

House Bill 104 (AS PASSED HOUSE AND SENATE)

By: Representatives Dunahoo of the 30th, Sims of the 123rd, Greene of the 151st, Maxwell of the 17th, Kidd of the 145th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated,
2 relating to the "State Properties Code," so as to clarify applicability of public bidding
3 processes for certain conveyances; to correct cross-references; to provide for related matters;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 2 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to the
8 "State Properties Code," is amended in Code Section 50-16-39, relating to public competitive
9 bidding procedure for sales and leases of public property, by revising subsection (a) as
10 follows:

11 "(a) Subject to authorization by the General Assembly as provided in Code Section
12 50-16-40, any conveyance, other than a ~~lease of mineral resources provided for in Code~~
13 ~~Section 50-16-43~~ grant of easement, lease, or exchange of real property, shall be initiated
14 and carried out in accordance with this Code section."

15 style="text-align:center">**SECTION 2.**

16 Said article is further amended in Code Section 50-16-41, relating to authorization of rental
17 agreements without competitive bidding, by revising subsection (a) as follows:

18 "(a) Notwithstanding any provisions and requirements of law to the contrary ~~and~~
19 ~~particularly notwithstanding the requirements of Code Section 50-16-39~~, the commission
20 is authorized to negotiate, prepare, and enter into in its own name rental agreements
21 whereby a part of the property is rented, without public competitive bidding, to a person
22 for a length of time not to exceed one year and for adequate monetary consideration (in no
23 instance to be less than a rate of \$250.00 per year), which shall be determined by the
24 commission, and pursuant to such terms and conditions as the commission shall determine
25 to be in the best interest of the state. The same property or any part thereof shall not be the

26 subject matter of more than one such rental agreement to the same person unless the
27 commission shall determine that there are extenuating circumstances present which would
28 make additional one-year rental agreements beneficial to the state; provided, however, the
29 same property or any part thereof shall not after April 24, 1975, be the subject matter of
30 more than a total of three such one-year rental agreements to the same person."

31 **SECTION 3.**

32 Said article is further amended in Code Section 50-16-42, relating to authorization of
33 revocable license agreements without competitive bidding, by revising subsection (a) as
34 follows:

35 "(a) Notwithstanding any provisions and requirements of law to the contrary ~~and~~
36 ~~particularly notwithstanding the requirements of Code Section 50-16-39~~, the commission
37 shall have the exclusive power to negotiate, prepare, and grant in its own name, without
38 public competitive bidding, a revocable license to any person to enter upon, extend from,
39 cross through, over, or under, or otherwise to encroach upon any of the property under the
40 custody and control of the commission or under the custody and control of any state agency
41 which is subject to the requirements of Code Section 50-16-38."

42 **SECTION 4.**

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