

16 "ARTICLE 3

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
42 Title 43.

43 (4) 'Council' means Georgia Farmland Advisory Council.

44 (5) 'Department' means the Department of Agriculture.

45 (6) 'Fund' means the Georgia Farmland Conservation Fund.

46 (7) 'Program' means the Georgia Farmland Conservation Fund Program.

47 (8) 'Project proposal' means any application seeking moneys from the Georgia Farmland
48 Conservation Fund.

49 (9) 'Qualified easement holder' means a state agency, federal agency, county,
50 municipality, or a 501(c)(3) nonprofit organization which acquires or proposes to acquire,
51 whether through purchase, donation or transfer, an agricultural conservation easement.

52 (10) 'Qualified farmland' means agricultural land in undeveloped areas or that has been
53 developed only to the extent consistent with agricultural production, including row crops,
54 livestock, nurseries, orchards, or pastures.

55 44-10-43.

56 (a)(1) The state treasurer shall establish a separate trust fund in the state treasury that
57 shall be known as the Georgia Farmland Conservation Fund, consisting of annual
58 appropriations by the legislature to the fund, public or private grants, gifts, donations, or
59 contributions dedicated to the fund for farmland conservation, and funds from any other
60 source, including proceeds from the sale of bonds, state, federal or private mitigation
61 funds, or funds from any local, state, or federal program dedicated to the fund for
62 farmland conservation.

63 (2) The state treasurer shall invest the money held in the Georgia Farmland Conservation
64 Fund in the same manner in which state funds are invested as authorized by the State
65 Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the

66 money held in the trust fund shall be accounted for separately and shall be credited to the
67 trust fund to be disbursed as other moneys in the trust fund.

68 (b) Funds in the Georgia Farmland Conservation Fund shall be expended by the
69 Commissioner solely as provided in this article.

70 (c) The Commissioner shall prepare an accounting of the funds expended pursuant to this
71 Code section during the most recently completed fiscal year to be provided to the Office
72 of Planning and Budget, the House Budget and Research Office, and the Senate Budget and
73 Evaluation Office by January 1 of each year.

74 44-10-44.

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

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

84 (1) To qualified easement holders for the purchase of agricultural conservation
85 easements on qualified farmland, for advancing farmland conservation, and to support
86 active farming and food production in Georgia; or

87 (2) For the costs of acquisition related to the purchase of agricultural conservation
88 easements approved by the program.

89 (c) As a cost of administering the program, the department may annually deduct and retain
90 an amount equal to 5 percent of the fund.

91 44-10-45.

92 In administering the program, the department shall, under the direction and advice of the
93 council:

94 (1) Give priority to project proposals that protect agricultural lands susceptible to
95 development, subdivision, and fragmentation;

96 (2) Adopt a scoring process for evaluating project proposals and prioritizing projects
97 based on the extent that the project will:

98 (A) Protect farmland in active or planned cultivation;

99 (B) Prevent development or fragmentation that would result in farmland loss;

100 (C) Support transition of affordable farmland to next-generation farmers;

101 (D) Leverage local, federal, or private funding, taking into account whether such
102 funding includes a match requirement;

103 (E) Support conservation priorities, including, but not limited to, protection of habitat,
104 water quality, watershed conservation, climate resiliency, local conservation plans, and
105 public viewshed;

106 (F) Preserve or enhance soil quality; and

107 (G) Create or further enhance compatibility with existing military installations; and

108 (3) Ensure that, per the terms, any agricultural conservation easement awarded funds:

109 (A) Is of perpetual duration;

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

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

114 44-10-46.

115 (a) There is created the Georgia Farmland Advisory Council to advise and assist the
116 department with administration and implementation of the program utilizing the criteria

117 proposed by the department and adopted by the council. The council shall consist of 14
118 members as follows:

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

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

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

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

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

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

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

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

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

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

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

136 (6) The president of the Georgia Agribusiness Council;

137 (7) The deans of the Colleges of Agriculture at the University of Georgia, Abraham
138 Baldwin Agricultural College, or Fort Valley State University, who shall each serve
139 rotating, nonconcurrent three-year terms, or his or her designee;

140 (8) The executive director of the State Soil and Water Conservation Commission;

141 (9) The president of the Georgia Farm Bureau or his or her designee; and

142 (10) The Georgia state conservationist of the Natural Resources Conservation Service,
143 who shall serve as a nonvoting member.

144 (b) Initially appointed members shall serve staggered terms of office as follows: two
145 members as appointed by the Speaker of the House of Representatives and the
146 Commissioner for one year, three members as appointed by the Commissioner for two
147 years, and three members as appointed by the Governor and Lieutenant Governor for three
148 years.

149 (c) The members shall serve without compensation; provided, however, that the members
150 shall receive the same per diem allowance and reimbursement of expenses as allowed for
151 members of the General Assembly.

152 (d) The council shall meet at least quarterly each year for the transaction of its business.

153 (e) Three-fifths of the members of the council present at any board meeting shall constitute
154 a quorum necessary for the transaction of business; provided, however, that in absence of
155 a quorum, a majority of the members present may adjourn the meeting from time to time
156 until a quorum shall attend. Unless otherwise specified in this Code section, any council
157 action or recommendation shall be approved by a simple majority of the members of the
158 entire council then in office.

159 44-10-47.

160 The council shall have the power and duty to:

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

162 (2) Review and approve rules and regulations promulgated by the department for
163 administration of the program; and

164 (3) Review the outcomes of the program and recommend to the department changes in
165 program administration or rules to ensure the success of the program."

166 **SECTION 2.**

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

168

SECTION 3.

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