

House Bill 586

By: Representatives Casas of the 103rd, Stephens of the 164th, Rogers of the 26th, Martin of the 47th, and Greene of the 149th

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 for a procedure
3 for a county, municipality, or other political subdivision to acquire property for an airport,
4 landing, or expansion of an airport; to provide that certain exemptions from ad valorem
5 taxation shall not be applicable to a county, municipality, or political subdivision owning a
6 certain percentage of the total land area of another county or municipality; to provide for
7 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 by revising Code Section 6-3-20,
12 relating to acquisition, construction, maintenance, and control of airports and landing fields
13 by local governments authorized, as follows:

14 "6-3-20.

15 (a) Notwithstanding subsection (b) of this Code section, counties ~~Counties~~, municipalities,
16 and other political subdivisions are authorized, separately or jointly, to acquire, establish,
17 construct, expand, own, lease, control, equip, improve, maintain, operate, regulate, and
18 police airports and landing fields for the use of aircraft, either within or without the
19 geographical limits of such counties, municipalities, and other political subdivisions, and
20 may use for such purpose or purposes any available property that is owned or controlled
21 by such counties, municipalities, or other political subdivisions.

22 ~~(b) All counties in the State of Georgia which are located on the boundary line between~~
23 ~~the State of Georgia and any other state, as well as all municipalities and other political~~
24 ~~subdivisions which are located in such boundary counties, are authorized, separately,~~
25 ~~jointly with each other, or jointly with any county, municipality, or political subdivision~~
26 ~~of any such border state, to acquire, establish, construct, expand, own, lease, control, equip,~~

27 ~~improve, maintain, operate, regulate, and police airports and landing fields for the use of~~
 28 ~~aircraft, either within or without the geographical limits of such border counties and the~~
 29 ~~municipalities and other political subdivisions therein contained in the State of Georgia or~~
 30 ~~within the geographical limits of any county, municipality, or political subdivision of any~~
 31 ~~such border state other than the State of Georgia. Any property needed by a county,~~
 32 ~~municipality, or other political subdivision for an airport or landing field or for the~~
 33 ~~expansion of an airport or landing field may be acquired as provided in Code Section~~
 34 ~~6-3-22; provided, however, that a county, municipality, or political subdivision of this state~~
 35 ~~may acquire more than 20 percent of the total land area of another county or municipality~~
 36 ~~or other political subdivision only with the consent of the governing authority of the~~
 37 ~~county, municipality, or other political subdivision wherein the property is located, as~~
 38 ~~expressed either in a resolution adopted by such governing authority, granting its consent~~
 39 ~~to such acquisition, or by failure of such governing authority to adopt a resolution denying~~
 40 ~~its consent to such acquisition within 60 days from the receipt of a resolution from the~~
 41 ~~proposed acquirer requesting approval of such acquisition, or with the consent of the~~
 42 ~~General Assembly, as expressed in a resolution enacted by the General Assembly, after~~
 43 ~~denial of consent to such acquisition by the governing authority of the county,~~
 44 ~~municipality, or other political subdivision wherein the property is located; provided,~~
 45 ~~however, that for any proposed airport or airport expansion by a city into a county where~~
 46 ~~such city is located, or by a county into a city located in such county, the decision of the~~
 47 ~~governing body of the jurisdiction into which such proposed airport or airport expansion~~
 48 ~~is to be located shall be final as to whether or not such acquisition may be consummated."~~

49 **SECTION 2.**

50 Said article is further amended by revising Code Section 6-3-21, relating to lands acquired,
 51 owned, leased, controlled, or occupied by local governments deemed for public purposes and
 52 effect on ad valorem taxation, as follows:

53 "6-3-21.

54 (a) Any lands acquired, owned, leased, controlled, or occupied by counties, municipalities,
 55 or other political subdivisions for the purpose or purposes enumerated in Code Section
 56 6-3-20 shall be and are declared to be acquired, owned, leased, controlled, or occupied for
 57 public, governmental, and municipal purposes; provided, however, that with respect to
 58 facilities located on such lands, which lands are located outside of the territorial limits of
 59 the county, municipality, or other political subdivision that leases such lands and which are
 60 leased to, controlled, or occupied by private parties, the interests created in such private
 61 parties, for the purpose of ad valorem taxation only, are declared not to be used for public,
 62 governmental, or municipal purposes and said resulting interests, regardless of the extent

63 of such interest, whether possessory or an estate in land, are subject to ad valorem taxation;
64 provided, further, that the underlying fee interest in such property which remains vested
65 in the county, municipality, or other political subdivision shall be deemed to be used for
66 public, governmental, and municipal purposes. ~~The municipality's interest in lands and the
67 facilities located thereon located inside the territorial limits of a municipality which are
68 owned by that municipality for the purposes enumerated in Code Section 6-3-20, are
69 declared to be used for public, governmental, or municipal purposes and are not subject to
70 ad valorem taxation.~~

71 (b) If a county, municipality, or political subdivision owns more than 20 percent of the
72 total land area of another county or municipality, to the extent that (i) such real property
73 exceeds 20 percent of the total land area of the county or municipality in which such real
74 property exists and (ii) such real property is unimproved, such property shall not be exempt
75 from ad valorem taxation pursuant to paragraph (1) of subsection (a) of Code Section
76 48-5-41 without the consent of the county or municipality in which such real property
77 exists."

78 **SECTION 3.**

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