

House Bill 886

By: Representatives Coleman of the 118th, Channell of the 77th, Parrish of the 102nd, and Morris of the 120th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass
2 transportation, so as to provide certain conditions on the receipt by airports of state financial
3 assistance; to provide for the repayment of future state assistance if an airport ceases
4 operations within a certain period of time; to provide for public hearings with respect to
5 closing of airports which have received state financial assistance; to require compliance and
6 specify penalties; to provide for related matters; to provide an effective date; to repeal
7 conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass
11 transportation, is amended by adding a new Code Section 32-9-7.1 to read as follows:

12 "32-9-7.1.

13 (a) Whenever the State of Georgia provides any financial assistance to any airport, the
14 provisions of this Code section shall apply. For this purpose, any grant or contract that
15 involves state funding or any provision of facilities, equipment, or services by the state
16 shall be considered as financial assistance.

17 (b) Whenever any airport accepts any financial assistance from the state on or after the
18 effective date of this Code section, the department or other state agency providing such
19 financial assistance shall, in addition to any other terms of such financial assistance, require
20 that the operator of such airport agree to repay to the state the amount of such assistance
21 if such airport closes or ceases operations within a period of 20 years after the receipt of
22 such assistance. Such agreement shall be secured by an appropriate bond or be in the form
23 of a recordable instrument creating a security interest which shall be recorded in the real
24 estate records of the county in which the airport is located.

25 (c) Whenever the operator of any airport that has accepted any financial assistance from
26 the state prior to or on or after the effective date of this Code section plans or proposes to

1 close or cease operations, the operator shall be required to hold a public hearing with
2 respect to the proposed closure or ceasing of operations, if such financial assistance was
3 received within a period of 20 years immediately prior to the proposed date of closing or
4 ceasing of operations. This public hearing shall be held on a weekday which is not a
5 holiday and shall commence between 6:00 P.M. and 7:00 P.M., inclusive of those exact
6 times. Prior to such public hearing, the operator shall publish once in each of the three
7 calendar weeks prior to the week of the hearing a notice of the hearing. Such notice shall
8 be published in the legal organ of each county in which any part of the airport is located.
9 Such notice shall be in the form of a prominently displayed advertisement at least two by
10 three inches in size which shall not be included with the general legal notices. Such notice
11 shall plainly state the nature of the proposed closing or ceasing of operations and shall
12 include a recital of all financial assistance received from the state during the period of 20
13 years prior to the proposed closing or ceasing of operations.

14 (d) This Code section shall apply with respect to both publicly and privately operated
15 airports.

16 (e) Any person who violates this Code section shall upon conviction be guilty of a
17 misdemeanor of a high and aggravated nature."

18 **SECTION 2.**

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

21 **SECTION 3.**

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