

The Senate Committee on Finance offered the following substitute to HB 447:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 6 of the Official Code of Georgia Annotated, relating to aviation, so as to
2 create the Georgia Major Airport Authority; to provide for a short title; to provide for
3 legislative findings and declarations; to provide for definitions; to provide for appointment
4 of members, terms, and filling of vacancies; to provide for officers, quorum, reimbursement
5 for expenses, and compensation of employees; to provide for members accountable as
6 trustees, conflicts of interest, and books and records; to provide for general powers; to
7 provide for requirements for the issuance of revenue bonds or other obligations; to provide
8 for tax exemption; to amend Article 1 of Chapter 15 of Title 45 of the Official Code of
9 Georgia Annotated, relating to general provisions relative to the Attorney General, so as to
10 provide for representation of the Georgia Major Airport Authority by the Attorney General;
11 to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and
12 taxation, so as to exempt aviation gasoline from certain sales and use taxes; to exempt
13 aviation fuel for a period of time from state sales tax and to levy a state excise tax on aviation
14 fuel during such period; to authorize the levying of a local excise tax on aviation fuel; to
15 index the rate of such taxes; to modify provisions for the use of proceeds of taxes on aviation
16 fuel; to provide for definitions; to provide for related matters; to provide for an effective date;
17 to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **SECTION 1.**

20 Title 6 of the Official Code of Georgia Annotated, relating to aviation, is amended by adding
21 a new chapter to read as follows:

22 "CHAPTER 6

23 6-6-1.

24 This chapter shall be known and may be cited as the 'Georgia Major Airport Authority Act.'

25 6-6-2.

26 The General Assembly finds and declares that the construction, equipment, improvement,
27 maintenance, and operation of major airports significantly affect the public welfare of the
28 state. The General Assembly further finds and declares that the taxation of aviation fuel
29 is critical to ensuring that financial resources are available to enhance, maintain, operate,
30 and secure the major airports in this state. The General Assembly further finds and declares
31 that, for reasons of safety, security, economy, and efficiency, the public welfare of this state
32 is best served by having an authority over such activities for major airports for such
33 purposes as provided by this chapter and by revising the taxation of aviation fuel to support
34 airport and aviation related purposes.

35 6-6-3.

36 As used in this chapter, the term:

37 (1) 'Authority' means the Georgia Major Airport Authority created by Code
38 Section 6-6-4.

39 (2) 'Cost of any project' means the cost of acquisition and construction, the cost of all
40 lands, properties, rights, easements, and franchises acquired; the cost of all machinery and
41 equipment, financing charges, interest prior to and during construction or installation and
42 for up to three years after completion of construction or installation; cost of engineering,
43 architectural, and legal expenses and of plans and specifications and other expenses
44 necessary or incident to determining the feasibility or practicability of the project;
45 administrative expense; the costs of establishing and maintaining any necessary funds and
46 reserve funds with respect to the financing or operation of any project, and such other
47 expenses as may be necessary or incident to the financing herein authorized, including
48 the fees and costs of trustees, paying agents, remarketing agents, and other fiscal agents;
49 costs of bond insurance, letter of credit fees, reimbursement agreement fees, and other
50 loan, credit enhancement, or guarantee fees; and, to the completion of construction or
51 installation of any project, the placing of the same in operation, and the condemnation of
52 property necessary for such construction, installation, and operation.

53 (3) 'Major airport' includes any airport or landing field that is located in this state and
54 used for public commercial aviation which conducts more than 400,000 takeoffs and
55 landing in any calendar year.

56 (4) 'Project' means the construction, maintenance, operation, improvement, expansion,
57 or lease of any major airports in this state or any appurtenance thereto or the subsequent
58 renovation or rehabilitation of any such facility. A project may also include any fixtures,
59 machinery, or equipment used on or in connection with any major airport facilities.

