House Bill 588 (AS PASSED HOUSE AND SENATE)
By: Representatives Jasperse of the 11th, Burns of the 159th, Hatchett of the 150th, Smyre of
the 135th, Ballinger of the 23rd, and others

A BILL TO BE ENTITLED
AN ACT

To amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges,
and ferries, so as to provide for eligible expenditures for the Georgia Freight Railroad
Program of the Georgia Department of Transportation; to provide for procedures, conditions,
and limitations for financing and letting of projects; to provide for definitions; to provide for
procedures, conditions, approval, and limitations upon an alternative contracting method to
be used for certain projects; to amend Code Section 40-2-151.1 of the Official Code of
Georgia Annotated, relating to highway impact fees for heavy vehicles and use of funds, so
as to provide for intended appropriation of highway impact fees, certification, and automatic
repeal; to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and
taxation, so as to provide for the intended appropriation of the proceeds of the state sales and
use tax on sales of fuel to a contract or common carrier regulated by the United States
Surface Transportation Board for use exclusively in the operation of locomotives by such
carrier; to provide for a definition; to provide for certification and automatic repeal; to
provide for an annual audit and report; to provide for intended appropriation of taxes
imposed by innkeepers, certification, and automatic repeal; to provide for related matters; to
repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 588
- 1 -
SECTION 1.

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, is amended in Code Section 32-2-41.3, relating to the Georgia Freight Railroad Program, definition, eligible projects, reporting, and funding, by revising subsection (f) as follows:

“(f) Prior to the expenditure of state funds, the commissioner shall make a determination whether such expenditure is ample consideration for a substantial public benefit in compliance with Article III, Section VI, Paragraph VI(a) of the Georgia Constitution. Such substantial public benefit must constitute a benefit accrued to the public in the form of enhanced public safety, enhanced mobility of goods, congestion mitigation, enhanced trade and economic development, improved air quality or land use, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, or other public benefits identified and approved by a majority of the board. Such public benefit shall also align with goals in the state-wide strategic transportation plan as defined in Code Section 32-2-41.1 or the state's freight plan as defined in 49 U.S.C. 70202.”

SECTION 2.

Said title is further amended in Code Section 32-2-69, relating to bidding process and award of contract, by revising subsection (a) as follows:

“(a) Except as authorized by Code Sections 32-2-79, and 32-2-80, and 32-2-82, the department shall award contracts to the lowest reliable bidder, provided that the department shall have the right to reject any and all such bids whether such right is reserved in the public notice or not and, in such case, the department may readvertise, perform the work itself, or abandon the project.”
SECTION 3.

Said title is further amended by designating Code Sections 32-2-60 through 32-2-77 as new Part 1, designating Code Sections 32-2-78 through 32-2-82 as Part 2, and revising newly designated Part 2 to read as follows:

"Part 2

32-2-78.

As used in this Code section and Code Sections 32-2-79 and 32-2-80 part, the term:

(1) 'Alternative contracting method' means a method of contracting authorized by Code Section 32-2-82.

(2) 'Construction manager/general contractor' means a person the department has selected to perform project delivery pursuant to Code Section 32-2-82.

(3) 'Participating local governing authority' includes the governing authority of any county or municipality whose geographical jurisdiction includes the project.

(4) 'Project' means a project an undertaking, including intermodal rail-related and multimodal transportation solutions, which the department deems appropriate for letting pursuant to the procedures of Code Section 32-2-79 and Code Section 32-2-80 pursuing or letting based upon the authority granted in this part."

32-2-79.

(a) At a minimum, the staff of the department shall jointly identify and report to the board by July 31 of each odd-numbered year those projects on the state-wide transportation improvement program or otherwise identified that afford the greatest gains in congestion mitigation or promotion of economic development potential undertakings best suited for delivery under the procedures of Code Section 32-2-80 and that are expected to provide the greatest public benefit through enhanced public safety, enhanced mobility of goods,

H. B. 588
- 3 -
congestion mitigation, enhanced trade and economic development, improved air quality or land use, or reduction of public expenditures due to improved transportation efficiency or infrastructure preservation as aligned with the state-wide strategic transportation plan as defined in Code Section 32-2-41.1.

(b) Any project identified pursuant to subsection (a) of this Code section that will not be initiated within two years of the reporting date or that does not have specific available and complete funding may be let and constructed utilizing the procedures of this Code section and Code Section 32-2-80. All personnel of the department shall cooperate in all respects in the letting, construction, maintenance, and operation of such projects, including without limitation providing such access and control of portions of the state highway system as may be requested or required from time to time for such purposes.

