

The House Committee on Transportation offers the following substitute to HB 511:

A BILL TO BE ENTITLED
AN ACT

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

H. B. 511 (SUB)

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

66 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

67 PART I
68 FUNDING

69 SECTION 1-1.

70 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
71 amended in Code Section 48-8-3, relating to exemptions from state sales and use tax, by
72 revising paragraph (25) as follows:

73 "(25) Transportation that is subject to the tax imposed by Article 8 of Chapter 13 of this
74 title Repealed;"

75 SECTION 1-2.

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

78 "48-8-269.40.

79 As used in this article, the term:

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

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

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

86 ~~(3)~~(4) 'Dealer' shall have the same meaning as provided for in paragraph (8) of Code
87 Section 48-8-2.

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

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

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

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

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

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

116 **SECTION 1-3.**

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

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

124 **SECTION 1-4.**

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

129 "48-8-269.43.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

202 **SECTION 1-5.**

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

206 "48-8-269.44.

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

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

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

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

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

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

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

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

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

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

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

243 through the issuance and validation of general obligation bonds or through the execution
 244 of a promissory note or notes or other instrument or instruments. If such debt is incurred
 245 through the issuance of general obligation bonds, such bonds and their issuance and
 246 validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as
 247 specifically provided otherwise in this article. If such debt is incurred through the
 248 execution of a promissory note or notes or other instrument or instruments, no validation
 249 proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10
 250 through 36-80-14 except as specifically provided otherwise in this article. In either event,
 251 such general obligation debt shall be payable first from the separate account in which are
 252 placed the proceeds received by the county from the tax. Such general obligation debt
 253 shall, however, constitute a pledge of the full faith, credit, and taxing power of the
 254 county; and any liability on such debt which is not satisfied from the proceeds of the tax
 255 shall be satisfied from the general funds of the county."

256 **SECTION 1-6.**

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

259 "48-8-269.50.

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

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

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

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

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

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

276 **SECTION 1-7.**

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

279 "48-8-269.56.

280 Except as provided in Code Section 48-8-6, the tax authorized under this ~~part~~ article shall
 281 be in addition to any other local sales and use tax. Except as otherwise provided in this
 282 article and except as provided in Code Section 48-8-6, the imposition of any other local
 283 sales and use tax within a county or qualified municipality within a special district shall not
 284 affect the authority of a county to impose the tax authorized under this article, and the
 285 imposition of the tax authorized under this article shall not affect the imposition of any
 286 otherwise authorized local sales and use tax within the special district."

287 **SECTION 1-8.**

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

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

298 "~~(f)(1)(A)(i) If the proceeds of the tax are specified to be used solely for the purpose~~
 299 ~~of payment of general obligation debt issued in conjunction with the imposition of the~~
 300 ~~tax authorized to be levied pursuant to Part 2 of this article, then any net proceeds of~~
 301 ~~the tax in excess of the amount required for final payment of such debt may be used~~
 302 ~~for additional transit projects, provided that a subsequent intergovernmental~~
 303 ~~agreement meeting the requirements set forth in subsection (b) of Code Section~~
 304 ~~48-8-269.43 has been entered into. If a subsequent intergovernmental agreement~~
 305 ~~required by this division is not entered into, then such excess proceeds shall be subject~~
 306 ~~to and applied as provided in paragraph (2) of this subsection:~~

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

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

316 ~~(B)(i) If the special district receives from the tax net proceeds in excess of the~~
 317 ~~maximum cost of the transit projects stated in the resolution calling for the imposition~~
 318 ~~of the tax or in excess of the actual cost of such projects when the tax was authorized~~
 319 ~~to be levied pursuant to Part 2 of this article, then such excess proceeds may be used~~
 320 ~~for additional transit projects, provided that a subsequent intergovernmental~~
 321 ~~agreement meeting the requirements set forth in subsection (b) of Code Section~~
 322 ~~48-8-269.43 has been entered into. If a subsequent intergovernmental agreement~~
 323 ~~required by this division is not entered into, then such excess proceeds shall be subject~~
 324 ~~to and applied as provided in paragraph (2) of this subsection.~~

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

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

341 SECTION 1-9.

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

344 "48-8-269.58.

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

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

354 **SECTION 1-10.**

355 Said title is further amended by adding a new article to Chapter 13, relating to specific,
 356 business, and occupation taxes, to read as follows:

357 "ARTICLE 8

358 48-13-140.

359 It is declared to be the purpose and intent of the General Assembly that:

- 360 (1) An effective air quality control measure is to reduce the number of motor vehicles
 361 on the roadways through an increased use of transit vehicles;
 362 (2) Reducing the number of motor vehicles on the roadways is of great import and would
 363 aid in improvement of the air quality of this state;
 364 (3) An excise tax shall be levied upon for-hire ground transport trips; and
 365 (4) Funds derived from such tax shall be made available and used exclusively for transit
 366 and transit projects.

367 48-13-141.

368 As used in this article, the term:

- 369 (1) 'For-hire ground transport service provider' means a limousine carrier, ride share
 370 network service, taxi service, and transportation referral service as such terms are defined
 371 in Code Section 40-1-190.
 372 (2) 'For-hire ground transport trip' means a completed journey by vehicle provided by
 373 a for-hire ground transport service provider or any request for such journey for which a
 374 customer is charged, whether completed or not.
 375 (3) 'Shared for-hire ground transport trip' means any journey in which an individual is
 376 matched with, or eligible to be matched with, another individual by a for-hire ground
 377 transport service provider for a for-hire ground transport trip.

378 48-13-142.

379 Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the Constitution
380 of this state, there are created within this state 159 special districts. The geographical
381 boundary of each county shall correspond with and shall be conterminous with the
382 geographical boundary of one of the 159 special districts.

383 48-13-143.

384 (a) On and after January 1, 2020, an excise tax in the amount of 50¢ shall be levied upon
385 any for-hire ground transport trip and 25¢ upon any shared for-hire ground transport trip.
386 Such excise tax shall be collected and remitted by the for-hire ground transport service
387 provider itself and not the vehicle driver. Such excise tax shall be due and payable in the
388 same manner as would otherwise be required under Article 1 of Chapter 8 of this title.

389 (b) It is the intention of the General Assembly, subject to appropriations, that the taxes
390 collected pursuant to subsection (a) of this Code section shall be made available and used
391 exclusively for transit and transit projects, as such terms are defined in Code Section
392 48-8-269.40.

393 (c) If the amount collected under this Code section is ever not appropriated for a fiscal year
394 as provided by subsection (b) of this Code section, as determined jointly by the House
395 Budget and Research Office and the Senate Budget and Evaluation Office, then the amount
396 collected shall be reduced by 50 percent. Upon the conclusion of a second fiscal year in
397 which the amount collected is not so appropriated, this Code section shall stand repealed
398 and reserved, and such fees shall cease to be collected, on the date the appropriations Act
399 for such fiscal year becomes effective. Such budget offices shall certify any such lack of
400 appropriation to the Code Revision Commission for purposes of updating the Code in
401 accordance with this subsection.

402 48-13-144.

403 Any for-hire ground transport service provider that knowingly and willfully violates the
404 requirements of this article shall be assessed a civil penalty of not more than \$10,000.00
405 in addition to the amount of tax due.

406 48-13-145.

407 A for-hire ground transport service provider shall submit a quarterly report to the
408 department and Department of Mobility and Innovation that identifies the number of
409 for-hire ground transport trips provided by county of origin. All such reports shall be
410 treated as confidential and shall not be subject to Article 4 of Chapter 18 of Title 50,
411 relating to open records.

412 48-13-146.

413 The department is authorized to adopt rules and regulations necessary for the enforcement
 414 and implementation of the provisions of this article."

415 **SECTION 1-11.**

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

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

430 **SECTION 1-12.**

431 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
 432 disclosure is not required under open records requirements, is amended by revising
 433 paragraphs (49) and (50) of and adding a new paragraph to subsection (a), to read as follows:

434 "(49) Data, records, or information acquired by the Commissioner of Labor or the
 435 Department of Labor as part of any investigation required pursuant to Code Section
 436 39-2-18, relating to minors employed as actors or performers; ~~or~~

437 (50) Held by the Georgia Superior Court Clerks' Cooperative Authority or any other
 438 public or private entity for and on behalf of a clerk of superior court; provided, however,
 439 that such records may be obtained from a clerk of superior court unless otherwise
 440 exempted from disclosure; or

441 (51) Reports submitted to the Department of Revenue or the Department of Mobility and
 442 Innovation by a for-hire ground transport service provider as required pursuant to Code
 443 Section 48-13-145."

444 PART II
 445 GOVERNANCE
 446 SECTION 2-1.

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

449 "ARTICLE 1

450 50-31-1.

451 There is created the Department of Mobility and Innovation.

452 50-31-2.

453 As used in this chapter, the term:

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

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

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

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

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

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

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

464 (8) 'Local government' means any county, municipality, or other political subdivision of
 465 the state; any regional commission; any public agency or public authority, except any
 466 state agency or state authority, created under the Constitution or by Act of the General
 467 Assembly; shall include public agencies and public authorities which are created or
 468 activated pursuant to the Constitution or Act of the General Assembly or by action of the
 469 governing body of any county, municipality, or other political subdivision of the state,
 470 separately or in any combination; and shall include any group of counties or
 471 municipalities which forms the group to carry out jointly any lawful purposes but shall
 472 not include school districts.

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

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

- 477 (11) 'Municipality' has the same meaning as provided in Code Section 36-30-1.
- 478 (12) 'Necessary' means warranted, desirable, or appropriate, as determined by the
479 commissioner, unless the context clearly indicates a different meaning.
- 480 (13) 'Regional transit plan' means the official multiyear plan adopted for a mobility zone
481 for the provision of transit services throughout the jurisdiction of such area pursuant to
482 Code Sections 50-31-38 or 50-39-12.
- 483 (14) 'State' means the State of Georgia.
- 484 (15) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
485 services that are made available by or funded by a public entity and are open to the
486 general public or open to a segment of the general public defined by age, disability, or
487 low income. Such term includes services or systems operated by or under contract with
488 the state, a state agency or authority, a local government, or any other similar public
489 entity of this state and all accompanying infrastructure and services necessary to provide
490 access to these modes of transportation. Such term excludes charter or sightseeing
491 services; school bus services; courtesy shuttle and intra-facility or terminal services;
492 limousine carriers; and ride share network services, transportation referral services, and
493 taxi services, as such terms are defined in Chapter 1 of Title 40, and which are not paid
494 for by a public entity.
- 495 50-31-3.
- 496 (a) The head of the department shall be the commissioner who shall exercise supervision
497 and control over all divisions and employees of the department.
- 498 (b) The commissioner shall be appointed by the Governor and shall serve at the pleasure
499 of the Governor.
- 500 (c) Beginning July 1, 2019, the commissioner shall receive an annual salary to be set by
501 the Governor, payable monthly or semimonthly, which shall be his or her total
502 compensation for services as commissioner. The commissioner shall not be entitled to
503 receive a contingent expense allowance, except that the commissioner shall be reimbursed
504 for all actual and necessary expenses incurred by him or her in carrying out his or her
505 official duties.
- 506 (d) The commissioner shall be required to take and subscribe before the Governor an oath
507 to discharge faithfully and impartially the duties of such office, which oath shall be in
508 addition to the oath required of all civil officers.
- 509 (e) The commissioner shall be of good moral character and shall not have been convicted
510 in any court of competent jurisdiction of any crime involving moral turpitude.

511 50-31-4.

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

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

525 50-31-5.

526 (a) The commissioner shall:

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

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

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

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

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

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

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

548 50-31-6.

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

552 50-31-7.

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

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

559 50-31-8.

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

562 50-31-9.

563 (a) The department shall perform the duties, responsibilities, and functions and may
564 exercise the power and authority described in this Code section. The department shall
565 undertake and carry out such planning and technical assistance activities as the
566 commissioner may deem necessary for providing transit and mobility and as may be
567 specified by law. Such planning and technical assistance activities may include, but shall
568 not be limited to, assistance to local governments or any state agency or authority in the
569 form of support with respect to preparation and implementation of a regional transit plan;
570 recommendations for policies and action, and governmental administration, finance,
571 management, planning, coordination, and operations relating to transit; and working with
572 emerging technologies and businesses to develop and implement advanced mobility
573 solutions.

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

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

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

586 (2) The department may write, draft, prepare, or publish in print or electronically any
 587 studies, surveys, investigations, maps, reports, plans, recommendations, advice, and
 588 information with respect to local, regional, or state transit planning, coordination, and
 589 operations. The department may distribute or otherwise disseminate any such studies,
 590 surveys, investigations, maps, reports, plans, recommendations, advice, and information
 591 to any local government, any state authority or state agency, or any private entity; and

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

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

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

601 (e) The duties, responsibilities, and functions of the department and the power and
 602 authority of the department described in this Code section are cumulative with, and in
 603 addition to, all other duties, responsibilities, and functions and power and authority of the
 604 department and are not intended to, and shall not be construed to, conflict with any other
 605 duties, responsibilities, or functions or any other power or authority of the department.

606 50-31-10.

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

611 The department:

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

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

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

621 (b) The department shall direct the distribution of any appropriations or other funds
 622 available for transit and innovative mobility in accordance with any Act of the General
 623 Assembly providing for such appropriations. No grant or loan by the department to any
 624 eligible recipient or qualified local government shall adversely affect any grant, loan, or
 625 service to the eligible recipient or qualified local government by any other unit or
 626 instrumentality of state government. Without limiting the foregoing, the Department of
 627 Education, the Department of Transportation, the Georgia Environmental Finance
 628 Authority, and the state treasurer shall not diminish or fail to award any funds, loans, or
 629 service to any recipient under any state or federal program in whole or in part on account
 630 of a grant or loan by the department. Grants or loans by the department are and shall be
 631 deemed to be of a special nature and in addition to all such other grants, loans, or awards.
 632 The following provisions shall apply to making such funds available to eligible recipients
 633 or qualified local governments:

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

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

641 (3) The department shall set forth in writing the terms under which the department makes
 642 funds available to a qualified local government or eligible recipient. The terms may be
 643 set forth in a contract. The department may execute any such contract on behalf of the
 644 state, and any eligible recipient which is a qualified local government, school district,
 645 state agency, or state authority is authorized to execute any such contract. Any such
 646 writing or contract may incorporate other terms or laws by reference to such terms or
 647 laws; and

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

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

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

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

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

667 (f) The department shall make available to any state agency or authority assigned to the
668 department for administrative purposes all funds made available to the department for the
669 use of any such state authority or agency. The department may make available funds to
670 such state agencies or authorities for any lawful purposes of any such state agencies or
671 authorities.

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

678 50-31-11.

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

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

692 50-31-12.

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

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

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

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

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

703 50-31-13.

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

709 (b) The department shall succeed to all rules, regulations, policies, procedures, and
 710 administrative orders of the Department of Transportation, Department of Human Services,
 711 Department of Behavioral Health and Developmental Disabilities, and Department of
 712 Community Health that are in effect on June 30, 2020, or scheduled to go into effect on or
 713 after July 1, 2020, and which relate to the functions transferred to the department pursuant
 714 to this Code section and shall further succeed to any rights, privileges, entitlements,
 715 obligations, and duties of the Department of Transportation, Department of Human
 716 Services, Department of Behavioral Health and Developmental Disabilities, and
 717 Department of Community Health that are in effect on June 30, 2020, which relate to the
 718 functions transferred to the department pursuant to this Code section. Such rules,
 719 regulations, policies, procedures, and administrative orders shall remain in effect until
 720 amended, repealed, superseded, or nullified by the department by proper authority or as
 721 otherwise provided by law. Nothing in this Code section shall prevent the department from
 722 taking any action in order to comply with federal law or regulations.

