tangible and intangible, and other valuable  
 25 instruments and consideration belonging to the State Road and Tollway Authority on the date  
 26 of transfer shall become the property and assets of the Department of Transportation.

27 (d) Rules and regulations previously adopted by the State Road and Tollway Authority shall  
 28 remain in full force and effect as rules and regulations of the Department of Transportation  
 29 until amended, repealed, or superseded by action of the Department of Transportation.

30 (e) Effective July 1, 2011, except as provided in Code Section 40-6-54, no further tolls shall  
 31 be collected on any highways, roadways, or other roads under the authority of the State Road  
 32 and Tollway Authority on June 30, 2011.

33 **SECTION 3.**

34 Part 3 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated,  
 35 relating to the Transportation Infrastructure Bank, is amended by revising Code Section  
 36 32-10-121, relating to creation and governance of the Transportation Infrastructure Bank,  
 37 as follows:

38 "32-10-121.

39 (a) There shall be created within the ~~State Road and Tollway Authority~~ Department of  
 40 Transportation an instrumentality of the state to be known as the Georgia Transportation  
 41 Infrastructure Bank.

42 (b) The bank shall be governed by the ~~board of the State Road and Tollway Authority~~  
 43 State Transportation Board as provided in this ~~chapter~~ part.

44 (c) The corporate purpose of the bank is to assist in financing qualified projects by  
 45 providing loans and other financial assistance to government units for constructing and  
 46 improving highway and transportation facilities necessary for public purposes, including  
 47 economic development. The exercise by the bank of a power conferred in this part is an  
 48 essential public function.

49 (d) The bank shall establish and maintain at least the four following accounts in the  
 50 authority fund:

- 51 (1) State and local roadway account;
- 52 (2) State and local nonroadway account;
- 53 (3) Federal roadway account; and
- 54 (4) Federal nonroadway account."

55 **SECTION 4.**

56 Said part is further amended by revising paragraph (2) of Code Section 32-10-122, relating  
 57 to definitions, as follows:

58 "(2) 'Board' means the ~~board of the State Road and Tollway Authority~~ Transportation  
59 Board."

60 **SECTION 5.**

61 Said part is further amended by revising Code Section 32-10-123, relating to authority of the  
62 board, as follows:

63 "32-10-123.

64 In administering the affairs of the bank, the board may exercise any or all of the powers  
65 granted to the ~~authority under Parts 1 and 2 of this article~~ Department of Transportation,  
66 as well as the powers granted in this part. Without limiting the generality of the foregoing,  
67 the board is specifically authorized to issue bonds for the purposes of the bank, ~~in the same~~  
68 ~~general manner provided in Part 2 of this article.~~"

69 **SECTION 6.**

70 Code Section 12-7-7.1 of the Official Code of Georgia Annotated, relating to erosion and  
71 sediment control plans, is amended by revising the Code section as follows:

72 "12-7-7.1.

73 (a) As used in this Code section, the term 'contractor' means the individual, firm,  
74 corporation, or combination thereof or governmental organization contracting with the  
75 Department of Transportation ~~or State Road and Tollway Authority~~ for the performance  
76 of prescribed work.

77 (b)(1) In addition to the requirements of Code Section 12-7-6, the Department of  
78 Transportation ~~or the State Road and Tollway Authority after July 1, 2003~~, shall not  
79 contract for land-disturbing activity on any construction or maintenance project that will  
80 disturb one or more contiguous acres of land until an erosion and sediment control plan  
81 for such project has been prepared and accepted pursuant to this Code section.

82 (2) Through its own forces or by means of the acquisition of professional service  
83 pursuant to the provisions of Chapter 22 of Title 50, the Department of Transportation  
84 ~~or the State Road and Tollway Authority~~ shall be responsible for the preparation of an  
85 erosion and sediment control plan for any construction or maintenance project as required  
86 by paragraph (1) of this subsection. Any consultant providing such professional service  
87 shall be prequalified by the Department of Transportation as a responsible bidder for the  
88 design of erosion and sediment control plans. The division shall assist the Department  
89 of Transportation in developing the prequalification approval process for purposes of this  
90 subsection.

91 (c) Upon completion of a proposed plan, the same shall be submitted to the division for  
92 review and comment as required by the state general permit.

