

The House Committee on Natural Resources and Environment offers the following substitute to HB 332:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and
2 natural resources, so as to repeal and reenact Chapter 6A, relating to land conservation; to
3 provide for a short title; to create the Georgia Outdoor Stewardship Trust Fund; to create
4 funding mechanisms for the protection of conservation lands and to provide for their
5 operation; to provide for legislative intent; to provide for definitions; to establish procedural
6 requirements for approval of project proposals; to provide for reporting requirements; to
7 establish a board of trustees for the trust fund, with terms of office, meeting requirements,
8 and guidelines for prioritizing project applications; to provide for the promulgation of rules
9 and regulations; to provide for related matters; to provide for an effective date; to provide for
10 contingent repeal; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
14 resources, is amended by repealing Chapter 6A, relating to land conservation, and enacting
15 a new Chapter 6A to read as follows:

16 style="text-align:center">"CHAPTER 6A

17 12-6A-1.

18 This chapter shall be known and may be cited as the 'Georgia Outdoor Stewardship Act.'

19 12-6A-2.

20 This chapter is enacted pursuant to Article III, Section IX, Paragraph VI(p) of the
21 Constitution, which authorizes up to 0.75 percent of all moneys received by the state from
22 the sales and use tax in the prior year to be dedicated to the Georgia Outdoor Stewardship
23 Trust Fund for the purpose of funding the protection of conservation land.

24 12-6A-3.

25 The intent of this chapter is to provide stewardship for state parks, state lands, and wildlife
 26 management areas; support local parks and trails; and preserve critical conservation land.

27 12-6A-4.

28 As used in this chapter, the term:

29 (1) 'Conservation land' means land and water, or interests therein, that are in their
 30 undeveloped, natural states or that have been developed only to the extent consistent
 31 with, or are restored to be consistent with, at least one of the following environmental
 32 values or conservation benefits:

33 (B)(A) Water quality protection for wetlands, rivers, streams, or lakes;

34 (B) Protection of wildlife habitat;

35 (C) Protection of cultural sites, heritage corridors, and archeological and historic
 36 resources;

37 (D) Protection of land around Georgia's military installations to ensure that missions
 38 are compatible with surrounding communities and that encroachment on military
 39 installations does not impair future missions;

40 (E) Support of economic development through conservation projects; or

41 (F) Provision for recreation in the form of boating, hiking, camping, fishing, hunting,
 42 running, jogging, biking, walking, or similar outdoor activities.

43 (2) 'Costs of acquisition' means all direct costs of activities which are required by
 44 applicable state laws and local ordinances or policies in order to convey a conservation
 45 easement, or to obtain fee simple or other lesser interests in real property, to a holder who
 46 will ensure the permanent protection of the property as conservation land; provided,
 47 however, that such costs shall not include any costs for services provided in violation of
 48 Chapter 40 of Title 43.

49 (3) 'Nongovernmental entity' means a nonprofit organization primarily concerned with
 50 the protection and conservation of land and natural resources, as evidenced by its
 51 organizational documents.

52 (4) 'Permanently protected conservation areas' means those resources:

53 (A) Owned by the federal government and dedicated for recreation or conservation or
 54 as a natural resource;

55 (B) Owned by the State of Georgia and dedicated for recreation or conservation or as
 56 a natural resource;

57 (C) Owned by a state or local unit of government or authority and subject to:

58 (i) A conservation easement ensuring that the property will be maintained in a
 59 manner consistent with conservation land;

60 (ii) Contractual arrangements ensuring that, if the protected status is discontinued on
 61 a parcel, such property will be replaced by other conservation land which at the time
 62 of such replacement is of equal or greater monetary and resource protection value; or
 63 (iii) A permanent restrictive covenant as provided in subsection (c) of Code Section
 64 44-5-60; or
 65 (D) Owned by any person or entity and subject to a conservation easement ensuring
 66 that the property will be maintained in a manner consistent with conservation land.
 67 (5) 'Project proposal' means any application seeking moneys from the Georgia Outdoor
 68 Stewardship Trust Fund.

