

## House Bill 511 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Tanner of the 9<sup>th</sup>, Smyre of the 135<sup>th</sup>, England of the 116<sup>th</sup>, Carpenter of the 4<sup>th</sup>, Anulewicz of the 42<sup>nd</sup>, and others

## A BILL TO BE ENTITLED

## AN ACT

1 To amend Titles 32, 36, 45, 48, and 50 of the Official Code of Georgia Annotated, relating  
 2 to highways, bridges, and ferries; local government; public officers and employees; revenue  
 3 and taxation; and state government, respectively, so as to provide for funding sources and a  
 4 consolidated state entity for the planning and implementation of mobility and transit services;  
 5 to provide for legislative intent and special collection and reporting procedures for state sales  
 6 and use tax for certain transportation; to provide for definitions; to provide for the imposition  
 7 of special purpose local sales and use tax by a single county located outside a nonattainment  
 8 area for the funding of transit projects under certain conditions; to establish special districts;  
 9 to provide for definitions, procedures, conditions, and limitations for the imposition,  
 10 collection, disbursement, and termination of the sales and use tax; to provide for a definition  
 11 relative to community improvement districts; to create the Department of Mobility and  
 12 Innovation; to provide for definitions; to provide for the appointment of a commissioner of  
 13 the department; to provide for salary, qualifications, eligibility, and responsibilities of such  
 14 commissioner; to provide for the power to designate directors and hire employees; to provide  
 15 for offices and equipment for the department; to provide for authority to establish rules and  
 16 regulations; to provide for an official seal; to provide for duties, responsibilities, and  
 17 functions of the department; to provide for approval of certain development of regional  
 18 impact projects; to provide for the administrative assignment of certain authorities to the  
 19 department; to provide for the transfer of certain functions, funding, and personnel to the  
 20 department from certain state agencies; to provide for the establishment of a pilot program  
 21 administered by the department for the provision of transit service vouchers for certain  
 22 unemployed and underemployed persons; to provide for procedures, conditions, and  
 23 limitations for the implementation of such pilot program; to provide for the establishment of  
 24 a pilot program administered by the department for the awarding of grants for the provision  
 25 of micro-transit in certain geographical areas; to provide for procedures, conditions, and  
 26 limitations for the implementation of such pilot program; to establish the Transit Link  
 27 Division within such department; to establish a Transit Coordinating Council; to provide for

28 duties and functions of such council; to provide for the establishment of a pilot program for  
29 the issuance of a tax credit for an employer providing a transit benefit to new employees; to  
30 provide for procedures, conditions, and limitations for the implementation of such pilot  
31 program; to establish mobility zones for the coordination and implementation of transit  
32 within regions of the state; to provide for definitions; to establish mobility zone advisory  
33 councils; to provide for approval of a regional transit plan by such councils; to provide the  
34 department with power and authority to award grants and loans for transit purposes; to  
35 provide for an income tax credit for employers providing transit benefits under certain  
36 conditions; to provide for procedures, limitations, and audits relating to such tax credit; to  
37 provide for authority to promulgate rules and regulations; to repeal and reserve Chapter 32  
38 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Regional  
39 Transportation Authority; to transfer the Atlanta-region Transit Link "ATL" Authority to the  
40 Department of Mobility and Innovation for administrative purposes; to provide changes to  
41 conform with such transfer; to provide for definitions; to provide for membership and  
42 jurisdiction of the authority; to provide for powers of the authority; to provide for a logo and  
43 use of such on transit operator property; to provide for certain planning and reporting to  
44 include the Department of Mobility and Innovation; to transfer certain assets, property, and  
45 legal rights and obligations of the Georgia Regional Transportation Authority to the  
46 Atlanta-region Transit Link "ATL" Authority; to amend Title 40 of the Official Code of  
47 Georgia Annotated, relating to motor vehicles and traffic, so as to correct a cross-reference;  
48 to amend Article 2 of Chapter 9 of Title 32 of the Official Code of Georgia Annotated,  
49 relating to the Metropolitan Atlanta Rapid Transit Authority, so as to extend the date for  
50 automatic abolishment and repeal of provisions relative to the Cobb County Special District  
51 for Transit; to amend Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia  
52 Annotated, relating to the State Road and Tollway Authority, so as to redesignate Code  
53 sections relative to such authority to a new chapter and make conforming changes to reflect  
54 such transfer; to provide for purposes for pledging, utilizing, or expending the authority fund;  
55 to transfer administrative responsibility of such authority from the Department of  
56 Transportation to the Department of Mobility; to revise the membership of the Governor's  
57 Development Council; to amend the Official Code of Georgia Annotated so as to make  
58 conforming and cross-reference changes relating to such redesignation and transfer; to  
59 reserve Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated,  
60 relating to the State Road and Tollway Authority; to provide for related matters; to provide  
61 for effective dates; to repeal conflicting laws; and for other purposes.

62 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

63 PART I  
64 FUNDING

65 SECTION 1-1.

66 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
67 amended by adding a new Code section to read as follows:

68 "48-8-67.1.

69 (a) As used in this Code section, the term:

70 (1) 'For-hire ground transport service provider' means a limousine carrier, ride share  
71 network service, taxi service, and transportation referral service as such terms are defined  
72 in Code Section 40-1-190.

73 (2) 'For-hire ground transport trip' means a completed journey by vehicle provided by  
74 a for-hire ground transport service provider or any request for such journey for which a  
75 customer is charged, whether completed or not.

76 (b) It is the intent of the General Assembly that the sales and use tax levied by the state on  
77 any for-hire ground transport trip shall be subject to appropriations and expended for the  
78 sole purpose of funding transit and transit projects, as such terms are defined in Code  
79 Section 48-8-269.40. Amounts collected shall be separately accounted for by the  
80 commissioner and the total amount collected for each fiscal year shall be reported annually  
81 by the commissioner on or before December 1 to the chairpersons of the House Committee  
82 on Appropriations, House Committee on Transportation, Senate Appropriations  
83 Committee, and Senate Transportation Committee."

84 SECTION 1-2.

85 Said title is further amended by revising Code Section 48-8-269.40, relating to definitions  
86 relative to special districts for transit purposes, as follows:

87 "48-8-269.40.

88 As used in this article, the term:

89 (1) 'Authority' means the Atlanta-region Transit Link 'ATL' Authority created pursuant  
90 to Chapter 39 of Title 50.

91 (2) 'Council' means a mobility zone advisory council organized pursuant to Article 2 of  
92 Chapter 31 of Title 50 and which has jurisdiction over the mobility zone in which a  
93 county is located.

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

95 ~~(3)~~(4) 'Dealer' shall have the same meaning as provided for in paragraph (8) of Code  
96 Section 48-8-2.

97 ~~(4) 'Intergovernmental agreement' means a contract entered into pursuant to Article IX,  
98 Section III, Paragraph I of the Constitution.~~

99 (5) 'Nonattainment area' means those counties currently having or previously designated  
100 as having excess levels of ozone, carbon monoxide, or particulate matter in violation of  
101 the standards in the federal Clean Air Act, as amended in 1990 and codified at 42  
102 U.S.C.A. Sections 7401 to 7671q and which fall under the jurisdiction exercised by the  
103 Atlanta-region Transit Link 'ATL' Authority or any predecessor authority as described  
104 in Article 2 of Chapter 39 of Title 50.

105 (6) 'Qualified municipality' means a qualified municipality as defined in paragraph (4)  
106 of Code Section 48-8-110 and which is located wholly or partly within a special district.

107 (7) 'Regional transit plan' means the official multiyear plan for transit services and  
108 facilities adopted pursuant to Code Section 50-31-38 or 50-39-12.

109 ~~(8) 'Transit' means regular, continuing shared-ride or shared-use surface transportation  
110 services that are made available by a public entity and are open to the general public or  
111 open to a segment of the general public defined by age, disability, or low income. Such  
112 term includes services or systems operated by or under contract with the state, a public  
113 agency or authority, a county or municipality, a community improvement district, or any  
114 other similar public entity of this state and all accompanying infrastructure and services  
115 necessary to provide access to these modes of transportation. Such term excludes charter  
116 or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal  
117 services, limousine carriers, and ride share network services, transportation referral  
118 services, and taxi services not paid for by a public entity shall have the same meaning as  
119 provided for in Code Section 50-31-2.~~

120 (9) 'Transit projects' means and includes purposes to establish, enhance, operate, and  
121 maintain, or improve access to transit, including general obligation debt and other  
122 multiyear obligations issued to finance such projects, the operations and maintenance of  
123 such projects once constructed, and the contracted purchase of transit services from  
124 providers without direct capital investment."

### 125 SECTION 1-3.

126 Said title is further amended in Code Section 48-8-269.41, relating to transit special purpose  
127 local option sales and use tax, by revising paragraph (1) of subsection (b) as follows:

128 "(b)(1) Any ~~two or more neighboring counties which are~~ county not located within a  
129 nonattainment area may, by following the procedures required by Part 2 of this article,  
130 impose within ~~their respective special districts~~ the special district a transit special purpose

131 local option sales and use tax, the proceeds of which shall be used only for transit  
 132 projects."

133 **SECTION 1-4.**

134 Said title is further amended by revising Code Section 48-8-269.43, relating to notice for  
 135 referendum, meeting, requirements for intergovernmental agreements, requirements for  
 136 resolutions, and unanimous approval for neighboring counties and special districts outside  
 137 nonattainment areas, as follows:

138 "48-8-269.43.

139 (a)(1) Any ~~two or more neighboring counties~~ county qualified to levy a tax pursuant to  
 140 paragraph (1) of subsection (b) of Code Section 48-8-269.41 shall deliver or mail a  
 141 written notice to the mayor or chief elected official in each qualified municipality located  
 142 within its respective special district prior to the issuance of the call for the referendum.  
 143 Such notice shall contain the date, time, place, and purpose of a meeting at which the  
 144 governing authorities of the ~~counties~~ county and of each qualified municipality therein  
 145 are to meet to discuss possible transit projects for inclusion in the referendum and the rate  
 146 of tax. The notice shall be delivered or mailed at least ten days prior to the date of the  
 147 meeting. The meeting shall be held at least 60 days prior to any issuance of the call for  
 148 the referendum.

149 ~~(b)(2)~~ At the meeting required by subsection (a) of this Code section, the ~~two or more~~  
 150 ~~neighboring counties~~ county and all qualified municipalities therein may select transit  
 151 projects from the regional transit plan approved by the council to be funded by the  
 152 proceeds of the tax authorized by this article. ~~Each county planning to participate in the~~  
 153 ~~selected transit project or projects shall enter into intergovernmental agreements which~~  
 154 ~~shall include, at a minimum:~~

155 ~~(1) A list of the transit projects proposed to be funded from the tax;~~

156 ~~(2) An agreement identifying the operator of any transit projects proposed if such project~~  
 157 ~~or projects are services which require an operator;~~

158 ~~(3) The estimated or projected dollar amounts allocated for each transit project from~~  
 159 ~~proceeds from the tax;~~

160 ~~(4) The procedures for distributing proceeds from the tax to each county;~~

161 ~~(5) A schedule for distributing proceeds from the tax to each county, which shall include~~  
 162 ~~the priority or order in which transit projects will be fully or partially funded;~~

163 ~~(6) A provision that all transit projects included in the agreement shall be funded from~~  
 164 ~~proceeds from the tax except as otherwise agreed;~~

165 ~~(7) A provision that proceeds from the tax shall be maintained in separate accounts and~~  
 166 ~~utilized exclusively for the specified purposes;~~

167 (8) Record-keeping and audit procedures necessary to carry out the purposes of this part;  
 168 and

169 ~~(9) Such other provisions as the counties choose to address.~~

170 (b) Following the meeting required by subsection (a) of this Code section, the county shall  
 171 deliver or mail to the council a written notice of the intent to call for a referendum to  
 172 impose the tax authorized by this article. Such notice shall include a list of transit projects  
 173 located within such county chosen from the regional transit plan which the county intends  
 174 to fund with proceeds from the tax authorized under this article and the proposed operator  
 175 of any such transit projects if such project or projects are services which require an  
 176 operator.

177 (c)(1) Upon receipt of such notice from a county, the council shall approve or deny any  
 178 or all projects within a submitted transit project list and the proposed operator of any  
 179 transit projects if such project or projects are services which require an operator. In  
 180 making a determination upon whether to approve transit projects, the council shall take  
 181 into consideration any other transit projects such council has approved for any  
 182 neighboring counties, any transit projects in progress in any neighboring counties, and  
 183 any additional federal or state funding that may be available for any projects. The council  
 184 shall make a determination and send notification to the county approving or denying the  
 185 submitted transit projects and operators, if applicable, no later than 20 days from the  
 186 receipt of such list.

187 (2) Any county which is subject to a metropolitan planning organization, as such term  
 188 is defined in Code Section 48-8-242, that has had a project list denied may appeal such  
 189 decision to the commissioner of mobility and innovation.

190 ~~(d)(1) As soon as practicable after the meeting required in subsection (a) of this Code~~  
 191 ~~section and the execution of an intergovernmental agreement~~ receipt of notice from the  
 192 appropriate council, the governing authority of each the county desiring to call calling  
 193 a referendum shall, by a majority vote on a resolution offered for such purpose, submit  
 194 the list of transit projects and the question of whether the tax should be approved to  
 195 electors of the special district in the next scheduled election and shall notify the county  
 196 election superintendent within the special district by forwarding to the superintendent a  
 197 copy of such resolution calling for the imposition of the tax. Such list, or a digest thereof,  
 198 shall be available during regular business hours in the office of the county clerk.

199 (2) The resolution authorized by paragraph (1) of this subsection shall describe or  
 200 identify:

201 (A) The specific transit projects to be funded which shall have been selected from the  
 202 regional transit plan and approved by the council;

203 (B) The approximate cost of such transit projects;

- 204 (C) The operator selected for any transit project or projects proposed if such project or  
 205 projects are services which require an operator; and  
 206 (D) The maximum period of time, to be stated in calendar years, for which the tax may  
 207 be imposed and the rate thereof. The maximum period of time for the imposition of the  
 208 tax shall not exceed 30 years.
- 209 ~~(d) Unless the referendum required in Code Section 48-8-269.44 is approved in each of~~  
 210 ~~the participating counties, the tax shall not be imposed."~~

#### 211 SECTION 1-5.

212 Said title is further amended by revising Code Section 48-8-269.44, relating to ballot  
 213 language, conduct of election, and impact of approval or rejection for neighboring counties  
 214 and special districts outside nonattainment areas, as follows:

215 "48-8-269.44.

216 (a)(1) The ballot submitting the question of the imposition of a tax for transit projects to  
 217 the voters within the special district shall have written or printed thereon the following:

- 218 '( ) YES Shall a special \_\_\_ percent sales and use tax be imposed in the special  
 219 district consisting of \_\_\_\_\_ County for a period of time not to exceed  
 220 ( ) NO \_\_\_\_\_ and for the raising of funds for transit projects?'

221 ~~(2) The ballot shall have written and printed thereon the following:~~

222 ~~'NOTICE TO ELECTORS: Unless the tax is approved in (list each county that has~~  
 223 ~~selected the project) for the transit projects, the tax shall not become effective.'~~

224 ~~(3) If debt is to be issued, the ballot shall also have written or printed thereon, following~~  
 225 ~~the language specified by paragraph (1) of this subsection, the following:~~

226 'If imposition of the tax is approved by the voters, such vote shall also constitute  
 227 approval of the issuance of general obligation debt of \_\_\_\_\_ in the principal  
 228 amount of \$\_\_\_\_\_ for the above purpose.'

229 (b) The election superintendent shall issue the call and conduct the election in the manner  
 230 authorized by general law. Each such election shall be governed, held, and conducted in  
 231 accordance with the provisions of law from time to time governing the holding of special  
 232 elections as provided in Code Section 21-2-540. The superintendent shall canvass the  
 233 returns, declare the result of the election, and certify the result to the Secretary of State and  
 234 to the commissioner. The expense of the election shall be paid from county funds. All  
 235 persons desiring to vote in favor of imposing the tax shall vote 'Yes,' and all persons  
 236 opposed to imposing the tax shall vote 'No.' If more than one-half of the votes cast  
 237 throughout the entire special district are in favor of imposing the tax ~~in each of the special~~  
 238 ~~districts that have elected to hold the referendum~~, then the tax shall be imposed as provided  
 239 in this article.

240 (c) Where such question is not approved by the voters, the county may resubmit such  
241 question from time to time upon compliance with the requirements of this article.

242 (d)(1) If the ~~intergovernmental agreement and proposal include~~ proposal includes the  
243 authority to issue general obligation debt and if more than one-half of the votes cast  
244 throughout the entire special district ~~and in each of the special districts that have elected~~  
245 ~~to hold the referendum~~ are in favor of the proposal, then the authority to issue such debt  
246 in accordance with Article IX, Section V, Paragraph I of the Constitution is given to the  
247 proper officers of the county or qualified municipality; otherwise, such debt shall not be  
248 issued. If the authority to issue such debt is so approved by the voters as required in this  
249 subsection, then such debt may be issued without further approval by the voters.

250 (2) If the issuance of general obligation debt is included and approved as provided in this  
251 Code section, then the governing authority of the county may incur such debt either  
252 through the issuance and validation of general obligation bonds or through the execution  
253 of a promissory note or notes or other instrument or instruments. If such debt is incurred  
254 through the issuance of general obligation bonds, such bonds and their issuance and  
255 validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as  
256 specifically provided otherwise in this article. If such debt is incurred through the  
257 execution of a promissory note or notes or other instrument or instruments, no validation  
258 proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10  
259 through 36-80-14 except as specifically provided otherwise in this article. In either event,  
260 such general obligation debt shall be payable first from the separate account in which are  
261 placed the proceeds received by the county from the tax. Such general obligation debt  
262 shall, however, constitute a pledge of the full faith, credit, and taxing power of the  
263 county; and any liability on such debt which is not satisfied from the proceeds of the tax  
264 shall be satisfied from the general funds of the county."

265 **SECTION 1-6.**

266 Said title is further amended by revising Code Section 48-8-269.50, relating to disbursement  
267 of proceeds from transit special purpose local option sales and use tax, as follows:

268 "48-8-269.50.

269 (a) The proceeds of the tax collected by the commissioner in each special district qualified  
270 to levy the tax under ~~Part 2~~ of this article shall be disbursed as soon as practicable after  
271 collection as follows:

272 (1) ~~One percent of the amount collected shall be paid into the general fund of the state~~  
273 ~~treasury in order to defray the costs of administration; and~~

274 ~~(2) Except for the percentage provided in paragraph (1) of this subsection, the remaining~~  
 275 ~~proceeds of the tax shall be distributed pursuant to the terms of the intergovernmental~~  
 276 ~~agreement.~~

277 ~~(b) The proceeds of the tax collected by the commissioner in each special district qualified~~  
 278 ~~to levy the tax under Part 3 of this article shall be disbursed as soon as practicable after~~  
 279 ~~collection as follows:~~

280 (1) One percent of the amount collected shall be paid into the general fund of the state  
 281 treasury in order to defray the costs of administration; and

282 (2) Except for the percentage provided in paragraph (1) of this ~~subsection~~ Code section,  
 283 the remaining proceeds of the tax shall be distributed to the special district for the transit  
 284 projects specified in the resolution calling for the imposition of the tax."

### 285 SECTION 1-7.

286 Said title is further amended by revising Code Section 48-8-269.56, relating to provisions of  
 287 transit special purpose local option sales and use tax create additional tax, as follows:

288 "48-8-269.56.

289 Except as provided in Code Section 48-8-6, the tax authorized under this ~~part~~ article shall  
 290 be in addition to any other local sales and use tax. Except as otherwise provided in this  
 291 article and except as provided in Code Section 48-8-6, the imposition of any other local  
 292 sales and use tax within a county or qualified municipality within a special district shall not  
 293 affect the authority of a county to impose the tax authorized under this article, and the  
 294 imposition of the tax authorized under this article shall not affect the imposition of any  
 295 otherwise authorized local sales and use tax within the special district."

### 296 SECTION 1-8.

297 Said title is further amended in Code Section 48-8-269.57, relating to exclusive use of transit  
 298 special purpose local option sales and use tax proceeds, audits, and payment of debt, by  
 299 revising paragraph (1) of subsection (a) and subsection (f) as follows:

300 "(1) The proceeds received from the tax shall be used by the county within the special  
 301 ~~district or special districts~~ exclusively for the transit projects specified in the resolution  
 302 calling for imposition of the tax. ~~When the proceeds are received by a special district~~  
 303 ~~authorized to levy the tax pursuant to Part 2 of this article, such~~ Such proceeds shall be  
 304 kept in a separate account from other funds of any county receiving proceeds of the tax  
 305 and shall not in any manner be commingled with other funds of any county prior to the  
 306 expenditure."

