

House Bill 90

By: Representatives Bearden of the 68th, Cooke of the 18th, and Smith of the 70th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia
2 Annotated, relating to the Heritage Trust Program, so as to authorize the State of Georgia to
3 transfer its interests in heritage preserve properties to a county or local government upon
4 certain conditions; to provide for related matters; to provide an effective date; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 2 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,
9 relating to the Heritage Trust Program, is amended by revising Code Section 12-3-76,
10 relating to use of heritage preserves, as follows:

11 "12-3-76.

12 (a) Heritage preserves shall be held by the state in trust for the benefit of the present and
13 future generations of the people of the State of Georgia. Each heritage preserve shall be
14 put to the designated use or uses which confer the best and most important benefit to the
15 public. Heritage preserves shall not be put to any use other than the dedicated use or uses
16 except pursuant to the following procedure:

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

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

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

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

26 (b) The State of Georgia and the Department of Natural Resources may sell, transfer, or
27 assign their interests in a heritage preserve to a county or local government upon the
28 creation of a covenant running with the land that the property shall be maintained in
29 accordance with the primary purpose of the heritage preserve. The county or local
30 government shall adhere to the conditions and uses set out by the Governor in the executive
31 order designating the property as a heritage preserve.

32 (c) Nothing in this Code section shall be construed so as to give county or local
33 governments the authority to assign their interests in the heritage preserve to a private
34 individual or entity."

35 **SECTION 2.**

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

38 **SECTION 3.**

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