

The House Committee on Rules offers the following substitute to SB 131:

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 6, 32, 36, 40, 45, 48, and 50 of the Official Code of Georgia Annotated,
2 relating to aviation; highways, bridges, and ferries; local government; motor vehicles and
3 traffic; public officers and employees; revenue and taxation; and state government,
4 respectively, so as to provide for transportation reformation; to provide for commercial
5 airport operations oversight; to create the Airport Transparency Legislative Oversight
6 Committee; to provide for membership; to provide for availability of certain executive
7 branch personnel for assistance to such committee; to provide for subpoena power; to require
8 cooperation with such committee; to provide parameters to the oversight duties of the
9 committee; to allow for the appointment of advisory committees; to allow for use of funds
10 appropriated to the committee for certain purposes; to provide for funding sources and a
11 consolidated state entity for the planning and implementation of mobility and transit services;
12 to exempt jet fuel from the state sales and use tax for a period of time and to levy an excise
13 tax on jet fuel during such period; to modify provisions for the use of proceeds of taxes on
14 jet fuel; to define a term; to provide for legislative intent and special collection and reporting
15 procedures for state sales and use tax for certain transportation; to provide for definitions; to
16 provide for the imposition of special purpose local sales and use tax by a single county
17 located outside a nonattainment area for the funding of transit projects under certain
18 conditions; to establish special districts; to provide for definitions, procedures, conditions,
19 and limitations for the imposition, collection, disbursement, and termination of the sales and
20 use tax; to provide for a definition relative to community improvement districts; to create the
21 Department of Mobility and Innovation; to provide for definitions; to provide for the
22 appointment of a commissioner of the department; to provide for salary, qualifications,
23 eligibility, and responsibilities of such commissioner; to provide for the power to designate
24 directors and hire employees; to provide for offices and equipment for the department; to
25 provide for authority to establish rules and regulations; to provide for an official seal; to
26 provide for duties, responsibilities, and functions of the department; to provide for approval
27 of certain development of regional impact projects; to provide for the administrative
28 assignment of certain authorities to the department; to provide for the transfer of certain

S. B. 131 (SUB)

29 functions, funding, and personnel to the department from certain state agencies; to provide
30 for the establishment of a pilot program administered by the department for the provision of
31 transit service vouchers for certain unemployed and underemployed persons; to provide for
32 procedures, conditions, and limitations for the implementation of such pilot program; to
33 provide for the establishment of a pilot program administered by the department for the
34 awarding of grants for the provision of micro-transit in certain geographical areas; to provide
35 for procedures, conditions, and limitations for the implementation of such pilot program; to
36 establish the Transit Link Division within such department; to establish a Transit
37 Coordinating Council; to provide for duties and functions of such council; to provide for the
38 establishment of a pilot program for the issuance of a tax credit for an employer providing
39 a transit benefit to new employees; to provide for procedures, conditions, and limitations for
40 the implementation of such pilot program; to establish mobility zones for the coordination
41 and implementation of transit within regions of the state; to provide for definitions; to
42 establish mobility zone advisory councils; to provide for approval of a regional transit plan
43 by such councils; to provide the department with power and authority to award grants and
44 loans for transit purposes; to require certain accounting and proposals in the annual ten-year
45 strategic plan prepared by the Department of Transportation; to provide for approval of such
46 plan; to provide for an income tax credit for employers providing transit benefits under
47 certain conditions; to provide for procedures, limitations, and audits relating to such tax
48 credit; to provide for authority to promulgate rules and regulations; to repeal and reserve
49 Chapter 32 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia
50 Regional Transportation Authority; to revise the membership of the Governor's Development
51 Council; to transfer the Atlanta-region Transit Link "ATL" Authority to the Department of
52 Mobility and Innovation for administrative purposes; to provide changes to conform with
53 such transfer; to provide for definitions; to provide for membership and jurisdiction of the
54 authority; to provide for powers of the authority; to provide for a logo and use of such on
55 transit operator property; to provide for certain planning and reporting to include the
56 Department of Mobility and Innovation; to transfer certain assets, property, and legal rights
57 and obligations of the Georgia Regional Transportation Authority to the Atlanta-region
58 Transit Link "ATL" Authority; to extend the date for automatic abolishment and repeal of
59 provisions relative to the Cobb County Special District for Transit relating to the
60 Metropolitan Atlanta Rapid Transit Authority; to redesignate Code sections relative to the
61 State Road and Tollway Authority to a new chapter and make conforming changes to reflect
62 such transfer; to provide for purposes for pledging, utilizing, or expending the authority fund;
63 to transfer administrative responsibility of such authority from the Department of
64 Transportation to the Department of Mobility; to amend the Official Code of Georgia
65 Annotated so as to make conforming and cross-reference changes; to reserve Article 2 of

66 Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to the State Road
 67 and Tollway Authority; to provide for related matters; to provide for effective dates; to repeal
 68 conflicting laws; and for other purposes.

69 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

70 PART I
 71 AIRPORT GOVERNANCE

72 SECTION 1-1.

73 Chapter 3 of Title 6 of the Official Code of Georgia Annotated, relating to powers of local
 74 governments as to air facilities, is amended by adding a new article to read as follows:

75 "ARTICLE 3

76 6-3-35.

77 (a) For purposes of this Code section, the term 'commercial airport' means any airport in
 78 this state with at least 300 commercial passenger boardings or enplanements in a calendar
 79 year.

80 (b) There is created the Major Airport Legislative Oversight Committee to be composed
 81 of the following members: the chairpersons of the Transportation Committees of the House
 82 of Representatives and the Senate; the chairpersons of the Appropriations Committees of
 83 the House of Representatives and the Senate; four members of the House of
 84 Representatives appointed by the Speaker of the House, two of whom shall represent a
 85 county in which a commercial airport is located or any county which adjoins such a county;
 86 and four members of the Senate, to be appointed by the President thereof, two of whom
 87 shall represent a county in which a commercial airport is located or any county which
 88 adjoins such a county. The appointed members of the committee shall each serve two-year
 89 terms concurrent with their terms as members of the General Assembly. The chairperson
 90 of the committee shall be appointed by the Speaker of the House from the membership of
 91 the committee, and the vice chairperson of the committee shall be appointed by the
 92 President of the Senate from the membership of the committee. The chairperson and vice
 93 chairperson shall each serve terms of two years concurrent with their terms as members of
 94 the General Assembly. Vacancies in an appointed member's position or in the offices of
 95 chairperson or vice chairperson of the committee shall be filled for the unexpired term in
 96 the same manner as the original appointment. The committee shall periodically inquire

97 into and review the operations, contracts, safety, financing, organization, and structure of
98 commercial airports.

99 (c) The state auditor, the Georgia Department of Transportation, the Department of
100 Economic Development, and the Attorney General shall make available to the committee
101 the services of their staffs' facilities and powers in order to assist the committee in the
102 discharge of its duties herein set forth. The committee may employ staff and secure the
103 services of independent accountants, engineers, and consultants. Upon authorization by
104 a joint resolution of the General Assembly, the committee shall have the power while the
105 General Assembly is in session or during the interim between sessions to compel the
106 attendance of witnesses and the production of documents in aid of its duties. In addition,
107 when the General Assembly is not in session, the committee shall have the power to
108 compel the attendance of witnesses and the production of documents in aid of its duties,
109 upon application of the chairperson of the committee with the concurrence of the Speaker
110 of the House and the President of the Senate.

111 (d) Upon request of the committee, any authority or local government overseeing a
112 commercial airport shall cooperate with the committee, its authorized personnel, the
113 Attorney General, the state auditor, the Department of Economic Development, and the
114 Georgia Department of Transportation in order that the charges of the committee, as set
115 forth in this Code section, may be timely and efficiently discharged. Any such authority
116 or local government shall submit to the committee such documents, reports, and data as the
117 committee shall reasonably require in order that the committee may adequately inform
118 itself of the activities relating to the commercial airport as required by this Code section
119 or perform any audits as deemed necessary by the committee. The Attorney General is
120 authorized to bring appropriate legal actions to enforce any laws specifically or generally
121 relating to any authority or local government overseeing a commercial airport or as to any
122 subpoenas issued by the committee. The committee shall, on or before the first day of
123 January of each year, and at such other times as it deems to be in the public interest, submit
124 to the General Assembly a report of its findings and recommendations based upon the
125 review of the operations of any authority or local government overseeing a commercial
126 airport it deems necessary to oversee, as set forth in this Code section.

127 (e) In the discharge of its duties, the committee shall evaluate the performance of any
128 authority or local government overseeing a commercial airport in providing aviation and
129 related services consistent with the following criteria:

130 (1) Public safety;
131 (2) Prudent, legal, and accountable expenditure of public funds;
132 (3) Equitable and transparent procurement practices for the provision of services at the
133 airport; and

134 (4) Efficient operation.

135 To assist in evaluating the performance of any authority or local government overseeing
 136 a commercial airport, the committee may appoint a citizens' advisory committee or
 137 committees. Such citizens' advisory committee or committees shall act in an advisory
 138 capacity only.

139 (f)(1) The committee is authorized to expend state funds available to the committee for
 140 the discharge of its duties. Said funds may be used for the purposes of compensating
 141 staff personnel; paying for services of independent accountants, engineers, and
 142 consultants; paying necessary expenses of the citizens' advisory committee or
 143 committees; and paying all other necessary expenses incurred by the committee in the
 144 discharge of its duties.

145 (2) The members of the committee shall receive the same compensation, per diem,
 146 expenses, and allowances for their service on the committee as provided for in Code
 147 Section 28-1-8.

148 (3) The funds necessary for the purposes of this Code section shall come from the funds
 149 appropriated to and available to the legislative branch of government of this state."

150 **PART II**
 151 **FUNDING**

152 **SECTION 2-1.**

153 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
 154 amended by revising Code Section 48-8-3.5, relating to taxation on sale or use of jet fuel, to
 155 read as follows:

156 "48-8-3.5.

157 (a) The sale or use of jet fuel that is pumped into an aircraft in this state and the use of jet
 158 fuel that is pumped into an aircraft in another state shall be exempt from all sales and use
 159 tax except such tax levied:

160 (1) By the state pursuant to Code Section 48-8-30 at a rate that shall not exceed 4
 161 percent;

162 (2) Pursuant to Article 2 of this chapter by a jurisdiction in which a sales and use tax was
 163 levied on jet fuel on December 30, 1987, at a rate that shall not exceed the rate in effect
 164 on December 30, 1987; and

165 (3) Pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243),
 166 as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' by a
 167 jurisdiction in which such tax was levied on jet fuel on December 30, 1987, at a rate that
 168 shall not exceed the rate in effect on December 30, 1987.

169 (b) For the period of time beginning December 1, 2018, and ending at the last moment of
 170 June 30, ~~2019~~ 2039, the sale or use of jet fuel that is pumped into an aircraft in this state
 171 and the use of jet fuel that is pumped into an aircraft in another state;

172 (1) Shall ~~shall~~ be exempt from the sales and use tax levied by the state pursuant to
 173 Code Section 48-8-30; and

174 (2) An excise tax of \$0.005 per gallon shall be levied on all jet fuel that is exempt
 175 pursuant to paragraph (1) of this subsection. The legal incidence of such tax shall be
 176 imposed on the distributor and such distributor shall collect and remit such taxes in a
 177 manner to be prescribed by the commissioner.

178 (b.1) For the purposes of this Code section, the term 'distributor' means every person other
 179 than the United States or any of its agencies that:

180 (A) Produces, refines, prepares, distills, manufactures, blends, or compounds jet fuel
 181 in this state;

182 (B) Makes the first sale in this state of any jet fuel imported into this state after such
 183 jet fuel has been received in this state;

184 (C) Consumes or uses in this state any jet fuel imported into this state before such jet
 185 fuel has been received by any other person in this state;

186 (D) Purchases jet fuel for export from this state; or

187 (E) Imports jet fuel into this state for production, refining, preparation, distilling,
 188 manufacturing, blending, compounding, consumption, or use within this state.

189 (c) To the extent required to comply with 49 U.S.C. Sections 47107(b) and 47133, revenue
 190 derived from the levy of ~~sales and use~~ taxes on jet fuel and other fuels sold or used at an
 191 airport for aviation purposes shall be used for a state aviation program or airport related
 192 purposes. Any portion of such revenue so derived which is not required or exceeds the
 193 amount required for purposes of such compliance with federal law may be appropriated for
 194 other purposes as provided by law.

195 (d) The commissioner shall adopt rules and regulations to carry out the provisions of this
 196 Code section."

197 **SECTION 2-2.**

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

199 "48-8-67.1.

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

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

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

207 (b) It is the intent of the General Assembly that the sales and use tax levied by the state on
 208 any for-hire ground transport trip shall be subject to appropriations and expended for the
 209 sole purpose of funding transit and transit projects, as such terms are defined in Code
 210 Sections 48-8-269.40 and 50-31-2. Amounts collected shall be separately accounted for
 211 by the commissioner and the total amount collected for each fiscal year shall be reported
 212 annually by the commissioner on or before December 1 to the chairpersons of the House
 213 Committee on Appropriations, House Committee on Transportation, Senate Appropriations
 214 Committee, and Senate Transportation Committee."

215 **SECTION 2-3.**

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

218 "48-8-269.40.

219 As used in this article, the term:

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

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

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

226 ~~(3)~~(4) 'Dealer' shall have the same meaning as provided for in paragraph (8) of Code
 227 Section 48-8-2.

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

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

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

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

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

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

256 SECTION 2-4.

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

259 "(b)(1) Any ~~two or more neighboring counties which are~~ county not located within a
 260 nonattainment area may, by following the procedures required by Part 2 of this article,
 261 impose within ~~their respective special districts~~ the special district a transit special purpose
 262 local option sales and use tax, the proceeds of which shall be used only for transit
 263 projects."

264 SECTION 2-5.

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

269 "48-8-269.43.

270 (a)(1) Any ~~two or more neighboring counties~~ county qualified to levy a tax pursuant to
 271 paragraph (1) of subsection (b) of Code Section 48-8-269.41 shall deliver or mail a
 272 written notice to the mayor or chief elected official in each qualified municipality located
 273 within its respective special district prior to the issuance of the call for the referendum.
 274 Such notice shall contain the date, time, place, and purpose of a meeting at which the

275 governing authorities of the ~~counties~~ county and of each qualified municipality therein
 276 are to meet to discuss possible transit projects for inclusion in the referendum and the rate
 277 of tax. The notice shall be delivered or mailed at least ten days prior to the date of the
 278 meeting. The meeting shall be held at least 60 days prior to any issuance of the call for
 279 the referendum.

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

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

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

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

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

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

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

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

298 ~~(8) Record-keeping and audit procedures necessary to carry out the purposes of this part;~~
 299 ~~and~~

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

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

308 (c)(1) Upon receipt of such notice from a county, the council shall approve or deny any
 309 or all projects within a submitted transit project list and the proposed operator of any
 310 transit projects if such project or projects are services which require an operator. In
 311 making a determination upon whether to approve transit projects, the council shall take

312 into consideration any other transit projects such council has approved for any
 313 neighboring counties, any transit projects in progress in any neighboring counties, and
 314 any additional federal or state funding that may be available for any projects. The council
 315 shall make a determination and send notification to the county approving or denying the
 316 submitted transit projects and operators, if applicable, no later than 20 days from the
 317 receipt of such list.

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

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

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

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

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

335 (C) The operator selected for any transit project or projects proposed if such project or
 336 projects are services which require an operator; and

337 (D) The maximum period of time, to be stated in calendar years, for which the tax may
 338 be imposed and the rate thereof. The maximum period of time for the imposition of the
 339 tax shall not exceed 30 years.

340 ~~(d) Unless the referendum required in Code Section 48-8-269.44 is approved in each of~~
 341 ~~the participating counties, the tax shall not be imposed."~~

342 **SECTION 2-6.**

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

346 "48-8-269.44.

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

349 '() YES Shall a special ___ percent sales and use tax be imposed in the special
350 district consisting of _____ County for a period of time not to exceed

351 () NO _____ and for the raising of funds for transit projects?'

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

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

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

357 'If imposition of the tax is approved by the voters, such vote shall also constitute
358 approval of the issuance of general obligation debt of _____ in the principal
359 amount of \$_____ for the above purpose.'

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

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

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

381 (2) If the issuance of general obligation debt is included and approved as provided in this
382 Code section, then the governing authority of the county may incur such debt either

383 through the issuance and validation of general obligation bonds or through the execution
 384 of a promissory note or notes or other instrument or instruments. If such debt is incurred
 385 through the issuance of general obligation bonds, such bonds and their issuance and
 386 validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as
 387 specifically provided otherwise in this article. If such debt is incurred through the
 388 execution of a promissory note or notes or other instrument or instruments, no validation
 389 proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10
 390 through 36-80-14 except as specifically provided otherwise in this article. In either event,
 391 such general obligation debt shall be payable first from the separate account in which are
 392 placed the proceeds received by the county from the tax. Such general obligation debt
 393 shall, however, constitute a pledge of the full faith, credit, and taxing power of the
 394 county; and any liability on such debt which is not satisfied from the proceeds of the tax
 395 shall be satisfied from the general funds of the county."

396 **SECTION 2-7.**

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

399 "48-8-269.50.

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

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

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

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

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

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

416 **SECTION 2-8.**

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

419 "48-8-269.56.

420 Except as provided in Code Section 48-8-6, the tax authorized under this ~~part~~ article shall
 421 be in addition to any other local sales and use tax. Except as otherwise provided in this
 422 article and except as provided in Code Section 48-8-6, the imposition of any other local
 423 sales and use tax within a county or qualified municipality within a special district shall not
 424 affect the authority of a county to impose the tax authorized under this article, and the
 425 imposition of the tax authorized under this article shall not affect the imposition of any
 426 otherwise authorized local sales and use tax within the special district."

427 **SECTION 2-9.**

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

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

438 "~~(f)(1)(A)(i) If the proceeds of the tax are specified to be used solely for the purpose~~
 439 ~~of payment of general obligation debt issued in conjunction with the imposition of the~~
 440 ~~tax authorized to be levied pursuant to Part 2 of this article, then any net proceeds of~~
 441 ~~the tax in excess of the amount required for final payment of such debt may be used~~
 442 ~~for additional transit projects, provided that a subsequent intergovernmental~~
 443 ~~agreement meeting the requirements set forth in subsection (b) of Code Section~~
 444 ~~48-8-269.43 has been entered into. If a subsequent intergovernmental agreement~~
 445 ~~required by this division is not entered into, then such excess proceeds shall be subject~~
 446 ~~to and applied as provided in paragraph (2) of this subsection:~~

447 (ii) If the proceeds of the tax are specified to be used solely for the purpose of
 448 payment of general obligation debt issued in conjunction with the imposition of the
 449 tax authorized to be levied pursuant to ~~Part 3~~ of this article, then any net proceeds of
 450 the tax in excess of the amount required for final payment of such debt may be used
 451 for additional transit projects, provided that such projects are selected from the

452 regional transit plan and approved by the authority or the council. If approval from
 453 the authority or appropriate council regarding additional transit projects to be funded
 454 with any excess net proceeds is not obtained, then such excess proceeds shall be
 455 subject to and applied as provided in paragraph (2) of this subsection.

