

2011 Legislative Session: Summaries & Bills



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2011 Session Highlights

- Secured final passage of the Department's Annual Housekeeping Bill (HB 137), which impacts more than half of the divisions at GDOT.
- Indemnification benefits were increased for state highway employees (HB 156). The bill was also retroactive and will benefit the Pass family.
- Effectively amended or defeated three truck weight bills that would have forced the Department to post approximately 240 state bridges and 362 local bridges.
- Worked with the Legislature to adjust the annual renewal and new outdoor advertising permit fees to offset the Department's administrative costs.

2011 Legislative Agenda

Annual Housekeeping Legislation (HB 137—PASSED):

- Update or clarify various policies affecting GDOT including the revision of transportation definitions, transportation data and accident reporting code sections and the term of the planning director.

Environmental Revisions (HB 131—DID NOT PASS):

- Reduce the fines GDOT can be assessed for erosion and sediment control violations to \$5000 per violation per day; expand the duties of the erosion and sediment control overview council to mediate disputes between GDOT and EPD.

Indemnification Benefits (SB 58 and HB 156—PASSED):

- Increase the indemnification benefits of a state highway employee to same level as other qualifying hazardous duty employees.

On-Premise Sign Revisions (SB 54—PASSED WITHOUT GDOT LANGUAGE):

- Update the definition of an on-premise sign to mirror Federal Code for better compliance.

Other Bills of Interest

Contractor List for Weather Emergencies (SR 30—PASSED):

- Urges the Department to prepare a list of contractors to be utilized during weather emergencies.

Fourth Penny for Aviation (HR 419—DID NOT PASS):

- Redirected the fourth penny collections that currently go to the state general fund to aviation projects. The amount redirected would increase over five years to 45% in 2017.

Georgia Gwinnett College Property Conveyance (SR 114—PASSED):

- Transferred property owned by the Department on SR 316 to Georgia Gwinnett College.

Legislative Sunset Advisory Committee (SB 223—DID NOT PASS):

- Created the Legislative Sunset Advisory Committee to review each agency within the state within 8 years and determine whether or not that agency should be abolished.

Outdoor Advertising Revisions (HB 179—PASSED):

- Allows outdoor advertisers to create a clear view zone rather than simply thinning vegetation and increases permit fees received by the Department.

Toll Extensions (HB 352 and SB 98—DID NOT PASS):

- These bills prohibited the extension of any toll on GA 400 without the authorization of the General Assembly.

Zero-Base Budgeting (HB 33 and SB 33—DID NOT PASS):

- Required every agency to submit a zero-base budget once every four years.

HB 87 – Illegal Immigration Reform and Enforcement Act of 2011

- (1) Ramsey, Matt 72nd
- (2) Golick, Rich 34th
- (3) Dempsey, Katie 13th
- (4) Austin, Rick 10th
- (5) Allison, Stephen 8th
- (6) Lindsey, Edward 54th

Sponsored In Senate By:
Hamrick, Bill 30th

May/13/2011 - Signed by Governor
Apr/14/2011 - House Agreed 112-59
Apr/14/2011 - Senate Agreed 37-19
Apr/12/2011 - House Agreed 115-59
Apr/11/2011 - Senate Adopted 39-17
Mar/03/2011 - House Adopted 113-56

Summary:

SECTION 1.

Bill title: The “Illegal Immigration Reform and Enforcement Act of 2011.”

SECTIONS 2 and 3.

13-10-90 and 13-10-91.

- Section 2 and 3 amend current law applicable to public works contracts by all governmental entities. The changes provide clarification to public employers, contractors, and subcontractors regarding their obligations to verify the employment eligibility (immigration status) of the individuals contracted with and the employees hired to perform services under such contracts.
- Contractors, subcontractors, and sub-subcontractors must use E-Verify to screen any employee hired for work on a public works contract and execute and provide an affidavit evidencing compliance with this requirement. The Department of Audits and Accounts is required to prepare a form affidavit to assist with compliance.
- Public employers are required to submit compliance reports to the state auditor certifying compliance with the mandates governing public works contracts.
- The public employer is provided 30 days to cure any violation. A failure by a local public employer to correct noncompliance results in exclusion from the list of qualified local governments for purposes of receiving certain state funding. A second finding of noncompliance by a state agency within a five-year period results in the budget of such agency being automatically reduced.
- The Labor Commissioner, subject to funding, is required to conduct random audits of public employers and contractors and publish the results of such audits. Any contractor, subcontractor, or sub-subcontractor found by the Commissioner to be in violation of the provisions of this Code section, on a second or subsequent offense, is prohibited from bidding on or entering into a public works contract for 12 months.

- Submission of a false affidavit by a contractor, subcontractor, or sub-subcontractor is a felony and makes such individual ineligible to bid for or enter into any public works contract for 12 months.

SECTIONS 4, 5, and 6.

16-9-121.1, 16-9-126, and 16-9-128.

Creates a new offense of aggravated identity fraud for using false identifying information for the purpose of obtaining employment. Violators may be punished for not less than one or more than 15 years imprisonment and/or fined up to \$250,000.00.

SECTION 7.

Section 7 adds a new article within the criminal code establishing offenses related to illegal aliens.

- 16-11-200. Makes it a crime for a person, while committing another criminal offense, to knowingly and intentionally transport an illegal alien. Transporting 7 or fewer on a first offense is a misdemeanor. For a second or subsequent offense, a violator is punished for a felony. Moving 8 or more illegal aliens or transporting illegal aliens with the intent to make a profit are both punished as felonies on the first offense. The new law expressly lists situations where an offense is not committed, including the transporting of illegal aliens for government authorized or social services.
- 16-11-201. Makes it a crime for a person, while committing another criminal offense, to conceal or harbor illegal aliens. Concealing/harboring 7 or fewer is a misdemeanor; 8 or more is a felony. Concealing/harboring with intent to profit is a felony.
- 16-11-202. Makes it a crime for a person to induce an illegal alien to enter into this state. First offense is a misdemeanor. Second and subsequent offenses or committing offense with the intent to make a profit is a felony.
- 16-11-203. Allows for the admission of certain reliable evidence for purposes of confirming the immigration status of an alleged illegal alien.

SECTION 8.

17-5-100.

Section 8 makes it clear that peace officers are authorized to investigate the immigration status of a suspect during an otherwise lawful stop for other suspected criminal activity if the suspect fails to produce one or more of certain verifiable documents. The new provision clearly establishes lawful methods for investigating immigration status. Limited immunity is provided for persons acting in good faith pursuant to the Code section. A person reporting a crime or who is a witness or victim of a crime is protected from being investigated.

SECTION 9.

35-1-16.

- This provision encourages local government agencies and specifically law enforcement agencies to work in conjunction with federal immigration authorities by making it clear that such agencies are authorized to:

1. Collect and share immigration status information.
2. Enter into agreements with federal agencies and thereby have the power to enforce immigration law as permitted by the federal authority.
3. Utilize federal information data bases.

- The provision also encourages state agencies to provide grant and incentive programs for these types of cooperative measures.

- The provision also makes clear that all law enforcement officers in this state have the authority to detain and transport illegal aliens as permitted by federal law.

- Finally, this provision gives law enforcement officers immunity if they act in good faith to enforce these provisions.

SECTION 10.

35-2-14.

Provides for a minimum number of officers to be designated annually by the commissioner of the Department of Public Safety and to be trained regarding federal immigration law.

SECTION 11.

35-6A-10.

Subject to funding, requires the Criminal Justice Coordinating Council to establish grant and incentive programs as well as information services relating to training local law enforcement agencies regarding federal immigration law and encouraging and promoting local law enforcement agencies to enter into operational agreements with federal immigration enforcement agencies.

SECTION 12.

36-60-6.

- Requires every private employer with more than ten employees to register with and utilize the federal work authorization program. There is a gradual phase-in period based on the number of employees an employer has. Enforcement of the provision applies to employers required to obtain a business license. Such persons are required to submit an affidavit at the time that a business license is obtained or renewed, verifying that the employer is using E-Verify. The number of employees is determined by the number of employees an employer has on January 1.

- County and municipal corporations issuing or renewing business licenses must provide a compliance report with the Department of Audits and Accounts annually.

- The Attorney General is required to post a form affidavit to assist local governments and private businesses to comply with the terms of this Code section.
- Any person knowingly submitting a false affidavit is guilty of a felony. Government officials/employees who knowingly violate the Code section in failing to collect or provide information are guilty of a misdemeanor.
- The Attorney General has criminal and civil enforcement authority to ensure compliance with this Code section.

SECTION 13.

42-4-14.

Requires the verification of the immigration status of a foreign national confined in a county or municipal jail.

SECTION 14.

42-5-51.

Subject to funding, requires additional reimbursement (10%) to counties housing state inmates for counties that enter or attempt to enter into a Section 287(g) agreement or similar agreement with a federal agency for the enforcement of federal immigration laws.

SECTIONS 15, 16, 17, and 18.

45-10-28 and 50-36-1.

These sections collectively provide for sanctions against agency heads that fail to follow current law and verify the immigration status of persons applying for public benefits through the collection of certain information. Sanctions include a fine not to exceed \$10,000.00, restitution, and, where the violation is done intentionally, removal from office. The change also requires an applicant for a public benefit to provide a secure and verifiable document.

SECTION 19.

50-36-2.

This section defines “secure and verifiable document” and requires reliance by government entities on such a document for official government action requiring the presentation of identification. A willful failure of a government employee to comply is a misdemeanor. The provision includes exceptions for certain emergency, medical, and public safety purposes. Provides for the Attorney General to annually post an official list of acceptable secure and verifiable documents.

SECTION 20.

50-36-3.

Establishes the Immigration Enforcement Review Board to consist of members appointed by the Governor, Lt. Governor, and the Speaker of the House of Representatives. This Board will review citizen complaints against any government agency or employee alleged to have violated or failed to properly follow the provisions of Code Sections 13-10-91, 36-80-23, or 50-36-1, pertaining to the verification of immigration status for public works contracts, the prohibition of sanctuary policies for illegal immigrants, and the verification of immigration status of applicants for public benefits, respectively. Specifies procedures for an administrative review process, sanctions, and enforcement by the Attorney General.

SECTION 20.1.

Section 20.1 directs the Georgia Department of Agriculture to study issues related to the current and future impact of immigration and immigration enforcement on the state's agricultural industry. A report and recommendation must be presented to the Governor, Lt. Governor, and the Speaker of the House of Representatives by January 1, 2012.

SECTIONS 21 and 22.

Provides for severability and effective date as follows: Section 17 of this Act shall become effective on January 1, 2012. The remaining sections of this Act shall become effective on July 1, 2011. Except as otherwise expressly provided, the sections of this Act shall apply to offenses and violations occurring on or after their respective effective dates.

*Due to the length of HB 87, this bill is not included in this packet. To view the bill please visit the following website: www.legis.ga.gov

HB 131 – Conservation and natural resources; certain civil penalties; exempt state agencies

- (1) Epps, Bubber 140th
- (2) Roberts, Jay 154th
- (3) Lucas, David 139th
- (4) Baker, Glenn 78th

Apr/14/2011 - House Withdrawn, Recommitted

Mar/11/2011 - House Committee Favorably Reported

Summary:

- The version of HB 131 which passed out of the House Transportation Committee addresses **two** issues:
 - Reduces the fines levied against all State Agencies, including the Department of Transportation, and those fulfilling state contracts; and
 - Expands the duties of the Erosion and Sediment Control Overview Council that exists under current law to include mediation between two government entities.
- Section One of the bill establishes a system of fines for State Agencies, including GDOT and their contractors, that complies with the minimum requirements of the federal Clean Water Act and authorizes EPD to issue fines in the amount of \$5,000 per day for each violation.
 - This section **DOES NOT** eliminate EPD's ability to issue fines, injunctions, or stop work orders, nor does it prevent EPD from working with State Agencies, including GDOT, to protect the environment.
- Section Two authorizes the Erosion and Sediment Control Overview Council, which already exists in state law, to mediate any dispute between GDOT, SRTA, their contractors, and EPD.
- Section Two also eliminates the requirement that GDOT prepare an erosion and sedimentation control plan for Design-Build and Public Private Partnership projects. In these cases, GDOT does not design the project, making it impossible to know what controls will be necessary.
- Section Three requires the Attorney General to review current delegation agreements and coordinate with EPD's Director, if program revisions are in fact necessary with EPA. If the EPA rejects the revisions, the enforcement changes of the Bill are to be repealed. The section helps preserve Georgia's delegated authority under EPA.
- The original version of HB 131 prevented EPD from issuing civil fines to GDOT, added public work to the list of state water buffer exemptions, and removed the requirement that GDOT prepare and erosion and sedimentation control plan. Those items were amended or removed during the committee process.

