

House Bill 1415 (AS PASSED HOUSE AND SENATE)

By: Representatives Seabaugh of the 34th, Sainz of the 180th, Martinez of the 111th, Hong of the 103rd, Mitchell of the 88th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 4 of Article 6 of Chapter 3 of Title 12 and Article 1 of Chapter 16 of Title 50
2 of the Official Code of Georgia Annotated, relating to the Stone Mountain Memorial
3 Association and public property of state generally, respectively, so as to require such
4 association to hold all real property obtained before January 1, 1971, in trust; to prohibit such
5 association from selling such real property; to provide for an exception; to provide for
6 requirements for the exceptional sale of real property by such association; to provide for
7 applicability; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Part 4 of Article 6 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,
12 relating to the Stone Mountain Memorial Association, is amended by revising Code Section
13 12-3-194, relating to powers of association generally, as follows:

14 "12-3-194.

15 The association shall have, in addition to any other powers conferred in this part, the
16 following powers:

H. B. 1415

- 17 (1) To have a seal and alter it at its pleasure;
- 18 (2) To acquire Stone Mountain and such surrounding area as the association may deem
19 necessary for the proper development, management, preservation, and protection of Stone
20 Mountain, by purchase from the owner or owners thereof, and to pay therefor such price
21 as may be agreed upon;
- 22 (3) To acquire, by purchase, lease, or otherwise, and to hold, lease, and dispose of, in any
23 manner, real and personal property of every kind and character for its corporate
24 purposes, ~~provided, however, that as provided~~ subject to the prohibitions set forth in
25 subsection (b) of Code Section 50-16-3.1, no real property may be sold unless necessary
26 for a public road right of way and provided that:
- 27 (A) The association shall maintain an inventory of its real property in compliance with
28 Code Section 50-16-121;
- 29 (B) Any real property acquired or sold by the association shall be subject to the
30 requirements of Code Section 50-16-122; and
- 31 (C) Upon the sale of any real property, the funds from such sale shall be remitted to the
32 association for purposes consistent with the provisions of this part;
- 33 (4) To appoint such additional officers, who need not be members of the association, as
34 the association deems advisable, and to employ such experts, agents, and employees as
35 may be in its judgment necessary to carry on properly the business of the association; to
36 fix the compensation for such officers, experts, agents, and employees and to promote
37 and discharge same; provided, however, that all legal services for the association except
38 legal services in validating and approving bonds authorized by this part shall be rendered
39 by the Attorney General and his staff and no fee shall be paid to any attorney or law firm
40 for legal services within or outside the State of Georgia, except for validating and
41 approving such bonds. The association shall have authority to pay such federal fees,
42 stamps, and all licenses, together with any court costs that may be incurred by virtue of
43 the powers granted by this part;

44 (5) To make such contracts and agreements as the legitimate and necessary purposes of
45 this part shall require and to make all other contracts and agreements as may be necessary
46 or convenient in the management of the affairs of the association or in the operation of
47 the project, including, but not limited to, any lease of the project or any part thereof, and
48 any contract with respect to the use of the property or any part thereof for concessions,
49 services, or accommodations to be offered to the public within the project area. Any and
50 all persons, firms, and corporations, including any public officer or agency, are
51 authorized to enter into contracts, leases, or agreements with the association upon such
52 terms and for such purposes as may be deemed advisable;

53 (6) To construct, reconstruct, lay out, repair, develop, improve, maintain, equip, manage,
54 and operate the project as defined in Code Section 12-3-191, the cost of any such action
55 to be paid in whole or in part from the proceeds of revenue bonds of the association;
56 provided, however, that:

57 (A) The association shall not undertake any such activity having a projected cost of
58 over \$1 million unless it has first evaluated the feasibility of involving private persons
59 or entities in the development, construction, operation, and management of the project,
60 including the proposed activities, and has filed a copy of such evaluation with the
61 Office of Planning and Budget and with the Recreational Authorities Overview
62 Committee; and

