

Senate Bill 424

By: Senators Gillis of the 20th, Bowen of the 13th, Dean of the 31st and Hooks of the 14th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

To amend Chapter 6 of Title 12, relating to forest resources and other plant life, so as to enact the "Forest Heritage Trust Act of 2002"; to provide a short title; to provide a statement of legislative purpose; to define certain terms; to provide for an advisory role for the State Forestry Commission; to provide for powers and duties of the commission; to provide for the dedication of property as a forest heritage preserve; to provide for the use of forest heritage preserves; to provide for the effect of certain actions on the protected status of property; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 6 of Title 12, relating to forest resources and other plant life, is amended by inserting at the end thereof the following:

"ARTICLE 5

12-6-220.

This part shall be known and may be cited as the 'Forest Heritage Trust Act of 2002.'

12-6-221.

The General Assembly finds that certain real property in Georgia, because it exhibits unique natural characteristics, special historical significance, or particular recreational value, constitutes a valuable heritage which should be protected to provide benefits to all Georgians, now and in the future. The General Assembly specifically recognizes that the forest lands and resources of the state are a natural resource of great economic value to the citizens of the state, not only for the potential production of forest products which they can provide, but also for the enormously valuable natural benefits they impart to the citizens of Georgia, such as air and water quality improvements, water storage, control of erosion, temperature moderation, habitat for native plants and wildlife, and opportunities for

1 recreation in a natural, historic Georgia environment. Natural forested lands also allow
2 present and future citizens to gain an understanding of the prehistoric and early culture of
3 this region. Commercial forests provide traditional jobs, support our economy, and reflect
4 the importance this industry has had in the development of Georgia. The General
5 Assembly further finds that many of the forest resources of the state are under pressure to
6 be converted to other uses because of Georgia's rapid progress and increased population
7 over the past decades. As forest lands are converted to other uses and irreparably altered,
8 a valuable part of our cultural heritage is lost as well as the natural benefits those
9 forestlands provide.

10 The General Assembly declares, therefore, that there is a compelling public need to
11 preserve forestlands as an element of Georgia's heritage. The General Assembly asserts
12 the public interest in the state's heritage by creating the Forest Heritage Trust Program
13 which shall be the responsibility of the Governor and the State Forest Commission and
14 which shall seek to protect this heritage through the acquisition of fee simple title or lesser
15 interests in valuable properties and by utilization of other available methods.

16 12-6-222.

17 As used in this part, the term:

18 (1) 'Commission' means the State Forestry Commission.

19 (2) 'Forest Heritage area' means an area of land, marsh, or water which has been
20 identified by the commission as having significant historical, natural, or cultural value.

21 (3) 'Forest Heritage preserve' means a heritage area to which the state holds fee simple
22 title or some lesser estate and which has been dedicated under this part.

23 12-6-223.

24 The commission shall serve as an advisory body to the Governor on all matters concerning
25 the Forest Heritage Trust Program and shall make recommendations to the Governor
26 concerning the identification, designation, and acquisition of forest heritage areas; the
27 dedication of forest heritage preserves; and the annual budget for the Forest Heritage Trust
28 Program. The commission shall consider recommendations from the Director of the State
29 Forestry Commission before making its recommendations on these matters.

30 12-6-224.

31 The commission shall have the following powers and duties with regard to the Forest
32 Heritage Trust Program:

(1) To adopt and promulgate all policies, rules, and regulations necessary for the identification and acquisition of forest heritage areas and for the selection, dedication, management, and use of forest heritage preserves;

(2) To acquire forest heritage areas in the name of the State of Georgia as otherwise provided by law;

(3) To advocate and approve the dedication of forest heritage preserves; and

(4) To provide general supervision and direction in the protection, management, operation, and use of forest heritage preserves.

12-6-225.

A forest heritage area which has been acquired by the commission for the Forest Heritage Trust Program may become dedicated as a forest heritage preserve after written recommendation of the commission and approval by Executive Order of the Governor. Any other real property owned by the State of Georgia and under the custody of the commission may be similarly dedicated. The written recommendation shall contain a provision that designates the best and most important use or uses to which the land is to be put. The dedication as a forest heritage preserve shall become effective when the written recommendation and the approval of the Governor are filed with the office of the Secretary of State. The written recommendation and the approval of the Governor shall be filed in the office of the clerk of the superior court of the county or counties in which the forest heritage preserve is located.

12-6-226.

Forest heritage preserves shall be held by the state in trust for the benefit of present and future generations of people of the State of Georgia. Each forest heritage preserve shall be put to the designated use or uses that confer the best and most important benefit to the public. Heritage preserves shall not be put to any use other than the dedicated use or uses except pursuant to the following procedure:

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

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

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

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

1 12-6-227.
2 Neither the dedication of a piece of property as a forest heritage preserve nor any action
3 taken by the commission pursuant to this part shall operate to void, preempt, or dilute any
4 protected status which that property had or would have had but for its dedication as a forest
5 heritage preserve."

6 **SECTION 2.**

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