

House Bill 332

By: Representatives Watson of the 172nd, Burns of the 159th, Nimmer of the 178th, Smith of the 70th, and Frye of the 118th

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 and preservation of conservation land and provide for
5 their operation; to provide for legislative intent; to provide for definitions; to establish
6 procedural requirements for approval of project proposals; to provide for related matters; to
7 provide an effective date; to provide for contingent repeal; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

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

15 12-6A-1.

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

17 12-6A-2.

18 This chapter is enacted pursuant to Article III, Section IX, Paragraph VI(p) of the
19 Constitution, which authorizes 75 percent of all moneys received by the state from the sales
20 and use tax applied to the sale of outdoor recreation equipment in the prior year to be
21 dedicated to the Georgia Outdoor Stewardship Trust Fund for the purpose of funding the
22 protection and preservation of conservation land.

23 12-6A-3.

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

26 12-6A-4.

27 As used in this chapter, the term:

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

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

33 (B) Protection of wildlife habitat;

34 (C) Provision of cultural sites, heritage corridors, and archeological and historic
35 resources;

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

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

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

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

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

51 (4) 'Outdoor recreation equipment' means all hunting equipment, auxiliary hunting
52 equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment,
53 auxiliary wildlife-watching equipment, and special equipment.

54 (5) 'Permanently protected conservation areas' means those resources:

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

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

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

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

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

65 (iii) A permanent restrictive covenant as provided in subsection (c) of Code Section
66 44-5-60;

67 (D) Owned by any person or entity and subject to a conservation easement ensuring
68 that the property will be maintained in a manner consistent with conservation land; or

69 (E) Acquired through a loan from the Georgia Outdoor Stewardship Trust Fund, owned
70 by a nongovernmental entity, and subject to a contractual agreement ensuring that the
71 property will be maintained in a manner consistent with conservation land during the
72 period that the loan is outstanding.

73 (6) 'Project proposal' means any application seeking moneys from the Georgia Outdoor
74 Stewardship Trust Fund.

75 12-6A-5.

76 (a) There is established the Georgia Outdoor Stewardship Trust Fund as a separate fund
77 in the state treasury. The state treasurer shall credit to the trust fund 75 percent of all
78 moneys received by the state from the sales and use tax applied to the sale of outdoor
79 recreation equipment in the prior year which may be calculated by reference to the National
80 Survey of Fishing, Hunting, and Wildlife-Associated Recreation published by the United
81 States Census Bureau. Such funds shall not lapse to the general fund.

82 (b) The State Properties Commission shall administer, grant, and loan the moneys within
83 the Georgia Outdoor Stewardship Trust Fund in furtherance of the purposes of and
84 pursuant to the provisions of this chapter.

85 12-6A-6.

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

91 (1) To acquire critical areas for the provision or protection of clean water, game, wildlife,
92 or fisheries, for military installation buffering, or for natural-resource-based outdoor
93 recreation. Funds disbursed for purposes of this paragraph shall be used solely to defray

94 the costs of acquisition of conservation land or of conservation easements placed upon
 95 conservation land;

96 (2) To support local parks and trails. Funds disbursed for purposes of this paragraph
 97 shall be grants to local governments to aid in the acquisition and improvement of parks
 98 and trails within the jurisdiction and under the control of such local governments; or

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

103 (b) From within the Georgia Outdoor Stewardship Trust Fund, moneys shall also be made
 104 available in each fiscal year for loans to any city, county, or nongovernmental entity to
 105 defray the costs of acquisition of conservation land or of conservation easements placed
 106 upon property that ensure its permanent protection as conservation land. Any such loan
 107 shall bear interest at a rate established by the State Properties Commission.

108 12-6A-7.

109 (a) The State Properties Commission shall review and make determinations concerning the
 110 disposition of each project proposal for fiscal efficacy, for the fiscal solvency of the entity
 111 identified as responsible for implementing the project, for its value as a strategic
 112 investment in land resources with high environmental or conservation benefits, for
 113 consistency with the conservation goals set forth in this chapter and the conservation
 114 priorities set forth by the Governor, and for the merit of the proposed long-term
 115 management of the conservation land or conservation easement. The department shall
 116 coordinate with the commission and make final determinations regarding project proposals.

117 (b) If the department approves a project proposal, such approved project shall become
 118 eligible for funding consistent with this chapter. The State Properties Commission shall
 119 be responsible for the disbursement of funds following project approval.

120 12-6A-8.

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

125 **SECTION 2.**

126 The Georgia Outdoor Stewardship Trust Fund established by this chapter shall be a successor
 127 to the former Georgia Land Conservation Trust Fund and the Georgia Land Conservation

128 Revolving Loan Fund. On January 1, 2019, all funds in the Georgia Land Conservation
129 Trust Fund and the Georgia Land Conservation Revolving Loan Fund shall be transferred
130 into the Georgia Outdoor Stewardship Trust Fund.

131 **SECTION 3.**

132 This Act shall become effective on January 1, 2019, only if an amendment to the
133 Constitution authorizing the General Assembly to provide by law for allocation of 75 percent
134 of the revenue derived from the state sales and use tax with respect to the sale of outdoor
135 recreation equipment to a trust fund to be used for the protection and preservation of
136 conservation land is ratified by the voters at the November, 2018, state-wide general election.
137 If such an amendment is not so ratified, then this Act shall not become effective and shall
138 stand repealed on January 1, 2019.

139 **SECTION 4.**

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