

Senate Bill 220

By: Senators Goodman of the 8th, Watson of the 11th, Anderson of the 24th, Walker III of the 20th, Sims of the 12th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 44 of the Official Code of Georgia Annotated, relating to
2 historic preservation, so as to establish the Georgia Farmland Conservation Fund, Georgia
3 Farmland Conservation Fund Program, and Georgia Farmland Advisory Council; to provide
4 matching grants to certain holders or prospective holders of agricultural conservation
5 easements; to provide for a short title; to provide for legislative intent; to provide for
6 definitions; to provide for procedures, requirements, and limitations for such fund, program,
7 and council; to provide for membership, quorum, compensation, and meetings; to provide
8 for powers and duties; to provide for administration and costs; to provide for an application
9 and review process; to provide for annual appropriations and reporting; to provide for
10 compliance with constitutional requirements; to provide for related matters; to provide for
11 an effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Chapter 10 of Title 44 of the Official Code of Georgia Annotated, relating to historic
15 preservation, is amended by adding a new article to read as follows:

16 "ARTICLE 3

S. B. 220

17 44-10-40.

18 This chapter shall be known and may be cited as the 'Georgia Farmland Conservation Act.'

19 44-10-41.

20 It is the intent of the General Assembly to:

21 (1) Ensure permanent conservation of farmland in order to protect Georgia's agricultural
22 economy, the ecological benefits provided by agricultural lands and activities, and
23 community character enhanced by agricultural landscapes;

24 (2) Incentivize owners of farmland to voluntarily protect their farmland;

25 (3) Facilitate the transition of farms under development pressure to next-generation
26 farmers;

27 (4) Increase the supply of locally grown food in this state;

28 (5) Facilitate utilization of federal and local funds to benefit Georgia's farmland; and

29 (6) Protect land around Georgia's military installations.

30 44-10-42.

31 As used in this article, the term:

32 (1) 'Agricultural conservation easement' means a nonpossessory interest of a holder in
33 real property imposing limitations or affirmative obligations, the purposes of which shall
34 include, but shall not be limited to, retaining or protecting agricultural production
35 capability and natural, scenic, or open-space values of real property.

36 (2) 'Commissioner' means the Commissioner of Agriculture.

37 (3) 'Costs of acquisition' means all direct costs of activities, including, but not limited to,
38 appraisals that are required by applicable state laws and local ordinances or policies in
39 order to convey a conservation easement in real property to a holder to ensure the
40 permanent protection of the property as conservation land; provided, however, that such

- 41 costs shall not include any costs for services provided in violation of Chapter 40 of Title 43.
42 (4) 'Council' means Georgia Farmland Advisory Council.
43 (5) 'Department' means the Department of Agriculture.
44 (6) 'Fund' means the Georgia Farmland Conservation Fund.
45 (7) 'Program' means the Georgia Farmland Conservation Fund Program.
46 (8) 'Project proposal' means any application seeking moneys from the Georgia Farmland
47 Conservation Fund.
48 (9) 'Qualified easement holder' means a state agency, federal agency, county,
49 municipality, or a 501(c)(3) nonprofit organization which acquires or proposes to acquire,
50 whether through purchase, donation or transfer, an agricultural conservation easement.
51 (10) 'Qualified farmland' means agricultural land in undeveloped areas or that has been
52 developed only to the extent consistent with agricultural production, including row crops,
53 livestock, nurseries, orchards, or pastures.

54 44-10-43.

- 55 (a)(1) The state treasurer shall establish a separate trust fund in the state treasury that
56 shall be known as the Georgia Farmland Conservation Fund, consisting of annual
57 appropriations by the legislature to the fund, public or private grants, gifts, donations, or
58 contributions dedicated to the fund for farmland conservation, and funds from any other
59 source, including proceeds from the sale of bonds, state, federal or private mitigation
60 funds, or funds from any local, state, or federal program dedicated to the fund for
61 farmland conservation.
62 (2) The state treasurer shall invest the money held in the Georgia Farmland Conservation
63 Fund in the same manner in which state funds are invested as authorized by the State
64 Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the
65 money held in the trust fund shall be accounted for separately and shall be credited to the
66 trust fund to be disbursed as other moneys in the trust fund.

67 (b) Under the authority granted and subject to the conditions imposed by Article III,
68 Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on
69 July 1, 2023, and ending on June 30, 2033, all of the money collected pursuant to this Code
70 section shall be annually appropriated to the Georgia Farmland Conservation Fund
71 established by subsection (a) of this Code section and such funds shall not lapse as
72 otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of
73 Georgia. Each annual appropriation shall be made through the General Appropriations Act
74 and shall include all of the money collected from such source during the most recently
75 completed fiscal year.

76 (c) All of the money appropriated to the Georgia Farmland Conservation Fund pursuant
77 to subsection (b) of this Code section shall be dedicated for use and expended by the
78 Commissioner solely as provided in this article.

79 (d) The Commissioner shall prepare an accounting of the funds expended pursuant to this
80 Code section during the most recently completed fiscal year to be provided to the Office
81 of Planning and Budget, the House Budget and Research Office, and the Senate Budget and
82 Evaluation Office by January 1 of each year.

83 44-10-44.