(c) Projects wholly or partly in a metropolitan planning area shall be included in a fiscally constrained transportation improvement program."

32-2-80.

(a)(1) The department shall evaluate a potential project to determine, in the judgment of the department, appropriate or desirable levels of state, local, and private participation in financing such project. In making such determination, the department shall be authorized and encouraged to seek the advice and input of the affected local governing authorities, applicable metropolitan planning organizations, and the private financial and construction sectors.

(1.1) No constitutional officer or member of the State Transportation Board shall serve as an agent, lobbyist, or board member for any entity directly or indirectly under contract with or negotiating a contract with the department under this Code section for one year after leaving his or her position as a constitutional officer or member of the State Transportation Board.
(b)(1)(2) For projects that are funded or financed in part or in whole by private sources, the department shall be authorized to issue a written request for proposal indicating in general terms the scope of the project, the proposed financial participations in the project, and the factors that will be used in evaluating the proposal and containing or incorporating by reference other applicable contractual terms and conditions, including any unique capabilities or qualifications that will be required of the contractor. Public notice of such request for proposal shall be made at least 90 days prior to the date set for receipt of proposals by posting the legal notice on a single website that shall be procured and maintained for such purposes by the Department of Administrative Services or in substantially the same manner utilized by the department to solicit requests for proposals.

(3)(2) For every project undertaken pursuant to this Code section, upon receipt of a proposal or proposals responsive to the request for proposals, the department shall accept written public comment, solicited in the same manner as provided for notice of proposals in the request for proposal, for a period of 30 days beginning at least ten days after the date set for receipt of proposals public notice of the request for proposal is made pursuant to paragraph (1) of this subsection. In addition, the department shall hold at least one public hearing on such proposals, which may be held by teleconference, not later than the conclusion of the period for public comment.

(4)(3) The department shall engage in individual discussions with select two or more respondents deemed fully qualified, responsible, and suitable on the basis of initial responses and with emphasis to engage for interview and discussion based upon responses on professional competence and ability to meet the level of private financial participation called for by the department. Repetitive informal Multiple interviews shall be permissible. In the event that any local governing authority has agreed to consider financial participation in the project, a representative of such local governing authority, appointed by such local governing authority, may participate in such discussions and interviews. At the discussion During this stage, the department may discuss estimates of

H. B. 588
- 5 -
total project costs, including, but not limited to, life cycle costing and nonbinding estimates of price for services. Proprietary information from competing respondents shall not be disclosed to the public or to competitors.

(4) Upon conclusion of discussions described in paragraph (3) of this subsection, the department shall rank respondents on the basis of the evaluation criteria set forth in the request for proposal. The department shall rank respondents on the basis of the evaluation criteria set forth in the request for proposal. At the conclusion of such discussions, on the basis of evaluation factors published in the request for proposal and all information developed in the selection process, the department, with the input of any participating local governing authority, shall select in the order of preference two or more respondents whose qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted with two or more respondents and with the participation of the designated representative of any participating local governing authority. Negotiations conducted under this paragraph can include, but are not limited to, one-on-one meetings or requests for proposals.

(5) Upon approval by the department, the commissioner shall select the respondent for project implementation based upon contract terms that are the most satisfactory and advantageous to the state and to the department based upon a thorough assessment of value and the ability of the final project’s characteristics to meet state strategic goals and investment policies as provided for by Code Section 32-2-41.1. Before making such selection, the commissioner shall consult with any participating local governing authority or authorities.

(6) Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the request for proposal, the department may award contracts to more than one respondent. Should the department determine in writing and in its sole discretion that only one respondent is fully qualified, or that one respondent is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that respondent after the respondent is determined to be responsible.
(5)(c) Nothing in this Code section shall require the department to continue negotiations or discussions arising out of any request for proposal.

(6)(d) The department shall be authorized to promulgate reasonable rules or regulations to assist in its evaluation of the proposal evaluations and to implement the purposes of this Code section. The department shall report the content of such rules or regulations to the Transportation Committees of the Senate and House of Representatives for their approval by majority vote prior to the promulgation thereof and shall make quarterly reports to the same chairpersons of all of its activities undertaken pursuant to the provisions of this Code section.

(b)(e) Any contracts entered into pursuant to this Code section may authorize funding to include tolls, fares, or other user fees and tax increments for use of the project that is the subject of the proposal. Such funding may be distributed by contract among the participants in the project as may be provided for by contract. The department may take any action to obtain federal, state, or local assistance for a qualifying project that serves the public purpose of this Code section and may enter into any contracts required to receive such assistance. The department may determine that it serves the public purpose of this Code section for all or any portion of the costs of a qualifying project to be paid, directly or indirectly, from the proceeds of a grant or loan made by the federal, state, or local government or any instrumentality thereof. The department may agree to make grants or loans to the operator from time to time from amounts received from the federal, state, or local government or any agency or instrumentality thereof.