The House Committee on Transportation offers the following substitute to HB 131:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and
2 natural resources, so as to provide for fines for violations of land-disturbing activities
3 requirements; to provide for mediation of erosion and sediment control disputes by the
4 Erosion and Sediment Control Overview Council; to exempt design-build and public-private
5 partnership projects from the requirements regarding the preparation of an erosion and
6 sediment control plan; to provide for related matters; to provide for a contingent effective
7 date; to provide for automatic repeal; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
11 resources, is amended by adding a new subsection to Code Section 12-5-52, relating to civil
12 penalties for water pollution, to read as follows:

13 "(c) Any person violating this article where such violation consists of erosion and
14 sedimentation in violation of a National Pollutant Discharge Elimination System permit
15 issued pursuant to 40 C.F.R. Part 123 and such violation is alleged to have been committed
16 by a state agency, department, or authority, or any person fulfilling the requirements of a
17 contract with a state agency, department, or authority, shall not be liable for the civil
18 penalty provided for by subsection (a) of this Code section but shall be liable for a civil
19 penalty not to exceed \$5,000.00 per day for each day during which such violation
20 continues. Except as otherwise required by federal law, such penalty shall not be enforced
21 against such state agencies, departments, or authorities, or against such persons, until the
22 alleged violator has been given not less than 24 hours' written notice of such alleged
23 violation; and for not less than 30 days after receipt of such written notice, the alleged
24 violator shall be allowed to cure such alleged violation without fine or penalty."

25 **SECTION 2.**

26 Said title is further amended by revising subsection (f) and adding a new subsection to Code
27 Section 12-7-7.1, relating to the preparation and implementation of an erosion and sediment
28 control plan, as follows:

29 "(f)(1) There shall be an Erosion and Sediment Control Overview Council which shall
30 provide guidance on the best management practices for implementing any erosion and
31 sediment control plan for purposes of this Code section. The council shall be composed
32 of ~~nine~~ seven members, including one member who shall be appointed by the Speaker of
33 the House of Representatives and serve at the pleasure thereof; one member who shall be
34 appointed by the Lieutenant Governor and serve at the pleasure thereof; and ~~seven~~ five
35 members who shall be appointed by the Governor and serve at the pleasure thereof,
36 including one employee each from the Department of Transportation; and the
37 Environmental Protection Division of the Department of Natural Resources, ~~and the~~
38 ~~Georgia Regional Transportation Authority~~; a professional engineer licensed to practice
39 in this state from a private engineering consulting firm practicing environmental
40 engineering, ~~two representatives~~ one representative of the highway contracting industry
41 certified by the Department of Transportation, and a chairperson. The council shall meet
42 at the call of the chairperson. Each councilmember shall receive a daily allowance in the
43 amount specified in subsection (b) of Code Section 45-7-21; provided, however, that any
44 full-time state employee serving on the council shall draw no compensation but shall
45 receive necessary expenses. The commissioner is authorized to pay such compensation
46 and expenses from department funds.

47 (2) The council may develop recommendations governing the preparation of plans and
48 the installation and maintenance of best management practices. If a dispute concerning
49 the requirements of this Code section should arise, the Erosion and Sediment Control
50 Overview Council shall mediate the dispute.

51 (3) The council may also mediate any disputes, including without limitation the issuance
52 of orders or levying of fines by the division, relating to erosion and sediment control
53 compliance enforcement actions taken by the division against the Department of
54 Transportation, the State Road and Tollway Authority, or persons fulfilling the
55 requirements of a contract with the Department of Transportation or State Road and
56 Tollway Authority. Mediation may be requested by any of the aforementioned parties
57 by submitting a written request to the chairperson of the council. The decision of the
58 council shall be binding upon the parties unless an appeal is taken pursuant to the
59 procedures of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The
60 decision of the council shall be a contested case for purposes of such chapter."

61 "(h) Nothing in this Code section shall apply to projects developed under the provisions
62 of Code Section 32-2-80 or 32-2-81."

63 **SECTION 3.**

64 This Act shall become effective on July 1, 2011; provided, however, that if deemed
65 necessary by the Attorney General, the director of the Environmental Protection Division of
66 the Department of Natural Resources shall initiate a program revision pursuant to the
67 procedures of 40 C.F.R. Section 123.62, submitting the provisions of Section 1 of this Act
68 to the federal Environmental Protection Agency as a revision of the state program under the
69 National Pollutant Discharge Elimination System permit program. If such program revision
70 is not approved pursuant to 40 C.F.R. Section 123.62(3), then Section 1 of this Act shall
71 stand repealed on the date of such disapproval.

72 **SECTION 4.**

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

HB 137--Transportation, Department of; change multiple provisions

- (1) Sheldon, Donna 105th
- (2) Roberts, Jay 154th
- (3) Burns, Jon 157th

Sponsored In Senate By:
Gooch, Steve 51st

May/12/2011 - Signed by Governor
Apr/14/2011 - House Agreed 159-1
Apr/11/2011 - Senate Adopted 52-1
Mar/02/2011 - House Adopted 165-1

Summary:

This is the Department's annual housekeeping bill. Below are the various sections:

Section One

- Clarifies the definition for "public road" and "utility".
- A Superior Court decision in December 2010 modified when a road should be classified as such, and this change is reflected in the revised definition.
- The PSC does not consider traffic signals to be a utility and they are already exempt from Title 25; this language removes traffic signals from the definition of a utility in Title 32 as well.

Section Two

- This language is a result of the audit conducted on the Department and codifies language in the Appropriations Act.

Section Three

- Revises the term of the Director of Planning so that his or her term does not expire when the appointing Governor leaves office.
- Removes the language requiring a bond with a corporate surety licensed to do business in this state because DOAS already carries coverage that would include the Director of Planning.

Section Four

- Removes the ZIP Code requirement from the honorarium database GDOT maintains and updates because ZIP Codes are networks of streets served by mail carriers or just individual post offices and are a tool for mail delivery.
- Zip codes also change periodically as required to meet Post Office operational needs.
- Because the Postal Service does not define or maintain ZIP Code boundaries, GDOT would need to purchase a service from a third party vendor just to maintain the ZIP Code search.

Section Five

- Clarifies that the owner of an asbestos facility must file a notice of abandonment with the Department if they choose to abandon that facility.

Sections Six and Seven

- Clarifies that local governments may submit any changes to a county or municipal road system electronically.

Section Eight

- Indemnifies contractors assisting state and local governments with severe weather obstructions, such as snow and ice removal.

Section Nine

- Exempts GDOT from having to comply with open record requests for listings of individuals who die in motor vehicle crashes each month because it circumvents the intended prevention of commercial solicitation by attorneys.
- Law Enforcement Agencies are already exempted.

Section Ten

- Requires local governments to clarify when they are annexing a portion of the state route system.

Section Eleven

- Clarifies that a permit for general cemetery land use is only required in those instances where graves will need to be relocated.

Sections Twelve and Thirteen

- Authorizes GDOT to outsource the handling of accident reports.
- GDOT is not allowed to spend motor fuel revenue on the processing of accident reports and therefore it must either be outsourced or funded through the state general fund. GDOT has chosen to outsource.

House Bill 137 (AS PASSED HOUSE AND SENATE)

By: Representatives Sheldon of the 105th, Roberts of the 154th, and Burns of the 157th

A BILL TO BE ENTITLED
AN ACT

1 To amend provisions of the Official Code of Georgia Annotated, relating to the Department
2 of Transportation; to amend Title 32 of the Official Code of Georgia Annotated, relating to
3 highways, bridges, and ferries, so as to change definitions; to clarify the duties of the
4 treasurer; to clarify the term of the planning director and eliminate the bonding requirement;
5 to remove the requirement of including the ZIP Code designation on official maps and lists;
6 to clarify procedures for removing asbestos pipe for utility facilities; to allow counties and
7 cities to send updated information to the department using digital files; to limit liability of
8 law enforcement officers and the department during periods of emergencies; to amend Title
9 33 of the Official Code of Georgia Annotated, relating to insurance, so as to exempt the
10 department from having to provide accident reports in certain situations; to amend Title 36
11 of the Official Code of Georgia Annotated, relating to local government, so as to require
12 cities to include certain information in annexation reports; to provide that the department is
13 not required to obtain cemetery redevelopment permits except in certain instances; to amend
14 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so
15 as to provide that designees of the department may charge for accident reports; to request
16 electronic submission of certain accident reports by law enforcement agencies; to provide for
17 related matters; to provide for an effective date; to repeal conflicting laws; and for other
18 purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 SECTION 1.

21 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
22 is amended by revising paragraphs (24) and (30) of Code Section 32-1-3, relating to
23 definitions, as follows:

24 "(24) 'Public road' means a highway, road, street, avenue, toll road, tollway, drive,
 25 detour, or other way that either is open to the public or has been acquired as right of way,
 26 and is intended or to be used for its enjoyment by the public and for the passage of
 27 vehicles in any county or municipality of Georgia, including but not limited to the
 28 following public rights, structures, sidewalks, facilities, and appurtenances incidental to
 29 the construction, maintenance, and enjoyment of such rights of way:

- 30 (A) Surface, shoulders, and sides;
- 31 (B) Bridges;
- 32 (C) Causeways;
- 33 (D) Viaducts;
- 34 (E) Ferries;
- 35 (F) Overpasses;
- 36 (G) Underpasses;
- 37 (H) Railroad grade crossings;
- 38 (I) Tunnels;
- 39 (J) Signs, signals, markings, or other traffic control devices;
- 40 (K) Buildings for public equipment and personnel used for or engaged in
 41 administration, construction, or maintenance of such ways or research pertaining
 42 thereto;
- 43 (L) Wayside parks;
- 44 (M) Parking facilities;
- 45 (N) Drainage ditches;
- 46 (O) Canals and culverts;
- 47 (P) Rest areas;
- 48 (Q) Truck-weighing stations or check points; and
- 49 (R) Scenic easements and easements of light, air, view, and access."

50 "(30) 'Utility' means any publicly, privately, or cooperatively owned line, facility, or
 51 system for producing, transmitting, or distributing communications, power, electricity,
 52 light, heat, gas, oil products, water, steam, clay, waste, storm water not connected with
 53 highway drainage, and other similar services and commodities, including publicly owned
 54 fire and police ~~and traffic~~ signals and street lighting systems, which directly or indirectly
 55 serve the public. This term also means a person, municipal corporation, county, state
 56 agency, or public authority which owns or manages a utility as defined in this paragraph."

57

SECTION 2.

58 Said title is further amended by revising subsection (c) of Code Section 32-2-42, relating to
59 the appointment and responsibilities of the deputy commissioner, chief engineer, treasurer,
60 and assistant treasurer, as follows:

61 "(c) The commissioner shall appoint a treasurer of the department to serve at the pleasure
62 of the commissioner. Before assuming the duties of his or her office, the treasurer shall
63 qualify by giving bond with a corporate surety licensed to do business in this state, such
64 bond to be in the amount of \$500,000.00 and payable to the Governor and his or her
65 successors in office. The bond shall be subject to the approval of the Governor and shall
66 be conditioned on the faithful discharge of the duties of the office. The premium for the
67 bond shall be paid out of the funds of the department. The duties of the treasurer shall be
68 to receive all funds from all sources to which the department is entitled, to account for all
69 funds received by the department, to adjust for additional appropriations or balances
70 brought forward from previous years with the prior approval of the Office of Planning and
71 Budget, and to perform such other duties as may be required of him or her by the
72 commissioner. The commissioner shall have the authority to appoint an assistant treasurer
73 in the same manner and under the same conditions as set forth in this subsection for the
74 appointment of the treasurer, including the qualifying in advance by giving bond of the
75 same type, amount, and paid for in the same manner as required of the treasurer. The
76 assistant treasurer shall assume the duties of office of treasurer upon the incapacity or death
77 of the treasurer and shall serve until a new treasurer is appointed as provided in this
78 subsection."

79

SECTION 3.

80 Said title is further amended by revising subsection (a) of Code Section 32-2-43, relating to
81 the appointment and responsibilities of the director of planning, as follows:

82 "(a) There shall be a director of planning appointed by the Governor subject to approval
83 by a majority vote of both the House Transportation Committee and the Senate
84 Transportation Committee. The director shall serve during the term of the Governor by
85 whom he or she is appointed and at the pleasure of the Governor. ~~Before assuming the~~
86 ~~duties of his or her office, the director shall qualify by giving bond with a corporate surety~~
87 ~~licensed to do business in this state, such bond to be in the amount of \$500,000.00 and~~
88 ~~payable to the Governor and his or her successors in office. The bond shall be subject to~~
89 ~~the approval of the Governor and shall be conditioned on the faithful discharge of the~~
90 ~~duties of the office. The premium for the bond shall be paid out of the funds of the~~
91 ~~department.~~ If the Governor's term expires and the incoming Governor has not made an
92 appointment, the current director of planning may serve until a replacement is appointed

93 by the incoming Governor and confirmed by the House and Senate Transportation
 94 Committees."