307 "(f)(1)(A)(i) ~~If the proceeds of the tax are specified to be used solely for the purpose~~  
 308 ~~of payment of general obligation debt issued in conjunction with the imposition of the~~

309 ~~tax authorized to be levied pursuant to Part 2 of this article, then any net proceeds of~~  
 310 ~~the tax in excess of the amount required for final payment of such debt may be used~~  
 311 ~~for additional transit projects, provided that a subsequent intergovernmental~~  
 312 ~~agreement meeting the requirements set forth in subsection (b) of Code Section~~  
 313 ~~48-8-269.43 has been entered into. If a subsequent intergovernmental agreement~~  
 314 ~~required by this division is not entered into, then such excess proceeds shall be subject~~  
 315 ~~to and applied as provided in paragraph (2) of this subsection.~~

316 (ii) If the proceeds of the tax are specified to be used solely for the purpose of  
 317 payment of general obligation debt issued in conjunction with the imposition of the  
 318 tax authorized to be levied pursuant to ~~Part 3~~ of this article, then any net proceeds of  
 319 the tax in excess of the amount required for final payment of such debt may be used  
 320 for additional transit projects, provided that such projects are selected from the  
 321 regional transit plan and approved by the authority or the council. If approval from  
 322 the authority or appropriate council regarding additional transit projects to be funded  
 323 with any excess net proceeds is not obtained, then such excess proceeds shall be  
 324 subject to and applied as provided in paragraph (2) of this subsection.

325 (B)(i) ~~If the special district receives from the tax net proceeds in excess of the~~  
 326 ~~maximum cost of the transit projects stated in the resolution calling for the imposition~~  
 327 ~~of the tax or in excess of the actual cost of such projects when the tax was authorized~~  
 328 ~~to be levied pursuant to Part 2 of this article, then such excess proceeds may be used~~  
 329 ~~for additional transit projects, provided that a subsequent intergovernmental~~  
 330 ~~agreement meeting the requirements set forth in subsection (b) of Code Section~~  
 331 ~~48-8-269.43 has been entered into. If a subsequent intergovernmental agreement~~  
 332 ~~required by this division is not entered into, then such excess proceeds shall be subject~~  
 333 ~~to and applied as provided in paragraph (2) of this subsection.~~

334 (ii) If the special district receives from the tax net proceeds in excess of the maximum  
 335 cost of the transit projects stated in the resolution calling for the imposition of the tax  
 336 or in excess of the actual cost of such projects when the tax was authorized to be  
 337 levied pursuant to ~~Part 3~~ of this article, then such excess proceeds may be used for  
 338 additional transit projects, provided that such projects are selected from the regional  
 339 transit plan and approved by the authority or the appropriate council. If approval  
 340 from the authority or appropriate council regarding additional transit projects to be  
 341 funded with any excess net proceeds is not obtained, then such excess proceeds shall  
 342 be subject to and applied as provided in paragraph (2) of this subsection.

343 (2) Except as provided in paragraph (1) of this subsection, excess proceeds shall be used  
 344 solely for the purpose of reducing any indebtedness of any county within the special  
 345 district other than indebtedness incurred pursuant to this article. If there is no such other

346 indebtedness or if the excess proceeds exceed the amount of any such other indebtedness,  
 347 then the excess proceeds shall next be paid into the general fund of such county, it being  
 348 the intent that any funds so paid into the general fund of such county be used for the  
 349 purpose of reducing ad valorem taxes."

350 **SECTION 1-9.**

351 Said title is further amended by revising Code Section 48-8-269.58, relating to annual  
 352 reporting to public of transit project expenditures via newspaper, as follows:

353 "48-8-269.58.

354 Not later than December 31 of each year, the governing authority of the county receiving  
 355 any proceeds from the tax under this ~~part~~ article shall publish annually, in a newspaper of  
 356 general circulation in the boundaries of such county, a simple, nontechnical report which  
 357 shows for each transit project in the resolution calling for the imposition of the tax the  
 358 original estimated cost, the current estimated cost if it is not the original estimated cost,  
 359 amounts expended in prior years, and amounts expended in the current year. The report  
 360 shall also include a statement of what corrective action the county intends to implement  
 361 with respect to each project which is underfunded or behind schedule and a statement of  
 362 any surplus funds which have not been expended for a purpose."

363 **SECTION 1-10.**

364 Code Section 36-80-26 of the Official Code of Georgia Annotated, relating to multi-county  
 365 community improvement districts for transit projects, is amended by revising paragraph (3)  
 366 of subsection (a) as follows:

367 ~~"(3) 'Transit' means regular, continuing shared-ride or shared-use surface transportation~~  
 368 ~~services that are made available by a public entity and are open to the general public or~~  
 369 ~~open to a segment of the general public defined by age, disability, or low income. Such~~  
 370 ~~term includes services or systems operated by or under contract with the state, a public~~  
 371 ~~agency or authority, a county or municipality, a community improvement district, or any~~  
 372 ~~other similar public entity of this state and all accompanying infrastructure and services~~  
 373 ~~necessary to provide access to these modes of transportation. Such term excludes charter~~  
 374 ~~or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal~~  
 375 ~~services, limousine carriers, and ride share network services, transportation referral~~  
 376 ~~services, and taxi services not paid for by a public entity shall have the same meaning as~~  
 377 provided for in Code Section 50-31-2."

378 PART II  
 379 GOVERNANCE  
 380 SECTION 2-1.

381 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
 382 by revising Chapter 31, which is reserved, as follows:

383 "ARTICLE 1

384 50-31-1.

385 There is created the Department of Mobility and Innovation.

386 50-31-2.

387 As used in this chapter, the term:

388 (1) 'Commissioner' means the commissioner of the department.

389 (2) 'County' means any county of this state, including any consolidated governments.

390 (3) 'Constitution' means the Constitution of the State of Georgia.

391 (4) 'Contract' means any contract, agreement, or other legally binding arrangement.

392 (5) 'Department' means the Department of Mobility and Innovation.

393 (6) 'Division' means the Transit Link Division of the department established in Part 1 of  
 394 Article 2 of this chapter.

395 (7) 'Governing body' means the board of commissioners of a county, sole commissioner  
 396 of a county, council, commissioners, or other governing authority for a county or  
 397 municipality.

398 (8) 'Local government' means any county, municipality, or other political subdivision of  
 399 the state; any regional commission; any public agency or public authority, except any  
 400 state agency or state authority, created under the Constitution or by Act of the General  
 401 Assembly; shall include public agencies and public authorities which are created or  
 402 activated pursuant to the Constitution or Act of the General Assembly or by action of the  
 403 governing body of any county, municipality, or other political subdivision of the state,  
 404 separately or in any combination; and shall include any group of counties or  
 405 municipalities which forms the group to carry out jointly any lawful purposes but shall  
 406 not include school districts.

407 (9) 'Mobility' means public or private services that provide users with on-demand,  
 408 shared-use transportation utilizing new technologies and modes.

409 (10) 'Mobility zone' means the area established pursuant to Part 2 of Article 2 of this  
 410 chapter.

- 411 (11) 'Municipality' has the same meaning as provided in Code Section 36-30-1.
- 412 (12) 'Necessary' means warranted, desirable, or appropriate, as determined by the  
 413 commissioner, unless the context clearly indicates a different meaning.
- 414 (13) 'Regional transit plan' means the official multiyear plan adopted for a mobility zone  
 415 for the provision of transit services throughout the jurisdiction of such area pursuant to  
 416 Code Sections 50-31-38 or 50-39-12.
- 417 (14) 'State' means the State of Georgia.
- 418 (15) 'Transit' means regular, continuing shared-ride or shared-use surface transportation  
 419 services that are made available by or funded by a public entity and are open to the  
 420 general public or open to a segment of the general public defined by age, disability, or  
 421 low income. Such term includes services or systems operated by or under contract with  
 422 the state, a state agency or authority, a local government, or any other similar public  
 423 entity of this state and all accompanying infrastructure and services necessary to provide  
 424 access to these modes of transportation. Such term excludes charter or sightseeing  
 425 services; school bus services; courtesy shuttle and intra-facility or terminal services;  
 426 limousine carriers; and ride share network services, transportation referral services, and  
 427 taxi services, as such terms are defined in Chapter 1 of Title 40, and which are not paid  
 428 for by a public entity.
- 429 50-31-3.
- 430 (a) The head of the department shall be the commissioner who shall exercise supervision  
 431 and control over all divisions and employees of the department.
- 432 (b) The commissioner shall be appointed by the Governor and shall serve at the pleasure  
 433 of the Governor.
- 434 (c) Beginning July 1, 2019, the commissioner shall receive an annual salary to be set by  
 435 the Governor, payable monthly or semimonthly, which shall be his or her total  
 436 compensation for services as commissioner. The commissioner shall not be entitled to  
 437 receive a contingent expense allowance, except that the commissioner shall be reimbursed  
 438 for all actual and necessary expenses incurred by him or her in carrying out his or her  
 439 official duties.
- 440 (d) The commissioner shall be required to take and subscribe before the Governor an oath  
 441 to discharge faithfully and impartially the duties of such office, which oath shall be in  
 442 addition to the oath required of all civil officers.
- 443 (e) The commissioner shall be of good moral character and shall not have been convicted  
 444 in any court of competent jurisdiction of any crime involving moral turpitude.

445 50-31-4.

446 (a) The commissioner shall establish by executive order such units within the department  
 447 as he or she deems proper for its administration and shall designate persons to be directors  
 448 and assistant directors of such units to exercise such authority as he or she may delegate  
 449 to them in writing; provided, however, that any such designation at a level of director shall  
 450 be subject to approval by the Governor.

451 (b) The commissioner shall have the authority to employ as many persons deemed  
 452 necessary for the administration of the department or authorities assigned to it and for the  
 453 discharge of the duties of his or her office. The commissioner shall issue all necessary  
 454 directions, instructions, orders, and rules applicable to such persons. The commissioner  
 455 shall have authority, as he or she deems proper, to employ, assign, compensate, and  
 456 discharge employees of the department within the limitations of the department's  
 457 appropriation, the requirements of the state system of personnel administration, including  
 458 the rules and regulations of the State Personnel Board, and the restrictions set forth by law.

459 50-31-5.

460 (a) The commissioner shall:

461 (1) Direct the affairs of the department in the administration and enforcement of all laws  
 462 enacted for the purpose of providing transit and mobility throughout this state;

463 (2) Supervise the administration and funding of transit and project coordination and  
 464 planning of transit throughout the state, subject to the sovereign rights of the counties to  
 465 regulate their own affairs;

466 (3) Supervise programs focused on innovative technologies, strategies, and solutions for  
 467 providing efficient and groundbreaking methods for the movement of people and goods;

468 (4) Be authorized to take actions necessary for the purposes of entering into contracts on  
 469 behalf of the department in an expedited and efficient manner;

470 (5) On behalf of the department, receive and allocate funding from the state and federal  
 471 government for capital and operations of transit services and mobility innovation  
 472 projects; and

473 (6) Submit to the Governor and to each regular session of the General Assembly an  
 474 annual report of the conduct of his or her office. The commissioner shall not be required  
 475 to distribute copies of the annual report to the members of the General Assembly but shall  
 476 notify the members of the availability of the annual report in the manner which he or she  
 477 deems to be most effective and efficient. As the chief mobility and innovation official  
 478 of the state, he or she shall advise the Governor and the General Assembly on all matters  
 479 relating to transit and mobility innovations.

480 (b) The provisions of this Code section enumerating the duties of the commissioner shall  
481 not be construed to exclude other duties assigned to the commissioner by law.

482 50-31-6.

483 The commissioner shall be provided with suitable offices and equipment, the expense of  
484 which shall be paid by the state or from funds or other resources available to the  
485 department for such purpose.

486 50-31-7.

487 (a) The commissioner shall have the power to make and publish in print or electronically  
488 reasonable rules and regulations not inconsistent with this chapter or other laws or with the  
489 Constitution of this state or of the United States for the enforcement of this chapter.

490 (b) The authority granted to the commissioner pursuant to this Code section shall be  
491 exercised at all times in conformity with Chapter 13 of Title 50, the 'Georgia  
492 Administrative Procedure Act.'

493 50-31-8.

494 The commissioner shall have an official seal of such device as he or she shall select,  
495 subject to the approval of the Governor.

496 50-31-9.

497 (a) The department shall perform the duties, responsibilities, and functions and may  
498 exercise the power and authority described in this Code section. The department shall  
499 undertake and carry out such planning and technical assistance activities as the  
500 commissioner may deem necessary for providing transit and mobility and as may be  
501 specified by law. Such planning and technical assistance activities may include, but shall  
502 not be limited to, assistance to local governments or any state agency or authority in the  
503 form of support with respect to preparation and implementation of a regional transit plan;  
504 recommendations for policies and action, and governmental administration, finance,  
505 management, planning, coordination, and operations relating to transit; and working with  
506 emerging technologies and businesses to develop and implement advanced mobility  
507 solutions.

508 (b) The department shall undertake and carry out, and shall coordinate with other state  
509 agencies, state authorities, and local governments in undertaking and carrying out, such  
510 gathering of information, such distribution of information, and such studies and  
511 recommendations as the commissioner may deem necessary for providing transit and  
512 innovative mobility and as may be specified by law. Such coordination, gathering, and

513 distribution of information and studies may include, but shall not be limited to, the  
 514 following:

515 (1) The department may assist the Governor, the General Assembly, any committees of  
 516 the General Assembly, any state department, any state agency, any state authority, or any  
 517 local government with studies, surveys, investigations, maps, reports, plans,  
 518 recommendations, advice, and information prepared, developed, or obtained by the  
 519 department in connection with the provision of transit and innovative mobility;

520 (2) The department may write, draft, prepare, or publish in print or electronically any  
 521 studies, surveys, investigations, maps, reports, plans, recommendations, advice, and  
 522 information with respect to local, regional, or state transit planning, coordination, and  
 523 operations. The department may distribute or otherwise disseminate any such studies,  
 524 surveys, investigations, maps, reports, plans, recommendations, advice, and information  
 525 to any local government, any state authority or state agency, or any private entity; and

526 (3) The department shall serve as the coordinating entity and repository for regional  
 527 transit plans.

528 (c) The department shall employ mobility zone managers which correspond to the mobility  
 529 zone jurisdictions set forth in Code Section 50-31-36 for purposes of providing coordinated  
 530 and comprehensive planning of transit, preparation of regional transit plans, and  
 531 implementation of regional transit plans in mobility zones throughout the state.

532 (d) The department shall undertake and carry out such activities as the commissioner may  
 533 deem necessary for supervising the implementation of projects within mobility zones and  
 534 as may be specified by law.

535 (e) The duties, responsibilities, and functions of the department and the power and  
 536 authority of the department described in this Code section are cumulative with, and in  
 537 addition to, all other duties, responsibilities, and functions and power and authority of the  
 538 department and are not intended to, and shall not be construed to, conflict with any other  
 539 duties, responsibilities, or functions or any other power or authority of the department.

540 50-31-10.

541 (a) The department shall perform the duties, responsibilities, and functions and may  
 542 exercise the power and authority described in this Code section. The department shall  
 543 make grants or loans to eligible recipients or qualified local governments, which grants or  
 544 loans are specified by amount, recipient, and purpose in an appropriation to the department.

545 The department:

546 (1) Shall disburse such grants or loans on the basis of criteria which include  
 547 consideration of matters such as legislative intent; local, regional, or state-wide impact  
 548 or benefit; enhancement of community and economic development opportunities;

549 improvement or expansion of transit; coordinated and comprehensive transit planning in  
 550 accordance with minimum standards and procedures; deployment of new and  
 551 groundbreaking technologies in relation to mobility; and any other similar criteria that  
 552 may from time to time be established by the department; and

553 (2) May condition the award of any such grants or loans to a county or municipality upon  
 554 the county or municipality, as the case may be, being a qualified local government.

555 (b) The department shall direct the distribution of any appropriations or other funds  
 556 available for transit and innovative mobility in accordance with any Act of the General  
 557 Assembly providing for such appropriations. No grant or loan by the department to any  
 558 eligible recipient or qualified local government shall adversely affect any grant, loan, or  
 559 service to the eligible recipient or qualified local government by any other unit or  
 560 instrumentality of state government. Without limiting the foregoing, the Department of  
 561 Education, the Department of Transportation, the Georgia Environmental Finance  
 562 Authority, and the state treasurer shall not diminish or fail to award any funds, loans, or  
 563 service to any recipient under any state or federal program in whole or in part on account  
 564 of a grant or loan by the department. Grants or loans by the department are and shall be  
 565 deemed to be of a special nature and in addition to all such other grants, loans, or awards.  
 566 The following provisions shall apply to making such funds available to eligible recipients  
 567 or qualified local governments:

568 (1) The department may accept, use, and disburse gifts and grants made to it on terms  
 569 consistent with its legal powers, from any public or private source;

570 (2) The department shall specify the terms under which it makes any funds available to  
 571 an eligible recipient or qualified local government. The terms shall be those established  
 572 or otherwise required by the government or other source which makes the funds available  
 573 to the department. If such government or other source does not establish or otherwise  
 574 require any such terms, the department may establish the terms;

575 (3) The department shall set forth in writing the terms under which the department makes  
 576 funds available to a qualified local government or eligible recipient. The terms may be  
 577 set forth in a contract. The department may execute any such contract on behalf of the  
 578 state, and any eligible recipient which is a qualified local government, school district,  
 579 state agency, or state authority is authorized to execute any such contract. Any such  
 580 writing or contract may incorporate other terms or laws by reference to such terms or  
 581 laws; and

582 (4) The department shall manage and administer all funds made available pursuant to this  
 583 Code section.

584 (c) The department may apply for, receive, administer, and use any grant, other financial  
 585 assistance, or other funds made available to the department from any government or other

586 source for furthering the purposes of the department. The department's actions in this  
587 respect may be taken for itself or on behalf of qualified local governments or other eligible  
588 recipients. The department's power and authority under this subsection shall include, but  
589 not be limited to, federal funds for purposes of transit funding for capital projects and for  
590 financing and directly providing public transportation under 49 U.S.C. Sections 5302  
591 through 5304.

592 (d) The department is authorized and shall have all powers necessary to participate in  
593 federal programs and to comply with laws relating thereto. Nothing in this chapter shall  
594 prevent the department from taking any action in order to comply with federal law or  
595 regulations.

596 (e) The governing authority of any county, municipality, or combination thereof may  
597 expend public funds received from the department to plan, coordinate, or provide transit  
598 or innovative mobility as authorized under the terms specified by the department or, in the  
599 absence of any such terms, as otherwise authorized by the Constitution or by law or to  
600 perform any other service or function as authorized by the Constitution.

601 (f) The department shall make available to any state agency or authority assigned to the  
602 department for administrative purposes all funds made available to the department for the  
603 use of any such state authority or agency. The department may make available funds to  
604 such state agencies or authorities for any lawful purposes of any such state agencies or  
605 authorities.

606 (g) The power and authority of the department under this Code section to make available  
607 to local governments or any other eligible recipient any funds shall be limited by the  
608 Constitution and laws of the state, and as specified in this Code section, but shall not  
609 otherwise be limited. Nothing in this Code section shall diminish or limit any powers or  
610 eligibility standards provided to the State Road and Tollway Authority through the  
611 Transportation Infrastructure Bank pursuant to Article 3 of Chapter 41 of this title.

612 50-31-11.

613 In any case where a development of regional impact, as determined by the Department of  
614 Community Affairs pursuant to Article 1 of Chapter 8 of this title, is planned within the  
615 geographic area over which the Atlanta-region Transit Link 'ATL' Authority has  
616 jurisdiction which requires the expenditure of state or federal funds by the state or any  
617 political subdivision, agency, authority, or instrumentality thereof to create land  
618 transportation services or access to such development, any expenditure of such funds shall  
619 be prohibited unless and until the plan for such development and such expenditures is  
620 reviewed and approved by the department. The decision of the department to allow or  
621 disallow the expenditure of such funds shall be final and nonreviewable, except that such

622 decision shall be reversed where a resolution for such purpose is passed by vote of  
 623 three-fourths of the authorized membership of the county commission of the county in  
 624 which the development of regional impact is planned or, if such development is within a  
 625 municipality, by vote of three-fourths of the authorized membership of the city council.

626 50-31-12.

627 (a) Authorities may be assigned to the department for administrative purposes in  
 628 accordance with Code Section 50-4-3. The following authorities are assigned to the  
 629 department in accordance with such Code section:

630 (1) The State Road and Tollway Authority; and

631 (2) The Atlanta-region Transit Link 'ATL' Authority.

632 (b) The department may induce, by payment of state funds or other consideration, any  
 633 authority assigned to the department for administrative purposes to perform any local  
 634 government services and to perform its own statutory function.

635 (c) The commissioner shall serve as the executive director for any authority assigned to  
 636 the department pursuant to this Code section.

637 50-31-13.

638 (a) On July 1, 2020, all functions related to the administration, implementation, or  
 639 coordination of transit services and all federal or state funding relating thereto assigned or  
 640 appropriated to the Department of Transportation, Department of Human Services,  
 641 Department of Behavioral Health and Developmental Disabilities, and Department of  
 642 Community Health shall be administratively transferred to the department.