84 (a) There is established the Georgia Farmland Conservation Fund Program to be
85 administered by the department. In administering the program, the department shall, each
86 fiscal year, make available funds from the Georgia Farmland Conservation Fund for
87 matching grants to any prospective qualified easement holder having a project proposal
88 which has been reviewed by the department and approved by the council.

89 (b) Any project proposal selected to receive a matching grant through the program shall
90 have as its primary purposes the advancement of farmland conservation and the support of
91 active farming and food production in this state. Award grants from the program may
92 include payment:

- 93 (1) To qualified easement holders for the purchase of agricultural conservation
94 easements on qualified farmland, for advancing farmland conservation, and to support
95 active farming and food production in Georgia; or
96 (2) For the costs of acquisition related to the purchase of agricultural conservation
97 easements approved by the program.
98 (c) As a cost of administering the program, the department may annually deduct and retain
99 an amount equal to 5 percent of the fund.

100 44-10-45.

101 In administering the program, the department shall, under the direction and advice of the
102 council:

- 103 (1) Give priority to project proposals that protect agricultural lands susceptible to
104 development, subdivision, and fragmentation;
105 (2) Adopt a scoring process for evaluating project proposals and prioritizing projects
106 based on the extent that the project will:
107 (A) Protect farmland in active or planned cultivation;
108 (B) Prevent development or fragmentation that would result in farmland loss;
109 (C) Support transition of affordable farmland to next-generation farmers;
110 (D) Leverage local, federal, or private funding, taking into account whether such
111 funding includes a match requirement;
112 (E) Support conservation priorities, including, but not limited to, protection of habitat,
113 water quality, watershed conservation, climate resiliency, local conservation plans, and
114 public viewshed;
115 (F) Preserve or enhance soil quality; and
116 (G) Create or further enhance compatibility with existing military installations; and
117 (3) Ensure that, per the terms, any agricultural conservation easement awarded funds:
118 (A) Is of perpetual duration;

119 (B) May not be assigned to or enforced by a third party without the express written
120 consent of the landowner; and

121 (C) Aligns with existing federal and local programs to maximize potential for matching
122 funds.

123 44-10-46.

124 (a) There is created the Georgia Farmland Advisory Council to advise and assist the
125 department with administration and implementation of the program utilizing the criteria
126 proposed by the department and adopted by the council. The council shall consist of 14
127 members as follows:

128 (1) The Commissioner, or his or her designee, who shall also serve as chairperson of the
129 council;

130 (2) Two members appointed by the Governor as follows:

131 (A) One member who operates a family farm in this state; and

132 (B) One member who is the designated representative of a banking or lending
133 organization and with significant experience in agricultural lending;

134 (3) One member who operates a family farm in this state, appointed by the Lieutenant
135 Governor;

136 (4) Four members appointed by the Commissioner as follows:

137 (A) One member who operates a family farm in this state;

138 (B) One member who is the designated representative of a statewide agricultural
139 organization;

140 (C) One member who is a designated representative of a statewide nonprofit
141 agricultural or conservation organization operating in this state; and

142 (D) One member from the state at-large;

143 (5) One member who operates a family farm in this state, appointed by the Speaker of
144 the House of Representatives;

- 145 (6) The president of the Georgia Agribusiness Council;
146 (7) The deans of the Colleges of Agriculture at the University of Georgia, Abraham
147 Baldwin Agricultural College, or Fort Valley State University, who shall each serve
148 rotating, nonconcurrent three-year terms, or his or her designee;
149 (8) The executive director of the State Soil and Water Conservation Commission;
150 (9) The executive director of the Georgia Farm Bureau or his or her designee; and
151 (10) The Georgia state conservationist of the Natural Resources Conservation Service,
152 who shall serve as a nonvoting member.
- 153 (b) Initially appointed members shall serve staggered terms of office as follows: two
154 members as appointed by the Speaker of the House of Representatives and the
155 Commissioner for one year, three members as appointed by the Commissioner for two
156 years, and three members as appointed by the Governor and Lieutenant Governor for three
157 years.
- 158 (c) The members shall serve without compensation; provided, however, that the members
159 shall receive the same per diem allowance and reimbursement of expenses as allowed for
160 members of the General Assembly.
- 161 (d) The council shall meet at least quarterly each year for the transaction of its business.
- 162 (e) Three-fifths of the members of the council present at any board meeting shall constitute
163 a quorum necessary for the transaction of business; provided, however, that in absence of
164 a quorum, a majority of the members present may adjourn the meeting from time to time
165 until a quorum shall attend. Unless otherwise specified in this Code section, any council
166 action or recommendation shall be approved by a simple majority of the members of the
167 entire council then in office.

168 44-10-47.

169 The council shall have the power and duty to:

- 170 (1) Annually review and approve award grants recommended by the department;

171 (2) Review and approve rules and regulations promulgated by the department for
172 administration of the program; and
173 (3) Review the outcomes of the program and recommend to the department changes in
174 program administration or rules to ensure the success of the program."

175 **SECTION 2.**

176 In accordance with the requirements of Article III, Section IX, Paragraph VI(r) of the
177 Constitution of Georgia, this Act shall not become law unless it receives the requisite
178 two-thirds' majority vote in both the Senate and the House of Representatives and the amount
179 of the funds dedicated by this Act do not equal or exceed 1 percent of the previous fiscal
180 year's state revenues subject to appropriations.

181 **SECTION 3.**

182 This Act shall become effective on July 1, 2023.

183 **SECTION 4.**

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