

Georgia PACE Enabling Laws

Ga. Code Ann. §§ 12-6A-1 to 12-6A-12
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TITLE 12. CONSERVATION AND NATURAL RESOURCES

CHAPTER 6A. OUTDOOR STEWARDSHIP

Section 12-6A-1. Short title

This chapter shall be known and may be cited as the "Georgia Outdoor Stewardship Act."

History: Code 1981, Section 12-6A-1, enacted by Ga. L. 2018, p. 541, Section 1/HB 332.

Section 12-6A-2. Purpose of funding protection of conservation land

This chapter is enacted pursuant to Article III, Section IX, Paragraph VI(p) of the Constitution, which authorizes up to 80 percent of all moneys received by the state from the sales and use tax collected by outdoor recreation equipment establishments classified under the 2007 North American Industry Classification Code 451110, sporting goods stores in the immediately preceding fiscal year to be dedicated to the Georgia Outdoor Stewardship Trust Fund for the purpose of funding the protection of conservation land.

History: Code 1981, Section 12-6A-2, enacted by Ga. L. 2018, p. 541, Section 1/HB 332.

Section 12-6A-3. Legislative intent

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

History: Code 1981, Section 12-6A-3, enacted by Ga. L. 2018, p. 541, Section 1/HB 332.

Section 12-6A-4. Definitions

As used in this chapter, the term:

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

- (A) Water quality protection for wetlands, rivers, streams, or lakes;
- (B) Protection of wildlife habitat;
- (C) Protection of cultural sites, heritage corridors, and archeological and historic resources;

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

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

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

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

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

(4) "Outdoor recreation equipment establishments" means places of business classified under the 2007 North American Industry Classification Code 451110, sporting goods stores.

(5) "Permanently protected conservation areas" means those resources:

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

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

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

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

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

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

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

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

History: Code 1981, Section 12-6A-4, enacted by Ga. L. 2018, p. 541, Section 1/HB 332.

Section 12-6A-5. Establishment of the Georgia Outdoor Stewardship Trust Fund

(a) There is established the Georgia Outdoor Stewardship Trust Fund as a separate fund in the state treasury. Except as provided in subsections (c) and (d) of this Code section, the state treasurer shall

credit to the trust fund 40 percent of all moneys received by the state from the sales and use tax collected by establishments classified under the 2007 North American Industry Classification Code 451110, sporting goods stores, in the immediately preceding year.

(b) Such funds shall not lapse to the general fund. Such funds shall be used to support the protection and conservation of land and shall be used to supplement, not supplant, department resources.

(c)

(1) In the event that, in any current year, the immediately preceding year's total moneys received from the levy of a sales and use tax fall at least 1 percent below the total moneys received from the levy of the tax in the year prior to the immediately preceding year, then the amount that the state treasurer shall credit to the trust fund during the current year shall be reduced by 20 percent of the trust fund credit, which amount shall instead be paid into the state general fund.

(2) In the event that, in a year following the year of an initial trust fund credit reduction pursuant to paragraph (1) of this subsection, the immediately preceding year's total moneys received from the levy of a sales and use tax fall at least 1 percent below the total moneys received from the levy of the tax in the year prior to the immediately preceding year, then the amount that the state treasurer shall credit to the trust fund during the current year shall be reduced by 50 percent of the trust fund credit, which amount shall instead be paid into the state general fund.

(d) In any current year following a year for which the amount paid to the trust fund is reduced in accordance with subsection (c) of this Code section, the same percentage shall be paid into the state general fund as in the immediately preceding year unless the total moneys received from the levy of the sales and use tax in the immediately preceding year equal or exceed the total moneys received from the levy of the sales and use tax in the most recent year in which no reduction in the amount paid to the trust fund occurred pursuant to subsection (c) or (d) of this Code section.

History: Code 1981, Section 12-6A-5, enacted by Ga. L. 2018, p. 541, Section 1/HB 332.

Section 12-6A-6. Grants; conditions of eligibility; loans; funds for administration

(a) From within the Georgia Outdoor Stewardship Trust Fund, moneys shall be made available in each fiscal year for grants to any qualified local government as defined in paragraph (18) of subsection (a) of Code Section 50-8-2, any constituted recreation authority registered with the Department of Community Affairs, any state agency, or any nongovernmental entity of this state having a project proposal which has been approved by the department. As a condition of eligibility for any such grant, a project proposal shall have as its primary purpose one of the following conservation objectives:

(1) To support state parks and trails. Funds disbursed for the purposes of this paragraph shall be used to aid in the improvement and maintenance of currently owned state parks and trails;

(2) To support local parks and trails of state and regional significance. Funds disbursed for purposes of this paragraph shall be grants to such applicants to acquire and improve parks and trails;

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

(4) (A) To acquire critical areas for the provision or protection of clean water, wildlife, hunting, or fishing, for military installation buffering, or for natural resource-based outdoor recreation. Real property shall only be acquired pursuant to this chapter under the following circumstances:

(i) Where such property is, at the time of acquisition, being leased by the state as a wildlife management area;

(ii) Where such property adjoins state wildlife management areas, state parks, or would provide better public access to such areas;

(iii) Lands identified in any wildlife action plan developed by any agency of the state;

(iv) Riparian lands so as to protect any drinking water supply; or

(v) Lands surrounding any military base or military installation.

(B) Acquisitions of real property or any interests therein pursuant to this chapter shall not be made through condemnation.

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

(c) From within the Georgia Outdoor Stewardship Trust Fund, moneys shall also be made available in each fiscal year for grants as authorized by Code Section 12-6A-12.

