

House Bill 503

By: Representatives Burnough of the 77<sup>th</sup>, Stovall of the 74<sup>th</sup>, and Scott of the 76<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 3 of Title 6 of the Official Code of Georgia Annotated,  
2 relating to powers of local governments as to air facilities, so as to authorize certain local  
3 governments to lease property to private parties for development; to provide for related  
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 2 of Chapter 3 of Title 6 of the Official Code of Georgia Annotated, relating to  
8 powers of local governments as to air facilities, is amended by revising Code Section 6-3-25,  
9 relating to powers and duties of counties, municipalities, and political subdivisions as to  
10 airports generally, as follows:

11 "6-3-25.

12 Counties, municipalities, or other political subdivisions which establish airports or landing  
13 fields or which acquire, lease, or set apart real property for such purpose or purposes are  
14 authorized to:

15 (1) Construct, equip, improve, maintain, and operate the same or vest authority for the  
16 construction, equipment, improvement, maintenance, and operation thereof in an officer,  
17 board, or body of the county, municipality, or other political subdivision. The expense  
18 of such construction, equipment, improvement, maintenance, and operation shall be a  
19 responsibility of the county, municipality, or other political subdivision;

20 (2) Adopt regulations and establish charges, fees, and tolls for the use of such airports  
21 or landing fields, fix penalties for the violation of said regulations, and establish liens to  
22 enforce payment of said charges, fees, and tolls, subject to existing contracts;

23 (3) Lease such airports or landing fields to private parties for operation or lease or assign  
24 to private parties for operation, space, area, improvements, and equipment on such  
25 airports or landing fields, provided in each case that in so doing the public is not deprived  
26 of its rightful, equal, and uniform use thereof; ~~and~~

27 (4) Lease portions of such property lying within any county having a population of  
 28 550,000 or more persons according to the United States decennial census of 1980 or any  
 29 future such census for an initial term of up to 50 years, and to extend such leases, to  
 30 private parties for development of such property for hotels and related facilities,  
 31 conference centers, office buildings, commercial and retail uses, and other similar airport  
 32 and travel related purposes, provided that:

33 (A) A lease under this paragraph shall expressly grant and convey to the lessee a  
 34 taxable estate for years in both the property and any improvements upon such property  
 35 as may be constructed and shall not grant or convey a nontaxable usufruct in either the  
 36 property or the improvements upon such property; and

37 (B) The leasing authority granted under this paragraph shall not extend to property  
 38 acquired for airport noise mitigation purposes pursuant to the former Airport and  
 39 Airway Development Act of 1970 (49 U.S.C. Section 1701, et seq.), as amended, or the  
 40 Airport and Airway Improvement Act of 1982 (49 U.S.C. Section 2201, et seq.), as  
 41 amended; and

42 (5) Lease portions of such property lying within any county having an airport or landing  
 43 field that is owned or operated by a municipality located outside of such county for an  
 44 initial term of up to 50 years, and to extend such leases, to private parties for development  
 45 of such property for hotels and related facilities, conference centers, office buildings,  
 46 commercial and retail uses, and other similar airport and travel related purposes, provided  
 47 that:

48 (A) A lease under this paragraph shall expressly grant and convey to the lessee a  
 49 taxable estate for years in both the property and any improvements upon such property  
 50 as may be constructed and shall not grant or convey a nontaxable usufruct in either the  
 51 property or the improvements upon such property; and

52 (B) The leasing authority granted under this paragraph shall not extend to property  
 53 acquired for airport noise mitigation purposes pursuant to the former Airport and  
 54 Airway Development Act of 1970 (49 U.S.C. Section 1701, et seq.), as amended, or the  
 55 Airport and Airway Improvement Act of 1982 (49 U.S.C. Section 2201, et seq.), as  
 56 amended."

57 **SECTION 2.**

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