723 (c) The rights, privileges, entitlements, and duties of parties to contracts, leases,
724 agreements, and other transactions as identified by the Office of Planning and Budget
725 entered into before July 1, 2020, by the Department of Transportation, Department of
726 Human Services, Department of Behavioral Health and Developmental Disabilities, and
727 Department of Community Health which relate to the functions transferred to the
728 department pursuant to this Code section shall continue to exist; and none of these rights,
729 privileges, entitlements, and duties are impaired or diminished by reason of the transfer of
730 the functions to the department; provided, however, that nothing in this Code section shall
731 hinder the commissioner from making decisions based upon employment needs of the
732 department. In all such instances, the department shall be substituted for the Department
733 of Transportation, Department of Human Services, Department of Behavioral Health and
734 Developmental Disabilities, and Department of Community Health and the department
735 shall succeed to the rights and duties under such contracts, leases, agreements, and other
736 transactions.

737 (d) All vacant positions and persons employed by the Department of Transportation,
738 Department of Human Services, Department of Behavioral Health and Developmental
739 Disabilities, and Department of Community Health in capacities which relate to the
740 functions transferred to the department pursuant to this Code section on June 30, 2020,
741 shall, on July 1, 2020, become employees of the department in similar capacities, as
742 determined by the commissioner. Such employees shall be subject to the employment
743 practices and policies of the department on and after July 1, 2020, but the compensation
744 and benefits of such transferred employees shall not be reduced as a result of such transfer;
745 provided, however, that nothing in this Code section shall hinder the commissioner from
746 making decisions based upon employment needs of the department. Employees who are
747 subject to the rules of the State Personnel Board and thereby under the State Personnel
748 Administration and who are transferred to the department shall retain all existing rights
749 under the State Personnel Administration. Retirement rights of such transferred employees
750 existing under the Employees' Retirement System of Georgia or other public retirement
751 systems on June 30, 2020, shall not be impaired or interrupted by the transfer of such
752 employees, and membership in any such retirement system shall continue in the same
753 status possessed by the transferred employees on June 30, 2020. Accrued annual and sick
754 leave possessed by the transferred employees on June 30, 2020, shall be retained by such
755 employees as employees of the department.

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

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

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

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

770 50-31-14.

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

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

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

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

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

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

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

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

797 50-31-15.

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

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

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

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

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

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

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

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

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

817 ARTICLE 2

818 Part 1

819 50-31-25.

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

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

825 50-31-26.

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

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

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

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

840 50-31-27.

841 (a) The department shall develop and conduct a three-year pilot program for the purpose
 842 of providing a tax credit to employers that provide a transit benefit program to potential
 843 employees in order to use transit to travel to or from work. In such pilot program, mobility
 844 zone managers shall work with employers in a mobility zone interested in providing transit
 845 as a means for recruitment of new employees. In consultation with interested employers
 846 and existing and potential transit providers, mobility zone managers shall develop a new
 847 employee tax credit proposal for the mobility zone. The department shall determine the
 848 form for submission and required contents for such proposals, which shall include, at a
 849 minimum:

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

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

- 859 (1) Transit access challenges to unemployed persons within the mobility zone or area to
 860 be served;
- 861 (2) Challenges to employers within the mobility zone in filling positions or retaining
 862 employees which can be attributed to transit access;

- 863 (3) The level of innovation proposed to address transit access challenges of the
 864 unemployed and employers;
- 865 (4) Capability of potential participating employers to participate in the pilot program for
 866 its duration;
- 867 (5) The relationship between the anticipated number of new employees expected to be
 868 added for an employer and the cost of the service to be provided;
- 869 (6) Expected economic impact on development within a mobility zone by offering
 870 proposed services, including expansion of existing employer operations and attraction of
 871 new employers;
- 872 (7) Ability of the mobility zone to attract employers and encourage private sector
 873 partnerships in delivering transit; and
- 874 (8) Other factors deemed appropriate by the division.
- 875 (c) Upon the award of a pilot program to a mobility zone, the employers listed in the
 876 proposal shall be eligible for a tax credit of \$100.00 per month per new employee hired and
 877 enrolled in the program in accordance with Code Section 48-7-29.3. The maximum
 878 allowable tax credit authorized for this pilot program shall be \$1 million annually.
- 879 (d) The proposal of a mobility zone awarded the pilot program may be amended by a
 880 mobility zone manager to add an employer upon approval of the division.
- 881 (e) Quarterly for the duration of the pilot program, the mobility zone manager shall submit
 882 a detailed written report on the implementation and effectiveness of the pilot program to
 883 the division, which shall include the number of employee participants hired per employer
 884 due to the transit services provided and the costs of services provided.

885 Part 2

886 50-31-35.

887 As used in this part, the term:

- 888 (1) 'Council' means the mobility zone advisory council assigned to each mobility zone
 889 provided for by this part.
- 890 (2) 'Regional commission' means a commission established under Article 2 of Chapter
 891 8 of this title.

892 50-31-36.

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

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

899 (b) The territorial boundaries for the operation of the mobility zones shall be as follows:
 900 Zone 1 shall be made up of the counties of Bartow, Catoosa, Chattooga, Dade, Fannin,
 901 Floyd, Gilmer, Gordon, Haralson, Murray, Pickens, Polk, Walker, and Whitfield; Zone 2
 902 shall be made up of the counties of Banks, Barrow, Clarke, Dawson, Elbert, Franklin,
 903 Greene, Habersham, Hall, Hart, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton,
 904 Oconee, Oglethorpe, Rabun, Stephens, Towns, Union, Walton, and White; Zone 3 shall be
 905 made up of the counties of Burke, Columbia, Glascock, Hancock, Jefferson, Jenkins,
 906 Lincoln, McDuffie, Richmond, Taliaferro, Warren, Washington, and Wilkes; Zone 4 shall
 907 be made up of the counties of Butts, Carroll, Chattahoochee, Clay, Crisp, Dooly, Harris,
 908 Heard, Lamar, Macon, Marion, Meriwether, Muscogee, Pike, Quitman, Randolph, Schley,
 909 Spalding, Stewart, Sumter, Talbot, Taylor, Troup, Upson, and Webster; Zone 5 shall be
 910 made up of the counties of Appling, Baldwin, Bibb, Bleckley, Candler, Crawford, Dodge,
 911 Emanuel, Evans, Houston, Jeff Davis, Johnson, Jones, Laurens, Monroe, Montgomery,
 912 Peach, Pulaski, Putnam, Tattnall, Telfair, Toombs, Treutlen, Twiggs, Wayne, Wheeler,
 913 Wilcox, and Wilkinson; Zone 6 shall be made up of the counties of Bryan, Bulloch,
 914 Camden, Chatham, Effingham, Glynn, Liberty, Long, McIntosh, and Screven; Zone 7 shall
 915 be made up of the counties of Baker, Calhoun, Colquitt, Decatur, Dougherty, Early, Grady,
 916 Lee, Miller, Mitchell, Seminole, Terrell, Thomas, and Worth; Zone 8 shall be made up of
 917 the counties of Atkinson, Bacon, Ben Hill, Berrien, Brantley, Brooks, Charlton, Clinch,
 918 Coffee, Cook, Echols, Irwin, Lanier, Lowndes, Pierce, Tift, Turner, and Ware; and Zone
 919 9 shall be made up of the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas,
 920 Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale.

921 50-31-37.

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

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

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

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

937 (A) Resignation by a member;

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

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

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

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

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

952 50-31-38.

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

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

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

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

976 **SECTION 2-2.**

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

980 "48-7-29.3.

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

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

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

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

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

997 PART III
 998 ABOLISHMENT OF THE GEORGIA REGIONAL
 999 TRANSPORTATION AUTHORITY

1000 SECTION 3-1.

1001 Code Section 40-1-100, relating to definitions relative to the certification of motor carriers,
 1002 is amended by replacing "Georgia Regional Transportation Authority" with "Atlanta-region
 1003 Transit Link 'ATL' Authority" wherever the former occurs.

1004 SECTION 3-2.

1005 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 1006 in Code Section 50-23-4, relating to definitions relative to the Environmental Finance
 1007 Authority, by revising paragraph (12) as follows:

1008 "(12) 'Project' means:

- 1009 (A) The acquisition, construction, installation, modification, renovation, repair,
 1010 extension, renewal, replacement, or rehabilitation of land, interest in land, buildings,
 1011 structures, facilities, or other improvements and the acquisition, installation,
 1012 modification, renovation, repair, extension, renewal, replacement, rehabilitation, or
 1013 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature
 1014 whatsoever used on, in, or in connection with any such land, interest in land, building,
 1015 structure, facility, or other improvement, all for the essential public purpose of
 1016 providing environmental facilities and services so as to meet public health and
 1017 environmental standards, protect the state's valuable natural resources, or aid the
 1018 development of trade, commerce, industry, agriculture, and employment opportunities,
 1019 including, but not limited to, any project as defined by Code Section 12-5-471; and
 1020 ~~(B) Projects authorized by the Georgia Regional Transportation Authority created by~~
 1021 ~~Chapter 32 of this title and as defined in such chapter, where such authority has been~~
 1022 ~~directed to issue revenue bonds, bonds, notes, or other obligations to finance such~~
 1023 ~~project or the cost of a project in whole or in part, provided that such authority's power~~
 1024 ~~with respect to such projects authorized by the Georgia Regional Transportation~~
 1025 ~~Authority shall be limited to providing such financing and related matters as authorized~~
 1026 ~~by the Georgia Regional Transportation Authority; and~~
 1027 ~~(C)~~ (C) Projects authorized by the Atlanta-region Transit Link 'ATL' Authority created
 1028 pursuant to Chapter 39 of this title and as defined in such chapter, where such authority
 1029 has been directed to issue revenue bonds, bonds, notes, or other obligations to finance
 1030 such project or the cost of a project in whole or in part, provided that such authority's
 1031 power with respect to such projects authorized by the Atlanta-region Transit Link 'ATL'

1032 Authority shall be limited to providing such financing and related matters as authorized
 1033 by the Atlanta-region Transit Link 'ATL' Authority."

1034 **SECTION 3-3.**

1035 Said title is further amended by repealing Chapter 32, relating to the Georgia Regional
 1036 Transportation Authority, in its entirety and designating such chapter as reserved.

1037 **SECTION 3-4.**

1038 Said title is further amended in Code Section 50-39-14, relating to approval of projects,
 1039 issuance of bonds or other financing issues of the Atlanta-region Transit Link "ATL"
 1040 Authority and subordination of Georgia Environmental Finance Authority, by revising
 1041 subsection (c) as follows:

1042 "(c) The Georgia Environmental Finance Authority shall be subordinate to the authority
 1043 in all respects, with respect to authority projects, within the geographic area over which the
 1044 authority has jurisdiction; and, in the event of any conflict with the provisions of Chapter
 1045 23 of this title, the provisions of this chapter shall prevail in all respects. It is expressly
 1046 provided, however, that nothing in this Code section and nothing in this chapter shall be
 1047 construed to permit in any manner the alteration, elimination, or impairment of any term,
 1048 provision, covenant, or obligation imposed on any state authority, including but not limited
 1049 to this authority, the Georgia Environmental Finance Authority, ~~the Georgia Regional~~
 1050 ~~Transportation Authority~~, or the Georgia Rail Passenger Authority, for the benefit of any
 1051 owner or holder of any bond, note, or other obligation of any such authority."

1052 **SECTION 3-5.**

1053 Said title is further amended by adding a new Code section to read as follows:

1054 "50-39-29.

1055 (a) All assets, property, and legal rights and obligations, including, but not limited to, all
 1056 bonded indebtedness, of the Georgia Regional Transportation Authority shall devolve by
 1057 operation of law upon the authority on July 1, 2020.

1058 (b) The rights, privileges, entitlements, and duties of parties to contracts, leases,
 1059 agreements, and other transactions, including commitments related to federal funds, entered
 1060 into before July 1, 2020, by the Georgia Regional Transportation Authority shall continue
 1061 to exist; and none of these rights, privileges, entitlements, and duties are impaired or
 1062 diminished by reason of the transfer of the functions to the authority. In all such instances,
 1063 the authority shall be substituted for the Georgia Regional Transportation Authority and
 1064 the authority shall succeed to the rights and duties under such contracts, leases, agreements,
 1065 and other transactions, including to commitment relating to federal funds.

1066 (c) All persons employed by the Georgia Regional Transportation Authority shall, on July
 1067 1, 2020, become employees of the authority in similar capacities, as determined by the
 1068 commissioner of mobility and innovation. Such employees shall be subject to the
 1069 employment practices and policies of the authority on and after July 1, 2020, but the
 1070 compensation and benefits of such transferred employees shall not be reduced as a result
 1071 of such transfer. Employees who are subject to the rules of the State Personnel Board and
 1072 thereby under the State Personnel Administration and who are transferred to the department
 1073 shall retain all existing rights under the State Personnel Administration. Retirement rights
 1074 of such transferred employees existing under the Employees' Retirement System of Georgia
 1075 or other public retirement systems on June 30, 2020, shall not be impaired or interrupted
 1076 by the transfer of such employees, and membership in any such retirement system shall
 1077 continue in the same status possessed by the transferred employees on June 30, 2020.
 1078 Accrued annual and sick leave possessed by the transferred employees on June 30, 2020,
 1079 shall be retained by such employees as employees of the authority.
 1080 (d) On July 1, 2020, the authority shall receive custody of the real property in the custody
 1081 of the Georgia Regional Transportation Authority on June 30, 2020.
 1082 (e) All equipment or other tangible property in possession of the Georgia Regional
 1083 Transportation Authority which is used or held exclusively or principally by personnel
 1084 transferred under this Code section shall be transferred to the authority as of July 1, 2020."

1085 PART IV

1086 ATLANTA-REGION TRANSIT LINK "ATL" AUTHORITY

1087 SECTION 4-1.

1088 Chapter 39 of Title 50 of the Official Code of Georgia Annotated, relating to the
 1089 Atlanta-region Transit Link "ATL" Authority, is amended in Code Section 50-39-2, relating
 1090 to definitions, by revising paragraph (18) as follows:

1091 ~~"(18) 'Transit' means regular, continuing shared-ride or shared-use surface transportation~~
 1092 ~~services that are made available by a public entity and are open to the general public or~~
 1093 ~~open to a segment of the general public defined by age, disability, or low income. Such~~
 1094 ~~term includes services or systems operated by or under contract with the state, a public~~
 1095 ~~agency or authority, a county or municipality, a community improvement district, or any~~
 1096 ~~other similar public entity of this state and all accompanying infrastructure and services~~
 1097 ~~necessary to provide access to these modes of transportation. Such term excludes charter~~
 1098 ~~or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal~~
 1099 ~~services, limousine carriers, ride share network services, transportation referral services,~~

1100 ~~and taxi services not paid for by a public entity shall have the same meaning as provided~~
 1101 ~~for in Code Section 50-31-2."~~

1102 **SECTION 4-2.**

1103 Said chapter is further amended in Code Section 50-39-3, relating to creation of the
 1104 Atlanta-region Transit Link "ATL" Authority and board of directors, by revising subsection
 1105 (a) as follows:

1106 "(a) There is created the Atlanta-region Transit Link 'ATL' Authority as a body corporate
 1107 and politic, which shall be deemed an instrumentality of the State of Georgia and a public
 1108 corporation thereof, for purposes of managing or causing to be managed transit and air
 1109 quality within certain areas of this state; and by that name, style, and title such body may
 1110 contract and be contracted with and bring and defend actions in all courts of this state.
 1111 Such authority shall serve as the sole entity for coordination and planning and the
 1112 dispersing of federal and state funding for transit within the jurisdiction of the authority.
 1113 Such authority shall work with counties, municipalities, and operators of transit services
 1114 within the jurisdiction of the authority and the Department of Mobility and Innovation to
 1115 provide a consistent and integrated vision for transit through transparent decision making
 1116 and execution. This Code section shall not be deemed to impair or interfere in any manner
 1117 with any existing rights under a contract entered into prior to December 1, 2018, or any
 1118 federal grants or agreements awarded or entered into prior to December 1, 2018. This
 1119 Code section shall not be applicable to projects or services provided for under the terms of
 1120 a contract entered into as of December 1, 2018, under the authority granted pursuant to a
 1121 local constitutional amendment set out at Ga. L. 1964, p. 1008, and the planning, funding,
 1122 coordination, and delivery of such projects or services shall be as provided for by such
 1123 contract or contracts."

