

House Bill 1010 (AS PASSED HOUSE AND SENATE)

By: Representatives Greene of the 149<sup>th</sup>, Hanner of the 148<sup>th</sup>, Powell of the 171<sup>st</sup>, and Dukes of the 150<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the South Georgia Regional Information Technology Authority,  
2 approved May 29, 2007 (Ga. L. 2007, p. 4336), as amended, so as to change certain  
3 provisions relating to a definition; to change certain provisions relating to composition,  
4 terms, quorum, and voting; to change certain provisions relating to powers of the authority;  
5 to change certain provisions relating to effects on powers of local governments; to change  
6 certain provisions relating to immunity; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating the South Georgia Regional Information Technology Authority, approved  
10 May 29, 2007 (Ga. L. 2007, p. 4336), is amended by revising paragraph (3) of subsection (a)  
11 of Section 1 as follows:

12 "(3) 'Project' means and includes the planning, design, acquisition, construction, and  
13 equipping of communication cables, sleeves, and systems for the distribution and sale of  
14 communication services to private and public users and consumers, including but not  
15 limited to broadband, Internet, cable television, and associated services to the state,  
16 counties, and municipalities within the territorial boundaries of Baker, Calhoun, Early,  
17 Miller, Mitchell, Seminole, and Terrell counties, and additions and improvements to and  
18 extensions of such facilities and the operation and maintenance of same."

19 **SECTION 2.**

20 Said Act is further amended by revising subsections (b), (d), and (e) of Section 3 as follows:

21 "(b) The authority shall consist of 15 members as follows:

- 22 (1) Two residents of Baker County appointed by the governing authority of Baker  
23 County;
- 24 (2) Two residents of Calhoun County appointed by the governing authority of Calhoun  
25 County;

- 26 (3) Two residents of Early County appointed by the governing authority of Early County;  
 27 (4) Two residents of Miller County appointed by the governing authority of Miller  
 28 County;  
 29 (5) Two residents of Mitchell County appointed by the governing authority of Mitchell  
 30 County;  
 31 (5.1) Two residents of Seminole County appointed by the governing authority of  
 32 Seminole County;  
 33 (5.2) Two residents of Terrell County appointed by the governing authority of Terrell  
 34 County; and  
 35 (6) One appointed by the other members of the authority.

36 Each member shall serve for a four-year term and until a successor is appointed and  
 37 qualified, except for the members initially appointed as provided by this Act. The initial  
 38 members appointed under paragraphs (1), (3), and (5) of this subsection shall serve for  
 39 terms of four years each and until their successors are appointed and qualified. The initial  
 40 members appointed under paragraphs (5.1) and (5.2) of this subsection shall serve for terms  
 41 of four years each and until their successors are appointed and qualified. The initial  
 42 members appointed under paragraphs (2), (4), and (6) of this subsection shall serve for  
 43 terms of two years each and until their successors are appointed and qualified."

44 "(d) A majority of the authority shall constitute a quorum, and any action may be taken by  
 45 the authority upon the affirmative vote of a majority of a quorum of the members;  
 46 provided, however, that the approval for the matters set forth in subsection (e) of this  
 47 section shall require the affirmative vote of at least two-thirds of the members of the  
 48 authority. No vacancy on the authority shall impair the right of the quorum to exercise all  
 49 the rights and perform all the duties of the authority.

50 (e) The matters requiring the affirmative votes of two-thirds of the members for approval  
 51 are as follows:

- 52 (1) Amending the bylaws of the authority;  
 53 (2) The purchase, sale, lease, exchange, or other disposition of real property;  
 54 (3) To borrow money; or  
 55 (4) Authorization of projects or undertakings as those terms are defined herein."

56 **SECTION 3.**

57 Said Act is further amended by revising paragraph (3) of Section 4 as follows:

58 "(3) To acquire in its own name by purchase on such terms and conditions and in such  
 59 manner as it may deem proper, or by condemnation in accordance with the provisions of  
 60 any and all existing laws applicable to the condemnation of property for public use, real  
 61 property, rights, or easements therein or franchises necessary or convenient for its

62 corporate purposes, to use the same so long as its corporate existence shall continue, and  
 63 to lease or make contracts with respect to the use of or to dispose of the same in any  
 64 manner deemed by the board to be to the best advantage of the authority, the authority  
 65 being under no obligation to accept and pay for any property condemned under this Act  
 66 except from the funds provided to the authority under this Act; and in any proceedings  
 67 to condemn, such orders may be made by the court having jurisdiction of the suit, action,  
 68 or proceedings as may be just to the authority and to the owners of the property to be  
 69 condemned; and no property shall be acquired under the provisions of this Act upon  
 70 which any lien or other encumbrance exists, unless at the time such property is so  
 71 acquired a sufficient sum of money is deposited in trust to pay and redeem the fair value  
 72 of such lien or encumbrance. If the authority shall deem it expedient to construct any  
 73 project on any lands the title to which shall then be in Baker, Calhoun, Early, Miller,  
 74 Mitchell, Seminole, or Terrell County or in any municipality incorporated in any such  
 75 county, the governing authority or body of such county or of any of such municipality or  
 76 of the conservation district is hereby authorized to convey title to such lands to the  
 77 authority upon payment for the credit of the general funds of such county or municipality  
 78 the reasonable value of such lands. The authority shall have the nonexclusive right,  
 79 easement, and franchise of laying communication cables along the highways in Baker,  
 80 Calhoun, Early, Miller, Mitchell, Seminole, or Terrell County, or in the corporate limits  
 81 of any municipality incorporated in any such county, without cost; provided, however,  
 82 that the authority shall repair all damage done by the authority by reason thereof;"

83 **SECTION 4.**

84 Said Act is further amended by revising paragraph (8) of Section 4 as follows:

85 "(8) To borrow money for any of its corporate purposes by the issuance of promissory  
 86 notes, lease-purchase agreements, agreements with counties and other governmental  
 87 bodies, and other contracts; and to provide for the payment of such debt;"

88 **SECTION 5.**

89 Said Act is further amended by revising Section 31 as follows:

90 "SECTION 31.

91 This Act does not in any way take from Baker, Calhoun, Early, Miller, Mitchell, Seminole,  
 92 or Terrell County or any municipality located within any such county the power to own,  
 93 operate, and maintain communications systems or issue revenue certificates as is provided  
 94 by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the 'Revenue Bond Law.'"

95 **SECTION 6.**

96 Said Act is further amended by revising Section 32 as follows:

97 "SECTION 32.

98 The authority shall be immune and exempt from liability for torts and negligence to the  
99 same extent as Baker, Calhoun, Early, Miller, Mitchell, Seminole, and Terrell counties; and  
100 the officers, agents, and employees of the authority, when in the performance of the work  
101 of the authority, shall be immune and exempt from liability for torts and negligence to the  
102 same extent as employees of such counties."

103 **SECTION 7.**

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