

Senate Bill 255

By: Senators Hill of the 6th, Gooch of the 51st, Dugan of the 30th, Davis of the 22nd and Beach of the 21st

A BILL TO BE ENTITLED

AN ACT

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2 menooersms,r oc i p; v nbh jsy tetrdohpvpefpe; v lice i pifaettrdoelnei piffngda; v v  
3 ttrdohean t pyts pifsrnmtrdoew; v It o tsdeeda pifrtme piaft eop ft snot ps

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 SECTION 1.

6 This Act shall be known and may be cited as the "Partnership for Public Facilities and  
7 Infrastructure Act."

8 SECTION 2.

9 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
10 by adding a new chapter to read as follows:

11 CHAPTER 5C

12 50-5C-1.

13 (a) The General Assembly finds that:

14 (1) There is a public need for timely acquisition, design, construction, improvement,  
15 renovation, expansion, equipping, maintenance, operation, implementation, or installation  
16 of public infrastructure and government facilities within the state that serve a public need  
17 and purpose;

18 (2) Such public need may not be wholly satisfied by existing methods of procurement  
19 in which qualifying projects are acquired, designed, constructed, improved, renovated,  
20 expanded, equipped, maintained, operated, implemented, or installed;

21 (3) There are inadequate resources to develop public infrastructure and government  
22 facilities for the benefit of citizens of this state, and there is demonstrated evidence that  
23 public-private partnerships can meet these needs by leveraging and supplementing limited  
24 public funds available for public projects and providing other benefits to the public;

25 (4) Financial incentives exist under state and federal tax provisions that promote public  
 26 entities to enter into partnerships with private entities to develop qualifying projects; and  
 27 (5) Authorizing private entities to develop or operate one or more qualifying projects  
 28 may result in the availability of such projects to the public in a more timely or less costly  
 29 fashion, thereby serving the public safety, benefit, and welfare.

30 (b) Nothing in this chapter shall be construed to delegate the power of eminent domain to  
 31 any private entity with respect to any project commenced or proposed pursuant to this  
 32 chapter. This chapter does not alter the eminent domain laws of this state or grant the  
 33 power of eminent domain to any person who is not expressly granted that power under  
 34 other state law.

35 50-5C-2.

36 As used in this chapter, the term:

37 (1) 'Affected local jurisdiction' means any county, municipality, or school system in  
 38 which all or a portion of a qualifying project is located.

39 (2) 'Appropriating body' means the body responsible for appropriating or authorizing  
 40 funding to pay for a qualifying project.

41 (3) 'Comprehensive agreement' means the comprehensive agreement between the private  
 42 entity and the responsible public entity required by Code Section 50-5C-6.

43 (4) 'Develop' or 'development' means to plan, design, develop, finance, lease, acquire,  
 44 install, construct, operate, maintain, or expand.

45 (5) 'Material default' means any default by the private entity in the performance of its  
 46 duties under the comprehensive agreement that jeopardizes adequate service to the public  
 47 from a qualifying project.

48 (6) 'Private entity' means any natural person, corporation, general partnership, limited  
 49 liability company, limited partnership, joint venture, business trust, public benefit  
 50 corporation, nonprofit entity, or other business entity.

51 (7) 'Public entity' means any state board, commission, authority, or department as well  
 52 as any municipality, county, or other political subdivision.

53 (8) 'Qualifying project' means any project that meets a public purpose and has previously  
 54 been identified as a public need by the elected or appointed leaders of the State of  
 55 Georgia or its political subdivisions, including, but not limited to, school systems, local  
 56 governments, state and local authorities, and higher education institutions. Qualifying  
 57 projects shall be located on real property owned or leased by state or local government  
 58 and shall include any improvements necessary or desirable to any unimproved state or  
 59 locally owned real property; or any airport project as defined in Code Section 6-4-3; or  
 60 any port project as defined in Code Section 52-2-2; or operation of any existing public

61 facility in a manner that results in reduced operating costs, including, but not limited to,  
 62 energy conservation measures as defined in Code Section 50-37-2.