95 **SECTION 4.**

96 Said title is further amended by revising paragraph (2) of subsection (a) and by adding a new
 97 subsection to Code Section 32-4-2, relating to the official map of public roads and records
 98 pertaining thereto, as follows:

99 "(2)(A) The department shall prepare an official list of all portions or features of the
 100 state highway system, including without limitation public roads, bridges, or
 101 interchanges, which have been named by Act or resolution of the General Assembly or
 102 by resolution of the State Transportation Board. The department shall update the list
 103 to reflect any additions or changes as soon as is reasonably possible; and such list, as
 104 periodically revised, shall be open for public inspection. For each such named portion
 105 or feature of the state highway system, the list shall specify without limitation the
 106 official name; the state highway system route number; the name of each county ~~and the~~
 107 ~~number of each five-digit postal ZIP Code area~~ wherein the named portion or feature
 108 is located; a citation to the Act or resolution of the General Assembly or the resolution
 109 of the State Transportation Board officially naming such portion or feature; and a brief
 110 biographical, historical, or other relevant description of the person, place, event, or
 111 thing commemorated by such naming.

112 (B) The department may contract with a state historical society to make such list
 113 available in electronic format free of charge to Internet users, provided that any web
 114 page providing such list pursuant to this subparagraph shall be searchable without
 115 limitation by county name ~~or five-digit postal ZIP Code."~~

116 "(g) For purposes of this chapter, state maps and written records shall only be maintained
 117 on public roads which are open to public travel."

118 **SECTION 5.**

119 Said title is further amended by revising Code Section 32-4-4, relating to removal of asbestos
 120 pipe from utility facilities, as follows:

121 "32-4-4.

122 (a) As used in this Code section, the term 'entity' means a county, a municipality, a
 123 consolidated government, or a local authority.

124 (b) Whenever existing utility facilities owned and operated by an entity contain asbestos
 125 pipe and such pipe facility exists in the public rights of way of any highway, road, ~~bridge,~~
 126 ~~or other transportation project~~ or street authorized pursuant to this title, and the entity
 127 determines that such pipe facility should no longer be utilized, the entity that owns and

128 operates the utility facility shall file a notice of abandonment with the department if the
 129 facility is located upon the public rights of way under the authority of the department.
 130 Upon abandonment, the entity shall have the discretion to:

131 (1) Remove and dispose of the asbestos pipe in accordance with federal laws and
 132 regulations;

133 (2) Leave the asbestos pipe in place and fill it with grout or other similar substance
 134 designed to harden within the pipe; or

135 (3) Allow the pipe to remain undisturbed in the ground and take no further action.

136 (c) At the request of the department or entity, any asbestos pipe left in the right of way as
 137 authorized by subsection (b) of this Code section shall be marked so as to be locatable.

138 (d) ~~Any costs, claims, or other liability associated with the entity's decision pursuant to~~
 139 ~~subsection (b) of this Code section shall be borne by the entity and may be subject to offset~~
 140 ~~by the department. The entity shall not relinquish the ownership of said facility as stated~~
 141 ~~in subsection (h) of Code Section 25-9-7 and Code Section 32-6-174. The facility shall be~~
 142 ~~deemed abandoned and out of service."~~

143 **SECTION 6.**

144 Said title is further amended by revising paragraph (4) of Code Section 32-4-41, relating to
 145 the duties of a county with respect to the county road system, as follows:

146 "(4) A county shall keep on file in the office of the county clerk, available for public
 147 inspection, the map of the county road system prepared by the department as provided
 148 for in subsection (a) of Code Section 32-4-2. In addition to keeping on file a map of the
 149 county road system, the county shall notify the department within three months after a
 150 county road is added to the local road or street system and shall further notify the
 151 department within three months after a local road or street has been abandoned. This
 152 notification shall be accompanied by a an appropriate digital file, map, or plat depicting
 153 the location of the new or abandoned road;"

154 **SECTION 7.**

155 Said title is further amended by revising subsection (b) of Code Section 32-4-91, relating to
 156 the construction and maintenance of municipal street systems, as follows:

157 "(b) A municipality shall notify the department within three months after a municipal street
 158 is added to the municipal street system and shall further notify the department within three
 159 months after a municipal street is abandoned. This notification shall be accompanied by
 160 a an appropriate digital file, map, or plat depicting the location of the new or abandoned
 161 street."

162 **SECTION 8.**

163 Said title is further amended by adding a new Code section to read as follows:

164 "32-6-4.

165 State or local law enforcement officers, including fire department officials, and the
 166 department are authorized, upon the issuance of an executive order by the Governor
 167 declaring a state of emergency, with or without the consent of the owner, to remove or have
 168 removed any natural or manmade obstruction, cargo, or other personal property which is
 169 abandoned, unattended, or damaged and the law enforcement officer or the department
 170 determines such object to be a threat to public health or safety or to be contributing to
 171 traffic congestion. Any person, contractor, towing service, or other entity that is removing
 172 an obstruction, cargo, or other personal property pursuant to the instruction of a law
 173 enforcement officer, an official of a fire department acting under the authority of paragraph
 174 (1) of Code Section 25-3-1 or paragraph (3) of Code Section 25-3-2, or the department, and
 175 under the provisions of this Code section, shall be liable for damage or harm at the location
 176 where the obstruction, cargo, or other personal property was left abandoned or unattended,
 177 only when the person, contractor, towing service, or other entity was grossly negligent in
 178 the performance of his or her assigned duties; provided, however, nothing in this Code
 179 section shall limit liability for any damage or harm caused at a location different from the
 180 location where the obstruction, cargo, or other personal property was left abandoned or
 181 unattended."

182 **SECTION 9.**

183 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by
 184 revising subsection (c) of Code Section 33-24-53, relating to the prohibition of compensation
 185 for referrals to attorneys, as follows:

186 "(c) With respect to a motor vehicle accident, no employee of any law enforcement agency
 187 or the Department of Transportation shall allow any person, including an attorney, health
 188 care provider, or their agents, to examine or obtain a copy of any accident report or related
 189 investigative report when the employee knows or should reasonably know that the request
 190 for access to the report is for commercial solicitation purposes. No person shall request
 191 any law enforcement agency or the Department of Transportation to permit examination
 192 or to furnish a copy of any such report for commercial solicitation purposes. For purposes
 193 of this subsection, a request to examine or obtain a copy of a report is for 'commercial
 194 solicitation purposes' if made at a time when there is no relationship between the person
 195 or his or her principal requesting the report and any party to the accident, and there is no
 196 apparent reason for the person to request the report other than for purposes of soliciting a
 197 business or commercial relationship. All persons, except law enforcement personnel and

198 persons named in the report shall be required to submit a separate written request to the law
 199 enforcement agency or the Department of Transportation for each report. Such written
 200 request shall state the requestor's name, address, and the intended use of the report in
 201 sufficient detail that the law enforcement agency or the Department of Transportation may
 202 ascertain that the intended use is not for commercial solicitation purposes. The law
 203 enforcement agency or the Department of Transportation shall file each written request
 204 with the original report. No person shall knowingly make any false statement in any such
 205 written request."

206 **SECTION 10.**

207 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
 208 by revising subsections (a) and (b) of Code Section 36-36-3, relating to property annexed by
 209 municipalities, as follows:

210 "(a) The clerk, city attorney, or other person designated by the governing authority of any
 211 municipality annexing property shall file a report identifying any property annexed with
 212 the Department of Community Affairs and with the county governing authority of the
 213 county in which the property being annexed is located. Such reports shall be filed, at a
 214 minimum, not more than 30 days following the last day of the quarter in which the
 215 annexation becomes effective but may be filed more frequently. Each report shall include
 216 the following:

217 (1) The legal authority under which the annexation was accomplished, which shall be the
 218 ordinance or resolution number for any annexation effected pursuant to Article 2, 3, 4,
 219 or 6 of this chapter or the Act number if effected by local Act of the General Assembly;

220 (2) The name of the county in which the property being annexed is located; the total
 221 acreage annexed; the enactment date and effective date of the annexation ordinance,
 222 resolution, or local Act of the General Assembly; ~~and~~

223 (3) A letter from the governing authority of any municipality annexing property stating
 224 their intent to add the annexed area to maps provided by the United States Bureau of the
 225 Census during their next regularly scheduled boundary and annexation survey of the
 226 municipality and stating that the survey and map will be completed as instructed and
 227 returned to the United States Bureau of the Census; and

228 (4) A list identifying roadways, bridges, and rights of way on state routes that are
 229 annexed and, if necessary, the total mileage annexed.

230 (b) The submission of a report required under subsection (a) of this Code section shall be
 231 made in writing and may also be made in electronic format to the Department of
 232 Community Affairs and to others as required, at the discretion of the submitting
 233 municipality."

234 **SECTION 11.**

235 Said title is further amended by adding a new subsection to Code Section 36-72-14, relating
 236 to a permit for development of land on which a cemetery is located, as follows:

237 "(c) The provisions of this chapter notwithstanding, the Department of Transportation shall
 238 not be required to obtain a permit under this chapter unless human remains are to be
 239 relocated; provided, however, that the department shall be required to obtain an
 240 archaeologist's report, pursuant to paragraph (2) of Code Section 36-72-5, confirming the
 241 absence of human remains on the affected property."

242 **SECTION 12.**

243 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 244 amended by revising Code Section 40-9-30, relating to fees for copies of accident reports,
 245 as follows:

246 "40-9-30.

247 The Department of Transportation, or its third-party designee, shall charge a fee of \$5.00
 248 for each copy of any accident report received and maintained by that department or its
 249 designee pursuant to Code Section 40-6-273."

250 **SECTION 13.**

251 Said title is further amended by revising Code Section 40-9-31, relating to submission of
 252 accident reports, as follows:

253 "40-9-31.

254 Each state and local law enforcement agency shall submit to the Department of
 255 Transportation the original document of any accident report prepared by such law
 256 enforcement agency or submitted to such agency by a member of the public. If the
 257 Department of Driver Services receives a claim requesting determination of security, the
 258 Department of Transportation shall provide a copy or an electronic copy of any relevant
 259 accident reports to the Department of Driver Services. ~~A~~ Any law enforcement agency
 260 may transmit the information contained on the accident report form by electronic means,
 261 provided that the Department of Transportation has first given approval to the reporting
 262 agency for the electronic reporting method utilized. The law enforcement agency shall
 263 retain a copy of each accident report. Any law enforcement agency that transmits the data
 264 by electronic means must transmit the data using a nonproprietary interchangeable
 265 electronic format and reporting method. For purposes of this Code section, the term
 266 'nonproprietary' shall include commonly used report formats. All such reports shall be
 267 submitted to the Department of Transportation not more than 15 days following the end of
 268 the month in which such report was prepared or received by such law enforcement agency.

269 The Department of Transportation is authorized to engage the services of a third party in
270 fulfilling its responsibilities under this Code section."

271 **SECTION 14.**

272 This Act shall become effective on July 1, 2011.

273 **SECTION 15.**

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

HB 156 - Indemnification payment; injured state highway employees; change provisions

- (1) Cheokas, Mike 134th
- (2) Meadows, John 5th
- (3) Roberts, Jay 154th
- (4) England, Terry 108th
- (5) Bearden, Timothy 68th
- (6) Powell, Jay 171st

Sponsored In Senate By:
Gooch, Steve 51st

May/12/2011 - Signed by Governor
Apr/14/2011 - House Agreed 157-1
Apr/12/2011 - Senate Adopted 53-0
Mar/03/2011 - House Adopted 165-0

Summary:

This bill was the same bill as SB 58. However, SB 58 was amended in the House to extend benefits to additional family members and was vetoed.

HB 156 simply increases the indemnifications benefits for employees classified as state highway employees to the same level as law enforcement officers, firefighters, emergency medical technicians, emergency management rescue specialists, and prison guards.

HB 156 also renames the State's move over laws the 'Spencer Pass Law.'

House Bill 156 (AS PASSED HOUSE AND SENATE)

By: Representatives Cheokas of the 134th, Meadows of the 5th, Roberts of the 154th, England of the 108th, Bearden of the 68th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to
2 payment for indemnification for death or disability, procedure for making of payments, and
3 appeal, so as to change provisions relative to the indemnification of injured state highway
4 employees; to honor and provide for state highway safety employees injured or killed in the
5 line of duty; to amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia
6 Annotated, relating to general provisions relative to uniform rules of the road, so as to
7 dedicate the Georgia Move-Over law in memory of Spencer Pass, a HERO operator with the
8 Georgia Department of Transportation who was tragically killed in the line of duty; to
9 provide for the intent and authority of the General Assembly; to provide for applicability; to
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

13 Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
14 general provisions relative to uniform rules of the road, is amended by revising Code Section
15 40-6-16, relating to procedure for passing stationary authorized emergency vehicles,
16 stationary towing or recovery vehicles, or stationary highway maintenance vehicles, by
17 adding a new subsection (a), by redesignating subsections (a) through (c) as subsections (b)
18 through (d), respectively, and by amending the newly designated subsection (d) as follows:

19 "(a) This Code section shall be known and may be cited as the 'Spencer Pass Law.'"

