

Senate Resolution 1019

By: Senators Ginn of the 47th, Kennedy of the 18th, Gooch of the 51st, Albers of the 56th, Miller of the 49th and others

ADOPTED SENATE

A RESOLUTION

1 Creating the Senate Advanced Communications Technologies and Use of State and Local
2 Government Right of Way Policy Modernization Study Committee; and for other purposes.

3 WHEREAS, consumer demand in the State of Georgia, driven by innovation in
4 communications networks and new technologies, is exploding; and

5 WHEREAS, the disruption of the marketplace for all services, including broadband, video,
6 and voice technologies, will only fully benefit Georgia consumers if the policies of this state
7 do not artificially create disparities among the technologies; and

8 WHEREAS, the variety of services available to Georgia consumers, offered by a wide
9 variety of companies, has never been greater and long-held assumptions woven into state law
10 concerning use of state and local rights of way are outdated and treat various technology
11 types differently when the same end product is offered; and

12 WHEREAS, a truly modernized policy regime treats functionally equivalent services equally
13 rather than creating winners and losers in the marketplace; and

14 WHEREAS, it is important to ensure that companies that have already invested in the State
15 of Georgia and that already serve Georgians, as well as new entrants with new products and
16 services, are afforded the same accommodations and obligations into the future in their use
17 of the right of way; and

18 WHEREAS, to accomplish these goals, the State of Georgia should pursue a comprehensive
19 examination of its laws, regulations, and policies to determine what changes are necessary
20 to achieve modernization, fairness, and technology neutrality regarding access to the rights
21 of way and the taxation of services.

22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE:

23 (1) **Creation of Senate study committee.** There is created the Senate Advanced
24 Communications Technologies and Use of State and Local Government Right of Way
25 Policy Modernization Study Committee.

26 (2) **Members and officers.** The committee shall be composed of five members of the
27 Senate to be appointed by the President of the Senate. The President shall also appoint
28 an additional five members of the committee as follows:

29 (A) A mayor;

30 (B) A county commissioner; and

31 (C) Three individuals who represent a broad range of views and expertise on
32 communications deployment and taxation issues. The President shall designate a
33 member of the committee as chairperson of the committee.

34 (3) **Powers and duties.** The committee shall undertake a study of the conditions, needs,
35 issues, and problems mentioned above or related thereto and recommend any action or
36 legislation which the committee deems necessary or appropriate.

37 (4) **Meetings.** The chairperson shall call all meetings of the committee. The committee
38 may conduct such meetings at such places and at such times as it may deem necessary or
39 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
40 accomplish the objectives and purposes of this resolution.

41 (5) **Allowances and funding.**

42 (A) Members of the committee who are members of the General Assembly shall
43 receive the allowances provided for in Code Section 28-1-8 of the Official Code of
44 Georgia Annotated.

45 (B) The allowances authorized by this resolution shall not be received by any member
46 of the committee for more than five days unless additional days are authorized. Funds
47 necessary to carry out the provisions of this resolution shall come from funds
48 appropriated to the Senate.

49 (6) **Report.**

50 (A) In the event the committee adopts any specific findings or recommendations that
51 include suggestions for proposed legislation, the chairperson shall file a report of the
52 same prior to the date of abolishment specified in this resolution, subject to
53 subparagraph (C) of this paragraph.

54 (B) In the event the committee adopts a report that does not include suggestions for
55 proposed legislation, the chairperson shall file the report, subject to subparagraph (C)
56 of this paragraph.

57 (C) No report shall be filed unless the same has been approved prior to the date of
58 abolishment specified in this resolution by majority vote of a quorum of the committee.

59 A report so approved shall be signed by the chairperson of the committee and filed with
60 the Secretary of the Senate.

61 (D) In the absence of an approved report, the chairperson may file with the Secretary
62 of the Senate a copy of the minutes of the meetings of the committee in lieu thereof.

63 (7) **Abolishment.** The committee shall stand abolished on December 1, 2018.