63 (9) 'Responsible public entity' means a public entity that has the power to develop the  
 64 applicable qualifying project.

65 (10) 'Revenues' means all revenues, income, earnings, user fees, lease payments, or other  
 66 service payments arising out of or in connection with supporting the development or  
 67 operation of a qualifying project.

68 (11) 'User fees' mean the rates, fees, or other charges imposed by the private entity of a  
 69 qualifying project for use of all or a portion of such qualifying project pursuant to the  
 70 comprehensive agreement.

71 50-5C-3.

72 (a) The public entity responsible for the development or operation of a qualifying project  
 73 shall issue guidelines prior to approving any project or accepting a proposal under this  
 74 chapter.

75 (b) Guidelines shall be reasonable, promote competition, and guide the selection of  
 76 projects by the public entity. They shall include, at a minimum, the following:

77 (1) Reasonable criteria for choosing among competing proposals;

78 (2) Financial review and analysis procedures that shall include, at a minimum, a  
 79 cost-benefit analysis, an assessment of opportunity cost, life cycle costs, and  
 80 consideration of the results of relevant studies and analyses related to the proposed  
 81 qualifying project;

82 (3) Procedures for consideration of the nonfinancial benefits of a proposed project;

83 (4) Suggested timelines for selecting proposals and negotiating an interim or  
 84 comprehensive agreement according to Code Section 50-5C-10;

85 (5) Procedures to determine the adequacy of the information released when seeking  
 86 competing proposals as under Code Section 50-5C-6 and provide for the enhancement  
 87 of that information, if deemed necessary, to encourage competition;

88 (6) Criteria, key decision points, and approvals required to ensure that the responsible  
 89 public entity considers the extent of competition before selecting proposals and  
 90 negotiating an interim or comprehensive agreement;

91 (7) Criteria for determining any fees authorized in Code Section 50-5C-5 that the public  
 92 entity elects to charge; and

93 (8) Process for posting and publishing of public notice of a private entity's request for  
 94 approval of a qualifying project, including:

- 95 (A) Specific information and documentation to be released regarding the nature,  
 96 timing, and scope of the qualifying project submitted pursuant to subsection (b) of Code  
 97 Section 50-5C-5;  
 98 (B) A reasonable time period as determined by the responsible public entity to  
 99 encourage competition and public-private partnerships in accordance with the goals of  
 100 this chapter, such reasonable period not to be less than 45 days, during which time the  
 101 responsible public entity shall receive competing proposals pursuant to subsection (d)  
 102 of Code Section 50-5C-6;  
 103 (C) A process for posting such proposal on the Georgia Procurement Registry; and  
 104 (D) For local government projects, confirmation that the public notice complies with  
 105 applicable local laws and regulations.

106 50-5C-4.

107 (a) The Partnership for Public Facilities and Infrastructure Act Guidelines Committee is  
 108 established to prepare model guidelines for public entities in the implementation of this  
 109 chapter. Such guidelines shall be prepared for the purpose of creating consistent  
 110 requirements for private entities who seek to participate in the construction or development  
 111 of a qualifying project throughout the State of Georgia. These guidelines shall be  
 112 mandatory for all state agencies conducting projects under this chapter, but shall be  
 113 optional for local government entities and boards of education acting under this chapter so  
 114 long as local guidelines are consistent with this chapter.

115 (b) The committee shall be composed of 11 persons as follows:

116 (1) The following members appointed by the Governor:

117 (A) A county official;

118 (B) A municipal official;

119 (C) A member of a local board of education;

120 (D) The commissioner of administrative services; and

121 (E) Three members of the business community;

122 (2) Two members of the House of Representatives appointed by the Speaker of the  
 123 House of Representatives; and

124 (3) Two members of the Senate appointed by the Lieutenant Governor.