60 (5) 'Revenue bonds' and 'bonds' means any bonds of the authority which are authorized
61 to be issued under the Constitution and laws of the State of Georgia, including refunding
62 bonds, but not including notes or other obligations of an authority.

63 6-6-4.

64 (a) There is created a body corporate and politic to be known as the Georgia Major Airport
65 Authority which shall be deemed to be an instrumentality of the state and a public
66 corporation, and by that name, style, and title the body may contract and be contracted
67 with, implead and be impleaded, and bring and defend actions in all courts.

68 (b)(1) The authority shall consist of:

69 (A) The Governor or his or her designee;

70 (B) The Lieutenant Governor or his or her designee;

71 (C) The Speaker of the House of Representatives or his or her designee;

72 (D) The commissioner of transportation or his or her designee;

73 (E) The commissioner of public safety or his or her designee;

74 (F) The commissioner of economic development or his or her designee;

75 (G) Two persons to be appointed by the Governor;

76 (H) Two persons to be appointed by the Lieutenant Governor; and

77 (I) Two persons to be appointed by the Speaker of the House of Representatives.

78 (2) Each person appointed by the Governor shall be confirmed by the Senate, and any
79 such appointment made when the Senate is not in session shall be effective until the
80 appointment is acted upon by the Senate.

81 (3) The initial members of such authority shall take office on January 1, 2021. One
82 member appointed by the Governor, one member appointed by the Lieutenant Governor,
83 and one member appointed by the Speaker of the House of Representatives shall serve
84 initial terms of office beginning January 1, 2021, and extending until December 31, 2024,
85 and until their successors are appointed and qualified. One member appointed by the
86 Governor, one member appointed by the Lieutenant Governor, and one member
87 appointed by the Speaker of the House of Representatives shall serve initial terms of
88 office beginning January 1, 2021, and extending until December 31, 2027, and until their
89 successors are appointed and qualified. The appointing officer shall specify the terms of
90 each appointee when making such initial appointments. After the initial terms of office,
91 members shall serve six-year terms beginning on January 1 immediately following the
92 expiration of the previous term of office and until their successors are appointed and
93 qualified. Members shall be eligible for reappointment. Any vacancy shall be filled by
94 the officer who appointed the member whose seat was vacated and the person so
95 appointed shall serve the unexpired term of the member whose vacancy is being filled.

96 (c) The chairperson of the authority shall be a member of the authority elected for a
97 two-year term by a majority vote of the members of the authority. A chairperson may not
98 serve more than two consecutive terms as chairperson.

99 (d) A majority of the members of the authority shall constitute a quorum necessary for the
100 transaction of business, and a majority vote of those present at any meeting at which there
101 is a quorum shall be sufficient to do and perform any action permitted to the authority by
102 this chapter. The chairperson shall vote only in the event of a tie. No vacancy on the
103 authority shall impair the right of the quorum to transact any and all business authorized
104 pursuant to this chapter.

105 (e) The authority shall make rules and regulations for its own governance. It shall have
106 perpetual existence.

107 (f) The members of the authority shall receive no compensation for their services but all
108 members shall be entitled to the expense allowance and transportation cost for travel
109 reimbursement provided for members of certain boards and commissions pursuant to Code
110 Section 45-7-21.

111 (g) The Attorney General shall provide legal services for the authority. In connection
112 therewith, Code Sections 45-15-13 through 45-15-16 shall be fully applicable.

113 (h) The authority is assigned to the Department of Administrative Services for
114 administrative purposes only as prescribed in Code Section 50-4-3.

115 (i) The authority may in its discretion employ an executive director and other personnel.
116 Employees of the authority shall receive reasonable compensation for their services, the
117 amount to be determined by the members of the authority. The authority may also by
118 agreement with any department or agency of state government make use of personnel of
119 such department or agency.

120 (j) The authority shall be subject to Chapter 13 of Title 50, the 'Georgia Administrative
121 Procedure Act.'

122 6-6-5.

123 (a) The members of the authority shall be accountable in all respects as trustees.

