

The House Committee on State Institutions and Property offers the following substitute to HB 214:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 1 of Chapter 3 of Title 12 of the Official Code of Georgia
2 Annotated, relating to the Recreational Authorities Overview Committee, so as to remove
3 the Jekyll Island—State Park Authority from the committee’s review; to amend Part 1 of
4 Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to the
5 Jekyll Island—State Park Authority, so as to provide for a renewal of the property lease to
6 the authority; to extend the existence of the authority consistent with such lease renewal; to
7 provide for legislative oversight of the authority; to provide for advisory members of the
8 authority; to amend certain provisions relating to the master plan as to Jekyll Island; to
9 clarify that the authority is exempt from certain taxation; to provide for legislative intent; to
10 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
11 other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 The Georgia General Assembly finds that Jekyll Island is home to some of the state’s most
15 treasured natural and cultural resources and it is the expressed intent of this body to ensure
16 the preservation of these resources for the enjoyment of all Georgians now and for future
17 generations to come. For this reason, the state shall continue its commitment that not less
18 than 65 percent of the land area of Jekyll Island which lies above water at mean high tide
19 shall remain undeveloped. Jekyll Island proudly displays one of Georgia’s largest stretches
20 of barrier island property. It is the expressed intent of this body that the beach areas of Jekyll
21 Island will remain free and open for the use of the people of the state. Commercial
22 improvement is intended to better existing and future development of the remaining 35
23 percent of Jekyll Island while retaining public access to the beaches for the pleasure of all
24 of Georgia’s citizens. The General Assembly further finds that the deteriorating conditions
25 of public and commercial facilities is of great interest to the legislature and to the public and
26 that by significantly extending the existing lease authority for the island’s property, the state

1 will thereby help to secure and encourage future investments and provide a basis for
 2 long-term revitalization of the island. Jekyll Island is recognized by this body as "Georgia's
 3 Jewel," and its remarkable beauties are hereby preserved so that they may continue to shine
 4 for all citizens of Georgia.

5 **SECTION 2.**

6 Part 2 of Article 1 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,
 7 relating to the Recreational Authorities Overview Committee, is amended by revising Code
 8 Section 12-3-20, relating to creation of the committee and duty to review designated
 9 authorities, as follows:

10 "12-3-20.

11 There is created as a joint committee of the General Assembly the Recreational Authorities
 12 Overview Committee to be composed of three members of the House of Representatives
 13 appointed by the Speaker of the House of Representatives and three members of the Senate
 14 appointed by the President of the Senate. The members of the committee shall serve
 15 two-year terms concurrent with their terms as members of the General Assembly. The
 16 chairperson of the committee shall be appointed by the Speaker of the House of
 17 Representatives from the membership of the committee, and the vice chairperson of the
 18 committee shall be appointed by the President of the Senate from the membership of the
 19 committee. The chairperson and vice chairperson shall serve terms of two years concurrent
 20 with their terms as members of the General Assembly. Vacancies in an appointed
 21 member's position or in the offices of chairperson or vice chairperson of the committee
 22 shall be filled for the unexpired term in the same manner as the original appointment. The
 23 committee shall periodically inquire into and review the operations of the Stone Mountain
 24 Memorial Association, ~~the Jekyll Island—State Park Authority~~, the North Georgia
 25 Mountains Authority, and the Lake Lanier Islands Development Authority and shall
 26 periodically review and evaluate the success with which each of the said authorities is
 27 accomplishing its statutory duties and functions as provided in this chapter."

28 **SECTION 3.**

29 Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,
 30 relating to the Jekyll Island—State Park Authority, is amended by revising Code Section
 31 12-3-232 as follows:

32 "12-3-232.

33 (a) There is created a body corporate and politic to be known as the Jekyll Island—State
 34 Park Authority, which shall be deemed to be an instrumentality of the state and a public
 35 corporation, and by that name, style, and title such body may contract and be contracted

1 with, sue and be sued, implead and be impleaded, and complain and defend in all courts.
 2 The authority may delegate to one or more of its members, or to its officers, agents, and
 3 employees, such powers and duties as it may deem proper. The authority shall exist for 99
 4 years and, upon the expiration thereof, shall exist for an additional 50 years.

5 (b) The authority is assigned to the Department of Natural Resources for administrative
 6 purposes only."