125 (c) The terms of these committee appointments shall be for two years. The committee  
 126 shall meet once a month or as needed and shall issue model guidance to public entities no  
 127 later than July 1, 2013. Such guidance shall be updated every two years. The members of  
 128 the committee shall elect a chairperson and a vice chairperson who shall serve for two-year  
 129 terms in such office.

130 (d) Any legislative members of the committee shall receive the allowances provided for  
 131 in Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the  
 132 amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or  
 133 transportation allowance authorized for state employees. Any members of the committee  
 134 who are state officials or employees, other than legislative members, shall be reimbursed  
 135 for expenses incurred by them in the performance of their duties as members of the  
 136 committee in the same manner as they are reimbursed for expenses in their capacities as  
 137 state officials or employees. The funds necessary for the reimbursement of expenses of  
 138 state officials, other than legislative members, and state employees shall come from funds  
 139 appropriated to or otherwise available in their respective departments. All other funds  
 140 necessary to carry out the provisions of this chapter shall come from funds appropriated to  
 141 the House of Representatives and the Senate.

142 (e) Staff support shall be provided by the Department of Administrative Services, the  
 143 Governor's Office, the Office of Planning and Budget, the House of Representatives, the  
 144 Senate, and the Office of Legislative Counsel.

145 50-5C-5.

146 (a) The responsible public entity may request proposals or invite bids from private entities  
 147 for the development of qualifying projects according to procedures set forth in Code  
 148 Section 50-5C-8.

149 (b) A private entity may also request approval of a qualifying project by the responsible  
 150 public entity, provided that the project has been previously identified as a priority by the  
 151 public entity. Any such request shall be accompanied by the following material and  
 152 information:

153 (1) A project description, including the location of the qualifying project, the conceptual  
 154 design of such facility or facilities, and a conceptual plan for the provision of services or  
 155 technology infrastructure;

156 (2) A feasibility statement that includes:

157 (A) The method by which the private entity proposes to secure any necessary property  
 158 interests required for the qualifying project;

159 (B) A list of all permits and approvals required for the qualifying project from local,  
 160 state, or federal agencies; and

161 (C) A list of public utility facilities, if any, that will be crossed by the qualifying  
 162 project and a statement of the plans of the private entity to accommodate such  
 163 crossings;

164 (3) A schedule for the initiation and completion of the qualifying project to include the  
 165 proposed major responsibilities and timeline for activities to be performed by both the

166 public and private entity as well as a proposed schedule for obtaining the permits and  
167 approvals required in subparagraph (B) of paragraph (2) of this subsection;

168 (4) A financial plan setting forth the private entity's general plans for financing the  
169 qualifying project, including the sources of the private entity's funds and identification  
170 of any dedicated revenue source or proposed debt or equity investment on the behalf of  
171 the private entity; a description of user fees, lease payments, and other service payments  
172 over the term of the interim or comprehensive agreement pursuant to Code Section  
173 50-5C-9 or 50-5C-10 and the methodology and circumstances for changes to such user  
174 fees, lease payments, and other service payments over time;

175 (5) A business case statement that shall include a basic description of any indirect and  
176 direct benefits that the private entity can provide in delivering the qualified project,  
177 including relevant cost, quality, and time frame data;

178 (6) The names and addresses of the persons who may be contacted for further  
179 information concerning the request; and

180 (7) Such additional material and information as the responsible public entity may  
181 reasonably request.

182 (c) The responsible public entity may charge a reasonable fee to cover the costs of  
183 processing, reviewing, and evaluating the request, including, without limitation, reasonable  
184 attorney's fees and fees for financial, technical, and other necessary advisors or consultants  
185 as prescribed by Code Section 50-5C-3.

186 (d) Any private entity submitting a proposal to a responsible public entity under subsection  
187 (b) of this Code section shall notify each affected local jurisdiction by furnishing a copy  
188 of its request or proposal to each affected local jurisdiction.