93 (d)(1) All bidders for any construction or maintenance project subject to this Code  
94 section shall review and submit with their bid proposal a cost estimate as a separate bid  
95 for the implementation of the plan, it being understood that the contractor may utilize  
96 either its own personnel and resources, qualified subcontractors, or both for  
97 implementation of the plan. All contractors and subcontractors for such project shall be  
98 prequalified by the Department of Transportation as a responsible bidder for the  
99 installation of erosion and sediment control devices in accordance with a plan. The  
100 division shall assist the Department of Transportation in developing the prequalification  
101 approval process for purposes of this subsection.

102 (2) The contractor for a construction or maintenance project subject to this Code section  
103 shall be responsible for implementing the plan on the awarded project. Payment to any  
104 contractor under any contract for implementing any part or all of any plan shall not be on  
105 a lump sum basis; rather, such payment shall be based upon unit prices for specific  
106 quantities of work performed pursuant to the approved erosion and sediment control plan  
107 plus any additional quantities of completed work necessitated by project conditions  
108 affecting erosion and sediment control, including without limitation soil types and  
109 weather conditions. Charges for all maintenance and cleaning of erosion and sediment  
110 control devices shall likewise be paid on a unit price basis.

111 (e)(1) Through the services of independent consultants, contractors, or subcontractors,  
112 or by its own forces, the Department of Transportation shall monitor the water quality  
113 and inspect the installation and maintenance of the best management practices in  
114 accordance with the plan. All such consultants, contractors, or subcontractors shall be  
115 prequalified by the Department of Transportation as a responsible bidder for the  
116 inspection of such best management practices and shall have the necessary expertise to  
117 determine that such practices are being installed and maintained in accordance with the  
118 plan. The division shall assist the Department of Transportation in developing the  
119 prequalification approval process for purposes of this subsection.

120 (2) Proper design, installation, and maintenance of best management practices shall  
121 constitute a complete defense to any action by the director or to any other allegation of  
122 noncompliance with paragraph (2) of subsection (a) of Code Section 12-7-6.

123 (3) If deficiencies in the plan or installation or maintenance of best management  
124 practices are discovered during the inspection, the Department of Transportation ~~or the~~  
125 ~~State Road and Tollway Authority~~ shall determine the appropriate corrective action.  
126 Further, the Department of Transportation ~~or State Road and Tollway Authority~~ may  
127 require the consultant to amend the plan or the contractor to change its procedures by  
128 change order or supplemental agreement in order to institute such changes as may be

129 necessary to correct any errors or deficiencies in the plan, the implementation of the plan,  
130 or the maintenance of the best management practices.

131 (4) The division; or the Department of Transportation; ~~or the State Road and Tollway~~  
132 ~~Authority~~ shall control or coordinate the work of its employees inspecting any project so  
133 as to prevent any delay of, interference with, or hindrance to any contractor performing  
134 land-disturbing activity on any project subject to the provisions of this Code section.

135 (f)(1) There shall be an Erosion and Sediment Control Overview Council which shall  
136 provide guidance on the best management practices for implementing any erosion and  
137 sediment control plan for purposes of this Code section. The council shall be composed  
138 of nine members, including one member who shall be appointed by the Speaker of the  
139 House of Representatives and serve at the pleasure thereof; one member who shall be  
140 appointed by the Lieutenant Governor and serve at the pleasure thereof; and seven  
141 members who shall be appointed by the Governor and serve at the pleasure thereof,  
142 including one employee each from the Department of Transportation, the Environmental  
143 Protection Division of the Department of Natural Resources, and the Georgia Regional  
144 Transportation Authority, a professional engineer licensed to practice in this state from  
145 a private engineering consulting firm practicing environmental engineering, two  
146 representatives of the highway contracting industry certified by the Department of  
147 Transportation, and a chairperson. The council shall meet at the call of the chairperson.  
148 Each councilmember shall receive a daily allowance in the amount specified in  
149 subsection (b) of Code Section 45-7-21; provided, however, that any full-time state  
150 employee serving on the council shall draw no compensation but shall receive necessary  
151 expenses. The commissioner is authorized to pay such compensation and expenses from  
152 department funds.

153 (2) The council may develop recommendations governing the preparation of plans and  
154 the installation and maintenance of best management practices. If a dispute concerning  
155 the requirements of this Code section should arise, the Erosion and Sediment Control  
156 Overview Council shall mediate the dispute.

