

Senate Bill 210

By: Senators Tolleson of the 20th, Jeffares of the 17th, Miller of the 49th, Crosby of the 13th, Harper of the 7th and others

**AS PASSED SENATE**

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 Chapter 6A, relating to land conservation; to create the  
3 Georgia Legacy Program; to provide for legislative intent; to create conservation funding  
4 mechanisms and provide for their operation; to establish procedural requirements; to provide  
5 for related matters; to provide for an effective date; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 12 of the Official Code of Georgia Annotated, relating to land conservation, is amended  
10 by repealing in its entirety Chapter 6A, relating to land conservation, and enacting a new  
11 Chapter 6A to read as follows:

12 "CHAPTER 6A

13 12-6A-1.

14 The intent of this chapter is to create the Georgia Legacy Program. The General Assembly  
15 recognizes that as stewards of the state's natural resources, Georgians have a moral  
16 imperative and economic incentive to conserve the state's land and water. Georgia's land  
17 and water resources, the state's prime agricultural and forestry lands, and its natural,  
18 cultural, historic, and recreational areas are a priceless legacy that enhances the health of  
19 Georgia's ecosystems and its people, encourages working landscapes, fosters natural  
20 resource stewardship, sustains a healthy economy, and promotes a sustainable high quality  
21 of life for current and future generations of Georgians. This chapter shall provide funding  
22 options to acquire critical areas for clean water, game, wildlife, fisheries, or  
23 natural-resource-based outdoor recreation; provide stewardship for state lands; conserve

24 working farms and forests; support local parks and trails; and promote places and programs  
 25 for good health.

26 12-6A-2.

27 As used in this chapter, the term:

28 (1) 'Authority' means the Georgia Environmental Finance Authority established in Code  
 29 Section 50-23-3.

30 (2) 'City' means a statutorily established municipal government.

31 (3) 'Commission' means the State Forestry Commission established under Code Section  
 32 12-6-2.

33 (4) 'Conservation easement' means a conservation easement established in accordance  
 34 with Code Section 44-10-2.

35 (5) 'Conservation land' means land and water, or interests therein, that is in its  
 36 undeveloped, natural state or that has been developed only to the extent consistent with,  
 37 or is restored to be consistent with, at least one of the following environmental values or  
 38 conservation benefits:

39 (A) Water quality protection for rivers, streams, and lakes;

40 (B) Flood protection;

41 (C) Wetlands protection;

42 (D) Reduction of erosion through protection of steep slopes, areas with erodible soils,  
 43 and stream banks;

44 (E) Protection of riparian buffers and other areas that serve as natural habitat and  
 45 corridors for native plant and animal species;

46 (F) Protection of prime agricultural and forestry lands;

47 (G) Protection of cultural sites, heritage corridors, and archeological and historic  
 48 resources;

49 (H) Scenic protection;

50 (I) Provision of recreation in the form of boating, hiking, camping, fishing, hunting,  
 51 running, jogging, biking, walking, or similar outdoor activities; and

52 (J) Connection of existing or planned areas contributing to the goals set out in this  
 53 paragraph.

54 (6) 'Costs of acquisition' means all direct costs of activities which are required by  
 55 applicable state laws and local ordinances or policies in order to obtain fee simple or  
 56 lesser interests in real property or to convey a conservation easement to a holder who will  
 57 ensure the permanent protection of the property as conservation land. Said costs shall  
 58 include the purchase price, if any; the costs of due diligence investigation, such as  
 59 appraisals, surveys, phase 1 environmental reports, and title searches; title insurance; fees

60 for services related to the direct acquisition of the real property, such as holding costs,  
 61 overhead costs, finder's fees, and real estate commissions; attorney fees; pro rata ad  
 62 valorem taxes; resource stewardship; and other costs related to closing the transaction;  
 63 provided, however, that said costs shall not include any costs for services provided in  
 64 violation of Chapter 40 of Title 43.

65 (7) 'Council' means the Georgia Legacy Council established by this chapter.

66 (8) 'County' shall include consolidated county and municipal governments as well as a  
 67 county.

68 (9) 'Georgia Legacy funds' means the Georgia Legacy Trust Fund and the Georgia  
 69 Legacy Revolving Fund.

70 (10) 'Land conservation project' means a project to accomplish strategic investment in  
 71 permanent protection of conservation land.