69 12-6A-5.

70 (a) There is established the Georgia Outdoor Stewardship Trust Fund as a separate fund
 71 in the state treasury. Except as provided in subsections (c) and (d) of this Code section, the
 72 state treasurer shall credit to the trust fund 0.40 percent of all moneys received by the state
 73 from the sales and use tax in the prior year.

74 (b) Such funds shall not lapse to the general fund. Such funds shall be used to support the
 75 protection and conservation of land and shall be used to supplement, not supplant,
 76 department resources.

77 (c) In the event that, in any current year, the prior year's total moneys received from the
 78 levy of a sales and use tax fall at least 10 percent below the total moneys received from the
 79 levy of the tax in the preceding year, then the amount that the state treasurer shall credit to
 80 the trust fund during the current year shall be reduced by 20 percent of the trust fund credit,
 81 which amount shall instead be paid into the state general fund.

82 (d) In any current year following a year for which the amount paid to the trust fund is
 83 reduced in accordance with subsection (c) of this Code section, the same percentage shall
 84 be paid into the state general fund as in the prior year unless the total moneys received from
 85 the levy of the sales and use tax in the prior year equal or exceed the total moneys received
 86 from the levy of the sales and use tax in the most recent year in which no reduction in the
 87 amount paid to the trust fund occurred pursuant to subsection (c) or (d) of this Code
 88 section.

89 12-6A-6.

90 (a) From within the Georgia Outdoor Stewardship Trust Fund, moneys shall be made
 91 available in each fiscal year for grants to any city, county, department, agency, or
 92 nongovernmental entity of this state having a project proposal which has been approved
 93 by the department. As a condition of eligibility for any such grant, a project proposal shall
 94 have as its primary purpose one of the following conservation objectives:

95 (1) To support state parks and trails. Funds disbursed for the purposes of this paragraph
 96 shall be used to aid in the improvement and maintenance of currently owned state parks
 97 and trails;

98 (2) To support local parks and trails of state and regional significance. Funds disbursed
 99 for purposes of this paragraph shall be grants to local governments to acquire and
 100 improve parks and trails within the jurisdiction and under the control of such local
 101 governments;

102 (3) To provide stewardship of conservation land. Funds disbursed for purposes of this
 103 paragraph shall be used for maintenance or restoration projects of the department to
 104 enhance public access, use, or safe enjoyment of permanently protected conservation
 105 land; or

106 (4)(A) To acquire critical areas for the provision or protection of clean water, wildlife,
 107 hunting, or fishing, for military installation buffering, or for natural resource-based
 108 outdoor recreation. Real property shall only be acquired pursuant to this chapter under
 109 the following circumstances:

110 (i) Where such property is, at the time of acquisition, being leased by the state as a
 111 wildlife management areas;

112 (ii) Where such property adjoins state wildlife management areas, state parks, or
 113 would provide better public access to such areas;

114 (iii) Lands identified in any wildlife action plan developed by any agency of the state;

115 (iv) Riparian lands so as to protect any drinking water supply; or

116 (v) Lands surrounding any military base or military installation.

117 (B) Acquisitions of real property or any interests therein pursuant to this chapter shall
 118 not be made through condemnation.

119 (b) From within the Georgia Outdoor Stewardship Trust Fund, moneys shall also be made
 120 available in each fiscal year for loans to any city, county, or nongovernmental entity to
 121 defray the costs of conservation land or of conservation easements placed upon property
 122 that ensure its permanent protection as conservation land. Any such loan shall bear interest
 123 at a rate established by the Georgia Environmental Finance Authority.

124 12-6A-7.

125 (a) The Board of Trustees of the Georgia Outdoor Stewardship Trust Fund shall accept
 126 applications from state agencies, local governments, nonprofit and for-profit entities,
 127 private land trusts, and individuals for project proposals eligible for funding. The board
 128 shall evaluate the proposals received in accordance with this chapter and pursuant to
 129 priorities established by the board.

