

House Bill 886 (COMMITTEE SUBSTITUTE)

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 style="text-align:center">**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) Such financial assistance shall only be supplied to an airport sponsor, and for the
18 purpose of this Code section an airport sponsor is an entity, either public or private, with
19 control of a public use airport in the State of Georgia. To be eligible for such financial
20 assistance, a sponsor must enter into an agreement in a form acceptable to the state,
21 agreeing that the sponsor will:

- 22 (1) Maintain the airport in a safe and serviceable condition to serve the aeronautical users
23 of the airport;
- 24 (2) Take no action that would render the airport unusable or cause the airport to cease
25 operation; and

- 1 (3) Make the airport available for public use on reasonable terms and without unjust
2 discrimination.
- 3 (c) Such an agreement shall be made for a period of no less than 20 years from the date of
4 the last agreement.
- 5 (d) Any airport sponsor wishing to terminate the agreement outlined in subsection (b) of
6 this Code section can do so only if:
- 7 (1) The termination is approved by the State Transportation Board; and
- 8 (2) All financial assistance received is repaid by the sponsors. If funds were received to
9 purchase land or other property, the sponsor shall be required to pay back either the grant
10 amount or the present-day fair market value of the property, whichever is higher.
- 11 (e) The sponsor of any airport that has accepted financial assistance from the state prior
12 to or on or after the effective date of this Code section that proposes to close or cease
13 operation of the airport shall be required to hold a public hearing with respect to the
14 proposed closure or ceasing of operation. Such public hearing shall be subject to the
15 following requirements:
- 16 (1) The hearing shall be held on a weekday which is not a holiday and shall commence
17 between 6:00 P.M. and 7:00 P.M., inclusive of those exact times;
- 18 (2) Notice shall be published at least 30 days in advance of the hearing in the legal organ
19 of each county in which any part of the airport is located. Such notice shall be in the form
20 of a prominently displayed advertisement at least two by three inches in size which shall
21 not be included with the general legal notices and shall plainly state the nature of the
22 proposed closing or ceasing of operation and shall include a recital of all financial
23 assistance received from the state during the period of 20 years prior to the proposed
24 closing; and
- 25 (3) Notice of the hearing shall be delivered to the state Department of Transportation at
26 least three calendar weeks prior to the hearing.
- 27 (f) If a sponsor renders a decision to close an airport, the effective date of that closure shall
28 be no less than 90 days after posting that decision to close the airport.
- 29 (g) This Code section shall apply with respect to both publicly and privately operated
30 airports.
- 31 (h) Any person who violates this Code section shall upon conviction be guilty of a
32 misdemeanor of a high and aggravated nature."

33 SECTION 2.

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

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SECTION 3.

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