456 ~~(B)(i) If the special district receives from the tax net proceeds in excess of the~~
 457 ~~maximum cost of the transit projects stated in the resolution calling for the imposition~~
 458 ~~of the tax or in excess of the actual cost of such projects when the tax was authorized~~
 459 ~~to be levied pursuant to Part 2 of this article, then such excess proceeds may be used~~
 460 ~~for additional transit projects, provided that a subsequent intergovernmental~~
 461 ~~agreement meeting the requirements set forth in subsection (b) of Code Section~~
 462 ~~48-8-269.43 has been entered into. If a subsequent intergovernmental agreement~~
 463 ~~required by this division is not entered into, then such excess proceeds shall be subject~~
 464 ~~to and applied as provided in paragraph (2) of this subsection.~~

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

474 (2) Except as provided in paragraph (1) of this subsection, excess proceeds shall be used
 475 solely for the purpose of reducing any indebtedness of any county within the special
 476 district other than indebtedness incurred pursuant to this article. If there is no such other
 477 indebtedness or if the excess proceeds exceed the amount of any such other indebtedness,
 478 then the excess proceeds shall next be paid into the general fund of such county, it being
 479 the intent that any funds so paid into the general fund of such county be used for the
 480 purpose of reducing ad valorem taxes."

481 **SECTION 2-10.**

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

484 "48-8-269.58.

485 Not later than December 31 of each year, the governing authority of the county receiving
 486 any proceeds from the tax under this part article shall publish annually, in a newspaper of
 487 general circulation in the boundaries of such county, a simple, nontechnical report which

488 shows for each transit project in the resolution calling for the imposition of the tax the
 489 original estimated cost, the current estimated cost if it is not the original estimated cost,
 490 amounts expended in prior years, and amounts expended in the current year. The report
 491 shall also include a statement of what corrective action the county intends to implement
 492 with respect to each project which is underfunded or behind schedule and a statement of
 493 any surplus funds which have not been expended for a purpose."

494 **SECTION 2-11.**

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

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

509 **PART III**

510 **TRANSIT GOVERNANCE**

511 **SECTION 3-1.**

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

514 **"ARTICLE 1**

515 50-31-1.

516 There is created the Department of Mobility and Innovation.

517 50-31-2.

518 As used in this chapter, the term:

- 519 (1) 'Commissioner' means the commissioner of the department.
- 520 (2) 'County' means any county of this state, including any consolidated governments.
- 521 (3) 'Constitution' means the Constitution of the State of Georgia.
- 522 (4) 'Contract' means any contract, agreement, or other legally binding arrangement.
- 523 (5) 'Department' means the Department of Mobility and Innovation.
- 524 (6) 'Division' means the Transit Link Division of the department established in Part 1 of
 525 Article 2 of this chapter.
- 526 (7) 'Governing body' means the board of commissioners of a county, sole commissioner
 527 of a county, council, commissioners, or other governing authority for a county or
 528 municipality.
- 529 (8) 'Local government' means any county, municipality, or other political subdivision of
 530 the state; any regional commission; any public agency or public authority, except any
 531 state agency or state authority, created under the Constitution or by Act of the General
 532 Assembly; shall include public agencies and public authorities which are created or
 533 activated pursuant to the Constitution or Act of the General Assembly or by action of the
 534 governing body of any county, municipality, or other political subdivision of the state,
 535 separately or in any combination; and shall include any group of counties or
 536 municipalities which forms the group to carry out jointly any lawful purposes but shall
 537 not include school districts.
- 538 (9) 'Mobility' means public or private services that provide users with on-demand,
 539 shared-use transportation utilizing new technologies and modes.
- 540 (10) 'Mobility zone' means the area established pursuant to Part 2 of Article 2 of this
 541 chapter.
- 542 (11) 'Municipality' has the same meaning as provided in Code Section 36-30-1.
- 543 (12) 'Necessary' means warranted, desirable, or appropriate, as determined by the
 544 commissioner, unless the context clearly indicates a different meaning.
- 545 (13) 'Regional transit plan' means the official multiyear plan adopted for a mobility zone
 546 for the provision of transit services throughout the jurisdiction of such area pursuant to
 547 Code Sections 50-31-38 or 50-39-12.
- 548 (14) 'State' means the State of Georgia.
- 549 (15) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
 550 services that are made available by or funded by a public entity and are open to the
 551 general public or open to a segment of the general public defined by age, disability, or
 552 low income. Such term includes services or systems operated by or under contract with
 553 the state, a state agency or authority, a local government, or any other similar public
 554 entity of this state and all accompanying infrastructure and services necessary to provide
 555 access to these modes of transportation. Such term excludes charter or sightseeing

556 services; school bus services; courtesy shuttle and intra-facility or terminal services;
557 limousine carriers; and ride share network services, transportation referral services, and
558 taxi services, as such terms are defined in Chapter 1 of Title 40, and which are not paid
559 for by a public entity.

560 50-31-3.

561 (a) The head of the department shall be the commissioner who shall exercise supervision
562 and control over all divisions and employees of the department.

563 (b) The commissioner shall be appointed by the Governor and shall serve at the pleasure
564 of the Governor.

565 (c) Beginning July 1, 2019, the commissioner shall receive an annual salary to be set by
566 the Governor, payable monthly or semimonthly, which shall be his or her total
567 compensation for services as commissioner. The commissioner shall not be entitled to
568 receive a contingent expense allowance, except that the commissioner shall be reimbursed
569 for all actual and necessary expenses incurred by him or her in carrying out his or her
570 official duties.

571 (d) The commissioner shall be required to take and subscribe before the Governor an oath
572 to discharge faithfully and impartially the duties of such office, which oath shall be in
573 addition to the oath required of all civil officers.

574 (e) The commissioner shall be of good moral character and shall not have been convicted
575 in any court of competent jurisdiction of any crime involving moral turpitude.

576 50-31-4.

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

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

590 50-31-5.

591 (a) The commissioner shall:

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

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

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

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

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

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

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

613 50-31-6.

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

617 50-31-7.

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

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

624 50-31-8.

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

627 50-31-9.

628 (a) The department shall perform the duties, responsibilities, and functions and may
629 exercise the power and authority described in this Code section. The department shall
630 undertake and carry out such planning and technical assistance activities as the
631 commissioner may deem necessary for providing transit and mobility and as may be
632 specified by law. Such planning and technical assistance activities may include, but shall
633 not be limited to, assistance to local governments or any state agency or authority in the
634 form of support with respect to preparation and implementation of a regional transit plan;
635 recommendations for policies and action, and governmental administration, finance,
636 management, planning, coordination, and operations relating to transit; and working with
637 emerging technologies and businesses to develop and implement advanced mobility
638 solutions.

639 (b) The department shall undertake and carry out, and shall coordinate with other state
640 agencies, state authorities, and local governments in undertaking and carrying out, such
641 gathering of information, such distribution of information, and such studies and
642 recommendations as the commissioner may deem necessary for providing transit and
643 innovative mobility and as may be specified by law. Such coordination, gathering, and
644 distribution of information and studies may include, but shall not be limited to, the
645 following:

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

651 (2) The department may write, draft, prepare, or publish in print or electronically any
652 studies, surveys, investigations, maps, reports, plans, recommendations, advice, and
653 information with respect to local, regional, or state transit planning, coordination, and
654 operations. The department may distribute or otherwise disseminate any such studies,
655 surveys, investigations, maps, reports, plans, recommendations, advice, and information
656 to any local government, any state authority or state agency, or any private entity; and

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

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

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

666 (e) The duties, responsibilities, and functions of the department and the power and
 667 authority of the department described in this Code section are cumulative with, and in
 668 addition to, all other duties, responsibilities, and functions and power and authority of the
 669 department and are not intended to, and shall not be construed to, conflict with any other
 670 duties, responsibilities, or functions or any other power or authority of the department.

671 50-31-10.

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

676 The department:

677 (1) Shall disburse such grants or loans on the basis of criteria which include
 678 consideration of matters such as legislative intent; local, regional, or state-wide impact
 679 or benefit; enhancement of community and economic development opportunities;
 680 improvement or expansion of transit; coordinated and comprehensive transit planning in
 681 accordance with minimum standards and procedures; deployment of new and
 682 groundbreaking technologies in relation to mobility; and any other similar criteria that
 683 may from time to time be established by the department; and

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

686 (b) The department shall direct the distribution of any appropriations or other funds
 687 available for transit and innovative mobility in accordance with any Act of the General
 688 Assembly providing for such appropriations. No grant or loan by the department to any
 689 eligible recipient or qualified local government shall adversely affect any grant, loan, or
 690 service to the eligible recipient or qualified local government by any other unit or
 691 instrumentality of state government. Without limiting the foregoing, the Department of
 692 Education, the Department of Transportation, the Georgia Environmental Finance
 693 Authority, and the state treasurer shall not diminish or fail to award any funds, loans, or
 694 service to any recipient under any state or federal program in whole or in part on account

695 of a grant or loan by the department. Grants or loans by the department are and shall be
696 deemed to be of a special nature and in addition to all such other grants, loans, or awards.
697 The following provisions shall apply to making such funds available to eligible recipients
698 or qualified local governments:

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

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

706 (3) The department shall set forth in writing the terms under which the department makes
707 funds available to a qualified local government or eligible recipient. The terms may be
708 set forth in a contract. The department may execute any such contract on behalf of the
709 state, and any eligible recipient which is a qualified local government, school district,
710 state agency, or state authority is authorized to execute any such contract. Any such
711 writing or contract may incorporate other terms or laws by reference to such terms or
712 laws; and

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

715 (c) The department may apply for, receive, administer, and use any grant, other financial
716 assistance, or other funds made available to the department from any government or other
717 source for furthering the purposes of the department. The department's actions in this
718 respect may be taken for itself or on behalf of qualified local governments or other eligible
719 recipients. The department's power and authority under this subsection shall include, but
720 not be limited to, federal funds for purposes of transit funding for capital projects and for
721 financing and directly providing public transportation under 49 U.S.C. Sections 5302
722 through 5304.

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

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

732 (f) The department shall make available to any state agency or authority assigned to the
 733 department for administrative purposes all funds made available to the department for the
 734 use of any such state authority or agency. The department may make available funds to
 735 such state agencies or authorities for any lawful purposes of any such state agencies or
 736 authorities.

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

743 50-31-11.

744 In any case where a development of regional impact, as determined by the Department of
 745 Community Affairs pursuant to Article 1 of Chapter 8 of this title, is planned within the
 746 geographic area over which the Atlanta-region Transit Link 'ATL' Authority has
 747 jurisdiction which requires the expenditure of state or federal funds by the state or any
 748 political subdivision, agency, authority, or instrumentality thereof to create land
 749 transportation services or access to such development, any expenditure of such funds shall
 750 be prohibited unless and until the plan for such development and such expenditures is
 751 reviewed and approved by the department. The decision of the department to allow or
 752 disallow the expenditure of such funds shall be final and nonreviewable, except that such
 753 decision shall be reversed where a resolution for such purpose is passed by vote of
 754 three-fourths of the authorized membership of the county commission of the county in
 755 which the development of regional impact is planned or, if such development is within a
 756 municipality, by vote of three-fourths of the authorized membership of the city council.

757 50-31-12.

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

- 761 (1) The State Road and Tollway Authority; and
 762 (2) The Atlanta-region Transit Link 'ATL' Authority.

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

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

768 50-31-13.

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

774 (b) The department shall succeed to all rules, regulations, policies, procedures, and
775 administrative orders of the Department of Transportation, Department of Human Services,
776 Department of Behavioral Health and Developmental Disabilities, and Department of
777 Community Health that are in effect on June 30, 2020, or scheduled to go into effect on or
778 after July 1, 2020, and which relate to the functions transferred to the department pursuant
779 to this Code section and shall further succeed to any rights, privileges, entitlements,
780 obligations, and duties of the Department of Transportation, Department of Human
781 Services, Department of Behavioral Health and Developmental Disabilities, and
782 Department of Community Health that are in effect on June 30, 2020, which relate to the
783 functions transferred to the department pursuant to this Code section. Such rules,
784 regulations, policies, procedures, and administrative orders shall remain in effect until
785 amended, repealed, superseded, or nullified by the department by proper authority or as
786 otherwise provided by law. Nothing in this Code section shall prevent the department from
787 taking any action in order to comply with federal law or regulations.

788 (c) The rights, privileges, entitlements, and duties of parties to contracts, leases,
789 agreements, and other transactions as identified by the Office of Planning and Budget
790 entered into before July 1, 2020, by the Department of Transportation, Department of
791 Human Services, Department of Behavioral Health and Developmental Disabilities, and
792 Department of Community Health which relate to the functions transferred to the
793 department pursuant to this Code section shall continue to exist; and none of these rights,
794 privileges, entitlements, and duties are impaired or diminished by reason of the transfer of
795 the functions to the department; provided, however, that nothing in this Code section shall
796 hinder the commissioner from making decisions based upon employment needs of the
797 department. In all such instances, the department shall be substituted for the Department
798 of Transportation, Department of Human Services, Department of Behavioral Health and
799 Developmental Disabilities, and Department of Community Health and the department
800 shall succeed to the rights and duties under such contracts, leases, agreements, and other
801 transactions.

802 (d) All vacant positions and persons employed by the Department of Transportation,
803 Department of Human Services, Department of Behavioral Health and Developmental
804 Disabilities, and Department of Community Health in capacities which relate to the
805 functions transferred to the department pursuant to this Code section on June 30, 2020,
806 shall, on July 1, 2020, become employees of the department in similar capacities, as
807 determined by the commissioner. Such employees shall be subject to the employment
808 practices and policies of the department on and after July 1, 2020, but the compensation
809 and benefits of such transferred employees shall not be reduced as a result of such transfer;
810 provided, however, that nothing in this Code section shall hinder the commissioner from
811 making decisions based upon employment needs of the department. Employees who are
812 subject to the rules of the State Personnel Board and thereby under the State Personnel
813 Administration and who are transferred to the department shall retain all existing rights
814 under the State Personnel Administration. Retirement rights of such transferred employees
815 existing under the Employees' Retirement System of Georgia or other public retirement
816 systems on June 30, 2020, shall not be impaired or interrupted by the transfer of such
817 employees, and membership in any such retirement system shall continue in the same
818 status possessed by the transferred employees on June 30, 2020. Accrued annual and sick
819 leave possessed by the transferred employees on June 30, 2020, shall be retained by such
820 employees as employees of the department.

821 (e) On July 1, 2020, the department shall receive custody of the state owned real property
822 in the custody of the Department of Transportation, Department of Human Services,
823 Department of Behavioral Health and Developmental Disabilities, and Department of
824 Community Health on June 30, 2020, and which pertains to the functions transferred to the
825 department pursuant to this Code section.

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

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

835 50-31-14.

836 (a) Subject to appropriation of funds by the General Assembly for such purposes, the
837 department shall conduct a three-year pilot program for the provision of vouchers for the

838 use of transit to the unemployed and underemployed. In designing the pilot program, the
 839 department may obtain input from the Georgia Department of Labor and shall be
 840 authorized to work with such department to ensure that available state data, such as
 841 enrollment in an unemployment benefits program, is leveraged to reduce program cost and
 842 assist in determining applicant eligibility. The department shall further work with the
 843 Georgia Department of Labor in the development and implementation of a cost-effective
 844 and efficient delivery method for transit vouchers to the unemployed and underemployed.
 845 (b) Eligibility standards and application procedures for voucher recipients in such program
 846 shall be developed by the department; provided, however, that such program shall be
 847 available only to applicants residing in a county with:

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

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

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

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

857 (e) Annually for the duration of the pilot program, the department shall submit a detailed
 858 written report on the implementation and effectiveness of the pilot program to the
 859 Governor, the Speaker of the House of Representatives, the President of the Senate, and
 860 the chairpersons of the House and Senate Transportation Committees. The final report
 861 shall also include recommendations as to expansion of the pilot program state wide.

862 50-31-15.

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

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

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

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

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

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

- 877 (1) Connect two or more existing transit systems within the jurisdiction of the ATL;
 878 (2) Provide connectivity between an existing transit provider and an area within the
 879 jurisdiction of the ATL without transit; or
 880 (3) Provide access to economic activity centers such as employment sites or education
 881 or training facilities to low income or underserved residents.

882 ARTICLE 2

883 Part 1

884 50-31-25.

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

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

890 50-31-26.

891 (a) There is created the Transit Coordinating Council which shall be composed of the
 892 commissioner and the commissioners of transportation, human services, behavioral health
 893 and developmental disabilities, and community health, or their respective designees. The
 894 commissioner or his or her designee shall serve as chairperson. Designees appointed
 895 pursuant to this Code section by the commissioner of a department shall at a minimum be
 896 at the level of division director.

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

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

905 50-31-27.

906 (a) The department shall develop and conduct a three-year pilot program for the purpose
 907 of providing a tax credit to employers that provide a transit benefit program to potential
 908 employees in order to use transit to travel to or from work. In such pilot program, mobility
 909 zone managers shall work with employers in a mobility zone interested in providing transit
 910 as a means for recruitment of new employees. In consultation with interested employers
 911 and existing and potential transit providers, mobility zone managers shall develop a new
 912 employee tax credit proposal for the mobility zone. The department shall determine the
 913 form for submission and required contents for such proposals, which shall include, at a
 914 minimum:

915 (1) Each potential participating employer;

916 (2) A description of the type or types of transit to be provided by each employer;

917 (3) The number of new employees expected to be gained through the program; and

918 (4) The total projected cost of providing such transit.

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

924 (1) Transit access challenges to unemployed persons within the mobility zone or area to
 925 be served;

926 (2) Challenges to employers within the mobility zone in filling positions or retaining
 927 employees which can be attributed to transit access;

928 (3) The level of innovation proposed to address transit access challenges of the
 929 unemployed and employers;

930 (4) Capability of potential participating employers to participate in the pilot program for
 931 its duration;

932 (5) The relationship between the anticipated number of new employees expected to be
 933 added for an employer and the cost of the service to be provided;

934 (6) Expected economic impact on development within a mobility zone by offering
 935 proposed services, including expansion of existing employer operations and attraction of
 936 new employers;

937 (7) Ability of the mobility zone to attract employers and encourage private sector
 938 partnerships in delivering transit; and

939 (8) Other factors deemed appropriate by the division.

