

House Bill 1176

By: Representatives Knight of the 126<sup>th</sup>, Smith of the 70<sup>th</sup>, Roberts of the 154<sup>th</sup>, McCall of the 30<sup>th</sup>, Wilkinson of the 52<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,  
2 and Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural  
3 resources, so as to redesignate and extensively revise certain provisions relating to land  
4 conservation projects; to amend Title 12 of the Official Code of Georgia Annotated, relating  
5 to conservation and natural resources, so as to make a corresponding change in a  
6 cross-reference in certain provisions relating to the purpose and nature of the Oconee River  
7 Greenway Authority; to change certain provisions relating to powers and duties of the State  
8 Forestry Commission; to amend Article 1 of Chapter 23 of Title 50 of the Official Code of  
9 Georgia Annotated, relating to the Georgia Environmental Facilities Authority, so as to  
10 change certain provisions relating to definitions; to change certain provisions relating to  
11 purpose, powers, and duties of the authority; to change certain provisions relating to grants  
12 and loans to local governments and repayment thereof; to provide certain penalties for failure  
13 to remit funds due the authority; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**

**SECTION 1-1.**

17 Title 36 of the Official Code of Georgia Annotated, relating to local government, and Title  
18 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources,  
19 are amended by redesignating Chapter 22 of the former title, relating to land conservation,  
20 as Chapter 6A of the latter title and by revising said chapter as follows:

21 "CHAPTER ~~22~~ 6A

22 ~~36-22-1~~ 12-6A-1.

23 The intent of this chapter is to provide a flexible framework within which cities and  
24 counties in this state, the Department of Natural Resources, other state and federal

1 departments and agencies, state authorities, and private partners can protect the state's  
 2 valuable natural resources. The General Assembly recognizes that the state-wide network  
 3 of land and water resources, the state's prime agricultural and forestry lands, and its  
 4 natural, cultural, historic, and recreational areas are a priceless legacy that enhance the  
 5 health of ecosystems, encourage working landscapes, foster natural resource stewardship,  
 6 sustain a healthy economy, and promote a sustainable high quality of life for current and  
 7 future generations of Georgians. The process provided by this chapter is intended to  
 8 promote partnerships for the conservation of land resources that are identified by cities or  
 9 counties as locally valuable or identified by the ~~Department of Natural Resources~~  
 10 department as having state-wide significance. This chapter ~~will~~ shall also provide land  
 11 conservation funding options, ~~which will~~ to augment currently available local, state, and  
 12 federal funding.

13 ~~36-22-2~~ 12-6A-2.

14 As used in this chapter, the term:

15 (1) 'Authority' means the Georgia Environmental Facilities Authority established in Code  
 16 Section 50-23-3.

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

18 (3) ~~'Community land conservation project' means a conservation land project sponsored~~  
 19 ~~by cities and counties in this state to accomplish strategic investment in protection of~~  
 20 ~~locally identified land resources with high environmental values or conservation benefits.~~

21 'Commission' means the State Forestry Commission established under Code Section  
 22 12-6-2.

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

25 (5) 'Conservation land' means permanently protected land and water, or interests therein,  
 26 that is in its undeveloped, natural state or that has been developed only to the extent  
 27 consistent with, or is restored to be consistent with, one or more of the following goals:

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

29 (B) Flood protection;

30 (C) Wetlands protection;

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

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

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

1 (G) Protection of cultural sites, heritage corridors, and archeological and historic  
2 resources;

3 (H) Scenic protection;

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

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

8 (6) 'Costs of acquisition' means all direct costs of activities which are required by  
9 applicable state laws and local ordinances or policies in order to obtain fee simple or  
10 lesser interests in real property or to convey a conservation easement to a holder who will  
11 ensure the permanent protection of the property as conservation land. Said costs shall  
12 include the purchase price, if any; the costs of due diligence investigation, such as  
13 appraisals, surveys, phase 1 environmental reports, and title searches; title insurance; fees  
14 for services related to the direct acquisition of the real property, such as holding costs,  
15 overhead costs, finder's fees, and real estate commissions; attorney fees; pro rata ad  
16 valorem taxes; resource stewardship; and other costs related to closing the transaction;  
17 provided, however, that said costs shall not include any costs for services provided in  
18 violation of Chapter 40 of Title 43.

