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Donald Lee Biloa

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STATE GOVERNMENT

*Georgia Regional Transportation Authority Act:
Provide for a Regional Transportation Authority*

CODE SECTIONS:	O.C.G.A. §§ 32-5-1 (amended), -30 to -31 (new), 32-9-2, -11, 45-12-203, -205, 50-23-4 (amended), 50-32-1 to -4, -10 to -20, -30 to -39, -50 to -54, -60, -70 (new)
BILL NUMBER:	SB 57
ACT NUMBER:	38
GEORGIA LAWS:	1999 Ga. Laws 112
SUMMARY:	The Act creates the Georgia Regional Transportation Authority (GRTA), ¹ and gives it significant power over transportation policy in counties that fail to comply with the federal Clean Air Act. The Act enumerates the powers of the authority and describes how the board of directors of the authority should be appointed. It also makes members of the GRTA board of directors members of the Governor's Development Council. Some sections of the Act deal with the removal of members of the GRTA board of directors. Additionally, the Act describes the relationship between GRTA and local governments and the enforcement mechanisms GRTA may use against local governments. The Act gives GRTA the power to build and operate, or force local governments to operate, public transportation systems. Further, it gives GRTA the power to cut off transportation funds to "developments of regional impact" of which it does not approve.

1. GRTA is pronounced "Gretta." See David Goldberg, *1999 Georgia Legislature Barnes' Regional Transit Plan Meets No Resistance*, ATLANTA J. & CONST., Feb. 8, 1999, at E1.

EFFECTIVE DATE: O.C.G.A. § 50-32-4, April 6, 1999;² §§ 32-5-1, -30 to -31, 32-9-2, -11, 45-12-203, -205, 50-23-4, 50-32-1 to -3, -10 to -20, -30 to -39, -50 to -54, -60, -70, May 6, 1999³

History

At the time of the introduction of SB 57 in the Senate, the air quality in thirteen metropolitan Atlanta counties did not comply with federal air pollution standards.⁴ The thirteen counties had lost the right to use federal funds to build new roads until they could develop a plan to reduce air pollution in the affected localities.⁵ The entire state of Georgia risked losing over \$900 million in federal transportation funds if the Atlanta area did not produce a plan to comply with federal standards.⁶ Residents of the Atlanta metropolitan region drive cars almost thirty-five miles a day, on average.⁷ This average daily commute is the longest average commuting distance of any metropolitan area in the country.⁸

Against this backdrop, newly-elected Governor Roy Barnes proposed the Georgia Regional Transportation Authority Act.⁹ Some observers saw the Act as a way of getting around the state Department of Transportation, a department some consider to be too slow in responding to traffic and air quality problems.¹⁰ The Governor held a press conference on January 25, 1999, the day he sent SB 57 to the General Assembly, in which he outlined his reasons for creating GRTA:

The purpose of this authority, hopefully, is that it will never be used. If the Department of Transportation, [Atlanta

2. 1999 Ga. Laws 112, § 9, at 153. The Act took effect, with respect to the appointment of the membership of GRTA board of directors, on the day the Governor signed it. *See id.*; State of Georgia Final Status Sheet, May 3, 1999.

3. 1999 Ga. Laws 112, § 9, at 153. For all purposes other than the appointment of board members, the Act became effective thirty days after the Governor signed it. *See id.*

4. *See Goldberg, supra* note 1.

5. *See id.*

6. *See id.*

7. *See* Kathey Pruitt, *1999 Georgia Legislature Barnes Resists Rural Roads Funds Pledge*, ATLANTA J. & CONST., Mar. 6, 1999, at B1 [hereinafter *Barnes Resists*].

8. *See id.*

9. *See id.*

10. *See* Telephone Interview with Neill Herring, Lobbyist, Sierra Club (May 24, 1999); Telephone Interview with Bryan Hager, Sierra Club (Apr. 26, 1999).

Regional Commission (ARC)] and the local governments can cooperate in reaching a coordinated plan that solves our transportation and air quality problems, then we won't need this authority and this authority will simply sit here and nod its head and say "Good, well done."

But assuming that, as it has been in the past, there are differences or failure[s] to act on behalf of the different components in the Atlanta region—the thirteen counties of the Atlanta region—then this authority will have the power and the responsibility and the authority to make sure that there is a coordinated transportation plan that helps solve our air pollution problems.

The authority will design and implement a regional plan for metropolitan Atlanta to reduce air pollution and gridlock and free up federal transportation dollars. This legislation gives the authority power to design a regional plan by reviewing and revising and modifying the transportation plans of the Georgia Department of Transportation, the ARC, and local government.

It gives it the power to implement the plan by designing, constructing and operating its own projects including a mass transportation system. It allows coordination with [Metropolitan Atlanta Rapid Transit Authority], [Cobb County Transit], and the new Gwinnett bus system that is being created now.¹¹

SB57

On January 26, 1999, the day after the Governor's press conference, Senators Steve Thompson of the 33rd District, Connie Stokes of the 43rd District, and Charlie Tanksley of the 32nd District introduced the bill.¹² The bill was sent to the Senate Transportation Committee, which offered a substitute to the bill containing minor changes to the Governor's version.¹³ After rejecting three floor amendments, the

11. *Lawmakers '99* (GPTV broadcast, Jan. 25, 1999) (remarks by Gov. Roy Barnes) (available in Georgia State University College of Law Library).

12. *See* SB 57, as introduced, 1999 Ga. Gen. Assem.; State of Georgia Final Composite Status Sheet, May 3, 1999.

13. *Compare* SB 57, as introduced, 1999 Ga. Gen. Assem., *with* SB 57 (SCS), 1999 Ga. Gen. Assem.

Senate passed the Transportation Committee's substitute on February 5, 1999.¹⁴ The same day it passed the Senate, SB 57 was introduced in the House.¹⁵

The House Transportation Committee wrote a committee substitute, which made fairly significant changes to the bill.¹⁶ After seven floor amendments were either rejected or withdrawn, the House passed the House Transportation Committee's substitute on March 4, 1999.¹⁷ Within an hour of the bill's passage in the House, the Senate voted unanimously to disagree with the House version of the bill.¹⁸ Later on the same day, the House insisted on its version.¹⁹

A conference committee was appointed on March 8, 1999 to work out the differences between the two versions.²⁰ Both chambers adopted the Conference Committee substitute on March 23, 1999, and the Governor signed the bill into law on April 6, 1999.²¹

Code Section 32-5-30

The Act adds a new Code section, which requires that most federal transportation dollars and money spent from the State Public Transportation Fund be divided equally among the state's congressional districts for a three-year period.²² One hundred percent of the money spent from the State Public Transportation Fund (except funds specifically designated for maintenance and operation, GRTA, the Georgia Ports Authority, or the Metropolitan Atlanta Rapid Transit Authority (MARTA)) must be divided equally among the congressional districts.²³ The State Transportation Board can override this provision with a two-thirds vote.²⁴

14. See State of Georgia Final Composite Status Sheet, May 3, 1999; SB 57 (SFA), 1999 Ga. Gen. Assem. The floor amendment failed. See *id.*

15. See State of Georgia Final Composite Status Sheet, May 3, 1999.

16. Compare SB 57 (SCS), 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem.

17. Kathey Pruitt, *Barnes Transit Bill Approved "The Beginning": State Superagency to Deal with Congestion, Pollution Rolls Through House*, ATLANTA J. & CONST., Mar. 5, 1999, at A1 [hereinafter *Bill Approved*].

