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

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"(18) 'Transit' means regular, continuing shared-ride or shared-use surface transportation services that are made available by or funded by a public entity or quasi-public entity and are open to the general public or open to a segment of the general public defined by age, disability, or low income. Such term includes services or systems operated by or under contract with the state, a public state agency or authority, a county or municipality local government, a community improvement district, or any other similar public entity of this state and all accompanying infrastructure and services necessary to provide access to these modes of transportation. Such term excludes charter or sightseeing services; school bus services; courtesy shuttle and intrafacility or terminal services; limousine carriers; and ride share network services, transportation referral services, and taxi
services as such terms are defined in Chapter 1 of Title 40 and which are not paid for by a public entity.”

SECTION 2.

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

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

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

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

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

"(i) The board may, in its discretion, appoint an executive director as the administrative head of the authority and shall set his or her salary. The executive director of the Georgia Regional Transportation Authority shall serve as a temporary director until the board is constituted and an executive director is appointed by such board.
(f) The authority is assigned to the Georgia Regional Transportation Authority Department of Transportation for administrative purposes only.

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

SECTION 3.

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

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

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

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

SECTION 4.

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

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

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

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

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

SECTION 5.

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

"(d) Such plan shall further include the creation of a unified logo and brand to encompass all transit service providers within the jurisdiction of the authority which shall include the acronym 'ATL.' On and after January 1, 2023, all transit service providers within the jurisdiction of the authority shall utilize such logo and brand as a prominent feature upon any property used for the purpose of transit."
SECTION 6.

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

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

SECTION 7.

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