63 (B) Except as contained in the master plan as it existed on January 1, 1995, no
64 development shall occur within the bounds of the natural district. The venues for the
65 1996 Summer Olympic Games for archery and for the velodrome shall be removed at
66 the completion of the Olympic Games and the grounds returned to an undeveloped
67 state. After the removal of such construction, only construction contained in the master
68 plan as it existed on January 1, 1995, may take place in the natural district except as the
69 master plan may be amended in accordance with Code Section 12-3-194.2;

- 70 (7) To borrow money for any of its corporate purposes and to issue bonds and other
71 evidence of indebtedness for such purposes as provided in this part;
- 72 (8) To pledge to the payment of its bonds any property or revenues derived therefrom;
- 73 (9) To establish rates, tolls, fees, and charges for its facilities and services, including fees
74 or charges for access to the memorial, and to alter such rates and charges, and to collect
75 and enforce collection of the same; provided, however, that the association shall be a
76 nonprofit organization, and such rates, tolls, fees, and charges shall be only sufficient to
77 produce funds necessary to construct, reconstruct, develop, improve, equip, manage, and
78 operate the project and to pay the principal of and the interest on obligations of the
79 association and expenses in connection therewith and to create reserves therefrom for the
80 purpose of adding to, extending, improving, and equipping the project;
- 81 (10) To exercise any power which may be granted or authorized to be granted to private
82 corporations, not in conflict with the Constitution and laws of this state nor with the other
83 provisions of this part;
- 84 (11) To prescribe rules and regulations for the operation of the project, should the
85 association deem such rules and regulations necessary;
- 86 (12) To do and perform all things necessary or convenient to carry out the powers
87 conferred upon the association;
- 88 (13) To make reasonable regulations for the installation, construction, maintenance,
89 repair, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles,
90 towers, tracts, and other equipment and appliances of any public utility in, on, along,
91 over, or under the project or any part thereof; and
- 92 (14) To sell, upon obtaining a license from the Department of Revenue, alcoholic
93 beverages, as defined in Title 3, at any motel, hotel, restaurant, coliseum area, or
94 convention center of the association and at any group or meeting function closed to the
95 general public and for which services are provided by contract with the association within
96 or upon property or facilities owned, operated, used, or controlled by the Stone Mountain

97 Memorial Association, but no licenses for the sale of alcoholic beverages in unbroken
98 packages for carry-out purposes shall be issued."

99 **SECTION 2.**

100 Article 1 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to
101 public property of state generally, is amended by revising Code Section 50-16-3.1, relating
102 to state authorities prohibited from selling real property and exceptions, as follows:

103 "50-16-3.1.

104 ~~(a) As used in this Code section, the term 'state authority' means:~~

105 ~~(1) The Jekyll Island—State Park Authority provided for in Part 1 of Article 7 of Chapter~~
106 ~~3 of Title 12; or~~

107 ~~(2) The Stone Mountain Memorial Association provided for in Part 4 of Article 6 of~~
108 ~~Chapter 3 of Title 12.~~

109 ~~(b) The provisions of any other laws of this state to the contrary notwithstanding, no state~~
110 ~~authority shall be authorized to sell real property; provided, however, this prohibition shall~~
111 ~~not apply to the sale or other disposition of real property by a state authority when such real~~
112 ~~property is necessary for a public road right of way.~~

113 (a) Notwithstanding any other laws of this state to the contrary, the Jekyll Island—State
114 Park Authority provided for in Part 1 of Article 7 of Chapter 3 of Title 12 shall not be
115 authorized to sell real property; provided, however, that this prohibition shall not apply to
116 the sale or other disposition of real property by such authority when the sale of the real
117 property is necessary for a public road right of way.

118 (b) Notwithstanding any other laws of this state to the contrary, the Stone Mountain
119 Memorial Association provided for in Part 4 of Article 6 of Chapter 3 of Title 12 shall not
120 be authorized to sell real property acquired by such association prior to January 1, 1971,
121 and such property shall be held in trust for the benefit of the citizens of this state; provided,
122 however, that this prohibition shall not apply to the sale or other disposition of such real

123 property by such association when the sale of the real property is necessary for a public
124 road right of way."

125 **SECTION 3.**

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