20 "~~(c)~~(d) Violation of subsection ~~(a)~~ (b) or ~~(b)~~ (c) of this Code section shall be punished by
21 a fine of not more than \$500.00."

22 SECTION 1.1.

23 Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment for
24 indemnification for death or disability, procedure for making of payments, and appeal, is
25 amended by revising subsection (a) as follows:

26 "(a) Indemnification shall be paid under this article as follows:

27 (1) In the case of a partial permanent disability suffered in the line of duty by a law
 28 enforcement officer, firefighter, emergency medical technician, emergency management
 29 rescue specialist, state highway employee, or prison guard, the eligible disabled person
 30 may elect payment of \$35,000.00 paid in equal monthly installments for five years or a
 31 lump sum of such amount reduced to its present value upon the basis of interest
 32 calculated at the rate of 6 percent per annum;

33 ~~(2) In the case of a partial permanent disability suffered in the line of duty by a state
 34 highway employee, the eligible person may elect to receive a payment of \$12,000.00 paid
 35 in equal monthly installments for five years or a lump sum of such amount reduced to its
 36 present value upon the basis of interest calculated at the rate of 6 percent per annum;~~

37 ~~(3)~~(2) In the case of a total permanent disability suffered in the line of duty by a law
 38 enforcement officer, firefighter, emergency medical technician, emergency management
 39 rescue specialist, state highway employee, or prison guard, the injured person may elect
 40 to receive a payment of \$75,000.00 paid in equal monthly installments for five years or
 41 a lump sum of such amount reduced to its present value upon the basis of interest
 42 calculated at the rate of 6 percent per annum; or

43 ~~(4) In the case of a total permanent disability suffered in the line of duty by a state
 44 highway employee, the eligible person may elect to receive a payment of \$25,000.00 paid
 45 in equal monthly installments for five years or a lump sum of such amount reduced to its
 46 present value upon the basis of interest calculated at the rate of 6 percent per annum;~~

47 ~~(5)~~(3) In the case of death or organic brain damage suffered in the line of duty by a law
 48 enforcement officer, firefighter, emergency medical technician, emergency management
 49 specialist, state highway employee, or prison guard, payment shall be made to the
 50 surviving unremarried spouse or the dependents of the spouse or deceased person as
 51 shown in his or her most recent tax return or to the legal guardian of the organically brain
 52 damaged person. The surviving unremarried spouse, dependents, or the legal guardian
 53 may elect to receive payment in a lump sum payment of \$100,000.00 paid in equal
 54 monthly installments for five years or a lump sum of such amount reduced to its present
 55 value upon the basis of interest calculated at the rate of 6 percent per annum; or

56 ~~(6) In the case of death or organic brain damage suffered in the line of duty by a state
 57 highway employee, payment shall be made to the surviving unremarried spouse or the
 58 dependents of the spouse or deceased person as shown in his or her most recent tax return
 59 or to the legal guardian of the organically brain damaged person. The surviving
 60 unremarried spouse, dependents, or the legal guardian may elect to receive payment in
 61 a lump sum payment of \$40,000.00 paid in equal monthly installments for five years or~~

62 ~~a lump sum of such amount reduced to its present value upon the basis of interest~~
63 ~~calculated at the rate of 6 percent per annum."~~

64 **SECTION 2.**

65 (a) It is the intent of the General Assembly that the revised indemnification amounts for state
66 highway employees shall be applicable to all incidents involving state highway employees
67 occurring on or after January 1, 2011.

68 (b) The retroactive application of these changes with regard to state highway employees is
69 based on the authority of Ga. Laws 2000, p. 2007, Section 1, adding Article III, Section VI,
70 Paragraph VI(g) of the Georgia Constitution.

71 **SECTION 3.**

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

HB 179—State highway system; permits for legally erected signs; change provisions

- (1) Burns, Jon 157th
- (2) Roberts, Jay 154th
- (3) England, Terry 108th
- (4) Bryant, Bob 160th
- (5) Hamilton, Mark 23rd
- (6) Benton, Tommy 31st

Sponsored In Senate By:
Balfour, Don 9th

May/12/2011 - Signed by Governor
Mar/10/2011 - House Agreed 94-64
Mar/08/2011 - Senate Adopted 37-19
Feb/24/2011 - House Adopted 98-69

Summary:

- Creates an angled Target View Zone that cannot exceed 250 feet along the right of way fence and 350 feet along the edge of the roadway pavement.
- Allows all vegetation in the Target View Zone (excluding historic/specimen trees and trees planted prior to July 1, 2011 under a government beautification project) to be removed.
- Requires any sign that obtains a vegetation removal permit to be 75 feet or less in height.
- Changes the mitigation of trees so that costs will vary depending on type and size of trees removed measured at DBH.
- Increases the new permit fee to \$300 and increases the renewal fee to \$85.
- Authorizes the Department to set up a credit program in an effort to incentivize sign companies to remove non-conforming structures. Companies that remove illegal signs for the Department will be eligible for a credit that can be used to offset future tree mitigation costs.

House Bill 179 (AS PASSED HOUSE AND SENATE)

By: Representatives Burns of the 157th, Roberts of the 154th, England of the 108th, Bryant of the 160th, Hamilton of the 23rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia
2 Annotated, relating to the state highway system, so as to modify the procedures whereby
3 owners of legally erected and maintained signs obtain and renew permits for the installation
4 of signs; to change certain conditions relating to permits to remove vegetation from the
5 viewing zones of outdoor signs; to provide for related matters; to provide for severability;
6 to provide for the Department of Transportation to promulgate forms and policies; to provide
7 for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated,
11 relating to the state highway system, is amended by revising subsection (a) of Code Section
12 32-6-74, relating to applications for permits for outdoor advertising signs, as follows:

13 ~~"(a) Applications for permits and the renewal thereof authorized by subsections (a) through~~
14 ~~(d) of Code Section 32-6-79 shall be made to the department upon forms prescribed by the~~
15 ~~department. The applications shall contain the signature of the applicant and such other~~
16 ~~information as may be required by the department and shall be verified under oath by the~~
17 ~~person, firm, or corporation making the application. Permits and renewals thereof shall be~~
18 ~~issued for and shall be valid only if the sign is erected and maintained in accordance with~~
19 ~~this part during the 12 month period next following the date of issuance. The fee for the~~
20 ~~initial issuance of a permit shall be \$50.00. The fee for the renewal of a permit shall be~~
21 ~~\$25.00. The money received from permit fees shall be used to help defray the expenses of~~
22 ~~administering this part, Code Section 48-2-17 to the contrary notwithstanding. Upon receipt~~
23 ~~of a properly executed application and the appropriate fee for the erection or maintenance~~
24 ~~of a sign which may be lawfully erected or maintained pursuant to this part, the department~~
25 ~~shall, within 60 days, issue a permit or renewal authorizing the erection or maintenance,~~
26 ~~or both, of the sign for which application was made except when a person, firm, or~~

~~corporation is maintaining or allowing the maintenance of an illegal sign as provided for in subsection (f) of Code Section 32-6-79. Application for the renewal of a permit shall be made to the department not more than 90 nor less than 60 days before the expiration date of the permit for which renewal is sought. If the department fails to receive the renewal application before the expiration date of the permit, the department will notify the applicant that the renewal application is overdue when the applicant's address is known or reasonably available to the department and shall give the applicant 30 days after the expiration date to send the department the renewal application. If the applicant does not send the properly executed application and the appropriate fee within the specified 30 day period, the sign shall then become an illegal sign. No permit shall be renewed if the application for the renewal thereof has not been made in accordance with this Code section.~~

Applications for permits authorized by subsections (a) through (d) of Code Section 32-6-79 shall be made to the department upon forms prescribed by the department. The applications shall contain the signature of the applicant and such other information as may be required by the department and shall be verified under oath by the person, firm, or corporation making the application. Permits and renewals thereof shall be issued for and shall be valid only if the sign is erected and maintained in accordance with this part during the 12 month period next following the date of issuance. As to permits for the initial erection of an outdoor advertising sign, one 12 month extension may be granted so long as a written request is submitted to the department at least 30 days prior to expiration along with a fee of \$35.00. Any denial of an extension request shall be sent to the applicant before the expiration date and shall state the basis for denial. Multiple extensions shall not be granted as to the same permit, and the applicant shall not be allowed to reapply for the same site until the extension has expired; however, modifications to the application which do not extend the term of the permit shall be allowed. There shall be an initial outdoor advertising permit fee and an annual renewal fee. On and after July 1, 2011, the outdoor advertising application fee shall be \$300.00, and the renewal fee for each sign shall be \$85.00. The department may adjust future application and renewal fees through the formal rule making process so long as notice of any proposed increase is sent to the House and Senate Transportation Committees at least 30 days prior to final adoption by the department. Such fees shall be limited to amounts sufficient to offset the administrative costs to the department. An annual report on the expenditures and revenues of the department related to the outdoor advertising program shall be sent to the House and Senate Transportation Committees no later than October 31 of each year. Upon receipt of a properly executed application and the appropriate fee for the erection or maintenance of a sign which may be lawfully erected or maintained pursuant to this part, the department shall, within 60 days, issue a permit authorizing the erection or maintenance, or both, of

64 the sign for which application was made except when a person, firm, or corporation is
 65 maintaining or allowing the maintenance of an illegal sign as provided for in subsection (f)
 66 of Code Section 32-6-79. All outdoor advertising permits and renewals shall expire on the
 67 first day of April in the year following issuance. Renewal of such permits shall be made
 68 to the department between January 1 and April 1 of each calendar year. Notice of such
 69 renewal period shall be mailed to each outdoor advertising permit holder along with an
 70 itemized list of all permits maintained by such person or entity in the month of December.
 71 In response, each permit holder should clearly indicate any permits not being renewed and
 72 return a copy to the department along with payment for all permits being renewed. If a
 73 permit holder believes the itemized list is incomplete or inaccurate, such permit holder
 74 shall clearly note such discrepancies on the list and return a copy to the department with
 75 supporting documentation. The permit holder shall submit the renewal and any suggested
 76 corrections within 60 days of the date of the department notice or by April 1, whichever
 77 occurs last. If the department fails to receive the renewal before the expiration date, the
 78 department shall notify the permit holder by certified mail that the renewal is overdue and
 79 shall give the permit holder 45 days from the date of the postmark on such notice to send
 80 the department the renewal. If the applicant does not send the permit renewal and fee
 81 within 45 days after the postmark date on such notice, the permit shall expire and the sign
 82 shall then become an illegal sign. Signs shall become illegal by operation of law after the
 83 expiration of the permit followed by notice to the permit holder and a failure to submit for
 84 the renewal within 45 days. Any illegal sign may be removed without any administrative
 85 proceeding before the department. Vegetation permits or renewals issued pursuant to Code
 86 Section 32-6-75.3 shall expire on the first day of September in the year following issuance.
 87 If a vegetation permit renewal application and fee is not timely submitted and such
 88 deficiency is not cured within 45 days of the postmark date of notice via certified mail from
 89 the department, the vegetation permit shall be canceled, but the sign shall not be deemed
 90 illegal. No permit shall be renewed if the renewal thereof has not been made in accordance
 91 with this Code section."

92 **SECTION 2.**

93 Said part is further amended by revising Code Section 32-6-75.3, relating to applications for
 94 tree trimming permits, as follows:

95 "32-6-75.3.

96 (a)(1) For purposes of this Code section, the term:

97 (A) 'Removal' or 'removed' means the elimination of trees or other vegetation from a
 98 viewing zone.

99 (B) 'Target view zone' means an area of the viewing zone extending from the sign to
 100 the roadway to which the sign is permitted which shall be angled as requested by the
 101 applicant to maximize the visibility of the sign to passing motorists but not to exceed:

102 (i) Two-hundred and fifty feet along the right of way fence or boundary; and

103 (ii) Three-hundred and fifty feet along the pavement edge, to include any emergency
 104 lane or paved shoulder.

105 (C) 'Trimming' or 'trimmed' means the pruning of excess limbs or branches from trees
 106 or other vegetation which are not removed from a viewing zone.

107 ~~(C)~~(D) 'Viewing zone' means a continuous 500 foot horizontal distance parallel to a
 108 state right of way and adjacent to or otherwise within the line of sight of an outdoor
 109 advertising sign.

110 (2) The General Assembly finds and declares that outdoor advertising provides a
 111 substantial service and benefit to Georgia and Georgia's citizens as well as the traveling
 112 public. Therefore, the General Assembly declares it to be in the public interest that
 113 provisions be made for the visibility of outdoor advertising signs legally erected and
 114 maintained along the highways in this state to provide information regarding places
 115 offering lodging, food, motor vehicle fuels and lubricants, motor service and repairs, or
 116 any other services or products available to the general public. Recognizing, however, that
 117 the beautification of this state and the health of its environment are absolutely essential
 118 and equally as important to the traveling public, the General Assembly finds and declares
 119 that these needs must be balanced.