72 (11) 'Nongovernmental entity' means a nonprofit organization primarily concerned with  
 73 the permanent protection and conservation of land and natural resources, as evidenced  
 74 by the organizational documents.

75 (12) 'Other state authority' means a state authority that is otherwise created and  
 76 authorized by law to engage in projects that would qualify as Georgia Legacy projects,  
 77 to accept grants or loans, and to incur debt and is recommended by the department to  
 78 receive either grants or loans for such a project; provided, however, that such term shall  
 79 not include the Georgia Building Authority.

80 (13) 'Permanently protected conservation areas' means those resources:

81 (A) Owned by the federal government and designated for recreation or conservation,  
 82 or as a natural resource;

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

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

86 (i) A conservation easement that ensures that the land will be maintained for  
 87 conservation purposes;

88 (ii) Contractual arrangements that ensure that, if the protected status is discontinued  
 89 on a parcel, such property will be replaced by other conservation land which at the  
 90 time of such replacement is of equal or greater monetary and resource protection  
 91 value;

92 (iii) A restrictive covenant in favor of a federal governmental entity; or

93 (iv) A permanent restrictive covenant as provided in subsection (c) of Code Section  
 94 44-5-60;

95 (D) Owned by any person or not for profit or for profit entity, subject to a conservation  
 96 easement that ensures that the land will be maintained for conservation purposes; or

97 (E) Acquired with Georgia Legacy funds, owned by a nongovernmental entity, and  
98 subject to a contractual agreement that ensures that the land will not be disposed of  
99 except for conservation purposes during the period that the loan is outstanding.

100 (14) 'Project proposal' means any project proposal seeking moneys from the Georgia  
101 Legacy Trust Fund or Georgia Legacy Revolving Loan Fund.

102 12-6A-3.

103 (a) There is created the Georgia Legacy Council. The council shall be composed of the  
104 commissioner of natural resources, who shall serve as chairperson; the state property  
105 officer, who shall serve as vice chairperson; the director of the State Forestry Commission;  
106 the executive director of the State Soil and Water Conservation Commission; the  
107 Commissioner of Agriculture; four members to be appointed by and to serve at the pleasure  
108 of the Governor; one member to be appointed by the Speaker of the House of  
109 Representatives; and one member to be appointed by the Lieutenant Governor. All  
110 appointed members shall have significant experience in conservation, agriculture, forestry,  
111 recreation, real estate, or natural resources.

112 (b) The members of the council shall receive no compensation for their services on the  
113 council but shall be reimbursed for actual expenses incurred while discharging the duties  
114 imposed upon them by this chapter.

115 (c) For administrative purposes, the council shall be attached to the authority. The  
116 authority shall provide staff support to the council, utilizing personnel and funds available  
117 to the authority.

118 12-6A-4.

119 There is established the Georgia Legacy Trust Fund and the Georgia Legacy Revolving  
120 Loan Fund to consist of any state appropriations, moneys paid to the authority under  
121 intergovernmental contract for purposes of this chapter, voluntary contributions or  
122 donations, any federal moneys deposited in such funds, other moneys acquired for the use  
123 of such funds by any fund raising or other promotional techniques deemed appropriate by  
124 the authority, and all interest thereon. Moneys which are restricted as to their usage,  
125 including, but not limited to, restrictions on the kinds of projects for which the moneys can  
126 be expended or loaned, on the entity that can receive grants or loans of such moneys, on  
127 the manner in which such moneys can be expended or loaned, and any other condition,  
128 limitation, or restriction, may nevertheless be deposited into the Georgia Legacy funds so  
129 long as any such restriction does not prevent the moneys so deposited from being used in  
130 a manner that is consistent with the purposes of this chapter. All balances in the Georgia  
131 Legacy funds shall be deposited in interest-bearing accounts. The authority shall

132 administer the Georgia Legacy funds, shall grant or loan moneys held in the Georgia  
 133 Legacy funds in furtherance of the purposes of and pursuant to the provisions of this  
 134 chapter, and shall prepare, by June 30 of each year, an accounting of moneys received into  
 135 and expended from the Georgia Legacy funds. The report shall be made available to the  
 136 council, to the members of the General Assembly, and to members of the public on request.

137 12-6A-5.

