

Senate Bill 520

By: Senators Mullis of the 53rd, Rogers of the 21st, Pearson of the 51st, Williams of the 19th, Staton of the 18th and others

**AS PASSED**

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 provide for the recall of members of the State Transportation Board; to  
3 provide for an Intermodal Division within the Department of Transportation; to amend  
4 Chapter 8 of Title 48, relating to sales and use taxes, so as to provide for definitions relating  
5 to the special district sales and use tax for transportation; to provide for related matters; to  
6 provide for an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,  
10 is amended by revising subsection (b) of Code Section 32-2-20, relating to the composition,  
11 terms, and election of members of the State Transportation Board, as follows:

12 "(b) Each member shall be elected to serve for a term of five years and until his or her  
13 successor is duly elected and certified. The member of the board from each congressional  
14 district shall be elected by a majority vote of the members of the House of Representatives  
15 and Senate whose respective districts are embraced or partly embraced within such  
16 congressional district, meeting in caucus at the regular session of the General Assembly  
17 immediately preceding the expiration of the term of office of each such board member.  
18 Said caucus shall be called at the state capitol by the Speaker of the House of  
19 Representatives and the President of the Senate within the first ten days of the convening  
20 of the General Assembly in regular session by mailing to the members of the General  
21 Assembly who are affected written notice at least four days before the caucus, which notice  
22 shall state the time, place, and purpose of said caucus. Within 15 days after each such  
23 election, the Speaker of the House and the President of the Senate shall jointly transmit a  
24 certificate of such election to the Secretary of State who, upon receipt thereof, shall  
25 immediately issue his or her commission thereon, with the great seal of the state affixed

26 thereto. Any member of the board shall be subject to recall at any time by a majority vote  
 27 of the legislative caucus that elected the member."

28 **SECTION 2.**

29 Said title is further amended by revising paragraph (5) of subsection (b) of Code Section  
 30 32-2-41, relating to the powers of the commissioner of transportation and the divisions within  
 31 the Department of Transportation, as follows:

32 "(5) There shall be an Engineering Division of the department to be supervised by the  
 33 chief engineer, a Finance Division of the department to be supervised by the treasurer,  
 34 an Administration Division of the department to be supervised by the deputy  
 35 commissioner, an Intermodal Division to be supervised by an appointee serving at the  
 36 pleasure of the commissioner, and a Local Grants Division to be supervised by an  
 37 appointee serving at the pleasure of the commissioner. The duties, responsibilities, and  
 38 personnel of each such division shall be as established by the commissioner."

39 **SECTION 3.**

40 Chapter 8 of Title 48, relating to sales and use taxes, is amended by adding a new Code  
 41 section to read as follows:

42 "48-8-242.

43 As used in this article, the term:

44 (1) 'Commission' means the Georgia State Financing and Investment Commission;

45 (2) 'Cost of project' means:

46 (A) All costs of acquisition, by purchase or otherwise, construction, assembly,  
 47 installation, modification, renovation, extension, rehabilitation, operation, or  
 48 maintenance incurred in connection with any project of the special district or any part  
 49 thereof;

50 (B) All costs of real property or rights in property, fixtures, or personal property used  
 51 in or in connection with or necessary for any project of the special district or for any  
 52 facilities related thereto, including but not limited to the cost of all land, interests in  
 53 land, estates for years, easements, rights, improvements, water rights, and connections  
 54 for utility services; the cost of fees, franchises, permits, approvals, licenses, and  
 55 certificates; the cost of securing any such franchises, permits, approvals, licenses, or  
 56 certificates; the cost of preparation of any application therefor; and the cost of all  
 57 fixtures, machinery, equipment, furniture, and other property used in or in connection  
 58 with or necessary for any project of the special district;

59 (C) All costs of engineering, surveying, planning, environmental assessments, financial  
 60 analyses, and architectural, legal, and accounting services and all expenses incurred by  
 61 engineers, surveyors, planners, environmental scientists, fiscal analysts, architects,  
 62 attorneys, accountants, and any other necessary technical personnel in connection with  
 63 any project of the special district;

64 (D) All expenses for inspection of any project of the special district;

65 (E) All fees of any type charged to the special district in connection with any project  
 66 of the special district;

67 (F) All expenses of or incidental to determining the feasibility or practicability of any  
 68 project of the special district;

69 (G) All costs of plans and specifications for any project of the special district;

70 (H) All costs of title insurance and examinations of title with respect to any project of  
 71 the special district;

72 (I) Repayment of any loans for the advance payment of any part of any of the  
 73 foregoing costs, including interest thereon and any other expenses of such loans;

74 (J) Administrative expenses of the special district and such other expenses as may be  
 75 necessary or incidental to any project of the special district or the financing thereof; and

76 (K) The establishment of a fund or funds or such other reserves as the commission may  
 77 approve with respect to the financing and operation of any project of the special district.

