

Senate Bill 480

By: Senators Gillis of the 20th, Tolleson of the 18th, Starr of the 44th, Williams of the 19th,
Dean of the 31st and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 12, relating to forest resources and other plant life, so as to enact
2 the "Forest Heritage Trust Act of 2004"; to provide a short title; to provide a statement of
3 legislative purpose; to define certain terms; to provide for an advisory role for the State
4 Forestry Commission; to provide for powers and duties of the commission; to provide for the
5 dedication of property as a forest heritage preserve; to provide for the use of forest heritage
6 preserves; to provide for the effect of certain actions on the protected status of property; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

12 "ARTICLE 5

13 12-6-220.

14 This article shall be known and may be cited as the 'Forest Heritage Trust Act of 2004.'

15 12-6-221.

16 (a) The General Assembly finds that certain real property in Georgia, because it exhibits
17 unique natural characteristics, special historical significance, or particular recreational
18 value, constitutes a valuable heritage which should be protected to provide benefits to all
19 Georgians, now and in the future. The General Assembly specifically recognizes that the
20 forest lands and resources of the state are a natural resource of great economic value to the
21 citizens of the state, not only for the potential production of forest products which they can
22 provide, but also for the enormously valuable natural benefits they impart to the citizens
23 of Georgia, such as air and water quality improvements, water storage, control of erosion,
24 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 (b) 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 Forestry 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 article, 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 article.

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

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

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

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

9 12-6-225.

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

21 12-6-226.

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

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

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

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

34 (4) The General Assembly shall then determine if such use is in the public interest and
 35 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 article shall operate to void, preempt, or dilute
4 any protected status which that property had or would have had but for its dedication as a
5 forest heritage preserve."

6 **SECTION 2.**

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