940 (c) Upon the award of a pilot program to a mobility zone, the employers listed in the
 941 proposal shall be eligible for a tax credit of \$100.00 per month per new employee hired and

942 enrolled in the program in accordance with Code Section 48-7-29.3. The maximum
 943 allowable tax credit authorized for this pilot program shall be \$1 million annually.
 944 (d) The proposal of a mobility zone awarded the pilot program may be amended by a
 945 mobility zone manager to add an employer upon approval of the division.
 946 (e) Quarterly for the duration of the pilot program, the mobility zone manager shall submit
 947 a detailed written report on the implementation and effectiveness of the pilot program to
 948 the division, which shall include the number of employee participants hired per employer
 949 due to the transit services provided and the costs of services provided.

950 Part 2

951 50-31-35.

952 As used in this part, the term:

953 (1) 'Council' means the mobility zone advisory council assigned to each mobility zone
 954 provided for by this part.

955 (2) 'Regional commission' means a commission established under Article 2 of Chapter
 956 8 of this title.

957 50-31-36.

958 (a) Mobility zones are hereby created and established for purposes of coordinated and
 959 comprehensive planning of transit with mobility zones. Mobility zones shall function as
 960 the regional planning entity for transit in each designated mobility zone of the state as such
 961 zones are set forth in subsection (b) of this Code section. Each mobility zone shall be
 962 designated, by name for all purposes, with such identifying words before the term 'mobility
 963 zone' as the department may choose and designate by official action.

964 (b) The territorial boundaries for the operation of the mobility zones shall be as follows:
 965 Zone 1 shall be made up of the counties of Bartow, Catoosa, Chattooga, Dade, Fannin,
 966 Floyd, Gilmer, Gordon, Haralson, Murray, Pickens, Polk, Walker, and Whitfield; Zone 2
 967 shall be made up of the counties of Banks, Barrow, Clarke, Dawson, Elbert, Franklin,
 968 Greene, Habersham, Hall, Hart, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton,
 969 Oconee, Oglethorpe, Rabun, Stephens, Towns, Union, Walton, and White; Zone 3 shall be
 970 made up of the counties of Burke, Columbia, Glascock, Hancock, Jefferson, Jenkins,
 971 Lincoln, McDuffie, Richmond, Taliaferro, Warren, Washington, and Wilkes; Zone 4 shall
 972 be made up of the counties of Butts, Carroll, Chattahoochee, Clay, Crisp, Dooly, Harris,
 973 Heard, Lamar, Macon, Marion, Meriwether, Muscogee, Pike, Quitman, Randolph, Schley,
 974 Spalding, Stewart, Sumter, Talbot, Taylor, Troup, Upson, and Webster; Zone 5 shall be
 975 made up of the counties of Appling, Baldwin, Bibb, Bleckley, Candler, Crawford, Dodge,

976 Emanuel, Evans, Houston, Jeff Davis, Johnson, Jones, Laurens, Monroe, Montgomery,
 977 Peach, Pulaski, Putnam, Tattall, Telfair, Toombs, Treutlen, Twiggs, Wayne, Wheeler,
 978 Wilcox, and Wilkinson; Zone 6 shall be made up of the counties of Bryan, Bulloch,
 979 Camden, Chatham, Effingham, Glynn, Liberty, Long, McIntosh, and Screven; Zone 7 shall
 980 be made up of the counties of Baker, Calhoun, Colquitt, Decatur, Dougherty, Early, Grady,
 981 Lee, Miller, Mitchell, Seminole, Terrell, Thomas, and Worth; Zone 8 shall be made up of
 982 the counties of Atkinson, Bacon, Ben Hill, Berrien, Brantley, Brooks, Charlton, Clinch,
 983 Coffee, Cook, Echols, Irwin, Lanier, Lowndes, Pierce, Tift, Turner, and Ware; and Zone
 984 9 shall be made up of the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas,
 985 Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale.

986 50-31-37.

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

991 (b)(1) Except as provided for in subsection (c) of this Code section, each council shall be
 992 made up of seven members appointed by the chairperson of the regional commission with
 993 territorial limits which coincide with the mobility zone. If a mobility zone encompasses
 994 the territorial limits of more than one regional commission, four members shall be
 995 appointed by the chairperson of the regional commission with the greatest total
 996 population, and three members shall be appointed by the chairperson of the other regional
 997 commission. Members of the council shall be selected from among the local elected
 998 officials which are members of the regional commission with territorial limits which
 999 coincide with the mobility zone and shall include the chief elected official from the most
 1000 populous county.

1001 (2) The term of a member shall terminate immediately upon:

1002 (A) Resignation by a member;

1003 (B) Death of a member or inability to serve as a member due to medical infirmity or
 1004 other incapacity; or

1005 (C) Any change in local elective office or residence of a member which would cause
 1006 such member to no longer comply with the requirements of membership to a regional
 1007 commission council as provided in Code Section 50-8-34.

1008 (3) Each member of a council shall have one vote. Establishment of a quorum for
 1009 purposes of the conduct of business shall be determined by the council's bylaws.

1010 (4) Each council shall elect from among its members a chairperson, vice chairperson, and
 1011 secretary or treasurer who shall serve for a term of two years and until their successors

1012 are elected and qualified. Such elections shall be held biennially at a meeting designated
 1013 for that purpose in the council's bylaws.

1014 (c) The council for Zone 9 shall be the board of directors for the Atlanta-region Transit
 1015 Link 'ATL' Authority and shall be governed in all respects by the provisions of Chapter 39
 1016 of this title.

1017 50-31-38.

1018 (a) In consultation with the metropolitan planning organization, as such term is defined in
 1019 Code Section 48-8-242, which jurisdiction is located wholly or partially within the
 1020 territorial limits of the mobility zone, the department shall develop, annually review, and
 1021 amend, as necessary, a regional transit plan. Such plan shall include, but not be limited to,
 1022 transit projects based upon a region-wide approach to the provision of transit services,
 1023 enhancement of connectivity throughout the territorial limits of the mobility zone,
 1024 cost-effective expansion of existing transit systems, the coordination of schedules and
 1025 methods of payment for transit service providers, the delivery of transit through
 1026 nontraditional methods or innovative technologies, and a coordinated approach to the
 1027 provision of services to segments of the general public defined by age, disability, or low
 1028 income. In developing such plan, the department may consider both macro level planning
 1029 in order to efficiently coordinate transit across jurisdictional lines as well as micro level
 1030 planning of services being delivered by local governments and transit service operators, in
 1031 order to ensure continuation of current services or routes.

1032 (b) The plan developed pursuant to this Code section shall include, at a minimum, a six
 1033 year and 20 year component which shall reflect the federal priorities set forth in 23 U.S.C.
 1034 Section 134(i)(2)(A)(ii) and 23 U.S.C. Section 134(j)(2)(A) and, upon approval by the
 1035 council, shall serve as the plans to be submitted for federal funding pursuant to such federal
 1036 requirements.

1037 (c) In addition to amendments made to the plan developed pursuant to this Code section
 1038 upon the initiative of the department based upon changing conditions and approval by the
 1039 council, the department may amend the plan upon request from a local governing authority
 1040 to include a certain project or assist with a specific transit need."

1041 **SECTION 3-2.**

1042 Code Section 32-5-27.1 of the Official Code of Georgia Annotated, relating to plan for
 1043 Department of Transportation resources and budgeting considerations, is amended as
 1044 follows:

1045 "32-5-27.1.

1046 (a) In addition to the requirements contained in Code Section 32-5-27, the department shall
 1047 annually prepare and submit to the General Assembly, for approval by the Senate
 1048 Transportation Committee and the House Committee on Transportation, a ten-year strategic
 1049 plan that outlines the use of department resources for the upcoming fiscal years.

1050 (b) The Senate Transportation Committee and the House Committee on Transportation
 1051 shall approve the plan ~~and may make recommendations~~ prior to the Senate Appropriations
 1052 Committee and the House Committee on Appropriations' ~~for their~~ consideration in
 1053 developing the budget for the department.

1054 (c) Such plan shall ~~identify at least the following categories and establish a target~~
 1055 ~~percentage of resources to be expended and the respective fund sources in each of~~ include
 1056 an accounting of the funds derived for the previous fiscal year from the fees collected
 1057 pursuant to Code Sections 40-2-151.1 and 48-13-50.3 and proposed uses of such funds if
 1058 appropriated. Such uses shall identify specific projects, with priority given to the following
 1059 areas:

1060 (1) Construction of new highway projects;

1061 (2) Maintenance of existing infrastructure;

1062 (3) Bridge repairs and replacement;

1063 (4) Safety enhancements; and

1064 (5) Administrative expenses.

1065 (d) Priority shall be given to expenditure of available resources for maintenance,
 1066 expansion, and improvement of highway infrastructure in the areas of this state most
 1067 impacted by traffic congestion and to areas of this state in need of highway infrastructure
 1068 to aid in attracting economic development to the area.

1069 (e) Such plan shall also bring forward all efficiencies found within the bureaucracy of the
 1070 department and how those funds have been redirected to road construction."

1071 **SECTION 3-3.**

1072 Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
 1073 imposition, rate, computation, and exemptions for income taxes, is amended by adding a new
 1074 Code section to read as follows:

1075 "48-7-29.3.

1076 (a) For a period beginning January 1, 2021, and ending December 31, 2023, a taxpayer
 1077 that is an approved participating employer in the pilot program established pursuant to
 1078 Code Section 50-31-27 shall be allowed a credit against the tax imposed by this chapter in
 1079 an amount equal to \$100.00 per month per new employee transit benefit provided.

- 1080 (b) The commissioner may require adequate supporting documentation showing that the
 1081 taxpayer provided a new employee with the qualifying transit benefit.
- 1082 (c) In no event shall the total amount of the tax credit under this Code section for a taxable
 1083 year exceed the taxpayer's income tax liability. Any unused tax credit shall be allowed the
 1084 taxpayer against succeeding years' tax liability. No such credit shall be allowed the
 1085 taxpayer against prior years' tax liability.
- 1086 (d) Any taxpayer claiming the tax credit provided for by this Code section shall be
 1087 required to reimburse the department for any department initiated audits relating to the tax
 1088 credit. This subsection shall not apply to routine tax audits of a taxpayer which may
 1089 include a review of the credit provided in this Code section.
- 1090 (e) The commissioner shall be authorized to promulgate any rules and regulations
 1091 necessary to implement and administer the provisions of this Code section."

1092 PART IV

1093 ABOLISHMENT OF THE GEORGIA REGIONAL
 1094 TRANSPORTATION AUTHORITY

1095 SECTION 4-1.

1096 Code Section 40-1-100, relating to definitions relative to the certification of motor carriers,
 1097 is amended by replacing "Georgia Regional Transportation Authority" with "Atlanta-region
 1098 Transit Link 'ATL' Authority" wherever the former occurs.

1099 SECTION 4-2.

1100 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 1101 in Code Section 50-23-4, relating to definitions relative to the Environmental Finance
 1102 Authority, by revising paragraph (12) as follows:

1103 "(12) 'Project' means:

1104 (A) The acquisition, construction, installation, modification, renovation, repair,
 1105 extension, renewal, replacement, or rehabilitation of land, interest in land, buildings,
 1106 structures, facilities, or other improvements and the acquisition, installation,
 1107 modification, renovation, repair, extension, renewal, replacement, rehabilitation, or
 1108 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature
 1109 whatsoever used on, in, or in connection with any such land, interest in land, building,
 1110 structure, facility, or other improvement, all for the essential public purpose of
 1111 providing environmental facilities and services so as to meet public health and
 1112 environmental standards, protect the state's valuable natural resources, or aid the

1113 development of trade, commerce, industry, agriculture, and employment opportunities,
 1114 including, but not limited to, any project as defined by Code Section 12-5-471; and
 1115 ~~(B) Projects authorized by the Georgia Regional Transportation Authority created by~~
 1116 ~~Chapter 32 of this title and as defined in such chapter, where such authority has been~~
 1117 ~~directed to issue revenue bonds, bonds, notes, or other obligations to finance such~~
 1118 ~~project or the cost of a project in whole or in part, provided that such authority's power~~
 1119 ~~with respect to such projects authorized by the Georgia Regional Transportation~~
 1120 ~~Authority shall be limited to providing such financing and related matters as authorized~~
 1121 ~~by the Georgia Regional Transportation Authority; and~~
 1122 ~~(C)~~ Projects authorized by the Atlanta-region Transit Link 'ATL' Authority created
 1123 pursuant to Chapter 39 of this title and as defined in such chapter, where such authority
 1124 has been directed to issue revenue bonds, bonds, notes, or other obligations to finance
 1125 such project or the cost of a project in whole or in part, provided that such authority's
 1126 power with respect to such projects authorized by the Atlanta-region Transit Link 'ATL'
 1127 Authority shall be limited to providing such financing and related matters as authorized
 1128 by the Atlanta-region Transit Link 'ATL' Authority."

1129 **SECTION 4-3.**

1130 Said title is further amended by repealing Chapter 32, relating to the Georgia Regional
 1131 Transportation Authority, in its entirety and designating such chapter as reserved.

1132 **SECTION 4-4.**

1133 Said title is further amended in Code Section 50-39-14, relating to approval of projects,
 1134 issuance of bonds or other financing issues of the Atlanta-region Transit Link "ATL"
 1135 Authority and subordination of Georgia Environmental Finance Authority, by revising
 1136 subsection (c) as follows:

1137 "(c) The Georgia Environmental Finance Authority shall be subordinate to the authority
 1138 in all respects, with respect to authority projects, within the geographic area over which the
 1139 authority has jurisdiction; and, in the event of any conflict with the provisions of Chapter
 1140 23 of this title, the provisions of this chapter shall prevail in all respects. It is expressly
 1141 provided, however, that nothing in this Code section and nothing in this chapter shall be
 1142 construed to permit in any manner the alteration, elimination, or impairment of any term,
 1143 provision, covenant, or obligation imposed on any state authority, including but not limited
 1144 to this authority, the Georgia Environmental Finance Authority, ~~the Georgia Regional~~
 1145 ~~Transportation Authority~~, or the Georgia Rail Passenger Authority, for the benefit of any
 1146 owner or holder of any bond, note, or other obligation of any such authority."

SECTION 4-6.

1180
1181 Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor,
1182 is amended by revising Code Section 45-12-203, relating to membership, chair, and meetings
1183 of the Governor's Development Council, as follows:

1184 "45-12-203.

1185 ~~(a) The members of the board of directors of the Georgia Regional Transportation~~
1186 ~~Authority provided by Code Section 50-32-4, upon their initial appointment and thereafter,~~
1187 ~~shall constitute the membership of the council. Membership on that authority or the council~~
1188 ~~shall not constitute an appointment to an office of honor or trust for purposes of subsection~~
1189 ~~(a) of Code Section 50-32-4. The council's board of directors shall consist of 15 members.~~

1190 All members of the board and their successors shall be appointed for terms of five years
1191 each, except that the initial terms for eight members of the board appointed in 2019 shall
1192 be three years each; and the particular beginning and ending dates of such terms shall be
1193 specified by the Governor. All members of the board shall be appointed by the Governor
1194 and shall serve until the appointment and qualification of a successor, the provisions of
1195 subsection (b) of Code Section 45-12-52 to the contrary notwithstanding, except as
1196 otherwise provided in this Code section. No person holding any other office created by or
1197 under the provisions of the Constitution of Georgia shall be appointed to membership;
1198 provided, however, that elected officials of county or local governments shall be eligible
1199 for such appointment.

1200 (b) The chair of the ~~Georgia Regional Transportation Authority~~ board of directors shall
1201 ~~serve as the chair of the council~~ be appointed and designated by the Governor.

1202 (c) The council shall hold meetings as often as the chair determines, but not more than 12
1203 days each year. The chair may call special meetings upon adequate written, personal,
1204 telephone, or facsimile notice to members of the council. A majority of the members of
1205 the council shall constitute a quorum for conducting business. No member may act through
1206 a proxy, designee, or delegate. The council may establish, from time to time, such
1207 additional rules and procedures as the council deems appropriate for conducting the
1208 council's business. These rules and procedures may be established in bylaws or in such
1209 other form as the council deems appropriate."

PART V

ATLANTA-REGION TRANSIT LINK "ATL" AUTHORITY

SECTION 5-1.

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

~~"(18) 'Transit' means regular, continuing shared-ride or shared-use surface transportation services that are made available by a public entity and are open to the general public or open to a segment of the general public defined by age, disability, or low income. Such term includes services or systems operated by or under contract with the state, a public agency or authority, a county or municipality, a community improvement district, or any other similar public entity of this state and all accompanying infrastructure and services necessary to provide access to these modes of transportation. Such term excludes charter or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal services, limousine carriers, ride share network services, transportation referral services, and taxi services not paid for by a public entity shall have the same meaning as provided for in Code Section 50-31-2."~~

SECTION 5-2.

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

"(a) There is created the Atlanta-region Transit Link 'ATL' Authority as a body corporate and politic, which shall be deemed an instrumentality of the State of Georgia and a public corporation thereof, for purposes of managing or causing to be managed transit and air quality within certain areas of this state; and by that name, style, and title such body may contract and be contracted with and bring and defend actions in all courts of this state. Such authority shall serve as the sole entity for coordination and planning and the dispersing of federal and state funding for transit within the jurisdiction of the authority. Such authority shall work with counties, municipalities, and operators of transit services within the jurisdiction of the authority and the Department of Mobility and Innovation to provide a consistent and integrated vision for transit through transparent decision making and execution. This Code section shall not be deemed to impair or interfere in any manner with any existing rights under a contract entered into prior to December 1, 2018, or any federal grants or agreements awarded or entered into prior to December 1, 2018. This Code section shall not be applicable to projects or services provided for under the terms of

1245 a contract entered into as of December 1, 2018, under the authority granted pursuant to a
 1246 local constitutional amendment set out at Ga. L. 1964, p. 1008, and the planning, funding,
 1247 coordination, and delivery of such projects or services shall be as provided for by such
 1248 contract or contracts."