19 (7) 'Council' means the Georgia Land Conservation Council established by this chapter.

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

22 (9) ~~'Department' means the Georgia Department of Natural Resources established in~~  
23 ~~Code Section 12-2-1.~~ 'Land conservation project' means a conservation land project to  
24 accomplish strategic investment in protection of identified land resources with high  
25 environmental values or conservation benefits.

26 (9.1) 'Nongovernmental entity' means a nonprofit organization the primary purposes of  
27 which are the permanent protection and conservation of land and natural resources.

28 (9.2) 'Other state authority' means a state authority that is otherwise created and  
29 authorized by law to engage in projects that would qualify as land conservation projects,  
30 to accept grants or loans, and to incur debt and is recommended by the department to  
31 receive either grants or loans for such a project; provided, however, that such term shall  
32 not include the Georgia Building Authority.

33 (9.3) 'Other state department or agency' means a state department or agency that is  
34 otherwise authorized by law to engage in projects that would qualify as land conservation  
35 projects.

36 (10) 'Permanently protected land and water' means those resources:

- 1 (A) Owned by the federal government and designated for recreation, conservation, or  
 2 natural resource;
- 3 (B) Owned by the State of Georgia and dedicated as a heritage preserve;
- 4 (C) Owned by a state or local unit of government or authority and subject to:
- 5 (i) A conservation easement that ensures that the land will be maintained as  
 6 conservation land;
- 7 (ii) Contractual arrangements that ensure that, if the protected status is discontinued  
 8 on a parcel, such property will be replaced by other conservation land which at the  
 9 time of such replacement is of equal or greater monetary and resource protection  
 10 value;
- 11 (iii) A restrictive covenant in favor of a federal governmental entity; or
- 12 (iv) A permanent restrictive covenant as provided in subsection (c) of Code  
 13 Section 44-5-60;
- 14 (D) Owned by any person or not for profit or for profit entity, subject to a conservation  
 15 easement that ensures that the land will be maintained as conservation land; or
- 16 (E) Permanently legally protected by any other method that ensures the conservation  
 17 land will remain forever in uses which further the goals of this chapter.
- 18 (11) 'Revolving loan fund' means the Georgia Land Conservation Revolving Loan Fund  
 19 established by this chapter.
- 20 (12) ~~'State land conservation project' means conservation land projects sponsored by the~~  
 21 ~~department to accomplish the strategic investment in protection of land resources~~  
 22 ~~identified by the department as having high environmental values or conservation~~  
 23 ~~benefits. Reserved.~~
- 24 (13) 'Trust fund' means the Georgia Land Conservation Trust Fund established by this  
 25 chapter.
- 26 ~~36-22-3~~ 12-6A-3.
- 27 (a) There is created the Georgia Land Conservation Council. The council shall be  
 28 composed of the state property officer, who shall serve as chairperson, the commissioner  
 29 of natural resources, the director of the State Forestry Commission, the executive director  
 30 of the State Soil and Water Conservation Commission, the commissioner of community  
 31 affairs, and four additional members to be appointed by and to serve at the pleasure of the  
 32 Governor.
- 33 (b) The members of the council shall receive no compensation for their services on the  
 34 council but shall be reimbursed for actual expenses incurred while discharging the duties  
 35 imposed upon them by this chapter.

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

4 ~~36-22-4~~ 12-6A-4.

5 (a) The ~~Department of Natural Resources~~ department may establish a land conservation  
 6 program consistent with the purposes of this chapter.