78 Any cost, obligation, or expense incurred for any of the purposes specified in this  
 79 paragraph shall be a part of the cost of the project of the special district and may be paid  
 80 or reimbursed as otherwise authorized by this article.

81 (3) 'County' means any county created under the Constitution or laws of this state.

82 (4) 'Dealer' means a dealer as defined in paragraph (3) of Code Section 48-8-2.

83 (5) 'Director' means the director of planning provided for in Code Section 32-2-43.

84 (6) 'LARP factor' means the sum of one-fifth of the ratio between the population of a  
 85 local government's jurisdiction and the total population of the special district in which  
 86 such local government is located plus four-fifths of the ratio between the paved and  
 87 unpaved centerline road miles in the local government's jurisdiction and the total paved  
 88 and unpaved centerline road miles in the special district in which such local government  
 89 is located.

90 (7) 'Local government' means any municipal corporation, county, or consolidated  
 91 government created by the General Assembly or pursuant to the Constitution and laws  
 92 of this state.

93 (8) 'Metropolitan planning organization' or 'MPO' means the policy board of an  
 94 organization created and designated to carry out the metropolitan transportation planning  
 95 process as defined in 23 C.F.R. Section 450.

96 (9) 'Municipal corporation' means any incorporated city or town in this state.

97 (10) 'Project' means, without limitation, any new or existing airports, bike lanes, bridges,  
98 bus and rail mass transit systems, freight and passenger rail, pedestrian facilities, ports,  
99 roads, terminals, and all activities and structures useful and incident to providing,  
100 operating, and maintaining the same. The term shall also include direct appropriations  
101 to a local government for the purpose of serving as a local match for state or federal  
102 funding.

103 (11) 'Regional transportation roundtable' or 'roundtable' means a conference of the local  
104 governments of a special district created pursuant to this article held at a centralized  
105 location within the district as chosen by the director for the purpose of establishing the  
106 investment criteria and determining projects eligible for the investment list for the special  
107 district. The regional transportation roundtable shall consist of the chairperson, sole  
108 commissioner, mayor, or chief executive officer of the county governing authority from  
109 each county in the special district. In the event any county in the special district has a  
110 consolidated government, the consolidated government shall elect a second elected  
111 member of the county consolidated government to the regional roundtable. In counties  
112 without a consolidated government, the second member of the regional roundtable from  
113 that county shall be one mayor elected by the mayors of the county; provided, however,  
114 that, in the event such an election ends in a tie, the mayor of the municipal corporation  
115 with the highest population determined using the most recently completed United States  
116 decennial census shall be deemed to have been elected as a representative unless that  
117 mayor is already part of the roundtable. In such case, the mayor of the municipal  
118 corporation with the second highest population shall be deemed to have been elected as  
119 a representative. If a county has more than 90 percent of its population residing in  
120 municipal corporations, such county shall have the mayor of the municipal corporation  
121 with the highest population determined using the most recently completed United States  
122 decennial census as an additional representative. The regional transportation roundtable  
123 shall elect five representatives from among its members to serve as an executive  
124 committee. The executive committee shall also include two members of the House of  
125 Representatives selected by the chairperson of the House Transportation Committee and  
126 one member of the Senate selected by the chairperson of the Senate Transportation  
127 Committee. Each member of the General Assembly appointed to the executive  
128 committee shall be a nonvoting member of the executive committee and shall represent  
129 a district which lies wholly or partially within the region represented by the executive  
130 committee. The executive committee shall not have more than one representative from  
131 any one county, but any member of the General Assembly serving on the executive  
132 committee shall not count as a representative of his or her county.

- 133 (12) 'Special Regional Transportation Funding Election Act' means an Act specifically  
134 and exclusively enacted for the purpose of ordering that a referendum be held for the  
135 reimposition of the special district transportation sales and use tax within the region that  
136 includes the districts, in their entirety or any portion thereof, of the members from a local  
137 legislative delegation in the General Assembly. A majority of the signatures of the  
138 legislative delegation for a majority of the counties within the region shall be required for  
139 the bill to be placed upon the local calendar of each chamber. This method shall be  
140 exclusively used for this purpose and no other bill shall be placed or voted upon on the  
141 local calendar utilizing this method of qualification for placement thereon. This Act shall  
142 be treated procedurally by the General Assembly as a local Act and all counties within  
143 the region shall receive the legal notice requirements of a local Act.
- 144 (13) 'State-wide strategic transportation plan' means the official state-wide transportation  
145 plan as defined in paragraph (6) of subsection (a) of Code Section 32-2-22.
- 146 (14) 'State-wide transportation improvement program' means a state-wide prioritized  
147 listing of transportation projects as defined in paragraph (7) of subsection (a) of Code  
148 Section 32-2-22.
- 149 (15) 'Transportation improvement program' means a prioritized listing of transportation  
150 projects as defined in paragraph (8) of subsection (a) of Code Section 32-2-22."

151 **SECTION 4.**

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

154 **SECTION 5.**

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