138 (a) Within the Georgia Legacy Trust Fund, moneys shall be made available in each fiscal  
 139 year for grants to any city, county, department, agency, other state authority, or  
 140 nongovernmental entity of this state having a Georgia Legacy project approved by the  
 141 council. Each Georgia Legacy project shall, as a condition of eligibility for any such grant,  
 142 have as its primary purpose one of the following conservation objectives:

143 (1) To acquire critical areas for clean water, game, wildlife, fisheries, or  
 144 natural-resource-based outdoor recreation as part of a land conservation project. Funds  
 145 disbursed for purposes of this paragraph shall be used solely to defray the costs of  
 146 acquisition of conservation land or of conservation easements placed upon conservation  
 147 land;

148 (2) To preserve working farms and forests as part of a land conservation project. Funds  
 149 disbursed for purposes of this paragraph shall be grants to state agencies or local  
 150 governments to defray the costs of acquisition of conservation land or conservation  
 151 easements on farms or forests that qualify as conservation land;

152 (3) To support local parks and trails as part of a land conservation project. Funds  
 153 disbursed for purposes of this paragraph shall be grants to local governments to aid in the  
 154 acquisition and improvement of parks and trails within the jurisdiction of such local  
 155 governments;

156 (4) To provide stewardship of conservation land. Funds disbursed for purposes of this  
 157 paragraph shall be used for maintenance or restoration projects conducted by the  
 158 department, the State Forestry Commission, the State Soil and Water Conservation  
 159 Commission, or the Department of Agriculture to enhance public access, use, or safe  
 160 enjoyment of permanently protected conservation areas, whether or not such areas were  
 161 acquired through this chapter; or

162 (5) To promote land usage for vital environmental and wellness education programs.  
 163 Disbursements for purposes of this paragraph shall be as grants to the Department of  
 164 Public Health or any other state department or agency to carry out environmental and  
 165 wellness education programs associated with public parks.

166 (b) Within the Georgia Legacy Revolving Loan Fund, moneys shall be made available in  
 167 each fiscal year for loans to any city, county, or nongovernmental entity having a land

168 conservation project approved by the council. Loans from the Georgia Legacy Revolving  
169 Loan Fund shall be expended solely to defray the costs of acquisition of conservation land  
170 or of conservation easements placed upon conservation land. Any such loan shall bear  
171 interest at a rate established by the authority.

172 12-6A-6.

173 (a) Approval of any project proposal shall be accomplished as provided for in this Code  
174 section.

175 (b) The council shall adopt procedures to review and determine the disposition of project  
176 proposals including, but not limited to, a schedule of meetings on an as needed basis, at  
177 which project proposals will be considered; the components required to comprise a project  
178 proposal; the format in which project proposals will be submitted for consideration; the  
179 conditions which provide priority ranking to be used in reviewing the merits of project  
180 proposals; and the means, such as a memorandum of understanding, by which  
181 nongovernmental entities may enter into partnerships to assist with the development and  
182 implementation of project proposals.

183 (c)(1) The authority shall review each project proposal for fiscal merit, for the capacity  
184 of the applicant to fulfill any matching fund requirements, for the fiscal solvency of the  
185 entity identified as responsible for implementing the project, and for compliance with all  
186 applicable terms and conditions of this chapter.

187 (2) The department shall review each project proposal for its strategic investment in land  
188 resources with high environmental values or conservation benefits; for consistency with  
189 the conservation goals set forth in this chapter and the conservation priorities set forth by  
190 the Governor; for the merit of a plan for long-term management of the conservation land  
191 or conservation easement; and for compliance with all applicable terms and conditions  
192 of this chapter.

193 (3) The Department of Agriculture or the State Forestry Commission shall review project  
194 proposals to preserve working farms and forests. The Department of Public Health shall  
195 review project proposals to promote land usage for vital environmental and public health  
196 wellness programs.

197 (d) Reviews conducted pursuant to subsection (c) of this Code section shall be submitted  
198 to the council. The council shall review each project proposal and shall consider the  
199 recommendations of the authority and the various departments as applicable.

200 (e) Upon the council's approval of a project proposal, such approved project shall become  
201 eligible for funding consistent with this chapter. The authority shall be responsible for the  
202 execution of each project following approval by the council and shall administer such

203 projects consistent with the purposes of this chapter, all applicable regulations promulgated  
 204 pursuant thereto, and the specific terms and conditions of any such project.