7 (a.1) There is established the Georgia Land Conservation Trust Fund and the Georgia Land  
 8 Conservation Revolving Loan Fund to consist of any moneys paid to the authority under  
 9 intergovernmental contract for purposes of this chapter, voluntary contributions to such  
 10 funds, any federal moneys deposited in such funds, other moneys acquired for the use of  
 11 such funds by any fund raising or other promotional techniques deemed appropriate by the  
 12 authority, and all interest thereon. Moneys which are restricted as to their usage, including,  
 13 but not limited to, restrictions on the kinds of projects for which the moneys can be  
 14 expended or loaned, on the entity that can receive grants or loans of such moneys, on the  
 15 manner in which such moneys can be expended or loaned, and any other condition,  
 16 limitation, or restriction, may nevertheless be deposited in the funds so long as any such  
 17 restriction does not prevent the moneys so deposited from being expended, loaned, or  
 18 otherwise used in a manner that is consistent with the purposes of this chapter. All  
 19 balances in the funds shall be deposited in interest-bearing accounts. The authority shall  
 20 administer the funds, shall grant or loan moneys held in the funds in furtherance of the  
 21 purposes of and pursuant to the provisions of this chapter, and shall prepare, by June 30 of  
 22 each year, an accounting of the funds received and expended from the funds. The report  
 23 shall be made available to the council, to the members of the General Assembly, and to  
 24 members of the public on request.

25 (b) Within the trust fund, moneys shall be made available in each fiscal year for grants to  
 26 cities and counties having an approved ~~community~~ land conservation project; having  
 27 complied with state laws, regulations, contracts, and agreements; and having matching  
 28 funds at a percentage of the total project cost as established by the authority or for grants  
 29 to the department, the commission, other state department or agency, or other state  
 30 authority having an approved ~~state~~ land conservation project.

31 (c) Within the revolving loan fund, moneys shall be made available in each fiscal year for  
 32 loans to cities, ~~and~~ counties, and nongovernmental entities having approved ~~community~~  
 33 land conservation projects or for loans to state authorities specified by the department for  
 34 purposes of approved ~~state~~ land conservation projects of the department. Any such loan  
 35 shall bear interest at a rate established by the authority.

1 (d) Moneys granted from the trust fund or from the revolving loan fund shall be expended  
 2 solely to defray the costs of acquisition of conservation land as defined in this chapter or  
 3 of conservation easements which contribute to the goals set out for conservation land in  
 4 Code Section ~~36-22-2~~ 12-6A-2.

5 (e) As a condition of project approval and release of funds, ~~cities, counties, and the~~  
 6 ~~department are~~ the grant or loan recipient shall be required to record acquisitions of real  
 7 or partial interest in land purchased by using grants or loans established in this chapter with  
 8 the ~~Department of Natural Resources~~ department.

9 (f)(1) Each Georgia income tax return form for taxable years beginning on or after  
 10 January 1, 2005, shall contain appropriate language, to be determined by the state revenue  
 11 commissioner, offering the taxpayer the opportunity to contribute to the Georgia Land  
 12 Conservation Trust Fund established in subsection (a) of this Code section by either  
 13 donating all or any part of any tax refund due, by authorizing a reduction in the refund  
 14 check otherwise payable, or by contributing any amount over and above any amount of  
 15 tax owed by adding that amount to the taxpayer's payment. The instructions  
 16 accompanying the income tax return form shall contain a description of the purposes for  
 17 which this fund was established and the intended use of moneys received from the  
 18 contributions. Each taxpayer required to file a state income tax return who desires to  
 19 contribute to the Georgia Land Conservation Trust Fund may designate such contribution  
 20 as provided in this Code section on the appropriate income tax return form.