1124 **SECTION 4-3.**

1125 Said chapter is further amended in Code Section 50-39-4, relating to membership, structure,
 1126 operation, appointment of executive director, and annual reporting of the authority, by
 1127 revising paragraph (1) of subsection (a) and subsections (b), (c), and (i) through (k) as
 1128 follows:

1129 "(a)(1) The board of directors of the authority shall consist of 16 members, ten of whom
 1130 shall be appointed from the authority districts described in paragraph (2) of this
 1131 subsection, five of whom shall be appointed as described in paragraph (3) of this
 1132 subsection, and the commissioner of transportation who shall serve ex officio and be a
 1133 nonvoting member. The members appointed from such authority districts shall be
 1134 appointed by a majority vote of a caucus of the members of the House of Representatives

1135 and Senate whose respective districts ~~are~~ include any portion of such authority district,
 1136 the chairpersons of the county board of commissioners whose counties are located within
 1137 such authority districts, and one mayor from the municipalities located within such
 1138 authority districts who shall be chosen by a caucus of all mayors from the municipalities
 1139 located within such authority districts; provided that if any authority district is wholly or
 1140 partially located within the City of Atlanta, the mayor of the City of Atlanta shall be
 1141 entitled to his or her own vote in addition to the vote by the mayor outside the limits of
 1142 such city selected by the caucus of mayors to cast a vote. Each such appointee shall be
 1143 a resident of the authority district which he or she represents and possess significant
 1144 experience or expertise in a field that would be beneficial to the accomplishment of the
 1145 function and purpose of this chapter. No later than December 1, 2018, the respective
 1146 caucuses appointing board members from the authority districts shall meet and appoint
 1147 their respective board members of said board of directors. ~~Such meeting~~ Beginning in
 1148 2021, the respective caucuses appointing board members from the authority districts shall
 1149 meet during the regular session of the General Assembly immediately preceding the
 1150 expiration of the term of office of each member appointed by an authority district. All
 1151 such meetings shall be called by the chairperson of the ~~board of commissioners from the~~
 1152 ~~county with the largest population represented in the authority district~~ authority and be
 1153 held at the state capitol. Notice of such meeting shall be sent by e-mail to all appointing
 1154 members of any respective caucus at least seven calendar days prior and shall state the
 1155 time, place, and purpose for such meeting."

1156 "(b) All members of the board and their successors shall each be appointed for terms of
 1157 four years, except that those members appointed from even-numbered authority districts
 1158 shall serve an initial term that expires on April 15, 2023, and those members appointed
 1159 from odd-numbered authority districts shall each serve an initial term of two years that
 1160 expires on April 15, 2021. After such initial two-year term, that caucus which appointed
 1161 such member for such initial term shall appoint successors thereto for terms of office of
 1162 four years. All members of the board shall serve until the appointment and qualification
 1163 of a successor except as otherwise provided in this Code section. Other than the
 1164 commissioner of transportation, no person holding any other office of profit or trust under
 1165 the state shall serve upon the board. The chairperson of the board of directors shall be
 1166 appointed by the Governor and a vice chairperson shall be selected annually from among
 1167 the members by majority vote of those members present and voting.

1168 (c) ~~All successors shall be appointed in the same manner as original appointments.~~
 1169 Vacancies in office of members appointed pursuant to paragraph (3) of subsection (a) of
 1170 this Code section shall be filled in the same manner as original appointments. If a vacancy
 1171 in office of a member appointed by an authority district pursuant to paragraph (1) of

1172 subsection (a) of this Code section occurs during any regular session of the General
 1173 Assembly, the election for such vacancy shall be held in the same manner as provided in
 1174 paragraph (1) of subsection (a) of this Code section. For all other vacancies in office of a
 1175 member appointed by an authority district, the remainder of the unexpired term shall be
 1176 filled by a member elected at a meeting called by the chairperson of the authority at a
 1177 location designated by such chairperson. Notice of such meeting shall be sent by e-mail
 1178 to all appointing members of any respective caucus at least seven calendar days prior and
 1179 shall state the time, place, and purpose for such meeting. A person appointed to fill a
 1180 vacancy shall serve for the unexpired term. No vacancy on the board shall impair the right
 1181 of the quorum of the remaining members then in office to exercise all rights and perform
 1182 all duties of the board."

1183 "~~(i) The board may, in its discretion, appoint an executive director as the administrative~~
 1184 ~~head of the authority and shall set his or her salary. The executive director of the Georgia~~
 1185 ~~Regional Transportation Authority shall serve as a temporary director until the board is~~
 1186 ~~constituted and an executive director is appointed by such board.~~

1187 ~~(j) The authority is assigned to the Georgia Regional Transportation Authority Department~~
 1188 ~~of Mobility and Innovation for administrative purposes only. Such department shall be~~
 1189 ~~authorized to hire officers, agents, and employees, prescribe their duties and qualifications,~~
 1190 ~~and fix their compensation.~~

1191 ~~(k)(j)~~ The authority shall annually submit a report of projects of regional and state
 1192 significance from the regional transit plan to the commissioner of mobility and innovation,
 1193 the Office of Planning and Budget, the Governor, the Lieutenant Governor, and the
 1194 Speaker of the House of Representatives for consideration by such parties for inclusion in
 1195 the bond package for the upcoming fiscal year budget. The required date of submission of
 1196 such report shall coincide with the required submission date of estimates of financial
 1197 requirements of a budget unit pursuant to Code Section 45-12-78."

1198 SECTION 4-4.

1199 Said chapter is further amended by revising Code Section 50-39-5, relating to continuation
 1200 of the development of the Atlanta region's Concept 3 transit proposal, as follows:

1201 "50-39-5.

1202 The Atlanta Regional Commission in conjunction with the authority and the director of
 1203 planning for the Department of Transportation and the Department of Mobility and
 1204 Innovation shall utilize federal and state planning funds to continue the development of the
 1205 Atlanta region's Concept 3 transit proposal, including assessment of potential economic
 1206 benefit to the region and the state, prioritization of corridors based on highest potential

1207 economic benefit and lowest environmental impact, and completion of environmental
1208 permitting.”

1209 **SECTION 4-5.**

1210 Said chapter is further amended in Code Section 50-39-10, relating to uniform operation and
1211 jurisdictional issues, by revising paragraph (2) of subsection (a) and paragraph (1) of
1212 subsection (b) as follows:

1213 “(2)(A) The initial jurisdiction of the authority for purposes of this chapter shall
1214 encompass the territory of every county which was designated by the United States
1215 Environmental Protection Agency (USEPA) in the *Code of Federal Regulations* as of
1216 December 31, 1998, as a county included in whole or in part within a nonattainment
1217 area under the Clean Air Act and which the board designates, through resolution or
1218 regulation, as a county having excess levels of ozone, carbon monoxide, or particulate
1219 matter.

1220 (B) The jurisdiction of the authority for purposes of this chapter shall also encompass
1221 the territory of every county designated by the USEPA in the *Code of Federal*
1222 *Regulations* after December 31, 1998, as a county included in whole or in part within
1223 a nonattainment area under the Clean Air Act and which the board designates, through
1224 resolution or regulation, as a county having excess levels of ozone, carbon monoxide,
1225 or particulate matter, provided that the jurisdictional area encompassed under this
1226 subparagraph shall be contiguous with the jurisdictional area encompassed under
1227 subparagraph (A) of this paragraph.”

1228 “(b)(1) By December 1, 2018, the director of the Environmental Protection Division shall
1229 report and certify to the authority those counties which were designated by the USEPA
1230 as included in whole or in part within a nonattainment area pursuant to subsection (a) of
1231 this Code section and, pursuant to criteria established by that division, counties which are
1232 reasonably expected to become nonattainment areas under the Clean Air Act within ~~seven~~
1233 three years from the date of such report and certification. Such report and certification
1234 shall be updated ~~every six months~~ annually thereafter. Within the geographic territory
1235 of any county so designated, the board shall provide, by resolution or regulation, that the
1236 funding, planning, design, construction, contracting, leasing, and other related facilities
1237 of the authority shall be made available to county and local governments for the purpose
1238 of planning, designing, constructing, operating, and maintaining transit systems and
1239 transit projects, air quality installations, and all facilities necessary and beneficial thereto,
1240 and for the purpose of designing and implementing designated metropolitan planning
1241 organizations' transit plans and transportation improvement programs and the authority's

1242 regional transit plan, on such terms and conditions as may be agreed to between the
1243 authority and such county or local governments."

1244 **SECTION 4-6.**

1245 Said chapter is further amended in Code Section 50-39-11, relating to general powers of the
1246 authority, construction with provisions on coordination and comprehensive planning and
1247 service delivery by counties and municipalities, by revising paragraphs (3), (7), (11), and
1248 (29) of subsection (a) as follows:

1249 "(3) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and
1250 maintain or cause to be operated and maintained transit systems and transit projects, and
1251 all facilities and appurtenances necessary or beneficial thereto, within the geographic area
1252 over which the authority has jurisdiction or which are included within a regional transit
1253 plan or transportation improvement program and provide transit services within the
1254 geographic jurisdiction of the authority, and to contract with any state, regional, or local
1255 government, authority, or department, or with any private person, firm, or corporation,
1256 for those purposes, and to enter into contracts and agreements with the Georgia
1257 Department of Transportation, the Department of Mobility and Innovation, county and
1258 local governments, and transit system operators for those purposes;"

1259 ~~"(7) To appoint an executive director who shall be executive officer and administrative~~
1260 ~~head of the authority. The executive director shall be appointed and serve at the pleasure~~
1261 ~~of the board.~~ The executive director shall hire officers, agents, and employees, prescribe
1262 their duties and qualifications and fix their compensation, and perform such other duties
1263 as may be prescribed by the authority. Such officers, agents, and employees shall serve
1264 at the pleasure of the executive director;"

1265 "(11) To issue guaranteed revenue bonds, revenue bonds, bonds, notes, or other
1266 obligations of the authority, to receive payments from the Department of ~~Community~~
1267 Affairs Mobility and Innovation, and to use the proceeds thereof for the ~~purpose~~ purposes
1268 of:

1269 (A) Paying or loaning the proceeds thereof to pay, all or any part of, the cost of any
1270 project or the principal of and premium, if any, and interest on the revenue bonds,
1271 bonds, notes, or other obligations of any local government issued for the purpose of
1272 paying in whole or in part the cost of any project and having a final maturity not
1273 exceeding three years from the date of original issuance thereof;

1274 (B) Paying all costs of the authority incidental to, or necessary and appropriate to,
1275 furthering or carrying out the purposes of the authority; and

1276 (C) Paying all costs of the authority incurred in connection with the issuance of the
1277 guaranteed revenue bonds, revenue bonds, bonds, notes, or other obligations;"

1278 "(29) To review and make recommendations to the Governor, Lieutenant Governor, and
 1279 Speaker of the House of Representatives concerning all transit plans and transportation
 1280 improvement programs prepared by the Department of ~~Transportation~~ Mobility and
 1281 Innovation involving design, construction, or operation of transit facilities wholly or
 1282 partly within the geographic area over which the authority has jurisdiction pursuant to
 1283 this chapter, and to negotiate with that department concerning changes or amendments
 1284 to such plans which may be recommended by the authority consistent with applicable
 1285 federal law and regulation, and to adopt such plans as all or a portion of its own regional
 1286 plans;"

1287 SECTION 4-7.

1288 Said chapter is further amended in Code Section 50-39-12, relating to development, review,
 1289 and amendment of regional transit plan, coordination with federal priorities, and branding,
 1290 by revising subsection (d) as follows:

1291 "(d)(1) Such plan shall further include the creation of a unified logo and brand to
 1292 encompass all transit service providers within the jurisdiction of the authority which shall
 1293 include the acronym 'ATL.' On and after January 1, 2023, all transit service providers
 1294 within the jurisdiction of the authority shall utilize such logo and brand as a prominent
 1295 feature upon any property used for the purpose of transit."

1296 SECTION 4-8.

1297 Said chapter is further amended in Code Section 50-39-13, relating to delegation of authority
 1298 by Governor, formulation of measurable targets, and annual reporting by the authority, by
 1299 revising subsection (b) as follows:

1300 "(b) The authority shall formulate measurable targets for air quality improvements and
 1301 standards within the geographic area over which the authority has jurisdiction pursuant to
 1302 this chapter, and annually shall report such targets to the Governor, Lieutenant Governor,
 1303 ~~and~~ Speaker of the House of Representatives, and commissioner of mobility and
 1304 innovation, together with an assessment of progress toward achieving such targets and
 1305 projected measures and timetables for achieving such targets. The authority shall formulate
 1306 an annual report and audit of all transit planning, funding, and operations within the
 1307 jurisdiction of the authority which shall be presented by December 1 of each year to the
 1308 Senate and House Transportation Committees and the local governing authorities of those
 1309 counties within the jurisdiction of the authority."

1310 **SECTION 4-9.**

1311 Said chapter is further amended in Code Section 50-39-15, relating to the Atlanta-region
 1312 Transit Link "ATL" Authority's power of eminent domain and limitations, by revising
 1313 subsection (a) as follows:

1314 "(a) After the adoption by the authority of a resolution declaring that the acquisition of the
 1315 real property described therein is necessary for the purposes of this chapter, the authority
 1316 may exercise the power of eminent domain in the manner provided in Title 22; or it may
 1317 exercise the power of eminent domain in the manner provided by any other applicable
 1318 statutory provisions for the exercise of such power; provided, however, that the provisions
 1319 of Article 7 of Chapter 16 of this title shall not be applicable to the exercise of the power
 1320 of eminent domain by the authority. Property already devoted to public use may be
 1321 acquired, except that no real property belonging to the state other than property acquired
 1322 by or for the purposes of the Department of Transportation or Department of Mobility and
 1323 Innovation may be acquired without the consent of the state."

1324 **SECTION 4-10.**

1325 Said chapter is further amended by revising Code Section 50-39-18, relating to record and
 1326 resource sharing between governmental entities, as follows:

1327 "50-39-18.

1328 (a) Upon request of the board of the authority, the Department of Transportation, the
 1329 Department of Mobility and Innovation, and the Department of Natural Resources shall
 1330 provide to the authority and its authorized personnel and agents access to all books,
 1331 records, and other information resources available to those departments which are not of
 1332 a commercial proprietary nature and shall assist the authority in identifying and locating
 1333 such information resources. Reimbursement for costs of identification, location, transfer,
 1334 or reproduction of such information resources, including personnel costs incurred by the
 1335 respective departments for such purposes, shall be made by the authority to those
 1336 respective departments.

1337 (b) The authority may request from time to time, and the Department of Transportation,
 1338 the Department of Mobility and Innovation, and the Department of Natural Resources shall
 1339 provide as permissible under the Constitution and laws of this state, the assistance of
 1340 personnel and the use of facilities, vehicles, aircraft, and equipment of those departments,
 1341 and reimbursement for all costs and salaries thereby incurred by the respective departments
 1342 shall be made by the authority to those respective departments."

