

House Bill 90 (COMMITTEE SUBSTITUTE)

By: Representatives Bearden of the 68<sup>th</sup>, Cooke of the 18<sup>th</sup>, and Smith of the 70<sup>th</sup>

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 convey fee simple  
 27 title in a property dedicated as a heritage preserve under Code Section 12-3-75 for good  
 28 and valuable consideration as determined by the State Properties Commission to a willing  
 29 county or local government pursuant to the following procedures:

30 (1) The department shall submit a request in writing to the board to remove the heritage  
 31 preserve dedication from the property and to convey the property to the county or local  
 32 government, subject to the grant of a perpetual conservation easement to the State of  
 33 Georgia and the department that is consistent with the best and most important uses  
 34 established in the written recommendation and approval of the Governor dedicating the  
 35 property as a heritage preserve and the conservation values identified by the department,  
 36 as well as any other restrictions applicable to the property;

37 (2) The board shall make a determination, after a public hearing, that the removal of the  
 38 heritage preserve dedication from the property and its conveyance to the county or local  
 39 government subject to a conservation easement is in the best interest of the State of  
 40 Georgia;

41 (3) The conveyance is approved by the General Assembly and the State Properties  
 42 Commission; and

43 (4) The department shall file with the Secretary of State and the office of the clerk of the  
 44 superior court of the county or counties in which the property is located a notice of the  
 45 removal of the heritage preserve dedication simultaneously with the recordation of the  
 46 conservation easement in the real property records of the county or counties in which the  
 47 property is located.

48 (c) Nothing in this Code section shall be construed so as to give county or local  
 49 governments the authority to assign their interests in property conveyed pursuant to  
 50 subsection (b) of this Code section to a private individual or entity.

51 (d) Nothing in this Code section shall be construed so as to compel a county or local  
 52 government to accept conveyance of a heritage preserve, and no conveyance shall take  
 53 place without the approval of the local governing authority.

54 (e) In the event that a county or local government that is in receipt of property pursuant to  
 55 this Code section fails to satisfy the requirements and restrictions placed in the  
 56 conservation easement, said property may, within the discretion of the department, revert  
 57 back to the State of Georgia."

58 **SECTION 2.**

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

61

**SECTION 3.**

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