

House Bill 682 (AS PASSED HOUSE AND SENATE)

By: Representatives Sainz of the 180th and Corbett of the 174th

A BILL TO BE ENTITLED
AN ACT

1 To create the Camden County Spaceport Authority; to provide for a short title; to confer
2 powers and impose duties on the authority; to provide for the membership and the
3 appointment of members of the authority and their terms of office, qualifications, duties,
4 powers, and compensation; to provide for vacancies, organization, meetings, and expenses;
5 to prohibit authority employees and members from having certain interests; to provide for
6 definitions; to provide for venue and jurisdiction; to provide for authority purpose; to provide
7 for charges; to provide for rules and regulations; to provide for tort immunity; to provide for
8 liberal construction; to provide related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Short title.

13 This Act shall be known and may be cited as the "Camden County Spaceport Authority Act."

14 **SECTION 2.**

15 Camden County Spaceport Authority.

16 (a) There is created a body corporate and politic, to be known as the "Camden County
17 Spaceport Authority," which shall be deemed to be a political subdivision of the State of
18 Georgia and a public corporation and by that name, style, and title said body may contract
19 and be contracted with, sue and be sued, implead and be impleaded, and bring and defend
20 actions in all courts. The authority shall have perpetual existence.

21 (b) The authority shall consist of five members who shall be residents of Camden County.
22 All five members appointed to the authority pursuant to this subsection shall be appointed
23 by the governing authority of Camden County. Three of the members shall be citizens of

24 Camden County who do not hold elective office and shall be appointed by the governing
25 authority to serve initial terms of office of two years each. Two of the members may be
26 members of the governing authority and shall be appointed by the governing authority to
27 serve initial terms of office of one year each. Members of the authority shall serve the terms
28 specified and until their respective successors are appointed and qualified. After the
29 appointments by the governing authority to fill the initial terms of office, members shall
30 serve for terms of two years each. No employee of Camden County shall serve as a member
31 of the authority. Any member of the authority may be selected and appointed to succeed
32 himself or herself. After such appointment, the members of such authority shall enter upon
33 their duties. Any vacancy on the authority shall be filled in the same manner as was the
34 original appointment of the member whose term of membership resulted in such vacancy and
35 the person so selected and appointed shall serve for the remainder of the unexpired term.
36 The members of the authority shall be reimbursed for all actual expenses incurred in the
37 performance of their duties out of funds of the authority. The authority shall make rules and
38 regulations for its own government. It shall have perpetual existence.

39 (c) Any person ineligible to be a member of the authority pursuant to O.C.G.A. § 45-2-1
40 may not be appointed to or serve on the authority.

41 (d) The members of the authority shall in each year elect one of their number as chairperson.
42 Also, the members of the authority shall elect one of their number as vice chairperson, shall
43 also elect one of their number as secretary, and may also elect one of their number as
44 treasurer. The secretary may also serve as treasurer. Each of such officers shall serve for a
45 period of one year and until their successors are duly elected and qualified. The chairperson
46 of the authority shall be entitled to vote upon any issue, motion, or resolution.

47 (e) A majority of the members of the authority shall constitute a quorum. No vacancy on
48 the authority shall impair the right of the quorum to exercise all of the rights and perform all
49 of the duties of the authority; provided, however, three votes are required for the approval
50 of any authority action.

51 (f) A vacancy on the authority shall exist in the office of any member of the authority who
52 is convicted of a felony; who is convicted of a crime involving moral turpitude; who moves
53 such person's residence from Camden County; who is convicted of any act of misfeasance,
54 malfeasance, or nonfeasance of such person's duties as a member of the authority; or who
55 fails to attend any regular or special meeting of the authority for a period of three months
56 without an excuse approved by a resolution of the authority.

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

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

63 **SECTION 3.**

64 **Definitions.**

65 As used in this Act, the term:

66 (1) "Authority" means the Camden County Spaceport Authority created by this Act.

67 (2) "Cost of the project" means and embraces the cost of construction; the cost of all
68 lands, properties, rights, easements, and franchises acquired; the cost of all machinery and
69 equipment, financing charges, interest prior to and during construction and for one year
70 after completion of construction; the cost of engineering, architectural, fiscal agents, and
71 legal expenses, and of plans and specifications, and other expenses necessary or incident
72 to determining the feasibility or practicability of the project, administrative expenses, and
73 such other expenses as may be necessary or incident to the financing authorized in this
74 Act; the cost of the acquisition or construction of any project; and the cost of placing any
75 project in operation. Any obligation or expense incurred for any of the foregoing
76 purposes shall be regarded as a part of the cost of the project.

77 (3) "Project" shall be deemed to mean and include the acquisition, construction,
78 equipping, maintenance, and operation of a spaceport and the usual facilities related
79 thereto.

80 (4) "Spaceport" means any area of land or structure which is or has been used or which
81 the authority may plan to use for the landing, launching, and taking off of a spacecraft as
82 defined by O.C.G.A. § 51-3-41; all buildings, equipment, facilities, or other property and
83 improvements of any kind or nature located within the bounds of any such land area or
84 structure which are or have been used or which the authority may plan to use for terminal
85 facilities; all facilities of any type for the accommodation of passengers, maintenance,
86 servicing, and operation of aircraft, helicopters, and spacecraft, business offices and
87 facilities of private businesses and governmental agencies, and the parking of
88 automobiles; and all other activities which are or have been carried on or which may be
89 necessary or convenient in conjunction with the landing, launching, and taking off of
90 spacecraft, including all land originally acquired by Camden County for the establishment
91 of a spaceport, and any land to be deeded to Camden County for spaceport use, including,
92 without limitation, easements, and other real or personal property.