120 (b)(1) So as to promote these objectives and in accordance with the provisions of this
 121 Code section, the commissioner shall provide by rule or regulation for the issuance and
 122 annual renewal of permits for the trimming and removal of trees and other vegetation on
 123 the state rights of way within viewing zones with respect to outdoor advertising signs
 124 legally erected and legally maintained adjacent to said rights of way. Such rules and
 125 regulations shall include, without limitation, standards for survival of vegetation trimmed
 126 or planted.

127 (2) So as to ensure that no vegetation maintenance permits are issued for the purpose of
 128 creating new outdoor advertising signs, no owner of outdoor advertising signs ~~erected~~
 129 ~~after January 1, 1999~~ permitted or assigned a working number by the department after
 130 December 31, 2010, or such owner's agent, ~~will~~ shall be eligible to make application for
 131 vegetation maintenance for a period of five years from the date a new sign is permitted.

132 (c) Application for a tree or vegetation trimming or removal permit and the annual renewal
 133 thereof shall be made upon the forms prescribed and provided by the department and shall
 134 contain the signature of the applicant and such other information as may be required by the
 135 department's rules and regulations.

136 (d) An application fee shall accompany the application for each vegetation maintenance
 137 permit, and both the application and fee shall be submitted to the department. There shall
 138 be an annual renewal of the permit for activities in the original scope of the permit. The
 139 department shall promulgate rules and regulations setting forth the application fees and
 140 renewal fees. Such application and renewal fees shall be established by the department in
 141 reasonable amounts in order to fully recover the costs of administering the vegetation
 142 maintenance program.

143 (e)(1) The department shall evaluate each application for a permit under this Code
 144 section and require as a condition of granting any permit under this Code section that the
 145 value of the landscaping to be either provided or paid for by the applicant is not less than
 146 the department's appraised value of the benefit to be conferred by the state upon the
 147 applicant by allowing the trimming or removing of trees or other vegetation as requested,
 148 which shall be the value of the trees or vegetation to be trimmed or removed; provided,
 149 however, that a permit may be granted to an otherwise qualified applicant in a case where
 150 the value of the landscaping to be either provided or paid for by the applicant is less than
 151 the department's appraised value of the trees or other vegetation to be trimmed or
 152 removed if, in addition, the applicant pays to the department an amount equal to the
 153 amount of the difference between the value of the landscaping to be either provided or
 154 paid for by the applicant and the department's appraised value of the trees or other
 155 vegetation to be trimmed or removed.

156 ~~(2)(A)(i) No trees or vegetation shall be trimmed or removed under this Code section~~
 157 ~~other than within a viewing zone.~~

158 ~~(ii) No removal of any hardwood tree having a diameter outside bark of more than~~
 159 ~~8 inches at a height of 6 inches above ground level or any historic or endangered~~
 160 ~~species tree or any tree planted as part of any local, state, or federal government~~
 161 ~~project shall be permitted under this Code section.~~

162 ~~(iii) All hardwood trees having a diameter outside bark of 8 inches or less at a height~~
 163 ~~of 6 inches above ground level may be removed from within a viewing zone.~~

164 ~~(iv) All nonhardwood trees may be removed from within a viewing zone for a~~
 165 ~~combined total of 250 feet horizontal distance parallel to the right of way.~~

166 ~~(v) All nonhardwood trees having a diameter outside bark of less than 12 inches at~~
 167 ~~a height of 6 inches above ground level may be removed from within a viewing zone.~~

168 ~~(vi) Pine trees having a diameter outside bark of 12 inches or more at a height of 6~~
 169 ~~inches above ground level shall not be removed from a viewing zone in such numbers~~
 170 ~~as to reduce stocking to less than the minimum standard for full stocking for such~~
 171 ~~trees, as determined by the Georgia Forestry Commission, over an area having a~~

172 ~~combined total of not less than 250 feet horizontal distance parallel to the right of~~
 173 ~~way.~~

174 ~~(vii) The provisions of divisions (iv) and (vi) of this subparagraph notwithstanding,~~
 175 ~~in the case of any outdoor advertising sign erected on or before April 20, 1998, and~~
 176 ~~which is less than 35 feet in height as measured from the top of the sign to the ground~~
 177 ~~directly beneath or to the road level, whichever distance results in the best view or the~~
 178 ~~greatest elevation, or which is subsequently lowered to such a height, the horizontal~~
 179 ~~distance of the area within the viewing zone from which all trees, other than~~
 180 ~~hardwoods having a diameter outside the bark of more than 8 inches at a height of 6~~
 181 ~~inches above ground level, may be removed shall be increased to 350 feet.~~

182 (2) Any measurement of vegetation to be removed for valuation purposes shall be made
 183 at diameter breast height as shown in the section entitled 'Height of Measurement' in the
 184 Guide for Plant Appraisal (9th Edition) as published by the International Society of
 185 Arboriculture. Based on the substantial benefit to the state where dead or diseased trees
 186 are removed from the right of way, and the negligible value of dead or diseased trees,
 187 such vegetation shall not be measured or valued in determining the appraised value.
 188 Trees shall be only deemed dead or diseased if listed as such in the report of a certified
 189 forester or arborist, subject to review and approval by the department. Upon receipt of
 190 a properly completed application, the department shall, within 60 days, issue the permit
 191 for vegetation maintenance.

192 (3) The applicant shall be allowed to remove all trees and vegetation from the target view
 193 zone so long as the sign was permitted or assigned a working number by the department
 194 on or before December 31, 2010. Vegetation removal shall be prohibited in all areas of
 195 the viewing zone outside of the target view zone except that portions of vegetation, such
 196 as tree limbs, which extend into the target view zone from outside the target view zone
 197 may be trimmed as necessary to preserve the clear target view zone. The only vegetation
 198 which cannot be removed from the target view zone pursuant to this paragraph shall be
 199 landmark trees, historic trees, and specimen trees, as defined in subparagraphs (A)
 200 through (C) of this paragraph, and any tree planted as part of a permitted local, state, or
 201 federal government beautification project. After July 1, 2011, however, no beautification
 202 project in this state shall include the planting of trees in the right of way within 500 feet
 203 of an outdoor advertising sign such that the visibility of a permitted outdoor advertising
 204 sign is obscured or could later be obscured by the growth of such vegetation.

205 (A) For purposes of this paragraph, the term 'historic tree' means a tree or group of
 206 trees that are reasonably determined by the department to be:

207 (i) Identified by a unit of government to recognize an individual or group;

- 208 (ii) Located at the site of a historic event and significantly impact an individual's
 209 perception of the event;
- 210 (iii) Dated to the time of a historic event at the location of the tree, as identified by
 211 a unit of government; or
- 212 (iv) Confirmed as the progeny of a tree that meets any of the criteria contained in this
 213 division.
- 214 (B) For purposes of this paragraph, the term 'landmark tree' means a tree or group of
 215 trees that:
- 216 (i) Have been planted and maintained for educational purposes for more than 75
 217 years;
- 218 (ii) Were planted as a memorial to an individual, group, event, or cause and are more
 219 than 75 years old; or
- 220 (iii) Symbolize a historically significant individual, place, event, or contribution, as
 221 recognized by a unit of government prior to July 1, 2010.
- 222 (C) For purposes of this paragraph, the term 'specimen tree' means a hardwood tree or
 223 group of hardwood trees that is determined to be in excess of 75 years of age as
 224 determined by a registered forester or arborist.
- 225 ~~(B)~~(D) Pruning or trimming of trees under a permit shall conform to industry standards
 226 as defined by the National Arborist Association, International Society of Arboriculture
 227 or ANSI A300 pruning standards as of January 1, ~~1999~~ 2011, or such later edition as
 228 may be adopted by rule or regulation of the department.
- 229 ~~(3)~~(4) An applicant's record of conduct regarding disturbance of trees or other vegetation
 230 on state rights of way shall be considered by the department as part of the evaluation
 231 process for any permit or permit renewal application.
- 232 ~~(4)~~(5) Prior to approving any permit application to remove allegedly diseased trees, the
 233 department shall verify that such trees are in fact diseased. Such determination shall be
 234 made by the department's landscape architect.
- 235 ~~(5)~~(6) A performance bond in an amount adequate for the requirements of the permit as
 236 determined by the department shall be required of each permittee.
- 237 (f)(1) No trees or other vegetation on state rights of way shall be trimmed, killed, or
 238 removed by any person other than in accordance with a permit issued under this Code
 239 section by any person other than the department or an authorized agent or contractor
 240 thereof.
- 241 (2) No outdoor advertising sign to which a permit under this Code section is applicable
 242 shall be unused for advertising for a period of six consecutive months or more.

243 (3) On and after July 1, 1999, no outdoor advertising sign to which a permit under this
 244 Code section is applicable shall be maintained in such a condition of disrepair as to be
 245 unusable for advertising.

246 (4)(A) In cases where the department has reasonable cause to believe that a violation
 247 of this subsection has been committed by any person, the procedures provided under
 248 Code Section 32-6-95 shall apply the same as in cases wherein the department believes
 249 that a sign is being maintained in violation of this part.

250 (B) Following notice, hearing, and a finding that a person has committed a violation
 251 of paragraph (1) of this subsection, a civil fine of not less than \$10,000.00 nor more
 252 than \$20,000.00, and restitution in an amount equal to the appraised value of the trees
 253 or vegetation, or both, which were unlawfully trimmed or removed, shall be imposed
 254 on such person.

255 (C) Following notice, hearing, and a finding that a permittee under this Code section
 256 has committed a violation of paragraph (2) of this subsection, an order directing the
 257 removal of such unused sign, at the expense of the permittee, shall be issued.

258 (D) Following notice, hearing, and a finding that a permittee under this Code section
 259 has committed a violation of paragraph (3) of this subsection, an order directing the
 260 removal of such unusable sign shall be issued.

261 (E) The department or its authorized agents shall be authorized to enter upon private
 262 lands and disassemble and remove signs without civil or criminal liability therefor
 263 pursuant to an order issued in accordance with this paragraph and as provided by Code
 264 Section 32-6-96 for disassembly and removal of illegal outdoor advertising signs.

265 (g) In order to obtain a vegetation maintenance permit for signs which exceed 75 feet in
 266 height, as measured from the base of the sign or crown of the adjacent roadway to which
 267 the sign is permitted, whichever is higher, the owner of the sign shall agree to reduce the
 268 sign to 75 feet in height or less, as measured from the base of the sign or crown of the
 269 adjacent roadway to which the sign is permitted, whichever is higher, unless lowering is
 270 precluded by local government code or regulation. Work to lower the sign shall be
 271 concluded within 60 days of completion of the vegetation removal. If the terms of the
 272 work plan are not complied with and all work satisfactorily completed within the allowed
 273 time, the performance bond shall be forfeited, and the department shall be authorized to
 274 collect the bond and lower the sign. Upon completion of any project which reduces sign
 275 height by use of a new support mechanism, such as a new pole, the sign owner shall
 276 provide the department with a written footer inspection from the applicable local
 277 government or a professional engineer prior to the release of the bond.

278 (h) The department shall have the right to refuse to issue any vegetation permits to any
 279 person, firm, or entity which the department determines is maintaining or is allowing to be

280 maintained any abandoned sign or signs, until all such abandoned signs are removed or
 281 brought into compliance with the provisions of this Code section. For purposes of this
 282 subsection, the term 'abandoned sign' means any sign adjacent to a state-controlled route
 283 that has not contained a message for six consecutive months and which has not had a
 284 message displayed within 30 days after receipt of notice by certified mail from the
 285 department. The addition of a 'for rent' panel or a phone number shall not qualify as a
 286 message for purposes of this subsection, but self promotional copy covering at least one
 287 entire sign face or advertising copy benefitting charitable, nonprofit, religious, or other
 288 noncommercial groups shall qualify as a message.

289 (i) The department shall have the right to refuse to issue any vegetation permits to any
 290 person, firm, or entity which the department determines is maintaining or is allowing to be
 291 maintained in their inventory of signs in this state any sign which depicts any material
 292 which is obscene as such term is defined in Code Section 16-12-80, or material that is in
 293 conflict with the applicable local government's obscenity ordinance. Upon conviction of
 294 depiction of any material as obscene the person, firm, or entity shall be punishable by a fine
 295 of not less than \$5000.00 for the first conviction and \$10,000.00 for any subsequent
 296 conviction and shall also be guilty of a misdemeanor of a high and aggravated nature.