189 (e) Each affected local jurisdiction that is not a responsible public entity for the respective  
190 qualifying project may, within 60 days after receiving such notice, submit any comments  
191 it may have in writing on the proposed qualifying project to the responsible public entity  
192 and indicate whether the facility is compatible with local plans and budgets. Such  
193 comments shall be given consideration by the responsible public entity prior to entering an  
194 interim or comprehensive agreement with a private entity pursuant to Code Section  
195 50-5C-9 or 50-5C-10.

196 50-5C-6.

197 (a) Any private entity seeking authorization under this chapter to develop a qualifying  
198 project shall first obtain approval of the responsible public entity. Such private entity may  
199 initiate the approval process by requesting approval pursuant to subsection (b) of Code  
200 Section 50-5C-5 or the responsible public entity may request proposals or invite bids  
201 pursuant to subsection (a) of Code Section 50-5C-5.

202 (b) Any facility, building, infrastructure, or improvement included in a proposal as a part  
203 of a qualifying project shall be identified specifically or conceptually.

204 (c) Upon receipt by the responsible public entity of a proposal submitted by a private  
205 entity initiating the approval process pursuant to subsection (b) of Code Section 50-5C-5,  
206 the responsible public entity shall determine whether to accept such proposal for  
207 consideration in accordance with the factors in subsection (a) of Code Section 50-5C-7.  
208 If the responsible public entity determines not to accept for consideration the proposal  
209 submitted by the private entity pursuant to subsection (b) of Code Section 50-5C-5, it shall  
210 return the proposal, together with all accompanying fees and documentation, to the private  
211 entity.

212 (d) If the public entity chooses to accept a qualifying project submitted according to  
213 subsection (b) of Code Section 50-5C-5, the public entity shall make such project public  
214 according to the local guidelines consistent with Code Section 50-5C-3 and shall seek  
215 competing proposals through open competition. Public notices of such request shall be  
216 made at least 45 days prior to the date set for receipt of proposals by posting the legal  
217 notice on the Georgia Procurement Registry. All proposals then submitted for qualifying  
218 projects shall be evaluated according to Code Section 50-5C-8 prior to entering into a  
219 comprehensive agreement with a private entity for the qualifying project.

220 (e) The responsible public entity may reject any proposal initiated by a private entity  
221 pursuant to subsection (b) of Code Section 50-5C-5 at any time.

222 50-5C-7.

223 (a) The responsible public entity may grant approval of the development of a qualifying  
224 project, if the responsible public entity determines that:

225 (1) There is a public need for or benefit derived from the qualifying project of the type  
226 the private entity proposes as a qualifying project;

227 (2) The estimated cost of the qualifying project is reasonable in relation to similar  
228 facilities; and

229 (3) The private entity's plans will result in the timely development or operation of the  
230 qualifying project.

231 (b) The approval of the responsible public entity shall be subject to the private entity's  
232 entering into an interim or comprehensive agreement pursuant to Code Section 50-5C-9 or  
233 50-5C-10 with the responsible public entity.

234 (c) Nothing in this chapter or in an interim or comprehensive agreement entered into  
235 pursuant to this chapter shall be deemed to enlarge, diminish, or affect the authority, if any,  
236 otherwise possessed by the responsible public entity to take action that would impact the  
237 debt capacity of this state.

238 50-5C-8.

