

House Bill 1330 (AS PASSED HOUSE AND SENATE)

By: Representatives Greene of the 149<sup>th</sup> and Hanner of the 148<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to create the Lower Chattahoochee Regional Airport Authority, approved  
2 May 5, 2006 (Ga. L. 2006, p. 4422), so as to remove Calhoun County from membership in  
3 such authority; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 An Act to create the Lower Chattahoochee Regional Airport Authority, approved May 5,  
7 2006 (Ga. L. 2006, p. 4422), is amended by revising Section 2 as follows:

8 "SECTION 2.

9 Legislative findings.

10 The General Assembly determines and finds that there is a present and projected growth in  
11 commercial and private air traffic in the area of Clay, Quitman, and Randolph Counties.  
12 There is the need for adequate airports safely and efficiently to serve the air transportation  
13 needs of this state and Clay, Quitman, and Randolph Counties, the need to eliminate airport  
14 hazards, and the need to raise capital for the establishment, operation, and maintenance of  
15 present and future airports. The General Assembly further determines and finds that the  
16 establishment of an authority is necessary and essential to ensure the welfare, safety, and  
17 convenience of citizens of the region and the entire state and to ensure the proper economic  
18 development of the region and the entire state."

19 **SECTION 2.**

20 Said Act is further amended by revising Section 3 as follows:

## 21 "SECTION 3.

## 22 Lower Chattahoochee Regional Airport Authority.

23 (a) There is created a body corporate and politic, to be known as the 'Lower Chattahoochee  
24 Regional Airport Authority,' which shall be deemed to be a political subdivision of the State  
25 of Georgia and a public corporation and by that name, style, and title said body may contract  
26 and be contracted with, sue and be sued, implead and be impleaded, and bring and defend  
27 actions in all courts. The authority shall have perpetual existence.

28 (b) The authority shall consist of seven members who shall be residents of Clay, Quitman,  
29 and Randolph Counties. Two of the members shall be appointed by the governing authority  
30 of Clay County for terms of office of four years each. Two of the members shall be  
31 appointed by the governing authority of Quitman County for terms of office of four years  
32 each. Two of the members shall be appointed by the governing authority of Randolph  
33 County for terms of office of four years each. The six members so appointed shall appoint  
34 a seventh member, who may be a resident of either Clay, Quitman, or Randolph County, for  
35 a term of office of four years. Members of the authority shall serve the terms specified and  
36 until their respective successors are appointed and qualified; provided, however, that any  
37 member of the authority may be removed at any time by the governing authority which  
38 appointed such member, with or without cause. Any member of the authority may be  
39 selected and appointed to succeed himself or herself. After such appointment, the members  
40 of such authority shall enter upon their duties. Any vacancy on the authority shall be filled  
41 in the same manner as was the original appointment of the member whose term of  
42 membership resulted in such vacancy and the person so selected and appointed shall serve  
43 for the remainder of the unexpired term. The members of the authority shall be reimbursed  
44 for all actual expenses incurred in the performance of their duties out of funds of the  
45 authority. The authority shall make rules and regulations for its own government. It shall  
46 have perpetual existence.

47 (c) To be eligible for appointment as a member of the authority, a person shall satisfy the  
48 requirements of Code Section 45-2-1 of the O.C.G.A.

49 (d) The members of the authority shall in April of each year elect one of their number as  
50 chairperson. Also, the members of the authority shall elect one of their number as vice  
51 chairperson, shall also elect one of their number as secretary, and may also elect one of their  
52 number as treasurer. The secretary may also serve as treasurer. Each of such officers shall  
53 serve for a period of one year and until their successors are duly elected and qualified. The  
54 chairperson of the authority shall be entitled to vote upon any issue, motion, or resolution.

55 (e) A majority of the members of the authority shall constitute a quorum. No vacancy on  
 56 the authority shall impair the right of the quorum to exercise all of the rights and perform all  
 57 of the duties of the authority.