18. See State of Georgia Final Composite Status Sheet, May 3, 1999.

19. See *id.*

20. See *id.*

21. See *id.*

22. See O.C.G.A. § 32-5-30 (Supp. 1999).

23. See *id.*

24. See *id.* § 32-5-30(b)(1). As used in Title 32, the word "board" means the State Transportation Board, which is the entity charged with the general control and supervision of the Georgia Department of Transportation. See 1973 Ga. Laws 947, § 1, at 959, 987 (codified at O.C.G.A. §§ 32-1-3(2), 32-2-21 (1996)).

The Conference Committee created the Code section in the final days of the 1999 session as a compromise between the Governor and rural legislators.²⁵ The Conference Committee created the Code section and deleted changes the House Committee substitute would have made to Code sections 32-5-2 and -21.²⁶ The House Committee Substitute would have amended Code sections 32-5-2 and -21 to require that seventy percent of all federal and state funds given to the Department of Transportation be divided equally among the state's congressional districts.²⁷ This equal division of seventy percent of the state's transportation dollars was already the unofficial policy of Georgia's Department of Transportation.²⁸ The House Committee's proposed changes to the Code would have codified this unofficial policy.²⁹

The Governor opposed the House Committee's changes.³⁰ Governor Barnes believed that if high-priority transportation projects in a particular congressional district were not ready to be implemented, officials would be forced to work on low priority projects in that district.³¹ Meanwhile, he argued that high-priority projects in other congressional districts could be left underfunded.³²

Representative Jimmy Skipper of Americus, a member of the Conference Committee, favored the equal division of 100% of the transportation funds (with the above-mentioned exceptions).³³ He called the equal division provision "a step ahead for rural areas In rural areas, we're concerned about economic development. We need roads, bridges, four-lanes."³⁴ The equal division of 100% of the transportation funds (except funds specifically designated for maintenance and operation, GRTA, the Georgia Ports Authority, or MARTA) became law.³⁵

25. See Kathey Pruitt, *1999 Georgia Legislature: GRTA Clears Final Legislative Hurdles*, ATLANTA J. & CONST., Mar. 24, 1999, at B1 [hereinafter *GRTA Clears Hurdles*].

26. Compare SB 57 (HCS), 1999 Ga. Gen. Assem., with SB 57 (CCS), 1999 Ga. Gen. Assem.

27. See SB 57 (HCS), 1999 Ga. Gen. Assem., §§ 2-3.

28. See Pruitt, *Barnes Resists*, *supra* note 7.

29. See *id.*

30. See *id.*

31. See *id.*

32. See *id.*

33. See Pruitt, *GRTA Clears Hurdles*, *supra* note 25.

34. *Id.*

35. See O.C.G.A. § 32-5-30 (Supp. 1999).

Code Section 32-5-31

The Conference Committee also created new Code section 32-5-31,³⁶ which requires the State Transportation Board to provide a report to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives detailing its equal division of transportation funds among Congressional districts.³⁷

Code Section 50-32-1

This new Code section passed as introduced.³⁸ It names Chapter 32 as the "Georgia Regional Transportation Authority Act."³⁹

Code Section 50-32-2

This new Code section provides a series of definitions for terms used in Chapter 32.⁴⁰ It makes several additions to the proposed language of the Code.⁴¹ The General Assembly added but did not delete language from this part of the bill.⁴²

Code section 50-32-3

This new Code section creates the Georgia Regional Transportation Authority and vests the management of the business and affairs of the authority in a board of directors.⁴³ It also describes various aspects of the board of directors.⁴⁴ The House Committee changed the original version of the bill's stated purpose for creation of GRTA in Code section 50-32-3(a) from "managing transportation and air quality" to "managing *or causing to be managed land* transportation and air quality."⁴⁵

36. Compare SB 57 (HCS), 1999 Ga. Gen. Assem., with SB 57 (CCS), 1999 Ga. Gen. Assem.

37. Compare SB 57 (HCS), 1999 Ga. Gen. Assem., with SB 57 (CCS), 1999 Ga. Gen. Assem.

38. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., with O.C.G.A. § 50-32-1 (Supp. 1999).

39. See O.C.G.A. § 50-32-1 (Supp. 1999).

40. See *id.* § 50-32-2.

41. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem., and O.C.G.A. § 50-32-2 (Supp. 1999).

42. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem., and O.C.G.A. § 50-32-2 (Supp. 1999).

43. See O.C.G.A. § 50-32-3 (Supp. 1999).

44. See *id.*

45. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem. (emphasis added).

The House Committee removed a provision that the original version of the bill would have included in subsection (d) language that would have allowed the authority to receive services from the Attorney General, other attorneys, engineers, consultants and other experts “[a]t the direction of the Governor.”⁴⁶ Once the House Committee removed it, the provision never made it back into the final version of the bill.⁴⁷

Code Section 50-32-4

The Act adds this new Code section governing the membership, terms of office, and removal of GRTA board members.⁴⁸ Several Senators introduced a floor amendment to 50-32-4(a), which would have required that: “[t]he board shall consist of one member from each congressional district in the state and four additional members from the state at large”⁴⁹ This language did not become part of the Act.⁵⁰ However, the Conference Committee later changed a different Code section to require that when new areas are brought under GRTA’s authority, new members who are residents of those new areas must be added to the board.⁵¹

Representative Steve Stancil of the 16th House District offered a floor amendment in the House which would have required that GRTA board members be Georgia residents.⁵² Before he introduced the amendment, Stancil asked on the House floor whether anything in the bill would require members of the GRTA board to be Georgia

46. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem.

47. See O.C.G.A. § 50-32-3(d) (Supp. 1999).

48. See *id.* § 50-32-4.

49. SB 57 (FSFA), 1999 Ga. Gen. Assem. (introduced by Sen. Sonny Perdue).

50. See O.C.G.A. § 50-32-4(a) (Supp. 1999).

51. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., with SB 57 (CCS), 1999 Ga. Gen. Assem., and O.C.G.A. § 50-32-10(b)(3) (Supp. 1999).

