

House Bill 454 (AS PASSED HOUSE AND SENATE)

By: Representatives Gaines of the 120th, Wiedower of the 121st, Rhodes of the 124th, Ridley of the 6th, Richardson of the 125th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks,
2 historic areas, memorials, and recreation, so as to create the Vince Dooley Battlefield Trust
3 Fund and Vince Dooley Battlefield Trust Fund Program; to provide for a short title; to
4 provide for definitions; to provide matching grants to organizations seeking to acquire
5 property interests in certain battlefields; to provide for procedures, requirements, and
6 limitations for such fund and program; to provide for application and review criteria; to
7 provide for expenditure of funds; to provide for annual accounting; to require that any
8 acquisition include a perpetual conservation easement placing restrictions on the use or
9 development of the property or interest therein; to provide for related matters; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks, historic
14 areas, memorials, and recreation, is amended by adding a new article to read as follows:

H. B. 454

15 "ARTICLE 1316 12-3-710.17 This article shall be known and may be cited as the 'Vince Dooley Battlefield Trust Fund
18 Act.'19 12-3-711.20 As used in this article, the term:21 (1) 'Conservation easement' shall have the same meaning as set forth in Code
22 Section 44-10-2.23 (2) 'Department' means the Department of Natural Resources.24 (3) 'Fund' means the Vince Dooley Battlefield Trust Fund.25 (4) 'Matching contributions' means cash and the value of any contribution due to a
26 bargain sale or the donation of land or interest therein made by the landowner as part of
27 a project proposal.28 (5) 'Organization' means a not for profit charitable corporation or trust authorized to do
29 business in this state which is involved in the acquisition and management of interests in
30 land for historic preservation purposes and which has tax exempt status as a public
31 charity under the Internal Revenue Code of 1986.32 (6) 'Program' means the Vince Dooley Battlefield Trust Fund Program.33 (7) 'Project proposal' means any application seeking money from the Vince Dooley
34 Battlefield Trust Fund Program.35 (8) 'State agency' means the State of Georgia or any department, division, board, bureau,
36 commission, or other agency of the executive branch of state government which has a
37 mission to preserve, protect, or conserve natural, historical, or cultural resources.

38 12-3-712.

39 (a)(1) The state treasurer shall establish a separate trust fund in the state treasury that
40 shall be known as the Vince Dooley Battlefield Trust Fund, consisting of annual
41 appropriations by the General Assembly to the fund, public or private grants, gifts,
42 donations, or contributions dedicated to the fund for battlefield preservation, and moneys
43 from any other source, including local, state, or federal program funds dedicated to the
44 fund for battlefield preservation.

45 (2) The state treasurer shall invest the money held in the fund in the same manner in
46 which state funds are invested as authorized by the State Depository Board pursuant to
47 Article 3 of Chapter 17 of Title 50. Interest earned by the money held in the fund shall
48 be accounted for separately and shall be credited to the fund to be disbursed as other
49 moneys in the fund.

50 (b) Moneys held in the fund shall be expended by the department solely as provided in this
51 article.

52 (c) The department shall prepare an accounting of the funds expended pursuant to this
53 article during the most recently completed fiscal year to be provided to the Office of
54 Planning and Budget, the House Budget and Research Office, and the Senate Budget and
55 Evaluation Office by January 1 of each year.

56 12-3-713.

57 (a) There is established the Vince Dooley Battlefield Trust Fund Program to be
58 administered by the department. In administering the program, the department shall, each
59 fiscal year, make available money from the Vince Dooley Battlefield Trust Fund for
60 matching grants to any organization or state agency having a project proposal which has
61 been reviewed and approved by the department.

62 (b) The department shall make available money from the fund solely for the purpose of
63 awarding grants to organizations or state agencies for the fee simple purchase of, or

64 purchase of permanent protective interests in, any Georgia battlefield listed in the following
65 reports:

66 (1) The Report on the Nation's Civil War Battlefields by the Civil War Sites Advisory
67 Commission (Civil War Sites Advisory Commission/National Parks Service, 1993, as
68 amended); or

69 (2) The Report to Congress on the Historic Preservation of Revolutionary War and War
70 of 1812 Sites in the United States by the American Battlefield Protection Program of the
71 National Park Service (United States Department of the Interior/National Park Service,
72 2007, as amended).

73 (c) Organizations seeking grant funding shall be required to provide at least \$1.00 in
74 matching contributions for each \$1.00 received from the fund for the project proposal.
75 Unless the applicant is a state agency, no state funds shall be included in determining the
76 amount of such matching contributions.

77 (d) Eligible costs for which money from the fund may be allocated include acquisition of
78 land and any improvements thereon or permanent protective interests, such as perpetual
79 conservation easements, and costs associated with such acquisitions, including the cost of
80 any appraisals, environmental reports, surveys, title searches and title insurance, and other
81 closing costs.

82 (e) Grants from the fund shall not exceed 50 percent of the appraised value of the land or
83 permanent protective interest therein.

84 (f) Grants from the fund may be awarded for prospective purchases or for acquisitions on
85 which the applicant has closed. In the latter case, the applicant shall demonstrate that:

86 (1) The closing occurred no more than 12 months prior to the date of application for the
87 grant; and

88 (2) An identifiable threat to the resource or compelling need for preservation existed at
89 the time of the purchase.

90 (g) Money from the fund, in an amount not to exceed 5 percent of total moneys held by
91 the fund, shall be made available to the department for costs incurred in administering the
92 program each fiscal year.

93 12-3-714.

94 The department shall establish guidelines for applications, evaluations, and awards from
95 the fund in consultation with relevant battlefield preservation interests. In awarding grants,
96 the department shall give primary consideration to the following factors:

97 (1) Significance of the battlefield that is the subject of the project proposal;

98 (2) Degree to which the property or interest therein to be acquired falls within the core
99 and study areas of the battlefield, as described in the relevant report of the American
100 Battlefield Protection Program;

101 (3) Proximity of the property to other protected lands;

102 (4) Threats to the integrity of features associated with the relevant battle;

103 (5) The financial capacity of the applicant to complete the project; and

104 (6) The administrative capacity of the applicant to maintain and manage the property in
105 a manner that is consistent with public interests, such as recreation, research, heritage
106 tourism promotion, and orderly community development.

107 12-3-715.

108 (a) Any organization making an acquisition of property or interest therein pursuant to this
109 article shall grant to the department or other holder a perpetual conservation easement
110 placing restrictions on the use or development of the property. In cases where the easement
111 is granted to a holder other than the department, all terms and conditions of the easement
112 shall accomplish the perpetual preservation of the property. Such other holder shall
113 demonstrate to the department that it has the capacity and expertise to manage and enforce
114 the terms of the easement.

115 (b) Nothing in this Code section shall preclude the subsequent transfer or assignment by
116 a state agency or other holder of any property interest acquired pursuant to this article to
117 the State of Georgia or to the United States of America to be incorporated into a national
118 park, national forest, national wildlife refuge, or other national conservation area in
119 accordance with 54 U.S.C. Section 10010, 16 U.S.C. Section 551, the Fish and Wildlife
120 Act of 1956 (16 U.S.C. Section 742a et seq.), or 16 U.S.C. Section 1131, as amended and
121 applicable. The department shall facilitate transfers and assignments of any such interests."

122 **SECTION 2.**

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