

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 eiltv net opoiefrdfntos opoiegieie o rjcs ocet h atesi o ulcFclte n nrsrueAtGieie omte n  
3 opoiefrismmesi,trs loacs uis n upr;t rvd o h anrb hc rjcsmyb ntae;t rvd o h prvlpoesfrpoet;t  
4 rvd o vlainciei n eiw opoiefrareet;t rvd o eal n eeis opoiefrfnnigadgat;t rvd o evc otat;t rvd  
5 o h eiaino eti rpryitrss opoiefrsvrinimnt;t rvd o oiepwrt;t rvd o plcto foe etnsadoe eod as  
6 opoiefrlrldmtes opoiea fetv ae orpa ofitn as n o te upss

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

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

11 SECTION 2.

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

14 "CHAPTER 5C

15 50-5C-1.

16 (a) The General Assembly finds that:

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

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

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

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

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

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

38 50-5C-2.

39 As used in this chapter, the term:

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

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

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

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

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

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

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

56 (8) 'Qualifying project' means any project that meets a public purpose and has previously  
 57 been identified as a public need by the elected or appointed leaders of the State of  
 58 Georgia or its political subdivisions, including, but not limited to, school systems, local  
 59 governments, state and local authorities, and higher education institutions. Qualifying

60 projects shall be located on real property owned or leased by state or local government  
 61 and shall include any improvements necessary or desirable to any unimproved state or  
 62 locally owned real property; or any airport project as defined in Code Section 6-4-3; or  
 63 any port project as defined in Code Section 52-2-2; or operation of any existing public  
 64 facility in a manner that results in reduced operating costs, including, but not limited to,  
 65 energy conservation measures as defined in Code Section 50-37-2.

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

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

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

74 50-5C-3.

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

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

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

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

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

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

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

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

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

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

109 50-5C-4.

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

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

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

120 (A) A county official;

121 (B) A municipal official;

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

123 (D) The commissioner of administrative services; and

124 (E) Three members of the business community;

125 (2) Two members of the House of Representatives appointed by the Speaker of the  
 126 House of Representatives; and

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

128 (c) The terms of these committee appointments shall be for two years. The committee  
 129 shall meet once a month or as needed and shall issue model guidance to public entities no  
 130 later than July 1, 2013. Such guidance shall be updated every two years. The members of

131 the committee shall elect a chairperson and a vice chairperson who shall serve for two-year  
132 terms in such office.

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

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

148 50-5C-5.

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

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

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

159 (2) A feasibility statement that includes:

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

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

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

167 (3) A schedule for the initiation and completion of the qualifying project to include the  
168 proposed major responsibilities and timeline for activities to be performed by both the  
169 public and private entity as well as a proposed schedule for obtaining the permits and  
170 approvals required in subparagraph (B) of paragraph (2) of this subsection;

171 (4) A financial plan setting forth the private entity's general plans for financing the  
172 qualifying project, including the sources of the private entity's funds and identification  
173 of any dedicated revenue source or proposed debt or equity investment on the behalf of  
174 the private entity; a description of user fees, lease payments, and other service payments  
175 over the term of the interim or comprehensive agreement pursuant to Code Section  
176 50-5C-9 or 50-5C-10 and the methodology and circumstances for changes to such user  
177 fees, lease payments, and other service payments over time;

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

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

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

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

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

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

199 50-5C-6.

200 (a) Any private entity seeking authorization under this chapter to develop a qualifying  
201 project shall first obtain approval of the responsible public entity. Such private entity may  
202 initiate the approval process by requesting approval pursuant to subsection (b) of Code

203 Section 50-5C-5 or the responsible public entity may request proposals or invite bids  
204 pursuant to subsection (a) of Code Section 50-5C-5.

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

207 (c) Upon receipt by the responsible public entity of a proposal submitted by a private  
208 entity initiating the approval process pursuant to subsection (b) of Code Section 50-5C-5,  
209 the responsible public entity shall determine whether to accept such proposal for  
210 consideration in accordance with the factors in subsection (a) of Code Section 50-5C-7.

211 If the responsible public entity determines not to accept for consideration the proposal  
212 submitted by the private entity pursuant to subsection (b) of Code Section 50-5C-5, it shall  
213 return the proposal, together with all accompanying fees and documentation, to the private  
214 entity.

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

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

225 50-5C-7.

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

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

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

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

234 (b) The approval of the responsible public entity shall be subject to the private entity's  
235 entering into an interim or comprehensive agreement pursuant to Code Section 50-5C-9 or  
236 50-5C-10 with the responsible public entity.

237 (c) Nothing in this chapter or in an interim or comprehensive agreement entered into  
238 pursuant to this chapter shall be deemed to enlarge, diminish, or affect the authority, if any,

239 otherwise possessed by the responsible public entity to take action that would impact the  
240 debt capacity of this state.

241 50-5C-8.

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

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

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

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

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

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

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

258 (E) Local citizen and government comments;

259 (F) Benefits to the public;

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

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

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

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

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

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

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



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

277 50-5C-9.

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

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

286 (2) Establish the process and timing of the negotiation of the comprehensive agreement;  
 287 and

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

290 50-5C-10.

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

293 (b) The comprehensive agreement shall include:

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

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

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

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

302 (5) A process for the review of plans and specifications for the qualifying project by the  
 303 responsible public entity and approval by the responsible public entity if the plans and  
 304 specifications conform to reasonable standards acceptable to the responsible public entity.

305 This shall not be construed as requiring the private entity to complete design of a  
 306 qualifying project prior to the execution of a comprehensive agreement;

307 (6) A process for the periodic and final inspection of the qualifying project by the  
 308 responsible public entity to ensure that the private entity's activities are acceptable to the

309 responsible public entity in accordance with the provisions of the comprehensive  
310 agreement;

311 (7) Delivery of maintenance, performance and payment bonds, letters of credit, or other  
312 form of security acceptable to the responsible public entity in connection with the  
313 development or operation of the qualifying project, in the forms and amounts required in  
314 Code Sections 13-10-40 and 13-10-41 for those components of the qualifying project that  
315 involve construction;

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

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

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

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

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

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

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

346 50-5C-11.

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

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

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

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

380 50-5C-12.

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

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

397 50-5C-13.

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

402 50-5C-14.

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

415 connection with a dedication under this Code section may include licenses, franchises,  
416 easements, or any other right or interest the public entity deems appropriate.

417 50-5C-15.

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

423 50-5C-16.

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

428 50-5C-17.

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

433 **SECTION 3.**

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

436 **SECTION 4.**

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