52. See SB 57 (FHFA), 1999 Ga. Gen. Assem. (introduced by Rep. Steve Stancil). The amendment failed. See *id.* The proposed amendment stated that a state residency requirement should be inserted after the word “membership” on “[p]age 15, line 5” of the House Committee substitute. See *id.* However, the word “membership” did not appear on line 5, page 15 of the House Committee substitute. See SB 57, (HCS), 1999 Ga. Gen. Assem. The word did appear on line 5, page 13 of the House Committee substitute, which was located at the end of the second-to-last sentence in the proposed language of Code section 50-32-4(a). See *id.* Given the context of the statute, Representative Stancil probably intended to insert the language of his amendment in Code section 50-32-4(a). Representative Stancil’s amendment would have inserted the following language: “Any person appointed to serve as a member of said board shall be a resident of the State during his or her term of office, and the Governor shall replace any member who, after appointment, ceases to be a resident of this state.” SB 57 (FHFA), 1999 Ga. Gen. Assem. (introduced by Rep. Steve Stancil).

residents.⁵³ Representative Charlie Smith, Jr., the Governor's floor leader, replied:

No sir. You do not find that on any authority that I'm aware of. I feel confident that the Governor is going to appoint people who are residents of the state of Georgia. But if, perchance some super expert from some place that wanted to be put on the board or that he felt needed to be put on the board existed, I would hate to restrict his authority in that. He doesn't intend to appoint anybody outside the state.⁵⁴

Stancil replied that "it's a lot of power to give to an outsider."⁵⁵ Stancil's amendment failed by a vote of 56 to 115.⁵⁶

The House Transportation Committee changed the terms of office for GRTA board members.⁵⁷ Previous versions of the bill would have set the terms of office at four years.⁵⁸ The House Committee inserted the terms of office that eventually became law: five years for each board member with eight of the initial board members only serving three years each.⁵⁹

The Senate inserted a requirement that all members of the board would be "subject to confirmation by the Senate."⁶⁰ The Act does not contain this requirement because the House Committee removed it.⁶¹

In the original and Senate versions of the bill, Code section 50-32-4(d) stated that members of the board of directors "shall serve at the pleasure of the Governor."⁶² Those versions would have allowed the Governor to remove board members for failure to "vote at a meeting or meetings of the board, or for such other reason or reasons as the Governor may deem sufficient. . . ."⁶³ The House Committee removed these provisions from the proposed language of Code section 50-32-

53. See *Lawmakers '99* (GPTV broadcast, Mar. 5, 1999) (remarks by Rep. Steve Stancil) (available in Georgia State University College of Law Library).

54. *Lawmakers '99* (GPTV broadcast, Mar. 5, 1999) (remarks by Rep. Charlie Smith, Jr.) (available in Georgia State University College of Law Library).

55. *Lawmakers '99* (GPTV broadcast, Mar. 5, 1999) (remarks by Rep. Steve Stancil) (available in Georgia State University College of Law Library).

56. See SB 57 (FHFA), 1999 Ga. Gen. Assem. (introduced by Rep. Steve Stancil).

57. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., and SB 57 (SCS), 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem.

58. See SB 57 (SCS), 1999 Ga. Gen. Assem.

59. See O.C.G.A. § 50-32-4(a) (Supp. 1999); SB 57 (HCS), 1999 Ga. Gen. Assem.

60. SB 57 (SCS), 1999 Ga. Gen. Assem.

61. See O.C.G.A. § 50-32-4(a) (Supp. 1999); SB 57 (HCS), 1999 Ga. Gen. Assem.

62. SB 57, as introduced, 1999 Ga. Gen. Assem.; SB 57 (SCS), 1999 Ga. Gen. Assem.

63. SB 57, as introduced, 1999 Ga. Gen. Assem.; SB 57 (SCS), 1999 Ga. Gen. Assem. The provisions on removal of board members by the governor would have been placed in O.C.G.A. § 50-32-4(d). See *id.*

4(d) and added requirements that allow removal of board members for, among other things, “failure to attend three successive” board meetings.⁶⁴

The Conference Committee removed a provision from the proposed language of Code section 50-32-4(d), which would have made the Governor’s removal of GRTA board members “final and nonreviewable.”⁶⁵ Conference Committee member Representative Charlie Smith, Jr., said the Committee removed the language because “there was a concern that future governors might name members less wisely than the present governor. . . .”⁶⁶ Smith said another reason for the change was to help protect board members from political influence.⁶⁷

The House Committee changed the proposed language of Code section 50-32-4(e), which would have allowed GRTA to hire an independent auditing firm to perform annual audits.⁶⁸ The House version of subsection (e), which became law, requires GRTA to submit to an audit by the *state auditor* instead of an independent auditing firm.⁶⁹

The House Committee removed a provision that previous versions of the bill would have included in Code section 50-32-4(g).⁷⁰ The deleted provision would have allowed the Governor to remove board members for abstaining from votes at board meetings.⁷¹

Code Section 50-32-10

The new Code section discusses the authority’s jurisdiction and residency requirements for some board members.⁷² Several Senators introduced a floor amendment that would have added a residency

64. See SB 57 (HCS), 1999 Ga. Gen. Assem.; see also O.C.G.A. § 50-32-4(d) (Supp. 1999).

65. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., and SB (SCS), 1999 Ga. Gen. Assem., with SB 57 (CCS), 1999 Ga. Gen. Assem., and O.C.G.A. § 50-32-4(d) (Supp. 1999).

66. E-mail Interview with Rep. Charlie Smith, Jr., House District No. 175 (May 18, 1999) [hereinafter Smith Interview].

67. See *id.*

68. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem.

69. See O.C.G.A. § 50-32-4(e) (Supp. 1999); SB 57 (HCS), 1999 Ga. Gen. Assem.

70. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., and SB 57 (SCS), 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem., and O.C.G.A. § 50-32-4(g) (Supp. 1999). Under previous versions of the bill the following language would have been added at the end of 50-32-4(g): “and any abstention not so authorized shall be grounds for removal of the member by the Governor.” SB 57, as introduced, 1999 Ga. Gen. Assem.; SB 57 (SCS), 1999 Ga. Gen. Assem.