7 SECTION 4.

8 Said part is further amended by revising Code Section 12-3-233, relating to appointment of
 9 members to the Jekyll Island—State Park Authority, by redesignating subsections (d) and (e)
 10 as subsections (f) and (g) and inserting new subsections (d) and (e) as follows:

11 "(d) Two advisory members shall be appointed to serve on the authority in an advisory
 12 capacity only without voting privileges. One advisory member shall be appointed by the
 13 Speaker of the House and one advisory member shall be appointed by the President of the
 14 Senate. Advisory members shall be appointed from the membership of the Jekyll
 15 Island—State Park Authority Oversight Committee. This subsection shall stand
 16 automatically repealed and reserved on December 31, 2009.

17 (e) Membership on the council does not constitute public office and no member shall be
 18 disqualified from holding public office by reason of his or her membership."

19 SECTION 5.

20 Said part is further amended by revising Code Section 12-3-234, relating to accountability
 21 of members, as follows:

22 "12-3-234.

23 (a) The members of the authority shall be accountable in all respects as trustees. The
 24 authority shall keep suitable and proper books and records of all receipts, income, and
 25 expenditures of every kind and shall submit for inspection all of the books, together with
 26 a proper statement of the authority's financial position, once a year on or about December
 27 31 to the state auditor and to the Jekyll Island—State Park Authority Oversight Committee.
 28 The books and records shall be inspected and audited by the state auditor at least once in
 29 each year. The authority shall also submit a quarterly summary of each lease and contract
 30 agreement involving an amount in excess of \$50,000.00 to the legislative oversight
 31 committee. Upon request, a copy of the lease or contract agreement or other documents
 32 so requested shall be provided to the members of the oversight committee.

33 (b) There is created as a joint committee of the General Assembly the Jekyll Island—State
 34 Park Authority Oversight Committee to be composed of three members of the House of
 35 Representatives appointed by the Speaker of the House, one of whom shall be from the

1 House Committee on State Institutions and Property, and three members of the Senate
 2 appointed by the President of the Senate, one of whom shall be from the Senate Committee
 3 on State Institutions and Property. The members of the committee shall serve two-year
 4 terms concurrent with their terms as members of the General Assembly. The chairperson
 5 of the committee shall be appointed by the President of the Senate from the membership
 6 of the committee, and the vice chairperson of the committee shall be appointed by the
 7 Speaker of the House from the membership of the committee during odd-numbered years.
 8 The chairperson of the committee shall be appointed by the Speaker of the House from the
 9 membership of the committee, and the vice chairperson of the committee shall be
 10 appointed by the President of the Senate from the membership of the committee during
 11 even-numbered years. The chairperson and vice chairperson shall serve terms of one year
 12 beginning January 1, 2007. Vacancies in an appointed member's position or in the offices
 13 of chairperson or vice chairperson of the committee shall be filled for the unexpired term
 14 in the same manner as the original appointment. The committee shall advise the General
 15 Assembly regarding the authority's compliance with the provisions required by this part.
 16 The committee shall meet upon the call of the chairperson."

17 **SECTION 6.**

18 Said part is further amended by revising subsection (a) of Code Section 12-3-241, relating
 19 to the lease to the authority, as follows:

20 "(a) To the authority is granted, for and on the part of the State of Georgia, a lease for a
 21 term of 99 years, beginning on February 13, 1950, ~~to~~ which term shall be automatically
 22 extended an additional 50 years upon the ending of the initial term. The lease shall be for
 23 all of that island of the State of Georgia, County of Glynn, being known as Jekyll Island
 24 and the marshes and marsh islands adjacent and adjoining the same owned by the State of
 25 Georgia; being that island of 11,000 acres, more or less, lying east of the mainland coast
 26 of Georgia, County of Glynn, bounded on its easterly shore by the Atlantic Ocean; bounded
 27 upon its northerly shore by Brunswick River, bounded on its westerly shore by Brunswick
 28 River, Jekyll Creek, Jekyll River, and Jekyll Sound; and bounded on its southerly shore by
 29 Jekyll Sound, together with the adjacent and adjoining marshes and marsh islands; which
 30 properties may also be described as all of the lands acquired by the State of Georgia in a
 31 certain condemnation proceeding, *State of Georgia vs. Jekyll Island Club, Inc., et al.*, filed
 32 June 6, 1947, in Glynn County Superior Court; which properties may also be described in
 33 all conveyances, conveying any and all parts of Jekyll Island and the adjacent and adjoining
 34 marshes and marsh islands to the State of Georgia, recorded upon the official deed books
 35 of Glynn County as of February 13, 1950, all and each one of said conveyances being, by

1 reference, expressly incorporated into this Code section and made in their entirety; a part
2 hereof."

