

House Bill 794

By: Representatives Mitchell of the 88th, Oliver of the 82nd, Drenner of the 85th, Kendrick of the 95th, Crawford of the 84th, 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 rename the Stone Mountain Memorial
3 Association as the Stone Mountain Park Association; to remove references to the
4 Confederacy; to amend Title 45 and Title 50 of the Official Code of Georgia Annotated,
5 relating to public officers and employees and state government, respectively, so as to make
6 conforming changes; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks, historic
11 areas, memorials, and recreation, is amended by replacing "Stone Mountain Memorial
12 Association" with "Stone Mountain Park Association" wherever the former term occurs in:
13 (1) Code Section 12-3-20, relating to creation of Recreational Authorities Overview
14 Committee, members and organization, duty to review operations of Stone Mountain
15 Memorial Association, Jekyll Island — State Park Authority, North Georgia Mountains
16 Authority, and Lake Lanier Islands Development Authority;

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- 17 (2) Code Section 12-3-22, relating to reporting requirements and enforcement;
18 (3) Code Section 12-3-23, relating to evaluation criteria;
19 (4) Code Section 12-3-190, relating to a short title for Part 4, the "Stone Mountain
20 Memorial Association Act";
21 (5) Code Section 12-3-191, relating to definitions;
22 (6) Code Section 12-3-192, relating to creation of the association; and
23 (7) Code Section 12-3-194, relating to powers of the association generally.

24 **SECTION 2.**

25 Said chapter is further amended by revising paragraph (7) of Code Section 12-3-191, relating
26 to definitions, as follows:

27 "(7) 'Project' means Stone Mountain and property adjacent thereto acquired by the
28 association and all accommodations, utilities, facilities, services, and equipment
29 necessary or convenient, and all property, real, personal, or mixed, used or useful,
30 including franchises and easements, in constructing, erecting, improving, remodeling,
31 developing, equipping, adding to, extending, maintaining, managing, and operating Stone
32 Mountain, located in DeKalb County, Georgia, and property adjacent thereto, as a
33 ~~Confederate memorial~~ and public recreational area, and the construction, improvement,
34 development, maintenance, management, operation, and extension of any part thereof,
35 as to which the association has undertaken or agreed to undertake any action permitted
36 by this part."

37 **SECTION 3.**

38 Said chapter is further amended by revising Code Section 12-3-192.1, relating to the purpose
39 of the association, as follows:

40 "12-3-192.1.

41 The purposes of the Stone Mountain ~~Memorial~~ Park Association shall include:

- 42 (1) To preserve the natural areas situated within the Stone Mountain Park area; and
43 (2) To provide access to Stone Mountain for Georgia's citizens; ~~and~~
44 (3) ~~To maintain an appropriate and suitable memorial for the Confederacy."~~

45 **SECTION 4.**

46 Said chapter is further amended by revising paragraph (9) of Code Section 12-3-194, relating
47 to powers of the association generally, as follows:

48 "(9) To establish rates, tolls, fees, and charges for its facilities and services, including
49 fees or charges for access to the memorial park, and to alter such rates and charges, and
50 to collect and enforce collection of the same; provided, however, that the association shall
51 be a nonprofit organization, and such rates, tolls, fees, and charges shall be only sufficient
52 to produce funds necessary to construct, reconstruct, develop, improve, equip, manage,
53 and operate the project and to pay the principal of and the interest on obligations of the
54 association and expenses in connection therewith and to create reserves therefrom for the
55 purpose of adding to, extending, improving, and equipping the project;"

56 **SECTION 5.**

57 Said chapter is further amended by revising subsection (d) of Code Section 12-3-194.1,
58 relating to police and legislative powers of association, appointment of peace officers,
59 jurisdiction and venue of park offenses, and sale of confederate memorabilia, as follows:

60 "~~(d) The Stone Mountain Memorial Association shall continue the practice of stocking,~~
61 ~~restocking, and sales of confederate memorabilia."~~

62 **SECTION 6.**

63 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
64 is amended by revising Code Section 45-15-13, relating to representation of state authorities
65 by Attorney General, as follows:

66 "45-15-13.

67 As used in Code Sections 45-15-14 through 45-15-16, the term 'state authorities' means the
68 following instrumentalities of the state: Georgia Building Authority, Georgia Education
69 Authority (Schools), Georgia Education Authority (University), Georgia Highway
70 Authority, Georgia Ports Authority, State Road and Tollway Authority, Jekyll
71 Island—State Park Authority, Stone Mountain Memorial Park Association, Georgia
72 Emergency Communications Authority, and Savannah-Georgia Convention Center
73 Authority."

74 **SECTION 7.**

75 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
76 by replacing "Stone Mountain Memorial Association" with "Stone Mountain Park
77 Association" wherever the former term occurs in:

- 78 (1) Code Section 50-5-72, relating to construction and public works contracts conducted
79 by department, advertising costs, and exceptions;
- 80 (2) Code Section 50-16-3.1, relating to state authorities prohibited from selling real
81 property and exceptions; and
- 82 (3) Code Section 50-17-21, relating to definitions relative to state financing and
83 investment.

84 **SECTION 8.**

85 Said title is further amended by revising subsection (c) of Code Section 50-3-1, relating to
86 description of state flag, militia to carry flag, defacing public monuments, and obstruction
87 and relocation of monuments, as follows:

88 "(c) Any other provision of law notwithstanding, ~~the memorial to the heroes of the~~
89 ~~Confederate States of America graven upon the face of Stone Mountain~~ the carvings of
90 Jefferson Davis, Robert E. Lee, and Thomas 'Stonewall' Jackson on Stone Mountain shall

91 never be altered, removed, concealed, or obscured in any fashion ~~and shall be preserved~~
92 ~~and protected for all time as a tribute to the bravery and heroism of the citizens of this state~~
93 ~~who suffered and died in their cause."~~

94

SECTION 9.

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