71. See SB 57, as introduced, 1999 Ga. Gen. Assem.; SB 57 (SCS), 1999 Ga. Gen. Assem.

72. See O.C.G.A. § 50-32-10 (Supp. 1999).

requirement to the second sentence of Code section 50-32-10(b)(2).⁷³ The amendment would have added the following emphasized words to that sentence: "Upon any such county coming within the jurisdiction of the authority, a single member *who shall reside in such county shall be* added to the board . . ."⁷⁴ This language was left out of the final version of the statute.⁷⁵

However, the Act does add residency requirements for some new board members in subsection (b)(3).⁷⁶ The Conference Committee added residency requirements for new board positions created if additional counties are brought under the authority's jurisdiction.⁷⁷ The provision states that for any new county "or self-contiguous group of counties coming within the jurisdiction of the authority, a single member who shall reside within such additional territory shall be added to the board, together with an additional member, who may reside within or without such additional territory . . ."⁷⁸ Representative Smith stated this "was a compromise with the House members who insisted on representation for new areas coming under the legislation later. . ."⁷⁹ Smith noted that there was no similar guarantee of representation on the board for the metropolitan Atlanta area.⁸⁰

Representative Fran Millar of the 59th District offered a floor amendment in the House which would have added a new Code section 50-32-10(c.1).⁸¹ Representative Millar's amendment would have required GRTA's jurisdiction to lapse on July 1, 2004 unless the General Assembly renewed its authority.⁸² Millar's amendment did not

73. See SB 57 (FSFA), 1999 Ga. Gen. Assem. (introduced by Sen. Sonny Perdue).

74. *Id.*

75. See O.C.G.A. § 50-32-10(b)(2) (Supp. 1999).

76. See *id.* § 50-32-10(b)(3).

77. See *id.*

78. *Id.*

79. Smith Interview, *supra*, note 66.

80. See *id.*

81. See SB 57 (FHFA), 1999 Ga. Gen. Assem. (introduced by Rep. Fran Millar).

82. See *id.* Under the amendment, Code subsection 50-32-10(c.1) would have read as follows:

(c.1)(1) On or after July 1, 2003, and not later than December 31 of such year, the authority shall be audited for performance of its duties and functions so that the General Assembly may in regular session in 2004 utilize such information in determining whether all jurisdiction of the authority should lapse as provided by paragraph (2) of this subsection. A majority of the Budgetary Responsibility Oversight Committee shall select an independent auditor for such purposes, and the auditor shall submit its completed report of the performance audit to such committee not later than December 31 in the year of the audit. The authority shall bear the cost of such audit. The committee shall have responsibility for oversight of its selected performance auditor for purposes of this paragraph, including

become part of the Code section.⁸³

Code Section 50-32-11

This new Code section outlines the general powers of GRTA.⁸⁴ Among other things, GRTA has the power to build, operate and maintain (or cause others to operate and maintain) land-public transportation systems within the counties under its jurisdiction.⁸⁵ The authority also has the power to authorize local governments to provide public transportation services.⁸⁶ GRTA can build and operate air quality control facilities and cause others to operate and maintain those facilities.⁸⁷ GRTA can borrow money to accomplish its goals and issue “guaranteed revenue bonds, revenue bonds, notes or other obligations.”⁸⁸ GRTA has the power to buy and sell “leaseholds, [and] real or personal property. . . .”⁸⁹ The Act gives local governments the power to sell or grant “leaseholds, real or personal property” to GRTA.⁹⁰ GRTA has the power to “coordinate and assist in planning for land transportation and air quality purposes” and adopt a regional transportation plan for counties over which it has jurisdiction.⁹¹ GRTA has the power of eminent domain.⁹² GRTA has the power to receive federal transportation funds intended for use in the counties under its jurisdiction.⁹³ GRTA has the authority to create or deny access to any

without limitation ensuring adherence to the report deadline. The committee shall provide copies of the completed report to the board of directors of the authority, the Governor, the President of the Senate, the Speaker of the House of Representatives, the state auditor, and all members of the General Assembly within 30 days after receipt of the such [sic] report. Such report shall be a public record and subject to the provisions of Article 4 of Chapter 18 of Title 50.

(2) The provisions of subsections (a), (b), and (c) of this Code section notwithstanding and unless provided otherwise by Act of the General Assembly specifically amending or repealing this subsection, jurisdiction of the authority over any and all geographic areas shall lapse on July 1, 2004; and the authority shall not thereafter acquire any jurisdiction over any geographic area.

Id.

83. *See* O.C.G.A. § 50-32-10 (Supp. 1999).

84. *See id.* § 50-32-11.

85. *See id.* § 50-32-11(a)(3).

86. *See id.* § 50-32-11(b)(1).

87. *See id.* § 50-32-11(a)(4).

88. *Id.* § 50-32-11(a)(10).

89. *Id.* § 50-32-11(a)(14).

90. *Id.*

91. *Id.* § 50-32-11(a)(28).

92. *See id.* § 50-32-11(a)(31). GRTA’s power of eminent domain is discussed more fully in Code section 50-32-17. *See id.* § 50-32-17.

93. *See id.* § 50-32-11(a)(32).

part of a state, county or city road or highway.⁹⁴ GRTA may apply to the Federal Highway Administration to change the access ramps to any part of the interstate highway system.⁹⁵

The House Committee struck the Governor's proposed Code section 50-32-11(a)(19), which would have allowed GRTA to "receive appropriations from the General Assembly," and this language was left out of the Act.⁹⁶

The House Committee changed the language of proposed subsections (b)(1) and (4) to allow the authority to authorize "local governments" to provide land transportation services and institute air quality control measures.⁹⁷ Previous versions of the bill would have used the words "county" or "counties" in all places where subsections (b)(1) and (4) now use the words "local governments."⁹⁸

Code Section 50-32-12

This new Code section creates "special districts" in all 159 counties of the state pursuant to the Georgia Constitution.⁹⁹ The Georgia Constitution allows "special districts" to be created for the provision of services and the levying of taxes.¹⁰⁰

The 159 special districts created by the Act take up all of the territory of the counties in which they are located.¹⁰¹ The special districts become "activated" if they are under GRTA's jurisdiction.¹⁰² The language in this section passed without any changes from the original version of the bill.¹⁰³

Code Section 50-32-13

This new Code section enumerates powers the Governor may delegate to the authority.¹⁰⁴ Changes that were made during the legislative process appear in some ways to have weakened the

94. *See id.* § 50-32-11(a)(33).

95. *See id.*

96. *Compare* SB 57 (SCS), 1999 Ga. Gen. Assem., *with* SB 57 (HCS), 1999 Ga. Gen. Assem., *and* O.C.G.A. § 50-32-11(a)(19) (Supp. 1999).

97. *Compare* SB 57, as introduced, 1999 Ga. Gen. Assem., *and* SB 57 (SCS), 1999 Ga. Gen. Assem., *with* SB 57 (HCS), 1999 Ga. Gen. Assem.

98. *Compare* SB 57, as introduced, 1999 Ga. Gen. Assem., *and* SB 57 (SCS), 1999 Ga. Gen. Assem., *with* O.C.G.A. § 50-32-11(b)(1), (4) (Supp. 1999).