1249 **SECTION 5-3.**

1250 Said chapter is further amended in Code Section 50-39-4, relating to membership, structure,
 1251 operation, appointment of executive director, and annual reporting of the authority, by
 1252 revising paragraph (1) of subsection (a) and subsections (b), (c), and (i) through (k) as
 1253 follows:

1254 "(a)(1) The board of directors of the authority shall consist of 16 members, ten of whom
 1255 shall be appointed from the authority districts described in paragraph (2) of this
 1256 subsection, five of whom shall be appointed as described in paragraph (3) of this
 1257 subsection, and the commissioner of transportation who shall serve ex officio and be a
 1258 nonvoting member. The members appointed from such authority districts shall be
 1259 appointed by a majority vote of a caucus of the members of the House of Representatives
 1260 and Senate whose respective districts ~~are~~ include any portion of such authority district,
 1261 the chairpersons of the county board of commissioners whose counties are located within
 1262 such authority districts, and one mayor from the municipalities located within such
 1263 authority districts who shall be chosen by a caucus of all mayors from the municipalities
 1264 located within such authority districts; provided that if any authority district is wholly or
 1265 partially located within the City of Atlanta, the mayor of the City of Atlanta shall be
 1266 entitled to his or her own vote in addition to the vote by the mayor outside the limits of
 1267 such city selected by the caucus of mayors to cast a vote. Each such appointee shall be
 1268 a resident of the authority district which he or she represents and possess significant
 1269 experience or expertise in a field that would be beneficial to the accomplishment of the
 1270 function and purpose of this chapter. No later than December 1, 2018, the respective
 1271 caucuses appointing board members from the authority districts shall meet and appoint
 1272 their respective board members of said board of directors. ~~Such meeting~~ Beginning in
 1273 2021, the respective caucuses appointing board members from the authority districts shall
 1274 meet during the regular session of the General Assembly immediately preceding the
 1275 expiration of the term of office of each member appointed by an authority district. All
 1276 such meetings shall be called by the chairperson of the ~~board of commissioners from the~~
 1277 ~~county with the largest population represented in the authority district~~ authority and be
 1278 held at the state capitol. Notice of such meeting shall be sent by e-mail to all appointing
 1279 members of any respective caucus at least seven calendar days prior and shall state the
 1280 time, place, and purpose for such meeting."

1281 "(b) All members of the board and their successors shall each be appointed for terms of
 1282 four years, except that those members appointed from even-numbered authority districts
 1283 shall serve an initial term that expires on April 15, 2023, and those members appointed
 1284 from odd-numbered authority districts shall each serve an initial term of two years that
 1285 expires on April 15, 2021. After such initial ~~two-year~~ term, that caucus which appointed
 1286 such member for such initial term shall appoint successors thereto for terms of office of
 1287 four years. All members of the board shall serve until the appointment and qualification
 1288 of a successor except as otherwise provided in this Code section. Other than the
 1289 commissioner of transportation, no person holding any other office of profit or trust under
 1290 the state shall serve upon the board. The chairperson of the board of directors shall be
 1291 appointed by the Governor and a vice chairperson shall be selected annually from among
 1292 the members by majority vote of those members present and voting.

1293 ~~(c) All successors shall be appointed in the same manner as original appointments.~~
 1294 Vacancies in office of members appointed pursuant to paragraph (3) of subsection (a) of
 1295 this Code section shall be filled in the same manner as original appointments. If a vacancy
 1296 in office of a member appointed by an authority district pursuant to paragraph (1) of
 1297 subsection (a) of this Code section occurs during any regular session of the General
 1298 Assembly, the election for such vacancy shall be held in the same manner as provided in
 1299 paragraph (1) of subsection (a) of this Code section. For all other vacancies in office of a
 1300 member appointed by an authority district, the remainder of the unexpired term shall be
 1301 filled by a member elected at a meeting called by the chairperson of the authority at a
 1302 location designated by such chairperson. Notice of such meeting shall be sent by e-mail
 1303 to all appointing members of any respective caucus at least seven calendar days prior and
 1304 shall state the time, place, and purpose for such meeting. A person appointed to fill a
 1305 vacancy shall serve for the unexpired term. No vacancy on the board shall impair the right
 1306 of the quorum of the remaining members then in office to exercise all rights and perform
 1307 all duties of the board."

1308 ~~"(i) The board may, in its discretion, appoint an executive director as the administrative~~
 1309 ~~head of the authority and shall set his or her salary. The executive director of the Georgia~~
 1310 ~~Regional Transportation Authority shall serve as a temporary director until the board is~~
 1311 ~~constituted and an executive director is appointed by such board.~~

1312 ~~(j) The authority is assigned to the Georgia Regional Transportation Authority Department~~
 1313 ~~of Mobility and Innovation for administrative purposes only. Such department shall be~~
 1314 ~~authorized to hire officers, agents, and employees, prescribe their duties and qualifications,~~
 1315 ~~and fix their compensation.~~

1316 ~~(k)(j) The authority shall annually submit a report of projects of regional and state~~
 1317 ~~significance from the regional transit plan to the commissioner of mobility and innovation,~~

1318 the Office of Planning and Budget, the Governor, the Lieutenant Governor, and the
 1319 Speaker of the House of Representatives for consideration by such parties for inclusion in
 1320 the bond package for the upcoming fiscal year budget. The required date of submission of
 1321 such report shall coincide with the required submission date of estimates of financial
 1322 requirements of a budget unit pursuant to Code Section 45-12-78."

1323 **SECTION 5-4.**

1324 Said chapter is further amended by revising Code Section 50-39-5, relating to continuation
 1325 of the development of the Atlanta region's Concept 3 transit proposal, as follows:

1326 "50-39-5.

1327 The Atlanta Regional Commission in conjunction with the authority and the director of
 1328 planning for the Department of Transportation and the Department of Mobility and
 1329 Innovation shall utilize federal and state planning funds to continue the development of the
 1330 Atlanta region's Concept 3 transit proposal, including assessment of potential economic
 1331 benefit to the region and the state, prioritization of corridors based on highest potential
 1332 economic benefit and lowest environmental impact, and completion of environmental
 1333 permitting."

1334 **SECTION 5-5.**

1335 Said chapter is further amended in Code Section 50-39-10, relating to uniform operation and
 1336 jurisdictional issues, by revising paragraph (2) of subsection (a) and paragraph (1) of
 1337 subsection (b) as follows:

1338 "(2)(A) The initial jurisdiction of the authority for purposes of this chapter shall
 1339 encompass the territory of every county which was designated by the United States
 1340 Environmental Protection Agency (USEPA) in the *Code of Federal Regulations* as of
 1341 December 31, 1998, as a county included in whole or in part within a nonattainment
 1342 area under the Clean Air Act and which the board designates, through resolution or
 1343 regulation, as a county having excess levels of ozone, carbon monoxide, or particulate
 1344 matter.

1345 (B) The jurisdiction of the authority for purposes of this chapter shall also encompass
 1346 the territory of every county designated by the USEPA in the *Code of Federal*
 1347 *Regulations* after December 31, 1998, as a county included in whole or in part within
 1348 a nonattainment area under the Clean Air Act and which the board designates, through
 1349 resolution or regulation, as a county having excess levels of ozone, carbon monoxide,
 1350 or particulate matter, provided that the jurisdictional area encompassed under this
 1351 subparagraph shall be contiguous with the jurisdictional area encompassed under
 1352 subparagraph (A) of this paragraph."

1353 "(b)(1) By December 1, 2018, the director of the Environmental Protection Division shall
 1354 report and certify to the authority those counties which were designated by the USEPA
 1355 as included in whole or in part within a nonattainment area pursuant to subsection (a) of
 1356 this Code section and, pursuant to criteria established by that division, counties which are
 1357 reasonably expected to become nonattainment areas under the Clean Air Act within ~~seven~~
 1358 three years from the date of such report and certification. Such report and certification
 1359 shall be updated ~~every six months~~ annually thereafter. Within the geographic territory
 1360 of any county so designated, the board shall provide, by resolution or regulation, that the
 1361 funding, planning, design, construction, contracting, leasing, and other related facilities
 1362 of the authority shall be made available to county and local governments for the purpose
 1363 of planning, designing, constructing, operating, and maintaining transit systems and
 1364 transit projects, air quality installations, and all facilities necessary and beneficial thereto,
 1365 and for the purpose of designing and implementing designated metropolitan planning
 1366 organizations' transit plans and transportation improvement programs and the authority's
 1367 regional transit plan, on such terms and conditions as may be agreed to between the
 1368 authority and such county or local governments."

1369 SECTION 5-6.

1370 Said chapter is further amended in Code Section 50-39-11, relating to general powers of the
 1371 authority, construction with provisions on coordination and comprehensive planning and
 1372 service delivery by counties and municipalities, by revising paragraphs (3), (7), (11), and
 1373 (29) of subsection (a) as follows:

1374 "(3) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and
 1375 maintain or cause to be operated and maintained transit systems and transit projects, and
 1376 all facilities and appurtenances necessary or beneficial thereto, within the geographic area
 1377 over which the authority has jurisdiction or which are included within a regional transit
 1378 plan or transportation improvement program and provide transit services within the
 1379 geographic jurisdiction of the authority, and to contract with any state, regional, or local
 1380 government, authority, or department, or with any private person, firm, or corporation,
 1381 for those purposes, and to enter into contracts and agreements with the Georgia
 1382 Department of Transportation, the Department of Mobility and Innovation, county and
 1383 local governments, and transit system operators for those purposes;"

1384 "~~(7) To appoint an executive director who shall be executive officer and administrative~~
 1385 ~~head of the authority. The executive director shall be appointed and serve at the pleasure~~
 1386 ~~of the board.~~ The executive director shall hire officers, agents, and employees, prescribe
 1387 their duties and qualifications and fix their compensation, and perform such other duties

1388 as may be prescribed by the authority. Such officers, agents, and employees shall serve
1389 at the pleasure of the executive director;"

1390 "(11) To issue guaranteed revenue bonds, revenue bonds, bonds, notes, or other
1391 obligations of the authority, to receive payments from the Department of ~~Community~~
1392 ~~Affairs~~ Mobility and Innovation, and to use the proceeds thereof for the ~~purpose~~ purposes
1393 of:

1394 (A) Paying or loaning the proceeds thereof to pay, all or any part of, the cost of any
1395 project or the principal of and premium, if any, and interest on the revenue bonds,
1396 bonds, notes, or other obligations of any local government issued for the purpose of
1397 paying in whole or in part the cost of any project and having a final maturity not
1398 exceeding three years from the date of original issuance thereof;

1399 (B) Paying all costs of the authority incidental to, or necessary and appropriate to,
1400 furthering or carrying out the purposes of the authority; and

1401 (C) Paying all costs of the authority incurred in connection with the issuance of the
1402 guaranteed revenue bonds, revenue bonds, bonds, notes, or other obligations;"

1403 "(29) To review and make recommendations to the Governor, Lieutenant Governor, and
1404 Speaker of the House of Representatives concerning all transit plans and transportation
1405 improvement programs prepared by the Department of ~~Transportation~~ Mobility and
1406 Innovation involving design, construction, or operation of transit facilities wholly or
1407 partly within the geographic area over which the authority has jurisdiction pursuant to
1408 this chapter, and to negotiate with that department concerning changes or amendments
1409 to such plans which may be recommended by the authority consistent with applicable
1410 federal law and regulation, and to adopt such plans as all or a portion of its own regional
1411 plans;"

1412 **SECTION 5-7.**

1413 Said chapter is further amended in Code Section 50-39-12, relating to development, review,
1414 and amendment of regional transit plan, coordination with federal priorities, and branding,
1415 by revising subsection (d) as follows:

1416 "(d)(1) Such plan shall further include the creation of a unified logo and brand to
1417 encompass all transit service providers within the jurisdiction of the authority which shall
1418 include the acronym 'ATL.' On and after January 1, 2023, all transit service providers
1419 within the jurisdiction of the authority shall utilize such logo and brand as a prominent
1420 feature upon any property used for the purpose of transit."

1421 **SECTION 5-8.**

1422 Said chapter is further amended in Code Section 50-39-13, relating to delegation of authority
 1423 by Governor, formulation of measurable targets, and annual reporting by the authority, by
 1424 revising subsection (b) as follows:

1425 "(b) The authority shall formulate measurable targets for air quality improvements and
 1426 standards within the geographic area over which the authority has jurisdiction pursuant to
 1427 this chapter, and annually shall report such targets to the Governor, Lieutenant Governor,
 1428 ~~and~~ Speaker of the House of Representatives, and commissioner of mobility and
 1429 innovation, together with an assessment of progress toward achieving such targets and
 1430 projected measures and timetables for achieving such targets. The authority shall formulate
 1431 an annual report and audit of all transit planning, funding, and operations within the
 1432 jurisdiction of the authority which shall be presented by December 1 of each year to the
 1433 Senate and House Transportation Committees and the local governing authorities of those
 1434 counties within the jurisdiction of the authority."

1435 **SECTION 5-9.**

1436 Said chapter is further amended in Code Section 50-39-15, relating to the Atlanta-region
 1437 Transit Link "ATL" Authority's power of eminent domain and limitations, by revising
 1438 subsection (a) as follows:

1439 "(a) After the adoption by the authority of a resolution declaring that the acquisition of the
 1440 real property described therein is necessary for the purposes of this chapter, the authority
 1441 may exercise the power of eminent domain in the manner provided in Title 22; or it may
 1442 exercise the power of eminent domain in the manner provided by any other applicable
 1443 statutory provisions for the exercise of such power; provided, however, that the provisions
 1444 of Article 7 of Chapter 16 of this title shall not be applicable to the exercise of the power
 1445 of eminent domain by the authority. Property already devoted to public use may be
 1446 acquired, except that no real property belonging to the state other than property acquired
 1447 by or for the purposes of the Department of Transportation or Department of Mobility and
 1448 Innovation may be acquired without the consent of the state."

1449 **SECTION 5-10.**

1450 Said chapter is further amended by revising Code Section 50-39-18, relating to record and
 1451 resource sharing between governmental entities, as follows:

1452 "50-39-18.

1453 (a) Upon request of the board of the authority, the Department of Transportation, the
 1454 Department of Mobility and Innovation, and the Department of Natural Resources shall
 1455 provide to the authority and its authorized personnel and agents access to all books,

1456 records, and other information resources available to those departments which are not of
 1457 a commercial proprietary nature and shall assist the authority in identifying and locating
 1458 such information resources. Reimbursement for costs of identification, location, transfer,
 1459 or reproduction of such information resources, including personnel costs incurred by the
 1460 respective departments for such purposes, shall be made by the authority to those
 1461 respective departments.

1462 (b) The authority may request from time to time, and the Department of Transportation,
 1463 the Department of Mobility and Innovation, and the Department of Natural Resources shall
 1464 provide as permissible under the Constitution and laws of this state, the assistance of
 1465 personnel and the use of facilities, vehicles, aircraft, and equipment of those departments,
 1466 and reimbursement for all costs and salaries thereby incurred by the respective departments
 1467 shall be made by the authority to those respective departments."

1468 PART VI

1469 METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY

1470 (MARTA)

1471 SECTION 6-1.

1472 Article 2 of Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to the
 1473 Metropolitan Atlanta Rapid Transit Authority, is amended in Code Section 32-9-21, relating
 1474 to creation of Cobb County Special District for Transit, by revising subsections (e) and (g)
 1475 as follows:

1476 "(e) The committee shall provide to the board of commissioners of Cobb County the
 1477 recommended map for the special district, which was approved by majority vote of the
 1478 committee, and a proposed rapid transit contract, no later than December 1, ~~2019~~ 2021."

1479 "(g) The committee shall stand abolished and this Code section shall stand repealed by
 1480 operation of law on December 1, ~~2019~~ 2021."

1481 SECTION 6-2.

1482 Said article is further amended in Code Section 32-9-22, relating to rapid transit contract with
 1483 Cobb County on behalf of the Cobb County Special District for Transit, by revising
 1484 subsection (h) as follows:

1485 "(h) In the event a rapid transit contract has not been entered into on behalf of the Cobb
 1486 County Special District for Transit or the referendum required by this Code section fails
 1487 to receive the requisite majority vote for approval prior to December 1, ~~2019~~ 2021, this
 1488 Code section shall stand repealed by operation of law on such date."

1489 **SECTION 6-3.**

1490 Said article is further amended in Code Section 32-9-23, relating to retail sales and use tax
1491 in Gwinnett and Cobb counties and rate, proceeds, and utilization of such tax, by revising
1492 paragraph (2) of subsection (b) as follows:

1493 "(2) In the event a rapid transit contract has not been entered into on behalf of the Cobb
1494 County Special District for Transit or the referendum required by Code Section 32-9-22
1495 fails to receive the requisite majority vote for approval prior to December 1, ~~2019~~ 2021,
1496 this subsection shall stand repealed and reserved by operation of law on such date."

1497 **PART VII**

1498 **STATE ROAD AND TOLLWAY AUTHORITY**

1499 **SECTION 7-1.**

1500 Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to the
1501 State Road and Tollway Authority, is amended by revising Code Section 32-10-60, relating
1502 to definitions, as follows:

1503 "~~32-10-60~~ 50-41-1.

1504 As used in this ~~article~~ chapter, the term:

1505 (1) 'Approach' means that distance on either end of a bridge as shall be required to
1506 develop the maximum traffic capacity of a bridge, including but not limited to necessary
1507 rights of way, grading, paving, minor drainage structures, and such other construction
1508 necessary to the approach.

1509 (2) 'Authority' means the State Tollway Authority created by the 'State Tollway
1510 Authority Act,' Ga. L. 1953, Jan.-Feb. Sess., p. 302, as amended particularly by Ga. L.
1511 1972, p. 179, and on and after April 30, 2001, also means the State Road and Tollway
1512 Authority.

1513 (3) 'Bridge' means a structure, including the approaches thereto, erected in order to afford
1514 unrestricted vehicular passage over any obstruction in any public road, including but not
1515 limited to rivers, streams, ponds, lakes, bays, ravines, gullies, railroads, public highways,
1516 and canals.

1517 (4) 'Construction' means the planning, location, surveying, designing, supervising,
1518 inspecting, and actual building of a new road; or the paving, striping, restriping,
1519 modifying for safety purposes, grading, widening, relocation, reconstruction, or other
1520 major improvement of a substantial portion of an existing public road together with all
1521 activities incident to any of the foregoing.

1522 (5) 'Cost of project' means the cost of construction, including relocation or adjustments
1523 of utilities; the cost of all lands, properties, rights, easements, and franchises acquired;

1524 relocation expenses; the cost of all machinery and equipment necessary for the operation
 1525 of the project; financing charges; interest prior to and during construction and for such
 1526 a period of time after completion of construction as shall be deemed necessary to allow
 1527 the earnings of the project to become sufficient to meet the requirements of the bond
 1528 issue; the cost of engineering, legal expenses, plans and specifications, and other
 1529 expenses necessary or incident to determining the feasibility or practicability of the
 1530 project; administrative expenses; and such other expenses as may be necessary or incident
 1531 to the financing authorized in this ~~article~~ chapter, the construction of any project, and the
 1532 placing of the same in operation. Any obligation or expense incurred for any of the
 1533 foregoing purposes shall be regarded as a part of the cost of the project and may be paid
 1534 or reimbursed as such out of the proceeds of revenue bonds issued for such project under
 1535 this ~~article~~ chapter.

