House Bill 52 (AS PASSED HOUSE AND SENATE)

By: Representatives Thomas of the 21<sup>st</sup>, Jasperse of the 11<sup>th</sup>, Barton of the 5<sup>th</sup>, Wiedower of the 121<sup>st</sup>, Seabaugh of the 34<sup>th</sup>, and others

## 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 relating to use of alternative contracting methods; to amend weight and dimension requirements for modular unit transporters; to amend Code Section 45-16-23 of 6 7 the Official Code of Georgia Annotated, relating to delegation of power by coroner or county 8 medical examiner and qualifications of those authorized to perform examinations, so as to 9 allow for delegation of duties when death results from an accident upon a highway in certain 10 instances; to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, 11 relating to when public disclosure not required by a state agency, so as to exempt certain 12 records from public disclosure requirements; to provide for related matters; to provide for 13 an effective date; to repeal conflicting laws; and for other purposes.

#### 14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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#### **SECTION 1.**

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

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

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#### **SECTION 2.**

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

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

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### **SECTION 3.**

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

51 "(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 or
 <u>otherwise authorized rules and regulations of the department</u> 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 this requirement by majority vote if:

63 (1) a separate state appropriation is made by name specifically for such project

64 <u>or</u>

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65	(2) Fifty-Percent of such project is funded by the Georgia Ports Authority.
66	(3) The provisions of paragraphs (1) and (2) above shall only Become effective on and
67	after January 1, 2025.
68	SECTION 4.
69	Said title is further amended in Code Section 32-6-28, relating to permits for vehicles with
70	excess weight and dimensions, by revising subparagraphs $(a)(1)(C)$ and $(c)(5)(A)$ as follows:
71	"(C) A modular unit transporter shall meet all requirements of the Federal Motor
72	Carrier Safety Administration and all state safety requirements, rules, and regulations.
73	The modular unit transporter shall be properly registered and have a proper, current
74	license plate. At a minimum, the modular unit transporter shall:
75	(i) Be constructed of 12 inch steel I beams doubled and welded together;
76	(ii) Have all axles equipped with brakes;
77	(iii) Have every floor joist on each modular section securely attached to the beams
78	with lag bolts and washers, or lag bolts, washers, and cable winches; and
79	(iv) Have an overall length not to exceed $\frac{80}{80}$ feet including the hitch."
80	"(A) Any load not greater than 16 feet wide, not greater than 16 feet high, and
81	not weighing more than 150,000 pounds; or any load greater than 100 feet
82	long which does not exceed the maximum width, height, and weight limits
83	specified by this subparagraph; or any modular or sectional housing units
84	exceeding 80 feet in length \$ 30.00"

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## **SECTION 5.**

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

89 "(a)(1) Notwithstanding any other provision of this chapter, any coroner or county 90 medical examiner may delegate to a local medical examiner, forensic consultant, or 91 medical examiner's investigator the power to perform those duties of such coroner or 92 medical examiner specified in this Code section article if the person to whom such power is thus delegated meets the applicable requirements of this Code section for the 93 performance of such duties, but the performance of those delegated duties shall not in any 94 manner infringe upon or diminish the authority of the peace officer in charge at the scene 95 96 of the crime.

97 (2) Notwithstanding any other provision of this chapter, in cases of death resulting from

98 <u>an accident upon an interstate highway or limited-access road as such terms are defined</u>

99 in Code Section 32-1-3, any coroner or county medical examiner may delegate to medical

100 personnel otherwise qualified to meet the requirements of this article the power to

101 perform those duties of such coroner or county medical examiner specified in this article.

102 The delegation provided for in this paragraph shall occur only when the accident results

in a significant disruption to the flow of traffic upon the interstate highway or
 limited-access road."

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#### **SECTION 6.**

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

109 "(28) Records <u>or data</u> of the State Road and Tollway Authority <u>or the Department of</u>
 <u>Transportation</u> which would reveal the financial accounts, <del>or</del> travel history, <u>vehicle</u>
 111 <u>information</u>, <u>or personally identifiable information</u> of any individual who is a motorist
 112 upon any toll project or roadway;"

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113	SECTION 7.
114	This Act shall become effective upon its approval by the Governor or upon its becoming law

115 without such approval.

# 116 SECTION 8.

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