297 (j) The removal of signs with lapsed outdoor advertising permits is of benefit to this state
 298 but is often too costly for the department to undertake. In order to encourage the removal
 299 of such signs and permitted signs that do not conform to the state's current requirements
 300 for outdoor advertising signs without the expenditure of state funds, a credit which may be
 301 used as an offset toward the total appraised value of the vegetation to be removed in
 302 accordance with a vegetation maintenance permit shall be awarded for each qualifying sign
 303 removal as follows:

304 (1) On or before March 1, 2012, the department shall prepare a list of signs which once
 305 held a valid outdoor advertising permit but for which the permit has been allowed to
 306 lapse. Notification of a sign's inclusion on such list shall be sent to the last known
 307 address for the sign's owner as listed on department records and to any other person or
 308 entity which the department reasonably finds to have an interest in such sign. Within 30
 309 days of receipt of such notice or 60 days of publication of the list, whichever comes later,
 310 any person or entity claiming to be the owner of a sign that they do not believe has been
 311 properly included on the list shall be allowed to submit written notice to the department
 312 of their objection. Such objection may include a statement of the relevant facts and any
 313 supporting documents. On or before July 1, 2012, the department shall publish the final
 314 list. Signs which are the subject of any current objections, administrative appeals, or
 315 legal disputes shall not be included on such list. This list shall be updated annually and

316 provided to the chairpersons of the House and Senate Transportation Committees on or
317 before the first day of March;

318 (2) The department shall, on or before January 1, 2012, prepare a schedule or formula
319 to determine the credit to be received for the removal of lapsed-permit signs and
320 permitted nonconforming outdoor advertising signs. Such schedule shall provide a
321 valuation of the credit based on four factors: material used in sign structure, height of
322 sign, size of sign, and terrain and topography. The department shall also prepare a form
323 to be submitted by any person or entity seeking a credit under this subsection. Such form
324 shall require a description of the material used in the sign structure, the height of the sign,
325 the size of the sign, and the terrain and topography where the sign is situated and a
326 calculation of the anticipated credit in accordance with the department's schedule or
327 formula;

328 (3) At such time as any lapsed-permit sign from the department's updated list or a
329 nonconforming outdoor advertising sign is removed, the person or entity responsible for
330 such removal shall submit to the department the completed removal form and
331 photographic evidence of the removal. For purposes of this subsection, the term 'removal'
332 means removal of all structural elements above ground level; removal of footers or
333 foundation elements shall not be required. Within 60 days of such submission, the
334 department shall certify and return the form. No credit shall be allowed for the removal
335 of a lapsed-permit sign by the owner of such sign. The certified form shall serve as a
336 credit voucher. Credit vouchers may be transferred to another party via notarized
337 statement signed by both parties;

338 (4) Where a lapsed-permit sign from the department's updated list or a nonconforming
339 sign is to be removed in conjunction with a specific application for a vegetation
340 maintenance permit, the sign to be removed shall be designated by department permit
341 number. If the vegetation permit is approved, then the sign designated for removal shall
342 be removed at least 15 days prior to initiation of work pursuant to the vegetation permit.
343 Removal shall be deemed complete when the removal form and photographic evidence
344 of the removal are submitted to the department. The sign designated for removal need
345 not be owned by the vegetation permit applicant. As such, nothing herein shall be
346 interpreted to require that the removed sign be owned or controlled by the vegetation
347 permit applicant. All work hereunder shall be performed by licensed and bonded entities
348 or individuals, where required by law, and the department shall not be liable for the
349 actions of any nondepartment personnel; and

350 (5) A credit voucher may be used by an applicant for a vegetation maintenance permit
351 as an offset against the total appraised value of the vegetation to be removed on a
352 dollar-for-dollar basis, except that the total payment shall not be reduced below

353 \$4,000.00. Any unused portion of a credit voucher may be used in conjunction with a
 354 subsequent vegetation maintenance application.

355 (k) Nothing contained in this Code section shall render any sign existing on July 1, 2011,
 356 nonconforming. Nothing in this Code section shall supersede any applicable local rules or
 357 ordinances. The department shall not deny an applicant a vegetation maintenance permit
 358 for complying with applicable local rules or ordinances."

359 **SECTION 3.**

360 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
 361 or adjudged invalid or unconstitutional, such declaration or adjudication shall affect and
 362 invalidate the whole of the smallest section or subsection in which such matter appears
 363 herein, but shall in no manner affect the other sections, subsections, sentences, clauses, or
 364 phrases of this Act, which shall remain of full force and effect as if the section, subsection,
 365 sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not
 366 originally a part hereof. The General Assembly declares that it would have passed the
 367 remaining parts of this Act if it had known that such part or parts hereof would be declared
 368 or adjudged invalid or unconstitutional, but would not have passed any section of this Act
 369 containing or constituting an invalid or unconstitutional provision.

370 **SECTION 4.**

371 The Department of Transportation shall have 120 days from the effective date to promulgate
 372 any forms or policies necessary to implement this Act. Those applications submitted before
 373 any necessary forms and policies are in place shall be processed in accordance with the
 374 regulations in place prior to the effective date. Those holding vegetation maintenance
 375 permits or renewals issued at any time prior to the promulgation of the necessary forms and
 376 policies shall, upon written request to the department, be able to trim or remove vegetation
 377 in accordance with the terms of this Act.

378 **SECTION 5.**

379 This Act shall become effective on July 1, 2011.

380 **SECTION 6.**

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

HB 352 - Toll extensions; no tolls on projects free from interest on public indebtedness; provide
*same as SB 97

- (1) Martin, Chuck 47th
- (2) Riley, Lynne 50th
- (3) Wilkinson, Joe 52nd
- (4) Geisinger, Harry 48th
- (5) Jones, Jan 46th
- (6) Willard, Wendell 49th

Feb/24/2011 - House First Readers

Summary:

HB 352 was the companion bill to SB 97 in the Senate, which was sponsored by Sen. John Albers. Neither bill passed out of committee.

The goal of the bill was to prevent the extension of any toll on SR 400 without approval of the General Assembly through passage of a joint resolution.

House Bill 352

By: Representatives Martin of the 47th, Riley of the 50th, Wilkinson of the 52nd, Geisinger of the 48th, Jones of the 46th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 32-10-65.1 of the Official Code of Georgia Annotated, relating to
2 the expiration and extension of tolls by the State Road and Tollway Authority, so as to
3 provide that toll extensions must be approved by the General Assembly; to provide that no
4 tolls shall be charged on projects that are free from interest on public indebtedness; to
5 provide for legislative reports; to provide for related matters; to provide for an effective date;
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 32-10-65.1 of the Official Code of Georgia Annotated, relating to the
10 expiration and extension of tolls by the State Road and Tollway Authority, is revised to read
11 as follows:

12 "32-10-65.1.

13 Every toll established under this article must expire after a specified period of time and
14 may be extended beyond said time only by approval of the State Road and Tollway
15 Authority and the General Assembly through passage of a joint resolution. No toll shall
16 be charged on any project or portion of a project subject to a toll on January 1, 2011, that
17 is not obligated for any interest payments on public indebtedness. The authority shall
18 review all projects that are subject to tolls as of January 1, 2011, and implement a schedule
19 to pay off all interest due on these projects at the earliest possible date. The authority shall
20 deliver a report on the progress in eliminating these interest payments and tolls to the
21 Speaker of the House of Representatives, the Lieutenant Governor, and the chairpersons
22 of the House and Senate transportation committees on or before January 1, 2012."

23 **SECTION 2.**

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

26

SECTION 3.

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

HR 419 - Motor fuels sales tax; appropriated to provide public-use airports; provide - CA

- (1) Harbin, Ben 118th
- (2) Cheokas, Mike 134th
- (3) England, Terry 108th
- (4) Roberts, Jay 154th
- (5) McCall, Tom 30th
- (6) Rogers, Carl 26th

Feb/28/2011 - House First Readers

Summary:

This bill did not pass out of House Ways and Means Committee. This constitutional amendment, if approved by the voters, would gradually transfer proceeds of the one-percent sales and use tax portion of motor fuel that currently go to the state general fund to aviation purposes. The transfer would start with an amount equal to 25 percent in 2013, then increase each year thereafter by 5 percent to a maximum of 45 percent.

House Resolution 419

By: Representatives Harbin of the 118th, Cheokas of the 134th, England of the 108th, Roberts of the 154th, McCall of the 30th, and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that an amount equal to the
 2 state sales and use tax collected on sales of motor fuels for the purpose of propelling motor
 3 vehicles on the public roads of this state not otherwise exempted by general law shall be
 4 appropriated for all activities incident to providing and maintaining an adequate system of
 5 regional public-use airports in this state; to authorize the General Assembly to appropriate
 6 and direct the use of such funds by general law; to provide for submission of this amendment
 7 for ratification or rejection; and for other purposes.

8 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Article III, Section IX, Paragraph VI of the Constitution is amended by revising
 11 subparagraph (b) as follows:

12 "(b)(1) An amount equal to all money derived from motor fuel taxes received by the
 13 state in each of the immediately preceding fiscal years, less the amount of refunds,
 14 rebates, and collection costs authorized by law, is hereby appropriated for the fiscal year
 15 beginning July 1, of each year following, for all activities incident to providing and
 16 maintaining an adequate system of public roads and bridges in this state, as authorized
 17 by laws enacted by the General Assembly of Georgia, and for grants to counties by law
 18 authorizing road construction and maintenance, as provided by law authorizing such
 19 grants. Said sum is hereby appropriated for, and shall be available for, the aforesaid
 20 purposes regardless of whether the General Assembly enacts a general appropriations
 21 Act; and said sum need not be specifically stated in any general appropriations Act passed
 22 by the General Assembly in order to be available for such purposes. However, this shall
 23 not preclude the General Assembly from appropriating for such purposes an amount
 24 greater than the sum specified above for such purposes. The expenditure of such funds
 25 shall be subject to all the rules, regulations, and restrictions imposed on the expenditure
 26 of appropriations by provisions of the Constitution and laws of this state, unless such
 27 provisions are in conflict with the provisions of this ~~paragraph.~~ And subparagraph;

28 provided, however, that the proceeds of the tax hereby appropriated shall not be subject
 29 to budgetary reduction. In the event of invasion of this state by land, sea, or air or in case
 30 of a major catastrophe so proclaimed by the Governor, said funds may be utilized for
 31 defense or relief purposes on the executive order of the Governor.

32 (2) An amount equal to 25 percent in 2013, then increasing each year thereafter by 5
 33 percent to a maximum of 45 percent, of the state sales and use tax collected on sales of
 34 motor fuels for the purpose of propelling motor vehicles on the public roads of this state
 35 not otherwise exempted by general law on January 1, 2011, less the amount of refunds,
 36 rebates, and collection costs authorized by law, in each of the immediately preceding
 37 fiscal years, is hereby allocated to the regional public-use airports improvement fund for
 38 the fiscal year beginning July 1, 2013, and continuing on July 1 of each year following,
 39 for all activities incident to providing and maintaining an adequate system of regional
 40 public-use airports in this state. The General Assembly is specifically authorized to
 41 allocate and specify the use of this fund by general law. Said sum is hereby appropriated
 42 for, and shall be available for, the aforesaid purposes regardless of whether the General
 43 Assembly enacts a general appropriations Act; and said sum need not be specifically
 44 stated in any general appropriations Act passed by the General Assembly in order to be
 45 available for such purposes. However, this shall not preclude the General Assembly from
 46 appropriating for such purposes an amount greater than the sum specified above for such
 47 purposes. The expenditure of such funds shall be subject to all the rules, regulations, and
 48 restrictions imposed on the expenditure of appropriations by provisions of the
 49 Constitution and laws of this state, unless such provisions are in conflict with the
 50 provisions of this subparagraph; provided, however, that the proceeds of the tax hereby
 51 appropriated shall not be subject to budgetary reduction and shall not be subject to the
 52 provisions of Article III, Section IX, Paragraph IV(c), relative to the lapsing of funds, or
 53 to any allocation or balancing of state and federal funds otherwise required by general
 54 law. In the event of invasion of this state by land, sea, or air or in case of a major
 55 catastrophe so proclaimed by the Governor, said funds may be utilized for defense or
 56 relief purposes on the executive order of the Governor."

57 **SECTION 2.**

58 The above proposed amendment to the Constitution shall be published and submitted as
 59 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
 60 above proposed amendment shall have written or printed thereon the following:

61 "() YES Shall the Constitution of Georgia be amended so as to provide that a portion
 62 () NO of the state sales and use tax collected on the sale or use of motor fuel shall
 63 be appropriated to fund regional public-use airports?"

64 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
65 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
66 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
67 become a part of the Constitution of this state.