157 (g) Nothing in this Code section shall be construed to affect the division's authority under  
158 Article 2 of Chapter 5 of this title, the 'Georgia Water Quality Control Act.'

159 **SECTION 7.**

160 Code Section 12-7-17 of the Official Code of Georgia Annotated, relating to exemptions  
161 from provisions concerning erosion and sediment control, is amended by revising  
162 paragraph (9) as follows:

163 "(9) Construction or maintenance projects, or both, undertaken or financed in whole or  
164 in part, or both, by the Department of Transportation; or the Georgia Highway Authority;

165 ~~or the State Road and Tollway Authority~~; or any road construction or maintenance  
 166 project, or both, undertaken by any county or municipality; provided, however, that  
 167 construction or maintenance projects of the Department of Transportation ~~or the State~~  
 168 ~~Road and Tollway Authority~~ which disturb one or more contiguous acres of land shall be  
 169 subject to the provisions of Code Section 12-7-7.1; except where the Department of  
 170 Transportation; or the Georgia Highway Authority; ~~or the State Road and Tollway~~  
 171 ~~Authority~~ is a secondary permittee for a project located within a larger common plan of  
 172 development or sale under the state general permit, in which case a copy of a notice of  
 173 intent under the state general permit shall be submitted to the local issuing authority, the  
 174 local issuing authority shall enforce compliance with the minimum requirements set forth  
 175 in Code Section 12-7-6 as if a permit had been issued, and violations shall be subject to  
 176 the same penalties as violations by permit holders;”.

177 **SECTION 8.**

178 Code Section 32-1-8 of the Official Code of Georgia Annotated, relating to construction and  
 179 maintenance of private roads, is amended by revising the Code section as follows:

180 "32-1-8.

181 It shall be unlawful for any official, officer, or employee of the department, ~~the State Road~~  
 182 ~~and Tollway Authority~~, the Georgia Highway Authority, or any similar authority or of any  
 183 county or municipality to authorize the construction or maintenance of any private road.”

184 **SECTION 9.**

185 Code Section 32-2-2 of the Official Code of Georgia Annotated, relating to powers and  
 186 duties of the Department of Transportation generally, is amended by revising paragraphs (5)  
 187 and (7) of subsection (a) as follows:

188 "(5) The department shall have the authority to negotiate, let, and enter into contracts  
 189 with the Georgia Highway Authority, ~~the State Road and Tollway Authority~~, any person,  
 190 any state agency, or any county or municipality of the state for the construction or  
 191 maintenance of any public road or any other mode of transportation or for the benefit of  
 192 or pertaining to the department or its employees in such manner and subject to such  
 193 express limitations as may be provided by law;”

194 "(7) The department ~~and the State Road and Tollway Authority~~ shall be the proper  
 195 ~~agencies~~ agency of the state to discharge all duties imposed on the state by any act of  
 196 Congress allotting federal funds to be expended for public road and other transportation  
 197 purposes in this state. The department shall have the authority to accept and use federal  
 198 funds; to enter into any contracts or agreements with the United States or its agencies or  
 199 subdivisions relating to the planning, financing, construction, improvement, operation,

200 and maintenance of any public road or other mode or system of transportation; and to do  
 201 all things necessary, proper, or expedient to achieve compliance with the provisions and  
 202 requirements of all applicable federal-aid acts and programs. Nothing in this title is  
 203 intended to conflict with any federal law; and, in case of such conflict, such portion as  
 204 may be in conflict with such federal law is declared of no effect to the extent of the  
 205 conflict;".

#### 206 **SECTION 10.**

207 Code Section 32-2-61 of the Official Code of Georgia Annotated, relating to limitations on  
 208 power to contract, is amended by revising paragraph (1) of subsection (d) as follows:

209 "(1) The department is prohibited from negotiating any contract for the construction or  
 210 maintenance of a public road involving the expenditure of \$100,000.00 or more except  
 211 any contract:

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

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

223 (C) For emergency construction or maintenance involving the expenditure of  
 224 \$100,000.00 or more when the public interest requires that the work be done without  
 225 the delay of advertising for public bids;

226 (D) For the procurement of business, professional, or other services from any person,  
 227 firm, or corporation as an independent contractor; or

228 (E) ~~With the State Road and Tollway Authority; or~~

229 ~~(F) Through the provisions of a design-build contract as provided for in Code Section~~  
 230 ~~32-2-81."~~

