

House Bill 314 (COMMITTEE SUBSTITUTION)

By: Representatives Mosley of the 129<sup>th</sup>, Post 1, Buck of the 112<sup>th</sup>, Channell of the 77<sup>th</sup>,  
Brooks of the 47<sup>th</sup> and Smith of the 129<sup>th</sup>, Post 2

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 22 of Title 36 of the Official Code of Georgia Annotated, relating to  
2 community greenspace preservation, so as to provide for the expenditure of interest on the  
3 corpus of such fund; to provide an effective date; to repeal conflicting laws; and for other  
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 22 of Title 36 of the Official Code of Georgia Annotated, relating to community  
8 greenspace preservation, is amended by striking in its entirety Code Section 36-22-4, relating  
9 to the establishment of the Georgia Greenspace Trust Fund, the segregation of funds, and  
10 matching funds, and inserting in lieu thereof the following:

11 "36-22-4.

12 (a) There is established the Georgia Greenspace Trust Fund to consist of any moneys  
13 appropriated to such fund, voluntary contributions to such fund, any federal moneys  
14 deposited in such fund, and other moneys acquired for the use of such fund by any fund  
15 raising or other promotional techniques deemed appropriate by the Department of Natural  
16 Resources, ~~and all interest thereon~~. All balances in the fund shall be deposited in an  
17 interest-bearing account and shall be carried forward each year so that no part thereof may  
18 be deposited in the general treasury except as otherwise provided in subsection (f) of this  
19 Code section. The Department of Natural Resources shall administer the fund, shall expend  
20 moneys held in the fund in furtherance of the purposes of and pursuant to the provisions  
21 of this chapter, and shall prepare, by February 1 of each year, an accounting of the funds  
22 received and expended from the fund. The report shall be made available to the  
23 commission, to the members of the General Assembly, and to members of the public on  
24 request.

25 (b) Within the Georgia Greenspace Trust Fund, moneys obtained by appropriation by the  
26 General Assembly, ~~and interest thereon~~, shall be segregated from all other moneys. Such

1 appropriated funds shall be made available in each fiscal year for grants to counties having  
2 an approved greenspace program as follows:

3 (1) The total amount of such funds shall be divided into grant amounts derived by:

4 (A) Determining the amount of state funds obtained in the immediately prior fiscal  
5 year by the application of the state property tax levy on residential property in each  
6 county eligible to submit a greenspace program under Code Section 36-22-10;

7 (B) Dividing that number by the amount of state funds obtained in the immediately  
8 prior fiscal year by the application of the state property tax levy on residential property  
9 in all counties eligible to submit a greenspace program under Code Section 36-22-10,  
10 such that a percentage of the aggregate number is obtained applicable to each such  
11 county; and

12 (C) Applying the applicable percentage for each eligible county to the sum of  
13 appropriated moneys, such that a discrete amount is identified for each eligible county;

14 (2) Upon approval of a greenspace program in an eligible county pursuant to the terms  
15 and conditions of this chapter, there shall be disbursed from the appropriated funds a  
16 grant in the amount resulting from the calculation in paragraph (1) of this subsection, to  
17 be deposited into the county's Community Greenspace Trust Fund;

18 (3) For any county which is entitled to receive appropriated funds in excess of  
19 \$500,000.00 pursuant to paragraph (1) of this subsection and upon the approval of the  
20 commission as provided in this chapter, the Department of Natural Resources shall make  
21 disbursements as follows:

22 (A) One or more grants totaling 90 percent of the amount the county is authorized to  
23 receive shall be allocated to the Community Greenspace Trust Funds created by the  
24 county and each municipality located in whole or in part within the county as provided  
25 in paragraph (3) of Code Section 36-22-6; and

26 (B) Ten percent of the amount the county is authorized to receive shall be allocated to  
27 the participating municipalities located within the county as one or more matching  
28 grants for greenspace acquisition. The Board of Natural Resources shall promulgate  
29 rules necessary to implement such matching grant program in such a manner as to  
30 encourage municipalities to generate local funds for such purposes as greenspace  
31 planning, acquisition, and management. Any such matching funds not disbursed by the  
32 date determined pursuant to paragraph (4) of this subsection shall be disbursed to the  
33 county's Community Greenspace Trust Fund; and

34 (4) Prior to the conclusion of each fiscal year, at a time to be determined by regulation  
35 of the Department of Natural Resources, any appropriated funds not previously disbursed  
36 pursuant to this subsection shall be divided among the counties having an approved  
37 greenspace program in proportion to the ratio of each county's grant under paragraph (2)

1 of this subsection to the total amount of grants in the fiscal year under said paragraph (2)  
 2 and granted to such counties in such amounts for deposit into the counties' Community  
 3 Greenspace Trust Funds. The regulations implementing this paragraph shall provide for  
 4 a date certain, as close as reasonably practicable to the end of the state's fiscal year, on  
 5 and after which no further approval of greenspace programs applicable to that fiscal year  
 6 will be granted. Any program approval on or after such date shall be deemed applicable  
 7 to any funds appropriated for the next fiscal year.

8 (c) Any municipality electing to cooperate in a county's greenspace program pursuant to  
 9 the provisions of Code Section 36-22-6 shall establish a Community Greenspace Trust  
 10 Fund subject to the same terms and conditions applicable to a county's Community  
 11 Greenspace Trust Fund.

12 (d) Moneys deposited into a Community Greenspace Trust Fund by grant from the  
 13 Georgia Greenspace Trust Fund and any matching funds deposited into such a fund  
 14 pursuant to subsection (e) of this Code section, together with interest thereon, shall be  
 15 expended solely to defray the costs of acquisition of greenspace as defined in this chapter,  
 16 or of conservation, scenic, and other easements which contribute to the goals set out for  
 17 greenspace in Code Section 36-22-2.

18 (e) The Department of Natural Resources is authorized to match, from funds appropriated  
 19 to or otherwise available to the department, all or any part of an expenditure of moneys  
 20 from a city or county's Community Greenspace Trust Fund which expenditure is made for  
 21 the purpose of acquiring property adjacent to or within the watershed of the Chattahoochee  
 22 River, the Flint River, the Altamaha River, or any other river which the department  
 23 designates by regulation as eligible for a match pursuant to this subsection. The department  
 24 may, by agreement with such city or county, accept and administer property acquired by  
 25 a city or county pursuant to this chapter as a unit of the state parks system, or may make  
 26 such other agreements for the ownership and operation of the property as are outlined by  
 27 Code Sections 12-3-32 and 27-1-6.

28 (f) Any other provision of this Code section to the contrary notwithstanding, any interest  
 29 earned by the Georgia Greenspace Trust Fund shall not be a part of the fund but shall be  
 30 paid to the general fund of the state treasury quarterly and shall be available for  
 31 appropriation for any purpose."

## 32 SECTION 2.

33 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 34 without such approval.

- 1 **SECTION 3.**
- 2 All laws and parts of laws in conflict with this Act are repealed.