1343 PART V
 1344 METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY
 1345 (MARTA)

1346 SECTION 5-1.

1347 Article 2 of Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to the
 1348 Metropolitan Atlanta Rapid Transit Authority, is amended in Code Section 32-9-21, relating
 1349 to creation of Cobb County Special District for Transit, by revising subsections (e) and (g)
 1350 as follows:

1351 "(e) The committee shall provide to the board of commissioners of Cobb County the
 1352 recommended map for the special district, which was approved by majority vote of the
 1353 committee, and a proposed rapid transit contract, no later than December 1, ~~2019~~ 2021."

1354 "(g) The committee shall stand abolished and this Code section shall stand repealed by
 1355 operation of law on December 1, ~~2019~~ 2021."

1356 SECTION 5-2.

1357 Said article is further amended in Code Section 32-9-22, relating to rapid transit contract with
 1358 Cobb County on behalf of the Cobb County Special District for Transit, by revising
 1359 subsection (h) as follows:

1360 "(h) In the event a rapid transit contract has not been entered into on behalf of the Cobb
 1361 County Special District for Transit or the referendum required by this Code section fails
 1362 to receive the requisite majority vote for approval prior to December 1, ~~2019~~ 2021, this
 1363 Code section shall stand repealed by operation of law on such date."

1364 SECTION 5-3.

1365 Said article is further amended in Code Section 32-9-23, relating to retail sales and use tax
 1366 in Gwinnett and Cobb counties and rate, proceeds, and utilization of such tax, by revising
 1367 paragraph (2) of subsection (b) as follows:

1368 "(2) In the event a rapid transit contract has not been entered into on behalf of the Cobb
 1369 County Special District for Transit or the referendum required by Code Section 32-9-22
 1370 fails to receive the requisite majority vote for approval prior to December 1, ~~2019~~ 2021,
 1371 this subsection shall stand repealed and reserved by operation of law on such date."

PART VI

STATE ROAD AND TOLLWAY AUTHORITY

SECTION 6-1.

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

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

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

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

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

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

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

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

1408 foregoing purposes shall be regarded as a part of the cost of the project and may be paid
 1409 or reimbursed as such out of the proceeds of revenue bonds issued for such project under
 1410 this ~~article~~ chapter.

1411 (6) 'County' means either one of the several counties, any division, department, agency,
 1412 authority, instrumentality, or branch thereof, or the county governing authority, that is,
 1413 the judge of the probate court, board of county commissioners, county commissioner, or
 1414 other county officers in charge of the roads, bridges, and revenues of the county.

1415 (7) 'Department' means the Department of Mobility and Innovation.

1416 (8) 'Let' means to award a contract to one of several persons who have submitted
 1417 competitive bids or competitive proposals therefor in response to advertisement. The
 1418 determination to solicit bids or requests for competitive proposals or other forms of
 1419 solicitations shall be allowed as determined by the commissioner to be most
 1420 advantageous to the department or its attached authorities.

1421 (9) 'Maintenance' means the preservation of a public road, including repairs and
 1422 resurfacing not amounting to construction as defined in this Code section.

1423 (10) 'Motor vehicle' or 'vehicle' shall have the same meaning as set forth in Code
 1424 Section 40-1-1.

1425 (11) 'Municipality' means an incorporated city, the governing body of which holds at
 1426 least six regular meetings each year and which for a period of one year has levied and
 1427 collected an ad valorem tax on the real property in such city or has for a one-year period
 1428 performed at least two of the following municipal activities and services:

1429 (A) Furnished water service;

1430 (B) Furnished sewage service;

1431 (C) Furnished garbage collection;

1432 (D) Furnished police protection;

1433 (E) Furnished fire protection;

1434 (F) Assessed and collected business licenses;

1435 (G) Furnished street lighting facilities.

1436 The term may also refer to any division, department, agency, authority, instrumentality,
 1437 or branch of a municipality. Where the context requires or otherwise indicates, the term
 1438 'municipality' may also mean the municipal governing authority, that is, the mayor and
 1439 council, board of aldermen, board of commissioners, or other chief legislative body of a
 1440 municipality.

1441 (12) 'Person' means any individual, partnership, corporation, association, or private
 1442 organization of any character.

1443 ~~(5)~~(13) 'Project' means land public transportation systems, including: (A) one or more
 1444 roads or bridges or a system of roads, bridges, and tunnels or improvements thereto

1445 included on an approved state-wide transportation improvement program on the
 1446 Developmental Highway System as set forth in Code Section 32-4-22, as now or
 1447 hereafter amended, or a comprehensive transportation plan pursuant to Code
 1448 Section 32-2-3 or which are toll access roads, bridges, or tunnels, with access limited or
 1449 unlimited as determined by the authority, and such buildings, structures, parking areas,
 1450 appurtenances, and facilities related thereto, including but not limited to approaches,
 1451 cross streets, roads, bridges, tunnels, and avenues of access for such system; (B) any
 1452 program for mass transportation or mass transportation facilities as approved by the
 1453 authority and the department and such buildings, structures, parking areas, appurtenances,
 1454 and facilities related thereto, including, but not limited to, approaches, cross streets,
 1455 roads, bridges, tunnels, and avenues of access for such facilities; and (C) any project
 1456 undertaken pursuant to a public-private initiative as authorized pursuant to Code
 1457 Section 32-2-78.

1458 (14) 'Public road' means a highway, road, street, avenue, toll road, tollway, drive, detour,
 1459 or other way that either is open to the public or has been acquired as right of way, and is
 1460 intended to be used for enjoyment by the public and for the passage of vehicles in any
 1461 county or municipality of Georgia, including but not limited to the following public
 1462 rights, structures, sidewalks, facilities, and appurtenances incidental to the construction,
 1463 maintenance, and enjoyment of such rights of way:

1464 (A) Surface, shoulders, and sides;

1465 (B) Bridges;

1466 (C) Causeways;

1467 (D) Viaducts;

1468 (E) Ferries;

1469 (F) Overpasses;

1470 (G) Underpasses;

1471 (H) Railroad grade crossings;

1472 (I) Tunnels;

1473 (J) Signs, signals, markings, or other traffic control devices;

1474 (K) Buildings for public equipment and personnel used for or engaged in
 1475 administration, construction, or maintenance of such ways or research pertaining
 1476 thereto;

1477 (L) Wayside parks;

1478 (M) Parking facilities;

1479 (N) Drainage ditches;

1480 (O) Canals and culverts;

1481 (P) Rest areas;

1482 (Q) Truck-weighing stations or check points; and

1483 (R) Scenic easements and easements of light, air, view, and access.

1484 ~~(6)~~(15) 'Relocation expenses' means all necessary relocation expenses, replacement
1485 housing expenses, relocation advisory services, expenses incident to the transfer of real
1486 property, and litigation expenses of any individual, family, business, farm operation, or
1487 nonprofit organization displaced by authority projects to the extent authorized by the
1488 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as
1489 amended by the Uniform Relocation Act Amendments of 1987, Title IV of Public Law
1490 100-17.

1491 ~~(6.1)~~(16) 'Revenue' or 'revenues' shall mean any and all moneys received from:

1492 (A) The collection of tolls authorized by Code Sections ~~32-10-64 and 32-10-65~~
1493 50-41-6 and 50-41-7, any federal highway funds and reimbursements, any other federal
1494 highway assistance received from time to time by the authority, any other moneys of
1495 the authority pledged for such purpose, any other moneys received by the authority
1496 pursuant to the Georgia Transportation Infrastructure Bank, and any moneys received
1497 pursuant to a public-private initiative as authorized pursuant to Code Section 32-2-78;
1498 and

1499 (B) Any federal highway transit funds and reimbursements and any other federal
1500 highway transit assistance received from time to time by the authority. This
1501 subparagraph shall stand repealed by operation of law on July 1, 2021.

1502 ~~(7)~~(17) 'Revenue bonds,' 'revenue bond,' 'bonds,' or 'bond' means any bonds, notes,
1503 interim certificates, reimbursement anticipation notes, or other evidences of indebtedness
1504 of the authority authorized by ~~Part Article 2 of this article chapter~~, including without
1505 limitation obligations issued to refund any of the foregoing.

1506 (18) 'Right of way' means, generally, property or any interest therein, whether or not in
1507 the form of a strip, which is acquired for or devoted to a public road.

1508 ~~(8)~~(19) 'Self-liquidating' means that, in the judgment of the authority, the revenues and
1509 earnings to be derived by the authority from any project or combination of projects or
1510 from any other revenues available to the authority, together with any maintenance, repair,
1511 operational services, funds, rights of way, engineering services, and any other in-kind
1512 services to be received by the authority from appropriations of the General Assembly, the
1513 department, other state agencies or authorities, the United States government, or any
1514 county or municipality or from disbursements from any person, firm, corporation, limited
1515 liability company, or other type of entity shall be sufficient to provide for the
1516 maintenance, repair, and operation and to pay the principal and interest of revenue bonds
1517 which may be issued for the cost of such project, projects, or combination of projects.

1518 (20) 'State agency' means any division, department, instrumentality, branch, or other
 1519 body of the state to which state governmental functions have been delegated.

1520 (21) 'Underpass' means a bridge, including the approaches thereto and all appurtenances
 1521 thereof, which provides access for a public road underneath a railroad or another public
 1522 road or for a pedestrian walkway underneath a public road.

1523 ~~(9)~~(22) 'Utility' means any publicly, privately, or cooperatively owned line, facility, or
 1524 system for producing, transmitting, transporting, or distributing communications, power,
 1525 electricity, light, heat, gas, oil products, passengers, water, steam, clay, waste, storm
 1526 water not connected with highway drainage, and other similar services and commodities,
 1527 including publicly owned fire and police, and traffic signals and street lighting systems,
 1528 which directly or indirectly serve the public. This term also means a person, municipal
 1529 corporation, county, state agency, or public authority which owns or manages a utility as
 1530 defined in this paragraph."

1531 **SECTION 6-2.**

1532 Said article is further amended by revising Code Section 32-10-61, relating to continuation
 1533 of State Tollway Authority as State Road and Tollway Authority, as follows:

1534 "~~32-10-61~~ 50-41-2.

1535 The State Tollway Authority shall continue to be a body corporate and politic and an
 1536 instrumentality and public corporation of the state known as the 'State Road and Tollway
 1537 Authority.' It shall have perpetual existence. In said name it may contract and be
 1538 contracted with, sue and be sued, implead and be impleaded, and complain and defend in
 1539 all courts of this state, subject to the limitations of Code Section ~~32-10-110~~ 50-41-51."

1540 **SECTION 6-3.**

1541 Said article is further amended by revising Code Section 32-10-62, relating to membership,
 1542 compensation, officers, bylaws, quorum, and record of proceedings by the authority, as
 1543 follows:

1544 "~~32-10-62~~ 50-41-3.

1545 (a) The members of the authority shall be ex officio the Governor, the commissioner of
 1546 transportation, the director of the Office of Planning and Budget, one member to be
 1547 appointed by the Lieutenant Governor and to serve during the term of office of the
 1548 Lieutenant Governor and until a successor is duly appointed and qualified, and one member
 1549 to be appointed by the Speaker of the House of Representatives and to serve during the
 1550 term of office of the Speaker of the House of Representatives and until a successor is duly
 1551 appointed and qualified; and membership shall be a separate and distinct duty for which
 1552 they shall receive no additional compensation. All members of the authority shall be

1553 entitled to all actual expenses necessarily incurred while in the performance of duties on
 1554 behalf of the authority. The authority shall elect one of its members as ~~chairman~~
 1555 chairperson. It shall also elect a secretary and a treasurer, who need not necessarily be
 1556 members of the authority. The authority may make such bylaws for its government as is
 1557 deemed necessary but it is under no duty to do so. A majority of the members of the
 1558 authority shall constitute a quorum necessary for the transaction of business, and a majority
 1559 vote of those present at any meeting at which there is a quorum shall be sufficient to do and
 1560 perform any action permitted to the authority by this ~~article~~ chapter.

1561 (b) No vacancy on the authority shall impair the right of the quorum to transact any and
 1562 all business as stated in this Code section. Members of the authority shall be accountable
 1563 as trustees. They shall cause to be kept adequate books and records of all transactions of
 1564 the authority, including books of income and disbursements of every nature. The books
 1565 and records shall be inspected and audited by the state auditor at least once a year."

1566 SECTION 6-4.

1567 Said article is further amended by revising Code Section 32-10-63, relating to powers of the
 1568 authority, as follows:

1569 "~~32-10-63~~ 50-41-4.

1570 The authority shall have, in addition to any other powers conferred in this ~~article~~ chapter,
 1571 the following powers:

1572 (1) To have a seal and alter the same at its pleasure;

1573 (2) To acquire by purchase, lease, exchange, or otherwise and to hold, lease, and dispose
 1574 of real and personal property of every kind and character for its corporate purposes;

1575 (3) To appoint such additional officers, who need not be members of the authority, as the
 1576 authority deems advisable and to employ such experts, employees, and agents as may be
 1577 necessary, in its judgment, to carry on properly the business of the authority; to fix their
 1578 compensation; and to promote and discharge same;

1579 (4) To acquire in its own name by purchase, on such terms and conditions and in such
 1580 manner as it may deem proper, or by condemnation in accordance with any and all
 1581 existing laws applicable to the condemnation of property for public use, including but not
 1582 limited to those procedures in Article 1 of Chapter 3 of ~~this title~~ Title 32, real property
 1583 or rights or easements therein or franchises necessary or convenient for its corporate
 1584 purposes; and to use the same so long as its corporate existence shall continue and to
 1585 lease or make contracts with respect to the use of or to dispose of the same in any manner
 1586 it deems to the best advantage of the authority, the authority being under no obligation
 1587 to accept and pay for any property condemned under this ~~article~~ chapter except from the
 1588 funds provided under the authority of this ~~article~~ chapter; and, in any proceedings to

1589 condemn, such order may be made by the court having jurisdiction of the action or
 1590 proceedings as may be just to the authority and to the owners of the property to be
 1591 condemned; and no property shall be acquired under this ~~article~~ chapter upon which any
 1592 lien or other encumbrance exists unless at the time such property is so acquired a
 1593 sufficient sum of money be deposited in trust to pay and redeem such lien or
 1594 encumbrance in full;

1595 (5) To make such contracts, leases, or conveyances as the legitimate and necessary
 1596 purposes of this ~~article~~ chapter shall require, including but not limited to contracts for
 1597 construction or maintenance of projects, provided that the authority shall consider the
 1598 possible economic, social, and environmental effects of each project, and the authority
 1599 shall assure that possible adverse economic, social, and environmental effects relating to
 1600 any proposed project have been fully considered in developing such project and that the
 1601 final decision on the project is made in the best overall public interest, taking into
 1602 consideration the need for fast, safe, and efficient transportation, public services, and the
 1603 cost of eliminating or minimizing adverse economic, social, and environmental effects.
 1604 Furthermore, in order to assure that adequate consideration is given to economic, social,
 1605 and environmental effects of any tollway project under consideration, the authority shall:

1606 (A) Follow the processes required for federal-aid highway projects, as determined by
 1607 the National Environmental Policy Act of 1969, as amended, except that final approval
 1608 of the adequacy of such consideration shall rest with the Governor, as provided in
 1609 subparagraph (C) of this paragraph, acting as the chief executive of the state, upon
 1610 recommendation of the commissioner, ~~acting as chief administrative officer of the~~
 1611 ~~Department of Transportation~~ of transportation;

1612 (B) In the location and design of any project, avoid the taking of or disruption of
 1613 existing public parkland or public recreation areas unless there are no prudent or
 1614 feasible project location alternates. The determination of prudence and feasibility shall
 1615 be the responsibility of the authority as part of the consideration of the overall public
 1616 interest;

