

House Bill 1199

By: Representatives Smith of the 70th, Peake of the 137th, Lane of the 158th, Knight of the 126th, Hill of the 180th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 2 of Title 12 of the Official Code of Georgia Annotated,
2 relating to the Department of Natural Resources in general, so as to change certain provisions
3 relating to the authority of the Department of Natural Resources to arrange for and accept
4 volunteer services and cooperation with other government entities and civic organizations;
5 to authorize the incorporation by the department of one nonprofit corporation that qualifies
6 as a public foundation under Section 501(c)(3) of the Internal Revenue Code by aiding the
7 department in carrying out any of its powers and accomplishing any of its purposes,
8 including but not limited to by accepting donations to be used to advance environmental
9 protection, coastal resource conservation, historic preservation, interpretive functions, hunter
10 safety and boating safety instruction and programs, wildlife management, recreation, visitor
11 services, conservation measures and development, public education on conservation, and any
12 other activities in and related to the objectives, powers, duties, and responsibilities of the
13 department; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Article 1 of Chapter 2 of Title 12 of the Official Code of Georgia Annotated, relating to the
17 Department of Natural Resources in general, is amended by revising Code Section 12-2-6,
18 relating to the department's authority to arrange for and accept federal aid and volunteer
19 services and cooperation with other government entities and civic organizations, as follows:
20 "12-2-6.

21 (a) In carrying out its objectives, the department is authorized to arrange for and accept
22 such aid and cooperation from the several United States governmental bureaus and
23 departments and from such other sources as may lend assistance.

24 (b)(1) The commissioner is authorized to accept without regard to the State Personnel
25 Administration, laws, rules, or regulations, the services of individuals without
26 compensation as volunteers for or in aid of environmental protection, coastal resources,

27 historic preservation, interpretive functions, hunter safety and boating safety instruction,
28 hunter safety and boating safety programs, wildlife management, recreation, visitor
29 services, conservation measures and development, public education on conservation, and
30 any other activities in and related to the objectives, powers, duties, and responsibilities
31 of the department.

32 (2) The commissioner is authorized to provide for reimbursement of volunteers for
33 incidental expenses such as transportation, uniforms, lodging, and subsistence. The
34 commissioner is also authorized to provide general liability coverage and fidelity bond
35 coverage for such volunteers while they are rendering service to or on behalf of the
36 department.

37 (3) Except as otherwise provided in this Code section, a volunteer shall not be deemed
38 to be a state employee and shall not be subject to the provisions of law relating to state
39 employment, including, without limitation, those relating to hours of work, rates of
40 compensation, leave, unemployment compensation, and state employee benefits.

41 (4) Volunteers performing work under the terms of this Code section may be authorized
42 by the department to operate state owned vehicles. They may also be treated as
43 employees of the state for the purposes of inclusion in any automobile liability insurance
44 or self-insurance, general liability insurance or self-insurance, or fidelity bond coverage
45 provided by the department for its employees while operating state owned vehicles.

46 (5) No volunteer shall be authorized or allowed to enter privately owned or operated
47 lands, facilities, or properties without the express prior written permission of the owner
48 or operator of such privately owned or operated lands, facilities, or properties; provided,
49 however, such prohibition shall not apply to lands, facilities, or properties leased to the
50 State of Georgia.

51 (c) The department shall have the power and authority to create, establish, and operate a
52 program or programs to facilitate, amplify, or supplement the objectives and functions of
53 the department through the use of volunteer services, including, but not limited to, the
54 recruitment, training, and use of volunteers.

55 (d) The department is directed to cooperate with and coordinate its work with the work of
56 each department of the federal government dealing with the same subject matters dealt with
57 by the Department of Natural Resources. The department is authorized to cooperate with
58 the counties of the state in any surveys to ascertain the natural resources of the counties.
59 The department is also authorized to cooperate with the governing bodies of municipalities
60 and boards of trade and other local civic organizations in examining and locating water
61 supplies and in giving advice concerning and in recommending plans for other municipal
62 improvements and enterprises. Such cooperation is to be conducted upon such terms as the
63 department may direct.

64 (e) The department shall have the authority to participate with public and private groups,
65 organizations, and businesses in joint advertising and promotional projects that promote
66 environmental protection, coastal resource conservation, historic preservation, interpretive
67 functions, hunter safety and boating safety instruction and programs, outdoor recreation,
68 wildlife management, recreation, visitor services, conservation measures and development,
69 public education on conservation and any other activities in and related to the objectives,
70 powers, duties, and responsibilities of the department and that make efficient use of funds
71 appropriated for advertising and promotions; provided, however, that nothing in this
72 subsection shall be construed so as to authorize the department to grant any donation or
73 gratuity.

74 (f) The department shall have the power and authority to incorporate one nonprofit
75 corporation that qualifies as a public foundation under Section 501(c)(3) of the Internal
76 Revenue Code by aiding the department in carrying out any of its powers and in
77 accomplishing any of its purposes. Donations accepted by a nonprofit corporation
78 incorporated by the department shall be used to advance environmental protection, coastal
79 resource conservation, historic preservation, interpretive functions, hunter safety and
80 boating safety instruction and programs, outdoor recreation, wildlife management,
81 recreation, visitor services, conservation measures and development, public education on
82 conservation, and any other activities in and related to the objectives, powers, duties, and
83 responsibilities of the department. Any nonprofit corporation created pursuant to this
84 power shall be created pursuant to Chapter 3 of Title 14, the 'Georgia Nonprofit
85 Corporation Code,' and the Secretary of State shall be authorized to accept such filing.
86 Upon dissolution of any such nonprofit corporation incorporated by the department, any
87 assets shall revert to the department or to any successor to the department or, failing such
88 succession, to the State of Georgia. The department shall not be liable for the debts or
89 obligations or bonds of any nonprofit corporation or for the actions or omissions to act of
90 any nonprofit corporation."

91 **SECTION 2.**

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