

The Senate Committee on Transportation offered the following substitute to HB 1438:

A BILL TO BE ENTITLED  
AN ACT

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

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15

**SECTION 1.**

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

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

37

**SECTION 2.**

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

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

47 **SECTION 3.**

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

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

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

62

**SECTION 4.**

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

66 "(a)(1) Notwithstanding any other provision of this chapter, any coroner or county  
 67 medical examiner may delegate to a local medical examiner, forensic consultant, or  
 68 medical examiner's investigator the power to perform those duties of such coroner or  
 69 medical examiner specified in this ~~Code section~~ article if the person to whom such power  
 70 is thus delegated meets the applicable requirements of this Code section for the  
 71 performance of such duties, but the performance of those delegated duties shall not in any  
 72 manner infringe upon or diminish the authority of the peace officer in charge at the scene  
 73 of the crime.

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

82

**SECTION 5.**

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

86 "(28) Records or data of the State Road and Tollway Authority or the Department of  
 87 Transportation which would reveal the financial accounts, or travel history, vehicle

88 information, or personally identifiable information of any individual who is a motorist  
89 upon any toll project or roadway;"

90 **SECTION 6.**

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

93 **SECTION 7.**

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