#### 231 **SECTION 11.**

232 Code Section 32-2-75 of the Official Code of Georgia Annotated, relating to contract clauses  
 233 for retainage of amounts constituting a percentage of gross value of completed work, is  
 234 amended by revising subsection (a) as follows:

235 "(a) As used in this Code section and Code Sections 32-2-76 and 32-2-77, the term:

236 (1) 'Engineer' means the chief engineer or the engineer designated by the Georgia  
237 Highway Authority ~~or the State Road and Tollway Authority.~~

238 (2) 'Escrow account' means the certificates of deposit issued by a state or national bank  
239 in Georgia and any uninvested cash held in escrow.

240 (3) 'State' means the Department of Transportation; or the Georgia Highway Authority;  
241 ~~or the State Road and Tollway Authority.~~

242 (4) 'Treasurer' means the treasurer of the Department of Transportation; or the treasurer  
243 of the Georgia Highway Authority, ~~or the treasurer of the State Road and Tollway~~  
244 ~~Authority."~~

## 245 SECTION 12.

246 Code Section 32-4-22 of the Official Code of Georgia Annotated, relating to creation of the  
247 Developmental Highway System, is amended by revising subsection (c) as follows:

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

## 257 SECTION 13.

258 Code Section 32-5-1 of the Official Code of Georgia Annotated, relating to receipt of federal  
259 funds by the state, is amended by revising subsection (a) as follows:

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

266 **SECTION 14.**

267 Code Section 32-5-2 of the Official Code of Georgia Annotated, relating to appropriation of  
 268 federal funds to the Department of Transportation, is amended by revising the Code section  
 269 as follows:

270 "32-5-2.

271 All federal funds received by the director of the Office of Treasury and Fiscal Services  
 272 under Code Section 32-5-1 are continually appropriated to the department for the purpose  
 273 specified in the grants of such funds ~~except as such funds may be directed by the federal~~  
 274 ~~government to the State Road and Tollway Authority~~, provided that no federal funds or  
 275 funds appropriated to the department shall be expended for procurement of rights of way  
 276 for a road to be constructed on a county road system except as otherwise provided by law  
 277 or by agreement between the federal government and the department."

278 **SECTION 15.**

279 Code Section 32-9-12 of the Official Code of Georgia Annotated, relating to a pilot program  
 280 for funding streetcar projects, is amended by revising the Code section as follows:

281 "32-9-12.

282 The department will form a pilot program that will provide a state level flow through point  
 283 for any available federal funding or other forms of financial and development sources and  
 284 assistance for local, regional, and public-private streetcar projects. Any funding through  
 285 bonds for such pilot and grant program shall be administered by the ~~State Road and~~  
 286 ~~Tollway Authority~~ department."

287 **SECTION 16.**

288 Code Section 32-10-4 of the Official Code of Georgia Annotated, relating to powers of the  
 289 Georgia Highway Authority generally, is amended by revising paragraph (12) as follows:

290 "(12) To incorporate one or more nonprofit corporations as subsidiary corporations of  
 291 the authority for the purpose of carrying out any of the powers of the authority and to  
 292 accomplish any of the purposes of the authority. Any such subsidiary corporation shall  
 293 be a nonprofit corporation, a body corporate and politic, and an instrumentality and  
 294 public corporation of the state and shall exercise essential governmental functions. Any  
 295 subsidiary corporations created pursuant to this power shall be created pursuant to  
 296 Chapter 3 of Title 14, the 'Georgia Nonprofit Corporation Code,' and shall be filed with  
 297 the Secretary of State, who shall be authorized to accept such filings. The commissioner  
 298 and two individuals appointed by the members of the authority shall constitute the  
 299 members of and shall serve as directors of any subsidiary corporation, and such  
 300 appointment shall not constitute a conflict of interest, provided that the provisions of

301 subsection (a) of Code Section 45-10-23 or any other law shall not prevent full-time  
 302 employees of the authority or the Department of Transportation from serving as members  
 303 of the governing board of such subsidiary corporation. Upon dissolution of any  
 304 subsidiary corporation of the authority, any assets shall revert to the authority or to any  
 305 successor to the authority or, failing such succession, to the state, ~~provided that any toll~~  
 306 ~~collection or other tollway operations remain under the authority of the State Road and~~  
 307 ~~Tollway Authority.~~ The authority shall not be liable for the debts, obligations, or bonds  
 308 of any subsidiary corporation or for the actions or omissions to act of any subsidiary  
 309 corporation unless the authority in writing expressly so consents."

