

House Bill 1495 (AS PASSED HOUSE AND SENATE)

By: Representative Hanner of the 133rd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Dawson-Terrell County Airport Authority, approved April 4,
2 1997 (Ga. L. 1997, p. 3696), so as to change the name of the authority; to change the
3 membership so as to provide that the City of Dawson shall not have any appointing authority;
4 to delete references to the City of Dawson throughout said Act; to provide an effective date;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act creating the Dawson-Terrell County Airport Authority, approved April 4, 1997 (Ga.
9 L. 1997, p. 3696), is amended by striking in its entirety Section 1 and inserting in lieu thereof
10 the following:

11 "SECTION 1.

12 Short title.

13 This Act shall be known and may be cited as the "Terrell County Airport Authority Act."

14 **SECTION 2.**

15 Said Act is further amended by striking in its entirety Section 3 and inserting in lieu thereof
16 the following:

17 "SECTION 3.

18 Terrell County Airport Authority.

19 (a) There is created a body corporate and politic, to be known as the "Terrell County
20 Airport Authority,' which shall be deemed to be a political subdivision of the State of
21 Georgia and a public corporation and by that name, style, and title said body may contract

1 and be contracted with, sue and be sued, implead and be impleaded, and bring and defend
2 actions in all courts. The authority shall have perpetual existence.

3 (b) The authority shall consist of six members who shall be residents of Terrell County
4 appointed by the governing authority of Terrell County for terms of office of four years
5 each; provided, however, that the members of the authority serving on July 1, 2004, shall
6 continue to serve for the remainder of their terms and until their successors are duly
7 appointed and qualified. Members of the authority shall serve the terms specified and until
8 their respective successors are appointed and qualified; provided, however, that any
9 member of the authority may be removed at any time by the governing authority of Terrell
10 County, with or without cause. Any member of the authority may be selected and
11 appointed to succeed himself or herself. After such appointment, the members of such
12 authority shall enter upon their duties. Any vacancy on the authority shall be filled by the
13 governing authority of Terrell County and the person so selected and appointed shall serve
14 for the remainder of the unexpired term. The members of the authority shall be reimbursed
15 for all actual expenses incurred in the performance of their duties out of funds of the
16 authority. The authority shall make rules and regulations for its own government. It shall
17 have perpetual existence.

18 (c) To be eligible for appointment as a member of the authority, a person shall be at least
19 18 years of age and have been a resident of Terrell County for at least one year prior to the
20 date of such person's appointment and shall not have been convicted of a felony.

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

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

31 (f) A vacancy on the authority shall exist in the office of any member of the authority who
32 is convicted of a felony or who enters a plea of nolo contendere thereto; who is convicted
33 of a crime involving moral turpitude or who enters a plea of nolo contendere thereto; who
34 moves such person's residence from the county; who is convicted of any act of
35 misfeasance, malfeasance, or nonfeasance of such person's duties as a member of the
36 authority; or who fails to attend any regular or special meeting of the authority for a period
37 of three months without an excuse approved by a resolution of the authority.

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

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

SECTION 3.

Said Act is further amended by striking in their entirety paragraphs (1) and (2) of subsection (a) of Section 4 and inserting in lieu thereof the following:

"(1) 'Airport' means any area of land or structure which is or has been used or which the authority may plan to use for the landing and taking off of commercial, private, and military aircraft, including helicopters; all buildings, equipment, facilities, or other property and improvements of any kind or nature located within the bounds of any such land area or structure which are or have been used or which the authority may plan to use or terminal facilities; all facilities of any type for the accommodation of passengers, maintenance, servicing, and operation of aircraft, business offices and facilities of private businesses and governmental agencies, and the parking of automobiles; and all other activities which are or have been carried on or which may be necessary or convenient in conjunction with the landing and taking off of commercial, private, and military aircraft including all land deeded to the authority by the City of Dawson and Terrell County, including, without limitation, aviation easements, and other real or personal property.

(2) 'Authority' means the Terrell County Airport Authority created by this Act."

SECTION 4.

Said Act is further amended by striking in its entirety Section 14 and inserting in lieu thereof the following:

"SECTION 14.

Credit not pledged.

Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of Terrell County nor a pledge of the faith and credit of said county; but such bonds shall be payable solely from the fund hereinafter provided for and the issuance of such revenue bonds shall not directly, indirectly, or contingently obligate said county to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their

1 payment. All such bonds shall contain recitals on their face covering substantially the
2 foregoing provisions of this section."

3 **SECTION 5.**

4 Said Act is further amended by striking in its entirety Section 20 and inserting in lieu thereof
5 the following:

6 "SECTION 20.

7 Validation.

8 Bonds of the authority shall be confirmed and validated in accordance with the procedure
9 of Article 3 of Chapter 82 of Title 36 of the O.C.G.A., known as the 'Revenue Bond Law.'
10 The petition for validation shall also make party defendant to such action the State of
11 Georgia or any municipality, county, authority, political subdivision, or instrumentality of
12 the State of Georgia which has contracted with the authority for the services and facilities
13 of the project for which bonds are to be issued and sought to be validated, and the state or
14 such municipality, county, authority, political subdivision, or instrumentality shall be
15 required to show cause, if any exists, why such contract or contracts and the terms and
16 conditions thereof should not be inquired into by the court and the contract or contracts
17 adjudicated as a part of the basis for the security for the payment of any such bonds of the
18 authority. The bonds, when validated, and the judgment of validation shall be final and
19 conclusive with respect to such bonds, and the security for the payment thereof and interest
20 thereon and against the authority issuing the same and the state and any municipality,
21 county, authority, political subdivision, or instrumentality, if a party to the validation
22 proceedings, contracting with the Terrell County Airport Authority."

23 **SECTION 6.**

24 Said Act is further amended by striking in its entirety Section 30 and inserting in lieu thereof
25 the following:

26 "SECTION 30.

27 Effect on other governments.

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

1 **SECTION 7.**

2 This Act shall become effective on July 1, 2004.

3 **SECTION 8.**

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