

The Senate State and Local Governmental Operations Committee offered the following substitute to SB 498:

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; to provide for definitions; to provide for notice and hearings; to provide for policies
5 and procedures; to provide for standards; to provide for related matters; to repeal conflicting
6 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 purpose that
17 would violate applicable zoning laws if occurring on private property, the local government
18 shall comply with the procedures of this chapter. The local government shall provide for
19 a hearing on the proposed action. At least 15 but not more than 45 days prior to the date
20 of the hearing, the local government shall cause to be published within a newspaper of
21 general circulation within the territorial boundaries of the local government a notice of the
22 hearing. The notice shall state the time, 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 purposes that would violate applicable zoning laws if
 39 occurring on private property, and such standards may include any factors which the local
 40 government finds relevant in balancing the interest in promoting the public health, safety,
 41 morality, or general welfare against the use of such property that would violate applicable
 42 zoning laws if it occurred on private property. Such standards shall be printed and copies
 43 thereof shall be available for distribution to the general public.

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

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

50 **SECTION 2.**

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

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"ARTICLE 8

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50-16-190.

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As used in this article, the term:

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

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

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50-16-191.

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(a) Prior to leasing any public property to a private entity for a purpose that would violate applicable zoning laws if occurring on private property, the state shall comply with the procedures of this article. The state shall provide for a hearing on the proposed action. The hearing shall be conducted in the vicinity of the location of the proposed lease. At least 15 but not more than 45 days prior to the date of the hearing, the state shall cause to be published in a newspaper having general circulation in the vicinity of the proposed location of the lease a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

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

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

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50-16-192.

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

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(b) In addition to policies and procedures required by subsection (a) of this Code section, the State Properties Commission shall adopt standards governing the leasing of public property to private entities for purposes that would violate applicable zoning laws if

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87 occurring on private property, and such standards may include any factors which the State
88 Properties Commission finds relevant in balancing the interest in promoting the public
89 health, safety, morality, or general welfare against the use of such public property that
90 would violate applicable zoning laws if it occurred on private property. Such standards
91 shall be printed and copies thereof shall be available for distribution to the general public.

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

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

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SECTION 3.

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