3 **SECTION 7.**

4 Said part is further amended by revising Code Section 12-3-243.1, relating to the master plan
5 as to Jekyll Island, as follows:

6 "12-3-243.1.

7 (a) The authority shall, on or before July 1, 1996, cause to be created a master plan for the
8 management, preservation, protection, and development of Jekyll Island. The master plan
9 shall delineate, based upon aerial survey, the present and permitted future uses of the land
10 area of Jekyll Island which lies above water at mean high tide and shall designate areas to
11 be managed as environmentally sensitive, historically sensitive, and active use areas. The
12 master plan shall also delineate the boundaries of the area or areas delineated on the master
13 plan as the 65 percent of the land area of Jekyll Island which lies above water at mean high
14 tide and over which the authority has no power to improve, lease, or sell pursuant to
15 subsection (a) of Code Section 12-3-243. If the aerial survey demonstrates that the
16 percentage of undeveloped land on Jekyll Island is presently less than 65 percent, then no
17 further development of undeveloped land shall be permitted in the master plan.

18 (b) In the creation of the master plan, the authority shall, after preparation of a preliminary
19 plan, give notice of the existence of the preliminary plan in the legal organs of Glynn and
20 Fulton counties and in at least two newspapers of state-wide general circulation not less
21 than 60 days prior to the meeting of the authority at which the preliminary plan is to be
22 considered for final adoption. After giving this notice, the authority shall hold a public
23 hearing at a convenient location on Jekyll Island and receive and consider such oral and
24 written comments on the preliminary plan as may be presented.

25 (c) The authority, in the exercise of its authority to develop, manage, preserve, and protect
26 Jekyll Island, shall be guided by and shall adhere to the master plan as the same may from
27 time to time be amended as provided in subsection (d) of this Code section.

28 (d) The authority may, from time to time, amend the master plan but only in compliance
29 with the following procedure:

30 (1) Any proposed amendment to the master plan shall be described in written form and,
31 if capable of such description, in visual form and presented publicly at a regular meeting
32 of the authority;

33 (2) After the proposed amendment is presented publicly at a regular meeting of the
34 authority, a brief summary of the proposed amendment shall be advertised in the legal
35 organs of Glynn and Fulton counties, distributed to the media by news release, and

1 published in appropriate publications of the authority. Each such advertisement, news
2 release, and publication shall also contain:

3 (A) The time and place of the public hearing on the proposed amendment, which
4 public hearing shall be held no earlier than 15 days after the latest publication of the
5 advertisement in the legal organ of Glynn or Fulton County as required by this
6 paragraph;

7 (B) Directions as to the manner of receiving comments from the public regarding the
8 proposed amendment; and

9 (C) The date on which the meeting of the authority at which the proposed amendment
10 will be considered for approval or rejection, which meeting shall not be held any sooner
11 than 30 days after the meeting of the authority at which the proposed amendment was
12 announced pursuant to paragraph (1) of this subsection;

13 (3) The authority shall transmit ~~three~~ by certified mail or personal service copies of the
14 information required by paragraph (2) of this subsection and a complete copy of the
15 proposed amendment to the Speaker of the House, President of the Senate, members of
16 the Jekyll Island—State Park Authority Oversight Committee, and Office of Legislative
17 Counsel at least ~~30~~ 60 days prior to the date of the meeting at which the proposed
18 amendment will be considered. ~~The Office of Legislative Counsel shall immediately~~
19 ~~furnish the presiding officers of each house with a copy of the information received. The~~
20 ~~presiding officers of each house, or the Office of Legislative Counsel if the a~~ presiding
21 officer is unavailable, shall then ~~assign the information to the chairperson of the~~
22 ~~appropriate standing committee in each house for review and provide copies to any~~
23 ~~member of that house~~ the General Assembly who makes, or has made, a standing written
24 request;