99. *See* O.C.G.A. § 50-32-12 (Supp. 1999).

100. GA. CONST. art. IX, § 2, ¶ 6.

101. *See* O.C.G.A. § 50-32-12 (Supp. 1999).

102. *See id.*

103. *Compare* SB 57, as introduced, 1999 Ga. Gen. Assem., *with* O.C.G.A. § 50-32-12 (Supp. 1999).

104. *See* O.C.G.A. § 50-32-13 (Supp. 1999).

authority's delegated powers, while strengthening GRTA's delegated power in other ways. This weakening and strengthening can be seen in the first sentence of Code section 50-32-13(b), which was changed by both the House Committee and the Conference Committee.¹⁰⁵ The sentence now reads: "[i]n exercising the authority's *delegated powers* concerning proposed *state-wide* transportation plans and transportation improvement programs. . . ."¹⁰⁶

Under the Senate Committee version, this sentence would have read: "[i]n exercising the authority's *power of review* concerning proposed *regional* transportation plans and transportation improvement plans" the board may take a number of actions regarding those transportation plans or transportation improvement programs.¹⁰⁷ The House Committee changed the words "power of review" in the Senate Committee version to "delegated powers,"¹⁰⁸ and the Conference Committee changed the word "regional" to "statewide."¹⁰⁹

The House Committee wrote most of the current language of Code section 50-32-13(b)(1).¹¹⁰ The Senate version read: "No such regional transportation plan or transportation improvement plan shall be effective unless approved by the affirmative vote of two-thirds of the authorized membership of the board to a motion made for that purpose."¹¹¹

The language of Code section 50-32-13(b)(2) begins: "The authority may *request modification of* such a [proposed state-wide transportation] plan"¹¹² The Senate Committee version and the "as introduced" version of the section began with the words: "The authority may *modify* such a plan"¹¹³ The House Committee

105. See SB 57 (HCS), 1999 Ga. Gen. Assem.; SB 57 (CCS), 1999 Ga. Gen. Assem.

106. O.C.G.A. § 50-32-13(b) (Supp. 1999) (emphasis added).

107. SB 57 (SCS), 1999 Ga. Gen. Assem. (emphasis added). This language was in Code section 50-32-13(a) of the Senate version instead of Code section 50-32-13(b). See *id.*

108. Compare SB 57 (SCS), 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem.

109. Compare SB 57 (HCS), 1999 Ga. Gen. Assem., with SB 57 (CCS), 1999 Ga. Gen. Assem.

110. Compare SB 57 (SCS), 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem.

111. SB 57 (SCS), 1999 Ga. Gen. Assem. This was Code section 50-32-13(a)(1) in the Senate version. See *id.*

112. O.C.G.A. § 50-32-13(b)(2) (Supp. 1999) (emphasis added).

113. SB 57 (SCS), 1999 Ga. Gen. Assem. (emphasis added). This was Code section 50-32-13(a)(2) in the Senate version. See *id.*

changed “may modify” to “may request modification of.”¹¹⁴ The House Committee’s change became part of the Act.¹¹⁵

In Code section 50-32-13(b)(4), the House Committee added the provision that: if a plan is not submitted by a certain deadline, “the authority may *exercise its delegated power to disapprove such plan or program* upon the affirmative vote of two-thirds of the authorized membership”¹¹⁶ Under the Senate version and “as introduced” version of the bill, that clause would have stated that if a plan were not submitted by a certain deadline: “the authority may *adopt another plan as a substitute therefor* upon the affirmative vote of two-thirds of the authorized membership”¹¹⁷ The language of the House Committee, which only allows GRTA to “exercise its delegated power to disapprove such plan or program,” became law.¹¹⁸

Code Section 50-32-14

The Act gives GRTA influence over the construction of “development[s] of regional impact.”¹¹⁹ GRTA may effectively bar local or state governments from building “land transportation services or access” to a “development of regional impact.”¹²⁰ Counties and cities where “development[s] of regional impact” are proposed can veto GRTA’s decision to withhold transportation dollars from the development if they can muster a three-fourths vote of their county commission or city council.¹²¹ The only change from the originally proposed language of this Code section was the addition of what is now the last sentence.¹²² That sentence makes it clear that a local government will not be penalized for approving, by a three-fourths vote, transportation dollars for a “development of regional impact.”¹²³

114. Compare SB 57 (SCS), 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem.

115. See O.C.G.A. § 50-32-13(b)(2) (Supp. 1999).

116. *Id.* § 50-32-13(b)(4) (emphasis added). Compare SB 57 (SCS), 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem.

117. SB 57, as introduced, 1999 Ga. Gen. Assem. (emphasis added); SB 57 (SCS), 1999 Ga. Gen. Assem. (emphasis added). This was 50-32-13(a)(4) in the original and Senate versions of SB 57. See SB 57, as introduced, 1999 Ga. Gen. Assem.; SB 57 (SCS), 1999 Ga. Gen. Assem.

118. O.C.G.A. § 50-32-13(b)(4) (Supp. 1999); SB 57 (HCS), 1999 Ga. Gen. Assem.

119. O.C.G.A. § 50-32-14 (Supp. 1999).

120. *Id.*

121. See *id.*

122. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., with O.C.G.A. § 50-32-14 (Supp. 1999).

123. O.C.G.A. § 50-32-14 (Supp. 1999). The sentence reads: “Such a vote shall not constitute failure or refusal by the local government for purposes of Code Section 50-32-53.” *Id.*

Code Section 50-32-15

This new Code section discusses the effect of the Act on the Georgia Rail Passenger Authority and the Georgia Environmental Facilities Authority.¹²⁴ The Georgia Rail Passenger Authority may not begin any new project without the approval of two-thirds of the board of directors of GRTA.¹²⁵ The Georgia Environmental Facilities Authority “shall be subordinate to [GRTA] in all respects.”¹²⁶

Code Section 50-32-16

The Act adds this new Code section that requires, with a few exceptions, that the Georgia Department of Transportation obtain GRTA’s approval before spending money on projects in counties controlled by GRTA.¹²⁷ The original version of the bill required GRTA approval for Department of Transportation spending on “*planning*, designation, improvement, or construction of any public transportation system or any part of the state highway system” within GRTA counties.¹²⁸ The House Committee removed the word “*planning*” from the list of Department of Transportation functions requiring GRTA approval.¹²⁹

Code Section 50-32-17

This Code section gives GRTA the power of eminent domain.¹³⁰ GRTA may exercise its power of eminent domain over property owned by private persons or property acquired for the purposes of the state Department of Transportation.¹³¹ However, GRTA must receive the State’s approval to acquire property owned by the State, unless the property in question was acquired for the purposes of the Department of Transportation.¹³² Further, the Code section prevents other state departments from taking property owned by GRTA without GRTA’s consent.¹³³ The Code section passed with no modifications from the original version of the bill.¹³⁴

124. *See id.* § 50-32-15.