643 (b) The department shall succeed to all rules, regulations, policies, procedures, and  
 644 administrative orders of the Department of Transportation, Department of Human Services,  
 645 Department of Behavioral Health and Developmental Disabilities, and Department of  
 646 Community Health that are in effect on June 30, 2020, or scheduled to go into effect on or  
 647 after July 1, 2020, and which relate to the functions transferred to the department pursuant  
 648 to this Code section and shall further succeed to any rights, privileges, entitlements,  
 649 obligations, and duties of the Department of Transportation, Department of Human  
 650 Services, Department of Behavioral Health and Developmental Disabilities, and  
 651 Department of Community Health that are in effect on June 30, 2020, which relate to the  
 652 functions transferred to the department pursuant to this Code section. Such rules,  
 653 regulations, policies, procedures, and administrative orders shall remain in effect until  
 654 amended, repealed, superseded, or nullified by the department by proper authority or as  
 655 otherwise provided by law. Nothing in this Code section shall prevent the department from  
 656 taking any action in order to comply with federal law or regulations.

657 (c) The rights, privileges, entitlements, and duties of parties to contracts, leases,  
658 agreements, and other transactions as identified by the Office of Planning and Budget  
659 entered into before July 1, 2020, by the Department of Transportation, Department of  
660 Human Services, Department of Behavioral Health and Developmental Disabilities, and  
661 Department of Community Health which relate to the functions transferred to the  
662 department pursuant to this Code section shall continue to exist; and none of these rights,  
663 privileges, entitlements, and duties are impaired or diminished by reason of the transfer of  
664 the functions to the department; provided, however, that nothing in this Code section shall  
665 hinder the commissioner from making decisions based upon employment needs of the  
666 department. In all such instances, the department shall be substituted for the Department  
667 of Transportation, Department of Human Services, Department of Behavioral Health and  
668 Developmental Disabilities, and Department of Community Health and the department  
669 shall succeed to the rights and duties under such contracts, leases, agreements, and other  
670 transactions.

671 (d) All vacant positions and persons employed by the Department of Transportation,  
672 Department of Human Services, Department of Behavioral Health and Developmental  
673 Disabilities, and Department of Community Health in capacities which relate to the  
674 functions transferred to the department pursuant to this Code section on June 30, 2020,  
675 shall, on July 1, 2020, become employees of the department in similar capacities, as  
676 determined by the commissioner. Such employees shall be subject to the employment  
677 practices and policies of the department on and after July 1, 2020, but the compensation  
678 and benefits of such transferred employees shall not be reduced as a result of such transfer;  
679 provided, however, that nothing in this Code section shall hinder the commissioner from  
680 making decisions based upon employment needs of the department. Employees who are  
681 subject to the rules of the State Personnel Board and thereby under the State Personnel  
682 Administration and who are transferred to the department shall retain all existing rights  
683 under the State Personnel Administration. Retirement rights of such transferred employees  
684 existing under the Employees' Retirement System of Georgia or other public retirement  
685 systems on June 30, 2020, shall not be impaired or interrupted by the transfer of such  
686 employees, and membership in any such retirement system shall continue in the same  
687 status possessed by the transferred employees on June 30, 2020. Accrued annual and sick  
688 leave possessed by the transferred employees on June 30, 2020, shall be retained by such  
689 employees as employees of the department.

690 (e) On July 1, 2020, the department shall receive custody of the state owned real property  
691 in the custody of the Department of Transportation, Department of Human Services,  
692 Department of Behavioral Health and Developmental Disabilities, and Department of

693 Community Health on June 30, 2020, and which pertains to the functions transferred to the  
 694 department pursuant to this Code section.

695 (f) All property held by or under the control of the State Road and Tollway Authority  
 696 relating to the provision of transit, including, but not limited to, motor vehicles and parking  
 697 facilities, shall be transferred to the department on July 1, 2020.

698 (g) All equipment, motor vehicles, or other tangible property and any funding previously  
 699 allocated for any maintenance or operations of such property in possession of the  
 700 Department of Transportation, Department of Human Services, Department of Behavioral  
 701 Health and Developmental Disabilities, and Department of Community Health which is  
 702 used or held exclusively or principally by personnel transferred under this Code section  
 703 shall be transferred to the department as of July 1, 2020.

704 50-31-14.

705 (a) Subject to appropriation of funds by the General Assembly for such purposes, the  
 706 department shall conduct a three-year pilot program for the provision of vouchers for the  
 707 use of transit to the unemployed and underemployed. In designing the pilot program, the  
 708 department may obtain input from the Georgia Department of Labor and shall be  
 709 authorized to work with such department to ensure that available state data, such as  
 710 enrollment in an unemployment benefits program, is leveraged to reduce program cost and  
 711 assist in determining applicant eligibility. The department shall further work with the  
 712 Georgia Department of Labor in the development and implementation of a cost-effective  
 713 and efficient delivery method for transit vouchers to the unemployed and underemployed.

714 (b) Eligibility standards and application procedures for voucher recipients in such program  
 715 shall be developed by the department; provided, however, that such program shall be  
 716 available only to applicants residing in a county with:

717 (1) An unemployment rate at 125 percent or greater than the state's average; or

718 (2) A per capita income of less than 75 percent of the state's average.

719 (c) The department shall develop an application and standards for approval of authorized  
 720 transit providers to accept transit vouchers issued by the department. An authorized transit  
 721 provider shall, at a minimum, meet all applicable safety, insurance, and registration  
 722 requirements.

723 (d) The department shall be authorized to develop a payment method and process for the  
 724 reimbursement to authorized transit providers for services provided in exchange for the  
 725 voucher established pursuant to this Code section.

726 (e) Annually for the duration of the pilot program, the department shall submit a detailed  
 727 written report on the implementation and effectiveness of the pilot program to the  
 728 Governor, the Speaker of the House of Representatives, the President of the Senate, and

729 the chairpersons of the House and Senate Transportation Committees. The final report  
 730 shall also include recommendations as to expansion of the pilot program state wide.

731 50-31-15.

732 (a) For purposes of this Code section, the term:

733 (1) 'ATL' means the Atlanta-Region Transit Link 'ATL' Authority.

734 (2) 'Authority district' means the districts within the ATL created pursuant to  
 735 paragraph (2) of subsection (a) of Code Section 50-39-4.

736 (3) 'Micro-transit' means a technology enabled, on-demand transit service with flexible  
 737 routing and scheduling of multi-passenger vehicles.

738 (b) Subject to appropriation of funds by the General Assembly for such purposes, the  
 739 department shall conduct a pilot program for the award of up to three grants to private  
 740 sector businesses for the provision of micro-transit within the jurisdiction of the ATL.  
 741 Each grant shall be limited to an award amount of no more than \$500,000.00. No more  
 742 than one grant per authority district shall be awarded.

743 (c) The department shall develop an application and standards for awarding the grants  
 744 provided for in this Code section to qualified applicants. In making an award  
 745 determination, the department shall consider whether the applicant's proposal will:

746 (1) Connect two or more existing transit systems within the jurisdiction of the ATL;

747 (2) Provide connectivity between an existing transit provider and an area within the  
 748 jurisdiction of the ATL without transit; or

749 (3) Provide access to economic activity centers such as employment sites or education  
 750 or training facilities to low income or underserved residents.

751 ARTICLE 2

752 Part 1

753 50-31-25.

754 (a) There is created within the department a Transit Link Division.

755 (b) The division shall be responsible for the development of programs and the provision  
 756 of services relating to transit, the allocation of state and federal funds for the provision of  
 757 such services, and coordination with local public and private service providers to ensure  
 758 efficient and cost-effective service delivery.

759 50-31-26.

760 (a) There is created the Transit Coordinating Council which shall be composed of the  
 761 commissioner and the commissioners of transportation, human services, behavioral health

762 and developmental disabilities, and community health, or their respective designees. The  
 763 commissioner or his or her designee shall serve as chairperson. Designees appointed  
 764 pursuant to this Code section by the commissioner of a department shall at a minimum be  
 765 at the level of division director.

766 (b) The Transit Coordinating Council shall meet at the call of the chairperson at such times  
 767 and locations as the chairperson shall determine. The council shall meet not less often than  
 768 quarterly, and expenses for participation of its members in said meetings shall be borne by  
 769 each participating agency. Administrative expenses, other than travel or per diem expenses  
 770 of members, shall be borne by the department.

771 (c) The Transit Coordinating Council shall advise the division as to the implementation  
 772 of programs and provision of transit to the indigent, the aged, persons with disabilities, the  
 773 unemployed, or the ill.

774 50-31-27.

775 (a) The department shall develop and conduct a three-year pilot program for the purpose  
 776 of providing a tax credit to employers that provide a transit benefit program to potential  
 777 employees in order to use transit to travel to or from work. In such pilot program, mobility  
 778 zone managers shall work with employers in a mobility zone interested in providing transit  
 779 as a means for recruitment of new employees. In consultation with interested employers  
 780 and existing and potential transit providers, mobility zone managers shall develop a new  
 781 employee tax credit proposal for the mobility zone. The department shall determine the  
 782 form for submission and required contents for such proposals, which shall include, at a  
 783 minimum:

- 784 (1) Each potential participating employer;  
 785 (2) A description of the type or types of transit to be provided by each employer;  
 786 (3) The number of new employees expected to be gained through the program; and  
 787 (4) The total projected cost of providing such transit.

788 (b) The proposal provided for in subsection (a) of this Code section shall be submitted to  
 789 the division. Upon receipt of such proposals, the division shall choose one mobility zone  
 790 for award of the pilot program and implementation of the new employee tax credit  
 791 proposal. In determining which mobility zone shall be awarded the pilot program, the  
 792 division shall consider:

- 793 (1) Transit access challenges to unemployed persons within the mobility zone or area to  
 794 be served;  
 795 (2) Challenges to employers within the mobility zone in filling positions or retaining  
 796 employees which can be attributed to transit access;

- 797 (3) The level of innovation proposed to address transit access challenges of the  
 798 unemployed and employers;
- 799 (4) Capability of potential participating employers to participate in the pilot program for  
 800 its duration;
- 801 (5) The relationship between the anticipated number of new employees expected to be  
 802 added for an employer and the cost of the service to be provided;
- 803 (6) Expected economic impact on development within a mobility zone by offering  
 804 proposed services, including expansion of existing employer operations and attraction of  
 805 new employers;
- 806 (7) Ability of the mobility zone to attract employers and encourage private sector  
 807 partnerships in delivering transit; and
- 808 (8) Other factors deemed appropriate by the division.
- 809 (c) Upon the award of a pilot program to a mobility zone, the employers listed in the  
 810 proposal shall be eligible for a tax credit of \$100.00 per month per new employee hired and  
 811 enrolled in the program in accordance with Code Section 48-7-29.3. The maximum  
 812 allowable tax credit authorized for this pilot program shall be \$1 million annually.
- 813 (d) The proposal of a mobility zone awarded the pilot program may be amended by a  
 814 mobility zone manager to add an employer upon approval of the division.
- 815 (e) Quarterly for the duration of the pilot program, the mobility zone manager shall submit  
 816 a detailed written report on the implementation and effectiveness of the pilot program to  
 817 the division, which shall include the number of employee participants hired per employer  
 818 due to the transit services provided and the costs of services provided.

819 Part 2

820 50-31-35.

821 As used in this part, the term:

- 822 (1) 'Council' means the mobility zone advisory council assigned to each mobility zone  
 823 provided for by this part.
- 824 (2) 'Regional commission' means a commission established under Article 2 of Chapter  
 825 8 of this title.

826 50-31-36.

827 (a) Mobility zones are hereby created and established for purposes of coordinated and  
 828 comprehensive planning of transit with mobility zones. Mobility zones shall function as  
 829 the regional planning entity for transit in each designated mobility zone of the state as such  
 830 zones are set forth in subsection (b) of this Code section. Each mobility zone shall be

831 designated, by name for all purposes, with such identifying words before the term 'mobility  
 832 zone' as the department may choose and designate by official action.

833 (b) The territorial boundaries for the operation of the mobility zones shall be as follows:  
 834 Zone 1 shall be made up of the counties of Bartow, Catoosa, Chattooga, Dade, Fannin,  
 835 Floyd, Gilmer, Gordon, Haralson, Murray, Pickens, Polk, Walker, and Whitfield; Zone 2  
 836 shall be made up of the counties of Banks, Barrow, Clarke, Dawson, Elbert, Franklin,  
 837 Greene, Habersham, Hall, Hart, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton,  
 838 Oconee, Oglethorpe, Rabun, Stephens, Towns, Union, Walton, and White; Zone 3 shall be  
 839 made up of the counties of Burke, Columbia, Glascock, Hancock, Jefferson, Jenkins,  
 840 Lincoln, McDuffie, Richmond, Taliaferro, Warren, Washington, and Wilkes; Zone 4 shall  
 841 be made up of the counties of Butts, Carroll, Chattahoochee, Clay, Crisp, Dooly, Harris,  
 842 Heard, Lamar, Macon, Marion, Meriwether, Muscogee, Pike, Quitman, Randolph, Schley,  
 843 Spalding, Stewart, Sumter, Talbot, Taylor, Troup, Upson, and Webster; Zone 5 shall be  
 844 made up of the counties of Appling, Baldwin, Bibb, Bleckley, Candler, Crawford, Dodge,  
 845 Emanuel, Evans, Houston, Jeff Davis, Johnson, Jones, Laurens, Monroe, Montgomery,  
 846 Peach, Pulaski, Putnam, Tattnall, Telfair, Toombs, Treutlen, Twiggs, Wayne, Wheeler,  
 847 Wilcox, and Wilkinson; Zone 6 shall be made up of the counties of Bryan, Bulloch,  
 848 Camden, Chatham, Effingham, Glynn, Liberty, Long, McIntosh, and Screven; Zone 7 shall  
 849 be made up of the counties of Baker, Calhoun, Colquitt, Decatur, Dougherty, Early, Grady,  
 850 Lee, Miller, Mitchell, Seminole, Terrell, Thomas, and Worth; Zone 8 shall be made up of  
 851 the counties of Atkinson, Bacon, Ben Hill, Berrien, Brantley, Brooks, Charlton, Clinch,  
 852 Coffee, Cook, Echols, Irwin, Lanier, Lowndes, Pierce, Tift, Turner, and Ware; and Zone  
 853 9 shall be made up of the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas,  
 854 Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale.

855 50-31-37.

856 (a) Except as provided for in subsection (c) of this Code section, the approval of a regional  
 857 transit plan of a mobility zone shall be vested in a council, subject to the provisions of this  
 858 chapter and to the provisions of bylaws adopted by a council as authorized by this chapter.  
 859 Each council shall make bylaws governing its own operation and functions.

860 (b)(1) Except as provided for in subsection (c) of this Code section, each council shall be  
 861 made up of seven members appointed by the chairperson of the regional commission with  
 862 territorial limits which coincide with the mobility zone. If a mobility zone encompasses  
 863 the territorial limits of more than one regional commission, four members shall be  
 864 appointed by the chairperson of the regional commission with the greatest total  
 865 population, and three members shall be appointed by the chairperson of the other regional  
 866 commission. Members of the council shall be selected from among the local elected

867 officials which are members of the regional commission with territorial limits which  
 868 coincide with the mobility zone and shall include the chief elected official from the most  
 869 populous county.

870 (2) The term of a member shall terminate immediately upon:

871 (A) Resignation by a member;

872 (B) Death of a member or inability to serve as a member due to medical infirmity or  
 873 other incapacity; or

874 (C) Any change in local elective office or residence of a member which would cause  
 875 such member to no longer comply with the requirements of membership to a regional  
 876 commission council as provided in Code Section 50-8-34.

877 (3) Each member of a council shall have one vote. Establishment of a quorum for  
 878 purposes of the conduct of business shall be determined by the council's bylaws.

879 (4) Each council shall elect from among its members a chairperson, vice chairperson, and  
 880 secretary or treasurer who shall serve for a term of two years and until their successors  
 881 are elected and qualified. Such elections shall be held biennially at a meeting designated  
 882 for that purpose in the council's bylaws.

883 (c) The council for Zone 9 shall be the board of directors for the Atlanta-region Transit  
 884 Link 'ATL' Authority and shall be governed in all respects by the provisions of Chapter 39  
 885 of this title.

886 50-31-38.

887 (a) In consultation with the metropolitan planning organization, as such term is defined in  
 888 Code Section 48-8-242, which jurisdiction is located wholly or partially within the  
 889 territorial limits of the mobility zone, the department shall develop, annually review, and  
 890 amend, as necessary, a regional transit plan. Such plan shall include, but not be limited to,  
 891 transit projects based upon a region-wide approach to the provision of transit services,  
 892 enhancement of connectivity throughout the territorial limits of the mobility zone,  
 893 cost-effective expansion of existing transit systems, the coordination of schedules and  
 894 methods of payment for transit service providers, the delivery of transit through  
 895 nontraditional methods or innovative technologies, and a coordinated approach to the  
 896 provision of services to segments of the general public defined by age, disability, or low  
 897 income. In developing such plan, the department may consider both macro level planning  
 898 in order to efficiently coordinate transit across jurisdictional lines as well as micro level  
 899 planning of services being delivered by local governments and transit service operators, in  
 900 order to ensure continuation of current services or routes.

901 (b) The plan developed pursuant to this Code section shall include, at a minimum, a six  
 902 year and 20 year component which shall reflect the federal priorities set forth in 23 U.S.C.

903 Section 134(i)(2)(A)(ii) and 23 U.S.C. Section 134(j)(2)(A) and, upon approval by the  
 904 council, shall serve as the plans to be submitted for federal funding pursuant to such federal  
 905 requirements.

906 (c) In addition to amendments made to the plan developed pursuant to this Code section  
 907 upon the initiative of the department based upon changing conditions and approval by the  
 908 council, the department may amend the plan upon request from a local governing authority  
 909 to include a certain project or assist with a specific transit need."

## 910 SECTION 2-2.

911 Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to  
 912 imposition, rate, computation, and exemptions for income taxes, is amended by adding a new  
 913 Code section to read as follows:

914 "48-7-29.3.

915 (a) For a period beginning January 1, 2021, and ending December 31, 2023, a taxpayer  
 916 that is an approved participating employer in the pilot program established pursuant to  
 917 Code Section 50-31-27 shall be allowed a credit against the tax imposed by this chapter in  
 918 an amount equal to \$100.00 per month per new employee transit benefit provided.

919 (b) The commissioner may require adequate supporting documentation showing that the  
 920 taxpayer provided a new employee with the qualifying transit benefit.

921 (c) In no event shall the total amount of the tax credit under this Code section for a taxable  
 922 year exceed the taxpayer's income tax liability. Any unused tax credit shall be allowed the  
 923 taxpayer against succeeding years' tax liability. No such credit shall be allowed the  
 924 taxpayer against prior years' tax liability.

925 (d) Any taxpayer claiming the tax credit provided for by this Code section shall be  
 926 required to reimburse the department for any department initiated audits relating to the tax  
 927 credit. This subsection shall not apply to routine tax audits of a taxpayer which may  
 928 include a review of the credit provided in this Code section.

929 (e) The commissioner shall be authorized to promulgate any rules and regulations  
 930 necessary to implement and administer the provisions of this Code section."

931 PART III  
 932 ABOLISHMENT OF THE GEORGIA REGIONAL  
 933 TRANSPORTATION AUTHORITY

934 SECTION 3-1.

935 Code Section 40-1-100, relating to definitions relative to the certification of motor carriers,  
 936 is amended by replacing "Georgia Regional Transportation Authority" with "Atlanta-region  
 937 Transit Link 'ATL' Authority" wherever the former occurs.

938 SECTION 3-2.

939 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
 940 in Code Section 50-23-4, relating to definitions relative to the Environmental Finance  
 941 Authority, by revising paragraph (12) as follows:

942 "(12) 'Project' means:

943 (A) The acquisition, construction, installation, modification, renovation, repair,  
 944 extension, renewal, replacement, or rehabilitation of land, interest in land, buildings,  
 945 structures, facilities, or other improvements and the acquisition, installation,  
 946 modification, renovation, repair, extension, renewal, replacement, rehabilitation, or  
 947 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature  
 948 whatsoever used on, in, or in connection with any such land, interest in land, building,  
 949 structure, facility, or other improvement, all for the essential public purpose of  
 950 providing environmental facilities and services so as to meet public health and  
 951 environmental standards, protect the state's valuable natural resources, or aid the  
 952 development of trade, commerce, industry, agriculture, and employment opportunities,  
 953 including, but not limited to, any project as defined by Code Section 12-5-471; and

954 ~~(B) Projects authorized by the Georgia Regional Transportation Authority created by~~  
 955 ~~Chapter 32 of this title and as defined in such chapter, where such authority has been~~  
 956 ~~directed to issue revenue bonds, bonds, notes, or other obligations to finance such~~  
 957 ~~project or the cost of a project in whole or in part, provided that such authority's power~~  
 958 ~~with respect to such projects authorized by the Georgia Regional Transportation~~  
 959 ~~Authority shall be limited to providing such financing and related matters as authorized~~  
 960 ~~by the Georgia Regional Transportation Authority; and~~

961 ~~(C)~~ Projects authorized by the Atlanta-region Transit Link 'ATL' Authority created  
 962 pursuant to Chapter 39 of this title and as defined in such chapter, where such authority  
 963 has been directed to issue revenue bonds, bonds, notes, or other obligations to finance  
 964 such project or the cost of a project in whole or in part, provided that such authority's  
 965 power with respect to such projects authorized by the Atlanta-region Transit Link 'ATL'

966 Authority shall be limited to providing such financing and related matters as authorized  
 967 by the Atlanta-region Transit Link 'ATL' Authority."

