

House Bill 511 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 so as to transfer the Atlanta-region Transit Link "ATL" Authority to the Department of
3 Transportation for administrative purposes; to provide for definitions; to provide for
4 membership and jurisdiction of the authority; to provide for powers of the authority; to
5 provide for a logo and use of such on transit operator property; to amend Code Section
6 48-9-3 of the Official Code of Georgia Annotated, relating to levy of excise tax upon motor
7 fuel and rate, taxation of motor fuels not commonly sold or measured by gallon and rate,
8 prohibition of tax on motor fuel by political subdivisions, exception, and exempted sales, so
9 as to provide for the use of the Consumer Price Index in determining an excise tax upon
10 motor fuel; to provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

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

16 "(18) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
17 services that are made available by or funded by a public entity or quasi-public entity and
18 are open to the general public or open to a segment of the general public defined by age,
19 disability, or low income. Such term includes services or systems operated by or under
20 contract with the state, a public state agency or authority, a county or municipality local
21 government, a community improvement district, or any other similar public entity of this
22 state and all accompanying infrastructure and services necessary to provide access to
23 these modes of transportation. Such term excludes charter or sightseeing services;₂
24 school bus services;₂ courtesy shuttle and intrafacility or terminal services;₂ limousine
25 carriers;₂ and ride share network services, transportation referral services, and taxi

26 services as such terms are defined in Chapter 1 of Title 40 and which are not paid for by
 27 a public entity."

28 **SECTION 2.**

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

33 "(a)(1) The board of directors of the authority shall consist of 16 members, ten of whom
 34 shall be appointed from the authority districts described in paragraph (2) of this
 35 subsection, five of whom shall be appointed as described in paragraph (3) of this
 36 subsection, and the commissioner of transportation who shall serve ex officio and be a
 37 nonvoting member. The members appointed from such authority districts shall be
 38 ~~appointed~~ chosen by a majority vote of a caucus of the members of the House of
 39 Representatives and Senate whose respective districts include any portion of such
 40 authority district, the chairpersons of the county board of commissioners whose counties
 41 are located within such authority districts, and one mayor from the municipalities located
 42 within such authority districts who shall be chosen by a caucus of all mayors from the
 43 municipalities located within such authority districts; provided that if any authority
 44 district is wholly or partially located within the City of Atlanta, the mayor of the City of
 45 Atlanta shall be entitled to his or her own vote in addition to the vote by the mayor
 46 outside the limits of such city selected by the caucus of mayors to cast a vote. Each such
 47 appointee shall be a resident of the authority district which he or she represents and
 48 possess significant experience or expertise in a field that would be beneficial to the
 49 accomplishment of the function and purpose of this chapter. No later than December 1,
 50 2018, the respective caucuses appointing board members from the authority districts shall
 51 meet and appoint their respective board members of said board of directors. A majority
 52 of eligible caucus members shall constitute a quorum for purposes of any meeting
 53 provided for in this Code section. Selection of an individual to serve as an appointee
 54 from an authority district shall be chosen by a majority vote of the quorum present at any
 55 meeting called in compliance with the notice requirements set forth in this Code section.
 56 ~~Such meeting~~ Beginning in 2021, the respective caucuses appointing board members
 57 from the authority districts shall meet during the regular session of the General Assembly
 58 immediately preceding the expiration of the term of office of each member appointed by
 59 an authority district. All such meetings shall be called by the chairperson of the board
 60 of commissioners from the county with the largest population represented in the authority
 61 district authority and be held at the state capitol. Notice of such meeting shall be sent by

62 email to all appointing members of any respective caucus at least seven calendar days
63 prior and shall state the time, place, and purpose for such meeting. Voting shall be in
64 person by secret ballot, and use of proxies, teleconference, or other technology where an
65 appointing member is not physically present at such meeting shall be prohibited."

66 "(b) All members of the board and their successors shall each be appointed for terms of
67 four years, except that those members appointed from even-numbered authority districts
68 shall serve an initial term that expires on April 15, 2023, and those members appointed
69 from odd-numbered authority districts shall each serve an initial term of two years that
70 expires on April 15, 2021. After such initial two-year term, that caucus which appointed
71 such member for such initial term shall appoint successors thereto for terms of office of
72 four years. All members of the board shall serve until the appointment and qualification
73 of a successor except as otherwise provided in this Code section. Other than the
74 commissioner of transportation, no person holding any other office of profit or trust under
75 the state shall serve upon the board. The chairperson of the board of directors shall be
76 appointed by the Governor, and a vice chairperson shall be selected annually from among
77 the members by majority vote of those members present and voting.