124 (b) Every member of the General Assembly, the authority, and every employee of the
125 authority who knowingly has any interest, direct or indirect, in any contract to which the
126 authority is or is about to become a party, or in any other business of the authority, or in
127 any firm or corporation doing business with the authority, shall make full disclosure of
128 such interest to the authority. Failure to disclose such an interest shall constitute cause for
129 which an authority member may be removed or an employee discharged or otherwise
130 disciplined at the discretion of the authority.

131 (c) Provisions of Article 1 of Chapter 10 of Title 16 and Code Sections 16-10-21
 132 and 16-10-22, regulating the conduct of officers, employees, and agents of political
 133 subdivisions, municipal and other public corporations, and other public organizations, shall
 134 be applicable to the conduct of members, officers, employees, and agents of the authority.

135 (d) Any contract or transaction of the authority involving a conflict of interest not
 136 disclosed under subsection (b) of this Code section, or involving a violation of Article 1 of
 137 Chapter 10 of Title 16 and Code Sections 16-10-21 and 16-10-22, or involving a violation
 138 of any other provision of law regulating conflicts of interest which is applicable to the
 139 authority or its members, officers, employees, or agents shall be voidable by the authority.

140 (e) The authority shall keep suitable and proper books and records of all receipts, income,
 141 and expenditures of every kind and shall submit to the state auditor for inspection all of
 142 such books and records, together with a proper statement of the authority's financial
 143 position, on or about December 31 of each year.

144 6-6-6.

145 The authority shall have all of the powers necessary, proper, or convenient to carry out and
 146 effectuate the purposes and provisions of this chapter. The powers enumerated in this Code
 147 section are cumulative of and in addition to each other and other powers granted elsewhere
 148 in this chapter and no such powers limit or restrict any other power of the authority.
 149 Without limiting the generality of the foregoing, the powers of the authority shall include
 150 the powers:

151 (1) To bring and defend actions;

152 (2) To adopt and amend a corporate seal;

153 (3) To make and execute contracts, agreements, and other instruments necessary, proper,
 154 or convenient to exercise the powers of the authority and to further the public purpose for
 155 which the authority is created and which comply with applicable federal laws, rules, and
 156 regulations, including, but not limited to, contracts for construction of projects, leases of
 157 projects, operation of projects, sale of projects, agreements for loans to finance projects,
 158 and contracts with respect to the use of projects, including negotiated contracts with air
 159 carriers for the use of projects;

160 (4) In connection with any project and subject to prior approval from the federal
 161 government, to acquire by purchase, lease, condemnation, or otherwise and to hold, lease,
 162 and dispose of real and personal property of every kind and character or any interest
 163 therein in furtherance of its corporate purposes;

164 (5) In connection with any project, to acquire in its own name by purchase, on such
 165 terms and conditions and in such manner as it may deem proper or by condemnation in
 166 accordance with any and all existing laws applicable to the condemnation of property for

167 public use, real property or rights or easements therein or franchises necessary, proper,
168 or convenient for its corporate purposes; and to use the same so long as its corporate
169 existence shall continue and to lease or make contracts with respect to the use of or to
170 dispose of the same in any manner it deems to the best advantage of the authority, the
171 authority being under no obligation to accept and pay for any property condemned under
172 this chapter except from the funds provided under the authority of this chapter; and, in
173 any proceedings to condemn, such order may be made by the court having jurisdiction
174 of the action or proceedings as may be just to the authority and to the owners of the
175 property to be condemned; and no property shall be acquired under this chapter upon
176 which any lien or other encumbrance exists unless at the time such property is so
177 acquired, a sufficient sum of money be deposited in trust to pay and redeem such lien or
178 encumbrance in full;

