

House Bill 1325

By: Representatives Buckner of the 130th, Porter of the 143rd, Meadows of the 5th, Reece of the 11th, McKillip of the 115th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia
2 Annotated, the "Jekyll Island—State Park Authority Act," so as to define certain terms; to
3 provide that not more than 35 percent of the land of said island shall be developed or
4 disturbed; to provide that not less than 65 percent of the land of said island shall remain
5 undeveloped; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, the
9 "Jekyll Island—State Park Authority Act," is amended by revising Code Section 12-3-243,
10 relating to subdivision, improvement, lease, or sale of island by the authority, powers
11 generally, disposition of proceeds of sale, creation of reserve fund, and signing conveyances,
12 as follows:

13 "12-3-243.

14 (a) As used in this Code section, the term:

15 (1) 'Developed land' means land which is or was occupied by a permanent structure,
16 including the curtilage of the developed land and any associated fixed surface
17 infrastructure.

18 (2) 'Disturbed land' means land other than developed land where the natural conditions
19 and processes have been impacted by human activity including, without limitation, the
20 removal of natural vegetation, impounding water, planting or maintaining grasses or other
21 vegetation not native to the area, and any other activity causing a condition which would
22 not appear naturally without human activity.

23 (3) 'Undeveloped land' means land that is not surveyed, subdivided, improved,
24 developed, or disturbed.

25 (a) (b)(1)(A) The authority is empowered to survey, subdivide, improve, and lease or
26 sell to the extent and in the manner provided in this part, as subdivided and improved,

27 not more than 35 percent of the land area of Jekyll Island which lies above water at
 28 mean high tide, provided that the authority shall in no way sell or otherwise dispose of
 29 any riparian rights; and provided, further, that the beach areas of Jekyll Island will
 30 never be sold but will be kept free and open for the use of the people of the state.
 31 Notwithstanding any other provision of the law, not more than 35 percent of the land
 32 area of Jekyll Island which lies above water at mean high tide shall be developed or
 33 disturbed land.

34 (B) The following area shall not be counted in the permissible 35 percent of developed
 35 land as provided in this paragraph:

36 (i) 1.75 acres for a convention center;

37 (ii) Bicycle trails on the south side of the island planned as of July 1, 2010; and

38 (iii) Property platted as of July 1, 2010, for the expansion of a campground.

39 (2)(A) The authority shall not survey, subdivide, improve, lease, sell, develop, or
 40 otherwise cause a project to be constructed on the 65 percent of the land area of Jekyll
 41 Island which the authority is not empowered to survey, subdivide, improve, and lease
 42 or sell pursuant to paragraph (1) of this subsection; provided, however, that nothing in
 43 this paragraph shall be construed as to require the removal of any improvement on such
 44 land area which was completed on March 14, 1995. Notwithstanding any other
 45 provision of the law, not less than 65 percent of the land area of Jekyll Island which lies
 46 above water at mean high tide shall be undeveloped land; provided, however, that
 47 limited bicycling and walking paths, closed to motorized vehicles, with pervious
 48 surfaces may be built and maintained to facilitate the public's enjoyment of the natural
 49 surroundings.

50 (B) That portion of Jekyll Island lying south of 31 degrees, 1 minute, 34 seconds north
 51 latitude as such latitude is depicted on the 1993 USGS topographic survey 7.5 minute
 52 series quadrangle map shall always be included within the area of Jekyll Island
 53 protected by this paragraph, and the authority shall not enter into, renew, or extend any
 54 agreement or otherwise take any action regarding such southern portion of the island
 55 in violation of this paragraph on or after May 30, 2007, except as otherwise provided
 56 in this subparagraph. The removal of any improvement on such southern portion of the
 57 island which was completed prior to May 30, 2007, shall not be required. Upon the
 58 expiration or termination of any lease of a lot for a single-family residence on such
 59 southern portion of the island, the authority may again lease such lot to the same or
 60 another lessee for a single-family residence or noncommercial purpose or the authority
 61 may set aside the lot for public use; but the lot shall not be further subdivided, and the
 62 authority shall not lease such lot for any multifamily residence or commercial purpose.
 63 Those properties used for the Jekyll Island 4-H center and soccer complex may

64 continue to be used and improved for the same or similar purposes under an extension
65 or renewal of an existing lease or under a new lease. This subparagraph shall not
66 prohibit the construction and use of any public bicycle trails, public nature trails, or
67 public picnic areas on such southern portion of the island by the authority. This
68 subparagraph shall not be applied to impair the obligation of any valid contract entered
69 into prior to May 30, 2007.

70 ~~(b)~~ (c) The authority shall deduct and retain as income from the amounts received for any
71 sales of lots the value of its leasehold estate in such property, which shall be determined
72 by agreement between the authority and the Governor. The remainder of such amounts
73 shall be paid into the state treasury to the credit of the general fund. Ninety percent of the
74 income received by the authority from the sale of lots shall be paid into a reserve fund to
75 be set up by the authority to be used for general improvements or capital improvements,
76 or both, on Jekyll Island.

77 ~~(c)~~ (d) All conveyances for the sale of lots shall be signed by the authority on its own
78 behalf and by the Governor on behalf of the state."

79 **SECTION 2.**

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

82 **SECTION 3.**

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