(c)(f) The commissioner shall be authorized to delegate such duties and responsibilities under this Code section as he or she deems appropriate from time to time; provided, however, that the final approval of contracts provided for in this Code section shall be by action of the State Transportation Board board.

(d)(g) The power of eminent domain shall not be delegated to any private entity with respect to any project commenced or proposed pursuant to this Code section.
Any contract for a public-private partnership entered into pursuant to this Code section shall require the private partner or each of its prime contractors to provide performance and payment security. Notwithstanding any other provision of law, the penal sum or amount of such security may be less than the price of the contract involved, such as the value of the construction elements of the contract, based upon the department's determination on a project-by-project basis of what sum may be required to adequately protect the department, the state, and the contracting and subcontracting parties.

32-2-81.

(a) As used in this Code section, the term 'design-build procedure' means a method of contracting under which the department contracts with another party for the party to both design and build the structures, facilities, systems, and other items specified in the contract. (b) The department may use the design-build procedure for projects that include buildings, bridges and approaches, rail corridors, technology deployments, and limited or controlled access projects or projects that may be constructed within existing rights of way where the scope of work can be clearly defined or when a significant savings in project delivery time can be attained. (c) When the department determines that it is in the best interests of the public, the department may combine any or all of the environmental services, utility relocation services, right of way services, design services, and construction phases of a public road or other transportation purpose project into a single contract using a design-build procedure. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (1) of subsection (d) of Code Section 32-2-61. However, provided, however, that construction activities shall not begin on any portion of such projects until title to the necessary rights of way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed.
(d) The department shall adopt by rule procedures for administering design-build contracts. Such procedures shall include, but not be limited to:

(1) Prequalification requirements;
(2) Public advertisement procedures;
(3) Request for qualification requirements;
(4) Request for proposal requirements;
(5) Criteria for evaluating technical information and project costs;
(6) Criteria for selection and award process, provided that the rules shall specify that the criteria for selection shall consist of the following minimum two components for any two-step procurement process:

(A) A statement of qualifications from which the department will determine a list of qualified firms for the project, provided that, if the department determines it is in the state's best interest, it may omit this requirement and move directly to a one-step procurement process through the issuance of a request for proposal from which the department may select the lowest qualified bidder; and

(B) From the list of qualified firms as provided in subparagraph (A) of this paragraph, a technical proposal and a price proposal from each firm from which the department shall select the lowest qualified bidder or, in the event the department uses the best value procurement process, the request for proposal shall specify the requirements necessary for the selection of the best value proposer which shall include, at a minimum, a weighted cost component and a technical component. A proposal shall only be considered nonresponsive if it does not contain all the information and level of detail requested in the request for proposal. A proposal shall not be deemed to be nonresponsive solely on the basis of minor irregularities in the proposal that do not directly affect the ability to fairly evaluate the merits of the proposal. Notwithstanding the requirements of Code Section 36-91-21, under no circumstances shall the department use a 'best and final offer' standard in awarding a contract in order to induce
one proposer to bid against an offer of another proposer. The department may provide
for a stipulated fee to be awarded to the short list of qualified proposers who provide
a responsive, successful proposal. In consideration for paying the stipulated fee, the
department may use any ideas or information contained in the proposals in connection
with the contract awarded for the project, or in connection with a subsequent
procurement, without obligation to pay any additional compensation to the unsuccessful
proposers;

(7) Identification of those projects that the department believes are candidates for
design-build contracting; and

(8) Criteria for resolution of contract issues. The department may adopt a method for
resolving issues and disputes through negotiations at the project level by the program
manager up to and including a dispute review board procedure with final review by the
commissioner or his or her designee. Regardless of the status or disposition of the issue
or dispute, the design-builder and the department shall continue to perform their
contractual responsibilities. The department shall have the authority to suspend or
provide for the suspension of Section 108 of the department's standard specifications
pending final resolution of such contract issues and disputes. This paragraph shall not
prevent an aggrieved party from seeking judicial review.

(e) In contracting for design-build projects, the department shall be limited to contracting
for no more than 50 percent of the total amount of construction projects awarded in the
previous fiscal year.