179 (6) To adopt regulations and fix, alter, charge, negotiate, and collect fares, rates, fees,
180 tolls, and other charges for the use of such projects; provided, however, that such charges
181 and uses are permissible under and are in compliance with applicable federal laws, rules,
182 and regulations; fix penalties for the violation of adopted regulations; and establish liens
183 to enforce payment of said charges, fees, and tolls, subject to existing contracts, leases,
184 and conveyances and in compliance with applicable federal laws, rules, and regulations;
185 to make such contracts, leases, or conveyances as the legitimate and necessary purposes
186 of this chapter shall require, including, but not limited to, contracts with private parties
187 for the operation or lease or assignment to private parties for operation, space, area,
188 improvements, and equipment on such projects, provided in each case that in so doing no
189 federal law, rule, or regulation is violated and the public is not deprived of its rightful,
190 equal, and uniform use thereof;

191 (7) To finance, by loan, grant, lease, or otherwise, and to construct, erect, assemble,
192 purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend,
193 improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the
194 cost of any project from the proceeds of revenue bonds or other obligations of the
195 authority or any other funds of the authority or from any contributions or loans by
196 persons; corporations; partnerships, limited or general; or other entities, all of which the
197 authority is empowered to receive, accept, and use provided that such use is in
198 compliance with applicable federal laws, rules, and regulations;

199 (8) To borrow money to further or to carry out its public purpose and to execute revenue
200 bonds, other obligations, leases, trust indentures, trust agreements, agreements for the sale
201 of its revenue bonds or other obligations, loan agreements, mortgages, deeds to secure
202 debt, trust deeds, security agreements, assignments, and such other agreements or

203 instruments as may be necessary or desirable, in the judgment of the authority, to
204 evidence and to provide security for such borrowing;

205 (9) To accept loans and grants, either or both, of money, materials, or property of any
206 kind from the United States government or the State of Georgia or any political
207 subdivision, authority, agency, or instrumentality of either, upon such terms and
208 conditions as the United States government or the State of Georgia or such political
209 subdivision, authority, agency, or instrumentality of either shall impose;

210 (10) To hold, use, administer, and expend such sum or sums as may hereafter be received
211 as income or gifts or as may be appropriated by authority of the General Assembly for
212 any of the purposes of the authority and within parameters set forth by federal laws, rules,
213 or regulations;

214 (11) To issue revenue bonds or other obligations of the authority and use the proceeds
215 thereof for the purpose of paying or loaning the proceeds thereof to pay all or any part of
216 the cost of any project and otherwise to further or carry out the public purpose of the
217 authority and to pay all costs of the authority incident to, or necessary and appropriate to,
218 furthering or carrying out such purpose;

219 (12) To make application directly or indirectly to any federal, state, county, or municipal
220 government or agency or to any other source, public or private, for loans, grants,
221 guarantees, or other financial assistance in furtherance of the authority's public purpose
222 and to accept and use the same upon such terms and conditions as are prescribed by such
223 federal, state, county, or municipal government or agency or other source;

224 (13) To enter into agreements with the federal government or any agency or corporation
225 thereof to use the facilities of the federal government or agency or corporation thereof in
226 order to further or carry out the public purpose of the authority;

227 (14) As security for repayment of any revenue bonds or other obligations of the
228 authority, to pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any
229 property of the authority, including, but not limited to, real property, fixtures, personal
230 property, and revenues or other funds; and to execute any lease, trust indenture, trust
231 agreement, agreement for the sale of the authority's revenue bonds or other obligations,
232 loan agreement, mortgage, deed to secure debt, trust deed, security agreement,
233 assignment, or other agreement or instrument as may be necessary or desirable in the
234 judgment of the authority and in compliance with federal laws, rules, or regulations to
235 secure any such revenue bonds or other obligations, which agreements or instruments
236 may provide for foreclosure or forced sale of any property of the authority upon default
237 in any obligation of the authority, either in payment of principal, premium, if any, or
238 interest or in the performance of any term or condition contained in any such agreement
239 or instrument. The State of Georgia on behalf of itself and each county, municipal