58 (f) A vacancy on the authority shall exist in the office of any member of the authority who  
 59 is convicted of a felony or who enters a plea of nolo contendere thereto; who is convicted of  
 60 a crime involving moral turpitude or who enters a plea of nolo contendere thereto; who  
 61 moves such person's residence from Clay, Quitman, or Randolph County; who is convicted  
 62 of any act of misfeasance, malfeasance, or nonfeasance of such person's duties as a member  
 63 of the authority; or who fails to attend any regular or special meeting of the authority for a  
 64 period of three months without an excuse approved by a resolution of the authority.

65 (g) All meetings of the authority, regular or special, shall be open to the public. The  
 66 authority may hold public hearings on its own initiative or at the request of residents of Clay,  
 67 Quitman, or Randolph County or residents of any area affected by the actions of the  
 68 authority.

69 (h) No member or employee of the authority shall have, directly or indirectly, any financial  
 70 interest, profit, or benefit in any contract, work, or business of the authority nor in the sale,  
 71 lease, or purchase of any property to or from the authority."

72

### SECTION 3.

73 Said Act is further amended by revising paragraph (1) of subsection (a) of Section 4 as  
 74 follows:

75 "(1) 'Airport' means any area of land or structure which is or has been used or which the  
 76 authority may plan to use for the landing and taking off of commercial, private, and  
 77 military aircraft, including helicopters; all buildings, equipment, facilities, or other  
 78 property and improvements of any kind or nature located within the bounds of any such  
 79 land area or structure which are or have been used or which the authority may plan to use  
 80 for terminal facilities; all facilities of any type for the accommodation of passengers,  
 81 maintenance, servicing, and operation of aircraft, business offices and facilities of private  
 82 businesses and governmental agencies, and the parking of automobiles; and all other  
 83 activities which are or have been carried on or which may be necessary or convenient in  
 84 conjunction with the landing and taking off of commercial, private, and military aircraft  
 85 including all land originally acquired by Clay, Quitman, or Randolph County for the  
 86 establishment of an airport, and any land to be deeded to Clay, Quitman, or Randolph  
 87 County for airport use, including, without limitation, aviation easements, and other real  
 88 or personal property."

89 **SECTION 4.**

90 Said Act is further amended by revising Section 15 as follows:

91 "SECTION 15.

92 Credit not pledged.

93 Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a  
 94 debt of Clay, Quitman, or Randolph County nor a pledge of the faith and credit of any of said  
 95 counties; but such bonds shall be payable solely from the fund provided for in this Act and  
 96 the issuance of such revenue bonds shall not directly, indirectly, or contingently obligate said  
 97 counties to levy or to pledge any form of taxation whatever therefor or to make any  
 98 appropriation for their payment. All such bonds shall contain recitals on their face covering  
 99 substantially the foregoing provisions of this section."

100 **SECTION 5.**

101 Said Act is further amended by revising Section 28 as follows:

102 "SECTION 28.

103 Tort immunity.

104 The authority shall have the same immunity and exemption from liability for torts and  
 105 negligence as Clay, Quitman, or Randolph County; and the officers, agents, and employees  
 106 of the authority, when in the performance of the work of the authority, shall have the same  
 107 immunity and exemption from liability for torts and negligence as the officers, agents, and  
 108 employees of Clay, Quitman, or Randolph County as when in the performance of their public  
 109 duties or work of such county."

110 **SECTION 6.**

111 Said Act is further amended by revising Section 30 as follows:

112 "SECTION 30.

113 Effect on other governments.

114 This Act shall not and does not in any way take from Clay, Quitman, or Randolph County  
 115 or any municipality located in any such county or any adjoining county the authority to own,  
 116 operate, and maintain projects or to issue revenue bonds as is provided by Article 3 of  
 117 Chapter 82 of Title 36 of the O.C.G.A., the 'Revenue Bond Law.'"

118

**SECTION 7.**

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