1617 (C) Not approve and proceed with acquisition of rights of way and construction of a
 1618 project until: (i) there has been held, or there has been offered an opportunity to hold,
 1619 a public hearing or public hearings on such project in compliance with requirements of
 1620 the Federal-aid Highway Act of 1970, as amended, except that neither acquisition of
 1621 right of way nor construction shall be required to cease on any federal-aid project which
 1622 has received federal approval pursuant to the National Environmental Policy Act of
 1623 1969, as amended, and is subsequently determined to be eligible for construction as an
 1624 authority project utilizing, in whole or in part, a mix of federal funds and authority
 1625 funds; and (ii) the adequacy of environmental considerations has been approved by the

1626 Governor, for which said approval of the environmental considerations may come in
 1627 the form of the Governor's acceptance of a federally approved environmental document;
 1628 and

1629 (D) Let by public competitive bid upon plans and specifications approved by the chief
 1630 engineer of the Department of Transportation or his or her successors all contracts for
 1631 the construction of projects, except as otherwise provided for projects authorized under
 1632 any provisions of Code Sections 32-2-78 through 32-2-81 or projects authorized under
 1633 any provisions of Chapter 31 of this title;

1634 (6) To construct, erect, acquire, own, repair, maintain, add to, extend, improve, operate,
 1635 and manage projects, as defined in ~~paragraph (5) of Code Section 32-10-60~~ 50-41-1, the
 1636 cost of any such project to be paid in whole or in part from the proceeds of revenue bonds
 1637 of the authority, from other funds available to the authority, or from any combination of
 1638 such sources;

1639 (7)(A) To accept and administer any federal highway funds and any other federal
 1640 highway assistance received from time to time for the State of Georgia and to accept,
 1641 with the approval of the Governor, loans and grants, either or both, of money or
 1642 materials or property of any kind from the United States government or the State of
 1643 Georgia or any political subdivision, authority, agency, or instrumentality of either of
 1644 them, upon such terms and conditions as the United States government or the State of
 1645 Georgia or such political subdivision, authority, agency, or instrumentality of either of
 1646 them shall impose;

1647 (B) To accept and administer any federal transit funds and any other federal transit
 1648 assistance received from time to time for the State of Georgia. This subparagraph shall
 1649 stand repealed by operation of law on July 1, 2021;

1650 (8)(A) To borrow money for any of its corporate purposes, to issue negotiable revenue
 1651 bonds payable from revenues of such projects, and to provide for the payment of the
 1652 same and for the rights of the holders thereof; and

1653 (B) To enter into credit enhancement or liquidity agreements with any person, firm,
 1654 corporation, limited liability company, or other type of entity for the planning, design,
 1655 construction, acquisition of land for, financing, refinancing, operating, maintaining, or
 1656 carrying out of any project. Such credit enhancement or liquidity agreements may be
 1657 secured by the authority's loan agreements, deeds to secure debt, security agreements,
 1658 contracts, or other instruments or funds derived from tolls, fees, or other charges, upon
 1659 such terms and conditions as the authority shall determine reasonable, including
 1660 provision for the establishment and maintenance of reserves and insurance funds,
 1661 provided that the obligation of the authority under any such agreements shall not be
 1662 general obligation of the authority, but shall be a limited obligation of the authority

1663 payable from a specific source of funds identified for such purpose. Any such
1664 agreements may further include provisions for guaranty, insurance, construction, use,
1665 operation, maintenance, and financing of a project as the authority may deem necessary
1666 or desirable;

1667 (9) To exercise any power usually possessed by private corporations performing similar
1668 functions, which power is not in conflict with the Constitution and laws of Georgia;

1669 (10) To covenant with bondholders for the preparation of annual budgets for each project
1670 and for approval thereof by engineers or other representatives designated by the
1671 bondholders of each project, as may be provided for in any bond issue resolutions or trust
1672 indentures, and to covenant for the employment of experts or traffic engineers;

1673 (11) To lease its property to the United States government, the State of Georgia, or its
1674 political subdivisions, including any agency, authority, or instrumentality of the foregoing
1675 governments or political subdivisions, as well as to persons, public or private, for the
1676 construction or operation of facilities of benefit to the general public;

1677 (12) By or through its authorized agents or employees, to enter upon any lands, waters,
1678 and premises in the state for the purpose of making surveys, soundings, drillings, and
1679 examinations as the authority may deem necessary or convenient for the purposes of this
1680 ~~article~~ chapter; and such entry shall not be deemed a trespass. The authority shall,
1681 however, make reimbursement for any actual damages resulting from such activities;

1682 (13) To make reasonable regulations for the installation, construction, maintenance,
1683 repairs, renewal, and relocation of pipes, mains, conduits, cables, wires, towers, poles,
1684 and other equipment and appliances of any public utility in, on, along, over, or under any
1685 project;

1686 (14)(A) To pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any
1687 property of the authority, including but not limited to real property, fixtures, personal
1688 property, intangible property, revenues, income, charges, fees, or other funds and to
1689 execute any lease, trust indenture, trust agreement, resolution, agreement for the sale
1690 of the authority's bonds, loan agreement, mortgage, deed to secure debt, trust deed,
1691 security agreement, assignment, or other agreement or instrument as may be necessary
1692 or desirable, in the judgment of the authority, to secure such bonds; and

1693 (B) To acquire, accept, or retain equitable interests, security interests, or other interests
1694 in any property, real or personal, by deed to secure debt, assignment, security
1695 agreement, pledge, conveyance, contract, lien, loan agreement, or other consensual
1696 transfer, with any such instrument terminating when the bonds for the project are
1697 retired, in order to secure repayment under a credit enhancement or liquidity agreement
1698 and taking into consideration the public benefit to be derived from such transfer; and

1699 (15) To do all things necessary or convenient to carry out the powers expressly given in
 1700 this ~~article~~ chapter."

1701 **SECTION 6-5.**

1702 Said article is further amended by revising Code Section 32-10-64, relating to general toll
 1703 powers, police powers, and rules and regulations, as follows:

1704 "~~32-10-64~~ 50-41-6.

1705 (a)(1) For the purpose of earning sufficient revenue to make possible, in conjunction
 1706 with other funds available to the authority, the financing of the construction or acquisition
 1707 of projects of the authority with revenue bonds, the authority is authorized and
 1708 empowered to collect tolls on each and every project which it, ~~the department~~, the
 1709 Department of Transportation, or local governing authority shall cause to be constructed.

1710 It is found, determined, and declared that the necessities of revenue bond financing are
 1711 such that the authority's toll earnings on each project or projects, in conjunction with
 1712 other funds available to the authority, must exceed the actual maintenance, repair, and
 1713 normal reserve requirements of such projects, together with monthly or yearly sums
 1714 needed for the sinking fund payments upon the principal and interest obligations of
 1715 financing such project or projects; however, within the framework of these legitimate
 1716 necessities of the authority and subject to all bond resolutions, trust indentures, and all
 1717 other contractual obligations of the authority, the authority is charged with the duty of the
 1718 operation of all projects in the aggregate at the most reasonable possible level of toll
 1719 charges; and, furthermore, the authority is charged with the responsibility of a reasonable
 1720 and equitable adjustment of such toll charges as between the various classes of users of
 1721 any given project in which the repayment of financing is the primary or exclusive purpose
 1722 for the exercise of the toll power of the authority.

1723 (2) For the purpose of managing the flow of traffic, the authority is authorized and
 1724 empowered to collect tolls on each and every project which it, ~~the department~~, the
 1725 Department of Transportation, or local governing authority shall cause to be constructed
 1726 in which managing the flow of traffic is the primary or exclusive purpose. It is found,
 1727 determined, and declared that the necessities of managing the flow of traffic are such that
 1728 the authority is charged with the responsibility of taking into consideration value pricing
 1729 and lane management as those terms are described in subsection (d) of Code
 1730 Section 40-6-54 in determining toll charges on such projects.

1731 (b) In the exercise of the authority's toll powers, the authority is authorized to exercise so
 1732 much of the police powers of the state as shall be necessary to maintain the peace and
 1733 accomplish the orderly handling of the traffic and the collection of tolls on all projects
 1734 operated by the authority; and the authority shall prescribe such rules and regulations for

1735 the method of taking tolls and the employment and conduct of toll takers and other
1736 operating employees as the authority, in its discretion, may deem necessary.

1737 (c)(1) No motor vehicle shall be driven or towed through a toll collection facility, where
1738 appropriate signs have been erected to notify traffic that it is subject to the payment of
1739 tolls beyond such sign, without payment of the proper toll. In the event of nonpayment
1740 of the proper toll, as evidenced by video or electronic recording, the registered owner of
1741 such vehicle shall be liable to make prompt payment to the authority of the proper toll
1742 and an administrative fee of up to \$25.00 per violation to recover the cost of collecting
1743 the toll. The authority or its authorized agent shall provide notice to the registered owner
1744 of a vehicle, and a reasonable time to respond to such notice, of the authority's finding
1745 of a violation of this subsection. The authority or its authorized agent may provide
1746 subsequent notices to the registered owner of a vehicle if such owner fails to respond to
1747 the initial notice. The administrative fee may increase with each notice, provided that
1748 such fee shall not exceed a cumulative total of \$25.00 per violation. Upon failure of the
1749 registered owner of a vehicle to pay the proper toll and administrative fee to the authority
1750 after notice thereof and within the time designated in such notice, the authority may
1751 proceed to seek collection of the proper toll and the administrative fee as debts owing to
1752 the authority, in such manner as the authority deems appropriate and as permitted under
1753 law. If the authority finds multiple failures by a registered owner of a vehicle to pay the
1754 proper toll and administrative fee after notice thereof and within the time designated in
1755 such notices, the authority may refer the matter to the Office of State Administrative
1756 Hearings. The scope of any hearing held by the Office of State Administrative Hearings
1757 shall be limited to consideration of evidence relevant to a determination of whether the
1758 registered owner has failed to pay, after notice thereof and within the time designated in
1759 such notice, the proper toll and administrative fee. The only affirmative defense that may
1760 be presented by the registered owner of a vehicle at such a hearing is theft of the vehicle,
1761 as evidenced by presentation at the hearing of a copy of a police report showing that the
1762 vehicle has been reported to the police as stolen prior to the time of the alleged violation.
1763 A determination by the Office of State Administrative Hearings of multiple failures to
1764 pay by a registered owner of a vehicle shall subject such registered owner to imposition
1765 of, in addition to any unpaid tolls and administrative fees, a civil monetary penalty
1766 payable to the authority of not more than \$70.00 per violation. Upon failure by a
1767 registered owner to pay to the authority, within 30 days of the date of notice thereof, the
1768 amount determined by the Office of State Administrative Hearings as due and payable
1769 for multiple violations of this subsection, the motor vehicle registration of such registered
1770 owner shall be immediately suspended by operation of law. The authority shall give
1771 notice to the Department of Revenue of such suspension. Such suspension shall continue

1772 until the proper toll, administrative fee, and civil monetary penalty as have been
 1773 determined by the Office of State Administrative Hearings are paid to the authority. The
 1774 authority may seek to collect the debt owed through setoff by the Department of Revenue
 1775 under procedures set forth in Article 7 of Chapter 7 of Title 48. Actions taken by the
 1776 authority under this subsection shall be made in accordance with policies and procedures
 1777 approved by the members of the authority.

1778 (2) The registered owner of a vehicle which is observed being driven or towed through
 1779 a toll collection facility without payment of the proper toll may avoid liability under this
 1780 subsection by presenting to the authority a copy of a police report showing that the
 1781 vehicle had been reported to the police as stolen prior to the time of the alleged violation.

1782 (3) For purposes of this subsection, for any vehicle which is registered to an entity other
 1783 than a natural person, the term 'registered owner' shall be deemed to refer to the natural
 1784 person who is the operator of such motor vehicle at the time of the violation of this
 1785 subsection, but only if the entity to which the vehicle is registered has supplied to the
 1786 authority, within 60 days following notice from the authority or its authorized agent,
 1787 information in the possession of such entity which is sufficient to identify and give notice
 1788 to the natural person who was the operator of the motor vehicle at the time of the
 1789 violation of this subsection.

1790 (d) Any person who shall use or attempt to use any currency or coins other than legal
 1791 tender of the United States of America or tokens issued by the authority or who shall use
 1792 or attempt to use any electronic device or equipment not authorized by the authority in lieu
 1793 of or to avoid payment of a toll shall be guilty of a misdemeanor.

1794 (e) Any person, except an authorized agent or employee of the authority, who removes any
 1795 coin from the pavement or ground surface within 15 feet of a toll collection booth or toll
 1796 collection machine, except to retrieve coins the person dropped while attempting payment
 1797 of that person's toll, shall be guilty of a misdemeanor.

1798 (f) Any person who enters without authorization or who willfully, maliciously, and
 1799 forcibly breaks into any mechanical or electronic toll collection device of the authority or
 1800 appurtenance thereto shall be guilty of a misdemeanor.

1801 (g) Any law enforcement officer shall have the authority to issue citations for toll evasions
 1802 if such officer is a witness to any of the following violations:

1803 (1) A person forcibly or fraudulently passes a toll collection device without payment or
 1804 refuses to pay, evades, or attempts to evade the payment of such tolls;

1805 (2) A person turns, or attempts to turn, a vehicle around on a bridge, approach, or toll
 1806 plaza where signs have been erected forbidding such turning; or

1807 (3) A person refuses to pass through the toll collection facility after having come within
 1808 the area where signs have been erected notifying traffic that it is entering the area where

1809 a toll is collectable or where vehicles may not turn around and where vehicles are
1810 required to pass through the toll gates for the purposes of collecting tolls.

1811 (h) The authority may in its discretion use such technology, including but not limited to
1812 automatic vehicle license tag identification photography and video surveillance, either by
1813 electronic imaging or photographic copy, that it deems necessary to aid in the collection
1814 of tolls and enforcement of toll violations. Such technology shall not be used to produce
1815 any photograph, microphotograph, electronic image, or videotape showing the identity of
1816 any person in a motor vehicle except that such technology may be utilized for general
1817 surveillance of a toll collection facility for the security of toll collection facility employees.

1818 (i) State and local law enforcement entities are authorized to enter into traffic and toll
1819 enforcement agreements with the authority. Any funds received by a state law enforcement
1820 entity pursuant to such toll enforcement agreement shall be subject to annual appropriations
1821 by the General Assembly to such law enforcement entity for the purpose of performing its
1822 duties pursuant to such agreement."

1823 SECTION 6-6.

1824 Said article is further amended by revising Code Section 32-10-65, relating to fixing,
1825 revising, charging, and collecting tolls and use and disposition of tolls generally, as follows:

1826 "~~32-10-65~~ 50-41-7.

1827 (a) The authority is authorized to fix, revise, charge, and collect tolls for the use of each
1828 project. Such tolls shall be so fixed and adjusted as to carry out and perform the terms and
1829 provisions of any resolution, trust indenture, or contract with or for the benefit of
1830 bondholders; and such tolls shall not be subject to supervision or regulation by any other
1831 commission, board, bureau, or agency of the state. Notwithstanding any provision of this
1832 ~~article~~ chapter to the contrary, if the repayment of financing is not the primary or exclusive
1833 purpose for the exercise of the authority's toll power, the authority shall not be required to
1834 issue or have outstanding bonds or other indebtedness with respect to a project in order to
1835 fix, revise, charge, enforce, or collect tolls for such project.

1836 (b) The use and disposition of tolls and revenues shall be allocated in the following
1837 priority order: subject to the provisions of the

1838 (1) Satisfaction of any provisions of the resolution authorizing the issuance of ~~such~~
1839 ~~bonds or of the trust indenture securing the same, if there are any~~ project for which a toll
1840 is collected;

1841 (2) Satisfaction of any debt service on the project for which the toll is collected;

1842 (3) Maintenance of the project for which the toll is collected; or

1843 (4) Any other public road or transit projects as determined by majority vote of the board,
 1844 provided that such use and disposition shall not include rail infrastructure, transit
 1845 vehicles, or transit operations."

