

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

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 so as to enact the "Partnership for Public Facilities and Infrastructure Act"; to provide for
3 legislative intent; to provide for definitions; to provide guidelines for projects; to create the
4 Partnership for Public Facilities and Infrastructure Act Guidelines Committee and to provide
5 for its membership, terms, allowances, duties, and support; to provide for the manner by
6 which projects may be initiated; to provide for the approval process for projects; to provide
7 for evaluation criteria and review; to provide for agreements; to provide for default and
8 remedies; to provide for financing and grants; to provide for service contracts; to provide for
9 the dedication of certain property interests; to provide for sovereign immunity; to provide for
10 police powers; to provide for application of open meetings and open records laws; to provide
11 for related matters; to provide an effective date; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

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

17 **SECTION 2.**

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

20 "CHAPTER 5C

21 50-5C-1.

22 (a) The General Assembly finds that:

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

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

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

34 (4) Financial incentives exist under state and federal tax provisions that promote public
 35 entities to enter into partnerships with private entities to develop qualifying projects; and

36 (5) Authorizing private entities to develop or operate one or more qualifying projects
 37 may result in the availability of such projects to the public in a more timely or less costly
 38 fashion, thereby serving the public safety, benefit, and welfare.

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

44 50-5C-2.

45 As used in this chapter, the term:

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

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

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

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

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

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

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

62 (8) 'Qualifying project' means any project that meets a public purpose and has previously
 63 been identified as a public need by the elected or appointed leaders of the State of
 64 Georgia or its political subdivisions, including, but not limited to, school systems, local
 65 governments, state and local authorities, and higher education institutions. Qualifying
 66 projects shall be located on real property owned or leased by state or local government
 67 and shall include any improvements necessary or desirable to any unimproved state or
 68 locally owned real property; or any airport project as defined in Code Section 6-4-3; or
 69 any port project as defined in Code Section 52-2-2; or operation of any existing public
 70 facility in a manner that results in reduced operating costs, including, but not limited to,
 71 energy conservation measures as defined in Code Section 50-37-2.

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

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

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

80 50-5C-3.

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

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

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

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

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

- 92 (4) Suggested timelines for selecting proposals and negotiating an interim or
 93 comprehensive agreement according to Code Section 50-5C-10;
- 94 (5) Procedures to determine the adequacy of the information released when seeking
 95 competing proposals as under Code Section 50-5C-6 and provide for the enhancement
 96 of that information, if deemed necessary, to encourage competition;
- 97 (6) Criteria, key decision points, and approvals required to ensure that the responsible
 98 public entity considers the extent of competition before selecting proposals and
 99 negotiating an interim or comprehensive agreement;
- 100 (7) Criteria for determining any fees authorized in Code Section 50-5C-5 that the public
 101 entity elects to charge; and
- 102 (8) Process for posting and publishing of public notice of a private entity's request for
 103 approval of a qualifying project, including:
- 104 (A) Specific information and documentation to be released regarding the nature,
 105 timing, and scope of the qualifying project submitted pursuant to subsection (b) of Code
 106 Section 50-5C-5;
- 107 (B) A reasonable time period as determined by the responsible public entity to
 108 encourage competition and public-private partnerships in accordance with the goals of
 109 this chapter, such reasonable period not to be less than 45 days, during which time the
 110 responsible public entity shall receive competing proposals pursuant to subsection (d)
 111 of Code Section 50-5C-6;
- 112 (C) A process for posting such proposal on the Georgia Procurement Registry; and
- 113 (D) For local government projects, confirmation that the public notice complies with
 114 applicable local laws and regulations.

115 50-5C-4.

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

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

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

126 (A) A county official;

127 (B) A municipal official;

- 128 (C) A member of a local board of education;
129 (D) The commissioner of administrative services; and
130 (E) Three members of the business community;
131 (2) Two members of the House of Representatives appointed by the Speaker of the
132 House of Representatives; and
133 (3) Two members of the Senate appointed by the Lieutenant Governor.
134 (c) The terms of these committee appointments shall be for two years. The committee
135 shall meet once a month or as needed and shall issue model guidance to public entities no
136 later than July 1, 2013. Such guidance shall be updated every two years. The members of
137 the committee shall elect a chairperson and a vice chairperson who shall serve for two-year
138 terms in such office.
139 (d) Any legislative members of the committee shall receive the allowances provided for
140 in Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the
141 amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or
142 transportation allowance authorized for state employees. Any members of the committee
143 who are state officials or employees, other than legislative members, shall be reimbursed
144 for expenses incurred by them in the performance of their duties as members of the
145 committee in the same manner as they are reimbursed for expenses in their capacities as
146 state officials or employees. The funds necessary for the reimbursement of expenses of
147 state officials, other than legislative members, and state employees shall come from funds
148 appropriated to or otherwise available in their respective departments. All other funds
149 necessary to carry out the provisions of this chapter shall come from funds appropriated to
150 the House of Representatives and the Senate.
151 (e) Staff support shall be provided by the Department of Administrative Services, the
152 Governor's Office, the Office of Planning and Budget, the House of Representatives, the
153 Senate, and the Office of Legislative Counsel.
- 154 50-5C-5.
155 (a) The responsible public entity may request proposals or invite bids from private entities
156 for the development of qualifying projects according to procedures set forth in Code
157 Section 50-5C-8.
158 (b) A private entity may also request approval of a qualifying project by the responsible
159 public entity, provided that the project has been previously identified as a priority by the
160 public entity. Any such request shall be accompanied by the following material and
161 information:

- 162 (1) A project description, including the location of the qualifying project, the conceptual
163 design of such facility or facilities, and a conceptual plan for the provision of services or
164 technology infrastructure;
- 165 (2) A feasibility statement that includes:
- 166 (A) The method by which the private entity proposes to secure any necessary property
167 interests required for the qualifying project;
- 168 (B) A list of all permits and approvals required for the qualifying project from local,
169 state, or federal agencies; and
- 170 (C) A list of public utility facilities, if any, that will be crossed by the qualifying
171 project and a statement of the plans of the private entity to accommodate such
172 crossings;
- 173 (3) A schedule for the initiation and completion of the qualifying project to include the
174 proposed major responsibilities and timeline for activities to be performed by both the
175 public and private entity as well as a proposed schedule for obtaining the permits and
176 approvals required in subparagraph (B) of paragraph (2) of this subsection;
- 177 (4) A financial plan setting forth the private entity's general plans for financing the
178 qualifying project, including the sources of the private entity's funds and identification
179 of any dedicated revenue source or proposed debt or equity investment on the behalf of
180 the private entity; a description of user fees, lease payments, and other service payments
181 over the term of the interim or comprehensive agreement pursuant to Code Section
182 50-5C-9 or 50-5C-10 and the methodology and circumstances for changes to such user
183 fees, lease payments, and other service payments over time;
- 184 (5) A business case statement that shall include a basic description of any indirect and
185 direct benefits that the private entity can provide in delivering the qualified project,
186 including relevant cost, quality, and time frame data;
- 187 (6) The names and addresses of the persons who may be contacted for further
188 information concerning the request; and
- 189 (7) Such additional material and information as the responsible public entity may
190 reasonably request.
- 191 (c) The responsible public entity may charge a reasonable fee to cover the costs of
192 processing, reviewing, and evaluating the request, including, without limitation, reasonable
193 attorney's fees and fees for financial, technical, and other necessary advisors or consultants
194 as prescribed by Code Section 50-5C-3.
- 195 (d) Any private entity submitting a proposal to a responsible public entity under subsection
196 (b) of this Code section shall notify each affected local jurisdiction by furnishing a copy
197 of its request or proposal to each affected local jurisdiction.

198 (e) Each affected local jurisdiction that is not a responsible public entity for the respective
199 qualifying project may, within 60 days after receiving such notice, submit any comments
200 it may have in writing on the proposed qualifying project to the responsible public entity
201 and indicate whether the facility is compatible with local plans and budgets. Such
202 comments shall be given consideration by the responsible public entity prior to entering an
203 interim or comprehensive agreement with a private entity pursuant to Code Section
204 50-5C-9 or 50-5C-10.

205 50-5C-6.

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

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

213 (c) Upon receipt by the responsible public entity of a proposal submitted by a private
214 entity initiating the approval process pursuant to subsection (b) of Code Section 50-5C-5,
215 the responsible public entity shall determine whether to accept such proposal for
216 consideration in accordance with the factors in subsection (a) of Code Section 50-5C-7.
217 If the responsible public entity determines not to accept for consideration the proposal
218 submitted by the private entity pursuant to subsection (b) of Code Section 50-5C-5, it shall
219 return the proposal, together with all accompanying fees and documentation, to the private
220 entity.

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

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

231 50-5C-7.

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

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

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

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

240 (b) The approval of the responsible public entity shall be subject to the private entity's
 241 entering into an interim or comprehensive agreement pursuant to Code Section 50-5C-9 or
 242 50-5C-10 with the responsible public entity.

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

247 50-5C-8.

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

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

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

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

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

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

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

264 (E) Local citizen and government comments;

265 (F) Benefits to the public;

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

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

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

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

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

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

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

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

283 50-5C-9.

284 Prior to or in connection with the negotiation of the comprehensive agreement, the
 285 responsible public entity may enter into an interim agreement with the private entity
 286 proposing the development or operation of the qualifying project. Such interim agreement
 287 may:

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

292 (2) Establish the process and timing of the negotiation of the comprehensive agreement;
 293 and

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

296 50-5C-10.