239 (a) The provisions of Article 3 of Chapter 5 of this title shall not apply to this chapter.  
 240 However, a responsible public entity may enter into a comprehensive agreement only in  
 241 accordance with guidelines adopted by it as follows:

242 (1) A responsible public entity may enter into a comprehensive agreement in accordance  
 243 with guidelines adopted by it that are consistent with procurement through competitive  
 244 sealed bidding as defined in Code Section 50-5-67; and

245 (2) A responsible public entity may enter into a comprehensive agreement through a  
 246 process of competitive negotiation. Such responsible public entity shall not be required  
 247 to select the proposal with the lowest price offer, but may consider price as one factor in  
 248 evaluating the proposals received. Other factors that may be considered include:

249 (A) The proposed cost of the qualifying project;

250 (B) The general reputation, industry experience, and financial capacity of the private  
 251 entity;

252 (C) The proposed design of the qualifying project;

253 (D) The eligibility of the facility for accelerated selection, review, and documentation  
 254 timelines under the responsible public entity's guidelines;

255 (E) Local citizen and government comments;

256 (F) Benefits to the public;

257 (G) The private entity's compliance with a minority business enterprise participation  
 258 plan;

259 (H) The private entity's plans to employ local contractors and residents; and

260 (I) Other criteria that the responsible public entity deems appropriate.

261 (b) A responsible public entity shall proceed in accordance with the guidelines adopted by  
 262 it pursuant to paragraph (1) of subsection (a) of this Code section unless it determines that  
 263 proceeding in accordance with the guidelines adopted by it pursuant to paragraph (2) of  
 264 subsection (a) of this Code section is likely to be advantageous to the responsible public  
 265 entity and the public, based on:

266 (1) The probable scope, complexity, or priority of the project;

267 (2) Risk sharing, including guaranteed cost or completion guarantees, added value, or  
 268 debt or equity investments proposed by the private entity; or

269 (3) An increase in funding, dedicated revenue source, or other economic benefit that  
 270 would not otherwise be available.

271 When the responsible public entity determines to proceed according to the guidelines  
 272 adopted by it pursuant to this subsection, it shall state the reasons for its determination in  
 273 writing.

274 50-5C-9.

275 Prior to or in connection with the negotiation of the comprehensive agreement, the  
276 responsible public entity may enter into an interim agreement with the private entity  
277 proposing the development or operation of the qualifying project. Such interim agreement  
278 may:

279 (1) Permit the private entity to commence activities for which it may be compensated  
280 relating to the proposed qualifying project, including, but not limited to, project planning  
281 and development, design and engineering, environmental analysis and mitigation, survey,  
282 and ascertaining the availability of financing for the proposed facility or facilities;

283 (2) Establish the process and timing of the negotiation of the comprehensive agreement;  
284 and

285 (3) Contain any other provisions related to any aspect of the development or operation  
286 of a qualifying project that the parties may deem appropriate.

287 50-5C-10.

288 (a) Prior to developing or operating the qualifying project, the private entity shall enter  
289 into a comprehensive agreement with the responsible public entity.

290 (b) The comprehensive agreement shall include:

291 (1) A thorough description of the duties of each party in the completion and operation  
292 of the qualifying project;

293 (2) Dates and schedules for the completion of the qualifying project;

294 (3) Any user fees, lease payments, or service payments as may be established by  
295 agreement of the parties as well as any process for changing these fees or payments  
296 throughout the term of the agreement as well as a copy of any service contract;

297 (4) Any reimbursements to be paid to the responsible public entity for services provided  
298 by the responsible public entity;

299 (5) A process for the review of plans and specifications for the qualifying project by the  
300 responsible public entity and approval by the responsible public entity if the plans and  
301 specifications conform to reasonable standards acceptable to the responsible public entity.  
302 This shall not be construed as requiring the private entity to complete design of a  
303 qualifying project prior to the execution of a comprehensive agreement;

304 (6) A process for the periodic and final inspection of the qualifying project by the  
305 responsible public entity to ensure that the private entity's activities are acceptable to the  
306 responsible public entity in accordance with the provisions of the comprehensive  
307 agreement;

308 (7) Delivery of maintenance, performance and payment bonds, letters of credit, or other  
309 form of security acceptable to the responsible public entity in connection with the

310 development or operation of the qualifying project, in the forms and amounts required in  
311 Code Sections 13-10-40 and 13-10-41 for those components of the qualifying project that  
312 involve construction;