21 (2) The Department of Revenue shall determine annually the total amount so contributed,  
 22 shall withhold therefrom a reasonable amount for administering this voluntary  
 23 contribution program, and shall transmit the balance to the authority for deposit in the  
 24 Georgia Land Conservation Trust Fund established in subsection (a.1) of this Code  
 25 section; provided, however, that the amount retained for administrative costs shall not  
 26 exceed \$50,000.00 per year. If, in any tax year, the administrative costs of the  
 27 Department of Revenue for collecting contributions pursuant to this Code section exceed  
 28 the sum of such contributions, the administrative costs which the Department of Revenue  
 29 is authorized to withhold from such contributions shall not exceed the sum of such  
 30 contributions.

31 (g) The department may, by agreement with ~~such a city, or county,~~ or nongovernmental  
 32 entity, accept and administer property acquired by a such city, or county, or  
 33 nongovernmental entity pursuant to this chapter or may make such other agreements for  
 34 the ownership and operation of the property as are outlined in Code Sections 12-3-32 and  
 35 27-1-6.

36 (h) ~~Cities, counties, and the department,~~ the commission, other state departments or  
 37 agencies, and other state authorities may, by agreement with tax-exempt organizations

1 under Section 501(c)(3) of the federal Internal Revenue Code as established in a  
 2 memorandum of understanding adopted by the council, enter into partnerships to assist  
 3 with the development of land conservation project proposals, to assist with the  
 4 establishment of a local funding match, and to accept and administer property acquired by  
 5 a city, ~~or county,~~ or the department, the commission, other state department or agency, or  
 6 other state authority pursuant to this chapter.

7 ~~36-22-5.~~

8 ~~Reserved.~~

9 ~~36-22-6.~~

10 ~~Reserved.~~

11 ~~36-22-7.~~

12 ~~Reserved.~~

13 ~~36-22-8~~ 12-6A-5.

14 (a) Approval of a ~~community~~ land conservation project proposal for purposes of this  
 15 chapter ~~or a state land conservation project proposal for purposes of this chapter~~ shall be  
 16 accomplished as provided for in this Code section. ~~Cities or counties and the department~~  
 17 ~~shall~~ Cities, counties, the department, the commission, other state departments or agencies,  
 18 other state authorities, and nongovernmental entities may develop and submit ~~community~~  
 19 ~~and state~~ land conservation projects using rules and regulations established by the  
 20 authority. Cities, counties, ~~and the department,~~ the commission, other state departments  
 21 or agencies, and other state authorities may develop ~~community and state~~ land conservation  
 22 proposals in partnership with nonprofit environmental and conservation organizations and  
 23 organizations that are tax-exempt under Section 501(c)(3) of the federal Internal Revenue  
 24 Code. The department shall make available its geographic information systems data as  
 25 described in Code Section ~~36-22-13~~ 12-6A-10 to cities, ~~and counties,~~ the commission,  
 26 other state departments or agencies, and other state authorities to assist them in the  
 27 development of ~~community~~ land conservation proposals.

28 (b)(1) The authority shall review each land conservation project for fiscal merit, for the  
 29 capacity of the applicant to fulfill its matching fund or loan repayment commitments, for  
 30 the fiscal solvency of the entity identified as responsible for protecting and managing the  
 31 conservation land or conservation easement, and for compliance with all applicable terms  
 32 and conditions of this chapter.

1     (2) The authority shall make a recommendation based on its review of each land  
 2     conservation project to the council, including recommended funding sources, funding  
 3     levels, and the terms and conditions of those funds.

4     (c)(1) The department shall review each land conservation project proposal for its  
 5     strategic investment in land resources with high environmental values or conservation  
 6     benefits; for consistency with the land conservation goals set forth in this chapter and the  
 7     land conservation priorities set forth by the Governor; for the merit of a plan for  
 8     long-term management of the conservation land or conservation easement; and for  
 9     compliance with all applicable terms and conditions of this chapter.

10    (2) The department shall make a recommendation based on its review of each land  
 11    conservation project to the council, including any terms and conditions of those funds.

