

House Bill 643

By: Representatives Burnough of the 77<sup>th</sup>, Scott of the 76<sup>th</sup>, and Bazemore of the 63<sup>rd</sup>

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to  
2 property tax exemptions, so as to terminate an exemption from ad valorem taxation for public  
3 property owned by a political subdivision outside of its territorial limits that is developed by  
4 grading or other improvements to the extent of at least 25 percent of the total land area and  
5 has facilities actively used for a public or governmental purpose; to amend Article 2 of  
6 Chapter 3 of Title 6 of the Official Code of Georgia Annotated, relating to powers of local  
7 governments as to air facilities, so as to provide that the underlying fee interest in local  
8 government airport property which remains vested in the local government shall not be  
9 deemed to be used for public, governmental, and municipal purposes; to provide that the  
10 public is not entitled to rightful, equal, and uniform use of airports and landing fields leased  
11 to private parties; to provide for related matters; to repeal conflicting laws; and for other  
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to property tax  
16 exemptions, is amended by revising subparagraph (a)(1)(B) as follows:

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43 purposes and said resulting interests, so long as the interests create an estate in land, are  
44 subject to ad valorem taxation; ~~provided, further, that the underlying fee interest in such~~  
45 ~~property which remains vested in the county, municipality, or other political subdivision~~  
46 ~~shall be deemed to be used for public, governmental, and municipal purposes.~~ The  
47 municipality's interest in lands and the facilities located thereon located inside the territorial  
48 limits of a municipality which are owned by that municipality for the purposes enumerated  
49 in Code Section 6-3-20, are declared to be used for public, governmental, or municipal  
50 purposes and are not subject to ad valorem taxation."

51 **SECTION 3.**

52 Said article is further amended by revising Code Section 6-3-25, relating to powers and  
53 duties of counties, municipalities, and political subdivisions as to airports generally, as  
54 follows:

55 "6-3-25.

56 Counties, municipalities, or other political subdivisions which establish airports or landing  
57 fields or which acquire, lease, or set apart real property for such purpose or purposes are  
58 authorized to:

59 (1) Construct, equip, improve, maintain, and operate the same or vest authority for the  
60 construction, equipment, improvement, maintenance, and operation thereof in an officer,  
61 board, or body of the county, municipality, or other political subdivision. The expense  
62 of such construction, equipment, improvement, maintenance, and operation shall be a  
63 responsibility of the county, municipality, or other political subdivision;

64 (2) Adopt regulations and establish charges, fees, and tolls for the use of such airports  
65 or landing fields, fix penalties for the violation of said regulations, and establish liens to  
66 enforce payment of said charges, fees, and tolls, subject to existing contracts;

67 (3) Lease such airports or landing fields to private parties for operation or lease or assign  
68 to private parties for operation, space, area, improvements, and equipment on such

69 airports or landing fields, ~~provided in each case that in so doing the public is not deprived~~  
70 ~~of its rightful, equal, and uniform use thereof; and~~

71 (4) Lease portions of such property lying within any county having a population  
72 of 550,000 or more persons according to the United States decennial census of 1980 or  
73 any future such census for an initial term of up to 50 years, and to extend such leases, to  
74 private parties for development of such property for hotels and related facilities,  
75 conference centers, office buildings, commercial and retail uses, and other similar airport  
76 and travel related purposes, provided that:

77 (A) A lease under this paragraph shall expressly grant and convey to the lessee a  
78 taxable estate for years in both the property and any improvements upon such property  
79 as may be constructed and shall not grant or convey a nontaxable usufruct in either the  
80 property or the improvements upon such property; and

81 (B) The leasing authority granted under this paragraph shall not extend to property  
82 acquired for airport noise mitigation purposes pursuant to the former Airport and  
83 Airway Development Act of 1970 (49 U.S.C. Section 1701, et seq.), as amended, or the  
84 Airport and Airway Improvement Act of 1982 (49 U.S.C. Section 2201, et seq.), as  
85 amended."

86 **SECTION 4.**

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