

Senate Bill 296

By: Senators Tolleson of the 20th, Ginn of the 47th, Ligon, Jr. of the 3rd, Henson of the 41st and Carter of the 1st

AS PASSED

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, relating to the Jekyll Island—State Park Authority, so as to revise the powers and
3 responsibilities of the authority; to define terms; to revise the components of the master plan;
4 to clarify development powers and restrictions for the authority; to repeal conflicting laws;
5 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,
9 relating to the Jekyll Island—State Park Authority, is amended by revising Code Section
10 12-3-231, relating to definitions, as follows:

11 "12-3-231.

12 As used in this part, the term:

- 13 (1) 'Authority' means the Jekyll Island—State Park Authority created by this part.
14 (2) 'Bonds' or 'revenue bonds' means any bonds issued by the authority under this part,
15 including refunding bonds.
16 (3) 'Cost of the project' means the cost of construction; the cost of all lands, properties,
17 rights, easements, and franchises acquired; the cost of all machinery and equipment;
18 financing charges; interest prior to and during construction and for one year after
19 completion of construction; cost of engineering; architectural and legal expenses, cost of
20 plans and specifications, and other expenses necessary or incident to determining the
21 feasibility or practicability of the project; administrative expense; and such other
22 expenses as may be necessary or incident to the financing authorized by this part, the
23 construction of any project, the placing of the same in operation, and the condemnation
24 of property necessary for such construction and operation. Any obligation or expense
25 incurred for any of the foregoing purposes shall be regarded as a part of the cost of the

26 project and may be paid or reimbursed as such out of the proceeds of revenue bonds
 27 issued under this part for such project.

28 (4) 'Developed land' means land that is built upon or paved or land that has been
 29 disturbed and no longer retains original, natural functions. Specific examples include,
 30 but are not limited to:

31 (A) Roads and bike paths in active use, whether by the authority or the general public;

32 (B) Multiuse trails and pathways, whether paved or of pervious surface material;

33 (C) Utility easements;

34 (D) Firebreaks intended to protect residential areas;

35 (E) Man-made ponds and borrow pits; and

36 (F) Golf courses.

37 ~~(4)~~(5) 'Master plan' means that document to be created under the auspices of and adopted
 38 by the authority of Jekyll Island and as it may be amended from time to time pursuant to
 39 Code Section 12-3-243.1.

40 ~~(5)~~(6) 'Park' means present and future parks, parkways, park and recreational resources
 41 and facilities of the state or any department, agency, or institution of the state, and any
 42 such facility constituting part of the State Parks System and shall specifically include
 43 Jekyll Island State Park.

44 ~~(6)~~(7) 'Project' means any subdivision, hotel, cottage, apartment house, public building,
 45 school, utility, dock, facility, watercourse, airport, bridge, golf course, tennis court, or
 46 other resort recreational facility. This term also means one or a combination of two or
 47 more of the following: buildings and facilities, and all other structures, electric, gas,
 48 steam, water, and sewerage utilities and facilities of every kind and character deemed by
 49 the authority to be necessary or convenient for the efficient operation of any department,
 50 board, commission, authority, or agency of the State of Georgia.

51 (8) 'Undeveloped area' means any area that remains free from the built environment. The
 52 term shall include, but not be limited to:

53 (A) Marsh and forest where the canopy and understory remain intact;

54 (B) Wooded areas that are altered only by installation of firebreaks;

55 (C) Dirt roads no longer in use and serving no practical function;

56 (D) Dirt footpaths fewer than six feet in width;

57 (E) Sand dunes and beach, including associated crossovers; and

58 (F) Fresh water wetlands."

SECTION 2.

59
60 Said part is further amended by repealing subsection (a) of Code Section 12-3-243, relating
61 to rights to survey, subdivide, or improve, and by enacting a new subsection to read as
62 follows:

63 "(a)(1)(A) The authority is empowered to convert no more than 1,675 acres of the total
64 land area of Jekyll Island into developed land. All residual acreage shall forever be
65 retained as undeveloped area. For purposes of this subparagraph, the 1,597 acres of
66 Jekyll Island that, as of January 1, 2014, have been subdivided, leased, or improved
67 according to the 2013 master plan shall be deemed as already converted to developed
68 land.