1846 **SECTION 6-7.**

1847 Said article is further amended by revising Code Section 32-10-66, relating to duty of
 1848 authority to prescribe rules and regulations for projects, as follows:

1849 "~~32-10-66~~ 50-41-10.

1850 It shall be the duty of the authority to prescribe rules and regulations ~~as approved by the~~
 1851 ~~department~~ for the operation of each project constructed under this ~~article~~ chapter,
 1852 including rules and regulations to ensure maximum use of such project. The authority is
 1853 authorized to promulgate such rules and regulations for the use and occupancy of the
 1854 project as may be necessary and proper for the public's safety and convenience, for the
 1855 preservation of its property, and for the collection of tolls."

1856 **SECTION 6-8.**

1857 Said article is further amended by revising Code Section 32-10-67, relating to study,
 1858 financing, construction, and operation of new projects and cooperation and assistance of the
 1859 Department of Transportation, as follows:

1860 "~~32-10-67~~ 50-41-11.

1861 (a) The Governor, in his or her discretion or upon the recommendation of the State
 1862 Transportation Board, is authorized and empowered to call a joint meeting of the authority
 1863 and ~~the~~ such board for the purpose of initiating all state highway and federal-aid highway
 1864 projects which may be considered under the authority of this ~~article~~ chapter. Upon the
 1865 concurrence of the Governor, a majority of the ~~board~~ State Transportation Board, and the
 1866 authority, ~~the~~ such board or the authority is authorized and empowered to commence the
 1867 study of any given project or projects and to provide for their construction. An appropriate
 1868 resolution of such joint meeting shall provide for divisions of duties and responsibilities
 1869 between the authority and the ~~board~~ State Transportation Board in connection with such
 1870 studies. In keeping with such resolution or resolutions, the authority and the ~~board~~ State
 1871 Transportation Board are authorized, in the performance of their assigned duties, to expend
 1872 from any sums available such sums as may be necessary for the survey and study and
 1873 completion of any such project or projects; and such expenditures may include those
 1874 necessary for all traffic surveys, expert studies, and all other expense reasonably necessary
 1875 in establishing the feasibility of any given state highway or federal-aid highway project and
 1876 in the execution of all plans, specifications, and all other things necessary for revenue bond
 1877 financing and construction, including all supervision of every kind required in its

1878 completion. If such expenditures, or any part of them, shall be undertaken by the ~~board~~
 1879 State Transportation Board, ~~the such~~ board shall keep proper records which shall reflect the
 1880 amounts spent on each and every project study. Upon completion of any given state
 1881 highway or federal-aid highway project or projects financed by any given revenue bond
 1882 issued, so long as there shall be funds available in the hands of the authority from the issue
 1883 of revenue bonds to finance such project or projects, the ~~board~~ State Transportation Board
 1884 may demand the reimbursement of such expenditures; however, if not reimbursed, said
 1885 expenditures shall be legitimate expenses of operation of ~~the such~~ board. The authority,
 1886 upon the completion or receipt of such studies or plans and specifications or other aids,
 1887 shall proceed, if such project or projects are possible, to finance, acquire rights of way,
 1888 construct, and operate such projects pursuant to its purposes, powers, and duties.

1889 (b) Upon the concurrence of the ~~board~~ State Transportation Board, the Department of
 1890 Transportation shall have the right to provide maintenance and operational assistance to the
 1891 authority as may be necessary to effectuate the purposes of this ~~article~~ chapter, including
 1892 but not limited to authorizing employees of the ~~department~~ Department of Transportation
 1893 to assist the authority in the collection of tolls on authority projects. The authority shall
 1894 reimburse the ~~department~~ Department of Transportation for such assistance."

1895 **SECTION 6-9.**

1896 Said article is further amended by revising Code Section 32-10-68, relating to letting of
 1897 contracts by competitive bid, as follows:

1898 "~~32-10-68~~ 50-41-12.

1899 All contracts of the authority for the construction of any roadway capacity project on any
 1900 state highway or federal-aid highway authorized by this ~~article~~ chapter shall be let to the
 1901 reliable bidder submitting the lowest sealed bid upon plans and specifications approved by
 1902 the ~~department~~ Department of Transportation, except as otherwise provided for projects
 1903 authorized under any provisions of Code Sections 32-2-78 through 32-2-81. The
 1904 procedures for letting such bids shall conform to those prescribed for the ~~department~~
 1905 Department of Transportation in Code Sections 32-2-64 through 32-2-72 and 32-2-78
 1906 through 32-2-81."

1907 **SECTION 6-10.**

1908 Said article is further amended by revising Code Section 32-10-69, relating to conveyance
 1909 by Governor of real property and power to acquire and expend funds for property interests,
 1910 as follows:

1911 ~~"32-10-69~~ 50-41-13.

1912 (a) The Governor is authorized and empowered to convey to the authority, on behalf of the
 1913 state, any real property or interest therein or any rights of way owned by the state,
 1914 including property or rights of way acquired in the name of the ~~department or board~~
 1915 Department of Transportation or State Transportation Board, which is used at the time or
 1916 may, upon completion of any action committed to the authority by this ~~article~~ chapter, be
 1917 used as a project. The consideration for such conveyance shall be determined by the
 1918 Governor and expressed in the deed of conveyance; however, such consideration shall be
 1919 nominal, the benefits flowing to the state and its citizens constituting full and adequate
 1920 actual consideration, provided that in the event of the inability of the authority to issue or
 1921 sell the revenue bonds required for financing the completion of any given project or
 1922 projects, then, subject to the intervening rights of any innocent party, all rights, titles, and
 1923 interests so conveyed shall forever revert to the ~~department~~ Department of Transportation
 1924 or other agency from which it came.

1925 (b) The governing authority of any county or incorporated municipality of this state is
 1926 authorized and empowered on behalf of such political subdivision to convey to the
 1927 authority any real property or interest therein or any rights of way owned by such political
 1928 subdivision, which is used at the time or may, upon completion of any action committed
 1929 to the authority by this ~~article~~ chapter, be used as a project if conveyed by a county or
 1930 incorporated municipality. The consideration for such conveyance shall be determined by
 1931 the governing authority of such political subdivision and expressed in the deed of
 1932 conveyance. Such consideration, however, shall be nominal, the benefits flowing to the
 1933 political subdivisions and its citizens constituting full and adequate actual consideration.
 1934 However, nothing in this subsection shall prevent the authority from reimbursing a political
 1935 subdivision, as authorized in Code Section ~~32-10-70~~ 50-41-14.

1936 (c) The ~~board or its successors and the department,~~ the State Transportation Board, and the
 1937 Department of Transportation are empowered to acquire, in any manner now permitted to
 1938 them by law, and to expend funds available to them for such acquisition, real property,
 1939 interests therein, or rights of way which upon acquisition may be conveyed by the
 1940 Governor as provided in this Code section to the authority."

1941 **SECTION 6-11.**

1942 Said article is further amended by revising Code Section 32-10-71, relating to acquisition,
 1943 maintenance, and operation of tollway projects, as follows:

1944 ~~"32-10-71~~ 50-41-15.

1945 (a) The authority is authorized and empowered to acquire, maintain, repair, improve, and
 1946 operate a tollway project whose status at the time of acquisition is a toll facility or which

1947 was operated as a toll facility at some point in its existence. For the purpose of earning
 1948 sufficient revenue to make possible the maintenance, repair, and improvement of the
 1949 acquired project, the authority is authorized to collect tolls on each and every project it
 1950 acquires.

1951 (b) When an existing state tollway facility has been acquired from a local government by
 1952 the authority or the ~~department~~ Department of Transportation, and the state tollway facility
 1953 provides access to an island with public beaches that are in need of maintenance, repair,
 1954 or restoration, the ~~State Road and Tollway Authority~~ authority may assist the local
 1955 government in the collection of a parking fee for each vehicle entering the island. The
 1956 local government is authorized to set a fee on roads, streets, and parking facilities owned
 1957 by the local government for such purposes and may contract with the authority to collect
 1958 the fee. The ~~department~~ Department of Transportation is authorized to assist the authority
 1959 in the collection of the fee. The local government shall reimburse the ~~department~~
 1960 Department of Transportation and the authority for any costs associated with executing the
 1961 terms of the contract.

1962 (c) When a state highway provides access to an island with public beaches that are in need
 1963 of maintenance, repair, or restoration, the Department of Transportation may, if consistent
 1964 with federal law and regulations, authorize the local government to set and collect a
 1965 parking fee for the purpose of providing funding for such maintenance, repair, or
 1966 restoration. The ~~department~~ Department of Transportation is authorized to allow the
 1967 authority to collect such parking fee on the state highway system, provided that the
 1968 collection point shall lie within the corporate limits of the local government setting the
 1969 parking fee. The authority is authorized to contract with the local government for the
 1970 collection of the fee. The local government shall reimburse the authority for any costs
 1971 associated with executing the terms of the contract."

1972 SECTION 6-12.

1973 Said article is further amended by revising Code Section 32-10-72, relating to authority fund,
 1974 as follows:

1975 "~~32-10-72~~ 50-41-16.

1976 All revenue in excess of all obligations of the authority of any nature, together with all
 1977 unused receipts and gifts of every kind and nature whatsoever, shall be and become the
 1978 authority fund. The authority, in its discretion, is charged with the duty of pledging,
 1979 utilizing, or expending the authority fund for the following purposes:

1980 (1) Pledges to the payment of any revenue bond issue requirements, sinking or reserve
 1981 funds, as may be provided for under Code Section ~~32-10-102~~ 50-41-43;

- 1982 (2) The payment of any outstanding unpaid revenue bond obligations or administrative
 1983 expenses;
- 1984 (3) The construction of all or any part of projects, the need for which is concurred in by
 1985 the Governor and the ~~board~~ State Transportation Board;
- 1986 (4) The most advantageous obtainable redemptions and retirements of the authority's
 1987 bonds pursuant to the prepayment redemption privileges accorded to the authority upon
 1988 the various issues of bonds outstanding;
- 1989 (5) The most advantageous open market purchase of the authority's bonds that the
 1990 authority may accomplish;
- 1991 (6) Investment in such securities and in such manner as it determines to be in its best
 1992 interest; ~~and~~
- 1993 (7) Subject to the terms of any resolution or trust indenture authorizing the issuance of
 1994 revenue bonds and upon concurrence by the Governor, the transfer of funds to the
 1995 department to be used by the department for ~~department~~ purposes related to projects or
 1996 operations of surface transportation or capital infrastructure for mass transportation,
 1997 excluding rail infrastructure, transit operations, and transit vehicles; or
- 1998 (8) Subject to the terms of any resolution or trust indenture authorizing the issuance of
 1999 revenue bonds and upon concurrence by the Governor, the transfer of funds to the
 2000 Department of Transportation to be used by the department for purposes related to
 2001 projects or operations of surface transportation or capital infrastructure for mass
 2002 transportation, excluding rail infrastructure, transit operations, and transit vehicles."

2003 SECTION 6-13.

2004 Said article is further amended by revising Code Section 32-10-77, relating to General
 2005 Assembly approval of funding for streetcar projects, as follows:

2006 "~~32-10-77~~ 50-41-21.

2007 No funding by issuing bonds, any other state funds, or federal funds administered by the
 2008 department or the Department of Transportation shall be allowed for streetcar projects by
 2009 any state entity or authority, including, but not limited to, the department, the Department
 2010 of Transportation, or the ~~State Road and Tollway Authority~~ authority, or any other
 2011 subsidiary of the state, without specific prior approval by passage of a general Act by the
 2012 General Assembly."

2013 SECTION 6-14.

2014 Said article is further amended by revising Code Section 32-10-90, relating to power of
 2015 authority to issue bonds generally, pledging of tolls and other project revenues for payment
 2016 of principal and interest bonds, and attributes of bonds generally, as follows:

2017 ~~"32-10-90~~ 50-41-30.

2018 The authority shall have the power and is authorized, at one time or from time to time, to
 2019 provide by resolution for the issuance of negotiable revenue bonds of the authority for the
 2020 purpose of paying all or any part of the cost, as defined in ~~paragraph (4) of Code Section~~
 2021 ~~32-10-60~~ 50-41-1, of any one or a combination of projects. The principal and interest of
 2022 such revenue bonds shall be payable from and may be secured by a pledge of tolls and
 2023 other revenues of all or any part of the project financed in whole or in part with the
 2024 proceeds of such issue or with the proceeds of bonds refunded or to be refunded by such
 2025 issue or by a pledge of any other revenues of the authority that are legally available for
 2026 such purpose. The bonds of each issue shall be dated, shall bear interest as provided for in
 2027 Code Section ~~32-10-91~~ 50-41-32, shall mature not later than 40 years from the date of
 2028 issue, shall be payable in such media of payments as to both principal and interest as may
 2029 be determined by the authority, and may be made redeemable before maturity, at the option
 2030 of the authority, at such price or prices and under such terms and conditions as may be
 2031 fixed by the authority in the resolution providing for the issuance of the bonds."

2032 **SECTION 6-15.**

2033 Said article is further amended by revising Code Section 32-10-90.1, relating to garvee bond
 2034 provisions, as follows:

2035 ~~"32-10-90.1~~ 50-41-31.

2036 (a) As used in this Code section, the term 'grant anticipation revenue vehicle' or 'garvee
 2037 bond' means any bond issued by the authority which is an eligible debt financing
 2038 instrument within the scope of 23 U.S.C. Section 122 or which is otherwise to be repaid
 2039 or reimbursed in whole or in part, directly or indirectly, from federal funds.

2040 (b) With respect to garvee bonds and projects financed by garvee bonds, the provisions
 2041 and limitations of this Code section shall control over any other conflicting provisions of
 2042 this ~~article~~ chapter, it being the intention of the General Assembly that grant anticipation
 2043 revenue vehicles and projects funded thereby be fully subject to the terms expressed in this
 2044 Code section.

2045 (c) For the purpose of issuance and use of the proceeds of garvee bonds, the authority and
 2046 the ~~department~~ Department of Transportation shall give priority, as far as reasonably
 2047 practicable in the judgment of ~~the~~ such department, to the completion of those portions of
 2048 the Developmental Highway System as set out in paragraphs (1) through (13) and
 2049 paragraphs (15) and (16) of subsection (a) of Code Section 32-4-22 and such further
 2050 paragraphs as may be added to such subsection from time to time, with due regard to the
 2051 timely and economical completion of the portion set out in paragraph (14) thereof.

2052 (d) Any project the cost of which is paid from the proceeds of garvee bonds shall be,
 2053 pursuant to a contract or agreement between the authority and the ~~department~~ Department
 2054 of Transportation, planned, designed, and constructed by the Department of Transportation
 2055 or a contractor contracting with the Department of Transportation.

2056 (e) If during any state fiscal year the amount of federal reimbursement available to the
 2057 State of Georgia under 23 U.S.C. Section 122 is or will be reduced below 90 percent of the
 2058 amount available during Fiscal Year 2000-2001, the authority shall not thereafter issue any
 2059 garvee bond.

2060 (f) If cost effective as determined by the authority, garvee bonds shall be insured."

2061 **SECTION 6-16.**

2062 Said article is further amended by revising Code Section 32-10-102, relating to pledges of
 2063 revenues, tolls, and earnings and creation and disposition of sinking funds, as follows:

2064 "~~32-10-102~~ 50-41-43.