1536 (6) 'County' means either one of the several counties, any division, department, agency,
 1537 authority, instrumentality, or branch thereof, or the county governing authority, that is,
 1538 the judge of the probate court, board of county commissioners, county commissioner, or
 1539 other county officers in charge of the roads, bridges, and revenues of the county.

1540 (7) 'Department' means the Department of Mobility and Innovation.

1541 (8) 'Let' means to award a contract to one of several persons who have submitted
 1542 competitive bids or competitive proposals therefor in response to advertisement. The
 1543 determination to solicit bids or requests for competitive proposals or other forms of
 1544 solicitations shall be allowed as determined by the commissioner to be most
 1545 advantageous to the department or its attached authorities.

1546 (9) 'Maintenance' means the preservation of a public road, including repairs and
 1547 resurfacing not amounting to construction as defined in this Code section.

1548 (10) 'Motor vehicle' or 'vehicle' shall have the same meaning as set forth in Code
 1549 Section 40-1-1.

1550 (11) 'Municipality' means an incorporated city, the governing body of which holds at
 1551 least six regular meetings each year and which for a period of one year has levied and
 1552 collected an ad valorem tax on the real property in such city or has for a one-year period
 1553 performed at least two of the following municipal activities and services:

1554 (A) Furnished water service;

1555 (B) Furnished sewage service;

1556 (C) Furnished garbage collection;

1557 (D) Furnished police protection;

1558 (E) Furnished fire protection;

1559 (F) Assessed and collected business licenses;

1560 (G) Furnished street lighting facilities.

1561 The term may also refer to any division, department, agency, authority, instrumentality,
 1562 or branch of a municipality. Where the context requires or otherwise indicates, the term
 1563 'municipality' may also mean the municipal governing authority, that is, the mayor and
 1564 council, board of aldermen, board of commissioners, or other chief legislative body of a
 1565 municipality.

1566 (12) 'Person' means any individual, partnership, corporation, association, or private
 1567 organization of any character.

1568 ~~(5)~~(13) 'Project' means land public transportation systems, including: (A) one or more
 1569 roads or bridges or a system of roads, bridges, and tunnels or improvements thereto
 1570 included on an approved state-wide transportation improvement program on the
 1571 Developmental Highway System as set forth in Code Section 32-4-22, as now or
 1572 hereafter amended, or a comprehensive transportation plan pursuant to Code
 1573 Section 32-2-3 or which are toll access roads, bridges, or tunnels, with access limited or
 1574 unlimited as determined by the authority, and such buildings, structures, parking areas,
 1575 appurtenances, and facilities related thereto, including but not limited to approaches,
 1576 cross streets, roads, bridges, tunnels, and avenues of access for such system; (B) any
 1577 program for mass transportation or mass transportation facilities as approved by the
 1578 authority and the department and such buildings, structures, parking areas, appurtenances,
 1579 and facilities related thereto, including, but not limited to, approaches, cross streets,
 1580 roads, bridges, tunnels, and avenues of access for such facilities; and (C) any project
 1581 undertaken pursuant to a public-private initiative as authorized pursuant to Code
 1582 Section 32-2-78.

1583 (14) 'Public road' means a highway, road, street, avenue, toll road, tollway, drive, detour,
 1584 or other way that either is open to the public or has been acquired as right of way, and is
 1585 intended to be used for enjoyment by the public and for the passage of vehicles in any
 1586 county or municipality of Georgia, including but not limited to the following public
 1587 rights, structures, sidewalks, facilities, and appurtenances incidental to the construction,
 1588 maintenance, and enjoyment of such rights of way:

1589 (A) Surface, shoulders, and sides;

1590 (B) Bridges;

1591 (C) Causeways;

1592 (D) Viaducts;

1593 (E) Ferries;

1594 (F) Overpasses;

1595 (G) Underpasses;

1596 (H) Railroad grade crossings;

1597 (I) Tunnels;

- 1598 (J) Signs, signals, markings, or other traffic control devices;
- 1599 (K) Buildings for public equipment and personnel used for or engaged in
 1600 administration, construction, or maintenance of such ways or research pertaining
 1601 thereto;
- 1602 (L) Wayside parks;
- 1603 (M) Parking facilities;
- 1604 (N) Drainage ditches;
- 1605 (O) Canals and culverts;
- 1606 (P) Rest areas;
- 1607 (Q) Truck-weighing stations or check points; and
- 1608 (R) Scenic easements and easements of light, air, view, and access.
- 1609 ~~(6)~~(15) 'Relocation expenses' means all necessary relocation expenses, replacement
 1610 housing expenses, relocation advisory services, expenses incident to the transfer of real
 1611 property, and litigation expenses of any individual, family, business, farm operation, or
 1612 nonprofit organization displaced by authority projects to the extent authorized by the
 1613 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as
 1614 amended by the Uniform Relocation Act Amendments of 1987, Title IV of Public Law
 1615 100-17.
- 1616 ~~(6.1)~~(16) 'Revenue' or 'revenues' shall mean any and all moneys received from:
- 1617 (A) The collection of tolls authorized by Code Sections ~~32-10-64 and 32-10-65~~
 1618 50-41-6 and 50-41-7, any federal highway funds and reimbursements, any other federal
 1619 highway assistance received from time to time by the authority, any other moneys of
 1620 the authority pledged for such purpose, any other moneys received by the authority
 1621 pursuant to the Georgia Transportation Infrastructure Bank, and any moneys received
 1622 pursuant to a public-private initiative as authorized pursuant to Code Section 32-2-78;
 1623 and
- 1624 (B) Any federal highway transit funds and reimbursements and any other federal
 1625 highway transit assistance received from time to time by the authority. This
 1626 subparagraph shall stand repealed by operation of law on July 1, 2021.
- 1627 ~~(7)~~(17) 'Revenue bonds,' 'revenue bond,' 'bonds,' or 'bond' means any bonds, notes,
 1628 interim certificates, reimbursement anticipation notes, or other evidences of indebtedness
 1629 of the authority authorized by ~~Part Article~~ Article 2 of this ~~article~~ chapter, including without
 1630 limitation obligations issued to refund any of the foregoing.
- 1631 (18) 'Right of way' means, generally, property or any interest therein, whether or not in
 1632 the form of a strip, which is acquired for or devoted to a public road.
- 1633 ~~(8)~~(19) 'Self-liquidating' means that, in the judgment of the authority, the revenues and
 1634 earnings to be derived by the authority from any project or combination of projects or

1635 from any other revenues available to the authority, together with any maintenance, repair,
 1636 operational services, funds, rights of way, engineering services, and any other in-kind
 1637 services to be received by the authority from appropriations of the General Assembly, the
 1638 department, other state agencies or authorities, the United States government, or any
 1639 county or municipality or from disbursements from any person, firm, corporation, limited
 1640 liability company, or other type of entity shall be sufficient to provide for the
 1641 maintenance, repair, and operation and to pay the principal and interest of revenue bonds
 1642 which may be issued for the cost of such project, projects, or combination of projects.

1643 (20) 'State agency' means any division, department, instrumentality, branch, or other
 1644 body of the state to which state governmental functions have been delegated.

1645 (21) 'Underpass' means a bridge, including the approaches thereto and all appurtenances
 1646 thereof, which provides access for a public road underneath a railroad or another public
 1647 road or for a pedestrian walkway underneath a public road.

1648 ~~(9)~~(22) 'Utility' means any publicly, privately, or cooperatively owned line, facility, or
 1649 system for producing, transmitting, transporting, or distributing communications, power,
 1650 electricity, light, heat, gas, oil products, passengers, water, steam, clay, waste, storm
 1651 water not connected with highway drainage, and other similar services and commodities,
 1652 including publicly owned fire and police, and traffic signals and street lighting systems,
 1653 which directly or indirectly serve the public. This term also means a person, municipal
 1654 corporation, county, state agency, or public authority which owns or manages a utility as
 1655 defined in this paragraph."

1656 **SECTION 7-2.**

1657 Said article is further amended by revising Code Section 32-10-61, relating to continuation
 1658 of State Tollway Authority as State Road and Tollway Authority, as follows:

1659 "~~32-10-61~~ 50-41-2.

1660 The State Tollway Authority shall continue to be a body corporate and politic and an
 1661 instrumentality and public corporation of the state known as the 'State Road and Tollway
 1662 Authority.' It shall have perpetual existence. In said name it may contract and be
 1663 contracted with, sue and be sued, implead and be impleaded, and complain and defend in
 1664 all courts of this state, subject to the limitations of Code Section ~~32-10-110~~ 50-41-51."

1665 **SECTION 7-3.**

1666 Said article is further amended by revising Code Section 32-10-62, relating to membership,
 1667 compensation, officers, bylaws, quorum, and record of proceedings by the authority, as
 1668 follows:

1669 ~~"32-10-62~~ 50-41-3.

1670 (a) The members of the authority shall be ex officio the Governor, the commissioner of
 1671 transportation, the director of the Office of Planning and Budget, one member to be
 1672 appointed by the Lieutenant Governor and to serve during the term of office of the
 1673 Lieutenant Governor and until a successor is duly appointed and qualified, and one member
 1674 to be appointed by the Speaker of the House of Representatives and to serve during the
 1675 term of office of the Speaker of the House of Representatives and until a successor is duly
 1676 appointed and qualified; and membership shall be a separate and distinct duty for which
 1677 they shall receive no additional compensation. All members of the authority shall be
 1678 entitled to all actual expenses necessarily incurred while in the performance of duties on
 1679 behalf of the authority. The authority shall elect one of its members as ~~chairman~~
 1680 chairperson. It shall also elect a secretary and a treasurer, who need not necessarily be
 1681 members of the authority. The authority may make such bylaws for its government as is
 1682 deemed necessary but it is under no duty to do so. A majority of the members of the
 1683 authority shall constitute a quorum necessary for the transaction of business, and a majority
 1684 vote of those present at any meeting at which there is a quorum shall be sufficient to do and
 1685 perform any action permitted to the authority by this ~~article~~ chapter.

1686 (b) No vacancy on the authority shall impair the right of the quorum to transact any and
 1687 all business as stated in this Code section. Members of the authority shall be accountable
 1688 as trustees. They shall cause to be kept adequate books and records of all transactions of
 1689 the authority, including books of income and disbursements of every nature. The books
 1690 and records shall be inspected and audited by the state auditor at least once a year."

1691 **SECTION 7-4.**

1692 Said article is further amended by revising Code Section 32-10-63, relating to powers of the
 1693 authority, as follows:

1694 ~~"32-10-63~~ 50-41-4.

1695 The authority shall have, in addition to any other powers conferred in this ~~article~~ chapter,
 1696 the following powers:

- 1697 (1) To have a seal and alter the same at its pleasure;
- 1698 (2) To acquire by purchase, lease, exchange, or otherwise and to hold, lease, and dispose
 1699 of real and personal property of every kind and character for its corporate purposes;
- 1700 (3) To appoint such additional officers, who need not be members of the authority, as the
 1701 authority deems advisable and to employ such experts, employees, and agents as may be
 1702 necessary, in its judgment, to carry on properly the business of the authority; to fix their
 1703 compensation; and to promote and discharge same;

1704 (4) To acquire in its own name by purchase, on such terms and conditions and in such
 1705 manner as it may deem proper, or by condemnation in accordance with any and all
 1706 existing laws applicable to the condemnation of property for public use, including but not
 1707 limited to those procedures in Article 1 of Chapter 3 of ~~this title~~ Title 32, real property
 1708 or rights or easements therein or franchises necessary or convenient for its corporate
 1709 purposes; and to use the same so long as its corporate existence shall continue and to
 1710 lease or make contracts with respect to the use of or to dispose of the same in any manner
 1711 it deems to the best advantage of the authority, the authority being under no obligation
 1712 to accept and pay for any property condemned under this ~~article~~ chapter except from the
 1713 funds provided under the authority of this ~~article~~ chapter; and, in any proceedings to
 1714 condemn, such order may be made by the court having jurisdiction of the action or
 1715 proceedings as may be just to the authority and to the owners of the property to be
 1716 condemned; and no property shall be acquired under this ~~article~~ chapter upon which any
 1717 lien or other encumbrance exists unless at the time such property is so acquired a
 1718 sufficient sum of money be deposited in trust to pay and redeem such lien or
 1719 encumbrance in full;

1720 (5) To make such contracts, leases, or conveyances as the legitimate and necessary
 1721 purposes of this ~~article~~ chapter shall require, including but not limited to contracts for
 1722 construction or maintenance of projects, provided that the authority shall consider the
 1723 possible economic, social, and environmental effects of each project, and the authority
 1724 shall assure that possible adverse economic, social, and environmental effects relating to
 1725 any proposed project have been fully considered in developing such project and that the
 1726 final decision on the project is made in the best overall public interest, taking into
 1727 consideration the need for fast, safe, and efficient transportation, public services, and the
 1728 cost of eliminating or minimizing adverse economic, social, and environmental effects.
 1729 Furthermore, in order to assure that adequate consideration is given to economic, social,
 1730 and environmental effects of any tollway project under consideration, the authority shall:

1731 (A) Follow the processes required for federal-aid highway projects, as determined by
 1732 the National Environmental Policy Act of 1969, as amended, except that final approval
 1733 of the adequacy of such consideration shall rest with the Governor, as provided in
 1734 subparagraph (C) of this paragraph, acting as the chief executive of the state, upon
 1735 recommendation of the commissioner, ~~acting as chief administrative officer of the~~
 1736 ~~Department of Transportation~~ of transportation;

1737 (B) In the location and design of any project, avoid the taking of or disruption of
 1738 existing public parkland or public recreation areas unless there are no prudent or
 1739 feasible project location alternates. The determination of prudence and feasibility shall

1740 be the responsibility of the authority as part of the consideration of the overall public
 1741 interest;

1742 (C) Not approve and proceed with acquisition of rights of way and construction of a
 1743 project until: (i) there has been held, or there has been offered an opportunity to hold,
 1744 a public hearing or public hearings on such project in compliance with requirements of
 1745 the Federal-aid Highway Act of 1970, as amended, except that neither acquisition of
 1746 right of way nor construction shall be required to cease on any federal-aid project which
 1747 has received federal approval pursuant to the National Environmental Policy Act of
 1748 1969, as amended, and is subsequently determined to be eligible for construction as an
 1749 authority project utilizing, in whole or in part, a mix of federal funds and authority
 1750 funds; and (ii) the adequacy of environmental considerations has been approved by the
 1751 Governor, for which said approval of the environmental considerations may come in
 1752 the form of the Governor's acceptance of a federally approved environmental document;
 1753 and

1754 (D) Let by public competitive bid upon plans and specifications approved by the chief
 1755 engineer of the Department of Transportation or his or her successors all contracts for
 1756 the construction of projects, except as otherwise provided for projects authorized under
 1757 any provisions of Code Sections 32-2-78 through 32-2-81 or projects authorized under
 1758 any provisions of Chapter 31 of this title;

1759 (6) To construct, erect, acquire, own, repair, maintain, add to, extend, improve, operate,
 1760 and manage projects, as defined in ~~paragraph (5) of Code Section 32-10-60~~ 50-41-1, the
 1761 cost of any such project to be paid in whole or in part from the proceeds of revenue bonds
 1762 of the authority, from other funds available to the authority, or from any combination of
 1763 such sources;

1764 (7)(A) To accept and administer any federal highway funds and any other federal
 1765 highway assistance received from time to time for the State of Georgia and to accept,
 1766 with the approval of the Governor, loans and grants, either or both, of money or
 1767 materials or property of any kind from the United States government or the State of
 1768 Georgia or any political subdivision, authority, agency, or instrumentality of either of
 1769 them, upon such terms and conditions as the United States government or the State of
 1770 Georgia or such political subdivision, authority, agency, or instrumentality of either of
 1771 them shall impose;

1772 (B) To accept and administer any federal transit funds and any other federal transit
 1773 assistance received from time to time for the State of Georgia. This subparagraph shall
 1774 stand repealed by operation of law on July 1, 2021;

- 1775 (8)(A) To borrow money for any of its corporate purposes, to issue negotiable revenue
1776 bonds payable from revenues of such projects, and to provide for the payment of the
1777 same and for the rights of the holders thereof; and
- 1778 (B) To enter into credit enhancement or liquidity agreements with any person, firm,
1779 corporation, limited liability company, or other type of entity for the planning, design,
1780 construction, acquisition of land for, financing, refinancing, operating, maintaining, or
1781 carrying out of any project. Such credit enhancement or liquidity agreements may be
1782 secured by the authority's loan agreements, deeds to secure debt, security agreements,
1783 contracts, or other instruments or funds derived from tolls, fees, or other charges, upon
1784 such terms and conditions as the authority shall determine reasonable, including
1785 provision for the establishment and maintenance of reserves and insurance funds,
1786 provided that the obligation of the authority under any such agreements shall not be
1787 general obligation of the authority, but shall be a limited obligation of the authority
1788 payable from a specific source of funds identified for such purpose. Any such
1789 agreements may further include provisions for guaranty, insurance, construction, use,
1790 operation, maintenance, and financing of a project as the authority may deem necessary
1791 or desirable;
- 1792 (9) To exercise any power usually possessed by private corporations performing similar
1793 functions, which power is not in conflict with the Constitution and laws of Georgia;
- 1794 (10) To covenant with bondholders for the preparation of annual budgets for each project
1795 and for approval thereof by engineers or other representatives designated by the
1796 bondholders of each project, as may be provided for in any bond issue resolutions or trust
1797 indentures, and to covenant for the employment of experts or traffic engineers;
- 1798 (11) To lease its property to the United States government, the State of Georgia, or its
1799 political subdivisions, including any agency, authority, or instrumentality of the foregoing
1800 governments or political subdivisions, as well as to persons, public or private, for the
1801 construction or operation of facilities of benefit to the general public;
- 1802 (12) By or through its authorized agents or employees, to enter upon any lands, waters,
1803 and premises in the state for the purpose of making surveys, soundings, drillings, and
1804 examinations as the authority may deem necessary or convenient for the purposes of this
1805 ~~article~~ chapter; and such entry shall not be deemed a trespass. The authority shall,
1806 however, make reimbursement for any actual damages resulting from such activities;
- 1807 (13) To make reasonable regulations for the installation, construction, maintenance,
1808 repairs, renewal, and relocation of pipes, mains, conduits, cables, wires, towers, poles,
1809 and other equipment and appliances of any public utility in, on, along, over, or under any
1810 project;

1811 (14)(A) To pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any
 1812 property of the authority, including but not limited to real property, fixtures, personal
 1813 property, intangible property, revenues, income, charges, fees, or other funds and to
 1814 execute any lease, trust indenture, trust agreement, resolution, agreement for the sale
 1815 of the authority's bonds, loan agreement, mortgage, deed to secure debt, trust deed,
 1816 security agreement, assignment, or other agreement or instrument as may be necessary
 1817 or desirable, in the judgment of the authority, to secure such bonds; and
 1818 (B) To acquire, accept, or retain equitable interests, security interests, or other interests
 1819 in any property, real or personal, by deed to secure debt, assignment, security
 1820 agreement, pledge, conveyance, contract, lien, loan agreement, or other consensual
 1821 transfer, with any such instrument terminating when the bonds for the project are
 1822 retired, in order to secure repayment under a credit enhancement or liquidity agreement
 1823 and taking into consideration the public benefit to be derived from such transfer; and
 1824 (15) To do all things necessary or convenient to carry out the powers expressly given in
 1825 this ~~article~~ chapter."