69 (B) After July 1, 2014, undeveloped area shall be converted to developed land only as
70 follows:

71 (i) Twelve acres to be used solely for the expansion of the existing campground;

72 (ii) Forty-six acres to be used solely for public health, public safety, or public
73 recreation. As used in this division, the term 'public recreation' specifically excludes
74 residential and commercial development; and

75 (iii) Twenty acres to be available for unrestricted uses.

76 (C) After July 1, 2014, the proposed conversion of any undeveloped area to developed
77 land shall be subject to the amendment procedure outlined in subsection (c) of Code
78 Section 12-3-243.1.

79 (2)(A) The authority may survey, subdivide, and lease any acreage which may be
80 converted to developed land in accordance with paragraph (1) of this subsection,
81 provided that the authority shall in no way sell or otherwise dispose of any riparian
82 rights; and provided, further, that the beach areas of Jekyll Island shall never be leased
83 but shall be kept free and open for the use of the people of this state.

84 (B) That portion of Jekyll Island lying south of 31 degrees, 1 minute, 34 seconds north
85 latitude as such latitude is depicted on the 1993 USGS topographic survey 7.5 minute
86 series quadrangle map shall always be retained as undeveloped area, and the authority
87 shall not enter into, renew, or extend any agreement or otherwise take any action
88 regarding such southern portion of the island on or after May 30, 2007, except as
89 otherwise provided in this subparagraph. The removal of any improvement on such
90 southern portion of the island which was completed prior to May 30, 2007, shall not be
91 required. Upon the expiration or termination of any lease of a lot for a single-family
92 residence on such southern portion of the island, the authority may again lease such lot
93 to the same or another lessee for a single-family residence or noncommercial purpose
94 or the authority may set aside the lot for public use; but the lot shall not be further
95 subdivided, and the authority shall not lease such lot for any multifamily residence or

96 commercial purpose. Those properties used for the Jekyll Island 4-H center and soccer
 97 complex may continue to be used and improved for the same or similar purposes under
 98 an extension or renewal of an existing lease or under a new lease. This subparagraph
 99 shall not prohibit the construction and use of any public bicycle trails, public nature
 100 trails, or public picnic areas on such southern portion of the island by the authority.
 101 This subparagraph shall not be applied to impair the obligation of any valid contract
 102 entered into prior to May 30, 2007."

103 **SECTION 3.**

104 Said part is further amended by revising Code Section 12-3-243.1, relating to creation of a
 105 master plan, as follows:

106 "12-3-243.1.

107 (a) The authority shall, ~~on or before July 1, 1996, cause to be created~~ maintain a master
 108 plan for the management, preservation, protection, and development of Jekyll Island. The
 109 master plan shall delineate, based upon aerial survey, the present and permitted future uses
 110 of the land area of Jekyll Island ~~which lies above water at mean high tide~~ and shall
 111 designate areas to be managed as environmentally sensitive, historically sensitive, and
 112 active use areas. ~~The master plan shall also delineate the boundaries of the area or areas~~
 113 ~~delineated on the master plan as the 65 percent of the land area of Jekyll Island which lies~~
 114 ~~above water at mean high tide and over which the authority has no power to improve, lease,~~
 115 ~~or sell pursuant to subsection (a) of Code Section 12-3-243. If the aerial survey~~
 116 ~~demonstrates that the percentage of undeveloped land on Jekyll Island is presently less than~~
 117 ~~65 percent, then no further development of undeveloped land shall be permitted in the~~
 118 ~~master plan.~~

119 ~~(b) In the creation of the master plan, the authority shall, after preparation of a preliminary~~
 120 ~~plan, give notice of the existence of the preliminary plan in the legal organs of Glynn and~~
 121 ~~Fulton counties and in at least two newspapers of state-wide general circulation not less~~
 122 ~~than 60 days prior to the meeting of the authority at which the preliminary plan is to be~~
 123 ~~considered for final adoption. After giving this notice, the authority shall hold a public~~
 124 ~~hearing at a convenient location on Jekyll Island and receive and consider such oral and~~
 125 ~~written comments on the preliminary plan as may be presented.~~

126 ~~(c)~~ The authority, in the exercise of its authority to develop, manage, preserve, and protect
 127 Jekyll Island, shall be guided by and shall adhere to the master plan as the same may from
 128 time to time be amended as provided in subsection ~~(d)~~ (c) of this Code section.

