

The House Committee on Rules 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 legislative intent and special collection and reporting procedures for state sales
6 and use tax for certain transportation; to provide for definitions; to provide for the imposition
7 of special purpose local sales and use tax by a single county located outside a nonattainment
8 area for the funding of transit projects under certain conditions; to establish special districts;
9 to provide for definitions, procedures, conditions, and limitations for the imposition,
10 collection, disbursement, and termination of the sales and use tax; to provide for a definition
11 relative to community improvement districts; to create the Department of Mobility and
12 Innovation; to provide for definitions; to provide for the appointment of a commissioner of
13 the department; to provide for salary, qualifications, eligibility, and responsibilities of such
14 commissioner; to provide for the power to designate directors and hire employees; to provide
15 for offices and equipment for the department; to provide for authority to establish rules and
16 regulations; to provide for an official seal; to provide for duties, responsibilities, and
17 functions of the department; to provide for approval of certain development of regional
18 impact projects; to provide for the administrative assignment of certain authorities to the
19 department; to provide for the transfer of certain functions, funding, and personnel to the
20 department from certain state agencies; to provide for the establishment of a pilot program
21 administered by the department for the provision of transit service vouchers for certain
22 unemployed and underemployed persons; to provide for procedures, conditions, and
23 limitations for the implementation of such pilot program; to provide for the establishment of
24 a pilot program administered by the department for the awarding of grants for the provision
25 of micro-transit in certain geographical areas; to provide for procedures, conditions, and
26 limitations for the implementation of such pilot program; to establish the Transit Link
27 Division within such department; to establish a Transit Coordinating Council; to provide for

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

62 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

63 PART I
64 FUNDING

65 SECTION 1-1.

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

68 "48-8-67.1.

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

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

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

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

84 SECTION 1-2.

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

87 "48-8-269.40.

88 As used in this article, the term:

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

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

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

- 95 ~~(3)~~(4) 'Dealer' shall have the same meaning as provided for in paragraph (8) of Code
 96 Section 48-8-2.
- 97 ~~(4) 'Intergovernmental agreement' means a contract entered into pursuant to Article IX,
 98 Section III, Paragraph I of the Constitution.~~
- 99 (5) 'Nonattainment area' means those counties currently having or previously designated
 100 as having excess levels of ozone, carbon monoxide, or particulate matter in violation of
 101 the standards in the federal Clean Air Act, as amended in 1990 and codified at 42
 102 U.S.C.A. Sections 7401 to 7671q and which fall under the jurisdiction exercised by the
 103 Atlanta-region Transit Link 'ATL' Authority or any predecessor authority as described
 104 in Article 2 of Chapter 39 of Title 50.
- 105 (6) 'Qualified municipality' means a qualified municipality as defined in paragraph (4)
 106 of Code Section 48-8-110 and which is located wholly or partly within a special district.
- 107 (7) 'Regional transit plan' means the official multiyear plan for transit services and
 108 facilities adopted pursuant to Code Section 50-31-38 or 50-39-12.
- 109 ~~(8) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
 110 services that are made available by a public entity and are open to the general public or
 111 open to a segment of the general public defined by age, disability, or low income. Such
 112 term includes services or systems operated by or under contract with the state, a public
 113 agency or authority, a county or municipality, a community improvement district, or any
 114 other similar public entity of this state and all accompanying infrastructure and services
 115 necessary to provide access to these modes of transportation. Such term excludes charter
 116 or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal
 117 services, limousine carriers, and ride share network services, transportation referral
 118 services, and taxi services not paid for by a public entity shall have the same meaning as
 119 provided for in Code Section 50-31-2.~~
- 120 (9) 'Transit projects' means and includes purposes to establish, enhance, operate, and
 121 maintain, or improve access to transit, including general obligation debt and other
 122 multiyear obligations issued to finance such projects, the operations and maintenance of
 123 such projects once constructed, and the contracted purchase of transit services from
 124 providers without direct capital investment."

125 SECTION 1-3.

126 Said title is further amended in Code Section 48-8-269.41, relating to transit special purpose
 127 local option sales and use tax, by revising paragraph (1) of subsection (b) as follows:
 128 "(b)(1) Any ~~two or more neighboring counties which are~~ county not located within a
 129 nonattainment area may, by following the procedures required by Part 2 of this article,
 130 impose within ~~their respective special districts~~ the special district a transit special purpose

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

133 **SECTION 1-4.**

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

138 "48-8-269.43.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

211 **SECTION 1-5.**

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

215 "48-8-269.44.

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

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

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

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

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

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

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

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

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

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

265 **SECTION 1-6.**

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

268 "48-8-269.50.