25 (4) In the event ~~a standing committee to which the information has been assigned as~~
26 ~~provided in paragraph (3) of this subsection~~ the Jekyll Island—State Park Authority
27 Oversight Committee files an objection to a proposed amendment to the master plan with
28 the chairperson of the authority prior to the authority's taking action on the proposed
29 amendment ~~and the authority adopts the proposed amendment over the objection, the~~
30 ~~authority shall notify the presiding officers of the Senate and House of Representatives,~~
31 ~~the chairpersons of the standing committees to which the information was referred, and~~
32 ~~the Office of Legislative Counsel within ten days after the adoption of the amendment to~~
33 ~~the master plan, then the same shall be stayed.~~ Thereafter, by introduction of a resolution
34 to ~~override the amendment~~ consider the committee's objection within the first 30 days
35 of the next regular session of the General Assembly, the ~~amendment~~ objection may be
36 considered for ratification by the ~~branch of the~~ General Assembly ~~whose committee~~
37 ~~objected to its adoption. In the event the resolution is adopted by the members of the~~

1 ~~branch of the General Assembly in which it is introduced, it shall be immediately~~
 2 ~~transferred to the other branch of the General Assembly, which branch shall consider the~~
 3 ~~resolution within five days of its being received. In the event the resolution to override~~
 4 ~~the amendment to the master plan is adopted by a vote of two-thirds of the members of~~
 5 ~~each branch, the amendment to the master plan shall be void on the day after the adoption~~
 6 ~~of the resolution by the second branch of the General Assembly not be adopted by the~~
 7 ~~authority.~~ In the event the resolution is ratified by a vote of less than two-thirds of the
 8 members of either house, the resolution shall be submitted to the Governor for approval
 9 or veto. In the event the resolution fails to pass both houses or is vetoed by the Governor,
 10 the amendment to the master plan ~~shall remain in effect~~ may be adopted by the authority
 11 and the stay of the committee shall be lifted. In the event of the Governor's approval of
 12 the resolution, the amendment to the master plan shall be ~~void on the day after the date~~
 13 ~~of the Governor's approval of the resolution~~ prohibited;

14 (5) Any proposed changes to the boundaries of the area or areas delineated on the master
 15 plan as the 65 percent of the land area of Jekyll Island which lies above water at mean
 16 high tide and over which the authority has no power to improve, lease, or sell pursuant
 17 to subsection (a) of Code Section 12-3-243 shall be surveyed and marked at least seven
 18 days prior to the public hearing required by paragraph (2) of this subsection in such a
 19 fashion as to be readily discernible on the ground by members of the public; and

20 (6) At the meeting of the authority which has been identified in the advertisement
 21 required by paragraph (2) of this subsection as the meeting to consider the approval or
 22 rejection of the proposed amendment, the authority shall consider in an open and public
 23 meeting the proposed amendment to the master plan which, if approved, shall become a
 24 part of the master plan, subject, however, to the provisions of paragraph (4) of this
 25 subsection."

26 SECTION 8.

27 Said part is further amended by revising Code Section 12-3-274, relating to the exemption
 28 from taxation of authority property, activities, income, and bonds, as follows:

29 "12-3-274.

30 It is found, determined, and declared that the creation of the authority and the carrying out
 31 of its corporate purpose are in all respects for the benefit of the people of this state and
 32 constitute a public purpose and that the authority will be performing an essential
 33 governmental function in the exercise of the power conferred upon it by this part. This state
 34 covenants with the holders of the bonds that the authority shall be required to pay no taxes
 35 or assessments upon any of the property acquired or leased by it, or under its jurisdiction,
 36 control, possession, or supervision, or upon its activities in the operation or maintenance

1 of the buildings erected or acquired by it, or upon any fees, rentals, or other charges
2 received by the authority for the use of such buildings, or upon other income received by
3 the authority and that the authority shall be exempt from all sales and use taxes. Further,
4 this state covenants that the bonds of the authority, their transfer, and the income therefrom
5 shall at all times be exempt from all taxation within the state."

6 **SECTION 9.**

7 This Act shall become effective upon its approval by the Governor or upon its becoming law
8 without such approval.

9 **SECTION 10.**

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