240 corporation, political subdivision, or taxing district therein waives any right the state or
 241 such county, municipal corporation, political subdivision, or taxing jurisdiction may have
 242 to prevent the forced sale or foreclosure of any property of the authority upon such
 243 default and agrees that any agreement or instrument encumbering such property may be
 244 foreclosed in accordance with law and terms thereof;

245 (15) To receive and use the proceeds of any tax levied by the State of Georgia or any
 246 county or municipality thereof to pay the costs of any project or for any other purpose for
 247 which the authority may use its own funds pursuant to this chapter, provided that such use
 248 complies with applicable federal laws, rules, and regulations;

249 (16) To receive and administer gifts, grants, and devises of money and property of any
 250 kind and to administer trusts;

251 (17) To use any real property, personal property, or fixtures or any interest therein; to
 252 rent or lease such property to or from others or make contracts with respect to the use
 253 thereof; or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or
 254 grant options for any such property in any manner allowable under federal laws, rules,
 255 and regulations and as it deems to be to the best advantage of the authority and the public
 256 purpose thereof;

257 (18) To appoint, select, and employ officers, employees and agents, including engineers,
 258 surveyors, architects, urban or city planners, construction experts, fiscal agents, attorneys,
 259 and others and to fix the compensation and pay the expenses of such officers, employees,
 260 and agents;

261 (19) To exercise any power granted by laws of the State of Georgia to public or private
 262 corporations which is not in conflict with the Constitution and laws of the State of
 263 Georgia; and

264 (20) To do all things necessary, proper, or convenient to carry out the powers conferred
 265 by this chapter, including the adoption of rules and regulations.

266 6-6-7.

267 Revenue bonds or other obligations issued by the authority shall be paid solely from the
 268 property, including, but not limited to, real property, fixtures, personal property, revenues,
 269 or other funds pledged, mortgaged, conveyed, assigned, hypothecated, or otherwise
 270 encumbered to secure or to pay such bonds or other obligations. All revenue bonds and
 271 other obligations shall be authorized by resolution of the authority, adopted by a majority
 272 vote of the members of the authority at a regular or special meeting. Such revenue bonds
 273 or other obligations shall bear such date or dates of such regular or special meeting or
 274 meetings; shall mature at such time or times not more than 40 years from their respective
 275 dates; shall bear interest at such rate or rates, which may be fixed or may fluctuate or

276 otherwise change from time to time; shall be subject to redemption on such terms; and shall
277 contain such other terms, provisions, covenants, assignments, and conditions as the
278 resolution authorizing the issuance of such bonds or other obligations may permit or
279 provide. The terms, provisions, covenants, assignments, and conditions contained in or
280 provided or permitted by any resolution of the authority authorizing the issuance of such
281 revenue bonds or other obligations shall bind the members of the authority then in office
282 and their successors. The authority shall have the power from time to time, and whenever
283 it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether
284 the bonds to be refunded have or have not matured, and may issue partly to refund bonds
285 then outstanding and partly for any other purpose permitted under this chapter. The
286 refunding bonds may be exchanged for the bonds to be refunded with such cash
287 adjustments as may be agreed upon or may be sold and the proceeds applied to the
288 purchase or redemption of the bonds to be refunded. There shall be no limitation upon the
289 amount of revenue bonds or other obligations which the authority may issue. Any
290 limitations with respect to interest rates or any maximum interest rate or rates found in the
291 usury laws of the State of Georgia, or any other laws of the State of Georgia, shall not
292 apply to revenue bonds or other obligations of the authority.

293 6-6-8.

294 (a) Subject to the limitations and procedures provided by this Code section, the agreements
295 or instruments executed by the authority may contain such provisions not inconsistent with
296 law as shall be determined by the members of the authority.

297 (b) The proceeds derived from the sale of all bonds and other obligations issued by the
298 authority shall be held and used for the ultimate purpose of paying, directly or indirectly
299 as permitted in this chapter, all or part of the cost of any project or for the purpose of
300 refunding any bonds or other obligations issued in accordance with the provisions of this
301 chapter.