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

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

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

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

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

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

285 **SECTION 1-7.**

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

288 "48-8-269.56.

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

296 **SECTION 1-8.**

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

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

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

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

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

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

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

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

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

350 **SECTION 1-9.**

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

353 "48-8-269.58.

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

363 **SECTION 1-10.**

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

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

378 PART II
379 GOVERNANCE
380 SECTION 2-1.

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

383 "ARTICLE 1

384 50-31-1.

385 There is created the Department of Mobility and Innovation.

386 50-31-2.

387 As used in this chapter, the term:

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

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

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

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

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

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

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

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

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

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

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

445 50-31-4.

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

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

459 50-31-5.

460 (a) The commissioner shall:

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

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

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

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

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

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

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

482 50-31-6.

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

486 50-31-7.

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

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

493 50-31-8.

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

496 50-31-9.

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

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

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

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

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

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

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

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

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

540 50-31-10.

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

545 The department:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

612 50-31-11.

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

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

626 50-31-12.

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

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

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

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

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

637 50-31-13.

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

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

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

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

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

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

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

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

704 50-31-14.

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

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

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

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

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

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

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

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

731 50-31-15.

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

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

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

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

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

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

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

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

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

751 ARTICLE 2

752 Part 1

753 50-31-25.

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

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

759 50-31-26.

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

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

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

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

774 50-31-27.

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

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

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

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

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

819 Part 2

820 50-31-35.

821 As used in this part, the term:

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

826 50-31-36.

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

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

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

855 50-31-37.

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

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

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

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

871 (A) Resignation by a member;

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

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

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

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

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

886 50-31-38.

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

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

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

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

910 **SECTION 2-2.**

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

914 "48-7-29.3.

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

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

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

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

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

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

934 SECTION 3-1.

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

938 SECTION 3-2.

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

942 "(12) 'Project' means:

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

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

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

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

968 **SECTION 3-3.**

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

971 **SECTION 3-4.**

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

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

986 **SECTION 3-5.**

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

988 "50-39-29.

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

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

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

1019 PART IV

1020 ATLANTA-REGION TRANSIT LINK "ATL" AUTHORITY

1021 SECTION 4-1.

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

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

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

1036

SECTION 4-2.

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

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

1058

SECTION 4-3.

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

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

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

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

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

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

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

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

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

1132 SECTION 4-4.

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

1135 "50-39-5.

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

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

1143 **SECTION 4-5.**

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

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

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

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

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

1178 **SECTION 4-6.**

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

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

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

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

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

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

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

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

1221 SECTION 4-7.

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

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

1230 SECTION 4-8.

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

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

SECTION 4-9.

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

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

SECTION 4-10.

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

1261 "50-39-18.

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

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

PART V

METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY

(MARTA)

SECTION 5-1.

1280
1281 Article 2 of Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to the
1282 Metropolitan Atlanta Rapid Transit Authority, is amended in Code Section 32-9-21, relating
1283 to creation of Cobb County Special District for Transit, by revising subsections (e) and (g)
1284 as follows:

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

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

SECTION 5-2.

1290
1291 Said article is further amended in Code Section 32-9-22, relating to rapid transit contract with
1292 Cobb County on behalf of the Cobb County Special District for Transit, by revising
1293 subsection (h) as follows:

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

SECTION 5-3.

1298
1299 Said article is further amended in Code Section 32-9-23, relating to retail sales and use tax
1300 in Gwinnett and Cobb counties and rate, proceeds, and utilization of such tax, by revising
1301 paragraph (2) of subsection (b) as follows:

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

PART VI

STATE ROAD AND TOLLWAY AUTHORITY

SECTION 6-1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1363 (A) Furnished water service;

1364 (B) Furnished sewage service;

1365 (C) Furnished garbage collection;

1366 (D) Furnished police protection;

1367 (E) Furnished fire protection;

1368 (F) Assessed and collected business licenses;

1369 (G) Furnished street lighting facilities.

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

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

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

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

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

1398 (A) Surface, shoulders, and sides;

1399 (B) Bridges;

1400 (C) Causeways;

1401 (D) Viaducts;

1402 (E) Ferries;

1403 (F) Overpasses;

1404 (G) Underpasses;

1405 (H) Railroad grade crossings;

1406 (I) Tunnels;

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

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

1411 (L) Wayside parks;

1412 (M) Parking facilities;

1413 (N) Drainage ditches;

1414 (O) Canals and culverts;

1415 (P) Rest areas;

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

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

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

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

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

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

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

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

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

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

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

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

1465 **SECTION 6-2.**

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

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

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

1474 **SECTION 6-3.**

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

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

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

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

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

1500 SECTION 6-4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1635 **SECTION 6-5.**

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

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

1639 (a)(1) For the purpose of earning sufficient revenue to make possible, in conjunction
 1640 with other funds available to the authority, the financing of the construction or acquisition
 1641 of projects of the authority with revenue bonds, the authority is authorized and
 1642 empowered to collect tolls on each and every project which it, ~~the department~~, the
 1643 Department of Transportation, or local governing authority shall cause to be constructed.

