

The House Committee on Natural Resources and Environment offers the following substitute to HB 332:

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 **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 "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 Georgia Environmental Finance Authority shall administer, grant, and loan the
83 moneys within the Georgia Outdoor Stewardship Trust Fund in furtherance of the purposes
84 of and 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 Georgia Environmental Finance Authority.

108 12-6A-7.

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

118 (b) If the department approves a project proposal, such approved project shall become
 119 eligible for funding consistent with this chapter. The Georgia Environmental Finance
 120 Authority shall be responsible for the disbursement of funds following project approval.

121 12-6A-8.

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

126 12-6A-9.

127 The department shall promulgate rules and regulations as necessary to implement the
128 provisions of this chapter."

129 **SECTION 2.**

130 The Georgia Outdoor Stewardship Trust Fund established by this chapter shall be a successor
131 to the former Georgia Land Conservation Trust Fund and the Georgia Land Conservation
132 Revolving Loan Fund. On January 1, 2019, all funds in the Georgia Land Conservation
133 Trust Fund and the Georgia Land Conservation Revolving Loan Fund shall be transferred
134 into the Georgia Outdoor Stewardship Trust Fund.

135 **SECTION 3.**

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

143 **SECTION 4.**

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