

House Bill 187

By: Representatives Davis of the 109th, Holt of the 112th, Everson of the 106th, Reese of the 98th, and Horne of the 71st

**A BILL TO BE ENTITLED
AN ACT**

1 To provide for a short title; to amend Chapter 2 of Title 12 of the Official Code of Georgia
2 Annotated, relating to the Department of Natural Resources, so as to remove the permitting
3 powers of the Environmental Protection Division; to amend Title 32 of the Official Code of
4 Georgia Annotated, relating to highways, bridges, and ferries, so as to revise the membership
5 on the State Transportation Board; to establish the commissioner of transportation as the
6 executive in control of all transportation planning and construction in Georgia; to abolish the
7 Georgia Highway Authority; to abolish the State Road and Tollway Authority; to amend
8 Article 9 of Chapter 9 of Title 46 of the Official Code of Georgia Annotated, relating to the
9 Georgia Rail Passenger Authority, so as to abolish the Georgia Rail Passenger Authority; to
10 amend Chapter 32 of Title 50 of the Official Code of Georgia Annotated, relating to the
11 Georgia Regional Transportation Authority, so as to abolish the Georgia Regional
12 Transportation Authority; to amend Chapter 2 of Title 52, relating to the Georgia Ports
13 Authority, so as to abolish the Georgia Ports Authority; to provide for related matters; to
14 provide for an effective date; to repeal conflicting laws; and for other purposes.

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

16 **SECTION 1.**

17 This Act shall be known as the "Georgia Transportation Consolidation Act of 2009."

18 **SECTION 2.**

19 Chapter 2 of Title 12 of the Official Georgia Code Annotated, relating to the Department of
20 Natural Resources, is amended by revising Code Section 12-2-2, relating to the
21 Environmental Protection Division, by adding a new subsection (f) to read as follows:
22 "(f) As of July 1, 2009, any provision of this Code section that directs the division to issue
23 a permit for any reason shall be null and void and of no effect whatsoever. As of July 1,
24 2009, all permitting powers of the division are transferred to the Department of

25 Transportation. The commissioner of transportation shall promulgate rules and regulations
26 as necessary to carry out the provisions of this subsection."

27 **SECTION 3.**

28 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
29 is amended by repealing Code Section 32-2-20, relating to the composition of the State
30 Transportation Board, and adding a new Code section to read as follows:

31 "32-2-20.

32 (a) The terms of all members of the State Transportation Board holding office as of July
33 1, 2009, shall expire at midnight on December 31, 2009.

34 (b) Beginning in January, 2011, and every odd-numbered year thereafter five new
35 members of the State Transportation Board shall be appointed. One member shall be
36 appointed by the Governor, two members shall be appointed by the Lieutenant Governor,
37 and two members shall be appointed by the Speaker of the House of Representatives. Each
38 board member shall serve for a term of two years, unless he or she is removed for good
39 cause prior to the expiration of the two-year term.

40 (c) The board shall serve as an advisory board to the commissioner and shall also serve as
41 the executive authority to approve or disapprove of any plans or projects proposed by any
42 federally mandated metropolitan planning organization in the state.

43 (d) The commissioner shall serve as the chairperson of the board. The term of the
44 commissioner shall be limited to a maximum of eight years."

45 **SECTION 4.**

46 Said title is further amended in Code Section 32-2-40, relating to the selection of the
47 commissioner of transportation, by deleting subsections (b) and (c) and replacing them with
48 new subsections (b) and (c) to read as follows:

49 "(b) The commissioner shall be appointed by the Governor, subject to confirmation by the
50 Senate, for a term that coincides with the term of office of the Governor. No commissioner
51 shall serve for a period longer than eight years.

52 (c) The commissioner shall be in control of all transportation planning and construction
53 in the state. No state or federal moneys shall be expended on any transportation project in
54 this state without the express approval of the commissioner."

55 **SECTION 5.**

56 Said title is further amended in Code Section 32-2-41, relating to the powers, duties, and
57 authority of the commissioner of transportation, by adding a new subsection to read as
58 follows:

59 "(c) The commissioner shall be in control of all transportation planning and construction
60 in the state. No state or federal moneys shall be expended on any transportation project in
61 this state without the express approval of the commissioner."

62 SECTION 6.

63 Said title is further amended by repealing Chapter 10, relating to the Georgia Highway
64 Authority and the State Road and Tollway Authority, in its entirety and designating it as
65 "Reserved."

66 SECTION 7.

67 Article 9 of Chapter 9 of Title 46 of the Official Code of Georgia Annotated, relating to the
68 Georgia Rail Passenger Authority, is amended by repealing said article and designating it as
69 "Reserved."

70 SECTION 8.

71 Chapter 32 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia
72 Regional Transportation Authority, is amended by repealing said chapter and designating it
73 as "Reserved."

74 SECTION 9.

75 Chapter 2 of Title 52 of the Official Code of Georgia Annotated, relating to the Georgia Ports
76 Authority, is amended by repealing said chapter and designating it as "Reserved."

77 SECTION 10.

78 This Act shall become effective on July 1, 2009.

79 SECTION 11.

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