12    (d) The council shall review each land conservation project proposal and shall consider the  
 13    recommendations of the authority and the department, as well as the procedures,  
 14    conditions, components, priorities, and criteria set forth in subsections (c) and (e) of this  
 15    Code section, and any rules and regulations promulgated by the authority. The decision  
 16    of the council that a land conservation project complies with all of the required terms and  
 17    conditions and is approved shall cause the city, county, ~~or department,~~ commission, other  
 18    state department or agency, other state authority, or nongovernmental entity to become  
 19    eligible for funding pursuant to the terms of this chapter and of the project approval. The  
 20    authority shall then be responsible for the execution of each such project approval decision  
 21    of the council.

22    (e) The council shall adopt procedures to review and determine the disposition of project  
 23    proposals including, but not limited to, a schedule of meetings on an as needed basis, but  
 24    not less than quarterly, at which project proposals will be considered; the components  
 25    required to comprise a project proposal; the format in which project proposals will be  
 26    presented for consideration by the council; the conditions which provide priority ranking  
 27    to be used in reviewing the merits of project proposals; and the means, such as a  
 28    memorandum of understanding, by which organizations that are tax-exempt under  
 29    Section 501(c)(3) of the federal Internal Revenue Code may enter into partnerships with  
 30    cities, ~~or counties,~~ ~~or the department,~~ the commission, other state departments or agencies,  
 31    other state authorities, or nongovernmental entities to assist with the development and  
 32    implementation of project proposals.

33    (f) The council shall use, at a minimum, the following criteria in granting project approval:

34    (1) The project shall promote the permanent protection of conservation land;

35    (2) The identification and commitment to the employment of local land use ordinances  
 36    and local conservation and preservation ordinances, policies, and regulations which  
 37    further the achievement of the permanent protection of conservation land; and

1 (3) Project proposals which are multijurisdictional in scope or regional in impact will  
2 receive additional ranking points.

3 (g) The council, the authority, and the department, ~~and the Georgia Building Authority~~  
4 shall enter into contracts or memorandums of understanding, as appropriate and consistent  
5 with the intent and provisions of this chapter, setting forth the details of how they will each  
6 discharge, in cooperation with the others, their respective responsibilities under this  
7 chapter.

8 ~~36-22-9~~ 12-6A-6.

9 Grants for state land conservation projects sponsored by the department may be made by  
10 the authority to the Georgia Building Authority at the request of the department. It is also  
11 contemplated that grants may in appropriate cases be made for the acquisition of land, and  
12 that the grantee shall be permitted to place the needed and appropriate conservation  
13 easements on such land to ensure its permanent protection as contemplated in this chapter  
14 and that the grantee would then be entitled to resell the land to private parties at the highest  
15 obtainable price and return the proceeds to the trust fund for reuse for additional grants.

16 ~~36-22-10~~ 12-6A-7.

17 Any city or county of this state, the department, the commission, other state department or  
18 agency, other state authority, or nongovernmental entity shall be eligible to submit a land  
19 conservation project for approval pursuant to the terms of this chapter.

20 ~~36-22-11~~ 12-6A-8.

21 Moneys in the trust fund or revolving loan fund shall be made available to all cities and  
22 counties in the state ~~and to~~ the department, the commission, other state departments or  
23 agencies, other state authorities, and nongovernmental entities for preservation of land or  
24 conservation easements on land. The authority is authorized and directed to accept and  
25 review project proposals for such moneys under terms, conditions, and procedures to be  
26 established by regulation of the authority and is authorized to make such grants or loans  
27 in such amounts as it deems appropriate. Any such grant or loan shall be administered in  
28 a manner consistent with purposes of this chapter and any regulations promulgated by the  
29 authority and the council applicable to such grants and loans, together with the terms and  
30 conditions of any such grant or loan.

31 ~~36-22-12~~ 12-6A-9.

32 The authority is authorized to promulgate such rules and regulations as it may deem  
33 advisable to implement the terms of this chapter; provided, however, that for purposes of

1 this chapter the authority shall be an agency subject to the provisions of Chapter 13 of  
 2 Title 50, the 'Georgia Administrative Procedure Act.' The authority is authorized to audit,  
 3 or have audited, the use of moneys from the trust fund or revolving loan fund or the use of  
 4 properties obtained in whole or in part by the use of such moneys.