(f) Not later than 90 days after the end of the fiscal year, the department shall provide to
the Governor, Lieutenant Governor, Speaker of the House of Representatives, and
chairpersons of the House and Senate Transportation Committees a summary containing
all the projects awarded during the fiscal year using the design-build contracting method.
Included in the report shall be an explanation for projects awarded to other than the low bid
low-bid proposal. This report shall be made available for public information.
(a) The department shall be authorized to utilize an alternative contracting method for project delivery that includes one of the following:

(1) An agreement in which a construction manager/general contractor performs two phases of work as follows:

(A) The first phase, in which the construction manager/general contractor performs in the capacity of a construction manager, consisting of preconstruction services for a project which may be paid in lump sum, cost-plus fixed fee, cost per unit of work, specific rates of compensation, or other comparable payment method permitted by law; and

(B) The second phase, in which the construction manager/general contractor performs in the capacity of a general contractor, consisting of construction services for a project that may be performed under the same contract as that of the first phase, subject to agreement by the department as to the terms for payment for such services and using any method of payment permitted by law; provided that the construction manager/general contractor self-performs at least 30 percent of the total original price for construction work on the project;

(2) A predevelopment agreement, pursuant to which one or more contractors collaborate with the department on one or more projects:

(A) For the conceptual, preliminary, and final planning for such projects, which may include predevelopment services, financial planning, environmental studies, engineering, and assistance with public outreach; and

(B) To perform, at the department's election, the construction work for any such project, subject to agreement as to the basis of payment for construction services; or

(3) A comprehensive development agreement that allows for expedited project delivery through the concurrent design and construction of a project under a single multiphase contract, pursuant to which a contractor shall:
(A) Collaborate with the department to advance development of the project concept;
(B) Perform both the design and construction services; and
(C) Perform any operations or maintenance work required for the project.

(b) The department shall consider at least the following factors in assessing a project's suitability and feasibility for delivery through an alternative contracting method: public interest, innovation, risk, design complexity, cost control, and construction schedule optimization.

(c) When the department determines, in accordance with subsection (b) of this Code section, that the public interest is best served by delivering the project utilizing an alternative contracting method, the department shall submit to the board a written request to proceed in delivering a project using an alternative contracting method. The department shall not proceed with the project using an alternative contracting method without prior approval by the board.

(d) Upon approval of a request pursuant to subsection (c) of this Code section, the department shall be authorized to issue a written solicitation identifying the scope of the project, the factors to be used to evaluate responses to the solicitation, and the basis for award of the contract to perform work on the project utilizing an alternative contracting method.

(e) For any project for which an alternative contracting method is elected, the department shall utilize the procurement procedures under either Code Section 32-2-80 or 32-2-81 to competitively solicit proposals.

(f) The department shall be authorized to utilize the alternative contracting method to deliver no more than two projects during any single fiscal year and no more than seven projects over a single ten-year period. Solely as it relates to a project delivered using an alternative contracting method under this Code section, the department shall not encumber in any one fiscal year an amount greater than 5 percent of the department's capital budget in the previous fiscal year.
(g) Not later than 90 days after the end of a fiscal year in which the department has executed a contract to deliver a project using an alternative contracting method, the department shall provide to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and chairpersons of the House and Senate Transportation Committees a summary containing all contracts that utilized an alternative contracting method. This report shall be made available to the public.

(h) The department shall adopt rules and regulations to implement the provisions of this Code section.

(i) Not later than five years after the effective date of this Code section and then once every five years thereafter, the department shall submit a report to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and the members of the House and Senate Transportation Committees detailing all contracts executed to deliver a project using an alternative contracting method and the benefits of using an alternative contracting method compared with other contracting methods for review and consideration as to the effectiveness of this Code section and any necessary amendments."

SECTION 4.

Said title is further amended in Code Section 32-10-60, relating to definitions relative to the State Road and Tollway Authority, by revising paragraph (5) as follows:

"(5) 'Project' means land public transportation systems transportation related undertakings which provide a public benefit, including:

(A) One one or more roads or bridges or a system of roads, bridges, and tunnels or improvements thereto included on an approved state-wide transportation improvement program on the Developmental Highway System as set forth in Code Section 32-4-22, as now or hereafter amended, or a comprehensive transportation plan pursuant to Code Section 32-2-3 or which are toll access roads, bridges, or tunnels, with access limited or unlimited as determined by the authority, and such buildings, structures, parking
areas, appurtenances, and facilities related thereto, including but not limited to approaches, cross streets, roads, bridges, tunnels, and avenues of access for such system;

(B) Any program for mass transportation or mass transportation facilities as approved by the authority and the department and such buildings, structures, parking areas, appurtenances, and facilities related thereto, including, but not limited to, approaches, cross streets, roads, bridges, tunnels, and avenues of access for such facilities; and

(C) Any project undertaken pursuant to a public-private initiative as authorized pursuant to Code Section 32-2-78 Part 2 of Article 4 of Chapter 2 of this title."

