

House Bill 693

By: Representative Knight of the 130th

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 6 and 48 of the Official Code of Georgia Annotated, relating to aviation and
2 revenue and taxation, respectively, so as to clarify which type of interests in real property
3 may be subject to ad valorem taxation; to provide for related matters; to provide for an
4 effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Title 6 of the Official Code of Georgia Annotated, relating to aviation, is amended by
8 revising Code Section 6-3-21, relating to lands acquired, owned, leased, controlled, or
9 occupied by local governments deemed for public purposes, as follows:

10 "6-3-21.

11 (a) Any lands acquired, owned, leased, controlled, or occupied by counties, municipalities,
12 or other political subdivisions for the purpose or purposes enumerated in Code Section
13 6-3-20 shall be and are declared to be acquired, owned, leased, controlled, or occupied for
14 public, governmental, and municipal purposes; provided, however, that with respect to
15 facilities located on such lands, which lands are located outside of the territorial limits of
16 the political subdivision that leases such lands and which are leased to, controlled, or
17 occupied by private parties, the interests created in such private parties, for the purpose of
18 ad valorem taxation only, are declared not to be used for public, governmental, or
19 municipal purposes and said resulting interests, ~~regardless of the extent of such interest,~~
20 ~~whether possessory or an estate in land~~ so long as the interests create an estate in land, are
21 subject to ad valorem taxation; provided, further, that the underlying fee interest in such
22 property which remains vested in the county, municipality, or other political subdivision
23 shall be deemed to be used for public, governmental, and municipal purposes. The
24 municipality's interest in lands and the facilities located thereon located inside the territorial
25 limits of a municipality which are owned by that municipality for the purposes enumerated

26 in Code Section 6-3-20, are declared to be used for public, governmental, or municipal
27 purposes and are not subject to ad valorem taxation.

28 (b) Any taxes which are determined to have been erroneously or illegally assessed and
29 collected from the taxpayers under the authority of this Code section may be recovered by
30 the taxpayers under the procedures contained in Code Section 48-5-380.

31 (c) In any action to recover taxes which have been erroneously or illegally assessed and
32 collected from the taxpayers under the authority of this Code section, the losing party, as
33 determined by a final judgement of a court of competent jurisdiction, shall be liable for the
34 attorney's fees and costs of the prevailing party."

35 **SECTION 2.**

36 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
37 amended by revising Code Section 48-5-3, relating to taxable property, as follows:

38 "48-5-3.

39 (a) All real property, including, but not limited to, leaseholds, interests less than fee, and
40 all personal property, shall be liable to taxation and shall be taxed, except as otherwise
41 provided by law. Liability of property for taxation shall not be affected by the individual
42 or corporate character of the property owner or by the resident or nonresident status of the
43 property owner.

44 (b) Notwithstanding the provisions of subsection (a) of this Code section, ownership of
45 improvements to real property without any leasehold interest, or an estate in the real
46 property on which the improvements are located, shall not constitute an interest in real
47 property that is sufficient to support taxation of the improvements to real property."

48 **SECTION 3.**

49 This Act shall become effective upon its approval by the Governor or upon its becoming law
50 without such approval.

51 **SECTION 4.**

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