302 (c) Issuance by the authority of one or more series of bonds or other obligations for one
303 or more purposes shall not preclude it from issuing other bonds or other obligations in
304 connection with the same project or with any other projects, but the proceeding wherein
305 any subsequent bonds or other obligations shall be issued shall recognize and protect any
306 prior loan agreement, mortgage, deed to secure debt, trust deed, security agreement, or
307 other agreement or instrument made for any prior issue of bonds or other obligations unless
308 in the resolution authorizing such prior issue the right is expressly reserved to the authority
309 to issue subsequent bonds or other obligations on a parity with such prior issue.

310 (d) All bonds issued by the authority under this chapter shall be issued and validated under
311 and in accordance with Article 3 of Chapter 82 of Title 36, the 'Revenue Bond Law,' as
312 heretofore and hereafter amended.

313 (e) The authority shall determine the form of the bonds, including any interest coupons to
314 be attached thereto, and shall fix the denomination or denominations of the bonds and the
315 place or places of payment of principal and interest thereof, which may be at any bank or
316 trust company within or outside this state. The bonds may be issued in coupon or registered
317 form or both, as the authority may determine, and provision may be made for the
318 registration of any coupon bond as to principal alone and also as to both principal and
319 interest.

320 (f) All bonds shall be signed by the chairperson of the authority, and the official seal of the
321 authority shall be affixed thereto and attested by the secretary of the authority, and any
322 coupons attached thereto shall bear the signature or facsimile signature of the chairperson
323 of the authority. Any coupon may bear the facsimile signature of such person and any bond
324 may be signed, sealed, and attested on behalf of the authority by any person duly
325 authorized to hold the proper office at the actual time of the execution of such bonds even
326 if at the date of such bonds, such person may no longer be authorized or shall not hold such
327 proper office. In case any chairperson whose signature shall appear on any bonds or whose
328 facsimile signature shall appear on any coupon shall cease to be such chairperson before
329 the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all
330 purposes the same as if such chairperson had remained in office until such delivery.

331 (g) In lieu of specifying the rate or rates of interest which bonds to be issued by the
332 authority are to bear, the notice to the district attorney or the Attorney General, the notice
333 to the public of the time, place, and date of the validation hearing, and the petition and
334 complaint for validation may state that the bonds, when issued, shall bear interest at a rate
335 not exceeding a maximum per annum rate of interest, which may be fixed or may fluctuate
336 or otherwise change from time to time, specified in such notices and petition and complaint
337 or that, in the event the bonds are to bear different rates of interest for different maturity
338 dates, that none of such rates will exceed the maximum rate which may be fixed or may
339 fluctuate or otherwise change from time to time so specified; provided, however, that
340 nothing contained in this subsection shall be construed as prohibiting or restricting the right
341 of the authority to sell such bonds at a discount, even if in so doing the effective interest
342 cost resulting therefrom would exceed the maximum per annum interest rates specified in
343 such notices and in the petition and complaint.

344 (h) The authority may also provide for the replacement of any bond which becomes
345 mutilated or which is destroyed or lost.

346 (i) The issuance of any revenue bond or other obligation or the incurring of any debt by
347 the authority must, prior to such occurrence, be approved by the Georgia State Financing
348 and Investment Commission established by Article VII, Section IV, Paragraph VII of the
349 Constitution of the State of Georgia of 1983 or its successor.

350 6-6-9.

351 The provisions of this chapter shall be liberally construed to effect its stated purpose. The
352 offer, sale, or issuance of bonds or other obligations by the authority shall not be subject
353 to regulation under the laws of the State of Georgia regulating the sale of securities, as
354 heretofore and hereafter amended. No notice, proceeding, or publication except those
355 required by this chapter shall be necessary to the performance of any act authorized by this
356 chapter nor shall any such act be subject to referendum.

357 6-6-10.