SECTION 5.

Said title is further amended in Code Section 32-10-63, relating to powers of authority generally, by revising paragraph (5) as follows:

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

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

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

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

and

(D) Let by public competitive bid upon plans and specifications approved by the chief 
engineer or his or her successors all contracts for the construction of projects, except 
as otherwise provided for projects authorized under any provisions of Code Sections 
32-2-78 through 32-2-81 Part 2 of Article 4 of Chapter 2 of this title;“
SECTION 6.

Code Section 40-2-151.1 of the Official Code of Georgia Annotated, relating to highway impact fees for heavy vehicles and use of funds, is amended by adding a new subsection to read as follows:

"(e) Notwithstanding subsection (d) of this Code section or any other law to the contrary, if at any time the amount collected under this Code section is ever not appropriated for two consecutive or nonconsecutive fiscal years to transportation purposes with up to 10 percent of such fees collected appropriated for transit projects, as determined by the House Budget and Research Office and the Senate Budget and Evaluation Office, then the amount collected shall be reduced by 50 percent. Upon the conclusion of a third fiscal year in which an amount is not so appropriated, this Code section shall stand repealed and reserved and such fees shall cease to be collected, on the date the appropriations Act for such fiscal year becomes effective. Such budget offices shall certify any such lack of appropriation to the Code Revision Commission for purposes of updating the Code in accordance with this subsection."

SECTION 7.

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

"48-8-78.

(a) For purposes of this Code section, the term 'freight and logistics projects' means any project for capital construction and maintenance on freight rail assets owned or leased by a common carrier regulated by the United States Surface Transportation Board and found to be an expenditure of ample consideration for a substantial public benefit pursuant to subsection (f) of Code Section 32-2-41.3.

(b) It is the intention of the General Assembly, subject to appropriations, that the funds collected under this article upon the retail purchase, retail sale, rental, storage, use, or
consumption of fuel to a contract or common carrier regulated by the United States Surface Transportation Board for use exclusively in the operation of locomotives by such carrier shall be appropriated to the Department of Transportation for use exclusively on freight and logistics projects located on or connected to publicly owned roads. Such appropriation shall be allocated for freight and logistics projects based upon a formula developed by the commissioner of transportation which shall include consideration of total track miles operated within the state by a common carrier and any other factors as determined appropriate by the commissioner.

(c) If at any time the funds collected as described in subsection (b) of this Code section are ever not appropriated for two consecutive or nonconsecutive fiscal years to freight and logistics projects, as determined by the House Budget and Research Office and the Senate Budget and Evaluation Office, then the tax levied and imposed upon the retail purchase, retail sale, storage, use, or consumption of fuel to a contract or common carrier regulated by the United States Surface Transportation Board for the exclusive use in the operation of locomotives shall be reduced by 50 percent. Upon the conclusion of a third fiscal year in which an amount is not so appropriated, this Code section shall stand repealed and reserved and such sales and use tax shall cease to be collected, on the date the appropriations Act for such fiscal year becomes effective. Such budget offices shall certify any such lack of appropriation to the Code Revision Commission for purposes of updating the Code in accordance with this subsection.

(d) The Department of Transportation shall prepare, by February 1 of each year, an accounting of the funds received pursuant to this Code section and expended. The report shall be made available to the Senate Transportation Committee, the House Committee on Transportation, and to members of the public upon request.”
SECTION 8.

Said title is further amended in Code Section 48-13-50.3, relating to additional tax imposed by innkeepers, forms for reporting, use of funds from additional taxes, and provisions for termination, by adding a new subsection to read as follows:

“(f) Notwithstanding subsection (e) of this Code section or any other law to the contrary, if at any time the amount collected under this Code section is ever not appropriated for two consecutive or nonconsecutive fiscal years to transportation purposes with up to 10 percent of such fees collected appropriated for transit projects, as determined by the House Budget and Research Office and the Senate Budget and Evaluation Office, then the amount collected shall be reduced by 50 percent. Upon the conclusion of a third fiscal year in which an amount is not so appropriated, this Code section shall stand repealed and reserved and such fees shall cease to be collected, on the date the appropriations Act for such fiscal year becomes effective. Such budget offices shall certify any such lack of appropriation to the Code Revision Commission for purposes of updating the Code in accordance with this subsection.”

SECTION 9.

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