

House Bill 906 (COMMITTEE SUBSTITUTE)

By: Representatives Taylor of the 173rd, Greene of the 151st, Stephens of the 164th, Williamson of the 115th, LaHood of the 175th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia
2 Annotated, relating to the Heritage Trust Program, so as to condition the method utilized for
3 conveyance of heritage preserve property on the property's amount of acreage; to provide for
4 related matters; 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 Part 2 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,
8 relating to the Heritage Trust Program, is amended by revising Code Section 12-3-76,
9 relating to use of heritage preserves and state authorized to transfer interest in heritage
10 preserve property to county or local government upon certain conditions, as follows:

11 "12-3-76.

12 (a) Heritage preserves shall be held by the state in trust for the benefit of the present and
13 future generations of the people of the State of Georgia. Each heritage preserve shall be
14 put to the designated use or uses which confer the best and most important benefit to the
15 public. Heritage preserves shall not be put to any use other than the dedicated use or uses
16 except pursuant to the following procedure:

17 (1) A state agency, department, or authority with a direct interest in the use of a heritage
18 preserve must submit in writing a petition to the board that an imperative and unavoidable
19 necessity for such other use exists;

20 (2) Upon receipt of such petition, the board shall give public hearing thereon in the
21 county or counties in which the heritage preserve is located;

22 (3) The board shall consider fully all testimony relative to the proposed use and submit
23 a recommendation to the General Assembly; and

24 (4) The General Assembly may then determine if such use is in the public interest and
25 may by statute approve such other use of the heritage preserve.

26 (b) The State of Georgia and the Department of Natural Resources may convey fee simple
 27 title in a property greater than 15 acres dedicated as a heritage preserve under Code Section
 28 12-3-75 for good and valuable consideration as determined by the State Properties
 29 Commission to a willing county or local government pursuant to the following procedures:

30 (1) The department shall submit a request in writing to the board to remove the heritage
 31 preserve dedication from the property and to convey the property to the county or local
 32 government, subject to the grant of a perpetual conservation easement to the State of
 33 Georgia and the department that is consistent with the best and most important uses
 34 established in the written recommendation and approval of the Governor dedicating the
 35 property as a heritage preserve and the conservation values identified by the department,
 36 as well as any other restrictions applicable to the property;

37 (2) The board shall make a determination, after a public hearing, that the removal of the
 38 heritage preserve dedication from the property and its conveyance to the county or local
 39 government subject to a conservation easement is in the best interest of the State of
 40 Georgia;

41 (3) The conveyance is approved by the General Assembly and the State Properties
 42 Commission; and

43 (4) The department shall file with the Secretary of State and the office of the clerk of the
 44 superior court of the county or counties in which the property is located a notice of the
 45 removal of the heritage preserve dedication simultaneously with the recordation of the
 46 conservation easement in the real property records of the county or counties in which the
 47 property is located.

48 (c)(1) For purposes of this subsection, the term 'private entity' means any natural person,
 49 corporation, general partnership, limited liability company, limited partnership, joint
 50 venture, business trust, public benefit corporation, nonprofit entity, or other business
 51 entity.

52 (2) The State of Georgia and the Department of Natural Resources may convey fee
 53 simple title in up to and including 15 acres of a property dedicated as a heritage preserve
 54 under Code Section 12-3-75 for good and valuable consideration as determined by the
 55 State Properties Commission to a willing county or local government or private entity
 56 pursuant to the following procedures:

57 (A) The department shall submit a request in writing to the board to remove the
 58 heritage preserve dedication from up to and including 15 acres of the property and to
 59 convey up to and including 15 acres of the property to the county or local government
 60 or private entity, subject to the grant of a perpetual conservation easement to the State
 61 of Georgia and the department, as well as any other restrictions applicable to the
 62 property:

63 (B) The board shall make a determination, after a public hearing, that the removal of
 64 the heritage preserve dedication from up to and including 15 acres of the property and
 65 its conveyance to the county or local government or private entity subject to a
 66 conservation easement is in the best interest of the State of Georgia;

67 (C) The conveyance is approved by the State Properties Commission;

68 (D) The department shall file with the Secretary of State and the office of the clerk of
 69 the superior court of the county or counties in which the property is located a notice of
 70 the removal of the heritage preserve dedication from up to and including 15 acres of the
 71 property simultaneously with the recordation of the conservation easement in the real
 72 property records of the county or counties in which the property is located; and

73 (E) A maximum total of 15 acres of a property dedicated as a heritage preserve can be
 74 conveyed to a county or local government or private entity pursuant to this subsection.

75 ~~(e)~~(d) Nothing in this Code section shall be construed so as to give county or local
 76 governments the authority to assign their interests in property conveyed pursuant to
 77 subsection (b) of this Code section to a private individual or entity.

78 ~~(d)~~(e) Nothing in this Code section shall be construed so as to compel a county or local
 79 government to accept conveyance of a heritage preserve, and no conveyance shall take
 80 place without the approval of the local governing authority.

81 ~~(e)~~(f) In the event that a county or local government or private entity that is in receipt of
 82 property pursuant to this Code section determines that it is in the best interest of the county
 83 or local government or private entity, fee simple title to the property may, if approved by
 84 the department and the State Properties Commission, revert to the State of Georgia."

85 **SECTION 2.**

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