

Senate Bill 187

By: Senator Thompson of the 5th

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

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

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

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

33 (5) ~~Next, a~~ A sum equal to at least 15 percent of the State Public Transportation Fund;
 34 ~~said sum~~ to be used as follows:

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

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

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

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

46 ~~(6)~~ (7) After the requirements set out in the foregoing provisions of this Code section
 47 have been met, the remainder of the State Public Transportation Fund to be expended to
 48 pay the costs of maintaining, improving, constructing, and reconstructing the public roads
 49 of the state highway system, for maintaining roads within and leading to state parks, and
 50 for constructing public roads by department forces."

51 **SECTION 2.**

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

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

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

62 period shall continue until the beginning of the budgeting period following the next
63 redistricting of congressional districts after each decennial census; provided, however,
64 that if the congressional districts have been redrawn prior to a new decennial census, but
65 after the approval of an existing map based on the last decennial census, the budgeting
66 period shall include two successive budgeting periods. The first budgeting period shall
67 end upon approval of the new redistricting, and the second budgeting period shall
68 commence from the date such redrawn congressional districts have been approved and
69 shall continue until the next budgeting period following the next redistricting of
70 congressional districts. The department shall budget such expenditures such that at the
71 end of such budgeting period, funding obligations equivalent to at least 80 percent of
72 such total for such budgeting period shall have been divided equally among the
73 congressional districts in this state, as those districts existed at the commencement of
74 such budgeting period, for public road and other public transportation purposes in such
75 districts."

76 **SECTION 3.**

77 This Act shall become effective on January 1, 2011; provided, however, that this Act shall
78 only become effective on January 1, 2011, upon the ratification of a resolution at the
79 November, 2010, state-wide general election, which resolution amends the Constitution so
80 as to provide that funds derived from motor fuel taxes may be appropriated for and grants
81 made for all activities incident to providing and maintaining an adequate system of public
82 roads and bridges in this state and for any or all transportation purposes and which authorizes
83 the General Assembly to allocate and specify and direct the use of such funds by general law.
84 If such resolution is not so ratified, this Act shall not become effective and shall stand
85 repealed in its entirety on January 1, 2011.

86 **SECTION 4.**

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