

Senate Bill 498

By: Senators Carter of the 42nd, Millar of the 40th, Henson of the 41st, Butler of the 55th,
Jones of the 10th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 and Chapter 16 of Title 50 of the Official Code of Georgia Annotated,
2 relating to local government and public property, respectively, so as to require certain
3 procedures of the state and a local government prior to leasing public property to a private
4 entity for nongovernmental purposes; to provide for definitions; to provide for notice and
5 hearings; to provide for policies and procedures; to provide for standards; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
10 by adding a new chapter to read as follows:

11 "CHAPTER 77

12 36-77-1.

13 For purposes of this chapter, the term 'local government' means counties, municipalities,
14 local boards of education, and any other political subdivision of the state.

15 36-77-2.

16 (a) Prior to leasing any property of a local government to a private entity for a
17 nongovernmental purpose, the local government shall comply with the procedures of this
18 chapter. The local government shall provide for a hearing on the proposed action. At least
19 15 but not more than 45 days prior to the date of the hearing, the local government shall
20 cause to be published within a newspaper of general circulation within the territorial
21 boundaries of the local government a notice of the hearing. The notice shall state the time,
22 place, and purpose of the hearing.

23 (b) The notice, in addition to the requirements of subsection (a) of this Code section, shall
 24 include the location of the property, the present use of the property, and the proposed use
 25 of the property.

26 (c) A sign containing information required to be in the notice shall be placed in a
 27 conspicuous location on the property not less than 15 days prior to the date of the hearing.

28 36-77-3.

29 (a) Local governments shall adopt policies and procedures which govern calling and
 30 conducting hearings required by Code Section 36-77-2, and printed copies of such policies
 31 and procedures shall be available for distribution to the general public. Such policies and
 32 procedures shall specify a minimum time period at hearings on proposed decisions for
 33 presentation of data, evidence, and opinion by proponents of each proposed decision and
 34 an equal minimum time period for presentation by opponents of each proposed decision,
 35 such minimum time period to be no less than ten minutes per side.

36 (b) In addition to policies and procedures required by subsection (a) of this Code section,
 37 each local government shall adopt standards governing the leasing of local government
 38 property to private entities for nongovernmental purposes, and such standards may include
 39 any factors which the local government finds relevant in balancing the interest in
 40 promoting the public health, safety, morality, or general welfare against the
 41 nongovernmental use of such property. Such standards shall be printed and copies thereof
 42 shall be available for distribution to the general public.

43 (c) Any use of property of a local government by a private entity for nongovernmental
 44 purposes shall be subject to all building, housing, plumbing, electrical, and other
 45 construction related codes of the applicable local government or local governments.

46 (d) A private entity using property of a local government for nongovernmental purposes
 47 shall not be immune from zoning regulations established by the applicable local
 48 government or local governments, unless otherwise provided by law."

49 **SECTION 2.**

50 Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to public property,
 51 is amended by adding a new article to read as follows:

52 "ARTICLE 8

53 50-16-190.

54 As used in this article, the term:

55 (1) 'Public property' means real property owned by the state and under the jurisdiction
56 of any state entity.

57 (2) 'State' means the State of Georgia and any of its offices, agencies, authorities,
58 departments, commissions, boards, divisions, instrumentalities, and institutions but does
59 not include counties, municipalities, local boards of education, and other political
60 subdivisions of the state.

61 50-16-191.

62 (a) Prior to leasing any public property to a private entity for a nongovernmental purpose,
63 the state shall comply with the procedures of this article. The state shall provide for a
64 hearing on the proposed action. The hearing shall be conducted in the vicinity of the
65 location of the proposed lease. At least 15 but not more than 45 days prior to the date of
66 the hearing, the state shall cause to be published in a newspaper having general circulation
67 in the vicinity of the proposed location of the lease a notice of the hearing. The notice shall
68 state the time, place, and purpose of the hearing.

69 (b) The notice, in addition to the requirements of subsection (a) of this Code section, shall
70 include the location of the property, the present use of the property, and the proposed use
71 of the property.

72 (c) A sign containing information required to be in the notice shall be placed in a
73 conspicuous location on the property not less than 15 days prior to the date of the hearing.

74 50-16-192.

75 (a) The State Properties Commission shall adopt policies and procedures which govern
76 calling and conducting hearings required by Code Section 50-16-191, and printed copies
77 of such policies and procedures shall be available for distribution to the general public.
78 Such policies and procedures shall specify a minimum time period at hearings on proposed
79 decisions for presentation of data, evidence, and opinion by proponents of each proposed
80 decision and an equal minimum time period for presentation by opponents of each
81 proposed decision, such minimum time period to be no less than ten minutes per side.

82 (b) In addition to policies and procedures required by subsection (a) of this Code section,
83 the State Properties Commission shall adopt standards governing the leasing of public
84 property to private entities for nongovernmental purposes, and such standards may include
85 any factors which the State Properties Commission finds relevant in balancing the interest
86 in promoting the public health, safety, morality, or general welfare against the
87 nongovernmental use of such public property. Such standards shall be printed and copies
88 thereof shall be available for distribution to the general public.

89 (c) Any use of public property by a private entity for nongovernmental purposes shall be
90 subject to all building, housing, plumbing, electrical, and other construction related codes
91 of the applicable local government or local governments in which the public property is
92 located.

93 (d) A private entity using public property for nongovernmental purposes shall not be
94 immune from zoning regulations of the applicable local government or local governments
95 in which the public property is located, unless otherwise provided by law."

96 **SECTION 3.**

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