1826 SECTION 7-5.

1827 Said article is further amended by revising Code Section 32-10-64, relating to general toll
 1828 powers, police powers, and rules and regulations, as follows:

1829 "~~32-10-64~~ 50-41-6.

1830 (a)(1) For the purpose of earning sufficient revenue to make possible, in conjunction
 1831 with other funds available to the authority, the financing of the construction or acquisition
 1832 of projects of the authority with revenue bonds, the authority is authorized and
 1833 empowered to collect tolls on each and every project which it, ~~the department,~~ the
 1834 Department of Transportation, or local governing authority shall cause to be constructed.
 1835 It is found, determined, and declared that the necessities of revenue bond financing are
 1836 such that the authority's toll earnings on each project or projects, in conjunction with
 1837 other funds available to the authority, must exceed the actual maintenance, repair, and
 1838 normal reserve requirements of such projects, together with monthly or yearly sums
 1839 needed for the sinking fund payments upon the principal and interest obligations of
 1840 financing such project or projects; however, within the framework of these legitimate
 1841 necessities of the authority and subject to all bond resolutions, trust indentures, and all
 1842 other contractual obligations of the authority, the authority is charged with the duty of the
 1843 operation of all projects in the aggregate at the most reasonable possible level of toll
 1844 charges; and, furthermore, the authority is charged with the responsibility of a reasonable
 1845 and equitable adjustment of such toll charges as between the various classes of users of

1846 any given project in which the repayment of financing is the primary or exclusive purpose
1847 for the exercise of the toll power of the authority.

1848 (2) For the purpose of managing the flow of traffic, the authority is authorized and
1849 empowered to collect tolls on each and every project which it, ~~the department,~~ the
1850 Department of Transportation, or local governing authority shall cause to be constructed
1851 in which managing the flow of traffic is the primary or exclusive purpose. It is found,
1852 determined, and declared that the necessities of managing the flow of traffic are such that
1853 the authority is charged with the responsibility of taking into consideration value pricing
1854 and lane management as those terms are described in subsection (d) of Code
1855 Section 40-6-54 in determining toll charges on such projects.

1856 (b) In the exercise of the authority's toll powers, the authority is authorized to exercise so
1857 much of the police powers of the state as shall be necessary to maintain the peace and
1858 accomplish the orderly handling of the traffic and the collection of tolls on all projects
1859 operated by the authority; and the authority shall prescribe such rules and regulations for
1860 the method of taking tolls and the employment and conduct of toll takers and other
1861 operating employees as the authority, in its discretion, may deem necessary.

1862 (c)(1) No motor vehicle shall be driven or towed through a toll collection facility, where
1863 appropriate signs have been erected to notify traffic that it is subject to the payment of
1864 tolls beyond such sign, without payment of the proper toll. In the event of nonpayment
1865 of the proper toll, as evidenced by video or electronic recording, the registered owner of
1866 such vehicle shall be liable to make prompt payment to the authority of the proper toll
1867 and an administrative fee of up to \$25.00 per violation to recover the cost of collecting
1868 the toll. The authority or its authorized agent shall provide notice to the registered owner
1869 of a vehicle, and a reasonable time to respond to such notice, of the authority's finding
1870 of a violation of this subsection. The authority or its authorized agent may provide
1871 subsequent notices to the registered owner of a vehicle if such owner fails to respond to
1872 the initial notice. The administrative fee may increase with each notice, provided that
1873 such fee shall not exceed a cumulative total of \$25.00 per violation. Upon failure of the
1874 registered owner of a vehicle to pay the proper toll and administrative fee to the authority
1875 after notice thereof and within the time designated in such notice, the authority may
1876 proceed to seek collection of the proper toll and the administrative fee as debts owing to
1877 the authority, in such manner as the authority deems appropriate and as permitted under
1878 law. If the authority finds multiple failures by a registered owner of a vehicle to pay the
1879 proper toll and administrative fee after notice thereof and within the time designated in
1880 such notices, the authority may refer the matter to the Office of State Administrative
1881 Hearings. The scope of any hearing held by the Office of State Administrative Hearings
1882 shall be limited to consideration of evidence relevant to a determination of whether the

1883 registered owner has failed to pay, after notice thereof and within the time designated in
1884 such notice, the proper toll and administrative fee. The only affirmative defense that may
1885 be presented by the registered owner of a vehicle at such a hearing is theft of the vehicle,
1886 as evidenced by presentation at the hearing of a copy of a police report showing that the
1887 vehicle has been reported to the police as stolen prior to the time of the alleged violation.
1888 A determination by the Office of State Administrative Hearings of multiple failures to
1889 pay by a registered owner of a vehicle shall subject such registered owner to imposition
1890 of, in addition to any unpaid tolls and administrative fees, a civil monetary penalty
1891 payable to the authority of not more than \$70.00 per violation. Upon failure by a
1892 registered owner to pay to the authority, within 30 days of the date of notice thereof, the
1893 amount determined by the Office of State Administrative Hearings as due and payable
1894 for multiple violations of this subsection, the motor vehicle registration of such registered
1895 owner shall be immediately suspended by operation of law. The authority shall give
1896 notice to the Department of Revenue of such suspension. Such suspension shall continue
1897 until the proper toll, administrative fee, and civil monetary penalty as have been
1898 determined by the Office of State Administrative Hearings are paid to the authority. The
1899 authority may seek to collect the debt owed through setoff by the Department of Revenue
1900 under procedures set forth in Article 7 of Chapter 7 of Title 48. Actions taken by the
1901 authority under this subsection shall be made in accordance with policies and procedures
1902 approved by the members of the authority.

1903 (2) The registered owner of a vehicle which is observed being driven or towed through
1904 a toll collection facility without payment of the proper toll may avoid liability under this
1905 subsection by presenting to the authority a copy of a police report showing that the
1906 vehicle had been reported to the police as stolen prior to the time of the alleged violation.

1907 (3) For purposes of this subsection, for any vehicle which is registered to an entity other
1908 than a natural person, the term 'registered owner' shall be deemed to refer to the natural
1909 person who is the operator of such motor vehicle at the time of the violation of this
1910 subsection, but only if the entity to which the vehicle is registered has supplied to the
1911 authority, within 60 days following notice from the authority or its authorized agent,
1912 information in the possession of such entity which is sufficient to identify and give notice
1913 to the natural person who was the operator of the motor vehicle at the time of the
1914 violation of this subsection.

1915 (d) Any person who shall use or attempt to use any currency or coins other than legal
1916 tender of the United States of America or tokens issued by the authority or who shall use
1917 or attempt to use any electronic device or equipment not authorized by the authority in lieu
1918 of or to avoid payment of a toll shall be guilty of a misdemeanor.

1919 (e) Any person, except an authorized agent or employee of the authority, who removes any
 1920 coin from the pavement or ground surface within 15 feet of a toll collection booth or toll
 1921 collection machine, except to retrieve coins the person dropped while attempting payment
 1922 of that person's toll, shall be guilty of a misdemeanor.

1923 (f) Any person who enters without authorization or who willfully, maliciously, and
 1924 forcibly breaks into any mechanical or electronic toll collection device of the authority or
 1925 appurtenance thereto shall be guilty of a misdemeanor.

1926 (g) Any law enforcement officer shall have the authority to issue citations for toll evasions
 1927 if such officer is a witness to any of the following violations:

1928 (1) A person forcibly or fraudulently passes a toll collection device without payment or
 1929 refuses to pay, evades, or attempts to evade the payment of such tolls;

1930 (2) A person turns, or attempts to turn, a vehicle around on a bridge, approach, or toll
 1931 plaza where signs have been erected forbidding such turning; or

1932 (3) A person refuses to pass through the toll collection facility after having come within
 1933 the area where signs have been erected notifying traffic that it is entering the area where
 1934 a toll is collectable or where vehicles may not turn around and where vehicles are
 1935 required to pass through the toll gates for the purposes of collecting tolls.

1936 (h) The authority may in its discretion use such technology, including but not limited to
 1937 automatic vehicle license tag identification photography and video surveillance, either by
 1938 electronic imaging or photographic copy, that it deems necessary to aid in the collection
 1939 of tolls and enforcement of toll violations. Such technology shall not be used to produce
 1940 any photograph, microphotograph, electronic image, or videotape showing the identity of
 1941 any person in a motor vehicle except that such technology may be utilized for general
 1942 surveillance of a toll collection facility for the security of toll collection facility employees.

1943 (i) State and local law enforcement entities are authorized to enter into traffic and toll
 1944 enforcement agreements with the authority. Any funds received by a state law enforcement
 1945 entity pursuant to such toll enforcement agreement shall be subject to annual appropriations
 1946 by the General Assembly to such law enforcement entity for the purpose of performing its
 1947 duties pursuant to such agreement."

1948 **SECTION 7-6.**

1949 Said article is further amended by revising Code Section 32-10-65, relating to fixing,
 1950 revising, charging, and collecting tolls and use and disposition of tolls generally, as follows:

1951 "~~32-10-65~~ 50-41-7.

1952 The authority is authorized to fix, revise, charge, and collect tolls for the use of each
 1953 project. Such tolls shall be so fixed and adjusted as to carry out and perform the terms and
 1954 provisions of any resolution, trust indenture, or contract with or for the benefit of

1955 bondholders; and such tolls shall not be subject to supervision or regulation by any other
 1956 commission, board, bureau, or agency of the state. Notwithstanding any provision of this
 1957 ~~article~~ chapter to the contrary, if the repayment of financing is not the primary or exclusive
 1958 purpose for the exercise of the authority's toll power, the authority shall not be required to
 1959 issue or have outstanding bonds or other indebtedness with respect to a project in order to
 1960 fix, revise, charge, enforce, or collect tolls for such project. The use and disposition of tolls
 1961 and revenues shall be subject to the provisions of the resolution authorizing the issuance
 1962 of such bonds or of the trust indenture securing the same, if there are any."

1963 **SECTION 7-7.**

1964 Said article is further amended by revising Code Section 32-10-66, relating to duty of
 1965 authority to prescribe rules and regulations for projects, as follows:

1966 "~~32-10-66~~ 50-41-10.

1967 It shall be the duty of the authority to prescribe rules and regulations ~~as approved by the~~
 1968 ~~department~~ for the operation of each project constructed under this ~~article~~ chapter,
 1969 including rules and regulations to ensure maximum use of such project. The authority is
 1970 authorized to promulgate such rules and regulations for the use and occupancy of the
 1971 project as may be necessary and proper for the public's safety and convenience, for the
 1972 preservation of its property, and for the collection of tolls."

1973 **SECTION 7-8.**

1974 Said article is further amended by revising Code Section 32-10-67, relating to study,
 1975 financing, construction, and operation of new projects and cooperation and assistance of the
 1976 Department of Transportation, as follows:

1977 "~~32-10-67~~ 50-41-11.

1978 (a) The Governor, in his or her discretion or upon the recommendation of the State
 1979 Transportation Board, is authorized and empowered to call a joint meeting of the authority
 1980 and ~~the~~ such board for the purpose of initiating all state highway and federal-aid highway
 1981 projects which may be considered under the authority of this ~~article~~ chapter. Upon the
 1982 concurrence of the Governor, a majority of the ~~board~~ State Transportation Board, and the
 1983 authority, ~~the~~ such board or the authority is authorized and empowered to commence the
 1984 study of any given project or projects and to provide for their construction. An appropriate
 1985 resolution of such joint meeting shall provide for divisions of duties and responsibilities
 1986 between the authority and the ~~board~~ State Transportation Board in connection with such
 1987 studies. In keeping with such resolution or resolutions, the authority and the ~~board~~ State
 1988 Transportation Board are authorized, in the performance of their assigned duties, to expend
 1989 from any sums available such sums as may be necessary for the survey and study and

1990 completion of any such project or projects; and such expenditures may include those
 1991 necessary for all traffic surveys, expert studies, and all other expense reasonably necessary
 1992 in establishing the feasibility of any given state highway or federal-aid highway project and
 1993 in the execution of all plans, specifications, and all other things necessary for revenue bond
 1994 financing and construction, including all supervision of every kind required in its
 1995 completion. If such expenditures, or any part of them, shall be undertaken by the ~~board~~
 1996 State Transportation Board, ~~the~~ such board shall keep proper records which shall reflect the
 1997 amounts spent on each and every project study. Upon completion of any given state
 1998 highway or federal-aid highway project or projects financed by any given revenue bond
 1999 issued, so long as there shall be funds available in the hands of the authority from the issue
 2000 of revenue bonds to finance such project or projects, the ~~board~~ State Transportation Board
 2001 may demand the reimbursement of such expenditures; however, if not reimbursed, said
 2002 expenditures shall be legitimate expenses of operation of ~~the~~ such board. The authority,
 2003 upon the completion or receipt of such studies or plans and specifications or other aids,
 2004 shall proceed, if such project or projects are possible, to finance, acquire rights of way,
 2005 construct, and operate such projects pursuant to its purposes, powers, and duties.

2006 (b) Upon the concurrence of the ~~board~~ State Transportation Board, the Department of
 2007 Transportation shall have the right to provide maintenance and operational assistance to the
 2008 authority as may be necessary to effectuate the purposes of this ~~article~~ chapter, including
 2009 but not limited to authorizing employees of the ~~department~~ Department of Transportation
 2010 to assist the authority in the collection of tolls on authority projects. The authority shall
 2011 reimburse the ~~department~~ Department of Transportation for such assistance."

2012 SECTION 7-9.

2013 Said article is further amended by revising Code Section 32-10-68, relating to letting of
 2014 contracts by competitive bid, as follows:

2015 "~~32-10-68~~ 50-41-12.

2016 All contracts of the authority for the construction of any roadway capacity project on any
 2017 state highway or federal-aid highway authorized by this ~~article~~ chapter shall be let to the
 2018 reliable bidder submitting the lowest sealed bid upon plans and specifications approved by
 2019 the ~~department~~ Department of Transportation, except as otherwise provided for projects
 2020 authorized under any provisions of Code Sections 32-2-78 through 32-2-81. The
 2021 procedures for letting such bids shall conform to those prescribed for the ~~department~~
 2022 Department of Transportation in Code Sections 32-2-64 through 32-2-72 and 32-2-78
 2023 through 32-2-81."

2024 **SECTION 7-10.**

2025 Said article is further amended by revising Code Section 32-10-69, relating to conveyance
 2026 by Governor of real property and power to acquire and expend funds for property interests,
 2027 as follows:

2028 "~~32-10-69~~ 50-41-13.

2029 (a) The Governor is authorized and empowered to convey to the authority, on behalf of the
 2030 state, any real property or interest therein or any rights of way owned by the state,
 2031 including property or rights of way acquired in the name of the ~~department or board~~
 2032 Department of Transportation or State Transportation Board, which is used at the time or
 2033 may, upon completion of any action committed to the authority by this ~~article~~ chapter, be
 2034 used as a project. The consideration for such conveyance shall be determined by the
 2035 Governor and expressed in the deed of conveyance; however, such consideration shall be
 2036 nominal, the benefits flowing to the state and its citizens constituting full and adequate
 2037 actual consideration, provided that in the event of the inability of the authority to issue or
 2038 sell the revenue bonds required for financing the completion of any given project or
 2039 projects, then, subject to the intervening rights of any innocent party, all rights, titles, and
 2040 interests so conveyed shall forever revert to the ~~department~~ Department of Transportation
 2041 or other agency from which it came.

2042 (b) The governing authority of any county or incorporated municipality of this state is
 2043 authorized and empowered on behalf of such political subdivision to convey to the
 2044 authority any real property or interest therein or any rights of way owned by such political
 2045 subdivision, which is used at the time or may, upon completion of any action committed
 2046 to the authority by this ~~article~~ chapter, be used as a project if conveyed by a county or
 2047 incorporated municipality. The consideration for such conveyance shall be determined by
 2048 the governing authority of such political subdivision and expressed in the deed of
 2049 conveyance. Such consideration, however, shall be nominal, the benefits flowing to the
 2050 political subdivisions and its citizens constituting full and adequate actual consideration.
 2051 However, nothing in this subsection shall prevent the authority from reimbursing a political
 2052 subdivision, as authorized in Code Section ~~32-10-70~~ 50-41-14.

2053 (c) The ~~board or its successors and the department,~~ the State Transportation Board, and the
 2054 Department of Transportation are empowered to acquire, in any manner now permitted to
 2055 them by law, and to expend funds available to them for such acquisition, real property,
 2056 interests therein, or rights of way which upon acquisition may be conveyed by the
 2057 Governor as provided in this Code section to the authority."

SECTION 7-11.

2058

2059 Said article is further amended by revising Code Section 32-10-71, relating to acquisition,
2060 maintenance, and operation of tollway projects, as follows:

2061 "~~32-10-71~~ 50-41-15.

2062 (a) The authority is authorized and empowered to acquire, maintain, repair, improve, and
2063 operate a tollway project whose status at the time of acquisition is a toll facility or which
2064 was operated as a toll facility at some point in its existence. For the purpose of earning
2065 sufficient revenue to make possible the maintenance, repair, and improvement of the
2066 acquired project, the authority is authorized to collect tolls on each and every project it
2067 acquires.