968 **SECTION 3-3.**

969 Said title is further amended by repealing Chapter 32, relating to the Georgia Regional  
 970 Transportation Authority, in its entirety and designating such chapter as reserved.

971 **SECTION 3-4.**

972 Said title is further amended in Code Section 50-39-14, relating to approval of projects,  
 973 issuance of bonds or other financing issues of the Atlanta-region Transit Link "ATL"  
 974 Authority and subordination of Georgia Environmental Finance Authority, by revising  
 975 subsection (c) as follows:

976 "(c) The Georgia Environmental Finance Authority shall be subordinate to the authority  
 977 in all respects, with respect to authority projects, within the geographic area over which the  
 978 authority has jurisdiction; and, in the event of any conflict with the provisions of Chapter  
 979 23 of this title, the provisions of this chapter shall prevail in all respects. It is expressly  
 980 provided, however, that nothing in this Code section and nothing in this chapter shall be  
 981 construed to permit in any manner the alteration, elimination, or impairment of any term,  
 982 provision, covenant, or obligation imposed on any state authority, including but not limited  
 983 to this authority, the Georgia Environmental Finance Authority, ~~the Georgia Regional~~  
 984 ~~Transportation Authority~~, or the Georgia Rail Passenger Authority, for the benefit of any  
 985 owner or holder of any bond, note, or other obligation of any such authority."

986 **SECTION 3-5.**

987 Said title is further amended by adding a new Code section to read as follows:

988 "50-39-29.

989 (a) All assets, property, and legal rights and obligations, including, but not limited to, all  
 990 bonded indebtedness, of the Georgia Regional Transportation Authority shall devolve by  
 991 operation of law upon the authority on July 1, 2020.

992 (b) The rights, privileges, entitlements, and duties of parties to contracts, leases,  
 993 agreements, and other transactions, including commitments related to federal funds, entered  
 994 into before July 1, 2020, by the Georgia Regional Transportation Authority shall continue  
 995 to exist; and none of these rights, privileges, entitlements, and duties are impaired or  
 996 diminished by reason of the transfer of the functions to the authority. In all such instances,  
 997 the authority shall be substituted for the Georgia Regional Transportation Authority and  
 998 the authority shall succeed to the rights and duties under such contracts, leases, agreements,  
 999 and other transactions, including to commitment relating to federal funds.

1000 (c) All persons employed by the Georgia Regional Transportation Authority shall, on July  
 1001 1, 2020, become employees of the authority in similar capacities, as determined by the  
 1002 commissioner of mobility and innovation. Such employees shall be subject to the  
 1003 employment practices and policies of the authority on and after July 1, 2020, but the  
 1004 compensation and benefits of such transferred employees shall not be reduced as a result  
 1005 of such transfer. Employees who are subject to the rules of the State Personnel Board and  
 1006 thereby under the State Personnel Administration and who are transferred to the department  
 1007 shall retain all existing rights under the State Personnel Administration. Retirement rights  
 1008 of such transferred employees existing under the Employees' Retirement System of Georgia  
 1009 or other public retirement systems on June 30, 2020, shall not be impaired or interrupted  
 1010 by the transfer of such employees, and membership in any such retirement system shall  
 1011 continue in the same status possessed by the transferred employees on June 30, 2020.  
 1012 Accrued annual and sick leave possessed by the transferred employees on June 30, 2020,  
 1013 shall be retained by such employees as employees of the authority.  
 1014 (d) On July 1, 2020, the authority shall receive custody of the real property in the custody  
 1015 of the Georgia Regional Transportation Authority on June 30, 2020.  
 1016 (e) All equipment or other tangible property in possession of the Georgia Regional  
 1017 Transportation Authority which is used or held exclusively or principally by personnel  
 1018 transferred under this Code section shall be transferred to the authority as of July 1, 2020."

1019 PART IV

1020 ATLANTA-REGION TRANSIT LINK "ATL" AUTHORITY

1021 SECTION 4-1.

1022 Chapter 39 of Title 50 of the Official Code of Georgia Annotated, relating to the  
 1023 Atlanta-region Transit Link "ATL" Authority, is amended in Code Section 50-39-2, relating  
 1024 to definitions, by revising paragraph (18) as follows:

1025 ~~"(18) 'Transit' means regular, continuing shared-ride or shared-use surface transportation~~  
 1026 ~~services that are made available by a public entity and are open to the general public or~~  
 1027 ~~open to a segment of the general public defined by age, disability, or low income. Such~~  
 1028 ~~term includes services or systems operated by or under contract with the state, a public~~  
 1029 ~~agency or authority, a county or municipality, a community improvement district, or any~~  
 1030 ~~other similar public entity of this state and all accompanying infrastructure and services~~  
 1031 ~~necessary to provide access to these modes of transportation. Such term excludes charter~~  
 1032 ~~or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal~~  
 1033 ~~services, limousine carriers, ride share network services, transportation referral services,~~

1034 ~~and taxi services not paid for by a public entity shall have the same meaning as provided~~  
 1035 ~~for in Code Section 50-31-2."~~

1036

**SECTION 4-2.**

1037 Said chapter is further amended in Code Section 50-39-3, relating to creation of the  
 1038 Atlanta-region Transit Link "ATL" Authority and board of directors, by revising subsection  
 1039 (a) as follows:

1040 "(a) There is created the Atlanta-region Transit Link 'ATL' Authority as a body corporate  
 1041 and politic, which shall be deemed an instrumentality of the State of Georgia and a public  
 1042 corporation thereof, for purposes of managing or causing to be managed transit and air  
 1043 quality within certain areas of this state; and by that name, style, and title such body may  
 1044 contract and be contracted with and bring and defend actions in all courts of this state.  
 1045 Such authority shall serve as the sole entity for coordination and planning and the  
 1046 dispersing of federal and state funding for transit within the jurisdiction of the authority.  
 1047 Such authority shall work with counties, municipalities, and operators of transit services  
 1048 within the jurisdiction of the authority and the Department of Mobility and Innovation to  
 1049 provide a consistent and integrated vision for transit through transparent decision making  
 1050 and execution. This Code section shall not be deemed to impair or interfere in any manner  
 1051 with any existing rights under a contract entered into prior to December 1, 2018, or any  
 1052 federal grants or agreements awarded or entered into prior to December 1, 2018. This  
 1053 Code section shall not be applicable to projects or services provided for under the terms of  
 1054 a contract entered into as of December 1, 2018, under the authority granted pursuant to a  
 1055 local constitutional amendment set out at Ga. L. 1964, p. 1008, and the planning, funding,  
 1056 coordination, and delivery of such projects or services shall be as provided for by such  
 1057 contract or contracts."

1058

**SECTION 4-3.**

1059 Said chapter is further amended in Code Section 50-39-4, relating to membership, structure,  
 1060 operation, appointment of executive director, and annual reporting of the authority, by  
 1061 revising paragraph (1) of subsection (a) and subsections (b), (c), and (i) through (k) as  
 1062 follows:

1063 "(a)(1) The board of directors of the authority shall consist of 16 members, ten of whom  
 1064 shall be appointed from the authority districts described in paragraph (2) of this  
 1065 subsection, five of whom shall be appointed as described in paragraph (3) of this  
 1066 subsection, and the commissioner of transportation who shall serve ex officio and be a  
 1067 nonvoting member. The members appointed from such authority districts shall be  
 1068 appointed by a majority vote of a caucus of the members of the House of Representatives

1069 and Senate whose respective districts ~~are~~ include any portion of such authority district,  
 1070 the chairpersons of the county board of commissioners whose counties are located within  
 1071 such authority districts, and one mayor from the municipalities located within such  
 1072 authority districts who shall be chosen by a caucus of all mayors from the municipalities  
 1073 located within such authority districts; provided that if any authority district is wholly or  
 1074 partially located within the City of Atlanta, the mayor of the City of Atlanta shall be  
 1075 entitled to his or her own vote in addition to the vote by the mayor outside the limits of  
 1076 such city selected by the caucus of mayors to cast a vote. Each such appointee shall be  
 1077 a resident of the authority district which he or she represents and possess significant  
 1078 experience or expertise in a field that would be beneficial to the accomplishment of the  
 1079 function and purpose of this chapter. No later than December 1, 2018, the respective  
 1080 caucuses appointing board members from the authority districts shall meet and appoint  
 1081 their respective board members of said board of directors. ~~Such meeting~~ Beginning in  
 1082 2021, the respective caucuses appointing board members from the authority districts shall  
 1083 meet during the regular session of the General Assembly immediately preceding the  
 1084 expiration of the term of office of each member appointed by an authority district. All  
 1085 such meetings shall be called by the chairperson of the ~~board of commissioners from the~~  
 1086 ~~county with the largest population represented in the authority district~~ authority and be  
 1087 held at the state capitol. Notice of such meeting shall be sent by e-mail to all appointing  
 1088 members of any respective caucus at least seven calendar days prior and shall state the  
 1089 time, place, and purpose for such meeting."

1090 "(b) All members of the board and their successors shall each be appointed for terms of  
 1091 four years, except that those members appointed from even-numbered authority districts  
 1092 shall serve an initial term that expires on April 15, 2023, and those members appointed  
 1093 from odd-numbered authority districts shall each serve an initial term of two years that  
 1094 expires on April 15, 2021. After such initial two-year term, that caucus which appointed  
 1095 such member for such initial term shall appoint successors thereto for terms of office of  
 1096 four years. All members of the board shall serve until the appointment and qualification  
 1097 of a successor except as otherwise provided in this Code section. Other than the  
 1098 commissioner of transportation, no person holding any other office of profit or trust under  
 1099 the state shall serve upon the board. The chairperson of the board of directors shall be  
 1100 appointed by the Governor and a vice chairperson shall be selected annually from among  
 1101 the members by majority vote of those members present and voting.

1102 (c) ~~All successors shall be appointed in the same manner as original appointments.~~  
 1103 Vacancies in office of members appointed pursuant to paragraph (3) of subsection (a) of  
 1104 this Code section shall be filled in the same manner as original appointments. If a vacancy  
 1105 in office of a member appointed by an authority district pursuant to paragraph (1) of

1106 subsection (a) of this Code section occurs during any regular session of the General  
 1107 Assembly, the election for such vacancy shall be held in the same manner as provided in  
 1108 paragraph (1) of subsection (a) of this Code section. For all other vacancies in office of a  
 1109 member appointed by an authority district, the remainder of the unexpired term shall be  
 1110 filled by a member elected at a meeting called by the chairperson of the authority at a  
 1111 location designated by such chairperson. Notice of such meeting shall be sent by e-mail  
 1112 to all appointing members of any respective caucus at least seven calendar days prior and  
 1113 shall state the time, place, and purpose for such meeting. A person appointed to fill a  
 1114 vacancy shall serve for the unexpired term. No vacancy on the board shall impair the right  
 1115 of the quorum of the remaining members then in office to exercise all rights and perform  
 1116 all duties of the board."

1117 ~~"(i) The board may, in its discretion, appoint an executive director as the administrative~~  
 1118 ~~head of the authority and shall set his or her salary. The executive director of the Georgia~~  
 1119 ~~Regional Transportation Authority shall serve as a temporary director until the board is~~  
 1120 ~~constituted and an executive director is appointed by such board.~~

1121 ~~(j) The authority is assigned to the Georgia Regional Transportation Authority Department~~  
 1122 ~~of Mobility and Innovation for administrative purposes only. Such department shall be~~  
 1123 ~~authorized to hire officers, agents, and employees, prescribe their duties and qualifications,~~  
 1124 ~~and fix their compensation.~~

1125 ~~(k)(j)~~ The authority shall annually submit a report of projects of regional and state  
 1126 significance from the regional transit plan to the commissioner of mobility and innovation,  
 1127 the Office of Planning and Budget, the Governor, the Lieutenant Governor, and the  
 1128 Speaker of the House of Representatives for consideration by such parties for inclusion in  
 1129 the bond package for the upcoming fiscal year budget. The required date of submission of  
 1130 such report shall coincide with the required submission date of estimates of financial  
 1131 requirements of a budget unit pursuant to Code Section 45-12-78."

#### 1132 SECTION 4-4.

1133 Said chapter is further amended by revising Code Section 50-39-5, relating to continuation  
 1134 of the development of the Atlanta region's Concept 3 transit proposal, as follows:

1135 "50-39-5.

1136 The Atlanta Regional Commission in conjunction with the authority and the director of  
 1137 planning for the Department of Transportation and the Department of Mobility and  
 1138 Innovation shall utilize federal and state planning funds to continue the development of the  
 1139 Atlanta region's Concept 3 transit proposal, including assessment of potential economic  
 1140 benefit to the region and the state, prioritization of corridors based on highest potential

1141 economic benefit and lowest environmental impact, and completion of environmental  
1142 permitting.”

1143 **SECTION 4-5.**

1144 Said chapter is further amended in Code Section 50-39-10, relating to uniform operation and  
1145 jurisdictional issues, by revising paragraph (2) of subsection (a) and paragraph (1) of  
1146 subsection (b) as follows:

1147 “(2)(A) The initial jurisdiction of the authority for purposes of this chapter shall  
1148 encompass the territory of every county which was designated by the United States  
1149 Environmental Protection Agency (USEPA) in the *Code of Federal Regulations* as of  
1150 December 31, 1998, as a county included in whole or in part within a nonattainment  
1151 area under the Clean Air Act and which the board designates, through resolution or  
1152 regulation, as a county having excess levels of ozone, carbon monoxide, or particulate  
1153 matter.

1154 (B) The jurisdiction of the authority for purposes of this chapter shall also encompass  
1155 the territory of every county designated by the USEPA in the *Code of Federal*  
1156 *Regulations* after December 31, 1998, as a county included in whole or in part within  
1157 a nonattainment area under the Clean Air Act and which the board designates, through  
1158 resolution or regulation, as a county having excess levels of ozone, carbon monoxide,  
1159 or particulate matter, provided that the jurisdictional area encompassed under this  
1160 subparagraph shall be contiguous with the jurisdictional area encompassed under  
1161 subparagraph (A) of this paragraph.”

1162 “(b)(1) By December 1, 2018, the director of the Environmental Protection Division shall  
1163 report and certify to the authority those counties which were designated by the USEPA  
1164 as included in whole or in part within a nonattainment area pursuant to subsection (a) of  
1165 this Code section and, pursuant to criteria established by that division, counties which are  
1166 reasonably expected to become nonattainment areas under the Clean Air Act within ~~seven~~  
1167 three years from the date of such report and certification. Such report and certification  
1168 shall be updated ~~every six months~~ annually thereafter. Within the geographic territory  
1169 of any county so designated, the board shall provide, by resolution or regulation, that the  
1170 funding, planning, design, construction, contracting, leasing, and other related facilities  
1171 of the authority shall be made available to county and local governments for the purpose  
1172 of planning, designing, constructing, operating, and maintaining transit systems and  
1173 transit projects, air quality installations, and all facilities necessary and beneficial thereto,  
1174 and for the purpose of designing and implementing designated metropolitan planning  
1175 organizations' transit plans and transportation improvement programs and the authority's

1176 regional transit plan, on such terms and conditions as may be agreed to between the  
1177 authority and such county or local governments."

1178 **SECTION 4-6.**

1179 Said chapter is further amended in Code Section 50-39-11, relating to general powers of the  
1180 authority, construction with provisions on coordination and comprehensive planning and  
1181 service delivery by counties and municipalities, by revising paragraphs (3), (7), (11), and  
1182 (29) of subsection (a) as follows:

1183 "(3) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and  
1184 maintain or cause to be operated and maintained transit systems and transit projects, and  
1185 all facilities and appurtenances necessary or beneficial thereto, within the geographic area  
1186 over which the authority has jurisdiction or which are included within a regional transit  
1187 plan or transportation improvement program and provide transit services within the  
1188 geographic jurisdiction of the authority, and to contract with any state, regional, or local  
1189 government, authority, or department, or with any private person, firm, or corporation,  
1190 for those purposes, and to enter into contracts and agreements with the Georgia  
1191 Department of Transportation, the Department of Mobility and Innovation, county and  
1192 local governments, and transit system operators for those purposes;"

1193 ~~"(7) To appoint an executive director who shall be executive officer and administrative~~  
1194 ~~head of the authority. The executive director shall be appointed and serve at the pleasure~~  
1195 ~~of the board. The executive director shall hire officers, agents, and employees, prescribe~~  
1196 ~~their duties and qualifications and fix their compensation, and perform such other duties~~  
1197 ~~as may be prescribed by the authority. Such officers, agents, and employees shall serve~~  
1198 ~~at the pleasure of the executive director;"~~

1199 "(11) To issue guaranteed revenue bonds, revenue bonds, bonds, notes, or other  
1200 obligations of the authority, to receive payments from the Department of ~~Community~~  
1201 Affairs Mobility and Innovation, and to use the proceeds thereof for the ~~purpose~~ purposes  
1202 of:

1203 (A) Paying or loaning the proceeds thereof to pay, all or any part of, the cost of any  
1204 project or the principal of and premium, if any, and interest on the revenue bonds,  
1205 bonds, notes, or other obligations of any local government issued for the purpose of  
1206 paying in whole or in part the cost of any project and having a final maturity not  
1207 exceeding three years from the date of original issuance thereof;

1208 (B) Paying all costs of the authority incidental to, or necessary and appropriate to,  
1209 furthering or carrying out the purposes of the authority; and

1210 (C) Paying all costs of the authority incurred in connection with the issuance of the  
1211 guaranteed revenue bonds, revenue bonds, bonds, notes, or other obligations;"

1212 "(29) To review and make recommendations to the Governor, Lieutenant Governor, and  
 1213 Speaker of the House of Representatives concerning all transit plans and transportation  
 1214 improvement programs prepared by the Department of ~~Transportation~~ Mobility and  
 1215 Innovation involving design, construction, or operation of transit facilities wholly or  
 1216 partly within the geographic area over which the authority has jurisdiction pursuant to  
 1217 this chapter, and to negotiate with that department concerning changes or amendments  
 1218 to such plans which may be recommended by the authority consistent with applicable  
 1219 federal law and regulation, and to adopt such plans as all or a portion of its own regional  
 1220 plans;"

1221 **SECTION 4-7.**

1222 Said chapter is further amended in Code Section 50-39-12, relating to development, review,  
 1223 and amendment of regional transit plan, coordination with federal priorities, and branding,  
 1224 by revising subsection (d) as follows:

1225 "(d)(1) Such plan shall further include the creation of a unified logo and brand to  
 1226 encompass all transit service providers within the jurisdiction of the authority which shall  
 1227 include the acronym 'ATL.' On and after January 1, 2023, all transit service providers  
 1228 within the jurisdiction of the authority shall utilize such logo and brand as a prominent  
 1229 feature upon any property used for the purpose of transit."

1230 **SECTION 4-8.**

1231 Said chapter is further amended in Code Section 50-39-13, relating to delegation of authority  
 1232 by Governor, formulation of measurable targets, and annual reporting by the authority, by  
 1233 revising subsection (b) as follows:

1234 "(b) The authority shall formulate measurable targets for air quality improvements and  
 1235 standards within the geographic area over which the authority has jurisdiction pursuant to  
 1236 this chapter, and annually shall report such targets to the Governor, Lieutenant Governor,  
 1237 ~~and~~ Speaker of the House of Representatives, and commissioner of mobility and  
 1238 innovation, together with an assessment of progress toward achieving such targets and  
 1239 projected measures and timetables for achieving such targets. The authority shall formulate  
 1240 an annual report and audit of all transit planning, funding, and operations within the  
 1241 jurisdiction of the authority which shall be presented by December 1 of each year to the  
 1242 Senate and House Transportation Committees and the local governing authorities of those  
 1243 counties within the jurisdiction of the authority."

**SECTION 4-9.**

1244  
 1245 Said chapter is further amended in Code Section 50-39-15, relating to the Atlanta-region  
 1246 Transit Link "ATL" Authority's power of eminent domain and limitations, by revising  
 1247 subsection (a) as follows:

1248 "(a) After the adoption by the authority of a resolution declaring that the acquisition of the  
 1249 real property described therein is necessary for the purposes of this chapter, the authority  
 1250 may exercise the power of eminent domain in the manner provided in Title 22; or it may  
 1251 exercise the power of eminent domain in the manner provided by any other applicable  
 1252 statutory provisions for the exercise of such power; provided, however, that the provisions  
 1253 of Article 7 of Chapter 16 of this title shall not be applicable to the exercise of the power  
 1254 of eminent domain by the authority. Property already devoted to public use may be  
 1255 acquired, except that no real property belonging to the state other than property acquired  
 1256 by or for the purposes of the Department of Transportation or Department of Mobility and  
 1257 Innovation may be acquired without the consent of the state."

