

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

**AS PASSED SENATE**

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 expenditure of funds; to provide for annual accounting;  
10 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
11 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:

S. B. 220

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.