2068 (b) When an existing state tollway facility has been acquired from a local government by
2069 the authority or the ~~department~~ Department of Transportation, and the state tollway facility
2070 provides access to an island with public beaches that are in need of maintenance, repair,
2071 or restoration, the ~~State Road and Tollway Authority~~ authority may assist the local
2072 government in the collection of a parking fee for each vehicle entering the island. The
2073 local government is authorized to set a fee on roads, streets, and parking facilities owned
2074 by the local government for such purposes and may contract with the authority to collect
2075 the fee. The ~~department~~ Department of Transportation is authorized to assist the authority
2076 in the collection of the fee. The local government shall reimburse the ~~department~~
2077 Department of Transportation and the authority for any costs associated with executing the
2078 terms of the contract.

2079 (c) When a state highway provides access to an island with public beaches that are in need
2080 of maintenance, repair, or restoration, the Department of Transportation may, if consistent
2081 with federal law and regulations, authorize the local government to set and collect a
2082 parking fee for the purpose of providing funding for such maintenance, repair, or
2083 restoration. The ~~department~~ Department of Transportation is authorized to allow the
2084 authority to collect such parking fee on the state highway system, provided that the
2085 collection point shall lie within the corporate limits of the local government setting the
2086 parking fee. The authority is authorized to contract with the local government for the
2087 collection of the fee. The local government shall reimburse the authority for any costs
2088 associated with executing the terms of the contract."

SECTION 7-12.

2089

2090 Said article is further amended by revising Code Section 32-10-72, relating to authority fund,
2091 as follows:

2092 ~~"32-10-72~~ 50-41-16.

2093 (a) All revenue in excess of all obligations of the authority of any nature, together with all
 2094 unused receipts and gifts of every kind and nature whatsoever, shall be and become the
 2095 authority fund. The authority, in its discretion, is charged with the duty of pledging,
 2096 utilizing, or expending the authority fund for the following purposes:

2097 (1) Pledges to the payment of any revenue bond issue requirements, sinking or reserve
 2098 funds, as may be provided for under Code Section ~~32-10-102~~ 50-41-43;

2099 (2) The payment of any outstanding unpaid revenue bond obligations or administrative
 2100 expenses;

2101 (3) The construction of all or any part of projects, the need for which is concurred in by
 2102 the Governor and the ~~board~~ State Transportation Board;

2103 (4) The most advantageous obtainable redemptions and retirements of the authority's
 2104 bonds pursuant to the prepayment redemption privileges accorded to the authority upon
 2105 the various issues of bonds outstanding;

2106 (5) The most advantageous open market purchase of the authority's bonds that the
 2107 authority may accomplish;

2108 (6) Investment in such securities and in such manner as it determines to be in its best
 2109 interest; ~~and~~

2110 (7) Subject to the terms of any resolution or trust indenture authorizing the issuance of
 2111 revenue bonds and upon concurrence by the Governor, the transfer of funds to the
 2112 department to be used by the department for ~~department~~ purposes related to projects or
 2113 operations of surface transportation or capital infrastructure for mass transportation,
 2114 excluding rail infrastructure, transit operations, and transit vehicles; or

2115 (8) Subject to the terms of any resolution or trust indenture authorizing the issuance of
 2116 revenue bonds and upon concurrence by the Governor, the transfer of funds to the
 2117 Department of Transportation to be used by the department for purposes related to
 2118 projects or operations of surface transportation or capital infrastructure for mass
 2119 transportation, excluding rail infrastructure, transit operations, and transit vehicles.

2120 (b) In making a determination of purposes for which the authority fund shall be pledged,
 2121 utilized, or expended, the authority shall consider the following order of priority:

2122 (1) Satisfaction of any provisions of the resolution authorizing the issuance of bonds or
 2123 trust indenture securing the project for which the toll is collected;

2124 (2) Satisfaction of any debt service on the project for which the toll is collected;

2125 (3) Maintenance or operational costs of the project for which the toll is collected,
 2126 excluding transit operations; or

2127 (4) Any other public road or transit projects."

SECTION 7-13.

2128
2129 Said article is further amended by revising Code Section 32-10-77, relating to General
2130 Assembly approval of funding for streetcar projects, as follows:

2131 "~~32-10-77~~ 50-41-21.

2132 No funding by issuing bonds, any other state funds, or federal funds administered by the
2133 department or the Department of Transportation shall be allowed for streetcar projects by
2134 any state entity or authority, including, but not limited to, the department, the Department
2135 of Transportation, or the ~~State Road and Tollway Authority~~ authority, or any other
2136 subsidiary of the state, without specific prior approval by passage of a general Act by the
2137 General Assembly."

SECTION 7-14.

2138
2139 Said article is further amended by revising Code Section 32-10-90, relating to power of
2140 authority to issue bonds generally, pledging of tolls and other project revenues for payment
2141 of principal and interest bonds, and attributes of bonds generally, as follows:

2142 "~~32-10-90~~ 50-41-30.

2143 The authority shall have the power and is authorized, at one time or from time to time, to
2144 provide by resolution for the issuance of negotiable revenue bonds of the authority for the
2145 purpose of paying all or any part of the cost, as defined in ~~paragraph (4) of Code Section~~
2146 ~~32-10-60~~ 50-41-1, of any one or a combination of projects. The principal and interest of
2147 such revenue bonds shall be payable from and may be secured by a pledge of tolls and
2148 other revenues of all or any part of the project financed in whole or in part with the
2149 proceeds of such issue or with the proceeds of bonds refunded or to be refunded by such
2150 issue or by a pledge of any other revenues of the authority that are legally available for
2151 such purpose. The bonds of each issue shall be dated, shall bear interest as provided for in
2152 Code Section ~~32-10-91~~ 50-41-32, shall mature not later than 40 years from the date of
2153 issue, shall be payable in such media of payments as to both principal and interest as may
2154 be determined by the authority, and may be made redeemable before maturity, at the option
2155 of the authority, at such price or prices and under such terms and conditions as may be
2156 fixed by the authority in the resolution providing for the issuance of the bonds."

SECTION 7-15.

2157
2158 Said article is further amended by revising Code Section 32-10-90.1, relating to garvee bond
2159 provisions, as follows:

2160 "~~32-10-90.1~~ 50-41-31.

2161 (a) As used in this Code section, the term 'grant anticipation revenue vehicle' or 'garvee
2162 bond' means any bond issued by the authority which is an eligible debt financing

2163 instrument within the scope of 23 U.S.C. Section 122 or which is otherwise to be repaid
2164 or reimbursed in whole or in part, directly or indirectly, from federal funds.

2165 (b) With respect to garvee bonds and projects financed by garvee bonds, the provisions
2166 and limitations of this Code section shall control over any other conflicting provisions of
2167 this ~~article~~ chapter, it being the intention of the General Assembly that grant anticipation
2168 revenue vehicles and projects funded thereby be fully subject to the terms expressed in this
2169 Code section.

2170 (c) For the purpose of issuance and use of the proceeds of garvee bonds, the authority and
2171 the ~~department~~ Department of Transportation shall give priority, as far as reasonably
2172 practicable in the judgment of ~~the~~ such department, to the completion of those portions of
2173 the Developmental Highway System as set out in paragraphs (1) through (13) and
2174 paragraphs (15) and (16) of subsection (a) of Code Section 32-4-22 and such further
2175 paragraphs as may be added to such subsection from time to time, with due regard to the
2176 timely and economical completion of the portion set out in paragraph (14) thereof.

2177 (d) Any project the cost of which is paid from the proceeds of garvee bonds shall be,
2178 pursuant to a contract or agreement between the authority and the ~~department~~ Department
2179 of Transportation, planned, designed, and constructed by the Department of Transportation
2180 or a contractor contracting with the Department of Transportation.

2181 (e) If during any state fiscal year the amount of federal reimbursement available to the
2182 State of Georgia under 23 U.S.C. Section 122 is or will be reduced below 90 percent of the
2183 amount available during Fiscal Year 2000-2001, the authority shall not thereafter issue any
2184 garvee bond.

2185 (f) If cost effective as determined by the authority, garvee bonds shall be insured."

2186 **SECTION 7-16.**

2187 Said article is further amended by revising Code Section 32-10-102, relating to pledges of
2188 revenues, tolls, and earnings and creation and disposition of sinking funds, as follows:

2189 "~~32-10-102~~ 50-41-43.

2190 (a) The revenues, tolls, and earnings derived from any particular project or projects and
2191 all or any part of the revenues, tolls, and earnings received by the authority, regardless of
2192 whether or not such tolls, earnings, and revenues were produced by a particular project for
2193 which bonds have been issued, unless otherwise pledged or allocated, may be pledged by
2194 the authority to the payment of the principal and interest obligations of any revenue bond
2195 issues of the authority. All funds so pledged, from whatever source received, which may
2196 include funds received from one or more of all sources of the authority's income, shall be
2197 set aside at regular intervals, as may be provided in the resolutions or trust indentures, into
2198 sinking funds which shall be pledged to and charged with the payment of (1) the interest

2199 upon such revenue bonds as such interest shall fall due, (2) the principal of the bonds as the
 2200 same shall mature, (3) the necessary charges of paying agents for paying principal and
 2201 interest, and (4) any premium required upon bonds retired by call or purchase as may be
 2202 provided in the resolutions or trust indentures.

2203 (b) The use and disposition of such sinking funds shall be subject to such regulations as
 2204 may be provided in the resolutions authorizing the issuance of the revenue bonds or in the
 2205 trust indentures; but, except as may otherwise be provided in such resolutions or trust
 2206 indentures, such sinking funds, individually, shall be funds for the benefit of all revenue
 2207 bonds of the given issue for which they are created without distinction or priority of one
 2208 over another. Subject to the resolution or trust indenture of any given bond issue, any
 2209 moneys in such sinking funds, after all bonds and the interest thereon for which such
 2210 sinking funds were pledged have been paid, may be paid into the authority fund provided
 2211 for in Code Section ~~32-10-72~~ 50-41-16."

2212 **SECTION 7-17.**

2213 Said article is further amended by revising Code Section 32-10-105, relating to investment
 2214 of funds in bonds and deposit of bonds as securities, as follows:

2215 "~~32-10-105~~ 50-41-46.

2216 The bonds authorized in paragraph (8) of Code Section ~~32-10-63~~ 50-41-4 and in Code
 2217 Section ~~32-10-90~~ 50-41-30 are deemed securities in which (1) all public officers and bodies
 2218 of this state and all municipalities and all municipal subdivisions, (2) all insurance
 2219 companies and associations and other persons carrying on an insurance business, (3) all
 2220 banks, bankers, trust companies, savings banks and savings associations, including savings
 2221 and loan associations, building and loan associations, investment companies, and other
 2222 persons carrying on a banking business, (4) all administrators, guardians, executors,
 2223 trustees, and other fiduciaries, and (5) all other persons whatsoever who are now or may
 2224 hereafter be authorized to invest in bonds or other obligations of the state may properly and
 2225 legally invest funds, including capital in their control or belonging to them. The bonds are
 2226 also deemed securities which may be deposited with and shall be received by all public
 2227 officers and bodies of this state and all municipalities and municipal subdivisions for any
 2228 purpose for which the deposit of the bonds or other obligations of this state is now or may
 2229 hereafter be authorized."

2230 **SECTION 7-18.**

2231 Said article is further amended by revising Code Section 32-10-108, relating to transfer of
 2232 projects to state highway system free from tolls, as follows:

2233 ~~"32-10-108 50-41-49.~~

2234 Upon payment in full of all bonds and the interest thereon and obligations of every nature
 2235 whatsoever for the payment of which the revenues of any given project or projects have
 2236 been pledged, in whole or in part, either originally or subsequently, either primarily or
 2237 secondarily, directly or indirectly or otherwise, or upon the setting aside in trust, for the
 2238 benefit of bondholders or other obligees, of a sufficient amount for the payment of all such
 2239 bonds and other obligations and the interest thereon to the maturity thereof, such project
 2240 or projects, if deemed by the ~~department~~ Department of Transportation to be in a safe and
 2241 satisfactory condition of repair and traffic capacity, may become part of the state highway
 2242 system and thereafter shall be maintained by the ~~department~~ Department of Transportation
 2243 free of tolls. In the event such project or projects to be transferred are not in good
 2244 condition, in the judgment of the ~~department~~ Department of Transportation, the such
 2245 department shall be charged with the duty of immediately advising the authority in writing
 2246 what will be necessary to accomplish such safe and satisfactory condition of repair and
 2247 traffic capacity; and the authority thereafter shall apply sufficient revenue from such
 2248 project or projects to the accomplishment of such safe condition of repair and traffic
 2249 capacity; and, upon its accomplishment, such project or projects shall become toll free as
 2250 provided in this Code section. Upon the fulfillment of all conditions necessary to the
 2251 cessation of tolls upon any such project, the authority shall convey by deed all right, title,
 2252 and interest in and to such project to the ~~department~~ Department of Transportation for and
 2253 in consideration of \$1.00, which the treasurer of the ~~department~~ Department of
 2254 Transportation is authorized to pay from any such department funds available to him or her
 2255 for any ~~department~~ Department of Transportation expenditure."

2256 SECTION 7-19.

2257 Said article is further amended by revising Code Section 32-10-122, relating to definitions
 2258 relative to the Transportation Infrastructure Bank, as follows:

2259 ~~"32-10-122 50-41-67.~~

2260 As used in this ~~part~~ article, the term:

2261 (1) 'Bank' means the Georgia Transportation Infrastructure Bank.

2262 (2) 'Board' means the board of the State Road and Tollway Authority.

2263 (3) ~~'Department of Transportation' means the Georgia Department of Transportation and~~
 2264 ~~its successors.~~

2265 (4) 'Eligible costs' means, as applied to a qualified project to be financed from the federal
 2266 roadway account, the costs that are permitted under applicable federal laws, requirements,
 2267 procedures, and guidelines in regard to establishing, operating, and providing assistance
 2268 from the bank. As applied to a qualified project to be financed from the state and local

2269 roadway account, these costs include the costs of preliminary engineering, traffic and
 2270 revenue studies, environmental studies, right of way acquisition, legal and financial
 2271 services associated with the development of the qualified project, construction,
 2272 construction management, facilities, and other costs necessary for the qualified project.
 2273 As applied to any qualified project to be financed from the federal nonroadway account,
 2274 these costs include the costs of preliminary engineering, traffic and revenue studies,
 2275 environmental studies, right of way acquisition, legal and financial services associated
 2276 with the development of the qualified project, construction, construction management,
 2277 equipment, facilities, and other nonoperating costs necessary for the qualified project.
 2278 As applied to any qualified project to be financed from the state and local nonroadway
 2279 account, these costs include the costs of preliminary engineering, traffic and revenue
 2280 studies, environmental studies, right of way acquisition, legal and financial services
 2281 associated with the development of the qualified project, construction, construction
 2282 management, equipment, facilities, and other nonoperating costs necessary for the
 2283 qualified project.

2284 ~~(5)~~(4) 'Eligible project' means a highway, including bridges, air transport and airport
 2285 facilities, and rail, or transit or bicycle facility project which provides public benefits by
 2286 either enhancing mobility and safety, promoting economic development, or increasing
 2287 the quality of life and general welfare of the public. The term 'eligible project' also
 2288 includes mass transit systems, including, but not limited to, monorail and monobeam
 2289 mass transit systems. There may be included as part of any such project all
 2290 improvements necessary to the full utilization thereof, including site preparation, roads
 2291 and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead
 2292 tracks, bridges, causeways, terminals for railroad, automotive, and air transportation,
 2293 transportation facilities incidental to the project, and the dredging and improving of
 2294 harbors and waterways, none of which foregoing descriptive words shall be construed to
 2295 constitute a limitation.

2296 ~~(6)~~(5) 'Federal accounts' means, collectively, the separate accounts for federal roadway
 2297 funds and federal nonroadway funds.

2298 ~~(7)~~(6) 'Financing agreement' means any agreement entered into between the bank and a
 2299 qualified borrower pertaining to a loan or other financial assistance. This agreement may
 2300 contain, in addition to financial terms, provisions relating to the regulation and
 2301 supervision of a qualified project, or other provisions as the board may determine. The
 2302 term 'financing agreement' includes, without limitation, a loan agreement, trust indenture,
 2303 security agreement, reimbursement agreement, guarantee agreement, bond or note,
 2304 ordinance or resolution, or similar instrument.

2305 ~~(8)~~(7) 'Government unit' means a municipal corporation, county, community
 2306 improvement district, or any public operator of transit, including combinations of two or
 2307 more of these entities, acting jointly to construct, own, or operate a qualified project, or
 2308 any other state authority, board, commission, agency, or department which may construct,
 2309 own, or operate a qualified project.

2310 ~~(9)~~(8) 'Loan' means an obligation subject to repayment which is provided by the bank to
 2311 a qualified borrower for all or a part of the eligible costs of a qualified project. A loan
 2312 may be disbursed in anticipation of reimbursement for or direct payment of the eligible
 2313 costs of a qualified project.

2314 ~~(10)~~(9) 'Loan obligation' means a bond, note, or other evidence of an obligation issued
 2315 by a qualified borrower.

2316 ~~(11)~~(10) 'Other financial assistance' includes, but shall not be limited to, grants,
 2317 contributions, credit enhancement, capital or debt reserves for bonds or debt instrument
 2318 financing, interest rate subsidies, provision of letters of credit and credit instruments,
 2319 provision of bond or other debt financing instrument security, and other lawful forms of
 2320 financing and methods of leveraging funds that are approved by the board, and, in the
 2321 case of federal funds, as allowed by federal law.

2322 ~~(12)~~(11) 'Project revenues' or 'revenues' means all rates, rents, fees, assessments, charges,
 2323 and other receipts derived or to be derived by a qualified borrower from a qualified
 2324 project or made available from a special source, and, as provided in the applicable
 2325 financing agreement, derived from any system of which the qualified project is a part or
 2326 from any other revenue producing facility under the ownership or control of the qualified
 2327 borrower, including, without limitation, proceeds of grants, gifts, appropriations and
 2328 loans, including the proceeds of loans made by the bank, investment earnings, reserves
 2329 for capital and current expenses, proceeds of insurance or condemnation and proceeds
 2330 from the sale or other disposition of property and from any other special source as may
 2331 be provided by the qualified borrower.

2332 ~~(13)~~(12) 'Qualified borrower' means any government unit authorized to construct,
 2333 operate, or own a qualified project.

2334 ~~(14)~~(13) 'Qualified project' means an eligible project which has been selected by the
 2335 bank to receive a loan or other financial assistance from the bank to defray an eligible
 2336 cost.

2337 ~~(15)~~(14) 'State and local accounts' means, collectively, the separate accounts for state and
 2338 local roadway funds and state and local nonroadway funds."

SECTION 7-20.