310 **SECTION 17.**

311 Code Section 35-2-101 of the Official Code of Georgia Annotated, relating to jurisdiction,  
 312 duties, and powers of the Motor Carrier Compliance Division, is amended by revising  
 313 paragraph (5) of subsection (b) as follows:

314 "(5) Enforcement of all state laws on the following properties owned or controlled by the  
 315 Department of Transportation ~~or the State Road and Tollway Authority~~: rest areas,  
 316 truck-weighing stations or checkpoints, wayside parks, parking facilities, toll facilities,  
 317 and any buildings and grounds for public equipment and personnel used for or engaged  
 318 in administration, construction, or maintenance of the public roads or research pertaining  
 319 thereto;".

320 **SECTION 18.**

321 Code Section 36-60-21 of the Official Code of Georgia Annotated, relating to contracts with  
 322 private companies to construct and operate private toll roads and bridges to facilitate public  
 323 transportation without additional tax revenues, is amended by revising subsection (f) as  
 324 follows:

325 "(f) A project operated pursuant to a contract, license, or contract and license authorized  
 326 under this Code section shall not be subject to regulation as to toll amounts or any other  
 327 matters by the Public Service Commission; or the Department of Transportation, ~~or the~~  
 328 ~~State Road and Tollway Authority~~, except those matters related to the regulation of safety  
 329 or hazardous materials as provided for in Title 46."

330 **SECTION 19.**

331 Code Section 40-2-135.1 of the Official Code of Georgia Annotated, relating to suspension  
 332 of offender's motor vehicle registration for multiple violations of toll provisions, is repealed  
 333 in its entirety.

334 **SECTION 20.**

335 Code Section 40-6-54 of the Official Code of Georgia Annotated, relating to designation of  
 336 travel lanes for exclusive use of certain vehicles, is amended by revising subsection (d) as  
 337 follows:

338 "(d) The General Assembly finds and declares that the development, improvement, and use  
 339 of exclusive or preferential high occupancy vehicle lanes, emergency vehicle lanes, and  
 340 truck lanes or routes should be undertaken in order to relieve congestion and increase the  
 341 efficiency of the federal-aid highway system. The Department of Transportation ~~in~~  
 342 ~~cooperation with the State Road and Tollway Authority~~ is hereby authorized to implement  
 343 high occupancy toll (HOT) lanes where appropriate in qualifying HOV lanes. A 'HOT  
 344 lane' is a designated lane which allows single occupancy vehicles to gain access to HOV  
 345 lanes by paying a toll set by the ~~State Road and Tollway Authority~~ Department of  
 346 Transportation. The department may design and develop a system of HOT lanes which  
 347 uses value pricing and lane management. 'Value pricing' recognizes the need to vary the  
 348 road user charge according to the levels of congestion and time of day; and 'lane  
 349 management' restricts access to the designated HOT lanes based on occupancy, vehicle  
 350 type, or other objective which would maximize the efficiency of the federal-aid highway  
 351 system."

352 **SECTION 21.**

353 Code Section 40-16-2 of the Official Code of Georgia Annotated, relating to primary  
 354 responsibilities of the Department of Driver Services, is amended by revising paragraph (8)  
 355 of subsection (b) as follows:

356 "(8) Enforcement of all state laws on the following properties owned or controlled by the  
 357 Department of Transportation ~~or the State Road and Tollway Authority~~ is transferred to  
 358 the Department of Public Safety: rest areas, truck-weighing stations or checkpoints,  
 359 wayside parks, parking facilities, toll facilities, and any buildings and grounds for public  
 360 equipment and personnel used for or engaged in administration, construction, or  
 361 maintenance of the public roads or research pertaining thereto;"

362 **SECTION 22.**

363 Code Section 45-15-13 of the Official Code of Georgia Annotated, relating to representation  
 364 of state authorities by the Attorney General, is amended by revising the Code section as  
 365 follows:

366 "45-15-13.

