

House Bill 1011

By: Representatives Frye of the 118th, Harrell of the 106th, Smyre of the 135th, Hutchinson of the 107th, Wilson of the 80th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-3-58 of the Official Code of Georgia Annotated, relating to
2 powers, duties, and authority of the Department of Natural Resources and its Division of
3 Historic Preservation and historic preservation grant program, so as to provide for and revise
4 definitions; to revise certain provisions regarding eligibility of historic property for funding
5 under such program; to provide for cooperation between private property owners and
6 nonprofit organizations regarding historic preservation grants; to provide for related matters;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 12-3-58 of the Official Code of Georgia Annotated, relating to powers, duties,
11 and authority of the Department of Natural Resources and its Division of Historic
12 Preservation and historic preservation grant program, is amended by revising subsection (a)
13 as follows:

14 "(a) As used in this Code section, the term:

15 (1) 'Director' means the director of the Division of Historic Preservation of the
16 department.

17 (2) 'Division' means the Division of Historic Preservation of the department.

18 (3) 'Grant fund' means the historic preservation grant fund created under subsection (b)
19 of this Code section.

20 (4) 'Grant program' means the historic preservation grant program created under
21 subsection (b) of this Code section.

22 (5) 'Historic African American cemeteries or gravesites' means African American
23 cemeteries or gravesites established prior to January 1, 1964, that contain gravesites of
24 individuals who lived between January 1, 1800, and January 1, 1964.

25 ~~(5)~~(6) 'Historic property' means a district, site, building, structure, monument, or object
26 significant in prehistory, history, upland and underwater archeology, architecture,

27 engineering, or culture of this state, including artifacts, records, and remains related to
 28 a district, site, structure, or object. For purposes of this paragraph, sites significant in the
 29 history of this state shall be deemed to include without limitation combat veterans'
 30 gravesites and historic African American cemeteries or gravesites in this state.

31 ~~(6)~~(7) 'Local jurisdiction' means any county or municipality in this state and any duly
 32 authorized agency or instrumentality of a county or municipality.

33 ~~(7)~~(8) 'Nonprofit organization' means a corporation, foundation, governmental entity, or
 34 other legal entity, no part of the net earnings of which inures to the benefit of any private
 35 shareholder or individual holding an interest in such entity.

36 ~~(8)~~(9) 'Preservation' means the identification, evaluation, recordation, documentation,
 37 curation, acquisition, protection, management, rehabilitation, restoration, stabilization,
 38 maintenance, and reconstruction of a historic property."

39 SECTION 2.

40 Said Code section is further amended by revising subsection (f) as follows:

41 "(f) The division shall:

42 (1) Ensure that funding under the grant program for the acquisition, restoration, or
 43 rehabilitation of historic properties is used only if the property has been listed in or is
 44 eligible for the Georgia Register of Historic Places, ~~or~~ is a combat veteran's gravesite, or
 45 is a historic African American cemetery or gravesite in this state; ~~and~~

46 (2) Require recipients of grants made under the grant program to enter into an agreement
 47 to preserve, maintain, and allow limited public access to the historic property. This
 48 agreement shall be a recordable conservation easement for the purpose of preserving the
 49 historical aspects of the property if the property is real property, unless the commissioner
 50 has determined that such an agreement or easement is impracticable or infeasible under
 51 the circumstances in accordance with the regulations; and

52 (3) Require the owners of property that contains historic African American cemeteries
 53 or gravesites to reasonably cooperate with local jurisdictions or nonprofit organizations
 54 that receive funds under this Code section."

55 SECTION 3.

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