**SECTION 4-10.**

1258  
 1259 Said chapter is further amended by revising Code Section 50-39-18, relating to record and  
 1260 resource sharing between governmental entities, as follows:

1261 "50-39-18.

1262 (a) Upon request of the board of the authority, the Department of Transportation, the  
 1263 Department of Mobility and Innovation, and the Department of Natural Resources shall  
 1264 provide to the authority and its authorized personnel and agents access to all books,  
 1265 records, and other information resources available to those departments which are not of  
 1266 a commercial proprietary nature and shall assist the authority in identifying and locating  
 1267 such information resources. Reimbursement for costs of identification, location, transfer,  
 1268 or reproduction of such information resources, including personnel costs incurred by the  
 1269 respective departments for such purposes, shall be made by the authority to those  
 1270 respective departments.

1271 (b) The authority may request from time to time, and the Department of Transportation,  
 1272 the Department of Mobility and Innovation, and the Department of Natural Resources shall  
 1273 provide as permissible under the Constitution and laws of this state, the assistance of  
 1274 personnel and the use of facilities, vehicles, aircraft, and equipment of those departments,  
 1275 and reimbursement for all costs and salaries thereby incurred by the respective departments  
 1276 shall be made by the authority to those respective departments."

1277 PART V  
 1278 METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
 1279 (MARTA)

1280 SECTION 5-1.

1281 Article 2 of Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to the  
 1282 Metropolitan Atlanta Rapid Transit Authority, is amended in Code Section 32-9-21, relating  
 1283 to creation of Cobb County Special District for Transit, by revising subsections (e) and (g)  
 1284 as follows:

1285 "(e) The committee shall provide to the board of commissioners of Cobb County the  
 1286 recommended map for the special district, which was approved by majority vote of the  
 1287 committee, and a proposed rapid transit contract, no later than December 1, ~~2019~~ 2021."

1288 "(g) The committee shall stand abolished and this Code section shall stand repealed by  
 1289 operation of law on December 1, ~~2019~~ 2021."

1290 SECTION 5-2.

1291 Said article is further amended in Code Section 32-9-22, relating to rapid transit contract with  
 1292 Cobb County on behalf of the Cobb County Special District for Transit, by revising  
 1293 subsection (h) as follows:

1294 "(h) In the event a rapid transit contract has not been entered into on behalf of the Cobb  
 1295 County Special District for Transit or the referendum required by this Code section fails  
 1296 to receive the requisite majority vote for approval prior to December 1, ~~2019~~ 2021, this  
 1297 Code section shall stand repealed by operation of law on such date."

1298 SECTION 5-3.

1299 Said article is further amended in Code Section 32-9-23, relating to retail sales and use tax  
 1300 in Gwinnett and Cobb counties and rate, proceeds, and utilization of such tax, by revising  
 1301 paragraph (2) of subsection (b) as follows:

1302 "(2) In the event a rapid transit contract has not been entered into on behalf of the Cobb  
 1303 County Special District for Transit or the referendum required by Code Section 32-9-22  
 1304 fails to receive the requisite majority vote for approval prior to December 1, ~~2019~~ 2021,  
 1305 this subsection shall stand repealed and reserved by operation of law on such date."

## PART VI

## STATE ROAD AND TOLLWAY AUTHORITY

## SECTION 6-1.

Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to the State Road and Tollway Authority, is amended by revising Code Section 32-10-60, relating to definitions, as follows:

~~"32-10-60~~ 50-41-1.

As used in this ~~article~~ chapter, the term:

(1) 'Approach' means that distance on either end of a bridge as shall be required to develop the maximum traffic capacity of a bridge, including but not limited to necessary rights of way, grading, paving, minor drainage structures, and such other construction necessary to the approach.

(2) 'Authority' means the State Tollway Authority created by the 'State Tollway Authority Act,' Ga. L. 1953, Jan.-Feb. Sess., p. 302, as amended particularly by Ga. L. 1972, p. 179, and on and after April 30, 2001, also means the State Road and Tollway Authority.

(3) 'Bridge' means a structure, including the approaches thereto, erected in order to afford unrestricted vehicular passage over any obstruction in any public road, including but not limited to rivers, streams, ponds, lakes, bays, ravines, gullies, railroads, public highways, and canals.

(4) 'Construction' means the planning, location, surveying, designing, supervising, inspecting, and actual building of a new road; or the paving, striping, restriping, modifying for safety purposes, grading, widening, relocation, reconstruction, or other major improvement of a substantial portion of an existing public road together with all activities incident to any of the foregoing.

(5) 'Cost of project' means the cost of construction, including relocation or adjustments of utilities; the cost of all lands, properties, rights, easements, and franchises acquired; relocation expenses; the cost of all machinery and equipment necessary for the operation of the project; financing charges; interest prior to and during construction and for such a period of time after completion of construction as shall be deemed necessary to allow the earnings of the project to become sufficient to meet the requirements of the bond issue; the cost of engineering, legal expenses, plans and specifications, and other expenses necessary or incident to determining the feasibility or practicability of the project; administrative expenses; and such other expenses as may be necessary or incident to the financing authorized in this ~~article~~ chapter, the construction of any project, and the placing of the same in operation. Any obligation or expense incurred for any of the

1342 foregoing purposes shall be regarded as a part of the cost of the project and may be paid  
 1343 or reimbursed as such out of the proceeds of revenue bonds issued for such project under  
 1344 this ~~article~~ chapter.

1345 (6) 'County' means either one of the several counties, any division, department, agency,  
 1346 authority, instrumentality, or branch thereof, or the county governing authority, that is,  
 1347 the judge of the probate court, board of county commissioners, county commissioner, or  
 1348 other county officers in charge of the roads, bridges, and revenues of the county.

1349 (7) 'Department' means the Department of Mobility and Innovation.

1350 (8) 'Let' means to award a contract to one of several persons who have submitted  
 1351 competitive bids or competitive proposals therefor in response to advertisement. The  
 1352 determination to solicit bids or requests for competitive proposals or other forms of  
 1353 solicitations shall be allowed as determined by the commissioner to be most  
 1354 advantageous to the department or its attached authorities.

1355 (9) 'Maintenance' means the preservation of a public road, including repairs and  
 1356 resurfacing not amounting to construction as defined in this Code section.

1357 (10) 'Motor vehicle' or 'vehicle' shall have the same meaning as set forth in Code  
 1358 Section 40-1-1.

1359 (11) 'Municipality' means an incorporated city, the governing body of which holds at  
 1360 least six regular meetings each year and which for a period of one year has levied and  
 1361 collected an ad valorem tax on the real property in such city or has for a one-year period  
 1362 performed at least two of the following municipal activities and services:

1363 (A) Furnished water service;

1364 (B) Furnished sewage service;

1365 (C) Furnished garbage collection;

1366 (D) Furnished police protection;

1367 (E) Furnished fire protection;

1368 (F) Assessed and collected business licenses;

1369 (G) Furnished street lighting facilities.

1370 The term may also refer to any division, department, agency, authority, instrumentality,  
 1371 or branch of a municipality. Where the context requires or otherwise indicates, the term  
 1372 'municipality' may also mean the municipal governing authority, that is, the mayor and  
 1373 council, board of aldermen, board of commissioners, or other chief legislative body of a  
 1374 municipality.

1375 (12) 'Person' means any individual, partnership, corporation, association, or private  
 1376 organization of any character.

1377 ~~(5)~~(13) 'Project' means land public transportation systems, including: (A) one or more  
 1378 roads or bridges or a system of roads, bridges, and tunnels or improvements thereto

1379 included on an approved state-wide transportation improvement program on the  
 1380 Developmental Highway System as set forth in Code Section 32-4-22, as now or  
 1381 hereafter amended, or a comprehensive transportation plan pursuant to Code  
 1382 Section 32-2-3 or which are toll access roads, bridges, or tunnels, with access limited or  
 1383 unlimited as determined by the authority, and such buildings, structures, parking areas,  
 1384 appurtenances, and facilities related thereto, including but not limited to approaches,  
 1385 cross streets, roads, bridges, tunnels, and avenues of access for such system; (B) any  
 1386 program for mass transportation or mass transportation facilities as approved by the  
 1387 authority and the department and such buildings, structures, parking areas, appurtenances,  
 1388 and facilities related thereto, including, but not limited to, approaches, cross streets,  
 1389 roads, bridges, tunnels, and avenues of access for such facilities; and (C) any project  
 1390 undertaken pursuant to a public-private initiative as authorized pursuant to Code  
 1391 Section 32-2-78.

1392 (14) 'Public road' means a highway, road, street, avenue, toll road, tollway, drive, detour,  
 1393 or other way that either is open to the public or has been acquired as right of way, and is  
 1394 intended to be used for enjoyment by the public and for the passage of vehicles in any  
 1395 county or municipality of Georgia, including but not limited to the following public  
 1396 rights, structures, sidewalks, facilities, and appurtenances incidental to the construction,  
 1397 maintenance, and enjoyment of such rights of way:

1398 (A) Surface, shoulders, and sides;

1399 (B) Bridges;

1400 (C) Causeways;

1401 (D) Viaducts;

1402 (E) Ferries;

1403 (F) Overpasses;

1404 (G) Underpasses;

1405 (H) Railroad grade crossings;

1406 (I) Tunnels;

1407 (J) Signs, signals, markings, or other traffic control devices;

1408 (K) Buildings for public equipment and personnel used for or engaged in  
 1409 administration, construction, or maintenance of such ways or research pertaining  
 1410 thereto;

1411 (L) Wayside parks;

1412 (M) Parking facilities;

1413 (N) Drainage ditches;

1414 (O) Canals and culverts;

1415 (P) Rest areas;

1416 (Q) Truck-weighing stations or check points; and

1417 (R) Scenic easements and easements of light, air, view, and access.

1418 ~~(6)~~(15) 'Relocation expenses' means all necessary relocation expenses, replacement  
 1419 housing expenses, relocation advisory services, expenses incident to the transfer of real  
 1420 property, and litigation expenses of any individual, family, business, farm operation, or  
 1421 nonprofit organization displaced by authority projects to the extent authorized by the  
 1422 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as  
 1423 amended by the Uniform Relocation Act Amendments of 1987, Title IV of Public Law  
 1424 100-17.

1425 ~~(6.1)~~(16) 'Revenue' or 'revenues' shall mean any and all moneys received from:

1426 (A) The collection of tolls authorized by Code Sections ~~32-10-64 and 32-10-65~~  
 1427 50-41-6 and 50-41-7, any federal highway funds and reimbursements, any other federal  
 1428 highway assistance received from time to time by the authority, any other moneys of  
 1429 the authority pledged for such purpose, any other moneys received by the authority  
 1430 pursuant to the Georgia Transportation Infrastructure Bank, and any moneys received  
 1431 pursuant to a public-private initiative as authorized pursuant to Code Section 32-2-78;  
 1432 and

1433 (B) Any federal highway transit funds and reimbursements and any other federal  
 1434 highway transit assistance received from time to time by the authority. This  
 1435 subparagraph shall stand repealed by operation of law on July 1, 2021.

1436 ~~(7)~~(17) 'Revenue bonds,' 'revenue bond,' 'bonds,' or 'bond' means any bonds, notes,  
 1437 interim certificates, reimbursement anticipation notes, or other evidences of indebtedness  
 1438 of the authority authorized by ~~Part Article~~ Article 2 of this ~~article~~ chapter, including without  
 1439 limitation obligations issued to refund any of the foregoing.

1440 (18) 'Right of way' means, generally, property or any interest therein, whether or not in  
 1441 the form of a strip, which is acquired for or devoted to a public road.

1442 ~~(8)~~(19) 'Self-liquidating' means that, in the judgment of the authority, the revenues and  
 1443 earnings to be derived by the authority from any project or combination of projects or  
 1444 from any other revenues available to the authority, together with any maintenance, repair,  
 1445 operational services, funds, rights of way, engineering services, and any other in-kind  
 1446 services to be received by the authority from appropriations of the General Assembly, the  
 1447 department, other state agencies or authorities, the United States government, or any  
 1448 county or municipality or from disbursements from any person, firm, corporation, limited  
 1449 liability company, or other type of entity shall be sufficient to provide for the  
 1450 maintenance, repair, and operation and to pay the principal and interest of revenue bonds  
 1451 which may be issued for the cost of such project, projects, or combination of projects.

1452 (20) 'State agency' means any division, department, instrumentality, branch, or other  
 1453 body of the state to which state governmental functions have been delegated.

1454 (21) 'Underpass' means a bridge, including the approaches thereto and all appurtenances  
 1455 thereof, which provides access for a public road underneath a railroad or another public  
 1456 road or for a pedestrian walkway underneath a public road.

1457 ~~(9)~~(22) 'Utility' means any publicly, privately, or cooperatively owned line, facility, or  
 1458 system for producing, transmitting, transporting, or distributing communications, power,  
 1459 electricity, light, heat, gas, oil products, passengers, water, steam, clay, waste, storm  
 1460 water not connected with highway drainage, and other similar services and commodities,  
 1461 including publicly owned fire and police, and traffic signals and street lighting systems,  
 1462 which directly or indirectly serve the public. This term also means a person, municipal  
 1463 corporation, county, state agency, or public authority which owns or manages a utility as  
 1464 defined in this paragraph."

#### 1465 **SECTION 6-2.**

1466 Said article is further amended by revising Code Section 32-10-61, relating to continuation  
 1467 of State Tollway Authority as State Road and Tollway Authority, as follows:

1468 "~~32-10-61~~ 50-41-2.

1469 The State Tollway Authority shall continue to be a body corporate and politic and an  
 1470 instrumentality and public corporation of the state known as the 'State Road and Tollway  
 1471 Authority.' It shall have perpetual existence. In said name it may contract and be  
 1472 contracted with, sue and be sued, implead and be impleaded, and complain and defend in  
 1473 all courts of this state, subject to the limitations of Code Section ~~32-10-110~~ 50-41-51."

#### 1474 **SECTION 6-3.**

1475 Said article is further amended by revising Code Section 32-10-62, relating to membership,  
 1476 compensation, officers, bylaws, quorum, and record of proceedings by the authority, as  
 1477 follows:

1478 "~~32-10-62~~ 50-41-3.

1479 (a) The members of the authority shall be ex officio the Governor, the commissioner of  
 1480 transportation, the director of the Office of Planning and Budget, one member to be  
 1481 appointed by the Lieutenant Governor and to serve during the term of office of the  
 1482 Lieutenant Governor and until a successor is duly appointed and qualified, and one member  
 1483 to be appointed by the Speaker of the House of Representatives and to serve during the  
 1484 term of office of the Speaker of the House of Representatives and until a successor is duly  
 1485 appointed and qualified; and membership shall be a separate and distinct duty for which  
 1486 they shall receive no additional compensation. All members of the authority shall be

1487 entitled to all actual expenses necessarily incurred while in the performance of duties on  
 1488 behalf of the authority. The authority shall elect one of its members as ~~chairman~~  
 1489 chairperson. It shall also elect a secretary and a treasurer, who need not necessarily be  
 1490 members of the authority. The authority may make such bylaws for its government as is  
 1491 deemed necessary but it is under no duty to do so. A majority of the members of the  
 1492 authority shall constitute a quorum necessary for the transaction of business, and a majority  
 1493 vote of those present at any meeting at which there is a quorum shall be sufficient to do and  
 1494 perform any action permitted to the authority by this ~~article~~ chapter.

1495 (b) No vacancy on the authority shall impair the right of the quorum to transact any and  
 1496 all business as stated in this Code section. Members of the authority shall be accountable  
 1497 as trustees. They shall cause to be kept adequate books and records of all transactions of  
 1498 the authority, including books of income and disbursements of every nature. The books  
 1499 and records shall be inspected and audited by the state auditor at least once a year."

#### 1500 SECTION 6-4.

1501 Said article is further amended by revising Code Section 32-10-63, relating to powers of the  
 1502 authority, as follows:

1503 "~~32-10-63~~ 50-41-4.

1504 The authority shall have, in addition to any other powers conferred in this ~~article~~ chapter,  
 1505 the following powers:

- 1506 (1) To have a seal and alter the same at its pleasure;
- 1507 (2) To acquire by purchase, lease, exchange, or otherwise and to hold, lease, and dispose  
 1508 of real and personal property of every kind and character for its corporate purposes;
- 1509 (3) To appoint such additional officers, who need not be members of the authority, as the  
 1510 authority deems advisable and to employ such experts, employees, and agents as may be  
 1511 necessary, in its judgment, to carry on properly the business of the authority; to fix their  
 1512 compensation; and to promote and discharge same;
- 1513 (4) To acquire in its own name by purchase, on such terms and conditions and in such  
 1514 manner as it may deem proper, or by condemnation in accordance with any and all  
 1515 existing laws applicable to the condemnation of property for public use, including but not  
 1516 limited to those procedures in Article 1 of Chapter 3 of ~~this title~~ Title 32, real property  
 1517 or rights or easements therein or franchises necessary or convenient for its corporate  
 1518 purposes; and to use the same so long as its corporate existence shall continue and to  
 1519 lease or make contracts with respect to the use of or to dispose of the same in any manner  
 1520 it deems to the best advantage of the authority, the authority being under no obligation  
 1521 to accept and pay for any property condemned under this ~~article~~ chapter except from the  
 1522 funds provided under the authority of this ~~article~~ chapter; and, in any proceedings to

1523 condemn, such order may be made by the court having jurisdiction of the action or  
 1524 proceedings as may be just to the authority and to the owners of the property to be  
 1525 condemned; and no property shall be acquired under this ~~article~~ chapter upon which any  
 1526 lien or other encumbrance exists unless at the time such property is so acquired a  
 1527 sufficient sum of money be deposited in trust to pay and redeem such lien or  
 1528 encumbrance in full;

1529 (5) To make such contracts, leases, or conveyances as the legitimate and necessary  
 1530 purposes of this ~~article~~ chapter shall require, including but not limited to contracts for  
 1531 construction or maintenance of projects, provided that the authority shall consider the  
 1532 possible economic, social, and environmental effects of each project, and the authority  
 1533 shall assure that possible adverse economic, social, and environmental effects relating to  
 1534 any proposed project have been fully considered in developing such project and that the  
 1535 final decision on the project is made in the best overall public interest, taking into  
 1536 consideration the need for fast, safe, and efficient transportation, public services, and the  
 1537 cost of eliminating or minimizing adverse economic, social, and environmental effects.  
 1538 Furthermore, in order to assure that adequate consideration is given to economic, social,  
 1539 and environmental effects of any tollway project under consideration, the authority shall:

1540 (A) Follow the processes required for federal-aid highway projects, as determined by  
 1541 the National Environmental Policy Act of 1969, as amended, except that final approval  
 1542 of the adequacy of such consideration shall rest with the Governor, as provided in  
 1543 subparagraph (C) of this paragraph, acting as the chief executive of the state, upon  
 1544 recommendation of the commissioner, ~~acting as chief administrative officer of the~~  
 1545 ~~Department of Transportation~~ of transportation;

1546 (B) In the location and design of any project, avoid the taking of or disruption of  
 1547 existing public parkland or public recreation areas unless there are no prudent or  
 1548 feasible project location alternates. The determination of prudence and feasibility shall  
 1549 be the responsibility of the authority as part of the consideration of the overall public  
 1550 interest;

1551 (C) Not approve and proceed with acquisition of rights of way and construction of a  
 1552 project until: (i) there has been held, or there has been offered an opportunity to hold,  
 1553 a public hearing or public hearings on such project in compliance with requirements of  
 1554 the Federal-aid Highway Act of 1970, as amended, except that neither acquisition of  
 1555 right of way nor construction shall be required to cease on any federal-aid project which  
 1556 has received federal approval pursuant to the National Environmental Policy Act of  
 1557 1969, as amended, and is subsequently determined to be eligible for construction as an  
 1558 authority project utilizing, in whole or in part, a mix of federal funds and authority  
 1559 funds; and (ii) the adequacy of environmental considerations has been approved by the

1560 Governor, for which said approval of the environmental considerations may come in  
 1561 the form of the Governor's acceptance of a federally approved environmental document;  
 1562 and

1563 (D) Let by public competitive bid upon plans and specifications approved by the chief  
 1564 engineer of the Department of Transportation or his or her successors all contracts for  
 1565 the construction of projects, except as otherwise provided for projects authorized under  
 1566 any provisions of Code Sections 32-2-78 through 32-2-81 or projects authorized under  
 1567 any provisions of Chapter 31 of this title;

1568 (6) To construct, erect, acquire, own, repair, maintain, add to, extend, improve, operate,  
 1569 and manage projects, as defined in ~~paragraph (5) of Code Section 32-10-60~~ 50-41-1, the  
 1570 cost of any such project to be paid in whole or in part from the proceeds of revenue bonds  
 1571 of the authority, from other funds available to the authority, or from any combination of  
 1572 such sources;