1644 It is found, determined, and declared that the necessities of revenue bond financing are
 1645 such that the authority's toll earnings on each project or projects, in conjunction with
 1646 other funds available to the authority, must exceed the actual maintenance, repair, and
 1647 normal reserve requirements of such projects, together with monthly or yearly sums
 1648 needed for the sinking fund payments upon the principal and interest obligations of
 1649 financing such project or projects; however, within the framework of these legitimate
 1650 necessities of the authority and subject to all bond resolutions, trust indentures, and all
 1651 other contractual obligations of the authority, the authority is charged with the duty of the
 1652 operation of all projects in the aggregate at the most reasonable possible level of toll
 1653 charges; and, furthermore, the authority is charged with the responsibility of a reasonable
 1654 and equitable adjustment of such toll charges as between the various classes of users of
 1655 any given project in which the repayment of financing is the primary or exclusive purpose
 1656 for the exercise of the toll power of the authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1757 SECTION 6-6.

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

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

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

1772 SECTION 6-7.

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

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

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

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

1782 **SECTION 6-8.**

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

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

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

1813 shall proceed, if such project or projects are possible, to finance, acquire rights of way,
1814 construct, and operate such projects pursuant to its purposes, powers, and duties.

1815 (b) Upon the concurrence of the ~~board~~ State Transportation Board, the Department of
1816 Transportation shall have the right to provide maintenance and operational assistance to the
1817 authority as may be necessary to effectuate the purposes of this ~~article~~ chapter, including
1818 but not limited to authorizing employees of the ~~department~~ Department of Transportation
1819 to assist the authority in the collection of tolls on authority projects. The authority shall
1820 reimburse the ~~department~~ Department of Transportation for such assistance."

1821 **SECTION 6-9.**

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

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

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

1833 **SECTION 6-10.**

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

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

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

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

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

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

1867 SECTION 6-11.

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

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

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

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

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

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

1898 **SECTION 6-12.**

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

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

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

1906 (1) Pledges to the payment of any revenue bond issue requirements, sinking or reserve
 1907 funds, as may be provided for under Code Section ~~32-10-102~~ 50-41-43;

1908 (2) The payment of any outstanding unpaid revenue bond obligations or administrative
 1909 expenses;

1910 (3) The construction of all or any part of projects, the need for which is concurred in by
 1911 the Governor and the ~~board~~ State Transportation Board;

1912 (4) The most advantageous obtainable redemptions and retirements of the authority's
 1913 bonds pursuant to the prepayment redemption privileges accorded to the authority upon
 1914 the various issues of bonds outstanding;

1915 (5) The most advantageous open market purchase of the authority's bonds that the
 1916 authority may accomplish;

1917 (6) Investment in such securities and in such manner as it determines to be in its best
 1918 interest; ~~and~~

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

1937 **SECTION 6-13.**

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

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

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

1947 **SECTION 6-14.**

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

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

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

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

1966 SECTION 6-15.

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

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

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

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

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

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

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

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

1995 **SECTION 6-16.**

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

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

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

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

2021 **SECTION 6-17.**

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

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

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

2039 **SECTION 6-18.**

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

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

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

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

2065 SECTION 6-19.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2148 **SECTION 6-20.**

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

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

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

2157 **SECTION 6-21.**

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

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

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

2165 (1) Have perpetual succession;

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6-22.

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

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

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

2246 (1) Appropriations by the General Assembly;

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

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

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

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

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

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

SECTION 6-23.

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

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

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

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

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

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

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

2286 **SECTION 6-24.**

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

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

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

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

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

SECTION 6-25.

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

2314 "45-12-203.

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

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

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

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

SECTION 6-26.

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

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

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

2365 **SECTION 6-27.**

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

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

SECTION 6-28.

2378

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2447 **SECTION 6-29.**

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

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

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

2455 **SECTION 6-30.**

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

2458 **PART VII**

2459 **EFFECTIVE DATES**

2460 **SECTION 7-1.**

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

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

2464 **PART VIII**

2465 **REPEALER**

2466 **SECTION 8-1.**

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