

House Bill 18

By: Representative Franklin of the 43<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 related matters; to conform  
6 statutory references; to provide an effective date; to repeal conflicting laws; and for other  
7 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 Parts 1 and 2, relating to general  
12 provisions and revenue bonds, respectively, and designating said parts as reserved.

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) Except as provided in Code Section 40-6-54, no further tolls shall be collected on any  
 28 highways, roadways, or other roads under the authority of the State Road and Tollway  
 29 Authority on June 30, 2011.

### 30 **SECTION 3.**

31 Said article is further amended by revising Code Section 32-10-121, relating to creation and  
 32 governance of the Transportation Infrastructure Bank, as follows:

33 "32-10-121.

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

36 ~~(b) The bank shall be governed by the board of the State Road and Tollway Authority as~~  
 37 ~~provided in this chapter.~~

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

43 ~~(d) The bank shall establish and maintain at least the four following accounts in the~~  
 44 ~~authority fund:~~

45 ~~(1) State and local roadway account;~~

46 ~~(2) State and local nonroadway account;~~

47 ~~(3) Federal roadway account; and~~

48 ~~(4) Federal nonroadway account.~~

49 Reserved."

### 50 **SECTION 4.**

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

53 "(2) 'Board' means the board of the State Road and Tollway Authority Reserved."

### 54 **SECTION 5.**

55 Said article is further amended by revising Code Section 32-10-123, relating to authority of  
 56 the board, as follows:

57 "32-10-123.

58 ~~In administering the affairs of the bank, the board may exercise any or all of the powers~~  
 59 ~~granted to the authority under Parts 1 and 2 of this article, as well as the powers granted in~~  
 60 ~~this part. Without limiting the generality of the foregoing, the board is specifically~~  
 61 ~~authorized to issue bonds for the purposes of the bank, in the same general manner~~  
 62 ~~provided in Part 2 of this article Reserved.~~"

63 **SECTION 6.**

64 Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to control of soil  
 65 erosion and sedimentation, is amended by revising Code Section 12-7-7.1, relating to erosion  
 66 and sediment control plans, as follows:

67 "12-7-7.1.

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

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

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

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

88 (d)(1) All bidders for any construction or maintenance project subject to this Code  
 89 section shall review and submit with their bid proposal a cost estimate as a separate bid  
 90 for the implementation of the plan, it being understood that the contractor may utilize  
 91 either its own personnel and resources, qualified subcontractors, or both for  
 92 implementation of the plan. All contractors and subcontractors for such project shall be

93 prequalified by the Department of Transportation as a responsible bidder for the  
94 installation of erosion and sediment control devices in accordance with a plan. The  
95 division shall assist the Department of Transportation in developing the prequalification  
96 approval process for purposes of this subsection.

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

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

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

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

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

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

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

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

#### 154 **SECTION 7.**

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

158 "(9) Construction or maintenance projects, or both, undertaken or financed in whole or  
 159 in part, or both, by the Department of Transportation; or the Georgia Highway Authority;  
 160 ~~or the State Road and Tollway Authority~~; or any road construction or maintenance  
 161 project, or both, undertaken by any county or municipality; provided, however, that  
 162 construction or maintenance projects of the Department of Transportation ~~or the State~~  
 163 ~~Road and Tollway Authority~~ which disturb one or more contiguous acres of land shall be  
 164 subject to the provisions of Code Section 12-7-7.1; except where the Department of  
 165 Transportation; or the Georgia Highway Authority, ~~or the State Road and Tollway~~

166 Authority is a secondary permittee for a project located within a larger common plan of  
 167 development or sale under the state general permit, in which case a copy of a notice of  
 168 intent under the state general permit shall be submitted to the local issuing authority, the  
 169 local issuing authority shall enforce compliance with the minimum requirements set forth  
 170 in Code Section 12-7-6 as if a permit had been issued, and violations shall be subject to  
 171 the same penalties as violations by permit holders;"

172 **SECTION 8.**

173 Chapter 1 of Title 32 of the Official Code of Georgia Annotated, relating to general  
 174 provisions relative to highways, bridges, and ferries, is amended by revising Code Section  
 175 32-1-8, relating to construction and maintenance of private roads, as follows:

176 "32-1-8.

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

180 **SECTION 9.**

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

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

190 "(7) The department ~~and the State Road and Tollway Authority~~ shall be the proper  
 191 ~~agencies~~ agency of the state to discharge all duties imposed on the state by any act of  
 192 Congress allotting federal funds to be expended for public road and other transportation  
 193 purposes in this state. The department shall have the authority to accept and use federal  
 194 funds; to enter into any contracts or agreements with the United States or its agencies or  
 195 subdivisions relating to the planning, financing, construction, improvement, operation,  
 196 and maintenance of any public road or other mode or system of transportation; and to do  
 197 all things necessary, proper, or expedient to achieve compliance with the provisions and  
 198 requirements of all applicable federal-aid acts and programs. Nothing in this title is  
 199 intended to conflict with any federal law; and, in case of such conflict, such portion as

200 may be in conflict with such federal law is declared of no effect to the extent of the  
201 conflict;"

