

House Bill 903 (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), as amended, particularly by an Act approved May 28,  
3 2010 (Ga. L. 2010, p. 3570), so as to remove Clay County and Quitman County from  
4 membership in such authority; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act to create the Lower Chattahoochee Regional Airport Authority, approved May 5,  
8 2006 (Ga. L. 2006, p. 4422), as amended, particularly by an Act approved May 28, 2010 (Ga.  
9 L. 2010, p. 3570), is amended by revising Section 2 as follows:

10 "SECTION 2.

11 Legislative findings.

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

21 **SECTION 2.**

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

## "SECTION 3.

## Lower Chattahoochee Regional Airport Authority.

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

(b) The authority shall consist of five members who shall be residents of Randolph County appointed by the governing authority of Randolph County for terms of office of four years each. Members of the authority shall serve the terms specified and until their respective successors are appointed and qualified; provided, however, that any member of the authority may be removed at any time by the governing authority of Randolph County, with or without cause. Any member of the authority may be selected and appointed to succeed himself or herself. After such appointment, the members of such authority shall enter upon their duties. Any vacancy on the authority shall be filled in the same manner as was the original appointment of the member whose term of membership resulted in such vacancy and the person so selected and appointed shall serve for the remainder of the unexpired term. The members of the authority shall be reimbursed for all actual expenses incurred in the performance of their duties out of funds of the authority. The authority shall make rules and regulations for its own government. It shall have perpetual existence.

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

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

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

(f) A vacancy on the authority shall exist in the office of any member of the authority who is convicted of a felony or who enters a plea of nolo contendere thereto; who is convicted of a crime involving moral turpitude or who enters a plea of nolo contendere thereto; who moves such person's residence from Randolph County; who is convicted of any act of

59 misfeasance, malfeasance, or nonfeasance of such person's duties as a member of the  
 60 authority; or who fails to attend any regular or special meeting of the authority for a period  
 61 of three months without an excuse approved by a resolution of the authority.

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

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

68 **SECTION 3.**

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

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

84 **SECTION 4.**

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

86 "SECTION 15.

87 Credit not pledged.

88 Revenue bonds issued under the provisions of this Act shall not be deemed to constitute  
 89 a debt of Randolph County nor a pledge of the faith and credit of said county; but such  
 90 bonds shall be payable solely from the fund provided for in this Act and the issuance of  
 91 such revenue bonds shall not directly, indirectly, or contingently obligate said county to

92 levy or to pledge any form of taxation whatever therefor or to make any appropriation for  
 93 their payment. All such bonds shall contain recitals on their face covering substantially the  
 94 foregoing provisions of this section."

95 **SECTION 5.**

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

97 "SECTION 28.

98 Tort immunity.

99 The authority shall have the same immunity and exemption from liability for torts and  
 100 negligence as Randolph County; and the officers, agents, and employees of the authority,  
 101 when in the performance of the work of the authority, shall have the same immunity and  
 102 exemption from liability for torts and negligence as the officers, agents, and employees of  
 103 Randolph County as when in the performance of their public duties or work of such  
 104 county."

105 **SECTION 6.**

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

107 "SECTION 30.

108 Effect on other governments.

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

113 **SECTION 7.**

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