358 No bonds or other obligations of and no indebtedness incurred by the authority shall
359 constitute an indebtedness or obligation of the State of Georgia or any county, municipal
360 corporation, or political subdivision thereof, nor shall any act of the authority in any
361 manner constitute or result in the creation of an indebtedness of the state or any such
362 county, municipal corporation, or political subdivision. No holder or holders of any such
363 bonds or other obligations shall ever have the right to compel any exercise of the taxing
364 power of the state or any county, municipal corporation, or political subdivision thereof,
365 nor to enforce the payment thereof against the state or any such county, municipal
366 corporation, or political subdivision. All such bonds shall contain recitals on their face
367 covering substantially the foregoing provisions of this Code section.

368 6-6-11.

369 It is found, determined, and declared that the creation of the Georgia Major Airport
370 Authority and the carrying out of its corporate purposes are in all respects for the benefit
371 of the people of this state and constitute a public purpose and that the authority will be
372 performing an essential governmental function in the exercise of the power conferred upon
373 it by this chapter. The authority shall be required to pay no taxes or assessments upon any
374 of the property acquired by it or under its jurisdiction, control, possession, or supervision
375 or upon its activities in the operation or maintenance of the facilities erected, maintained,
376 or acquired by it nor upon any fees, rentals, or other charges for the use of such facilities
377 or other income received by the authority. The state covenants with the holders from time
378 to time of the bonds and other obligations issued under this chapter that the authority shall
379 not be required to pay any taxes or assessments imposed by the state or any of its counties.

380 municipal corporations, political subdivisions, or taxing districts on any property acquired
381 by the authority or under its jurisdiction, control, possession, or supervision or leased by
382 it to others or upon its activities in the operation or maintenance of any such property or
383 on any income derived by the authority in the form of fees, recording fees, rentals, charges,
384 purchase price, installments, or otherwise, and that the bonds, notes, and other obligations
385 of the authority, their transfer, and the income therefrom shall at all times be exempt from
386 taxation within the state.

387 6-6-12.

388 The authority is empowered to exercise such of the police powers of the state as may be
389 necessary to maintain peace and order and to enforce any and all restrictions upon its
390 properties and facilities, to the extent that such is lawful under the laws of the United States
391 and this state; however, the authority may delegate the exercise of this function for a time
392 or permanently to the state or to the county or municipality in which its projects are
393 located.

394 6-6-13.

395 (a) This chapter shall not affect any other authority now or hereafter existing under general
396 or local constitutional amendment or general or local law.

397 (b) The authority is authorized and shall have all powers necessary to participate in federal
398 programs and to comply with laws relating thereto. Nothing in this chapter shall prevent
399 the authority from taking any action in order to comply with federal laws, rules, and
400 regulations.

401 6-6-14.

402 Any action to protect or enforce any rights under this chapter and any action pertaining to
403 validation of any bonds issued under this chapter brought in the courts of this state shall be
404 brought in the Superior Court of Fulton County, which shall have exclusive jurisdiction of
405 such actions.

406 6-6-15.

407 The authority may, should it be in the best interest of the authority, contract with the county
408 in which the majority of the airport is located for the provision of any necessary
409 governmental services, i.e., police, fire, permitting and inspections."

410 **SECTION 2.**

411 Article 1 of Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to
412 general provisions relative to the Attorney General, is amended by revising Code Section
413 45-15-13, relating to representation of state authorities by Attorney General, as follows:

414 "45-15-13.

415 As used in Code Sections 45-15-14 through 45-15-16, the term 'state authorities' means the
416 following instrumentalities of the state: Georgia Building Authority, Georgia Education
417 Authority (Schools), Georgia Education Authority (University), Georgia Highway
418 Authority, Georgia Ports Authority, State Road and Tollway Authority, Jekyll
419 Island—State Park Authority, Stone Mountain Memorial Association, Georgia Major
420 Airport Authority, and Georgia Emergency Communications Authority."