1573 (7)(A) To accept and administer any federal highway funds and any other federal  
 1574 highway assistance received from time to time for the State of Georgia and to accept,  
 1575 with the approval of the Governor, loans and grants, either or both, of money or  
 1576 materials or property of any kind from the United States government or the State of  
 1577 Georgia or any political subdivision, authority, agency, or instrumentality of either of  
 1578 them, upon such terms and conditions as the United States government or the State of  
 1579 Georgia or such political subdivision, authority, agency, or instrumentality of either of  
 1580 them shall impose;

1581 (B) To accept and administer any federal transit funds and any other federal transit  
 1582 assistance received from time to time for the State of Georgia. This subparagraph shall  
 1583 stand repealed by operation of law on July 1, 2021;

1584 (8)(A) To borrow money for any of its corporate purposes, to issue negotiable revenue  
 1585 bonds payable from revenues of such projects, and to provide for the payment of the  
 1586 same and for the rights of the holders thereof; and

1587 (B) To enter into credit enhancement or liquidity agreements with any person, firm,  
 1588 corporation, limited liability company, or other type of entity for the planning, design,  
 1589 construction, acquisition of land for, financing, refinancing, operating, maintaining, or  
 1590 carrying out of any project. Such credit enhancement or liquidity agreements may be  
 1591 secured by the authority's loan agreements, deeds to secure debt, security agreements,  
 1592 contracts, or other instruments or funds derived from tolls, fees, or other charges, upon  
 1593 such terms and conditions as the authority shall determine reasonable, including  
 1594 provision for the establishment and maintenance of reserves and insurance funds,  
 1595 provided that the obligation of the authority under any such agreements shall not be  
 1596 general obligation of the authority, but shall be a limited obligation of the authority

1597 payable from a specific source of funds identified for such purpose. Any such  
1598 agreements may further include provisions for guaranty, insurance, construction, use,  
1599 operation, maintenance, and financing of a project as the authority may deem necessary  
1600 or desirable;

1601 (9) To exercise any power usually possessed by private corporations performing similar  
1602 functions, which power is not in conflict with the Constitution and laws of Georgia;

1603 (10) To covenant with bondholders for the preparation of annual budgets for each project  
1604 and for approval thereof by engineers or other representatives designated by the  
1605 bondholders of each project, as may be provided for in any bond issue resolutions or trust  
1606 indentures, and to covenant for the employment of experts or traffic engineers;

1607 (11) To lease its property to the United States government, the State of Georgia, or its  
1608 political subdivisions, including any agency, authority, or instrumentality of the foregoing  
1609 governments or political subdivisions, as well as to persons, public or private, for the  
1610 construction or operation of facilities of benefit to the general public;

1611 (12) By or through its authorized agents or employees, to enter upon any lands, waters,  
1612 and premises in the state for the purpose of making surveys, soundings, drillings, and  
1613 examinations as the authority may deem necessary or convenient for the purposes of this  
1614 ~~article~~ chapter; and such entry shall not be deemed a trespass. The authority shall,  
1615 however, make reimbursement for any actual damages resulting from such activities;

1616 (13) To make reasonable regulations for the installation, construction, maintenance,  
1617 repairs, renewal, and relocation of pipes, mains, conduits, cables, wires, towers, poles,  
1618 and other equipment and appliances of any public utility in, on, along, over, or under any  
1619 project;

1620 (14)(A) To pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any  
1621 property of the authority, including but not limited to real property, fixtures, personal  
1622 property, intangible property, revenues, income, charges, fees, or other funds and to  
1623 execute any lease, trust indenture, trust agreement, resolution, agreement for the sale  
1624 of the authority's bonds, loan agreement, mortgage, deed to secure debt, trust deed,  
1625 security agreement, assignment, or other agreement or instrument as may be necessary  
1626 or desirable, in the judgment of the authority, to secure such bonds; and

1627 (B) To acquire, accept, or retain equitable interests, security interests, or other interests  
1628 in any property, real or personal, by deed to secure debt, assignment, security  
1629 agreement, pledge, conveyance, contract, lien, loan agreement, or other consensual  
1630 transfer, with any such instrument terminating when the bonds for the project are  
1631 retired, in order to secure repayment under a credit enhancement or liquidity agreement  
1632 and taking into consideration the public benefit to be derived from such transfer; and

1633 (15) To do all things necessary or convenient to carry out the powers expressly given in  
 1634 this ~~article~~ chapter."

1635 **SECTION 6-5.**

1636 Said article is further amended by revising Code Section 32-10-64, relating to general toll  
 1637 powers, police powers, and rules and regulations, as follows:

1638 "~~32-10-64~~ 50-41-6.

1639 (a)(1) For the purpose of earning sufficient revenue to make possible, in conjunction  
 1640 with other funds available to the authority, the financing of the construction or acquisition  
 1641 of projects of the authority with revenue bonds, the authority is authorized and  
 1642 empowered to collect tolls on each and every project which it, ~~the department~~, the  
 1643 Department of Transportation, or local governing authority shall cause to be constructed.  
 1644 It is found, determined, and declared that the necessities of revenue bond financing are  
 1645 such that the authority's toll earnings on each project or projects, in conjunction with  
 1646 other funds available to the authority, must exceed the actual maintenance, repair, and  
 1647 normal reserve requirements of such projects, together with monthly or yearly sums  
 1648 needed for the sinking fund payments upon the principal and interest obligations of  
 1649 financing such project or projects; however, within the framework of these legitimate  
 1650 necessities of the authority and subject to all bond resolutions, trust indentures, and all  
 1651 other contractual obligations of the authority, the authority is charged with the duty of the  
 1652 operation of all projects in the aggregate at the most reasonable possible level of toll  
 1653 charges; and, furthermore, the authority is charged with the responsibility of a reasonable  
 1654 and equitable adjustment of such toll charges as between the various classes of users of  
 1655 any given project in which the repayment of financing is the primary or exclusive purpose  
 1656 for the exercise of the toll power of the authority.

1657 (2) For the purpose of managing the flow of traffic, the authority is authorized and  
 1658 empowered to collect tolls on each and every project which it, ~~the department~~, the  
 1659 Department of Transportation, or local governing authority shall cause to be constructed  
 1660 in which managing the flow of traffic is the primary or exclusive purpose. It is found,  
 1661 determined, and declared that the necessities of managing the flow of traffic are such that  
 1662 the authority is charged with the responsibility of taking into consideration value pricing  
 1663 and lane management as those terms are described in subsection (d) of Code  
 1664 Section 40-6-54 in determining toll charges on such projects.

1665 (b) In the exercise of the authority's toll powers, the authority is authorized to exercise so  
 1666 much of the police powers of the state as shall be necessary to maintain the peace and  
 1667 accomplish the orderly handling of the traffic and the collection of tolls on all projects  
 1668 operated by the authority; and the authority shall prescribe such rules and regulations for

1669 the method of taking tolls and the employment and conduct of toll takers and other  
1670 operating employees as the authority, in its discretion, may deem necessary.

1671 (c)(1) No motor vehicle shall be driven or towed through a toll collection facility, where  
1672 appropriate signs have been erected to notify traffic that it is subject to the payment of  
1673 tolls beyond such sign, without payment of the proper toll. In the event of nonpayment  
1674 of the proper toll, as evidenced by video or electronic recording, the registered owner of  
1675 such vehicle shall be liable to make prompt payment to the authority of the proper toll  
1676 and an administrative fee of up to \$25.00 per violation to recover the cost of collecting  
1677 the toll. The authority or its authorized agent shall provide notice to the registered owner  
1678 of a vehicle, and a reasonable time to respond to such notice, of the authority's finding  
1679 of a violation of this subsection. The authority or its authorized agent may provide  
1680 subsequent notices to the registered owner of a vehicle if such owner fails to respond to  
1681 the initial notice. The administrative fee may increase with each notice, provided that  
1682 such fee shall not exceed a cumulative total of \$25.00 per violation. Upon failure of the  
1683 registered owner of a vehicle to pay the proper toll and administrative fee to the authority  
1684 after notice thereof and within the time designated in such notice, the authority may  
1685 proceed to seek collection of the proper toll and the administrative fee as debts owing to  
1686 the authority, in such manner as the authority deems appropriate and as permitted under  
1687 law. If the authority finds multiple failures by a registered owner of a vehicle to pay the  
1688 proper toll and administrative fee after notice thereof and within the time designated in  
1689 such notices, the authority may refer the matter to the Office of State Administrative  
1690 Hearings. The scope of any hearing held by the Office of State Administrative Hearings  
1691 shall be limited to consideration of evidence relevant to a determination of whether the  
1692 registered owner has failed to pay, after notice thereof and within the time designated in  
1693 such notice, the proper toll and administrative fee. The only affirmative defense that may  
1694 be presented by the registered owner of a vehicle at such a hearing is theft of the vehicle,  
1695 as evidenced by presentation at the hearing of a copy of a police report showing that the  
1696 vehicle has been reported to the police as stolen prior to the time of the alleged violation.  
1697 A determination by the Office of State Administrative Hearings of multiple failures to  
1698 pay by a registered owner of a vehicle shall subject such registered owner to imposition  
1699 of, in addition to any unpaid tolls and administrative fees, a civil monetary penalty  
1700 payable to the authority of not more than \$70.00 per violation. Upon failure by a  
1701 registered owner to pay to the authority, within 30 days of the date of notice thereof, the  
1702 amount determined by the Office of State Administrative Hearings as due and payable  
1703 for multiple violations of this subsection, the motor vehicle registration of such registered  
1704 owner shall be immediately suspended by operation of law. The authority shall give  
1705 notice to the Department of Revenue of such suspension. Such suspension shall continue

1706 until the proper toll, administrative fee, and civil monetary penalty as have been  
 1707 determined by the Office of State Administrative Hearings are paid to the authority. The  
 1708 authority may seek to collect the debt owed through setoff by the Department of Revenue  
 1709 under procedures set forth in Article 7 of Chapter 7 of Title 48. Actions taken by the  
 1710 authority under this subsection shall be made in accordance with policies and procedures  
 1711 approved by the members of the authority.

1712 (2) The registered owner of a vehicle which is observed being driven or towed through  
 1713 a toll collection facility without payment of the proper toll may avoid liability under this  
 1714 subsection by presenting to the authority a copy of a police report showing that the  
 1715 vehicle had been reported to the police as stolen prior to the time of the alleged violation.

1716 (3) For purposes of this subsection, for any vehicle which is registered to an entity other  
 1717 than a natural person, the term 'registered owner' shall be deemed to refer to the natural  
 1718 person who is the operator of such motor vehicle at the time of the violation of this  
 1719 subsection, but only if the entity to which the vehicle is registered has supplied to the  
 1720 authority, within 60 days following notice from the authority or its authorized agent,  
 1721 information in the possession of such entity which is sufficient to identify and give notice  
 1722 to the natural person who was the operator of the motor vehicle at the time of the  
 1723 violation of this subsection.

1724 (d) Any person who shall use or attempt to use any currency or coins other than legal  
 1725 tender of the United States of America or tokens issued by the authority or who shall use  
 1726 or attempt to use any electronic device or equipment not authorized by the authority in lieu  
 1727 of or to avoid payment of a toll shall be guilty of a misdemeanor.

1728 (e) Any person, except an authorized agent or employee of the authority, who removes any  
 1729 coin from the pavement or ground surface within 15 feet of a toll collection booth or toll  
 1730 collection machine, except to retrieve coins the person dropped while attempting payment  
 1731 of that person's toll, shall be guilty of a misdemeanor.

1732 (f) Any person who enters without authorization or who willfully, maliciously, and  
 1733 forcibly breaks into any mechanical or electronic toll collection device of the authority or  
 1734 appurtenance thereto shall be guilty of a misdemeanor.

1735 (g) Any law enforcement officer shall have the authority to issue citations for toll evasions  
 1736 if such officer is a witness to any of the following violations:

1737 (1) A person forcibly or fraudulently passes a toll collection device without payment or  
 1738 refuses to pay, evades, or attempts to evade the payment of such tolls;

1739 (2) A person turns, or attempts to turn, a vehicle around on a bridge, approach, or toll  
 1740 plaza where signs have been erected forbidding such turning; or

1741 (3) A person refuses to pass through the toll collection facility after having come within  
 1742 the area where signs have been erected notifying traffic that it is entering the area where

1743 a toll is collectable or where vehicles may not turn around and where vehicles are  
1744 required to pass through the toll gates for the purposes of collecting tolls.

1745 (h) The authority may in its discretion use such technology, including but not limited to  
1746 automatic vehicle license tag identification photography and video surveillance, either by  
1747 electronic imaging or photographic copy, that it deems necessary to aid in the collection  
1748 of tolls and enforcement of toll violations. Such technology shall not be used to produce  
1749 any photograph, microphotograph, electronic image, or videotape showing the identity of  
1750 any person in a motor vehicle except that such technology may be utilized for general  
1751 surveillance of a toll collection facility for the security of toll collection facility employees.

1752 (i) State and local law enforcement entities are authorized to enter into traffic and toll  
1753 enforcement agreements with the authority. Any funds received by a state law enforcement  
1754 entity pursuant to such toll enforcement agreement shall be subject to annual appropriations  
1755 by the General Assembly to such law enforcement entity for the purpose of performing its  
1756 duties pursuant to such agreement."

#### 1757 SECTION 6-6.

1758 Said article is further amended by revising Code Section 32-10-65, relating to fixing,  
1759 revising, charging, and collecting tolls and use and disposition of tolls generally, as follows:

1760 "~~32-10-65~~ 50-41-7.

1761 The authority is authorized to fix, revise, charge, and collect tolls for the use of each  
1762 project. Such tolls shall be so fixed and adjusted as to carry out and perform the terms and  
1763 provisions of any resolution, trust indenture, or contract with or for the benefit of  
1764 bondholders; and such tolls shall not be subject to supervision or regulation by any other  
1765 commission, board, bureau, or agency of the state. Notwithstanding any provision of this  
1766 ~~article~~ chapter to the contrary, if the repayment of financing is not the primary or exclusive  
1767 purpose for the exercise of the authority's toll power, the authority shall not be required to  
1768 issue or have outstanding bonds or other indebtedness with respect to a project in order to  
1769 fix, revise, charge, enforce, or collect tolls for such project. The use and disposition of tolls  
1770 and revenues shall be subject to the provisions of the resolution authorizing the issuance  
1771 of such bonds or of the trust indenture securing the same, if there are any."

#### 1772 SECTION 6-7.

1773 Said article is further amended by revising Code Section 32-10-66, relating to duty of  
1774 authority to prescribe rules and regulations for projects, as follows:

1775 "~~32-10-66~~ 50-41-10.

1776 It shall be the duty of the authority to prescribe rules and regulations ~~as approved by the~~  
1777 ~~department~~ for the operation of each project constructed under this ~~article~~ chapter,

1778 including rules and regulations to ensure maximum use of such project. The authority is  
 1779 authorized to promulgate such rules and regulations for the use and occupancy of the  
 1780 project as may be necessary and proper for the public's safety and convenience, for the  
 1781 preservation of its property, and for the collection of tolls."

1782 **SECTION 6-8.**

1783 Said article is further amended by revising Code Section 32-10-67, relating to study,  
 1784 financing, construction, and operation of new projects and cooperation and assistance of the  
 1785 Department of Transportation, as follows:

1786 "~~32-10-67~~ 50-41-11.

1787 (a) The Governor, in his or her discretion or upon the recommendation of the State  
 1788 Transportation Board, is authorized and empowered to call a joint meeting of the authority  
 1789 and ~~the~~ such board for the purpose of initiating all state highway and federal-aid highway  
 1790 projects which may be considered under the authority of this ~~article~~ chapter. Upon the  
 1791 concurrence of the Governor, a majority of the ~~board~~ State Transportation Board, and the  
 1792 authority, ~~the~~ such board or the authority is authorized and empowered to commence the  
 1793 study of any given project or projects and to provide for their construction. An appropriate  
 1794 resolution of such joint meeting shall provide for divisions of duties and responsibilities  
 1795 between the authority and the ~~board~~ State Transportation Board in connection with such  
 1796 studies. In keeping with such resolution or resolutions, the authority and the ~~board~~ State  
 1797 Transportation Board are authorized, in the performance of their assigned duties, to expend  
 1798 from any sums available such sums as may be necessary for the survey and study and  
 1799 completion of any such project or projects; and such expenditures may include those  
 1800 necessary for all traffic surveys, expert studies, and all other expense reasonably necessary  
 1801 in establishing the feasibility of any given state highway or federal-aid highway project and  
 1802 in the execution of all plans, specifications, and all other things necessary for revenue bond  
 1803 financing and construction, including all supervision of every kind required in its  
 1804 completion. If such expenditures, or any part of them, shall be undertaken by the ~~board~~  
 1805 State Transportation Board, ~~the~~ such board shall keep proper records which shall reflect the  
 1806 amounts spent on each and every project study. Upon completion of any given state  
 1807 highway or federal-aid highway project or projects financed by any given revenue bond  
 1808 issued, so long as there shall be funds available in the hands of the authority from the issue  
 1809 of revenue bonds to finance such project or projects, the ~~board~~ State Transportation Board  
 1810 may demand the reimbursement of such expenditures; however, if not reimbursed, said  
 1811 expenditures shall be legitimate expenses of operation of ~~the~~ such board. The authority,  
 1812 upon the completion or receipt of such studies or plans and specifications or other aids,

1813 shall proceed, if such project or projects are possible, to finance, acquire rights of way,  
 1814 construct, and operate such projects pursuant to its purposes, powers, and duties.  
 1815 (b) Upon the concurrence of the ~~board~~ State Transportation Board, the Department of  
 1816 Transportation shall have the right to provide maintenance and operational assistance to the  
 1817 authority as may be necessary to effectuate the purposes of this ~~article~~ chapter, including  
 1818 but not limited to authorizing employees of the ~~department~~ Department of Transportation  
 1819 to assist the authority in the collection of tolls on authority projects. The authority shall  
 1820 reimburse the ~~department~~ Department of Transportation for such assistance."

#### 1821 **SECTION 6-9.**

1822 Said article is further amended by revising Code Section 32-10-68, relating to letting of  
 1823 contracts by competitive bid, as follows:

1824 "~~32-10-68~~ 50-41-12.

1825 All contracts of the authority for the construction of any roadway capacity project on any  
 1826 state highway or federal-aid highway authorized by this ~~article~~ chapter shall be let to the  
 1827 reliable bidder submitting the lowest sealed bid upon plans and specifications approved by  
 1828 the ~~department~~ Department of Transportation, except as otherwise provided for projects  
 1829 authorized under any provisions of Code Sections 32-2-78 through 32-2-81. The  
 1830 procedures for letting such bids shall conform to those prescribed for the ~~department~~  
 1831 Department of Transportation in Code Sections 32-2-64 through 32-2-72 and 32-2-78  
 1832 through 32-2-81."

#### 1833 **SECTION 6-10.**

1834 Said article is further amended by revising Code Section 32-10-69, relating to conveyance  
 1835 by Governor of real property and power to acquire and expend funds for property interests,  
 1836 as follows:

1837 "~~32-10-69~~ 50-41-13.

1838 (a) The Governor is authorized and empowered to convey to the authority, on behalf of the  
 1839 state, any real property or interest therein or any rights of way owned by the state,  
 1840 including property or rights of way acquired in the name of the ~~department or board~~  
 1841 Department of Transportation or State Transportation Board, which is used at the time or  
 1842 may, upon completion of any action committed to the authority by this ~~article~~ chapter, be  
 1843 used as a project. The consideration for such conveyance shall be determined by the  
 1844 Governor and expressed in the deed of conveyance; however, such consideration shall be  
 1845 nominal, the benefits flowing to the state and its citizens constituting full and adequate  
 1846 actual consideration, provided that in the event of the inability of the authority to issue or  
 1847 sell the revenue bonds required for financing the completion of any given project or

1848 projects, then, subject to the intervening rights of any innocent party, all rights, titles, and  
 1849 interests so conveyed shall forever revert to the ~~department~~ Department of Transportation  
 1850 or other agency from which it came.

1851 (b) The governing authority of any county or incorporated municipality of this state is  
 1852 authorized and empowered on behalf of such political subdivision to convey to the  
 1853 authority any real property or interest therein or any rights of way owned by such political  
 1854 subdivision, which is used at the time or may, upon completion of any action committed  
 1855 to the authority by this ~~article~~ chapter, be used as a project if conveyed by a county or  
 1856 incorporated municipality. The consideration for such conveyance shall be determined by  
 1857 the governing authority of such political subdivision and expressed in the deed of  
 1858 conveyance. Such consideration, however, shall be nominal, the benefits flowing to the  
 1859 political subdivisions and its citizens constituting full and adequate actual consideration.  
 1860 However, nothing in this subsection shall prevent the authority from reimbursing a political  
 1861 subdivision, as authorized in Code Section ~~32-10-70~~ 50-41-14.