HR 507 - Carl Hamrick Memorial Highway; City of Gray; dedicate

(1) Holmes, Susan 125th

May/13/2011 - Signed by Governor

Apr/14/2011 - House Agreed 166-1

Apr/14/2011 - Senate Adopted 51-0

Mar/16/2011 - House Adopted 170-1

Summary:

HR 507 was a combination of several road dedication bills. Included were:

- Forrest Laughlin Adair II Memorial Bridge
Bridge on US 78, the Stone Mountain Freeway, at Park Place in Gwinnett County (Sen. Balfour)
- Rosa T. Beard Memorial Bridge
Bridge on SR 4 over 15th Street and the railroad tracks near Wrightsboro Road in Augusta (Rep. Howard)
- Ida Ware Scott Memorial Road
Goshen Street from the intersection of SR 378 (North Washington Street) to the city limits of Lincolnton on Goshen Street (Rep. Anderson)
- Judge John H. Ruffin, Jr. Memorial Highway
SR 25 beginning at SR 88 to the Burke County line (Sen. Davis)
- Elton C. Snow Intersection
Intersection of the Fall Line Freeway and McCullough Road (Sen. Grant)
- Carl Hamrick Memorial Highway
SR 11 from the intersection of SR 22 to the Jones/Jasper County line (Rep. Epps)
- SGT Rodney Maxwell Davis Memorial Interchange
Interchange at I-75 and I-475 in South Bibb County (Rep. B. Epps)
- Coach Billy Henderson Interchange
Interchange at I-75 and Sardis Church Road in South Bibb County (Rep. B. Epps)
- Claude A. Bray, Jr. Bridge
Pigeon Creek Bridge on SR 41 (Rep. C. Epps)
- Charlie Will Stapleton Bridge
SR 41 crossing Bear Creek in Webster County (Sen. Hooks)
- Luther Story Bridge*
Bridge on SR 26 over Kinchafoonee Creek in Marion County (Sen. Hooks)

- Floyd C. and Mary McCants Jarrell Memorial Highway
Old Wire Road, SR 208, from the Talbot County line to SR 19 South in Taylor County (Sen. Hooks)
- Scenic Hometown Highway
U.S. Highway 27, located within the limits of the Martha Berry Highway (Sen. Hooks)
- Connor Lenning Memorial Highway
SR 83 in Monroe County from I-75 to SR87/US 23 (Sen. Staton)
- Senior Airman Michael J. Buras Memorial Highway
SR 129S from the intersection at SR 107 to the Irwin County line (Rep. Roberts)
- SGT Harold Wiggins Memorial Bridge
Bridge on US 441 South, past Memorial Gardens in Coffee County (Rep. Sims)
- Scenic Hometown Highway
U.S. Highway 27, located within the limits of the Martha Berry Highway (Sen. Mullis)
- Anne O. Mueller Bridge
Bridge on SR 204 crossing the Forest River (Rep. Purcell)
- Hugh Carroll Butler Memorial Bridge
Bridge on SR 25 over the CSX railroad tracks in the city limits of Port Wentworth in Chatham County (Rep. Purcell)
- Sergeant Jerry Bagley Memorial Bridge
Satilla River Bridge on SR 158 (Rep. Hatfield)
- Kermit Yates Memorial Highway*
SR 152 from the city limits of Cobbtown, Georgia, to the Coleman (Sen. Hill)
- Douglas Dent Daniel Highway
US 341 from the outgoing city limits of Jesup to the incoming city limits of Odum (Rep. Williams)
- C. Lloyd Smith Memorial Parkway
SR 52 in Ellijay, Georgia, in Gilmer County, from the Ellijay River Bridge to South Main Street at the Ellijay roundabout (Rep. Ralston)
- Steve Lance Memorial Intersection
Intersection of Lafayette Road and SR 27 (Sen. Mullis)
- Roy Parrish Parkway
US 27/SR 1 from the city limits of Fort Oglethorpe south to Shields Crossing (Sen. Mullis)
- Officer Kathy Cox Memorial Highway
SR 136 between the I-75 bridge and the railroad tracks in Hill City (Rep. Meadows)

- Cross Shield Road Intersection
Intersection at Lee and Gordon Mills Roads and SR 27 (Sen. Mullis)
- William Austin Atkins, Sr. Bridge
Bridge over I-75 North at Windy Hill Road in Cobb County (Sen. Thompson)
- W.T. (Travis) Duke Memorial Bridge
Bridge over SR 41 at I-285 in Cobb County (Sen. Thompson)

*Due to the length of HR 507, this bill is not included in this packet. To view the bill please visit the following website: www.legis.ga.gov

SB 54--State Highways; add a definition of "on-premise" or "on-property" signs

- (1) Mullis, Jeff 53rd
- (2) Staton, Cecil 18th
- (3) Gooch, Steve 51st
- (4) Miller, Butch 49th
- (5) Jackson, Bill 24th
- (6) Seay, Valencia 34th

Sponsored In House By:
Rogers, Carl 26th

May/12/2011 – Signed by Governor
Apr/14/2011 – House Agreed 154-1
Apr/14/2011 – Senate Agreed 47-2
Mar/31/2011 – House Adopted 157-14
Mar/16/2011 – Senate Adopted 46-2

Summary:

This legislation originally created a definition for on-premise signs in Georgia State Code. However, the bill was combined with HB 301 and HB 487 in the House and was then stripped of the on-premise sign language in the Senate on the last day of Session. The original version containing only the on-premise sign language may be found in the Appendix. The version of SB 54 that actually passed does two things:

1. Adds poultry waste to the list of commodities with five percent weight variances; and
2. Creates a multi-trip permit for any vehicle or load authorized by federal law.

Senate Bill 54

By: Senators Mullis of the 53rd, Staton of the 18th, Gooch of the 51st, Miller of the 49th, Jackson of the 24th and others

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to
2 regulation of maintenance and use of public roads generally, so as to provide for changes to
3 the requirements for permits for extra weight and dimensions for loads on vehicles; to allow
4 multitrip permits; to provide for related matters; to provide for an effective date; to repeal
5 conflicting laws; and for other purposes.

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

7 **SECTION 1.**

8 Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of
9 maintenance and use of public roads generally, is amended by revising subsection (g) of
10 Code Section 32-6-26, relating to maximum weights for vehicles and loads, as follows:

11 "(g)(1) The weight limitations provided for in this Code section, except the limitation in
12 subsections (f) and (h) of this Code section, may be exceeded on any public road within
13 this state which is not an interstate highway, or when making a pickup or delivery on any
14 public road of a county road system, without a permit only when the load on any single
15 axle does not exceed 23,000 pounds, the load on any tandem axle does not exceed 46,000
16 pounds, and the maximum total gross weight of the vehicle and load does not exceed
17 80,000 pounds when:

18 (A) Hauling forest products from the forest where cut to the first point of marketing or
19 processing;

20 (B) Hauling live poultry or cotton from a farm to a processing plant;

21 (C) Hauling feed from a feed mill to a farm;

22 (D) Hauling granite, either block or sawed, or any other naturally occurring raw ore or
23 mineral for further processing, from the quarry or stockpile area to a processing plant
24 located in the same or an adjoining county and construction aggregates hauled to any
25 point, unless otherwise prohibited;

26 (E) Hauling solid waste or recovered materials from points of generation to a solid
27 waste handling facility or other processing facility; ~~or~~

28 (F) Hauling concrete that is in a freshly mixed and unhardened state for delivery to a
29 customer; or

30 (G) Hauling poultry waste from the point of origin to a farm.

31 No lift axle may be used in computing the maximum total gross weight authorized for
32 any vehicle or load under this paragraph.

33 (2) A vehicle which is hauling the products listed in subparagraph (A) ~~or (B)~~ through (F)
34 of paragraph (1) of this subsection or which is hauling any other agricultural or farm
35 product from a farm to the first point of marketing or processing shall be permitted a 5
36 percent variance from the weight limitations in paragraph (1) of this subsection within
37 a 100 mile radius of the farm or point of origin. Any person who violates the load
38 limitations provided for in this paragraph by exceeding the 5 percent variance per single
39 axle, tandem axle, or maximum total gross weight shall be fined on the basis of the
40 weight limitations of paragraph (1) of this subsection, including the variance allowed by
41 this paragraph.

42 (3) A vehicle which is hauling the products listed in subparagraph ~~(C), (D), or (F)~~ (G)
43 of paragraph (1) of this subsection shall be permitted a 5 percent variance from the
44 weight limitations in paragraph (1) of this subsection within a ~~100~~ 250 mile radius of the
45 farm or point of origin. Any person who violates the load limitations provided for in this
46 paragraph by exceeding the 5 percent variance per single axle, tandem axle, or maximum
47 total gross weight shall be fined on the basis of the weight limitations of paragraph (1)
48 of this subsection and not on the basis of the variance allowed by this paragraph.

49 (4) Any vehicle carrying a load as authorized in this subsection at night shall be equipped
50 with lights clearly visible for a distance of not less than 300 feet from the front and rear
51 of the vehicle."

52 SECTION 2.

53 Said chapter is further amended by revising subsection (e) of Code Section 32-6-27, relating
54 to the enforcement of load limitations, as follows:

55 "(e) Any owner or operator of a vehicle which is operated on the public roads of this state
56 in violation of the weight limitations provided in this article shall be required, in addition
57 to paying the moneys provided in subsection (a) of this Code section, to unload all gross
58 weight in excess of 6,000 pounds over the legal weight limit ~~before being allowed to move~~
59 the vehicle at the closest reasonable location."

60 **SECTION 3.**

61 Said chapter is further amended by revising paragraph (4) of subsection (a) and adding a new
 62 paragraph to subsection (b) of Code Section 32-6-28, relating to permits for extra weight and
 63 dimensions for loads on vehicles, as follows:

64 "(4) The application for any such permit shall ~~specifically~~ describe the type of permit
 65 applied for, as said types of permits are described in subsection (c) of this Code section.
 66 In addition, the application for a single-trip permit shall describe the points of departure
 67 and destination."

68 "(4) **Multitrip.** Pursuant to this Code section, the commissioner may issue a multitrip
 69 permit to any vehicle or load allowed by federal law. A multitrip permit authorizes the
 70 permitted load to return to its original destination on the same permit, if done so within
 71 ten days, with the same vehicle configuration, and following the same route, unless
 72 otherwise specified by the department. A multitrip permit authorizes unlimited permitted
 73 loads on the same permit, if done so within the allowable ten days, with the same vehicle
 74 configuration, and following the same route."

75 **SECTION 4.**

76 Said chapter is further amended in said Code section by adding a new paragraph to
 77 subsection (c), to read as follows:

78 "(5) **Multitrip.** Charges for the issuance of multitrip permits shall be \$100.00 for any
 79 load not greater than 16 feet wide, not greater than 16 feet high, and not weighing more
 80 than 150,000 pounds or any load greater than 100 feet long which does not exceed the
 81 maximum width, height, and weight limits specified by this paragraph."

82 **SECTION 5.**

83 This Act shall become effective on July 1, 2011.

84 **SECTION 6.**

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

SR 29 - Transportation System; urging the efficient delivery and maintenance

- (1) Mullis, Jeff 53rd
- (2) Rogers, Chip 21st
- (3) Williams, Tommie 19th
- (4) Murphy, Jack 27th
- (5) Shafer, David 48th
- (6) Staton, Cecil 18th

Feb/22/2011 - Senate Adopted 46-9

Summary:

This legislation encouraged GDOT to set a goal of a 25 percent reduction in employees to 3,750 employees by June 30, 2015. However, it should be duly noted that this was only an urging resolution and does not carry the full weight of law because it was neither adopted by the House of Representatives nor signed into law by the Governor.

Senate Resolution 29

By: Senators Mullis of the 53rd, Rogers of the 21st, Williams of the 19th, Murphy of the 27th, Shafer of the 48th and others

ADOPTED SENATE

A RESOLUTION

1 Urging the efficient delivery and maintenance of Georgia's transportation system; and for
2 other purposes.

3 WHEREAS, an adequate and well-maintained transportation system in Georgia is essential
4 for the well-being and prosperity of its citizens and for the state's economic competitiveness;
5 and

6 WHEREAS, the development and maintenance of Georgia's transportation system must be
7 efficiently managed for the long-term benefit of the state during both the expansion and
8 contraction of economic cycles; and

9 WHEREAS, 1,330 of the 5,000 employees at the Georgia Department of Transportation will
10 be eligible to retire in the next five years, and 330 employees will be eligible to retire by the
11 end of FY 2011; and

12 WHEREAS, the funding for the Georgia Department of Transportation is declining from
13 both federal and state sources largely due to declining revenues from virtually every
14 traditional source; and

15 WHEREAS, the Georgia Department of Transportation is changing to better address
16 long-term strategic issues facing the State of Georgia, such as planning and programming
17 project investments, innovative ways to deliver projects, project management emphasis on
18 meeting schedule and budget expectations, and increased involvement in multimodal
19 transportation systems.

20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that the Georgia Department
21 of Transportation is urged to view itself as a planning, management, contracting enterprise
22 that can more easily adjust to variations in funding and workload by contracting out to the
23 private sector to the maximum degree practicable.

24 BE IT FURTHER RESOLVED that GDOT's employment and training practices should
25 emphasize skills that are strategically important, such as project management to deliver
26 projects on schedule and in budget, innovation in project designs and delivery, planning and
27 programming that best meets the long-term needs of the state, and building confidence in,
28 and admiration of, GDOT through its vision and effective focus on enhanced mobility for all
29 Georgia citizens.