2339

2340 Said article is further amended by revising Code Section 32-10-123, relating to authority of
2341 the Transportation Infrastructure Bank board, as follows:

2342 "~~32-10-123~~ 50-41-68.

2343 In administering the affairs of the bank, the board may exercise any or all of the powers
2344 granted to the authority under ~~Parts~~ Articles 1 and 2 of this ~~article~~ chapter, as well as the
2345 powers granted in this ~~part~~ article. Without limiting the generality of the foregoing, the
2346 board is specifically authorized to issue bonds for the purposes of the bank, in the same
2347 general manner provided in ~~Part~~ Article 2 of this ~~article~~ chapter."

SECTION 7-21.

2348

2349 Said article is further amended by revising Code Section 32-10-124, relating to power of the
2350 Transportation Infrastructure Bank board and meaning of use of the word "bank" for
2351 purposes of this article, as follows:

2352 "~~32-10-124~~ 50-41-69.

2353 (a) In addition to the powers contained elsewhere in this ~~article~~ chapter, the board has all
2354 power necessary, useful, or appropriate to fund, operate, and administer the bank, and to
2355 perform its other functions, including, but not limited to, the power to:

2356 (1) Have perpetual succession;

2357 (2) Adopt, promulgate, amend, and repeal bylaws, not inconsistent with provisions in
2358 this ~~part~~ article for the administration of the bank's affairs and the implementation of its
2359 functions, including the right of the board to select qualifying projects and to provide
2360 loans and other financial assistance;

2361 (3) Sue and be sued in the name of the bank;

2362 (4) Have a seal and alter it at its pleasure, although the failure to affix the seal does not
2363 affect the validity of an instrument executed on behalf of the bank;

2364 (5) Make loans to qualified borrowers to finance the eligible costs of qualified projects
2365 and to acquire, hold, and sell loan obligations at prices and in a manner as the board
2366 determines advisable;

2367 (6) Provide qualified borrowers with other financial assistance necessary to defray
2368 eligible costs of a qualified project;

2369 (7) Enter into contracts, arrangements, and agreements with qualified borrowers and
2370 other persons and execute and deliver all financing agreements and other instruments
2371 necessary or convenient to the exercise of the powers granted in this ~~part~~ article;

2372 (8) Enter into agreements with a department, agency, or instrumentality of the United
2373 States or of this state or another state for the purpose of providing for the financing of
2374 qualified projects;

- 2375 (9) Establish:
- 2376 (A) Policies and procedures for the making and administering of loans and other
2377 financial assistance; and
- 2378 (B) Fiscal controls and accounting procedures to ensure proper accounting and
2379 reporting by the bank and government units;
- 2380 (10) Acquire by purchase, lease, donation, or other lawful means and sell, convey,
2381 pledge, lease, exchange, transfer, and dispose of all or any part of its properties and assets
2382 of every kind and character or any interest in it to further the public purpose of the bank;
- 2383 (11) Procure insurance, guarantees, letters of credit, and other forms of collateral or
2384 security or credit support from any public or private entity or instrumentality of the
2385 United States for the payment of any bonds issued by it, including the power to pay
2386 premiums or fees on any insurance, guarantees, letters of credit, and other forms of
2387 collateral or security or credit support;
- 2388 (12) Collect or authorize the trustee under any trust indenture securing any bonds to
2389 collect amounts due under any loan obligations owned by it, including taking the action
2390 required to obtain payment of any sums in default;
- 2391 (13) Unless restricted under any agreement with holders of bonds, consent to any
2392 modification with respect to the rate of interest, time, and payment of any installment of
2393 principal or interest, or any other term of any loan obligations owned by it;
- 2394 (14) Borrow money through the issuance of bonds and other forms of indebtedness as
2395 provided in this ~~article~~ chapter;
- 2396 (15) Expend funds to obtain accounting, management, legal, financial consulting, and
2397 other professional services necessary to the operations of the bank;
- 2398 (16) Expend funds credited to the bank as the board determines necessary for the costs
2399 of administering the operations of the bank;
- 2400 (17) Establish advisory committees as the board determines appropriate, which may
2401 include individuals from the private sector with banking and financial expertise, including
2402 the requirement that the bank shall consult with the ~~Department of Transportation~~ State
2403 Accounting Office for the purpose of implementing the project accounting procedures
2404 required by subparagraph (B) of paragraph (9) of this subsection;
- 2405 (18) Procure insurance against losses in connection with its property, assets, or activities
2406 including insurance against liability for its acts or the acts of its employees or agents or
2407 to establish cash reserves to enable it to act as a self-insurer against any and all such
2408 losses;
- 2409 (19) Collect fees and charges in connection with its loans or other financial assistance;
- 2410 (20) Apply for, receive, and accept from any source, aid, grants, or contributions of
2411 money, property, labor, or other things of value to be used to carry out the purposes of

2412 this ~~part~~ article subject to the conditions upon which the aid, grants, or contributions are
 2413 made;

2414 (21) Enter into contracts or agreements for the servicing and processing of financial
 2415 agreements;

2416 (22) Accept and hold, with or without payment of interest, funds deposited with the bank
 2417 by government units and private entities; and

2418 (23) Do all other things necessary or convenient to exercise powers granted or
 2419 reasonably implied by this ~~part~~ article.

2420 (b) The bank shall not be authorized or empowered to be or to constitute a bank or trust
 2421 company within the jurisdiction or under the control of this state or an agency of it or the
 2422 Comptroller of the Currency or the Treasury Department of the United States, or a bank,
 2423 banker, or dealer in securities within the meaning of, or subject to the provisions of, any
 2424 securities, securities exchange, or securities dealers' law of the United States or of this state.
 2425 The use of the word 'bank' in the 'Georgia Transportation Infrastructure Bank' is required
 2426 by federal law. For the express purposes of this ~~part~~ article, the use of the word 'bank' in
 2427 the 'Georgia Transportation Infrastructure Bank Act' does not violate Code Section
 2428 7-1-243. In addition, all deposits taken by the Georgia Transportation Infrastructure Bank
 2429 shall contain a notice stating that the deposits are not insured by the Federal Deposit
 2430 Insurance Corporation."

2431 **SECTION 7-22.**

2432 Said article is further amended by revising Code Section 32-10-125, relating to revenue
 2433 sources for the Transportation Infrastructure Bank, as follows:

2434 "~~32-10-125~~ 50-41-70.

2435 (a) The following sources may be used to capitalize the bank and for the bank to carry out
 2436 its purposes:

2437 (1) Appropriations by the General Assembly;

2438 (2) Federal funds available to the state, ~~as approved by the Department of~~
 2439 ~~Transportation;~~

2440 (3) Contributions, donations, and deposits from government units, private entities, and
 2441 any other source as may become available to the bank;

2442 (4) All moneys paid or credited to the bank, by contract or otherwise, payments of
 2443 principal and interest on loans or other financial assistance made from the bank, and
 2444 interest earnings which may accrue from the investment or reinvestment of the bank's
 2445 moneys;

2446 (5) Proceeds from the issuance of bonds as provided in this ~~part~~ article; and

2447 (6) Other lawful sources not already dedicated for another purpose as determined
2448 appropriate by the board.

2449 (b) Without limiting the provisions of subsection (a) of this Code section, it shall be
2450 specifically provided that any local government may use the proceeds of any local funds
2451 which may be hereafter made available by law for the purposes of this ~~part~~ article,
2452 including without limitation the funding of eligible projects and contributions, donations,
2453 and deposits to the bank."

2454 **SECTION 7-23.**

2455 Said article is further amended by revising Code Section 32-10-127, relating to loans and
2456 other financial assistance and determination of eligible projects relative to the Transportation
2457 Infrastructure Bank, as follows:

2458 "~~32-10-127~~ 50-41-72.

2459 (a) The bank may provide loans and other financial assistance to a government unit to pay
2460 for all or part of the eligible costs of a qualified project. The term of the loan or other
2461 financial assistance shall not exceed the useful life of the project. The bank may require
2462 the government unit to enter into a financing agreement in connection with its loan
2463 obligation or other financial assistance. The board shall determine the form and content
2464 of loan applications, financing agreements, and loan obligations including the term and rate
2465 or rates of interest on a financing agreement. The terms and conditions of a loan or other
2466 financial assistance from federal accounts shall comply with applicable federal
2467 requirements.

2468 (b)(1) The board shall determine which projects are eligible projects and then select from
2469 among the eligible projects qualified projects. When determining eligibility, the board
2470 shall make every effort to balance any loans or other financial assistance among all
2471 regions of this state.

2472 (2) Preference for loans may be given to eligible projects prioritized by the department
2473 in tier 1 and tier 2 counties, as defined in Code Section 48-7-40 and by the Department
2474 of Community Affairs.

2475 (3) Preference for grants and other financial assistance may be given to eligible projects
2476 which have local financial support."

2477 **SECTION 7-24.**

2478 Said article is further amended by revising Code Section 32-10-128, relating to authority of
2479 qualified borrowers relative to the Transportation Infrastructure Bank, as follows:

2480 "~~32-10-128~~ 50-41-73.

2481 (a) Qualified borrowers are authorized to obtain loans or other financial assistance from
 2482 the bank through financing agreements. Qualified borrowers entering into financing
 2483 agreements and issuing loan obligations to the bank may perform any acts, take any action,
 2484 adopt any proceedings, and make and carry out any contracts or agreements with the bank
 2485 as may be agreed to by the bank and any qualified borrower for the carrying out of the
 2486 purposes contemplated by this part article.

2487 (b) In addition to the authorizations contained in this part article, all other statutes or
 2488 provisions permitting government units to borrow money and issue obligations, including,
 2489 but not limited to, Article 3 of Chapter 82 of Title 36, the 'Revenue Bond Law,' may be
 2490 utilized by any government unit in obtaining a loan or other financial assistance from the
 2491 bank to the extent determined necessary or useful by the government unit in connection
 2492 with any financing agreement and the issuance, securing, or sale of loan obligations to the
 2493 bank.

2494 (c) A qualified borrower may receive, apply, pledge, assign, and grant security interests
 2495 in project revenues to secure its obligations as provided in this part article. A qualified
 2496 borrower may fix, revise, charge, and collect fees, rates, rents, assessments, and other
 2497 charges of general or special application for the operation or services of a qualified project,
 2498 the system of which it is a part, and any other revenue producing facilities from which the
 2499 qualified borrower derives project revenues to meet its obligations under a financing
 2500 agreement or to provide for the construction and improving of a qualified project."

2501 **SECTION 7-25.**

2502 The following Code sections of the Official Code of Georgia Annotated are amended by
 2503 replacing "Article" and "article" wherever either such term appears with "Chapter" or
 2504 "chapter":

- 2505 (1) Code Section 32-10-65.1, relating to expiration of tolls established;
 2506 (2) Code Section 32-10-70, relating to transfer of real and personal property to authority
 2507 by public bodies and officers;
 2508 (3) Code Section 32-10-73, relating to designation of moneys received pursuant to article
 2509 as trust funds;
 2510 (4) Code Section 32-10-74, relating to effect of article;
 2511 (5) Code Section 32-10-75, relating to construction of article;
 2512 (6) Code Section 32-10-94, relating to status of bonds as negotiable instruments and
 2513 exemption for bonds, their transfer, and income therefrom;

- 2514 (7) Code Section 32-10-98, relating to conditions precedent to taking effect of resolutions
 2515 for bond issuance, issuance of bonds of a single issue for purpose of paying cost of one or
 2516 more projects;
- 2517 (8) Code Section 32-10-99, relating to credit of state not pledged;
- 2518 (9) Code Section 32-10-100, relating to trust indenture as security for bonds;
- 2519 (10) Code Section 32-10-101, relating to payment of bond proceeds to trustee;
- 2520 (11) Code Section 32-10-103, relating to rights and remedies of holders of bonds or
 2521 interest coupons and indenture trustees;
- 2522 (12) Code Section 32-10-104, relating to refunding bonds;
- 2523 (13) Code Section 32-10-109, relating to covenant with holders as to tax-exempt status of
 2524 authority property and bonds; and
- 2525 (14) Code Section 32-10-110, relating to venue and jurisdictions of actions.

2526 **SECTION 7-26.**

2527 The following Code sections of the Official Code of Georgia Annotated are amended by
 2528 replacing "Part" and "part" wherever either such term appears with "Article" or "article":

- 2529 (1) Code Section 32-10-120, relating to short title relative to the Transportation
 2530 Infrastructure Bank;
- 2531 (2) Code Section 32-10-121, relating to creation, governance, corporate purpose, and types
 2532 of accounts;
- 2533 (3) Code Section 32-10-126, relating to earnings, establishment of accounts and
 2534 subaccounts, and commingling of funds relative to the Transportation Infrastructure Bank;
- 2535 (4) Code Section 32-10-131, relating to liability of officer, employee, or committee of the
 2536 Transportation Infrastructure Bank; and
- 2537 (5) Code Section 32-10-132, relating to notice prior to action or referendum by the
 2538 Transportation Infrastructure Bank not required.

2539 **SECTION 7-27.**

2540 The following Code sections of the Official Code of Georgia Annotated are amended by
 2541 redesignating:

- 2542 (1) Code Section 32-10-63.1, relating to exemption for transit service buses, motor
 2543 vehicles, and rapid rail systems from requirements relating to identification and regulation
 2544 of motor vehicles, as Code Section 50-41-5;
- 2545 (2) Code Section 32-10-65.1, relating to expiration of tolls established, as Code
 2546 Section 50-41-8;
- 2547 (3) Code Section 32-10-65.2, relating to annual reporting, as Code Section 50-41-9;

- 2548 (4) Code Section 32-10-70, relating to transfer of real and personal property to authority
2549 by public bodies and officers, as Code Section 50-41-14;
- 2550 (5) Code Section 32-10-72, relating to authority fund, as Code Section 50-41-16;
- 2551 (6) Code Section 32-10-73, relating to designation of moneys received pursuant to article
2552 as trust funds, as Code Section 50-41-17;
- 2553 (7) Code Section 32-10-74, relating to effect of article, as Code Section 50-41-18;
- 2554 (8) Code Section 32-10-75, relating to construction of article, as Code Section 50-41-19;
- 2555 (9) Code Section 32-10-76, relating to grant and pilot programs for streetcar projects, as
2556 Code Section 50-41-20;
- 2557 (10) Code Section 32-10-91, relating to obtaining loans and issuance of sale of notes and
2558 bonds and sale of obligations, as Code Section 50-41-32;
- 2559 (11) Code Section 32-10-92, relating to bonds authorized by resolution, specification of
2560 terms, and public or private sale, as Code Section 50-41-33;
- 2561 (12) Code Section 32-10-93, relating to execution, seal, and signing of bonds, as Code
2562 Section 50-41-34;
- 2563 (13) Code Section 32-10-94, relating to status of bonds as negotiable instruments and
2564 exemption for bonds, their transfer, and income therefrom, as Code Section 50-41-35;
- 2565 (14) Code Section 32-10-95, relating to utilization of bond proceeds, as Code Section
2566 50-41-36;
- 2567 (15) Code Section 32-10-96, issuance of interim receipts, interim certificates, and
2568 temporary bonds, as Code Section 50-41-37;
- 2569 (16) Code Section 32-10-97, relating to replacement of lost or mutilated bonds, as Code
2570 Section 50-41-38;
- 2571 (17) Code Section 32-10-98, relating to conditions precedent to taking effect of resolutions
2572 for bond issuance, issuance of bonds of a single issue for purpose of paying cost of one or
2573 more projects, as Code Section 50-41-39;
- 2574 (18) Code Section 32-10-99, relating to credit of state not pledged, as Code Section
2575 50-41-40;
- 2576 (19) Code Section 32-10-100, relating to trust indenture as security for bonds, as Code
2577 Section 50-41-41;
- 2578 (20) Code Section 32-10-101, relating to payment of bond proceeds to trustee, as Code
2579 Section 50-41-42;
- 2580 (21) Code Section 32-10-103, relating to rights and remedies of holders of bonds or
2581 interest coupons and indenture trustees, as Code Section 50-41-44;
- 2582 (22) Code Section 32-10-104, relating to refunding bonds, as Code Section 50-41-45;
- 2583 (23) Code Section 32-10-106, relating to protection of interests and rights of bondholders,
2584 as Code Section 50-41-47;

- 2585 (24) Code Section 32-10-107, relating to confirmation and validation of bonds, as Code
 2586 Section 50-41-48;
- 2587 (25) Code Section 32-10-109, relating to covenant with holders as to tax-exempt status of
 2588 authority property and bonds, as Code Section 50-41-50;
- 2589 (26) Code Section 32-10-110, relating to venue and jurisdiction of actions, as Code
 2590 Section 50-41-51;
- 2591 (27) Code Section 32-10-120, relating to short title relative to the Transportation
 2592 Infrastructure Bank, as Code Section 50-41-65;
- 2593 (28) Code Section 32-10-121, relating to creation, governance, corporate purpose, and
 2594 types of accounts, as Code Section 50-41-66;
- 2595 (29) Code Section 32-10-126, relating to earnings, establishment of accounts and
 2596 subaccounts, and commingling of funds relative to the Transportation Infrastructure Bank,
 2597 as Code Section 50-41-71;
- 2598 (30) Code Section 32-10-129, relating to exemption of the Transportation Infrastructure
 2599 Bank from taxes and assessments, as Code Section 50-41-74;
- 2600 (31) Code Section 32-10-130, relating to withholding of funds by the Transportation
 2601 Infrastructure Bank, as Code Section 50-41-75;
- 2602 (32) Code Section 32-10-131, relating to liability of officer, employee, or committee of
 2603 the Transportation Infrastructure Bank, as Code Section 50-41-76;
- 2604 (33) Code Section 32-10-132, relating to notice prior to action or referendum by the
 2605 Transportation Infrastructure Bank not required, as Code Section 50-41-77; and
- 2606 (34) Code Section 32-10-133, relating to annual report by the Transportation Infrastructure
 2607 Bank, as Code Section 50-41-78.

2608 **SECTION 7-28.**

2609 The Official Code of Georgia Annotated is further amended by designating:

- 2610 (1) Code Section 50-41-1 through Code Section 50-41-21 as Article 1 of Chapter 41 of
 2611 Title 50;
- 2612 (2) Code Section 50-41-30 through Code Section 50-41-51 as Article 2 of Chapter 41 of
 2613 Title 50; and
- 2614 (3) Code Section 50-41-65 through Code Section 50-41-78 as Article 3 of Chapter 41 of
 2615 Title 50.

2616 **SECTION 7-29.**

2617 The Official Code of Georgia Annotated is further amended by designating Article 2 of
 2618 Chapter 10 of Title 32, relating to the State Road and Tollway Authority, as reserved.