313 (8) Submission of a policy or policies of public liability insurance, copies of which shall  
314 be filed with the responsible public entity accompanied by proofs of coverage, or  
315 self-insurance, each in form and amount satisfactory to the responsible public entity and  
316 reasonably sufficient to insure coverage of tort liability to the public and employees and  
317 to enable the continued operation of the qualifying project;

318 (9) A process for monitoring of the practices of the private entity by the responsible  
319 public entity to ensure that the qualifying project is properly maintained;

320 (10) The filing of appropriate financial statements to the responsible public entity on a  
321 periodic basis; and

322 (11) Policies and procedures governing the rights and responsibilities of the responsible  
323 public entity and the private entity in the event the comprehensive agreement is  
324 terminated or there is a material default by the private entity. Such policies and  
325 guidelines shall include conditions governing assumption of the duties and  
326 responsibilities of the private entity by the responsible public entity and the transfer or  
327 purchase of property or other interests of the private entity by the responsible public  
328 entity. Such policies and procedure shall be consistent with Code Section 50-5C-11.

329 (c) The comprehensive agreement may include such other terms and conditions that the  
330 responsible public entity determines serve the public purpose of this chapter and to which  
331 the private entity and the responsible public entity mutually agree, including, without  
332 limitation, provisions regarding unavoidable delays or provisions providing for a loan of  
333 public funds to the private entity to develop one or more qualifying projects. The  
334 comprehensive agreement may also contain provisions where the authority and duties of  
335 the private entity under this chapter shall cease, and the qualifying project is dedicated to  
336 the responsible public entity or, if the qualifying project was initially dedicated by an  
337 affected local jurisdiction, to such affected local jurisdiction for public use.

338 (d) Any changes in the terms of the comprehensive agreement, as may be agreed upon by  
339 the parties from time to time, shall be added to the comprehensive agreement by written  
340 amendment.

341 (e) The comprehensive agreement may provide for the development of phases or segments  
342 of the qualifying project.

343 50-5C-11.

344 (a) In the event of a material default by the private entity, the responsible public entity may  
345 terminate, with cause, the interim or comprehensive agreement and exercise any other

346 rights and remedies that may be available to it at law or in equity, including, but not limited  
347 to, claims under the maintenance, performance, or payment bonds or other forms of  
348 security; or lines of credit required by Code Section 50-5C-10.

349 (b) The responsible public entity may elect to assume the responsibilities and duties of the  
350 private entity of the qualifying project, and in such case, it shall succeed to all of the right,  
351 title, and interest in such qualifying project, subject to any liens on revenues previously  
352 granted by the private entity to any person providing financing thereof.

353 (c) The power of eminent domain shall not be delegated to any private entity with respect  
354 to any project commenced or proposed pursuant to this chapter. Any responsible public  
355 entity having the power of condemnation under state law may exercise such power of  
356 condemnation to acquire the qualifying project in the event of a material default by the  
357 private entity. Any person who has provided financing for the qualifying project, and the  
358 private entity, to the extent of its capital investment, may participate in the condemnation  
359 proceedings with the standing of a property owner.

360 (d) In the event the responsible public entity elects to take over a qualifying project  
361 pursuant to subsection (b) of this Code section, the responsible public entity may develop  
362 the qualifying project, impose user fees, impose and collect lease payments for the use  
363 thereof, and comply with any service contracts as if it were the private entity. Any  
364 revenues that are subject to a lien shall be collected for the benefit of and paid to secured  
365 parties, as their interests may appear, to the extent necessary to satisfy the private entity's  
366 obligations to secured parties, including the maintenance of reserves. Such liens shall be  
367 correspondingly reduced and, when paid off, released. Before any payments to, or for the  
368 benefit of, secured parties, the responsible public entity may use revenues to pay current  
369 operation and maintenance costs of the qualifying project, including compensation to the  
370 responsible public entity for its services in operating and maintaining the qualifying  
371 project. The right to receive such payment, if any, shall be considered just compensation  
372 for the qualifying project. The full faith and credit of the responsible public entity shall not  
373 be pledged to secure any financing of the private entity by the election to take over the  
374 qualifying project. Assumption of operation of the qualifying project shall not obligate the  
375 responsible public entity to pay any obligation of the private entity from sources other than  
376 revenues from the qualifying project.