1862 (c) The ~~board or its successors and the department,~~ the State Transportation Board, and the  
 1863 Department of Transportation are empowered to acquire, in any manner now permitted to  
 1864 them by law, and to expend funds available to them for such acquisition, real property,  
 1865 interests therein, or rights of way which upon acquisition may be conveyed by the  
 1866 Governor as provided in this Code section to the authority."

#### 1867 SECTION 6-11.

1868 Said article is further amended by revising Code Section 32-10-71, relating to acquisition,  
 1869 maintenance, and operation of tollway projects, as follows:

1870 "~~32-10-71~~ 50-41-15.

1871 (a) The authority is authorized and empowered to acquire, maintain, repair, improve, and  
 1872 operate a tollway project whose status at the time of acquisition is a toll facility or which  
 1873 was operated as a toll facility at some point in its existence. For the purpose of earning  
 1874 sufficient revenue to make possible the maintenance, repair, and improvement of the  
 1875 acquired project, the authority is authorized to collect tolls on each and every project it  
 1876 acquires.

1877 (b) When an existing state tollway facility has been acquired from a local government by  
 1878 the authority or the ~~department~~ Department of Transportation, and the state tollway facility  
 1879 provides access to an island with public beaches that are in need of maintenance, repair,  
 1880 or restoration, the ~~State Road and Tollway Authority~~ authority may assist the local  
 1881 government in the collection of a parking fee for each vehicle entering the island. The  
 1882 local government is authorized to set a fee on roads, streets, and parking facilities owned  
 1883 by the local government for such purposes and may contract with the authority to collect

1884 the fee. The ~~department~~ Department of Transportation is authorized to assist the authority  
 1885 in the collection of the fee. The local government shall reimburse the ~~department~~  
 1886 Department of Transportation and the authority for any costs associated with executing the  
 1887 terms of the contract.

1888 (c) When a state highway provides access to an island with public beaches that are in need  
 1889 of maintenance, repair, or restoration, the Department of Transportation may, if consistent  
 1890 with federal law and regulations, authorize the local government to set and collect a  
 1891 parking fee for the purpose of providing funding for such maintenance, repair, or  
 1892 restoration. The ~~department~~ Department of Transportation is authorized to allow the  
 1893 authority to collect such parking fee on the state highway system, provided that the  
 1894 collection point shall lie within the corporate limits of the local government setting the  
 1895 parking fee. The authority is authorized to contract with the local government for the  
 1896 collection of the fee. The local government shall reimburse the authority for any costs  
 1897 associated with executing the terms of the contract."

#### 1898 SECTION 6-12.

1899 Said article is further amended by revising Code Section 32-10-72, relating to authority fund,  
 1900 as follows:

1901 "~~32-10-72~~ 50-41-16.

1902 (a) All revenue in excess of all obligations of the authority of any nature, together with all  
 1903 unused receipts and gifts of every kind and nature whatsoever, shall be and become the  
 1904 authority fund. The authority, in its discretion, is charged with the duty of pledging,  
 1905 utilizing, or expending the authority fund for the following purposes:

- 1906 (1) Pledges to the payment of any revenue bond issue requirements, sinking or reserve  
 1907 funds, as may be provided for under Code Section ~~32-10-102~~ 50-41-43;
- 1908 (2) The payment of any outstanding unpaid revenue bond obligations or administrative  
 1909 expenses;
- 1910 (3) The construction of all or any part of projects, the need for which is concurred in by  
 1911 the Governor and the ~~board~~ State Transportation Board;
- 1912 (4) The most advantageous obtainable redemptions and retirements of the authority's  
 1913 bonds pursuant to the prepayment redemption privileges accorded to the authority upon  
 1914 the various issues of bonds outstanding;
- 1915 (5) The most advantageous open market purchase of the authority's bonds that the  
 1916 authority may accomplish;
- 1917 (6) Investment in such securities and in such manner as it determines to be in its best  
 1918 interest; ~~and~~

- 1919 (7) Subject to the terms of any resolution or trust indenture authorizing the issuance of  
 1920 revenue bonds and upon concurrence by the Governor, the transfer of funds to the  
 1921 department to be used by the department for ~~department~~ purposes related to projects or  
 1922 operations of surface transportation or capital infrastructure for mass transportation,  
 1923 excluding rail infrastructure, transit operations, and transit vehicles; or
- 1924 (8) Subject to the terms of any resolution or trust indenture authorizing the issuance of  
 1925 revenue bonds and upon concurrence by the Governor, the transfer of funds to the  
 1926 Department of Transportation to be used by the department for purposes related to  
 1927 projects or operations of surface transportation or capital infrastructure for mass  
 1928 transportation, excluding rail infrastructure, transit operations, and transit vehicles.
- 1929 (b) In making a determination of purposes for which the authority fund shall be pledged,  
 1930 utilized, or expended, the authority shall consider the following order of priority:
- 1931 (1) Satisfaction of any provisions of the resolution authorizing the issuance of bonds or  
 1932 trust indenture securing the project for which the toll is collected;
- 1933 (2) Satisfaction of any debt service on the project for which the toll is collected;
- 1934 (3) Maintenance or operational costs of the project for which the toll is collected,  
 1935 excluding transit operations; or
- 1936 (4) Any other public road or transit projects."

### 1937 SECTION 6-13.

1938 Said article is further amended by revising Code Section 32-10-77, relating to General  
 1939 Assembly approval of funding for streetcar projects, as follows:

1940 "~~32-10-77~~ 50-41-21.

1941 No funding by issuing bonds, any other state funds, or federal funds administered by the  
 1942 department or the Department of Transportation shall be allowed for streetcar projects by  
 1943 any state entity or authority, including, but not limited to, the department, the Department  
 1944 of Transportation, or the ~~State Road and Tollway Authority~~ authority, or any other  
 1945 subsidiary of the state, without specific prior approval by passage of a general Act by the  
 1946 General Assembly."

### 1947 SECTION 6-14.

1948 Said article is further amended by revising Code Section 32-10-90, relating to power of  
 1949 authority to issue bonds generally, pledging of tolls and other project revenues for payment  
 1950 of principal and interest bonds, and attributes of bonds generally, as follows:

1951 "~~32-10-90~~ 50-41-30.

1952 The authority shall have the power and is authorized, at one time or from time to time, to  
 1953 provide by resolution for the issuance of negotiable revenue bonds of the authority for the

1954 purpose of paying all or any part of the cost, as defined in ~~paragraph (4)~~ of Code Section  
 1955 ~~32-10-60~~ 50-41-1, of any one or a combination of projects. The principal and interest of  
 1956 such revenue bonds shall be payable from and may be secured by a pledge of tolls and  
 1957 other revenues of all or any part of the project financed in whole or in part with the  
 1958 proceeds of such issue or with the proceeds of bonds refunded or to be refunded by such  
 1959 issue or by a pledge of any other revenues of the authority that are legally available for  
 1960 such purpose. The bonds of each issue shall be dated, shall bear interest as provided for in  
 1961 Code Section ~~32-10-91~~ 50-41-32, shall mature not later than 40 years from the date of  
 1962 issue, shall be payable in such media of payments as to both principal and interest as may  
 1963 be determined by the authority, and may be made redeemable before maturity, at the option  
 1964 of the authority, at such price or prices and under such terms and conditions as may be  
 1965 fixed by the authority in the resolution providing for the issuance of the bonds."

#### 1966 SECTION 6-15.

1967 Said article is further amended by revising Code Section 32-10-90.1, relating to garvee bond  
 1968 provisions, as follows:

1969 "~~32-10-90.1~~ 50-41-31.

1970 (a) As used in this Code section, the term 'grant anticipation revenue vehicle' or 'garvee  
 1971 bond' means any bond issued by the authority which is an eligible debt financing  
 1972 instrument within the scope of 23 U.S.C. Section 122 or which is otherwise to be repaid  
 1973 or reimbursed in whole or in part, directly or indirectly, from federal funds.

1974 (b) With respect to garvee bonds and projects financed by garvee bonds, the provisions  
 1975 and limitations of this Code section shall control over any other conflicting provisions of  
 1976 this ~~article~~ chapter, it being the intention of the General Assembly that grant anticipation  
 1977 revenue vehicles and projects funded thereby be fully subject to the terms expressed in this  
 1978 Code section.

1979 (c) For the purpose of issuance and use of the proceeds of garvee bonds, the authority and  
 1980 the ~~department~~ Department of Transportation shall give priority, as far as reasonably  
 1981 practicable in the judgment of ~~the~~ such department, to the completion of those portions of  
 1982 the Developmental Highway System as set out in paragraphs (1) through (13) and  
 1983 paragraphs (15) and (16) of subsection (a) of Code Section 32-4-22 and such further  
 1984 paragraphs as may be added to such subsection from time to time, with due regard to the  
 1985 timely and economical completion of the portion set out in paragraph (14) thereof.

1986 (d) Any project the cost of which is paid from the proceeds of garvee bonds shall be,  
 1987 pursuant to a contract or agreement between the authority and the ~~department~~ Department  
 1988 of Transportation, planned, designed, and constructed by the Department of Transportation  
 1989 or a contractor contracting with the Department of Transportation.

1990 (e) If during any state fiscal year the amount of federal reimbursement available to the  
 1991 State of Georgia under 23 U.S.C. Section 122 is or will be reduced below 90 percent of the  
 1992 amount available during Fiscal Year 2000-2001, the authority shall not thereafter issue any  
 1993 garvee bond.

1994 (f) If cost effective as determined by the authority, garvee bonds shall be insured."

1995 **SECTION 6-16.**

1996 Said article is further amended by revising Code Section 32-10-102, relating to pledges of  
 1997 revenues, tolls, and earnings and creation and disposition of sinking funds, as follows:

1998 "~~32-10-102~~ 50-41-43.

1999 (a) The revenues, tolls, and earnings derived from any particular project or projects and  
 2000 all or any part of the revenues, tolls, and earnings received by the authority, regardless of  
 2001 whether or not such tolls, earnings, and revenues were produced by a particular project for  
 2002 which bonds have been issued, unless otherwise pledged or allocated, may be pledged by  
 2003 the authority to the payment of the principal and interest obligations of any revenue bond  
 2004 issues of the authority. All funds so pledged, from whatever source received, which may  
 2005 include funds received from one or more of all sources of the authority's income, shall be  
 2006 set aside at regular intervals, as may be provided in the resolutions or trust indentures, into  
 2007 sinking funds which shall be pledged to and charged with the payment of (1) the interest  
 2008 upon such revenue bonds as such interest shall fall due, (2) the principal of the bonds as the  
 2009 same shall mature, (3) the necessary charges of paying agents for paying principal and  
 2010 interest, and (4) any premium required upon bonds retired by call or purchase as may be  
 2011 provided in the resolutions or trust indentures.

2012 (b) The use and disposition of such sinking funds shall be subject to such regulations as  
 2013 may be provided in the resolutions authorizing the issuance of the revenue bonds or in the  
 2014 trust indentures; but, except as may otherwise be provided in such resolutions or trust  
 2015 indentures, such sinking funds, individually, shall be funds for the benefit of all revenue  
 2016 bonds of the given issue for which they are created without distinction or priority of one  
 2017 over another. Subject to the resolution or trust indenture of any given bond issue, any  
 2018 moneys in such sinking funds, after all bonds and the interest thereon for which such  
 2019 sinking funds were pledged have been paid, may be paid into the authority fund provided  
 2020 for in Code Section ~~32-10-72~~ 50-41-16."

2021 **SECTION 6-17.**

2022 Said article is further amended by revising Code Section 32-10-105, relating to investment  
 2023 of funds in bonds and deposit of bonds as securities, as follows:

2024 "~~32-10-105~~ 50-41-46.

2025 The bonds authorized in paragraph (8) of Code Section ~~32-10-63~~ 50-41-4 and in Code  
 2026 Section ~~32-10-90~~ 50-41-30 are deemed securities in which (1) all public officers and bodies  
 2027 of this state and all municipalities and all municipal subdivisions, (2) all insurance  
 2028 companies and associations and other persons carrying on an insurance business, (3) all  
 2029 banks, bankers, trust companies, savings banks and savings associations, including savings  
 2030 and loan associations, building and loan associations, investment companies, and other  
 2031 persons carrying on a banking business, (4) all administrators, guardians, executors,  
 2032 trustees, and other fiduciaries, and (5) all other persons whatsoever who are now or may  
 2033 hereafter be authorized to invest in bonds or other obligations of the state may properly and  
 2034 legally invest funds, including capital in their control or belonging to them. The bonds are  
 2035 also deemed securities which may be deposited with and shall be received by all public  
 2036 officers and bodies of this state and all municipalities and municipal subdivisions for any  
 2037 purpose for which the deposit of the bonds or other obligations of this state is now or may  
 2038 hereafter be authorized."

2039 **SECTION 6-18.**

2040 Said article is further amended by revising Code Section 32-10-108, relating to transfer of  
 2041 projects to state highway system free from tolls, as follows:

2042 "~~32-10-108~~ 50-41-49.

2043 Upon payment in full of all bonds and the interest thereon and obligations of every nature  
 2044 whatsoever for the payment of which the revenues of any given project or projects have  
 2045 been pledged, in whole or in part, either originally or subsequently, either primarily or  
 2046 secondarily, directly or indirectly or otherwise, or upon the setting aside in trust, for the  
 2047 benefit of bondholders or other obligees, of a sufficient amount for the payment of all such  
 2048 bonds and other obligations and the interest thereon to the maturity thereof, such project  
 2049 or projects, if deemed by the ~~department~~ Department of Transportation to be in a safe and  
 2050 satisfactory condition of repair and traffic capacity, may become part of the state highway  
 2051 system and thereafter shall be maintained by the ~~department~~ Department of Transportation  
 2052 free of tolls. In the event such project or projects to be transferred are not in good  
 2053 condition, in the judgment of the ~~department~~ Department of Transportation, ~~the such~~  
 2054 ~~department~~ shall be charged with the duty of immediately advising the authority in writing  
 2055 what will be necessary to accomplish such safe and satisfactory condition of repair and  
 2056 traffic capacity; and the authority thereafter shall apply sufficient revenue from such  
 2057 project or projects to the accomplishment of such safe condition of repair and traffic  
 2058 capacity; and, upon its accomplishment, such project or projects shall become toll free as  
 2059 provided in this Code section. Upon the fulfillment of all conditions necessary to the

2060 cessation of tolls upon any such project, the authority shall convey by deed all right, title,  
 2061 and interest in and to such project to the ~~department~~ Department of Transportation for and  
 2062 in consideration of \$1.00, which the treasurer of the ~~department~~ Department of  
 2063 Transportation is authorized to pay from any such department funds available to him or her  
 2064 for any ~~department~~ Department of Transportation expenditure."

### 2065 SECTION 6-19.

2066 Said article is further amended by revising Code Section 32-10-122, relating to definitions  
 2067 relative to the Transportation Infrastructure Bank, as follows:

2068 "~~32-10-122~~ 50-41-67.

2069 As used in this ~~part~~ article, the term:

2070 (1) 'Bank' means the Georgia Transportation Infrastructure Bank.

2071 (2) 'Board' means the board of the State Road and Tollway Authority.

2072 (3) ~~'Department of Transportation' means the Georgia Department of Transportation and~~  
 2073 ~~its successors.~~

2074 (4) 'Eligible costs' means, as applied to a qualified project to be financed from the federal  
 2075 roadway account, the costs that are permitted under applicable federal laws, requirements,  
 2076 procedures, and guidelines in regard to establishing, operating, and providing assistance  
 2077 from the bank. As applied to a qualified project to be financed from the state and local  
 2078 roadway account, these costs include the costs of preliminary engineering, traffic and  
 2079 revenue studies, environmental studies, right of way acquisition, legal and financial  
 2080 services associated with the development of the qualified project, construction,  
 2081 construction management, facilities, and other costs necessary for the qualified project.  
 2082 As applied to any qualified project to be financed from the federal nonroadway account,  
 2083 these costs include the costs of preliminary engineering, traffic and revenue studies,  
 2084 environmental studies, right of way acquisition, legal and financial services associated  
 2085 with the development of the qualified project, construction, construction management,  
 2086 equipment, facilities, and other nonoperating costs necessary for the qualified project.  
 2087 As applied to any qualified project to be financed from the state and local nonroadway  
 2088 account, these costs include the costs of preliminary engineering, traffic and revenue  
 2089 studies, environmental studies, right of way acquisition, legal and financial services  
 2090 associated with the development of the qualified project, construction, construction  
 2091 management, equipment, facilities, and other nonoperating costs necessary for the  
 2092 qualified project.

2093 (5)(4) 'Eligible project' means a highway, including bridges, air transport and airport  
 2094 facilities, and rail, or transit or bicycle facility project which provides public benefits by  
 2095 either enhancing mobility and safety, promoting economic development, or increasing

2096 the quality of life and general welfare of the public. The term 'eligible project' also  
 2097 includes mass transit systems, including, but not limited to, monorail and monobeam  
 2098 mass transit systems. There may be included as part of any such project all  
 2099 improvements necessary to the full utilization thereof, including site preparation, roads  
 2100 and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead  
 2101 tracks, bridges, causeways, terminals for railroad, automotive, and air transportation,  
 2102 transportation facilities incidental to the project, and the dredging and improving of  
 2103 harbors and waterways, none of which foregoing descriptive words shall be construed to  
 2104 constitute a limitation.

2105 ~~(6)~~(5) 'Federal accounts' means, collectively, the separate accounts for federal roadway  
 2106 funds and federal nonroadway funds.

2107 ~~(7)~~(6) 'Financing agreement' means any agreement entered into between the bank and a  
 2108 qualified borrower pertaining to a loan or other financial assistance. This agreement may  
 2109 contain, in addition to financial terms, provisions relating to the regulation and  
 2110 supervision of a qualified project, or other provisions as the board may determine. The  
 2111 term 'financing agreement' includes, without limitation, a loan agreement, trust indenture,  
 2112 security agreement, reimbursement agreement, guarantee agreement, bond or note,  
 2113 ordinance or resolution, or similar instrument.

2114 ~~(8)~~(7) 'Government unit' means a municipal corporation, county, community  
 2115 improvement district, or any public operator of transit, including combinations of two or  
 2116 more of these entities, acting jointly to construct, own, or operate a qualified project, or  
 2117 any other state authority, board, commission, agency, or department which may construct,  
 2118 own, or operate a qualified project.

2119 ~~(9)~~(8) 'Loan' means an obligation subject to repayment which is provided by the bank to  
 2120 a qualified borrower for all or a part of the eligible costs of a qualified project. A loan  
 2121 may be disbursed in anticipation of reimbursement for or direct payment of the eligible  
 2122 costs of a qualified project.

2123 ~~(10)~~(9) 'Loan obligation' means a bond, note, or other evidence of an obligation issued  
 2124 by a qualified borrower.

2125 ~~(11)~~(10) 'Other financial assistance' includes, but shall not be limited to, grants,  
 2126 contributions, credit enhancement, capital or debt reserves for bonds or debt instrument  
 2127 financing, interest rate subsidies, provision of letters of credit and credit instruments,  
 2128 provision of bond or other debt financing instrument security, and other lawful forms of  
 2129 financing and methods of leveraging funds that are approved by the board, and, in the  
 2130 case of federal funds, as allowed by federal law.

2131 ~~(12)~~(11) 'Project revenues' or 'revenues' means all rates, rents, fees, assessments, charges,  
 2132 and other receipts derived or to be derived by a qualified borrower from a qualified

2133 project or made available from a special source, and, as provided in the applicable  
 2134 financing agreement, derived from any system of which the qualified project is a part or  
 2135 from any other revenue producing facility under the ownership or control of the qualified  
 2136 borrower, including, without limitation, proceeds of grants, gifts, appropriations and  
 2137 loans, including the proceeds of loans made by the bank, investment earnings, reserves  
 2138 for capital and current expenses, proceeds of insurance or condemnation and proceeds  
 2139 from the sale or other disposition of property and from any other special source as may  
 2140 be provided by the qualified borrower.

2141 ~~(13)~~(12) 'Qualified borrower' means any government unit authorized to construct,  
 2142 operate, or own a qualified project.

2143 ~~(14)~~(13) 'Qualified project' means an eligible project which has been selected by the  
 2144 bank to receive a loan or other financial assistance from the bank to defray an eligible  
 2145 cost.

2146 ~~(15)~~(14) 'State and local accounts' means, collectively, the separate accounts for state and  
 2147 local roadway funds and state and local nonroadway funds."

#### 2148 **SECTION 6-20.**

2149 Said article is further amended by revising Code Section 32-10-123, relating to authority of  
 2150 the Transportation Infrastructure Bank board, as follows:

2151 "~~32-10-123~~ 50-41-68.

2152 In administering the affairs of the bank, the board may exercise any or all of the powers  
 2153 granted to the authority under ~~Parts~~ Articles 1 and 2 of this ~~article~~ chapter, as well as the  
 2154 powers granted in this ~~part~~ article. Without limiting the generality of the foregoing, the  
 2155 board is specifically authorized to issue bonds for the purposes of the bank, in the same  
 2156 general manner provided in ~~Part~~ Article 2 of this ~~article~~ chapter."