129 ~~(d)~~(c) The authority may, from time to time, amend the master plan but only in compliance
 130 with the following procedure:

- 131 (1) Any proposed amendment to the master plan shall be described in written form and,
132 if capable of such description, in visual form and presented publicly at a regular meeting
133 of the authority;
- 134 (2) After the proposed amendment is presented publicly at a regular meeting of the
135 authority, a brief summary of the proposed amendment shall be advertised in the legal
136 organs of Glynn and Fulton counties, distributed to the media by news release, and
137 published in appropriate publications of the authority. Each such advertisement, news
138 release, and publication shall also contain:
- 139 (A) The time and place of the public hearing on the proposed amendment, which
140 public hearing shall be held no earlier than 15 days after the latest publication of the
141 advertisement in the legal organ of Glynn or Fulton County as required by this
142 paragraph;
- 143 (B) Directions as to the manner of receiving comments from the public regarding the
144 proposed amendment; and
- 145 (C) The date on which the meeting of the authority at which the proposed amendment
146 will be considered for approval or rejection, which meeting shall not be held any sooner
147 than 30 days after the meeting of the authority at which the proposed amendment was
148 announced pursuant to paragraph (1) of this subsection;
- 149 (3) The authority shall transmit by certified mail or personal service copies of the
150 information required by paragraph (2) of this subsection and a complete copy of the
151 proposed amendment to the Speaker of the House, President of the Senate, members of
152 the Jekyll Island—State Park Authority Oversight Committee, and Office of Legislative
153 Counsel at least 60 days prior to the date of the meeting at which the proposed
154 amendment will be considered. The presiding officers of each house, or the Office of
155 Legislative Counsel if a presiding officer is unavailable, shall then provide copies to any
156 member of the General Assembly who makes, or has made, a standing written request;
- 157 (4) In the event the Jekyll Island—State Park Authority Oversight Committee files an
158 objection to a proposed amendment to the master plan with the chairperson of the
159 authority prior to the authority's taking action on the proposed amendment, then the same
160 shall be stayed. Thereafter, by introduction of a resolution to consider the committee's
161 objection within the first 30 days of the next regular session of the General Assembly, the
162 objection may be considered for ratification by the General Assembly. In the event the
163 resolution is adopted by a vote of two-thirds of the members of each branch, the
164 amendment to the master plan shall not be adopted by the authority. In the event the
165 resolution is ratified by a vote of less than two-thirds of the members of either house, the
166 resolution shall be submitted to the Governor for approval or veto. In the event the
167 resolution fails to pass both houses or is vetoed by the Governor, the amendment to the

168 master plan may be adopted by the authority and the stay of the committee shall be lifted.
169 In the event of the Governor's approval of the resolution, the amendment to the master
170 plan shall be prohibited;

171 (5) Any proposed ~~changes to the boundaries of the area or areas delineated on the master~~
172 ~~plan as the 65 percent of the land area of Jekyll Island which lies above water at mean~~
173 ~~high tide and over which the authority has no power to improve, lease, or sell pursuant~~
174 ~~to subsection (a) of Code Section 12-3-243~~ development of the 78 acres available for
175 development under subparagraph (a)(1)(B) of Code Section 12-3-243 shall be surveyed
176 and marked at least seven days prior to the public hearing required by paragraph (2) of
177 this subsection in such a fashion as to be readily discernible on the ground by members
178 of the public; and

179 (6) At the meeting of the authority which has been identified in the advertisement
180 required by paragraph (2) of this subsection as the meeting to consider the approval or
181 rejection of the proposed amendment, the authority shall consider in an open and public
182 meeting the proposed amendment to the master plan which, if approved, shall become a
183 part of the master plan, subject, however, to the provisions of paragraph (4) of this
184 subsection."

185 **SECTION 4.**

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