78 ~~(c) All successors shall be appointed in the same manner as original appointments.~~
79 Vacancies in office of members appointed pursuant to paragraph (3) of subsection (a) of
80 this Code section shall be filled in the same manner as original appointments. If a vacancy
81 in office of a member appointed by an authority district pursuant to paragraph (1) of
82 subsection (a) of this Code section occurs during any regular session of the General
83 Assembly, the election for such vacancy shall be held in the same manner as provided in
84 paragraph (1) of subsection (a) of this Code section. For all other vacancies in office of a
85 member appointed by an authority district, the remainder of the unexpired term shall be
86 filled by a member elected at a meeting called by the chairperson of the authority at a
87 location designated by such chairperson, which shall be at the state capitol or a location
88 within the authority district where such vacancy occurs. Notice of such meeting shall be
89 sent by email to all appointing members of any respective caucus at least seven calendar
90 days prior and shall state the time, place, and purpose for such meeting. A person
91 appointed to fill a vacancy shall serve for the unexpired term. No vacancy on the board
92 shall impair the right of the quorum of the remaining members then in office to exercise
93 all rights and perform all duties of the board."

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

98 (j) The authority is assigned to the ~~Georgia Regional Transportation Authority~~ Department
 99 of Transportation for administrative purposes only.

100 ~~(k)~~(j) The authority shall annually submit a report of projects of regional and state
 101 significance from the regional transit plan to the Office of Planning and Budget, the
 102 Governor, the Lieutenant Governor, and the Speaker of the House of Representatives for
 103 consideration by such parties for inclusion in the bond package for the upcoming fiscal
 104 year budget. The required date of submission of such report shall coincide with the
 105 required submission date of estimates of financial requirements of a budget unit pursuant
 106 to Code Section 45-12-78."

107 SECTION 3.

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

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

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

126 "(b)(1) By December 1, 2018, the director of the Environmental Protection Division shall
 127 report and certify to the authority those counties which were designated by the USEPA
 128 as included in whole or in part within a nonattainment area pursuant to subsection (a) of
 129 this Code section and, pursuant to criteria established by that division, counties which are
 130 reasonably expected to become nonattainment areas under the Clean Air Act within ~~seven~~
 131 three years from the date of such report and certification. Such report and certification
 132 shall be updated ~~every six months~~ annually thereafter. Within the geographic territory
 133 of any county so designated, the board shall provide, by resolution or regulation, that the

134 funding, planning, design, construction, contracting, leasing, and other related facilities
 135 of the authority shall be made available to county and local governments for the purpose
 136 of planning, designing, constructing, operating, and maintaining transit systems and
 137 transit projects, air quality installations, and all facilities necessary and beneficial thereto,
 138 and for the purpose of designing and implementing designated metropolitan planning
 139 organizations' transit plans and transportation improvement programs and the authority's
 140 regional transit plan, on such terms and conditions as may be agreed to between the
 141 authority and such county or local governments."

142 **SECTION 4.**

143 Said chapter is further amended in Code Section 50-39-11, relating to general powers of the
 144 authority, construction with provisions on coordination and comprehensive planning and
 145 service delivery by counties and municipalities, by revising paragraph (11) of subsection (a)
 146 as follows:

147 "(11) To issue guaranteed revenue bonds, revenue bonds, bonds, notes, or other
 148 obligations of the authority, to receive payments from the Department of ~~Community~~
 149 ~~Affairs~~ Transportation, and to use the proceeds thereof for the ~~purpose~~ purposes of:

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

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

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

159 **SECTION 5.**

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

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

168 **SECTION 6.**

169 Code Section 48-9-3 of the Official Code of Georgia Annotated, relating to levy of excise
170 tax upon motor fuel and rate, taxation of motor fuels not commonly sold or measured by
171 gallon and rate, prohibition of tax on motor fuel by political subdivisions, exception, and
172 exempted sales, is amended by revising subparagraph (a)(1.1)(C) as follows:

173 "(C) Once the preliminary excise tax rate is established, it shall be multiplied by the
174 annual percentage of increase or decrease in the Consumer Price Index. The resulting
175 calculation shall be added to the preliminary excise tax rate, and the result of such
176 calculation shall be the new excise tax rate for motor fuels for the next calendar year.
177 The Consumer Price Index shall no longer be used after July 1, ~~2022~~ 2025."

178 **SECTION 7.**

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