

House Bill 1010 (AS PASSED HOUSE AND SENATE)

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

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.