5 ~~36-22-13~~ 12-6A-10.

6 (a) The department shall establish the State Land Conservation Geographic Information  
 7 System by maintaining its current geographic information system data and maps related to  
 8 land conservation; annually updating its land conservation data and maps based on the  
 9 acquisitions of ~~community and state~~ land conservation projects; and monitoring progress  
 10 in protecting the state's land resources.

11 (b) The department shall make its geographic information system data and maps available  
 12 to cities, ~~and counties,~~ the commission, other state departments or agencies, and other state  
 13 authorities to assist them in the strategic investment of ~~community~~ land conservation  
 14 projects in land resources with high environmental values or conservation benefits as based  
 15 on the conservation goals set forth in this chapter.

16 (c) The department shall cooperate with the ~~State Forestry Commission~~ commission, the  
 17 State Soil and Water Conservation Commission, the Cooperative Extension Service of the  
 18 University of Georgia and other institutions and organizations with outreach programs  
 19 designed for landowners to provide technical support on land conservation. The  
 20 department shall assist cities, ~~and counties,~~ the commission, other state departments or  
 21 agencies, other state authorities, and nongovernmental entities with the development of  
 22 ~~community~~ land conservation project proposals including, but not limited to, program  
 23 requirements and technical assistance with real estate transactions.

24 ~~36-22-14~~ 12-6A-11.

25 The General Assembly recognizes the critical role nonprofit conservation organizations and  
 26 organizations that are tax-exempt under Section 501(c)(3) of the federal Internal Revenue  
 27 Code have in partnering with cities, counties, and the state in accomplishing the land  
 28 conservation goals as set forth in this chapter. Therefore, the state looks to these  
 29 organizations to provide program education to the public and private sector; to partner with  
 30 cities, counties, ~~and the department,~~ the commission, other state departments or agencies,  
 31 and other state authorities in the identification and development of land conservation  
 32 project proposals; to promote existing and new partnership enhancement tools; to promote  
 33 transferable partnership models, including demonstration projects to assist cities and  
 34 counties with securing the local funding match; and to take an active role in the permanent  
 35 protection of conservation lands by holding fee simple title or easements to lands.

1 ~~36-22-15~~ 12-6A-12.

2 The Georgia Land Conservation Trust Fund established pursuant to Code Section ~~36-22-4~~  
3 12-6A-4 shall be a successor to the former Georgia Greenspace Trust Fund and, on  
4 April 14, 2005, all funds in the Georgia Greenspace Trust Fund shall be transferred into the  
5 Georgia Land Conservation Trust Fund."

6 **PART II**

7 **SECTION 2-1.**

8 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural  
9 resources, is amended by revising Code Section 12-3-403, relating to purpose and nature of  
10 the Oconee River Greenway Authority, as follows:

11 "12-3-403.

12 The corporate purpose and the general nature of the business of the authority shall be the  
13 acquisition or establishment of projects consistent with but not limited to one or more of  
14 the goals specified in paragraph ~~(3)~~(5) of Code Section ~~36-22-2~~ 12-6A-2; their maintenance  
15 and protection; and their development or restoration. The authority's purpose also shall be  
16 to engage in such other activities as it deems appropriate to promote use of any project by  
17 means of promoting tourism and educational, entertainment, recreational, athletic, or other  
18 events within the state and to promote the use of the educational, historical, cultural,  
19 recreational, and natural resources of the state by persons using or visiting any project."

20 **SECTION 2-2.**

21 Said title is further amended in subsection (a) of Code Section 12-6-5, relating to powers and  
22 duties of the State Forestry Commission, by deleting "and" at the end of paragraph (6),  
23 replacing the period with "; and" at the end of paragraph (7), and adding a new paragraph to  
24 read as follows:

25 "(8) To engage in land conservation projects as provided by Chapter 6A of this title."