367 As used in Code Sections 45-15-14 through 45-15-16, the term 'state authorities' means the  
 368 following instrumentalities of the state: Georgia Building Authority, Georgia Building

369 Authority (Hospital), Georgia Building Authority (Markets), Georgia Building Authority  
 370 (Penal), Georgia Education Authority (Schools), Georgia Education Authority (University),  
 371 Georgia Highway Authority, Georgia Ports Authority, ~~State Road and Tollway Authority,~~  
 372 Jekyll Island—State Park Authority, and Stone Mountain Memorial Association."

373 **SECTION 23.**

374 Code Section 50-17-21 of the Official Code of Georgia Annotated, relating to definitions  
 375 regarding the Georgia State Financing and Investment Commission Act, is amended by  
 376 revising paragraph (9) as follows:

377 "(9) 'State authorities' means the following instrumentalities of the state: Georgia  
 378 Building Authority, Georgia Building Authority (Hospital), Georgia Building Authority  
 379 (Penal), Georgia Building Authority (Markets), Georgia Education Authority (Schools),  
 380 Georgia Education Authority (University), Georgia Highway Authority, ~~State Road and~~  
 381 ~~Tollway Authority,~~ Georgia Ports Authority, Georgia Development Authority, Jekyll  
 382 Island—State Park Authority, Stone Mountain Memorial Association, North Georgia  
 383 Mountains Authority, Lake Lanier Islands Development Authority, Groveland Lake  
 384 Development Authority, Georgia Higher Education Assistance Authority, the Georgia  
 385 Housing and Finance Authority, and other instrumentalities of the state created by the  
 386 General Assembly and authorized to issue debt and not specifically exempt from this  
 387 article."

388 **SECTION 24.**

389 Code Section 50-17-22 of the Official Code of Georgia Annotated, relating to the State  
 390 Financing and Investment Commission, is amended by revising paragraph (2) of  
 391 subsection (b) as follows:

392 "(2) There shall be a construction division of the commission administered by a director  
 393 who shall not be a member of the commission and who shall also serve as the executive  
 394 secretary for the commission. The director and the staff of the construction division shall  
 395 be appointed by and serve at the pleasure of the commission, shall provide administrative  
 396 support for all personnel of the commission, and shall account for and keep all records  
 397 pertaining to the operation and administration of the commission and its staff. The  
 398 director, as executive secretary, shall prepare ~~agenda~~ agendas and keep minutes of all  
 399 meetings of the commission. In construction and construction related matters, the  
 400 construction division shall act in accordance with the policies, resolutions, and directives  
 401 of the Georgia Education Authority (Schools) and the Georgia Education Authority  
 402 (University) until such time as such policies, resolutions, or directives are changed or  
 403 modified by the commission. In carrying out its responsibilities in connection with the

404 application of any funds under its control, including the proceeds of any debt or any  
 405 appropriation made directly to it for construction purposes, the commission is specifically  
 406 authorized to acquire and construct projects for the benefit of any department or agency  
 407 of the state or to contract with any such department or agency for the acquisition or  
 408 construction of projects under policies, standards, and operating procedures to be  
 409 established by the commission; provided, however, that the commission shall contract  
 410 with the Department of Transportation or the Georgia Highway Authority ~~or the State~~  
 411 ~~Road and Tollway Authority~~ or any combination of the foregoing both for the supervision  
 412 of and contracting for design, planning, building, rebuilding, constructing, reconstructing,  
 413 surfacing, resurfacing, laying out, grading, repairing, improving, widening, straightening,  
 414 operating, owning, maintaining, leasing, and managing any public roads and bridges for  
 415 which general obligation debt has been authorized. The construction division also shall  
 416 perform such construction related services and grant administration services for state  
 417 agencies and instrumentalities and for local governments, instrumentalities of local  
 418 governments, and other political subdivisions as may be assigned to the commission or  
 419 to the construction division by executive order of the Governor."

420

#### SECTION 25.

421 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when  
 422 disclosure of public records is not required, is amended by revising paragraph (18) of  
 423 subsection (a) as follows:

424 "(18) Records of the ~~State Road and Tollway Authority~~ Department of Transportation  
 425 which would reveal the financial accounts or travel history of any individual who is a  
 426 motorist upon ~~such a~~ toll project. Such financial records shall include but not be limited  
 427 to social security number, home address, home telephone number, e-mail address, credit  
 428 or debit card information, and bank account information but shall not include the user's  
 429 name;".

430

#### SECTION 26.

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

433

#### SECTION 27.

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