

Senate Bill 353

By: Senators Dolezal of the 27th and Dixon of the 45th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges,
2 and ferries, so as to amend notice provisions relative to meetings for the election of board
3 members; to provide for negotiations in request for proposals relative to public-private
4 partnerships (P3s); to provide for procurement procedures relative to alternative contracting;
5 to amend limitations on and provide for a waiver for the use of alternative contracting
6 methods; to amend weight and dimension requirements for modular unit transporters; to
7 amend Code Section 45-16-23 of the Official Code of Georgia Annotated, relating to
8 delegation of power by coroner or county medical examiner and qualifications of those
9 authorized to perform examinations, so as to allow for delegation of duties when death
10 results from an accident upon a highway in certain instances; to amend Code Section
11 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure not
12 required by a state agency, so as to exempt certain records from public disclosure
13 requirements; to provide for related matters; to provide for an effective date; to repeal
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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16

SECTION 1.

17 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
18 is amended in Code Section 32-2-20, relating to composition of the Department of
19 Transportation board, qualifications of members, terms of office, selection of members,
20 filling of vacancies, officers, meetings, and compensation, by revising subsection (b) as
21 follows:

22 "(b) Each member shall be elected to serve for a term of five years and until his or her
23 successor is duly elected and certified. The member of the board from each congressional
24 district shall be elected by a majority vote of the members of the House of Representatives
25 and Senate whose respective districts are embraced or partly embraced within such
26 congressional district, meeting in caucus at the regular session of the General Assembly
27 immediately preceding the expiration of the term of office of each such board member.
28 Said caucus shall be called at the state capitol by the Speaker of the House of
29 Representatives and the President of the Senate within the first ten days of the convening
30 of the General Assembly in regular session ~~by mailing to the members of the General
31 Assembly who are affected written notice.~~ Notice of such meeting shall be sent by email
32 to the members of the General Assembly who are affected at least four days before the
33 caucus, ~~which notice~~ and shall state the time, place, and purpose of said caucus. Within 15
34 days after each such election, the Speaker of the House and the President of the Senate
35 shall jointly transmit a certificate of such election to the Secretary of State who, upon
36 receipt thereof, shall immediately issue his or her commission thereon, with the great seal
37 of the state affixed thereto. Any member of the board shall be subject to recall at any time
38 by a majority vote of the legislative caucus that elected the member."

39

SECTION 2.

40 Said title is further amended in Code Section 32-2-80, relating to public-private
41 partnerships (P3s), by revising paragraph (4) of subsection (b) as follows:

42 "(4) Upon conclusion of discussions described in paragraph (3) of this subsection, the
43 department shall rank respondents on the basis of the evaluation criteria set forth in the
44 request for proposal. The department shall select in the order of preference two or more
45 respondents whose qualifications and proposed services are deemed most meritorious and
46 shall conduct negotiations with those respondents. Negotiations conducted under this
47 paragraph ~~can~~ may include, but ~~are not~~ shall not be limited to, one-on-one meetings or
48 requests for ~~proposals~~ proposal revisions."

49

SECTION 3.

50 Said title is further amended in Code Section 32-2-82, relating to alternative contracting
51 method, by revising subsections (e) and (f) as follows:

52 "(e) For any project for which an alternative contracting method is elected, the department
53 shall utilize the procurement procedures under ~~either~~ Code Section 32-2-80 or 32-2-81 or
54 otherwise authorized by this article to competitively solicit proposals.

55 (f) The department shall be authorized to utilize the alternative contracting method set
56 forth in paragraph (1) of subsection (a) of this Code section to deliver no more than two
57 projects during any single fiscal year and no more than seven projects over a single
58 ten-year period. Solely as it relates to a project delivered using an alternative contracting
59 method under paragraph (1) of subsection (a) of this Code section, the department shall not
60 encumber in any one fiscal year an amount greater than 5 percent of the department's
61 capital budget in the previous fiscal year; provided, however, that the board shall be
62 authorized to waive such requirement by majority vote for one project over a single 100
63 year period when the project utilizes federal funds."

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SECTION 4.

65 Said title is further amended in Code Section 32-6-28, relating to permits for vehicles with
66 excess weight and dimensions, by revising subparagraphs (a)(1)(C) and (c)(5)(A) as follows:

67 "(C) A modular unit transporter shall meet all requirements of the Federal Motor
68 Carrier Safety Administration and all state safety requirements, rules, and regulations.
69 The modular unit transporter shall be properly registered and have a proper, current
70 license plate. At a minimum, the modular unit transporter shall:

- 71 (i) Be constructed of 12 inch steel I beams doubled and welded together;
- 72 (ii) Have all axles equipped with brakes;
- 73 (iii) Have every floor joist on each modular section securely attached to the beams
74 with lag bolts and washers, or lag bolts, washers, and cable winches; and
- 75 (iv) Have an overall length not to exceed ~~80~~ 84 feet including the hitch."

76 "(A) Any load not greater than 16 feet wide, not greater than 16 feet high, and
77 not weighing more than 150,000 pounds; ~~or any load greater than 100 feet~~
78 ~~long which does not exceed the maximum width, height, and weight limits~~
79 ~~specified by this subparagraph; or any modular or sectional housing units~~
80 ~~exceeding 80 feet in length~~ \$ 30.00"

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SECTION 5.

82 Code Section 45-16-23 of the Official Code of Georgia Annotated, relating to delegation of
83 power by coroner or county medical examiner and qualifications of those authorized to
84 perform examinations, is amended by revising subsection (a) as follows:

85 "(a)(1) Notwithstanding any other provision of this chapter, any coroner or county
86 medical examiner may delegate to a local medical examiner, forensic consultant, or
87 medical examiner's investigator the power to perform those duties of such coroner or
88 medical examiner specified in this ~~Code section~~ article if the person to whom such power
89 is thus delegated meets the applicable requirements of this Code section for the

90 performance of such duties, but the performance of those delegated duties shall not in any
 91 manner infringe upon or diminish the authority of the peace officer in charge at the scene
 92 of the crime.

93 (2) Notwithstanding any other provision of this chapter, in cases of death resulting from
 94 an accident upon an interstate highway or limited-access road as such terms are defined
 95 in Code Section 32-1-3, any coroner or county medical examiner may delegate to medical
 96 personnel otherwise qualified to meet the requirements of this article the power to
 97 perform those duties of such coroner or county medical examiner specified in this article.
 98 The delegation provided for in this paragraph shall occur only when the accident results
 99 in a significant disruption to the flow of traffic upon the interstate highway or
 100 limited-access road."

101 **SECTION 6.**

102 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
 103 disclosure not required by a state agency, is amended by revising paragraph (28) of
 104 subsection (a) as follows:

105 "(28) Records or data of the State Road and Tollway Authority or the Department of
 106 Transportation which would reveal the financial accounts, or travel history, vehicle
 107 information, or personally identifiable information of any individual who is a motorist
 108 upon any toll project or roadway;"

109 **SECTION 7.**

110 This Act shall become effective upon its approval by the Governor or upon its becoming law
 111 without such approval.

112 **SECTION 8.**

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