125. *See id.* § 50-32-15(a).

126. *Id.* § 50-32-15(c).

127. *See id.* § 50-32-16.

128. SB 57, as introduced, 1999 Ga. Gen. Assem., § 4 (emphasis added).

129. *Compare* SB 57, as introduced, 1999 Ga. Gen. Assem., *with* SB 57 (HCS), 1999 Ga. Gen. Assem.

130. *See* O.C.G.A. § 50-32-17 (Supp. 1999).

131. *See id.*

132. *See id.*

133. *See id.*

134. *Compare* SB 57, as introduced, 1999 Ga. Gen. Assem., *with* O.C.G.A. § 50-32-17

Code Section 50-32-18

This new Code section grants GRTA all rights afforded the state under the Constitution of the United States.¹³⁵ No changes were made to the original version of this Code section.¹³⁶

Code Section 50-32-19

This Code section provides immunity from liability for members, officers, and employees of the authority acting in connection with their GRTA duties.¹³⁷ No changes were made to the originally proposed language of this Code section.¹³⁸

Code Section 50-32-20

The Act gives GRTA "access to all books, records, and other information resources" of the Department of Transportation and the Department of Natural Resources.¹³⁹ The original and Senate Committee versions of the bill stated that the cost of information requests made by GRTA to the Department of Transportation and Department of Natural Resources should be paid by those departments.¹⁴⁰ The House Committee changed this proposed language of the Code section so that the costs of GRTA's information requests to the Department of Transportation and Department of Natural Resources would be paid by GRTA and not by those departments.¹⁴¹ The House version of the Code section became law.¹⁴²

Code Section 50-32-30

This new Code section outlines the funding resources that GRTA may use.¹⁴³ The Senate Committee removed language from the original version of the bill that would have allowed the authority to

(Supp. 1999).

135. See O.C.G.A. § 50-32-18 (Supp. 1999).

136. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., with O.C.G.A. § 50-32-18 (Supp. 1999).

137. See O.C.G.A. § 50-32-19 (Supp. 1999).

138. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., with O.C.G.A. § 50-32-19 (Supp. 1999).

139. O.C.G.A. § 50-32-20 (Supp. 1999).

140. See SB 57, as introduced, 1999 Ga. Gen. Assem.; SB 57 (SCS), 1999 Ga. Gen. Assem.

141. Compare SB 57 (SCS), 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem.

142. Compare SB 57 (HCS), 1999 Ga. Gen. Assem., with O.C.G.A. § 50-32-20 (Supp. 1999).

143. See O.C.G.A. § 50-32-30 (Supp. 1999).

require other entities to use certain funding resources.¹⁴⁴ The bill, as introduced, stated: “the authority may utilize *or require to be utilized*, unless otherwise prohibited by law, any combination of the following funding resources”¹⁴⁵ The Senate Committee removed the language: “require to be utilized.”¹⁴⁶

The House Committee removed “[f]unds appropriated to the authority by the General Assembly” from the list of funding resources GRTA can utilize.¹⁴⁷ This language was in the Senate and original versions of what would have been Code section 50-32-30(4).¹⁴⁸ After striking what would have been Code section 50-32-30(4), the House Committee renumbered the Code section.¹⁴⁹

Code Section 50-32-31

The Act permits GRTA to issue revenue bonds.¹⁵⁰ The House Committee deleted from the proposed version of Code section 50-32-31(e)(2) language that would have allowed the authority to issue bonds in coupon form.¹⁵¹ The Code provides: “Such bonds shall . . . at such times, be *in registered form or book-entry form through a securities depository, or both*, as to principal or interest”¹⁵² The language of the “as introduced” and Senate Committee versions stated: “Such bonds shall . . . at such times, be in such form, *either coupon or registered*, as to principal or interest”¹⁵³ The House Committee also removed all references to coupons in Code section 50-32-31(e)(6).¹⁵⁴

144. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., with SB 57 (SCS), 1999 Ga. Gen. Assem.

145. SB 57, as introduced, 1999 Ga. Gen. Assem. (emphasis added).

146. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., with SB 57 (SCS), 1999 Ga. Gen. Assem.

147. Compare SB 57 (SCS), 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem.

148. See SB 57, as introduced, 1999 Ga. Gen. Assem.; SB 57 (SCS), 1999 Ga. Gen. Assem.

149. Compare SB 57 (SCS), 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem.

150. See O.C.G.A. § 50-32-31(a)(1) (Supp. 1999).

151. Compare SB 57 (SCS), 1999 Ga. Gen. Assem., with SB 57 (HCS), 1999 Ga. Gen. Assem.

152. O.C.G.A. § 50-32-31(e)(2) (Supp. 1999) (emphasis added).

153. SB 57, as introduced, 1999 Ga. Gen. Assem.; SB 57 (SCS), 1999 Ga. Gen. Assem. (emphasis added).

154. Compare SB 57 (SCS), 1999 Ga. Gen. Assem., with SB 57, (HCS), 1999 Ga. Gen. Assem.

Code Section 50-32-32

This new Code section further regulates bonds issued by the authority.¹⁵⁵ Several Senators introduced a floor amendment to the Code section that would have added a subsection (c).¹⁵⁶ The subsection did not become part of the final version of the statute.¹⁵⁷

Code Section 50-32-33 to -39

These new Code sections further regulate the issuance of bonds by the agency.¹⁵⁸

Code Section 50-32-50

This new Code section involves the relationship of local governments to GRTA and the relationships between local governments under GRTA's authority.¹⁵⁹ Where the new Code section uses the words "local governments" in subsection (a), previous versions of the bill would have used the words "counties."¹⁶⁰ The House Committee made this change.¹⁶¹

Code Section 50-32-51

This new Code section governs lease agreements by GRTA and by or between local governments under GRTA's jurisdiction.¹⁶²

155. See O.C.G.A. § 50-32-32 (Supp. 1999).

156. See SB 57 (FSFA), 1999 Ga. Gen. Assem. (introduced by Sen. Clay Land). The amendment would have stated:

(c) No guaranteed revenue debt shall be incurred under this Code section at any time when the highest aggregate annual debt service requirements for the then current year or any subsequent year for outstanding general obligation debt and guaranteed revenue debt, including the proposed debt, and the highest aggregate annual payments for the then current year or any subsequent fiscal year of the state under all contracts then in force to which the provisions of the second paragraph of Article IX, Section VI, Paragraph I(a) of the Constitution of 1976 are applicable, exceed 10 percent of the total revenue receipts, less refunds of the state treasury in the fiscal year immediately preceding the year in which any such debt is to be incurred.

