

## House Bill 214 (COMMITTEE SUBSTITUTE)

By: Representatives Barnard of the 166<sup>th</sup>, Smith of the 70<sup>th</sup>, Stephens of the 164<sup>th</sup>, Parsons of the 42<sup>nd</sup>, Lane of the 158<sup>th</sup>, and others

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 **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

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

#### SECTION 6.

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

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

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

### SECTION 7.

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

"12-3-243.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## SECTION 8.

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

"12-3-274.

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