#### 2157 **SECTION 6-21.**

2158 Said article is further amended by revising Code Section 32-10-124, relating to power of the  
 2159 Transportation Infrastructure Bank board and meaning of use of the word "bank" for  
 2160 purposes of this article, as follows:

2161 "~~32-10-124~~ 50-41-69.

2162 (a) In addition to the powers contained elsewhere in this ~~article~~ chapter, the board has all  
 2163 power necessary, useful, or appropriate to fund, operate, and administer the bank, and to  
 2164 perform its other functions, including, but not limited to, the power to:

2165 (1) Have perpetual succession;

2166 (2) Adopt, promulgate, amend, and repeal bylaws, not inconsistent with provisions in  
 2167 this ~~part~~ article for the administration of the bank's affairs and the implementation of its

- 2168 functions, including the right of the board to select qualifying projects and to provide  
 2169 loans and other financial assistance;
- 2170 (3) Sue and be sued in the name of the bank;
- 2171 (4) Have a seal and alter it at its pleasure, although the failure to affix the seal does not  
 2172 affect the validity of an instrument executed on behalf of the bank;
- 2173 (5) Make loans to qualified borrowers to finance the eligible costs of qualified projects  
 2174 and to acquire, hold, and sell loan obligations at prices and in a manner as the board  
 2175 determines advisable;
- 2176 (6) Provide qualified borrowers with other financial assistance necessary to defray  
 2177 eligible costs of a qualified project;
- 2178 (7) Enter into contracts, arrangements, and agreements with qualified borrowers and  
 2179 other persons and execute and deliver all financing agreements and other instruments  
 2180 necessary or convenient to the exercise of the powers granted in this ~~part~~ article;
- 2181 (8) Enter into agreements with a department, agency, or instrumentality of the United  
 2182 States or of this state or another state for the purpose of providing for the financing of  
 2183 qualified projects;
- 2184 (9) Establish:
- 2185 (A) Policies and procedures for the making and administering of loans and other  
 2186 financial assistance; and
- 2187 (B) Fiscal controls and accounting procedures to ensure proper accounting and  
 2188 reporting by the bank and government units;
- 2189 (10) Acquire by purchase, lease, donation, or other lawful means and sell, convey,  
 2190 pledge, lease, exchange, transfer, and dispose of all or any part of its properties and assets  
 2191 of every kind and character or any interest in it to further the public purpose of the bank;
- 2192 (11) Procure insurance, guarantees, letters of credit, and other forms of collateral or  
 2193 security or credit support from any public or private entity or instrumentality of the  
 2194 United States for the payment of any bonds issued by it, including the power to pay  
 2195 premiums or fees on any insurance, guarantees, letters of credit, and other forms of  
 2196 collateral or security or credit support;
- 2197 (12) Collect or authorize the trustee under any trust indenture securing any bonds to  
 2198 collect amounts due under any loan obligations owned by it, including taking the action  
 2199 required to obtain payment of any sums in default;
- 2200 (13) Unless restricted under any agreement with holders of bonds, consent to any  
 2201 modification with respect to the rate of interest, time, and payment of any installment of  
 2202 principal or interest, or any other term of any loan obligations owned by it;
- 2203 (14) Borrow money through the issuance of bonds and other forms of indebtedness as  
 2204 provided in this ~~article~~ chapter;

2205 (15) Expend funds to obtain accounting, management, legal, financial consulting, and  
 2206 other professional services necessary to the operations of the bank;

2207 (16) Expend funds credited to the bank as the board determines necessary for the costs  
 2208 of administering the operations of the bank;

2209 (17) Establish advisory committees as the board determines appropriate, which may  
 2210 include individuals from the private sector with banking and financial expertise, including  
 2211 the requirement that the bank shall consult with the ~~Department of Transportation~~ State  
 2212 Accounting Office for the purpose of implementing the project accounting procedures  
 2213 required by subparagraph (B) of paragraph (9) of this subsection;

2214 (18) Procure insurance against losses in connection with its property, assets, or activities  
 2215 including insurance against liability for its acts or the acts of its employees or agents or  
 2216 to establish cash reserves to enable it to act as a self-insurer against any and all such  
 2217 losses;

2218 (19) Collect fees and charges in connection with its loans or other financial assistance;

2219 (20) Apply for, receive, and accept from any source, aid, grants, or contributions of  
 2220 money, property, labor, or other things of value to be used to carry out the purposes of  
 2221 this ~~part~~ article subject to the conditions upon which the aid, grants, or contributions are  
 2222 made;

2223 (21) Enter into contracts or agreements for the servicing and processing of financial  
 2224 agreements;

2225 (22) Accept and hold, with or without payment of interest, funds deposited with the bank  
 2226 by government units and private entities; and

2227 (23) Do all other things necessary or convenient to exercise powers granted or  
 2228 reasonably implied by this ~~part~~ article.

2229 (b) The bank shall not be authorized or empowered to be or to constitute a bank or trust  
 2230 company within the jurisdiction or under the control of this state or an agency of it or the  
 2231 Comptroller of the Currency or the Treasury Department of the United States, or a bank,  
 2232 banker, or dealer in securities within the meaning of, or subject to the provisions of, any  
 2233 securities, securities exchange, or securities dealers' law of the United States or of this state.  
 2234 The use of the word 'bank' in the 'Georgia Transportation Infrastructure Bank' is required  
 2235 by federal law. For the express purposes of this ~~part~~ article, the use of the word 'bank' in  
 2236 the 'Georgia Transportation Infrastructure Bank Act' does not violate Code Section  
 2237 7-1-243. In addition, all deposits taken by the Georgia Transportation Infrastructure Bank  
 2238 shall contain a notice stating that the deposits are not insured by the Federal Deposit  
 2239 Insurance Corporation."

**SECTION 6-22.**

2240  
 2241 Said article is further amended by revising Code Section 32-10-125, relating to revenue  
 2242 sources for the Transportation Infrastructure Bank, as follows:

2243 "~~32-10-125~~ 50-41-70.

2244 (a) The following sources may be used to capitalize the bank and for the bank to carry out  
 2245 its purposes:

2246 (1) Appropriations by the General Assembly;

2247 (2) Federal funds available to the state, ~~as approved by the Department of~~  
 2248 ~~Transportation~~;

2249 (3) Contributions, donations, and deposits from government units, private entities, and  
 2250 any other source as may become available to the bank;

2251 (4) All moneys paid or credited to the bank, by contract or otherwise, payments of  
 2252 principal and interest on loans or other financial assistance made from the bank, and  
 2253 interest earnings which may accrue from the investment or reinvestment of the bank's  
 2254 moneys;

2255 (5) Proceeds from the issuance of bonds as provided in this part article; and

2256 (6) Other lawful sources not already dedicated for another purpose as determined  
 2257 appropriate by the board.

2258 (b) Without limiting the provisions of subsection (a) of this Code section, it shall be  
 2259 specifically provided that any local government may use the proceeds of any local funds  
 2260 which may be hereafter made available by law for the purposes of this part article,  
 2261 including without limitation the funding of eligible projects and contributions, donations,  
 2262 and deposits to the bank."

**SECTION 6-23.**

2263  
 2264 Said article is further amended by revising Code Section 32-10-127, relating to loans and  
 2265 other financial assistance and determination of eligible projects relative to the Transportation  
 2266 Infrastructure Bank, as follows:

2267 "~~32-10-127~~ 50-41-72.

2268 (a) The bank may provide loans and other financial assistance to a government unit to pay  
 2269 for all or part of the eligible costs of a qualified project. The term of the loan or other  
 2270 financial assistance shall not exceed the useful life of the project. The bank may require  
 2271 the government unit to enter into a financing agreement in connection with its loan  
 2272 obligation or other financial assistance. The board shall determine the form and content  
 2273 of loan applications, financing agreements, and loan obligations including the term and rate  
 2274 or rates of interest on a financing agreement. The terms and conditions of a loan or other

2275 financial assistance from federal accounts shall comply with applicable federal  
2276 requirements.

2277 (b)(1) The board shall determine which projects are eligible projects and then select from  
2278 among the eligible projects qualified projects. When determining eligibility, the board  
2279 shall make every effort to balance any loans or other financial assistance among all  
2280 regions of this state.

2281 (2) Preference for loans may be given to eligible projects prioritized by the department  
2282 in tier 1 and tier 2 counties, as defined in Code Section 48-7-40 and by the Department  
2283 of Community Affairs.

2284 (3) Preference for grants and other financial assistance may be given to eligible projects  
2285 which have local financial support."

2286

### SECTION 6-24.

2287 Said article is further amended by revising Code Section 32-10-128, relating to authority of  
2288 qualified borrowers relative to the Transportation Infrastructure Bank, as follows:

2289 "~~32-10-128~~ 50-41-73.

2290 (a) Qualified borrowers are authorized to obtain loans or other financial assistance from  
2291 the bank through financing agreements. Qualified borrowers entering into financing  
2292 agreements and issuing loan obligations to the bank may perform any acts, take any action,  
2293 adopt any proceedings, and make and carry out any contracts or agreements with the bank  
2294 as may be agreed to by the bank and any qualified borrower for the carrying out of the  
2295 purposes contemplated by this part article.

2296 (b) In addition to the authorizations contained in this part article, all other statutes or  
2297 provisions permitting government units to borrow money and issue obligations, including,  
2298 but not limited to, Article 3 of Chapter 82 of Title 36, the 'Revenue Bond Law,' may be  
2299 utilized by any government unit in obtaining a loan or other financial assistance from the  
2300 bank to the extent determined necessary or useful by the government unit in connection  
2301 with any financing agreement and the issuance, securing, or sale of loan obligations to the  
2302 bank.

2303 (c) A qualified borrower may receive, apply, pledge, assign, and grant security interests  
2304 in project revenues to secure its obligations as provided in this part article. A qualified  
2305 borrower may fix, revise, charge, and collect fees, rates, rents, assessments, and other  
2306 charges of general or special application for the operation or services of a qualified project,  
2307 the system of which it is a part, and any other revenue producing facilities from which the  
2308 qualified borrower derives project revenues to meet its obligations under a financing  
2309 agreement or to provide for the construction and improving of a qualified project."

**SECTION 6-25.**

2310  
 2311 Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor,  
 2312 is amended by revising Code Section 45-12-203, relating to membership, chair, and meetings  
 2313 of the Governor's Development Council, as follows:

2314 "45-12-203.

2315 ~~(a) The members of the board of directors of the Georgia Regional Transportation~~  
 2316 ~~Authority provided by Code Section 50-32-4, upon their initial appointment and thereafter,~~  
 2317 ~~shall constitute the membership of the council. Membership on that authority or the council~~  
 2318 ~~shall not constitute an appointment to an office of honor or trust for purposes of subsection~~  
 2319 ~~(a) of Code Section 50-32-4. The council's board of directors shall consist of 15 members.~~

2320 All members of the board and their successors shall be appointed for terms of five years  
 2321 each, except that the initial terms for eight members of the board appointed in 2019 shall  
 2322 be three years each; and the particular beginning and ending dates of such terms shall be  
 2323 specified by the Governor. All members of the board shall be appointed by the Governor  
 2324 and shall serve until the appointment and qualification of a successor, the provisions of  
 2325 subsection (b) of Code Section 45-12-52 to the contrary notwithstanding, except as  
 2326 otherwise provided in this Code section. No person holding any other office created by or  
 2327 under the provisions of the Constitution of Georgia shall be appointed to membership;  
 2328 provided, however, that elected officials of county or local governments shall be eligible  
 2329 for such appointment.

2330 (b) The chair of the ~~Georgia Regional Transportation Authority~~ board of directors shall  
 2331 serve as the chair of the council be appointed and designated by the Governor.

2332 (c) The council shall hold meetings as often as the chair determines, but not more than 12  
 2333 days each year. The chair may call special meetings upon adequate written, personal,  
 2334 telephone, or facsimile notice to members of the council. A majority of the members of  
 2335 the council shall constitute a quorum for conducting business. No member may act through  
 2336 a proxy, designee, or delegate. The council may establish, from time to time, such  
 2337 additional rules and procedures as the council deems appropriate for conducting the  
 2338 council's business. These rules and procedures may be established in bylaws or in such  
 2339 other form as the council deems appropriate."

**SECTION 6-26.**

2340  
 2341 The following Code sections of the Official Code of Georgia Annotated are amended by  
 2342 replacing "Article" and "article" wherever either such term appears with "Chapter" or  
 2343 "chapter":

2344 (1) Code Section 32-10-65.1, relating to expiration of tolls established;

- 2345 (2) Code Section 32-10-70, relating to transfer of real and personal property to authority  
 2346 by public bodies and officers;
- 2347 (3) Code Section 32-10-73, relating to designation of moneys received pursuant to article  
 2348 as trust funds;
- 2349 (4) Code Section 32-10-74, relating to effect of article;
- 2350 (5) Code Section 32-10-75, relating to construction of article;
- 2351 (6) Code Section 32-10-94, relating to status of bonds as negotiable instruments and  
 2352 exemption for bonds, their transfer, and income therefrom;
- 2353 (7) Code Section 32-10-98, relating to conditions precedent to taking effect of resolutions  
 2354 for bond issuance, issuance of bonds of a single issue for purpose of paying cost of one or  
 2355 more projects;
- 2356 (8) Code Section 32-10-99, relating to credit of state not pledged;
- 2357 (9) Code Section 32-10-100, relating to trust indenture as security for bonds;
- 2358 (10) Code Section 32-10-101, relating to payment of bond proceeds to trustee;
- 2359 (11) Code Section 32-10-103, relating to rights and remedies of holders of bonds or  
 2360 interest coupons and indenture trustees;
- 2361 (12) Code Section 32-10-104, relating to refunding bonds;
- 2362 (13) Code Section 32-10-109, relating to covenant with holders as to tax-exempt status of  
 2363 authority property and bonds; and
- 2364 (14) Code Section 32-10-110, relating to venue and jurisdictions of actions.

2365 **SECTION 6-27.**

2366 The following Code sections of the Official Code of Georgia Annotated are amended by  
 2367 replacing "Part" and "part" wherever either such term appears with "Article" or "article":

- 2368 (1) Code Section 32-10-120, relating to short title relative to the Transportation  
 2369 Infrastructure Bank;
- 2370 (2) Code Section 32-10-121, relating to creation, governance, corporate purpose, and types  
 2371 of accounts;
- 2372 (3) Code Section 32-10-126, relating to earnings, establishment of accounts and  
 2373 subaccounts, and commingling of funds relative to the Transportation Infrastructure Bank;
- 2374 (4) Code Section 32-10-131, relating to liability of officer, employee, or committee of the  
 2375 Transportation Infrastructure Bank; and
- 2376 (5) Code Section 32-10-132, relating to notice prior to action or referendum by the  
 2377 Transportation Infrastructure Bank not required.

**SECTION 6-28.**

2378

2379 The following Code sections of the Official Code of Georgia Annotated are amended by  
2380 redesignating:

2381 (1) Code Section 32-10-63.1, relating to exemption for transit service buses, motor  
2382 vehicles, and rapid rail systems from requirements relating to identification and regulation  
2383 of motor vehicles, as Code Section 50-41-5;

2384 (2) Code Section 32-10-65.1, relating to expiration of tolls established, as Code  
2385 Section 50-41-8;

2386 (3) Code Section 32-10-65.2, relating to annual reporting, as Code Section 50-41-9;

2387 (4) Code Section 32-10-70, relating to transfer of real and personal property to authority  
2388 by public bodies and officers, as Code Section 50-41-14;

2389 (5) Code Section 32-10-72, relating to authority fund, as Code Section 50-41-16;

2390 (6) Code Section 32-10-73, relating to designation of moneys received pursuant to article  
2391 as trust funds, as Code Section 50-41-17;

2392 (7) Code Section 32-10-74, relating to effect of article, as Code Section 50-41-18;

2393 (8) Code Section 32-10-75, relating to construction of article, as Code Section 50-41-19;

2394 (9) Code Section 32-10-76, relating to grant and pilot programs for streetcar projects, as  
2395 Code Section 50-41-20;

2396 (10) Code Section 32-10-91, relating to obtaining loans and issuance of sale of notes and  
2397 bonds and sale of obligations, as Code Section 50-41-32;

2398 (11) Code Section 32-10-92, relating to bonds authorized by resolution, specification of  
2399 terms, and public or private sale, as Code Section 50-41-33;

2400 (12) Code Section 32-10-93, relating to execution, seal, and signing of bonds, as Code  
2401 Section 50-41-34;

2402 (13) Code Section 32-10-94, relating to status of bonds as negotiable instruments and  
2403 exemption for bonds, their transfer, and income therefrom, as Code Section 50-41-35;

2404 (14) Code Section 32-10-95, relating to utilization of bond proceeds, as Code Section  
2405 50-41-36;

2406 (15) Code Section 32-10-96, issuance of interim receipts, interim certificates, and  
2407 temporary bonds, as Code Section 50-41-37;

2408 (16) Code Section 32-10-97, relating to replacement of lost or mutilated bonds, as Code  
2409 Section 50-41-38;

2410 (17) Code Section 32-10-98, relating to conditions precedent to taking effect of resolutions  
2411 for bond issuance, issuance of bonds of a single issue for purpose of paying cost of one or  
2412 more projects, as Code Section 50-41-39;

2413 (18) Code Section 32-10-99, relating to credit of state not pledged, as Code Section  
2414 50-41-40;

- 2415 (19) Code Section 32-10-100, relating to trust indenture as security for bonds, as Code  
 2416 Section 50-41-41;
- 2417 (20) Code Section 32-10-101, relating to payment of bond proceeds to trustee, as Code  
 2418 Section 50-41-42;
- 2419 (21) Code Section 32-10-103, relating to rights and remedies of holders of bonds or  
 2420 interest coupons and indenture trustees, as Code Section 50-41-44;
- 2421 (22) Code Section 32-10-104, relating to refunding bonds, as Code Section 50-41-45;
- 2422 (23) Code Section 32-10-106, relating to protection of interests and rights of bondholders,  
 2423 as Code Section 50-41-47;
- 2424 (24) Code Section 32-10-107, relating to confirmation and validation of bonds, as Code  
 2425 Section 50-41-48;
- 2426 (25) Code Section 32-10-109, relating to covenant with holders as to tax-exempt status of  
 2427 authority property and bonds, as Code Section 50-41-50;
- 2428 (26) Code Section 32-10-110, relating to venue and jurisdiction of actions, as Code  
 2429 Section 50-41-51;
- 2430 (27) Code Section 32-10-120, relating to short title relative to the Transportation  
 2431 Infrastructure Bank, as Code Section 50-41-65;
- 2432 (28) Code Section 32-10-121, relating to creation, governance, corporate purpose, and  
 2433 types of accounts, as Code Section 50-41-66;
- 2434 (29) Code Section 32-10-126, relating to earnings, establishment of accounts and  
 2435 subaccounts, and commingling of funds relative to the Transportation Infrastructure Bank,  
 2436 as Code Section 50-41-71;
- 2437 (30) Code Section 32-10-129, relating to exemption of the Transportation Infrastructure  
 2438 Bank from taxes and assessments, as Code Section 50-41-74;
- 2439 (31) Code Section 32-10-130, relating to withholding of funds by the Transportation  
 2440 Infrastructure Bank, as Code Section 50-41-75;
- 2441 (32) Code Section 32-10-131, relating to liability of officer, employee, or committee of  
 2442 the Transportation Infrastructure Bank, as Code Section 50-41-76;
- 2443 (33) Code Section 32-10-132, relating to notice prior to action or referendum by the  
 2444 Transportation Infrastructure Bank not required, as Code Section 50-41-77; and
- 2445 (34) Code Section 32-10-133, relating to annual report by the Transportation Infrastructure  
 2446 Bank, as Code Section 50-41-78.

2447

**SECTION 6-29.**

2448 The Official Code of Georgia Annotated is further amended by designating:

- 2449 (1) Code Section 50-41-1 through Code Section 50-41-21 as Article 1 of Chapter 41 of  
 2450 Title 50;

2451 (2) Code Section 50-41-30 through Code Section 50-41-51 as Article 2 of Chapter 41 of  
2452 Title 50; and  
2453 (3) Code Section 50-41-65 through Code Section 50-41-78 as Article 3 of Chapter 41 of  
2454 Title 50.

2455 **SECTION 6-30.**

2456 The Official Code of Georgia Annotated is further amended by designating Article 2 of  
2457 Chapter 10 of Title 32, relating to the State Road and Tollway Authority, as reserved.

2458 **PART VII**

2459 **EFFECTIVE DATES**

2460 **SECTION 7-1.**

2461 (a) Except as provided for in subsection (b), this Act shall become effective on July 1,  
2462 2019.

2463 (b) Section 3-3 of this Act shall become effective on July 1, 2020.

2464 **PART VIII**

2465 **REPEALER**

2466 **SECTION 8-1.**

2467 All laws and parts of laws in conflict with this Act are repealed.