

House Bill 628

By: Representatives Lane of the 167th, Hill of the 180th, and Keen of the 179th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Brunswick-Glynn County Joint Water and Sewer Commission,
2 approved April 19, 2006 (Ga. L. 2006, p. 3661), so as to provide for immunity for the
3 commission and its officers, agents, and employees; to provide for ante litem notice; to
4 provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act creating the Brunswick-Glynn County Joint Water and Sewer Commission, approved
8 April 19, 2006 (Ga. L. 2006, p. 3661), is amended by revising Section 2 as follows:

9 "SECTION 2.

10 (a) There is hereby created a body corporate and politic, to be known as the
11 Brunswick-Glynn County Joint Water and Sewer Commission, and by that name, style, and
12 title said body may contract and be contracted with, sue and be sued, implead and be
13 impleaded, complain and defend in all courts of law and equity, except that the commission
14 and its officers, agents, and employees when in the performance of their public duties or
15 work of the commission, shall in no event be liable for any torts or negligent acts and shall
16 have immunity therefrom, nor shall the commission be vicariously liable for any torts
17 committed by its officers, agents, and employees. The commission shall have perpetual
18 existence, and shall be deemed a governmental body within the meaning of the Georgia
19 Revenue Bond Law, Article 3 of Chapter 82 of Title 36 of the Official Code of Georgia
20 Annotated, specifically under subparagraph (2)(C) of Code Section 36-82-61.

21 (b)(1) No person, firm, or corporation having a claim for money damages against the
22 commission on account of injuries to any person or property shall bring any action
23 against the commission for such injuries without first giving notice within six months of
24 the happening of the event upon which a claim is predicated.

25 (2) The person, firm, or corporation shall present the claim in writing to the governing
26 authority of the commission for adjustment, stating the time, place, and extent of the
27 injury, as nearly as practicable, and the negligence which caused the injury. No action
28 shall be entertained by the courts against the commission until the cause of action therein
29 has first been presented to the governing authority of the commission for adjustment.

30 (3) The commission shall have 30 days from the presentation of the claim to consider
31 and act upon the claim. Action by the commission, unless it results in the settlement
32 thereof, shall in no sense be a bar to an action therefor in the courts.

33 (4) The running of the statute of limitations shall be suspended during the time that the
34 demand for payment is pending before the commission without action on the part of the
35 commission."

36 **SECTION 2.**

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

39 **SECTION 3.**

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