2065 (a) The revenues, tolls, and earnings derived from any particular project or projects and
 2066 all or any part of the revenues, tolls, and earnings received by the authority, regardless of
 2067 whether or not such tolls, earnings, and revenues were produced by a particular project for
 2068 which bonds have been issued, unless otherwise pledged or allocated, may be pledged by
 2069 the authority to the payment of the principal and interest obligations of any revenue bond
 2070 issues of the authority. All funds so pledged, from whatever source received, which may
 2071 include funds received from one or more of all sources of the authority's income, shall be
 2072 set aside at regular intervals, as may be provided in the resolutions or trust indentures, into
 2073 sinking funds which shall be pledged to and charged with the payment of (1) the interest
 2074 upon such revenue bonds as such interest shall fall due, (2) the principal of the bonds as the
 2075 same shall mature, (3) the necessary charges of paying agents for paying principal and
 2076 interest, and (4) any premium required upon bonds retired by call or purchase as may be
 2077 provided in the resolutions or trust indentures.

2078 (b) The use and disposition of such sinking funds shall be subject to such regulations as
 2079 may be provided in the resolutions authorizing the issuance of the revenue bonds or in the
 2080 trust indentures; but, except as may otherwise be provided in such resolutions or trust
 2081 indentures, such sinking funds, individually, shall be funds for the benefit of all revenue
 2082 bonds of the given issue for which they are created without distinction or priority of one
 2083 over another. Subject to the resolution or trust indenture of any given bond issue, any
 2084 moneys in such sinking funds, after all bonds and the interest thereon for which such
 2085 sinking funds were pledged have been paid, may be paid into the authority fund provided
 2086 for in Code Section ~~32-10-72~~ 50-41-16."

SECTION 6-17.

2087

2088 Said article is further amended by revising Code Section 32-10-105, relating to investment
2089 of funds in bonds and deposit of bonds as securities, as follows:

2090 "~~32-10-105~~ 50-41-46.

2091 The bonds authorized in paragraph (8) of Code Section ~~32-10-63~~ 50-41-4 and in Code
2092 Section ~~32-10-90~~ 50-41-30 are deemed securities in which (1) all public officers and bodies
2093 of this state and all municipalities and all municipal subdivisions, (2) all insurance
2094 companies and associations and other persons carrying on an insurance business, (3) all
2095 banks, bankers, trust companies, savings banks and savings associations, including savings
2096 and loan associations, building and loan associations, investment companies, and other
2097 persons carrying on a banking business, (4) all administrators, guardians, executors,
2098 trustees, and other fiduciaries, and (5) all other persons whatsoever who are now or may
2099 hereafter be authorized to invest in bonds or other obligations of the state may properly and
2100 legally invest funds, including capital in their control or belonging to them. The bonds are
2101 also deemed securities which may be deposited with and shall be received by all public
2102 officers and bodies of this state and all municipalities and municipal subdivisions for any
2103 purpose for which the deposit of the bonds or other obligations of this state is now or may
2104 hereafter be authorized."

SECTION 6-18.

2105

2106 Said article is further amended by revising Code Section 32-10-108, relating to transfer of
2107 projects to state highway system free from tolls, as follows:

2108 "~~32-10-108~~ 50-41-49.

2109 Upon payment in full of all bonds and the interest thereon and obligations of every nature
2110 whatsoever for the payment of which the revenues of any given project or projects have
2111 been pledged, in whole or in part, either originally or subsequently, either primarily or
2112 secondarily, directly or indirectly or otherwise, or upon the setting aside in trust, for the
2113 benefit of bondholders or other obligees, of a sufficient amount for the payment of all such
2114 bonds and other obligations and the interest thereon to the maturity thereof, such project
2115 or projects, if deemed by the ~~department~~ Department of Transportation to be in a safe and
2116 satisfactory condition of repair and traffic capacity, may become part of the state highway
2117 system and thereafter shall be maintained by the ~~department~~ Department of Transportation
2118 free of tolls. In the event such project or projects to be transferred are not in good
2119 condition, in the judgment of the ~~department~~ Department of Transportation, the such
2120 department shall be charged with the duty of immediately advising the authority in writing
2121 what will be necessary to accomplish such safe and satisfactory condition of repair and
2122 traffic capacity; and the authority thereafter shall apply sufficient revenue from such

2123 project or projects to the accomplishment of such safe condition of repair and traffic
 2124 capacity; and, upon its accomplishment, such project or projects shall become toll free as
 2125 provided in this Code section. Upon the fulfillment of all conditions necessary to the
 2126 cessation of tolls upon any such project, the authority shall convey by deed all right, title,
 2127 and interest in and to such project to the ~~department~~ Department of Transportation for and
 2128 in consideration of \$1.00, which the treasurer of the ~~department~~ Department of
 2129 Transportation is authorized to pay from any such department funds available to him or her
 2130 for any ~~department~~ Department of Transportation expenditure."

2131 SECTION 6-19.

2132 Said article is further amended by revising Code Section 32-10-122, relating to definitions
 2133 relative to the Transportation Infrastructure Bank, as follows:

2134 "~~32-10-122~~ 50-41-67.

2135 As used in this ~~part~~ article, the term:

2136 (1) 'Bank' means the Georgia Transportation Infrastructure Bank.

2137 (2) 'Board' means the board of the State Road and Tollway Authority.

2138 (3) ~~'Department of Transportation' means the Georgia Department of Transportation and~~
 2139 ~~its successors.~~

2140 (4) 'Eligible costs' means, as applied to a qualified project to be financed from the federal
 2141 roadway account, the costs that are permitted under applicable federal laws, requirements,
 2142 procedures, and guidelines in regard to establishing, operating, and providing assistance
 2143 from the bank. As applied to a qualified project to be financed from the state and local
 2144 roadway account, these costs include the costs of preliminary engineering, traffic and
 2145 revenue studies, environmental studies, right of way acquisition, legal and financial
 2146 services associated with the development of the qualified project, construction,
 2147 construction management, facilities, and other costs necessary for the qualified project.

2148 As applied to any qualified project to be financed from the federal nonroadway account,
 2149 these costs include the costs of preliminary engineering, traffic and revenue studies,
 2150 environmental studies, right of way acquisition, legal and financial services associated
 2151 with the development of the qualified project, construction, construction management,
 2152 equipment, facilities, and other nonoperating costs necessary for the qualified project.

2153 As applied to any qualified project to be financed from the state and local nonroadway
 2154 account, these costs include the costs of preliminary engineering, traffic and revenue
 2155 studies, environmental studies, right of way acquisition, legal and financial services
 2156 associated with the development of the qualified project, construction, construction
 2157 management, equipment, facilities, and other nonoperating costs necessary for the
 2158 qualified project.

2159 ~~(5)~~(4) 'Eligible project' means a highway, including bridges, air transport and airport
 2160 facilities, and rail, or transit or bicycle facility project which provides public benefits by
 2161 either enhancing mobility and safety, promoting economic development, or increasing
 2162 the quality of life and general welfare of the public. The term 'eligible project' also
 2163 includes mass transit systems, including, but not limited to, monorail and monobeam
 2164 mass transit systems. There may be included as part of any such project all
 2165 improvements necessary to the full utilization thereof, including site preparation, roads
 2166 and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead
 2167 tracks, bridges, causeways, terminals for railroad, automotive, and air transportation,
 2168 transportation facilities incidental to the project, and the dredging and improving of
 2169 harbors and waterways, none of which foregoing descriptive words shall be construed to
 2170 constitute a limitation.

2171 ~~(6)~~(5) 'Federal accounts' means, collectively, the separate accounts for federal roadway
 2172 funds and federal nonroadway funds.

2173 ~~(7)~~(6) 'Financing agreement' means any agreement entered into between the bank and a
 2174 qualified borrower pertaining to a loan or other financial assistance. This agreement may
 2175 contain, in addition to financial terms, provisions relating to the regulation and
 2176 supervision of a qualified project, or other provisions as the board may determine. The
 2177 term 'financing agreement' includes, without limitation, a loan agreement, trust indenture,
 2178 security agreement, reimbursement agreement, guarantee agreement, bond or note,
 2179 ordinance or resolution, or similar instrument.

2180 ~~(8)~~(7) 'Government unit' means a municipal corporation, county, community
 2181 improvement district, or any public operator of transit, including combinations of two or
 2182 more of these entities, acting jointly to construct, own, or operate a qualified project, or
 2183 any other state authority, board, commission, agency, or department which may construct,
 2184 own, or operate a qualified project.

2185 ~~(9)~~(8) 'Loan' means an obligation subject to repayment which is provided by the bank to
 2186 a qualified borrower for all or a part of the eligible costs of a qualified project. A loan
 2187 may be disbursed in anticipation of reimbursement for or direct payment of the eligible
 2188 costs of a qualified project.

2189 ~~(10)~~(9) 'Loan obligation' means a bond, note, or other evidence of an obligation issued
 2190 by a qualified borrower.

2191 ~~(11)~~(10) 'Other financial assistance' includes, but shall not be limited to, grants,
 2192 contributions, credit enhancement, capital or debt reserves for bonds or debt instrument
 2193 financing, interest rate subsidies, provision of letters of credit and credit instruments,
 2194 provision of bond or other debt financing instrument security, and other lawful forms of

2195 financing and methods of leveraging funds that are approved by the board, and, in the
2196 case of federal funds, as allowed by federal law.

2197 ~~(12)~~(11) 'Project revenues' or 'revenues' means all rates, rents, fees, assessments, charges,
2198 and other receipts derived or to be derived by a qualified borrower from a qualified
2199 project or made available from a special source, and, as provided in the applicable
2200 financing agreement, derived from any system of which the qualified project is a part or
2201 from any other revenue producing facility under the ownership or control of the qualified
2202 borrower, including, without limitation, proceeds of grants, gifts, appropriations and
2203 loans, including the proceeds of loans made by the bank, investment earnings, reserves
2204 for capital and current expenses, proceeds of insurance or condemnation and proceeds
2205 from the sale or other disposition of property and from any other special source as may
2206 be provided by the qualified borrower.

2207 ~~(13)~~(12) 'Qualified borrower' means any government unit authorized to construct,
2208 operate, or own a qualified project.

2209 ~~(14)~~(13) 'Qualified project' means an eligible project which has been selected by the
2210 bank to receive a loan or other financial assistance from the bank to defray an eligible
2211 cost.

2212 ~~(15)~~(14) 'State and local accounts' means, collectively, the separate accounts for state and
2213 local roadway funds and state and local nonroadway funds."

2214 **SECTION 6-20.**

2215 Said article is further amended by revising Code Section 32-10-123, relating to authority of
2216 the Transportation Infrastructure Bank board, as follows:

2217 "~~32-10-123~~ 50-41-68.

2218 In administering the affairs of the bank, the board may exercise any or all of the powers
2219 granted to the authority under ~~Parts~~ Articles 1 and 2 of this ~~article~~ chapter, as well as the
2220 powers granted in this ~~part~~ article. Without limiting the generality of the foregoing, the
2221 board is specifically authorized to issue bonds for the purposes of the bank, in the same
2222 general manner provided in ~~Part~~ Article 2 of this ~~article~~ chapter."

2223 **SECTION 6-21.**

2224 Said article is further amended by revising Code Section 32-10-124, relating to power of the
2225 Transportation Infrastructure Bank board and meaning of use of the word "bank" for
2226 purposes of this article, as follows:

2227 ~~"32-10-124~~ 50-41-69.

2228 (a) In addition to the powers contained elsewhere in this ~~article~~ chapter, the board has all
2229 power necessary, useful, or appropriate to fund, operate, and administer the bank, and to
2230 perform its other functions, including, but not limited to, the power to:

2231 (1) Have perpetual succession;

2232 (2) Adopt, promulgate, amend, and repeal bylaws, not inconsistent with provisions in
2233 this ~~part~~ article for the administration of the bank's affairs and the implementation of its
2234 functions, including the right of the board to select qualifying projects and to provide
2235 loans and other financial assistance;

2236 (3) Sue and be sued in the name of the bank;

2237 (4) Have a seal and alter it at its pleasure, although the failure to affix the seal does not
2238 affect the validity of an instrument executed on behalf of the bank;

2239 (5) Make loans to qualified borrowers to finance the eligible costs of qualified projects
2240 and to acquire, hold, and sell loan obligations at prices and in a manner as the board
2241 determines advisable;

2242 (6) Provide qualified borrowers with other financial assistance necessary to defray
2243 eligible costs of a qualified project;

2244 (7) Enter into contracts, arrangements, and agreements with qualified borrowers and
2245 other persons and execute and deliver all financing agreements and other instruments
2246 necessary or convenient to the exercise of the powers granted in this ~~part~~ article;

2247 (8) Enter into agreements with a department, agency, or instrumentality of the United
2248 States or of this state or another state for the purpose of providing for the financing of
2249 qualified projects;

2250 (9) Establish:

2251 (A) Policies and procedures for the making and administering of loans and other
2252 financial assistance; and

2253 (B) Fiscal controls and accounting procedures to ensure proper accounting and
2254 reporting by the bank and government units;

2255 (10) Acquire by purchase, lease, donation, or other lawful means and sell, convey,
2256 pledge, lease, exchange, transfer, and dispose of all or any part of its properties and assets
2257 of every kind and character or any interest in it to further the public purpose of the bank;

2258 (11) Procure insurance, guarantees, letters of credit, and other forms of collateral or
2259 security or credit support from any public or private entity or instrumentality of the
2260 United States for the payment of any bonds issued by it, including the power to pay
2261 premiums or fees on any insurance, guarantees, letters of credit, and other forms of
2262 collateral or security or credit support;

- 2263 (12) Collect or authorize the trustee under any trust indenture securing any bonds to
 2264 collect amounts due under any loan obligations owned by it, including taking the action
 2265 required to obtain payment of any sums in default;
- 2266 (13) Unless restricted under any agreement with holders of bonds, consent to any
 2267 modification with respect to the rate of interest, time, and payment of any installment of
 2268 principal or interest, or any other term of any loan obligations owned by it;
- 2269 (14) Borrow money through the issuance of bonds and other forms of indebtedness as
 2270 provided in this ~~article~~ chapter;
- 2271 (15) Expend funds to obtain accounting, management, legal, financial consulting, and
 2272 other professional services necessary to the operations of the bank;
- 2273 (16) Expend funds credited to the bank as the board determines necessary for the costs
 2274 of administering the operations of the bank;
- 2275 (17) Establish advisory committees as the board determines appropriate, which may
 2276 include individuals from the private sector with banking and financial expertise, including
 2277 the requirement that the bank shall consult with the ~~Department of Transportation~~ State
 2278 Accounting Office for the purpose of implementing the project accounting procedures
 2279 required by subparagraph (B) of paragraph (9) of this subsection;
- 2280 (18) Procure insurance against losses in connection with its property, assets, or activities
 2281 including insurance against liability for its acts or the acts of its employees or agents or
 2282 to establish cash reserves to enable it to act as a self-insurer against any and all such
 2283 losses;
- 2284 (19) Collect fees and charges in connection with its loans or other financial assistance;
- 2285 (20) Apply for, receive, and accept from any source, aid, grants, or contributions of
 2286 money, property, labor, or other things of value to be used to carry out the purposes of
 2287 this ~~part~~ article subject to the conditions upon which the aid, grants, or contributions are
 2288 made;
- 2289 (21) Enter into contracts or agreements for the servicing and processing of financial
 2290 agreements;
- 2291 (22) Accept and hold, with or without payment of interest, funds deposited with the bank
 2292 by government units and private entities; and
- 2293 (23) Do all other things necessary or convenient to exercise powers granted or
 2294 reasonably implied by this ~~part~~ article.
- 2295 (b) The bank shall not be authorized or empowered to be or to constitute a bank or trust
 2296 company within the jurisdiction or under the control of this state or an agency of it or the
 2297 Comptroller of the Currency or the Treasury Department of the United States, or a bank,
 2298 banker, or dealer in securities within the meaning of, or subject to the provisions of, any
 2299 securities, securities exchange, or securities dealers' law of the United States or of this state.