26 **PART III**

27 **SECTION 3-1.**

28 Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia Annotated, relating to the  
29 Georgia Environmental Facilities Authority, is amended in Code Section 50-23-4, relating  
30 to definitions, by adding new paragraphs to read as follows:

31 "(10.1) 'Nongovernmental entity' means a nonprofit organization the primary purposes  
32 of which are the permanent protection and conservation of land and natural resources.

1 (10.2) 'Nonprofit corporation' means any corporation qualified as a not for profit  
 2 corporation by the Internal Revenue Service under Section 501(c)(3) or Section 501(c)(4)  
 3 of the Internal Revenue Code."

4 **SECTION 3-2.**

5 Said article is further amended in subsection (b) of Code Section 50-23-5, relating to  
 6 purpose, powers, and duties of the authority, by adding new paragraphs to read as follows:

7 "(23.1) To exercise such powers and perform such functions as provided for the authority  
 8 under Chapter 6A of Title 12, including but not limited to the making of grants and loans  
 9 as provided therein, for purposes of land conservation projects as defined in said chapter;  
 10 and to provide advisory, technical, consultative, training, educational, and assistance  
 11 services and enter into agreements for the same for purposes of such land conservation  
 12 projects;

13 (23.2) To incorporate one or more nonprofit corporations as subsidiary corporations of  
 14 the authority for the purpose of carrying out any of the powers of the authority and to  
 15 accomplish any of the purposes of the authority including but not limited to accepting  
 16 donations to be used to advance state-wide energy education and energy efficiency and  
 17 conservation initiatives. Any subsidiary corporations created pursuant to this power shall  
 18 be created pursuant to Chapter 3 of Title 14, the 'Georgia Nonprofit Corporation Code,'  
 19 and the Secretary of State shall be authorized to accept such filings. Upon dissolution of  
 20 any subsidiary corporation of the authority, any assets shall revert to the authority or to  
 21 any successor to the authority or, failing such succession, to the State of Georgia. The  
 22 authority shall not be liable for the debts or obligations or bonds of any subsidiary  
 23 corporation or for the actions or omissions to act of any subsidiary corporation unless the  
 24 authority expressly so consents."

25 **SECTION 3-3.**

26 Said article is further amended by revising subsection (a) of Code Section 50-23-6, relating  
 27 to grants and loans to local governments and repayment thereof, as follow:

28 ~~"(a) The authority may make grants to governmental entities exercise such powers and~~  
 29 ~~perform such functions as provided for in Chapter 22 of Title 36 and as otherwise provided~~  
 30 ~~by law Reserved."~~

31 **SECTION 3-4.**

32 Said article is further amended by revising Code Section 50-23-20, relating to withholding  
 33 state funds from local governments failing to collect and remit amounts when due, as  
 34 follows:

1 "50-23-20.

- 2 (a) In the event of a failure of any local government or nongovernmental entity to collect  
3 and remit in full all amounts due to the authority and all amounts due to others, which  
4 involve the credit or guarantee of the authority or of the state, on the date such amounts are  
5 due under the terms of any bond, revenue bond, note, or other obligation of the local  
6 government, it shall be the duty of the authority to notify the director of the Office of  
7 Treasury and Fiscal Services who shall withhold all funds of the state and all funds  
8 administered by the state, its agencies, boards, and instrumentalities allotted to such local  
9 government or nongovernmental entity until such local government or nongovernmental  
10 entity has collected and remitted in full all sums due and cured or remedied all defaults on  
11 any such bond, revenue bond, note, or other obligation.
- 12 (b) Nothing contained in this Code section shall mandate the withholding of funds  
13 allocated to a local government or nongovernmental entity which would violate contracts  
14 to which the state is a party, the requirements of federal law imposed on the state, or  
15 judgments of any court binding the state."

16

#### **PART IV**

17

#### **SECTION 4-1.**

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