130 (b)(1) The board, at their first meeting of each calendar year and working in conjunction
131 with the board of the Department of Natural Resources, shall prepare and approve a
132 proposal containing approved conservation projects and shall revise said proposal at each
133 subsequent quarterly meeting held during the year.

134 (2) The board shall not approve any proposal for which the total cost at the end of the
135 year violates the estimated revenue available under this chapter.

136 (c) Upon approval of each quarterly proposal by the board, the board of the Department
137 of Natural Resources shall review and approve the proposal of the Board of Trustees of the
138 Georgia Outdoor Stewardship Trust Fund.

139 (d)(1) Upon approval of each quarterly proposal by the board of the Department of
140 Natural Resources, the proposal of the Board of Trustees of the Georgia Outdoor
141 Stewardship Trust Fund shall be transmitted for final review and approval to the
142 chairpersons of the appropriations subcommittees of the House of Representatives and
143 Senate maintaining oversight authority over the Department of Natural Resources and the
144 Georgia Environmental Finance Authority.

145 (2) Each year's initial proposal shall be submitted by January 31 to the chairpersons of
146 the appropriations subcommittees of the House of Representatives and Senate
147 maintaining oversight authority over the Department of Natural Resources and the
148 Georgia Environmental Finance Authority.

149 (3) Proposals submitted to such subcommittees outside of a session of the General
150 Assembly shall be reviewed at a public meeting called at the discretion of the
151 chairpersons of the appropriations subcommittees of the House of Representatives and
152 Senate maintaining oversight authority over the Department of Natural Resources and the
153 Georgia Environmental Finance Authority.

154 (4) Should projects included in a proposal be subject to time constraints for completion
155 as determined by the Board of Trustees of the Georgia Outdoor Stewardship Trust Fund,
156 such board shall immediately provide written notice of same to the chairpersons of the
157 appropriations subcommittees of the House of Representatives and Senate maintaining
158 oversight authority over the Department of Natural Resources and the Georgia
159 Environmental Finance Authority.

160 (e) Upon approval of a proposal of the Board of Trustees of the Georgia Outdoor
161 Stewardship Trust Fund by the appropriations subcommittees of the House of
162 Representatives and Senate maintaining oversight authority over the Department of Natural
163 Resources and the Georgia Environmental Finance Authority, the proposal and projects
164 included therein shall be deemed approved.

165 (f) Such approved project shall become eligible for funding consistent with this chapter.
 166 The Georgia Environmental Finance Authority shall be responsible for the disbursement
 167 of funds following project approval.

168 12-6A-8.

169 The department may, by agreement with a city, county, or nongovernmental entity, accept
 170 and administer property acquired by such city, county, or nongovernmental entity pursuant
 171 to this chapter or may make such other agreements for the ownership and operation of the
 172 property as are outlined in Code Sections 12-3-32 and 27-1-6.

173 12-6A-9.

174 Following the close of each state fiscal year, the department shall submit an annual report
 175 of its activities for the preceding year pursuant to this chapter to the Governor, the
 176 Lieutenant Governor, the Speaker of the House of Representatives, the chairperson of the
 177 Ways and Means Committee of the House of Representatives, the chairperson of the Senate
 178 Finance Committee, the chairpersons of the Appropriations Committee of the House of
 179 Representatives and the Appropriations Committee of the Senate, and the chairpersons of
 180 the Natural Resources and Environment Committee of the House of Representatives and
 181 the Natural Resources and the Environment Committee of the Senate, and make such report
 182 available to the General Assembly.

183 12-6A-10.