Id.

157. See O.C.G.A. § 50-32-32 (Supp. 1999).

158. See *id.* §§ 50-32-33 to -39.

159. See *id.* § 50-32-50.

160. Compare SB 57, as introduced, 1999 Ga. Gen. Assem., and SB 57 (SCS), 1999 Ga. Gen. Assem., with O.C.G.A. § 50-32-50(a) (Supp. 1999).

161. Compare SB 57 (SCS), 1999 Ga. Gen. Assem., with SB 57, (HCS), 1999 Ga. Gen. Assem.

162. See O.C.G.A. § 50-32-51 (Supp. 1999).

Code Section 50-32-52

The Act adds this new Code section that governs loans made by GRITA to local governments.¹⁶³

Code Section 50-32-53

This new Code section gives GRITA a means of penalizing local governments under its jurisdiction for failure to comply with GRITA plans and resolutions.¹⁶⁴ If a local government does not comply with GRITA's plans it becomes ineligible for most types of state grants.¹⁶⁵

In Code section 50-32-53(a), where the phrase "local government" appears, previous versions of the bill used the word "county."¹⁶⁶ The House Committee made this change.¹⁶⁷ The House Committee also altered the first few lines of Code section 50-32-53(a).¹⁶⁸ The "as introduced" and Senate versions of the first few lines of this Code section provided: "No *county* which, upon the activation of a special district created by this chapter, fails or *refuses to cooperate with the authority* for the purpose of planning, coordinating, and implementing local government services . . ."¹⁶⁹ The House Committee changed the emphasized words to the wording, which is now part of the statute.¹⁷⁰ The House Committee also removed the word "planning" from the following clause in the original and Senate versions: "nor shall any funds appropriated to or otherwise obtained by the Department of Transportation . . . be utilized for planning, designation, improvement, funding, or construction . . ."¹⁷¹

Code Section 50-32-54

This Code section cuts off most state funding from local governments that fail to raise taxes mandated by GRITA.¹⁷² "That's

163. *See id.* § 50-32-52.

164. *See id.* § 50-32-53.

165. *See id.*

166. *Compare* SB 57, as introduced, 1999 Ga. Gen. Assem., *and* SB 57 (SCS), 1999 Ga. Gen. Assem., *with* O.C.G.A. § 50-32-53(a) (Supp. 1999).

167. *Compare* SB 57 (SCS), 1999 Ga. Gen. Assem., *with* SB 57 (HCS), 1999 Ga. Gen. Assem.

168. *Compare* SB 57, as introduced, 1999 Ga. Gen. Assem., *and* SB 57 (SCS), 1999 Ga. Gen. Assem., *with* SB 57 (HCS), 1999 Ga. Gen. Assem.

169. SB 57, as introduced, 1999 Ga. Gen. Assem. (emphasis added); SB 57 (SCS), 1999 Ga. Gen. Assem.

170. *Compare* SB 57, (HCS), 1999 Ga. Gen. Assem., *with* O.C.G.A. § 50-32-53(a) (Supp. 1999).

171. *Compare* SB 57, as introduced, 1999 Ga. Gen. Assem., *and* SB 57 (SCS), 1999 Ga. Gen. Assem., *with* SB 57 (HCS), 1999 Ga. Gen. Assem.

172. *See* O.C.G.A. § 50-32-54 (Supp. 1999).

what's been called the hammer," Joseph Young, the Governor's legislative counsel, told a local newspaper; "You can't build anything without a hammer."¹⁷³

Code Section 50-32-60

This Code section provides that the withholding of any transportation funds by GRTA will not affect the allocation of funds among congressional districts as required by Code section 32-5-30.¹⁷⁴

Code Section 50-32-70

The Act states that Chapter 32 "shall be liberally construed to effect the purposes specified" within it.¹⁷⁵

Code Section 32-5-1

The Act modifies Code section 32-5-1.¹⁷⁶ The new language of Code section 32-5-1 is the same as the old language except for the addition of two clauses.¹⁷⁷ The Conference Committee wrote one of those clauses.¹⁷⁸ Using the Conference Committee's language, the Act adds the following clause to the end of Code section 32-5-1(a): "unless designated otherwise by the federal government."¹⁷⁹ The old Code section did not contain this language.¹⁸⁰

The House Transportation Committee added the other clause. Using the House Transportation Committee's language, the Act adds the following language to the end of Code section 32-5-1(b): "and other public transportation purposes."¹⁸¹ The old Code section did not contain this language.¹⁸²

173. Kathey Pruitt, *1999 Georgia Legislature: Funds for Highways are Saved Changes in Transportation Bill*, ATLANTA J. & CONST., Mar. 3, 1999 at B1.

174. See O.C.G.A. § 50-32-60 (Supp. 1999).

175. *Id.* § 50-32-70.

176. Compare 1973 Ga. Laws 947, § 1, at 1034, § 95A-701 (formerly found at O.C.G.A. § 32-5-1 (1996)), with O.C.G.A. § 32-5-1(a) (Supp. 1999).

177. Compare 1973 Ga. Laws 947, § 1, at 1034, § 95A-701 (formerly found at O.C.G.A. § 32-5-1 (1996)), with O.C.G.A. § 32-5-1(a) (Supp. 1999).

178. See SB 57 (CCS), 1999 Ga. Gen. Assem.

179. Compare 1973 Ga. Laws 974, § 1, at 1034, § 95A-701 (formerly found at O.C.G.A. § 32-5-1(a) (1996)), with SB 57 (CCS), 1999 Ga. Gen. Assem., and O.C.G.A. § 32-5-1(a) (Supp. 1999).

180. See 1973 Ga. Laws 974, § 1, at 1034, § 95A-701 (formerly found at O.C.G.A. § 32-5-1 (1996)).

181. Compare 1973 Ga. Laws 974, § 1, at 1034, § 95A-701 (formerly found at O.C.G.A. § 32-5-1(b) (1996)), with SB 57 (HCS), 1999 Ga. Gen. Assem., and O.C.G.A. § 32-5-1(b) (Supp. 1999).