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

299 (b) The comprehensive agreement shall include:

- 300 (1) A thorough description of the duties of each party in the completion and operation
301 of the qualifying project;
- 302 (2) Dates and schedules for the completion of the qualifying project;
- 303 (3) Any user fees, lease payments, or service payments as may be established by
304 agreement of the parties as well as any process for changing these fees or payments
305 throughout the term of the agreement as well as a copy of any service contract;
- 306 (4) Any reimbursements to be paid to the responsible public entity for services provided
307 by the responsible public entity;
- 308 (5) A process for the review of plans and specifications for the qualifying project by the
309 responsible public entity and approval by the responsible public entity if the plans and
310 specifications conform to reasonable standards acceptable to the responsible public entity.
311 This shall not be construed as requiring the private entity to complete design of a
312 qualifying project prior to the execution of a comprehensive agreement;
- 313 (6) A process for the periodic and final inspection of the qualifying project by the
314 responsible public entity to ensure that the private entity's activities are acceptable to the
315 responsible public entity in accordance with the provisions of the comprehensive
316 agreement;
- 317 (7) Delivery of maintenance, performance and payment bonds, letters of credit, or other
318 form of security acceptable to the responsible public entity in connection with the
319 development or operation of the qualifying project, in the forms and amounts required in
320 Code Sections 13-10-40 and 13-10-41 for those components of the qualifying project that
321 involve construction;
- 322 (8) Submission of a policy or policies of public liability insurance, copies of which shall
323 be filed with the responsible public entity accompanied by proofs of coverage, or
324 self-insurance, each in form and amount satisfactory to the responsible public entity and
325 reasonably sufficient to insure coverage of tort liability to the public and employees and
326 to enable the continued operation of the qualifying project;
- 327 (9) A process for monitoring of the practices of the private entity by the responsible
328 public entity to ensure that the qualifying project is properly maintained;
- 329 (10) The filing of appropriate financial statements to the responsible public entity on a
330 periodic basis; and
- 331 (11) Policies and procedures governing the rights and responsibilities of the responsible
332 public entity and the private entity in the event the comprehensive agreement is
333 terminated or there is a material default by the private entity. Such policies and
334 guidelines shall include conditions governing assumption of the duties and
335 responsibilities of the private entity by the responsible public entity and the transfer or

336 purchase of property or other interests of the private entity by the responsible public
337 entity. Such policies and procedure shall be consistent with Code Section 50-5C-11.

338 (c) The comprehensive agreement may include such other terms and conditions that the
339 responsible public entity determines serve the public purpose of this chapter and to which
340 the private entity and the responsible public entity mutually agree, including, without
341 limitation, provisions regarding unavoidable delays or provisions providing for a loan of
342 public funds to the private entity to develop one or more qualifying projects. The
343 comprehensive agreement may also contain provisions where the authority and duties of
344 the private entity under this chapter shall cease, and the qualifying project is dedicated to
345 the responsible public entity or, if the qualifying project was initially dedicated by an
346 affected local jurisdiction, to such affected local jurisdiction for public use.

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

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

352 50-5C-11.

353 (a) In the event of a material default by the private entity, the responsible public entity may
354 terminate, with cause, the interim or comprehensive agreement and exercise any other
355 rights and remedies that may be available to it at law or in equity, including, but not limited
356 to, claims under the maintenance, performance, or payment bonds or other forms of
357 security; or lines of credit required by Code Section 50-5C-10.

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

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

369 (d) In the event the responsible public entity elects to take over a qualifying project
370 pursuant to subsection (b) of this Code section, the responsible public entity may develop
371 the qualifying project, impose user fees, impose and collect lease payments for the use

372 thereof, and comply with any service contracts as if it were the private entity. Any
373 revenues that are subject to a lien shall be collected for the benefit of and paid to secured
374 parties, as their interests may appear, to the extent necessary to satisfy the private entity's
375 obligations to secured parties, including the maintenance of reserves. Such liens shall be
376 correspondingly reduced and, when paid off, released. Before any payments to, or for the
377 benefit of, secured parties, the responsible public entity may use revenues to pay current
378 operation and maintenance costs of the qualifying project, including compensation to the
379 responsible public entity for its services in operating and maintaining the qualifying
380 project. The right to receive such payment, if any, shall be considered just compensation
381 for the qualifying project. The full faith and credit of the responsible public entity shall not
382 be pledged to secure any financing of the private entity by the election to take over the
383 qualifying project. Assumption of operation of the qualifying project shall not obligate the
384 responsible public entity to pay any obligation of the private entity from sources other than
385 revenues from the qualifying project.

386 50-5C-12.

387 (a) Any financing of a qualifying project may be in such amounts and upon such terms and
388 conditions as may be determined by the parties to the interim or comprehensive agreement.
389 Without limiting the generality of the terms and conditions of the financing, the private
390 entity and the responsible public entity may propose to utilize any and all funding resources
391 that may be available to them and may, to the fullest extent permitted by applicable law,
392 issue debt, equity, or other securities or obligations, enter into leases, access any designated
393 trust funds, borrow or accept grants from any state infrastructure bank, and secure any
394 financing with a pledge of, security interest in, or lien on, any or all of its property,
395 including all of its property interests in the qualifying project.

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

403 50-5C-13.

404 In addition to any authority otherwise conferred by law, any public entity may contract
405 with a private entity for the delivery of services to be provided as part of a qualifying

406 project in exchange for such service payments and other consideration as such public entity
407 may deem appropriate.

408 50-5C-14.

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

423 50-5C-15.

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

429 50-5C-16.

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

434 50-5C-17.

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

439 **SECTION 3.**

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

442 **SECTION 4.**

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