377 50-5C-12.

378 (a) Any financing of a qualifying project may be in such amounts and upon such terms and  
379 conditions as may be determined by the parties to the interim or comprehensive agreement.  
380 Without limiting the generality of the terms and conditions of the financing, the private  
381 entity and the responsible public entity may propose to utilize any and all funding resources

382 that may be available to them and may, to the fullest extent permitted by applicable law,  
383 issue debt, equity, or other securities or obligations, enter into leases, access any designated  
384 trust funds, borrow or accept grants from any state infrastructure bank, and secure any  
385 financing with a pledge of, security interest in, or lien on, any or all of its property,  
386 including all of its property interests in the qualifying project.

387 (b) The responsible public entity may take any action to obtain federal, state, or local  
388 assistance for a qualifying project that serves the public purpose of this chapter and may  
389 enter into any contracts required to receive such assistance. The responsible public entity  
390 may determine that it serves the public purpose of this chapter for all or any portion of the  
391 costs of a qualifying project to be paid, directly or indirectly, from the proceeds of a grant  
392 or loan made by the local, state, or federal government or any agency or instrumentality  
393 thereof.

394 50-5C-13.

395 In addition to any authority otherwise conferred by law, any public entity may contract  
396 with a private entity for the delivery of services to be provided as part of a qualifying  
397 project in exchange for such service payments and other consideration as such public entity  
398 may deem appropriate.

399 50-5C-14.

400 Nothing in this Code section shall alter the eminent domain laws of this state or grant the  
401 power of eminent domain to any person who is not expressly granted that power under  
402 other state law. Any public entity may dedicate any property interest, including land,  
403 improvements, and tangible personal property, that it has for public use in a qualifying  
404 project if it finds that so doing will serve the public purpose of this chapter by minimizing  
405 the cost of a qualifying project to the public entity or reducing the delivery time of a  
406 qualifying project. In connection with such dedication, a public entity may convey any  
407 property interest that it has, subject to the conditions imposed by general law governing  
408 such conveyances, to the private entity subject to the provisions of this chapter, for such  
409 consideration as such public entity may determine. The aforementioned consideration may  
410 include, without limitation, the agreement of the private entity to develop the qualifying  
411 project. The property interests that the public entity may convey to the private entity in  
412 connection with a dedication under this Code section may include licenses, franchises,  
413 easements, or any other right or interest the public entity deems appropriate.

414 50-5C-15.

415 Nothing in this chapter shall be construed as or deemed a waiver of the sovereign immunity  
416 of any responsible public entity or any affected local jurisdiction or any officer or  
417 employee thereof with respect to the participation in, or approval of, all or any part of the  
418 qualifying project or its operation, including, but not limited to, interconnection of the  
419 qualifying project with any other infrastructure or project.

420 50-5C-16.

421 Any police officers of the public entity and of each affected local jurisdiction shall have  
422 the same powers and jurisdiction within the limits of such qualifying project as they have  
423 in their respective areas of jurisdiction and such police officers shall have access to the  
424 qualifying project at any time for the purpose of exercising such powers and jurisdiction.

425 50-5C-17.

426 Nothing in this Code section shall abrogate the obligations of a responsible public entity  
427 or private entity to comply with public meetings requirement in accordance with  
428 Chapter 14 of this title, or to disclose public information in accordance with Article 4 of  
429 Chapter 18 of this title."

430 **SECTION 3.**

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

433 **SECTION 4.**

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