30 BE IT FURTHER RESOLVED that GDOT conduct a careful assessment of its current staff
31 and its long-term needs, so that as expected retirements occur, there is a clear plan that will
32 guide decisions regarding adjustments in staff numbers and skills.

33 BE IT FURTHER RESOLVED that GDOT set a goal of a 25 percent reduction in employees
34 to 3,750 employees by June 30, 2015, which would be achieved as current employees retire
35 and others are assigned to essential and strategically important activities, such as
36 management, planning, contracting, quality control, financial accountability, and multimodal
37 strategies. To the maximum degree practicable, activities and tasks should be contracted out,
38 where they are readily available from commercial, private sector sources.

39 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed
40 to transmit an appropriate copy of this resolution to the commissioner of the Georgia
41 Department of Transportation.

SR 30 - Transportation, Dept. of ; urged to prepare a list of contractors to be utilized during weather emergencies

- (1) Mullis, Jeff 53rd
- (2) Rogers, Chip 21st
- (3) Staton, Cecil 18th
- (4) Murphy, Jack 27th
- (5) Shafer, David 48th
- (6) Heath, Bill 31st

Sponsored In House By:
Hamilton, Mark 23rd

May/13/2011 - Signed by Governor
Mar/29/2011 - House Adopted 149-20
Feb/15/2011 - Senate Adopted 52-0

Summary:

This resolution urges GDOT to prepare a list of contractors to be utilized during weather emergencies and to preauthorize local governments to clear state roads when necessary.

Senate Resolution 30

By: Senators Mullis of the 53rd, Rogers of the 21st, Staton of the 18th, Murphy of the 27th, Shafer of the 48th and others

ADOPTED

A RESOLUTION

1 Urging the Georgia Department of Transportation to prepare a list of contractors to be
2 utilized during weather emergencies and to preauthorize local governments to clear state
3 roads when necessary; and for other purposes.

4 WHEREAS, the weather emergency in the State of Georgia in January, 2011, which
5 paralyzed much of this state and the City of Atlanta has provided a learning opportunity for
6 preventing such gridlock in the future; and

7 WHEREAS, the Georgia Department of Transportation does not have enough equipment and
8 personnel to efficiently clear the roadways in this state during a winter weather emergency,
9 and it would be impracticable for the department to maintain such an inventory of snow and
10 ice removal equipment; and

11 WHEREAS, there are multiple private contractors in this state who own and operate
12 equipment that could easily be adapted for use in clearing the roadways in this state; and

13 WHEREAS, the department needs to update its weather emergency response plan to include
14 an early call to these private contractors to mobilize and assist the department when needed;
15 and

16 WHEREAS, in addition, many local city and county governments have equipment and
17 personnel that are used to clear local roads during winter weather emergencies; and

18 WHEREAS, these local governments are already on site and could begin the cleanup of
19 many state routes prior to the arrival of crews from the Georgia Department of
20 Transportation; and

21 WHEREAS, it is only prudent for the department to authorize these local governments to
22 begin clearing ice and snow from state routes when they are able to do so; and

23 WHEREAS, the department needs to develop and implement a procedure to preauthorize
24 local governments to participate in the removal of snow and ice from state routes when an
25 emergency exists in this state; and

26 WHEREAS, the department needs to develop a list of qualified and responsible contractors
27 willing to assist with equipment and personnel when called upon by the department.

28 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
29 GEORGIA that the Georgia Department of Transportation is urged to identify and qualify
30 contractors willing to assist in weather or other emergencies in order to prevent gridlock on
31 the highways of this state. These contractors should be financially responsible and able to
32 capably perform the duties assigned to them.

33 BE IT FURTHER RESOLVED that the Georgia Department of Transportation is urged to
34 develop and implement a procedure to preauthorize local governments to clear snow and ice
35 from state routes during an emergency.

36 BE IT FURTHER RESOLVED that the Georgia Department of Transportation is urged to
37 develop a multi-jurisdictional and intra-departmental integrated action plan which
38 coordinates state and local government efforts to remove snow and ice when an emergency
39 exists in this state and to safely direct the flow of traffic.

40 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed
41 to transmit an appropriate copy of this resolution to the commissioner of transportation and
42 the members of the State Transportation Board.

SR 114 - Property; conveyance of real property located in Gwinnett County

(1) Balfour, Don 9th

Sponsored In House By:
Clark, Valerie 104th

May/13/2011 - Signed by Governor
Mar/31/2011 - House Adopted 165-1
Feb/23/2011 - Senate Adopted 51-0

Summary:

This resolution authorizes the conveyance of GDOT owned property located in off of SR 316 in Gwinnett County, Georgia to the Board of Regents for Georgia Gwinnett College.

Senate Resolution 114

By: Senator Balfour of the 9th

ADOPTED

A RESOLUTION

1 Authorizing the conveyance of certain state owned real property located in Gwinnett County,
2 Georgia; to repeal conflicting laws; and for other purposes.

3 WHEREAS:

4 (1) The Department of Transportation, an agency of the State of Georgia, is the owner
5 of a certain parcel of real property located in Gwinnett County, Georgia;

6 (2) Said real property is all that tract or parcel of land containing 7.705 acres, more or
7 less, bounded as follows: Beginning at a point 159.63 feet right of and opposite Station
8 1253+63.20 on the construction centerline of SR 316 on Georgia Highway Project No.
9 MSL-0004-00 (86); running thence northeasterly 46.161 feet along the arc of a curve
10 (said curve having a radius of 2069.860 feet and a chord distance of 46.160 feet on a
11 bearing of N 76°08'20" E) to the point 159.56 feet right of and opposite station
12 1254+13.41 on said construction centerline laid out for SR 316; thence S 13°06'03" E a
13 distance of 10.00 feet to a point 169.56 feet right of and opposite station 1254+13.42 on
14 said construction centerline laid out for SR 316; thence N 76°53'59" E a distance of
15 705.29 feet to a point 12.00 feet right of and opposite station 489+03.83 on said
16 construction centerline laid out for Ramp T; thence N 81°38'52" E a distance of 355.37
17 feet to a point 12.00 feet right of and opposite station 492+59.20 on said construction
18 centerline laid out for Ramp T; thence northeasterly 265.313 feet along the arc of a curve
19 (said curve having a radius of 1404.400 feet and a chord distance of 264.918 feet on a
20 bearing of N 87°03'35" E) to the point 12.00 feet right of and opposite station 495+26.78
21 on said construction centerline laid out for Ramp T; thence S 87°31'41" E a distance of
22 9.97 feet to a point 12.00 feet right of and opposite station 495+36.75 on said
23 construction centerline laid out for Ramp T; thence S 60°26'03" W a distance of 112.39
24 feet to a point 68.92 feet right of and opposite station 494+37.06 on said construction
25 centerline laid out for Ramp T; thence S 60°26'03" W a distance of 1177.28 feet to a point
26 613.90 feet right of and opposite station 1255+06.58 on said construction centerline laid
27 out for SR 316; thence N 30°09'12" W a distance of 474.62 feet back to the point of
28 beginning;

29 (3) Said property is under the custody and control of the Georgia Department of
30 Transportation; and

31 (4) The Board of Regents of the University System of Georgia is desirous of acquiring
32 the above-described property for public purpose.

33 NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL
34 ASSEMBLY OF GEORGIA:

35 **SECTION 1.**

36 That the Department of Transportation, an agency of the State of Georgia, is the owner of the
37 above-described Gwinnett County, Georgia, real property.

38 **SECTION 2.**

39 That the above-described real property may be conveyed by appropriate instrument to the
40 Board of Regents of the University System of Georgia for a consideration of \$1.00, so long
41 as the property is used for public purpose, and such further consideration and provision as
42 the Department of Transportation shall in its discretion determine to be in the best interests
43 of the State of Georgia.

44 **SECTION 3.**

45 That the Department of Transportation specifically retains a reversionary right to the
46 above-described property. In the event said property should no longer be needed for public
47 purposes, the Board of Regents of the University System of Georgia acknowledges that title
48 to said property will be returned to the Department of Transportation at no cost to the
49 Department of Transportation, free and clear of any and all liens or encumbrances. The
50 Board of Regents of the University System of Georgia further agrees to maintain the
51 above-described property for public purposes upon acceptance and recording of the deed of
52 conveyance.

53 **SECTION 4.**

54 That the Department of Transportation is authorized and empowered to do all acts and things
55 necessary and proper to effect such conveyance.

56 **SECTION 5.**

57 That the deed of conveyance shall be recorded by the grantee in the Superior Court of
58 Gwinnett County, Georgia, and a recorded copy shall be forwarded to the Department of
59 Transportation.

60 **SECTION 6.**

61 That custody of the above-described property shall remain in the Department of
62 Transportation until the property is conveyed.

63 **SECTION 7.**

64 That this resolution shall become effective upon its approval by the Governor or upon its
65 becoming law without such approval.

66 **SECTION 8.**

67 That all laws and parts of laws in conflict with this resolution are repealed.

SR 343 - Steve Lance Memorial Intersection; dedicate

(1) Mullis, Jeff 53rd

May/13/2011 - Signed by Governor

Apr/14/2011 - Senate Agreed 49-0

Apr/12/2011 - House Adopted 145-1

Mar/16/2011 - Senate Adopted 53-0

Summary:

SR 343 was a combination of several road dedication bills. Included were:

- Veal – Solomon Highway
SR 24 in Baldwin County from Kings Road to the Washington County line (Rep. Kidd)
- Coach Jim Cavan Memorial Parkway
SR 74 in Thomaston, Georgia, in Upson County from Church Street to Holston Drive (Rep. Maddox)
- Willou Copeland Smith Highway
SR 303 from Altama Avenue to US 17 (Rep. Atwood)
- Lou Chastain Memorial Bridge
Bridge over Talking Rock Creek on SR 136 in Pickens County (Rep. Jasperse)
- Royal Marshall Memorial Intersection
Intersection of Courtland Street and Ralph McGill Blvd. in Atlanta, Fulton County (Rep. Roberts)
- Charles "Chuck" Burris Memorial Bridge
Bridge at East Ponce De Leon Avenue and SR 10/Memorial Drive in Dekalb County (Rep. Mitchell)

*Due to the length of SR 343, this bill is not included in this packet. To view the bill please visit the following website: www.legis.ga.gov

APPENDIX

Senate Bill 54

By: Senators Mullis of the 53rd, Staton of the 18th, Gooch of the 51st, Miller of the 49th, Jackson of the 24th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia
2 Annotated, relating to advertising on the state highway system, so as to add a definition of
3 "on-premise" or "on-property" signs; to provide for related matters; to provide for an
4 effective date; to repeal conflicting provisions; and for other purposes.

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

6 **SECTION 1.**

7 Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated,
8 relating to advertising on the state highway system, is amended by adding a new paragraph
9 to Code Section 32-6-71, relating to definitions, as follows:

10 "(13.1) 'On-premise sign' or 'on-property sign' means an advertising device which solely
11 advertises the sale or lease of the real property upon which it is placed or an advertising
12 device identifying the activities located on or products or services available on the
13 premises or property.

14 (A) Examples of signs that can be used for the purpose of identifying the activity
15 located on the premises or property or its products or services include:

16 (i) Any sign which consists solely of the name of the establishment; and

17 (ii) Any sign which identifies the establishment's principal or accessory products or
18 services offered on the premises or property. For example, an accessory product
19 would be a brand of tires offered for sale at a service station.

20 (B) Examples of signs that shall be considered outdoor advertising and not on-premise
21 or on-property signs include:

22 (i) Any sign which brings in rental income to the owner of the premises or property
23 or the sign owner; and

24 (ii) Any sign in which the product or service advertised is only incidental to the
25 principal activity of the establishment."

26 **SECTION 2.**

27 Said part is further amended by revising paragraph (3) of Code Section 32-6-72, relating to
28 outdoor advertising signs that can be erected within 660 feet of a highway, as follows:

29 ~~"(3) Signs advertising activities~~ On-premise and on-property signs conducted or
30 maintained within 100 feet of the nearest part of the activity as the dimensions of said
31 activity are determined by department regulations, which ~~regulations~~ need not take into
32 consideration the property lines of said activity;"

33 **SECTION 3.**

34 Said part is further amended by revising paragraph (3) of Code Section 32-6-73, relating to
35 outdoor advertising signs that can be erected beyond 660 feet of a highway, as follows:

36 ~~"(3) Signs advertising activities~~ On-premise and on-property signs conducted or
37 maintained within 100 feet from the nearest part of the activity as the dimensions of said
38 activity are determined by department regulations, which ~~regulations~~ need not take into
39 consideration the property lines of said activity; and"

40 **SECTION 4.**

41 This Act shall become effective on July 1, 2011.

42 **SECTION 5.**

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