

House Bill 642

By: Representatives Burnough of the 77<sup>th</sup>, Scott of the 76<sup>th</sup>, and Bazemore of the 63<sup>rd</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 provide that the  
3 underlying fee interest in local government airport property which remains vested in the local  
4 government shall not be deemed to be used for public, governmental, and municipal  
5 purposes; to provide that the public is not entitled to rightful, equal, and uniform use of  
6 airports and landing fields leased to private parties; to provide for a contingent effective date;  
7 to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 3 of Title 6 of the Official Code of Georgia Annotated, relating to  
11 powers of local governments as to air facilities, is amended in Code Section 6-3-21, relating  
12 to lands acquired, owned, leased, controlled, or occupied by local governments deemed for  
13 public purposes and effect on ad valorem taxation, as follows:

14 "6-3-21.

15 Any lands acquired, owned, leased, controlled, or occupied by counties, municipalities, or  
16 other political subdivisions for the purpose or purposes enumerated in Code Section 6-3-20

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17 shall be and are declared to be acquired, owned, leased, controlled, or occupied for public,  
18 governmental, and municipal purposes; provided, however, that with respect to facilities  
19 located on such lands, which lands are located outside of the territorial limits of the  
20 political subdivision that leases such lands and which are leased to, controlled, or occupied  
21 by private parties, the interests created in such private parties, for the purpose of ad  
22 valorem taxation only, are declared not to be used for public, governmental, or municipal  
23 purposes and said resulting interests, so long as the interests create an estate in land, are  
24 subject to ad valorem taxation; ~~provided, further, that the underlying fee interest in such~~  
25 ~~property which remains vested in the county, municipality, or other political subdivision~~  
26 ~~shall be deemed to be used for public, governmental, and municipal purposes.~~ The  
27 municipality's interest in lands and the facilities located thereon located inside the territorial  
28 limits of a municipality which are owned by that municipality for the purposes enumerated  
29 in Code Section 6-3-20, are declared to be used for public, governmental, or municipal  
30 purposes and are not subject to ad valorem taxation."

31

## SECTION 2.

32 Said article is further amended by revising Code Section 6-3-25, relating to powers and  
33 duties of counties, municipalities, and political subdivisions as to airports generally, as  
34 follows:

35 "6-3-25.

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

39 (1) Construct, equip, improve, maintain, and operate the same or vest authority for the  
40 construction, equipment, improvement, maintenance, and operation thereof in an officer,  
41 board, or body of the county, municipality, or other political subdivision. The expense

42 of such construction, equipment, improvement, maintenance, and operation shall be a  
43 responsibility of the county, municipality, or other political subdivision;

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

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

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

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

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

66

**SECTION 3.**

67 This Act shall become effective on July 1, 2021, only if an Act of the General Assembly of  
68 Georgia to terminate an exemption from ad valorem taxation for public property owned by  
69 a political subdivision outside of its territorial limits that is developed by grading or other  
70 improvements to the extent of at least 25 percent of the total land area and has facilities  
71 actively used for a public or governmental purpose goes into effect on or before such date.  
72 If such an Act of the General Assembly of Georgia is not so enacted, then this Act shall not  
73 become effective and shall stand repealed on July 1, 2021.

74

**SECTION 4.**

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