SECTION 4.

Powers.

95 The authority shall have the power:

96 (1) To have a seal and alter the same at its pleasure;

97 (2) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and
98 personal property of every kind and character for its corporate purposes and to plan,
99 acquire, establish, develop, construct, enlarge, improve, maintain, equip, and lease all
100 spaceports which shall come under the control of the authority under the provisions of
101 this Act or which it may acquire or plan to acquire; to regulate, protect, and police such
102 spaceports and all related activities and facilities; to enter into any contracts, leases, or
103 other agreements, promulgate any orders, set any tolls, fees, or other charges for the use
104 of property or services of the authority and collect and use same as necessary to operate
105 the spaceports under control of the authority; and to accomplish any purposes of this Act
106 and make any purchases or sales necessary for such purposes; except that the authority
107 may not acquire any spaceport of any county, municipality, or combination thereof unless
108 such county and municipality agree to pay to the authority, so long as it operates such
109 spaceport, at least the amount of spaceport operating expenses funded by taxes, fees, and
110 assessments of such county and municipality immediately prior to such acquisition;

111 (3) To appoint, select, and employ officers, agents, and employees, including
112 engineering, architectural, and construction experts, fiscal agents, and attorneys, and to
113 fix their respective compensations;

114 (4) To make contracts and leases and to execute all instruments necessary or convenient,
115 including contracts for construction of projects and leases of projects or contracts with
116 respect to the use of projects which it causes to be constructed, erected, or acquired. Any
117 and all persons, firms, and corporations and any and all political subdivisions,
118 departments, institutions, or agencies of the state are authorized to enter into contracts,
119 leases, or agreements with the authority upon such terms and for such purposes as they
120 deem advisable; the authority is specifically granted to municipal corporations, counties,
121 and other political subdivisions and to the authority to enter into contracts, lease
122 agreements, or other undertakings with each other relating to projects of the authority for
123 a term not exceeding 50 years. The authority may enter into contracts or lease agreements
124 authorized between the authority and private corporations, both inside and outside this
125 state, and between the authority and public bodies, including counties and cities outside
126 this state as authorized by O.C.G.A. § 36-60-13, or as hereafter amended;

127 (5) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve,
128 equip, operate, and manage projects, as defined in this Act, the cost of any such project

129 to be paid in whole or in part from funds appropriated by the Camden County Board of
130 Commissioners and any grant or contribution from the United States of America or any
131 agency or instrumentality thereof or from the State of Georgia or any agency or
132 instrumentality thereof;

133 (6) To accept loans and grants of money or materials or property of any kind from the
134 United States of America or any agency or instrumentality thereof upon such terms and
135 conditions as the United States of America or such agency or instrumentality may
136 require;

137 (7) To accept loans and grants of money or materials or property of any kind from the
138 State of Georgia or any agency or instrumentality or political subdivision thereof upon
139 such terms and conditions as the State of Georgia or such agency or instrumentality or
140 political subdivision may require;

141 (8) To borrow money for any of its corporate purposes; and

142 (9) To do all things necessary or convenient to carry out the powers expressly given in
143 this Act.

144 **SECTION 5.**

145 Venue and jurisdiction.

146 Any action to protect or enforce any rights under the provisions of this Act or any suit or
147 action against such authority shall be brought in the Superior Court of Camden County,
148 Georgia.

149 **SECTION 6.**

150 Purpose of the authority.

151 Without limiting the generality of any provision of this Act, the general purpose of the
152 authority is declared to be that of acquiring, constructing, equipping, maintaining, and
153 operating a spaceport and the usual facilities related thereto, and improving of such facilities,
154 acquiring parking facilities and parking areas in connection therewith, acquiring the
155 necessary property therefor, both real and personal, and leasing or selling any or all of such
156 facilities, including real property, and doing any and all things deemed by the authority to
157 be necessary, convenient, or desirable for and incident to the efficient and proper
158 development and operation of such types of undertaking.

159 **SECTION 7.**

160 Rates, charges, and revenues; use.

161 The authority is authorized to prescribe and fix rates and to revise the same from time to time
162 and to collect fees, tolls, and charges for the services, facilities, and commodities furnished.

163 **SECTION 8.**

164 Rules and regulations for operation of projects.

165 It shall be the duty of the authority to prescribe rules and regulations for the operation of the
166 project or projects constructed or acquired under the provisions of this Act.

167 **SECTION 9.**

168 Tort immunity.

169 The authority shall have the same immunity and exemption from liability for torts and
170 negligence as Camden County; and the officers, agents, and employees of the authority,
171 when in the performance of the work of the authority, shall have the same immunity and
172 exemption from liability for torts and negligence as the officers, agents, and employees of
173 Camden County as when in the performance of their public duties or work of such county.

174 **SECTION 10.**

175 Liberal construction of Act.

176 This Act being for the welfare of various political subdivisions of the state and its inhabitants
177 shall be liberally construed to effect the purposes of this Act.

178 **SECTION 11.**

179 Repealer.

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