2300 The use of the word 'bank' in the 'Georgia Transportation Infrastructure Bank' is required
 2301 by federal law. For the express purposes of this part article, the use of the word 'bank' in
 2302 the 'Georgia Transportation Infrastructure Bank Act' does not violate Code Section
 2303 7-1-243. In addition, all deposits taken by the Georgia Transportation Infrastructure Bank
 2304 shall contain a notice stating that the deposits are not insured by the Federal Deposit
 2305 Insurance Corporation."

2306 **SECTION 6-22.**

2307 Said article is further amended by revising Code Section 32-10-125, relating to revenue
 2308 sources for the Transportation Infrastructure Bank, as follows:

2309 "~~32-10-125~~ 50-41-70.

2310 (a) The following sources may be used to capitalize the bank and for the bank to carry out
 2311 its purposes:

2312 (1) Appropriations by the General Assembly;

2313 (2) Federal funds available to the state, ~~as approved by the Department of~~
 2314 ~~Transportation;~~

2315 (3) Contributions, donations, and deposits from government units, private entities, and
 2316 any other source as may become available to the bank;

2317 (4) All moneys paid or credited to the bank, by contract or otherwise, payments of
 2318 principal and interest on loans or other financial assistance made from the bank, and
 2319 interest earnings which may accrue from the investment or reinvestment of the bank's
 2320 moneys;

2321 (5) Proceeds from the issuance of bonds as provided in this part article; and

2322 (6) Other lawful sources not already dedicated for another purpose as determined
 2323 appropriate by the board.

2324 (b) Without limiting the provisions of subsection (a) of this Code section, it shall be
 2325 specifically provided that any local government may use the proceeds of any local funds
 2326 which may be hereafter made available by law for the purposes of this part article,
 2327 including without limitation the funding of eligible projects and contributions, donations,
 2328 and deposits to the bank."

2329 **SECTION 6-23.**

2330 Said article is further amended by revising Code Section 32-10-127, relating to loans and
 2331 other financial assistance and determination of eligible projects relative to the Transportation
 2332 Infrastructure Bank, as follows:

2333 ~~"32-10-127~~ 50-41-72.

2334 (a) The bank may provide loans and other financial assistance to a government unit to pay
 2335 for all or part of the eligible costs of a qualified project. The term of the loan or other
 2336 financial assistance shall not exceed the useful life of the project. The bank may require
 2337 the government unit to enter into a financing agreement in connection with its loan
 2338 obligation or other financial assistance. The board shall determine the form and content
 2339 of loan applications, financing agreements, and loan obligations including the term and rate
 2340 or rates of interest on a financing agreement. The terms and conditions of a loan or other
 2341 financial assistance from federal accounts shall comply with applicable federal
 2342 requirements.

2343 (b)(1) The board shall determine which projects are eligible projects and then select from
 2344 among the eligible projects qualified projects. When determining eligibility, the board
 2345 shall make every effort to balance any loans or other financial assistance among all
 2346 regions of this state.

2347 (2) Preference for loans may be given to eligible projects prioritized by the department
 2348 in tier 1 and tier 2 counties, as defined in Code Section 48-7-40 and by the Department
 2349 of Community Affairs.

2350 (3) Preference for grants and other financial assistance may be given to eligible projects
 2351 which have local financial support."

2352 **SECTION 6-24.**

2353 Said article is further amended by revising Code Section 32-10-128, relating to authority of
 2354 qualified borrowers relative to the Transportation Infrastructure Bank, as follows:

2355 ~~"32-10-128~~ 50-41-73.

2356 (a) Qualified borrowers are authorized to obtain loans or other financial assistance from
 2357 the bank through financing agreements. Qualified borrowers entering into financing
 2358 agreements and issuing loan obligations to the bank may perform any acts, take any action,
 2359 adopt any proceedings, and make and carry out any contracts or agreements with the bank
 2360 as may be agreed to by the bank and any qualified borrower for the carrying out of the
 2361 purposes contemplated by this ~~part~~ article.

2362 (b) In addition to the authorizations contained in this ~~part~~ article, all other statutes or
 2363 provisions permitting government units to borrow money and issue obligations, including,
 2364 but not limited to, Article 3 of Chapter 82 of Title 36, the 'Revenue Bond Law,' may be
 2365 utilized by any government unit in obtaining a loan or other financial assistance from the
 2366 bank to the extent determined necessary or useful by the government unit in connection
 2367 with any financing agreement and the issuance, securing, or sale of loan obligations to the
 2368 bank.

2369 (c) A qualified borrower may receive, apply, pledge, assign, and grant security interests
 2370 in project revenues to secure its obligations as provided in this ~~part~~ article. A qualified
 2371 borrower may fix, revise, charge, and collect fees, rates, rents, assessments, and other
 2372 charges of general or special application for the operation or services of a qualified project,
 2373 the system of which it is a part, and any other revenue producing facilities from which the
 2374 qualified borrower derives project revenues to meet its obligations under a financing
 2375 agreement or to provide for the construction and improving of a qualified project."

2376 SECTION 6-25.

2377 Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor,
 2378 is amended by revising Code Section 45-12-203, relating to membership, chair, and meetings
 2379 of the Governor's Development Council, as follows:

2380 "45-12-203.

2381 ~~(a) The members of the board of directors of the Georgia Regional Transportation~~
 2382 ~~Authority provided by Code Section 50-32-4, upon their initial appointment and thereafter,~~
 2383 ~~shall constitute the membership of the council. Membership on that authority or the council~~
 2384 ~~shall not constitute an appointment to an office of honor or trust for purposes of subsection~~
 2385 ~~(a) of Code Section 50-32-4~~ The council's board of directors shall consist of 15 members.
 2386 All members of the board and their successors shall be appointed for terms of five years
 2387 each, except that the initial terms for eight members of the board appointed in 2019 shall
 2388 be three years each; and the particular beginning and ending dates of such terms shall be
 2389 specified by the Governor. All members of the board shall be appointed by the Governor
 2390 and shall serve until the appointment and qualification of a successor, the provisions of
 2391 subsection (b) of Code Section 45-12-52 to the contrary notwithstanding, except as
 2392 otherwise provided in this Code section. No person holding any other office created by or
 2393 under the provisions of the Constitution of Georgia shall be appointed to membership;
 2394 provided, however, that elected officials of county or local governments shall be eligible
 2395 for such appointment.

2396 (b) The chair of the ~~Georgia Regional Transportation Authority~~ board of directors shall
 2397 ~~serve as the chair of the council~~ be appointed and designated by the Governor.

2398 (c) The council shall hold meetings as often as the chair determines, but not more than 12
 2399 days each year. The chair may call special meetings upon adequate written, personal,
 2400 telephone, or facsimile notice to members of the council. A majority of the members of
 2401 the council shall constitute a quorum for conducting business. No member may act through
 2402 a proxy, designee, or delegate. The council may establish, from time to time, such
 2403 additional rules and procedures as the council deems appropriate for conducting the

2404 council's business. These rules and procedures may be established in bylaws or in such
2405 other form as the council deems appropriate."

2406 **SECTION 6-26.**

2407 The following Code sections of the Official Code of Georgia Annotated are amended by
2408 replacing "Article" and "article" wherever either such term appears with "Chapter" or
2409 "chapter":

- 2410 (1) Code Section 32-10-65.1, relating to expiration of tolls established;
- 2411 (2) Code Section 32-10-70, relating to transfer of real and personal property to authority
2412 by public bodies and officers;
- 2413 (3) Code Section 32-10-73, relating to designation of moneys received pursuant to article
2414 as trust funds;
- 2415 (4) Code Section 32-10-74, relating to effect of article;
- 2416 (5) Code Section 32-10-75, relating to construction of article;
- 2417 (6) Code Section 32-10-94, relating to status of bonds as negotiable instruments and
2418 exemption for bonds, their transfer, and income therefrom;
- 2419 (7) Code Section 32-10-98, relating to conditions precedent to taking effect of resolutions
2420 for bond issuance, issuance of bonds of a single issue for purpose of paying cost of one or
2421 more projects;
- 2422 (8) Code Section 32-10-99, relating to credit of state not pledged;
- 2423 (9) Code Section 32-10-100, relating to trust indenture as security for bonds;
- 2424 (10) Code Section 32-10-101, relating to payment of bond proceeds to trustee;
- 2425 (11) Code Section 32-10-103, relating to rights and remedies of holders of bonds or
2426 interest coupons and indenture trustees;
- 2427 (12) Code Section 32-10-104, relating to refunding bonds;
- 2428 (13) Code Section 32-10-109, relating to covenant with holders as to tax-exempt status of
2429 authority property and bonds; and
- 2430 (14) Code Section 32-10-110, relating to venue and jurisdictions of actions.

2431 **SECTION 6-27.**

2432 The following Code sections of the Official Code of Georgia Annotated are amended by
2433 replacing "Part" and "part" wherever either such term appears with "Article" or "article":

- 2434 (1) Code Section 32-10-120, relating to short title relative to the Transportation
2435 Infrastructure Bank;
- 2436 (2) Code Section 32-10-121, relating to creation, governance, corporate purpose, and types
2437 of accounts;

- 2438 (3) Code Section 32-10-126, relating to earnings, establishment of accounts and
 2439 subaccounts, and commingling of funds relative to the Transportation Infrastructure Bank;
 2440 (4) Code Section 32-10-131, relating to liability of officer, employee, or committee of the
 2441 Transportation Infrastructure Bank; and
 2442 (5) Code Section 32-10-132, relating to notice prior to action or referendum by the
 2443 Transportation Infrastructure Bank not required.

2444 **SECTION 6-28.**

2445 The following Code sections of the Official Code of Georgia Annotated are amended by
 2446 redesignating:

- 2447 (1) Code Section 32-10-63.1, relating to exemption for transit service buses, motor
 2448 vehicles, and rapid rail systems from requirements relating to identification and regulation
 2449 of motor vehicles, as Code Section 50-41-5;
 2450 (2) Code Section 32-10-65.1, relating to expiration of tolls established, as Code
 2451 Section 50-41-8;
 2452 (3) Code Section 32-10-65.2, relating to annual reporting, as Code Section 50-41-9;
 2453 (4) Code Section 32-10-70, relating to transfer of real and personal property to authority
 2454 by public bodies and officers, as Code Section 50-41-14;
 2455 (5) Code Section 32-10-72, relating to authority fund, as Code Section 50-41-16;
 2456 (6) Code Section 32-10-73, relating to designation of moneys received pursuant to article
 2457 as trust funds, as Code Section 50-41-17;
 2458 (7) Code Section 32-10-74, relating to effect of article, as Code Section 50-41-18;
 2459 (8) Code Section 32-10-75, relating to construction of article, as Code Section 50-41-19;
 2460 (9) Code Section 32-10-76, relating to grant and pilot programs for streetcar projects, as
 2461 Code Section 50-41-20;
 2462 (10) Code Section 32-10-91, relating to obtaining loans and issuance of sale of notes and
 2463 bonds and sale of obligations, as Code Section 50-41-32;
 2464 (11) Code Section 32-10-92, relating to bonds authorized by resolution, specification of
 2465 terms, and public or private sale, as Code Section 50-41-33;
 2466 (12) Code Section 32-10-93, relating to execution, seal, and signing of bonds, as Code
 2467 Section 50-41-34;
 2468 (13) Code Section 32-10-94, relating to status of bonds as negotiable instruments and
 2469 exemption for bonds, their transfer, and income therefrom, as Code Section 50-41-35;
 2470 (14) Code Section 32-10-95, relating to utilization of bond proceeds, as Code Section
 2471 50-41-36;
 2472 (15) Code Section 32-10-96, issuance of interim receipts, interim certificates, and
 2473 temporary bonds, as Code Section 50-41-37;

- 2474 (16) Code Section 32-10-97, relating to replacement of lost or mutilated bonds, as Code
 2475 Section 50-41-38;
- 2476 (17) Code Section 32-10-98, relating to conditions precedent to taking effect of resolutions
 2477 for bond issuance, issuance of bonds of a single issue for purpose of paying cost of one or
 2478 more projects, as Code Section 50-41-39;
- 2479 (18) Code Section 32-10-99, relating to credit of state not pledged, as Code Section
 2480 50-41-40;
- 2481 (19) Code Section 32-10-100, relating to trust indenture as security for bonds, as Code
 2482 Section 50-41-41;
- 2483 (20) Code Section 32-10-101, relating to payment of bond proceeds to trustee, as Code
 2484 Section 50-41-42;
- 2485 (21) Code Section 32-10-103, relating to rights and remedies of holders of bonds or
 2486 interest coupons and indenture trustees, as Code Section 50-41-44;
- 2487 (22) Code Section 32-10-104, relating to refunding bonds, as Code Section 50-41-45;
- 2488 (23) Code Section 32-10-106, relating to protection of interests and rights of bondholders,
 2489 as Code Section 50-41-47;
- 2490 (24) Code Section 32-10-107, relating to confirmation and validation of bonds, as Code
 2491 Section 50-41-48;
- 2492 (25) Code Section 32-10-109, relating to covenant with holders as to tax-exempt status of
 2493 authority property and bonds, as Code Section 50-41-50;
- 2494 (26) Code Section 32-10-110, relating to venue and jurisdiction of actions, as Code
 2495 Section 50-41-51;
- 2496 (27) Code Section 32-10-120, relating to short title relative to the Transportation
 2497 Infrastructure Bank, as Code Section 50-41-65;
- 2498 (28) Code Section 32-10-121, relating to creation, governance, corporate purpose, and
 2499 types of accounts, as Code Section 50-41-66;
- 2500 (29) Code Section 32-10-126, relating to earnings, establishment of accounts and
 2501 subaccounts, and commingling of funds relative to the Transportation Infrastructure Bank,
 2502 as Code Section 50-41-71;
- 2503 (30) Code Section 32-10-129, relating to exemption of the Transportation Infrastructure
 2504 Bank from taxes and assessments, as Code Section 50-41-74;
- 2505 (31) Code Section 32-10-130, relating to withholding of funds by the Transportation
 2506 Infrastructure Bank, as Code Section 50-41-75;
- 2507 (32) Code Section 32-10-131, relating to liability of officer, employee, or committee of
 2508 the Transportation Infrastructure Bank, as Code Section 50-41-76;
- 2509 (33) Code Section 32-10-132, relating to notice prior to action or referendum by the
 2510 Transportation Infrastructure Bank not required, as Code Section 50-41-77; and

2511 (34) Code Section 32-10-133, relating to annual report by the Transportation Infrastructure
2512 Bank, as Code Section 50-41-78.

2513 **SECTION 6-29.**

2514 The Official Code of Georgia Annotated is further amended by designating:

2515 (1) Code Section 50-41-1 through Code Section 50-41-21 as Article 1 of Chapter 41 of
2516 Title 50;

2517 (2) Code Section 50-41-30 through Code Section 50-41-51 as Article 2 of Chapter 41 of
2518 Title 50; and

2519 (3) Code Section 50-41-65 through Code Section 50-41-78 as Article 3 of Chapter 41 of
2520 Title 50.

2521 **SECTION 6-30.**

2522 The Official Code of Georgia Annotated is further amended by designating Article 2 of
2523 Chapter 10 of Title 32, relating to the State Road and Tollway Authority, as reserved.

2524 **PART VII**

2525 **EFFECTIVE DATES**

2526 **SECTION 7-1.**

2527 (a) Except as provided for in subsection (b), this Act shall become effective on July 1,
2528 2019.

2529 (b) Section 3-3 of this Act shall become effective on July 1, 2020.

2530 **PART VIII**

2531 **REPEALER**

2532 **SECTION 8-1.**

2533 All laws and parts of laws in conflict with this Act are repealed.