202 **SECTION 10.**

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

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

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

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

219 (C) For emergency construction or maintenance involving the expenditure of  
220 \$100,000.00 or more when the public interest requires that the work be done without  
221 the delay of advertising for public bids;

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

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

225 ~~(F) Through the provisions of a design-build contract as provided for in Code Section~~  
226 ~~32-2-81."~~

227 **SECTION 11.**

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

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

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

- 234 (2) 'Escrow account' means the certificates of deposit issued by a state or national bank  
 235 in Georgia and any uninvested cash held in escrow.
- 236 (3) 'State' means the Department of Transportation; or the Georgia Highway Authority;  
 237 ~~or the State Road and Tollway Authority.~~
- 238 (4) 'Treasurer' means the treasurer of the Department of Transportation; or the treasurer  
 239 of the Georgia Highway Authority; ~~or the treasurer of the State Road and Tollway~~  
 240 ~~Authority."~~

241 **SECTION 12.**

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

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

253 **SECTION 13.**

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

256 "(a) The state treasurer is designated a proper authority to receive any of the federal-aid  
 257 funds apportioned by the federal government under 23 U.S.C. and to receive any other  
 258 federal funds apportioned to the State of Georgia for public road and other public  
 259 transportation purposes; ~~unless designated otherwise by the federal government and except~~  
 260 ~~as such funds may be directed by the federal government to the State Road and Tollway~~  
 261 ~~Authority."~~

262 **SECTION 14.**

263 Article 1 of Chapter 5 of Title 32 of the Official Code of Georgia Annotated, relating to  
 264 federal funds, is amended by revising Code Section 32-5-2, relating to appropriations of  
 265 funds to the Department of Transportation, as follows:



266 "32-5-2.  
 267 All federal funds received by the state treasurer under Code Section 32-5-1 are continually  
 268 appropriated to the department for the purpose specified in the grants of such funds ~~except~~  
 269 ~~as such funds may be directed by the federal government to the State Road and Tollway~~  
 270 ~~Authority~~, provided that no federal funds or funds appropriated to the department shall be  
 271 expended for procurement of rights of way for a road to be constructed on a county road  
 272 system except as otherwise provided by law or by agreement between the federal  
 273 government and the department."

274 **SECTION 15.**

275 Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass  
 276 transportation, is amended by revising Code Section 32-9-12, relating to a pilot program for  
 277 funding streetcar projects, as follows:

278 "32-9-12.  
 279 The department will form a pilot program that will provide a state level flow through point  
 280 for any available federal funding or other forms of financial and development sources and  
 281 assistance for local, regional, and public-private streetcar projects. Any funding through  
 282 bonds for such pilot and grant program shall be administered by the ~~State Road and~~  
 283 ~~Tollway Authority~~ department."

284 **SECTION 16.**

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

287 "(12) To incorporate one or more nonprofit corporations as subsidiary corporations of  
 288 the authority for the purpose of carrying out any of the powers of the authority and to  
 289 accomplish any of the purposes of the authority. Any such subsidiary corporation shall  
 290 be a nonprofit corporation, a body corporate and politic, and an instrumentality and  
 291 public corporation of the state and shall exercise essential governmental functions. Any  
 292 subsidiary corporations created pursuant to this power shall be created pursuant to  
 293 Chapter 3 of Title 14, the 'Georgia Nonprofit Corporation Code,' and shall be filed with  
 294 the Secretary of State, who shall be authorized to accept such filings. The commissioner  
 295 and two individuals appointed by the members of the authority shall constitute the  
 296 members of and shall serve as directors of any subsidiary corporation, and such  
 297 appointment shall not constitute a conflict of interest, provided that the provisions of  
 298 subsection (a) of Code Section 45-10-23 or any other law shall not prevent full-time  
 299 employees of the authority or the Department of Transportation from serving as members  
 300 of the governing board of such subsidiary corporation. Upon dissolution of any

301 subsidiary corporation of the authority, any assets shall revert to the authority or to any  
 302 successor to the authority or, failing such succession, to the state, ~~provided that any toll~~  
 303 ~~collection or other tollway operations remain under the authority of the State Road and~~  
 304 ~~Tollway Authority.~~ The authority shall not be liable for the debts, obligations, or bonds  
 305 of any subsidiary corporation or for the actions or omissions to act of any subsidiary  
 306 corporation unless the authority in writing expressly so consents."

#### 307 **SECTION 17.**

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

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

#### 317 **SECTION 18.**

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

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

#### 327 **SECTION 19.**

328 Article 6 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to  
 329 administration and enforcement of chapter, is amended by repealing Code Section  
 330 40-2-135.1, relating to suspension of offender's motor vehicle registration for multiple  
 331 violations of toll provisions.

332 **SECTION 20.**

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

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

350 **SECTION 21.**

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

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

360 **SECTION 22.**

361 Article 1 of Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to  
 362 general provisions relative to the Attorney General, is amended by revising Code Section  
 363 45-15-13, relating to representation of state authorities by the Attorney General, as follows:

364 "45-15-13.

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

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

371 **SECTION 23.**

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

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

386 **SECTION 24.**

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

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

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

418 **SECTION 25.**

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

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

428 **SECTION 26.**

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

431 **SECTION 27.**

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