421 **SECTION 3.**

422 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
423 amended by adding two new paragraphs to Code Section 48-8-2, relating to sales and use tax,
424 to read as follows:

425 "(2.1) 'Aviation fuel' means jet fuel and aviation gasoline.

426 (2.2) 'Aviation gasoline' shall have the same meaning as provided in Code
427 Section 48-9-2."

428 **SECTION 4.**

429 Said title is further amended by revising Code Section 48-8-3.5, relating to taxation on sale
430 or use of jet fuel, as follows:

431 "48-8-3.5.

432 (a) The sale or use of jet aviation fuel that is pumped into an aircraft in this state and the
433 use of jet aviation fuel that is pumped into an aircraft in another state shall be exempt from
434 all sales and use tax except such tax levied:

435 (1) By the state pursuant to Code Section 48-8-30 at a rate that shall not exceed 4
436 percent;

437 (2) Pursuant to this Code section;

438 (3) Pursuant to Article 2 of this chapter by a jurisdiction in which a sales and use tax was
439 levied on jet fuel on December 30, 1987, at a rate that shall not exceed the rate in effect
440 on December 30, 1987; and

441 ~~(3)~~(4) Pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243),
442 as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' by a
443 jurisdiction in which such tax was levied on jet fuel on December 30, 1987, at a rate that
444 shall not exceed the rate in effect on December 30, 1987.

445 (b) For the period of time beginning December 1, 2018, and ending at the last moment of
 446 June 30, ~~2019~~ 2024, the sale or use of jet aviation fuel that is pumped into an aircraft in this
 447 state and the use of jet aviation fuel that is pumped into an aircraft in another state;

448 (1) ~~Shall~~ shall be exempt from the sales and use tax levied by the state pursuant to Code
 449 Section 48-8-30; and

450 (2) A tax shall be levied and imposed on such aviation fuel at the rate of 10¢ per gallon,
 451 which except as to rate, shall correspond with tax imposed and administered by this
 452 article.

453 (b.1) Each county, municipality, or consolidated government shall be authorized to levy
 454 and impose a tax on aviation fuel by ordinance or resolution at the rate of 1¢ per gallon,
 455 which except as to rate and the method of initial imposition, shall correspond with tax
 456 imposed and administered by Article 2 of this chapter.

457 (b.2) On July 1, 2020, and annually thereafter, the tax rates provided in subsection (b.1)
 458 and paragraph (2) of subsection (b) of this Code section shall be adjusted at a rate
 459 determined by the commissioner to be equal to the rate of change in the average price of
 460 aviation fuel during the preceding year calendar year; provided, however, that such tax
 461 rates shall not be reduced pursuant to this subsection to rates less than those in effect on
 462 July 1, 2019.

463 (c) To the extent required to comply with 49 U.S.C. Sections 47107(b) and 47133, revenue
 464 derived from the levy of ~~sales and use taxes on jet fuel and other fuels sold or used at an~~
 465 ~~airport for aviation purposes~~ taxes on aviation fuel shall be used for a state aviation
 466 program or airport related purposes. Any portion of such revenue so derived which is not
 467 required or exceeds the amount required for purposes of such compliance with federal law
 468 may be appropriated for other purposes as provided by law.

469 (d) The commissioner shall adopt rules and regulations to carry out the provisions of this
 470 Code section."

471 **SECTION 5.**

472 Said title is further amended by revising paragraph (5) of subsection (b) of Code
 473 Section 48-9-3, relating to levy of excise tax, rate, taxation of motor fuels not commonly sold
 474 or measured by the gallon, rate, prohibition of tax on motor fuel by political subdivisions,
 475 exception, and exempted sales, as follows:

476 "(5) Sales of aviation gasoline to a duly licensed aviation gasoline dealer, ~~except for 1¢~~
 477 ~~per gallon of the tax imposed by paragraph (1) of subsection (a) of this Code section;~~"

478 **SECTION 6.**

479 This Act shall become effective on July 1, 2019.

480

SECTION 7.

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