182. See 1973 Ga. Laws 974, § 1, at 1034, § 95A-701 (formerly found at O.C.G.A. § 32-5-1

Code Section 32-9-2

The Act adds a definition of “capital project”¹⁸³ to Code section 32-9-2 and gives the Department of Transportation authority to participate in capital projects.¹⁸⁴ The Conference Committee added this definition of capital project in its version of the bill.¹⁸⁵ The old Code section contained no references to the term “capital project.”¹⁸⁶

Code Section 32-9-11

Code section 32-9-11(a)(2) contains a definition of the term “transit agency.”¹⁸⁷ The definition of “transit agency” includes any public agency authorized to provide transit services in the state except for three agencies: the Department of Transportation, the Georgia Rail Passenger Authority, and GRTA.¹⁸⁸ Before passage of the Act, there were only two exceptions to the Code section’s definition of transit agency: the Department of Transportation and the Georgia Rail Passenger Authority.¹⁸⁹ The Act adds “the Georgia Regional Transportation Authority” as one of the bodies not included in the definition of transit agency under the Code section.¹⁹⁰

Code Section 45-12-203

The Act changes the membership of the Governor’s Development Council so that the Council is made up of the same people who sit on the board of directors of GRTA.¹⁹¹ The Act requires that members of the Governor’s Development Council be chosen in conformity with the new Code section 50-32-4.¹⁹² Under the old version of Code section 45-

(1996)).

183. Compare 1977 Ga. Laws 817, § 2, at 821, § 95A-1302 (formerly found at O.C.G.A. § 32-9-2(a) (1996)), with O.C.G.A. § 32-9-2(a)(1) (Supp. 1999).

184. Compare 1977 Ga. Laws 817, § 2, at 821, § 95A-1302 (formerly found at O.C.G.A. § 32-9-2(a) (1996)), with O.C.G.A. § 32-9-2(c)(2) (Supp. 1999).

185. Compare SB 57 (HCS), 1999 Ga. Gen. Assem., with SB 57 (CCS), 1999 Ga. Gen. Assem.

186. See 1977 Ga. Laws 817, § 2, at 821, § 95A-1302 (formerly found at O.C.G.A. § 32-9-2(c)(2) (1996)).

187. See O.C.G.A. § 32-9-11(a)(2) (Supp. 1999).

188. See *id.*

189. See 1998 Ga. Laws 888, § 1, at 889 (formerly found at O.C.G.A. § 32-9-11 (Supp. 1998)).

190. Compare 1998 Ga. Laws 888, § 1, at 888 (formerly found at O.C.G.A. § 32-9-11(a)(2) (Supp. 1998)), with O.C.G.A. § 32-9-11(a)(2) (Supp. 1999).

191. See O.C.G.A. § 45-12-203 (Supp. 1999).

192. Compare 1993 Ga. Laws 1399, § 2, at 1400 (formerly found at O.C.G.A. § 45-12-203(a) (Supp. 1998)), with O.C.G.A. § 45-12-203(a) (Supp. 1999); see also *supra* text accompanying notes 48-71 (regarding Code section 50-32-4).

12-203, members of the Governor's Development Council included the "Governor or Governor's designee," six state officials, and nine private sector members appointed by the Governor.¹⁹³ According to a newspaper interview with a "senior advisor" to Barnes, this change was made to give power over some land use decisions to members of the board of GRTA.¹⁹⁴ The House Committee changed the quorum requirement for the Governor's Development Council from "Nine" to "a majority."¹⁹⁵

Code Section 45-12-205

This Code section attaches the Governor's Development Council to the Department of Community Affairs for administrative purposes.¹⁹⁶ The old Code section had attached the council to the Office of Planning and Budget.¹⁹⁷

Code Section 50-23-4

Code section 50-23-4 contains a list of definitions relating to the Georgia Environmental Facilities Authority.¹⁹⁸ Code section 50-23-4(12) is a definition of the word "project" as it is to be interpreted in Chapter 23.¹⁹⁹ Before passage of the Act, the definition of the word "project" under subsection (12) ended with the words: ". . . trade, commerce, industry, agriculture, and employment opportunities."²⁰⁰ The Act retains the old language of subsection (12) with the following addition:

193. 1993 Ga. Laws 1399, § 2, at 1400 (formerly found at O.C.G.A. § 45-12-203(a) (Supp. 1998)).

194. See *Tired of Too Much Traffic? Evaluate Metro Land Use*, ATLANTA BUS. CHRON., May 7, 1999, at B8. This was an interview with "senior advisor to Gov. Roy Barnes" Joel Cowan. *Id.* During the interview Cowan stated: "GRTA will be functioning on the pure transportation issues and providing the financing and operational coordination for the various modes of transportation. For the planning issues, the same people separately turn their attention to planning through the Governor's Development Council." *Id.* Cowan later became chairman of GRTA. See Kathey Pruitt, *Cowan to Head Transportation Agency*, ATLANTA J. & CONST., June 3, 1999, at A1.

195. Compare 1993 Ga. Laws 1399, § 2, at 1401 (formerly found at O.C.G.A. § 45-12-203(c) (Supp. 1998)), with SB 57 (HCS), 1999 Ga. Gen. Assem., and O.C.G.A. § 45-12-203(c) (Supp. 1999).

196. Compare 1993 Ga. Laws 1399, § 2, at 1401 (formerly found at O.C.G.A. § 45-12-205 (Supp. 1998)), with O.C.G.A. § 45-12-205 (Supp. 1999).

197. Compare 1993 Ga. Laws 1399, § 2, at 1401 (formerly found at O.C.G.A. § 45-12-205 (Supp. 1998)), with O.C.G.A. § 45-12-205 (Supp. 1999).

198. See O.C.G.A. § 50-23-4 (Supp. 1999).

199. See *id.* § 50-23-4(12).

200. 1994 Ga. Laws 1108, § 6, at 1117-18 (formerly found at O.C.G.A. § 50-23-4(12) (1998)).

or projects authorized by the Georgia Regional Transportation Authority created by Chapter 32 of this title as defined in such chapter, where the authority has been directed to issue revenue bonds, bonds, notes, or other obligations to finance such project or the cost of a project in whole or in part, provided that the authority's power with respect to such projects authorized by the Georgia Regional Transportation Authority shall be limited to providing such financing and related matters as authorized by the Georgia Regional Transportation Authority.²⁰¹

Opposition to SB 57

Some suburban Republicans voted against SB 57.²⁰² Those legislators argued that GRTA would be an ineffective agency which would terrorize local governments.²⁰³ A newspaper quoted Representative Jeff Brown of the 130th District as saying "[t]here's not one thing in this bill that removes one car from the congestion or removes one particulate from our ozone problem."²⁰⁴

Opponents also criticized GRTA's power over local taxes, nicknamed "the hammer" by legislators.²⁰⁵ Representative Mike Evans of the 28th District told a newspaper that "one thing about using a hammer is sometimes you slip and hit your finger. That hurts, and this thing is potentially going to be hurting us a long time."²⁰⁶

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201. Compare 1994 Ga. Laws 1108, § 6, at 1117 (formerly found at O.C.G.A. § 50-23-4(12) (1998)), with O.C.G.A. § 50-23-4 (Supp. 1999).

202. See Pruitt, *Bill Approved*, *supra* note 17.

203. See *id.*

204. *Id.*

205. See *id.*

206. *Id.*