205 (f) The minimum percentage of funds disbursed during a fiscal year from the Georgia  
 206 Legacy Trust Fund for each conservation objective, as such percentage relates to the total  
 207 outlay of funds from the Georgia Legacy Trust Fund during such fiscal year, shall be as  
 208 follows:

- |     |   |                   |
|-----|---|-------------------|
| 209 | <u>(1) Acquisition of areas for clean water, game, wildlife, fisheries,</u> | <u>25 percent</u> |
| 210 | <u>or natural-resource-based outdoor recreation</u>                         |                   |
| 211 | <u>(2) Preservation of working farms and forests</u>                        | <u>20 percent</u> |
| 212 | <u>(3) Support of local parks and trails</u>                                | <u>20 percent</u> |
| 213 | <u>(4) Stewardship of permanently protected conservation areas</u>          | <u>6 percent</u>  |
| 214 | <u>(5) Promotion of environmental wellness</u>                              | <u>4 percent</u>  |

215 12-6A-7.

216 (a) Grants may in appropriate cases be made for the acquisition of land, and the grantee  
 217 shall be permitted to place the needed and appropriate conservation easements on such land  
 218 to ensure its permanent protection as contemplated in this chapter and the grantee would  
 219 then be entitled to resell the land to private parties at the highest obtainable price and return  
 220 the proceeds to the trust fund for reuse for additional grants.

221 (b) Any project proposed by any nongovernmental entity involving the acquisition of land  
 222 shall be submitted by means of co-application with the city or county having jurisdiction  
 223 over the area in question, but such city or county shall not be liable for any debt of the  
 224 nongovernmental entity.

225 12-6A-8.

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

230 (b) Cities, counties, the department, the commission, other state departments or agencies,  
 231 and other state authorities may, by agreement with nongovernmental entities as established  
 232 in a memorandum of understanding adopted by the council, enter into partnerships to assist  
 233 with the development of project proposals, to assist with the establishment of a local  
 234 funding match, and to accept and administer property acquired by a city, county, the  
 235 department, the commission, other state department or agency, or other state authority  
 236 pursuant to this chapter.

237 12-6A-9.

238 (a) The authority is authorized to promulgate rules and regulations to implement the terms  
239 of this chapter; provided, however, that for purposes of this chapter the authority shall be  
240 an agency subject to the provisions of Chapter 13 of Title 50, the 'Georgia Administrative  
241 Procedure Act.' The authority may audit, or have audited, the use of moneys from the  
242 Georgia Legacy Trust Fund or Georgia Legacy Revolving Loan Fund or the use of  
243 properties obtained pursuant to this chapter.

244 (b) The council, the authority, and the department may enter into contracts or agreements,  
245 consistent with the intent and provisions of this chapter, setting forth the details of how  
246 each will discharge, in cooperation with the others, their respective responsibilities under  
247 this chapter.

248 12-6A-10.

249 (a) The department shall establish the State Land Conservation Geographic Information  
250 System by maintaining its current geographic information system data and maps related to  
251 land conservation; annually updating its data and maps based on the acquisitions of  
252 conservation land; and monitoring progress in protecting the state's land resources.

253 (b) The department shall make its geographic information system data and maps available  
254 to cities, counties, the commission, other state departments or agencies, and other state  
255 authorities to assist them in furthering the purposes of this chapter.

256 (c) The department shall cooperate with the commission, the State Soil and Water  
257 Conservation Commission, the Cooperative Extension Service of the University of Georgia  
258 and other institutions and organizations with outreach programs designed for landowners  
259 to provide technical support on land conservation. The department shall assist with the  
260 development of project proposals including, but not limited to, providing information  
261 regarding program requirements and technical assistance with real estate transactions.

262 (d) The department may establish a land conservation program consistent with the  
263 purposes of this chapter.

264 12-6A-11.

265 (a) The Georgia Legacy Trust Fund established by this chapter shall be a successor to the  
266 former Georgia Land Conservation Trust Fund and, on July 1, 2014, all funds in the  
267 Georgia Land Conservation Trust Fund shall be transferred into the Georgia Legacy Trust  
268 Fund.

269 (b) The Georgia Legacy Revolving Loan Fund established by this chapter shall be a  
270 successor to the former Georgia Land Conservation Revolving Loan Fund and, on July 1,



271 2014, all funds in the Georgia Land Conservation Revolving Loan Fund shall be  
272 transferred into the Georgia Legacy Revolving Loan Fund."

273 **SECTION 2.**

274 This Act shall become effective on July 1, 2014.

275 **SECTION 3.**

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