

House Bill 1438

By: Representatives Thomas of the 21st, Jasperse of the 11th, Wiedower of the 119th, Barton of the 5th, Seabaugh of the 34th, and others

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 Code Section 50-18-72 of the Official Code of Georgia
6 Annotated, relating to when public disclosure not required by a state agency, so as to exempt
7 certain records from public disclosure requirements; to provide for related matters; to provide
8 for an effective date; to repeal conflicting laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

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

15 "(b) Each member shall be elected to serve for a term of five years and until his or her
16 successor is duly elected and certified. The member of the board from each congressional

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

32 **SECTION 2.**

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

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

42 **SECTION 3.**

43 Said chapter is further amended in Code Section 32-2-82 relating to alternative contracting
44 method, by revising subsection (e) as follows:

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

49 **SECTION 4.**

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

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

57 **SECTION 5.**

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

60 **SECTION 6.**

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