184 (a) There is hereby established the Board of Trustees of the Georgia Outdoor Stewardship
 185 Trust Fund, which shall consist of 13 members as follows:

186 (1) The commissioner of the Georgia Department of Natural Resources, who shall also
 187 serve as chairperson of the board;

188 (2) The director of the State Forestry Commission;

189 (3) The director of the Environmental Protection Division of the Department of Natural
 190 Resources;

191 (4) The Commissioner of Agriculture;

192 (5) The director of the Coastal Resources Division of the Department of Natural
 193 Resources, as an ex officio, nonvoting member;

194 (6) The director of the Wildlife Resources Division of the Department of Natural
 195 Resources, as an ex officio, nonvoting member;

196 (7) The director of state parks of the Department of Natural Resources, as an ex officio,
 197 nonvoting member; and

198 (8)(A) Three members appointed by the Speaker of the House of Representatives; and

199 (B) Three members appointed by the President of the Senate.
200 The members appointed pursuant to this paragraph may be selected from any of the
201 following private and public sectors: forestry, conservation, hunting, fishing, and local
202 government. Such members shall serve four-year terms, provided that three of the initial
203 appointees shall each serve an initial two-year term. Such members shall be and shall
204 remain Georgia residents during their tenure on the board and shall possess a demonstrated
205 knowledge of and commitment to land conservation and recreation.

206 (b) The board shall meet at least quarterly each year for the transaction of its business and
207 to review the progress of the Georgia Outdoor Stewardship Trust Fund. Three-fifths of the
208 members of the board present at any board meeting shall constitute a quorum in order to
209 conduct business; provided, however, that in absence of a quorum, a majority of the
210 members present may adjourn the meeting from time to time until a quorum shall attend.
211 Any board action or recommendation must be approved by a simple majority of the
212 members of the entire board then in office, unless specified otherwise in this Code section.

213 (c) Beginning no later than July 1, 2019, and annually thereafter, the board shall accept
214 applications from state agencies, local governments, nonprofit and for-profit organizations,
215 private land trusts, and individuals for project proposals eligible for funding. The board
216 shall evaluate the proposals received pursuant to priorities established by the board.

217 (d) In reviewing applications, the board shall give increased priority to projects:

218 (1) For which matching funds are available;
219 (2) That support and promote hunting, fishing, and wildlife viewing;
220 (3) That contribute to improving the quality and quantity of surface water and ground
221 water;
222 (4) That contribute to improving the water quality and flow of springs; and
223 (5) For which the state's land conservation plans overlap with the United States military's
224 need to protect lands, water, and habitats so as to ensure the sustainability of military
225 missions including:

226 (A) Protecting habitats on nonmilitary land for any species found on United States
227 military land that is designated as threatened or endangered, or is a candidate for such
228 designation under the federal Endangered Species Act of 1973, as amended, 16 U.S.C.
229 Section 1531, et seq. or state law;

230 (B) Protecting areas underlying low-level United States military air corridors or
231 operating areas; and

232 (C) Protecting areas identified as clear zones, accident potential zones, and air
233 installation compatible use buffer zones delineated by the United States military, and
234 for which federal or other funding is available to assist with the project.

235 12-6A-11.

236 The department shall promulgate rules and regulations as necessary to implement the
237 provisions of this chapter."

238 **SECTION 2.**

239 The Georgia Outdoor Stewardship Trust Fund established by this chapter shall be a successor
240 to the former Georgia Land Conservation Trust Fund and the Georgia Land Conservation
241 Revolving Loan Fund. On January 1, 2019, all funds in the Georgia Land Conservation
242 Trust Fund and the Georgia Land Conservation Revolving Loan Fund shall be transferred
243 into the Georgia Outdoor Stewardship Trust Fund.

244 **SECTION 3.**

245 This Act shall become effective on January 1, 2019, only if an amendment to the
246 Constitution authorizing the General Assembly to provide by law for allocation of 0.75
247 percent of the revenue derived from the state sales and use tax to a trust fund to be used for
248 the protection of conservation land is ratified by the voters at the November, 2018, state-wide
249 general election. If such an amendment is not so ratified, then this Act shall not become
250 effective and shall stand repealed on January 1, 2019.

251 **SECTION 4.**

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