(d) From within the Georgia Outdoor Stewardship Trust Fund, moneys shall also be made available in each fiscal year for costs incurred by the state in administering the program, but in an amount not to exceed 5 percent of the total moneys received by the state.

History: Code 1981, Section 12-6A-6, enacted by Ga. L. 2018, p. 541, Section 1/HB 332; Ga. L. 2019, p. 648, Section 1/HB 382.

Section 12-6A-7. Establishment of the Board of Trustees of the Georgia Outdoor Stewardship Trust Fund; membership; role; priorities

(a) There is hereby established the Board of Trustees of the Georgia Outdoor Stewardship Trust Fund, which shall consist of 11 members as follows:

(1) The commissioner of the Georgia Department of Natural Resources, who shall also serve as chairperson of the board;

(2) The director of the State Forestry Commission;

(3) The director of the Environmental Protection Division of the Department of Natural Resources;

- (4) The commissioner of Transportation;
- (5) The director of the Coastal Resources Division of the Department of Natural Resources, as an ex officio, nonvoting member;
- (6) The director of the Wildlife Resources Division of the Department of Natural Resources, as an ex officio, nonvoting member;
- (7) The director of state parks of the Department of Natural Resources, as an ex officio, nonvoting member; and
- (8) (A) Two members appointed by the Speaker of the House of Representatives; and
(B) Two members appointed by the President of the Senate.

The members appointed pursuant to this paragraph may be selected from any of the following private and public sectors: forestry, conservation, hunting, fishing, and local government. Such members shall serve four-year terms, provided that three of the initial appointees shall each serve an initial two-year term. Such members shall be and shall remain Georgia residents during their tenure on the board and shall possess a demonstrated knowledge of and commitment to land conservation and recreation.

(b) The board shall meet at least quarterly each year for the transaction of its business and to review the progress of the Georgia Outdoor Stewardship Trust Fund. Three-fifths of the members of the board present at any board meeting shall constitute a quorum in order to conduct business; provided, however, that in the absence of a quorum, a majority of the members present may adjourn the meeting from time to time until a quorum shall attend. Any board action or recommendation must be approved by a simple majority of the members of the entire board then in office, unless specified otherwise in this Code section.

(c) The board shall accept applications from qualified local governments as defined in paragraph (18) of subsection (a) of Code Section 50-8-2, constituted recreation authorities registered with the Department of Community Affairs, state agencies, or nongovernmental entities annually for project proposals eligible for funding. The board shall evaluate the proposals received pursuant to priorities established by the board.

(d) In reviewing applications, the board shall give increased priority to projects:

- (1) For which matching funds are available;
- (2) That support and promote hunting, fishing, and wildlife viewing;
- (3) That contribute to improving the quality and quantity of surface water and ground water;
- (4) That contribute to improving the water quality and flow of springs; and
- (5) For which the state's land conservation plans overlap with the United States military's need to protect lands, water, and habitats so as to ensure the sustainability of military missions including:
 - (A) Protecting habitats on nonmilitary land for any species found on United States military land that is designated as threatened or endangered, or is a candidate for such designation under the federal Endangered Species Act of 1973, as amended, 16 U.S.C. Section 1531, et seq. or state law;

(B) Protecting areas underlying low-level United States military air corridors or operating areas; and

(C) Protecting areas identified as clear zones, accident potential zones, and air installation compatible use buffer zones delineated by the United States military, and for which federal or other funding is available to assist with the project.

History: Code 1981, Section 12-6A-10, enacted by Ga. L. 2018, p. 541, Section 1/HB 332; Ga. L. 2019, p. 648, Section 2/HB 382; Ga. L. 2019, p. 1056, Section 12/SB 52.

Section 12-6A-8. Applications and proposals for funding; quarterly review and approval of proposals; final approvals; disbursement of funds

(a) The Board of Trustees of the Georgia Outdoor Stewardship Trust Fund shall accept applications from qualified local governments as defined in paragraph (18) of subsection (a) of Code Section 50-8-2, constituted recreation authorities registered with the Department of Community Affairs, state agencies, or nongovernmental entities for project proposals eligible for funding. The board shall evaluate the proposals received in accordance with this chapter and pursuant to priorities established by the board.

(b)

(1) The board, at their first meeting of each calendar year and working in conjunction with the board of the Department of Natural Resources, shall prepare and approve a proposal containing approved conservation projects and shall revise said proposal at each subsequent quarterly meeting held during the year.

(2) The board shall not approve any proposal for which the total cost at the end of the year violates the estimated revenue available under this chapter.

(c) Upon approval of each quarterly proposal by the board, the board of the Department of Natural Resources shall review and approve the proposal of the Board of Trustees of the Georgia Outdoor Stewardship Trust Fund.

(d)

(1) Upon approval of each quarterly proposal by the board of the Department of Natural Resources, the proposal of the Board of Trustees of the Georgia Outdoor Stewardship Trust Fund shall be transmitted for final review and approval to the chairpersons of the appropriations subcommittees of the House of Representatives and the Senate maintaining oversight authority over the Department of Natural Resources and the Georgia Environmental Finance Authority.

(2) Each year's initial proposal shall be submitted by January 31 to the chairpersons of the appropriations subcommittees of the House of Representatives and the Senate maintaining oversight authority over the Department of Natural Resources and the Georgia Environmental Finance Authority.

(3) Proposals submitted to such subcommittees outside of a session of the General Assembly shall be reviewed at a public meeting called at the discretion of the chairpersons of the appropriations subcommittees of the House of Representatives and the Senate maintaining

oversight authority over the Department of Natural Resources and the Georgia Environmental Finance Authority.

(4) Should projects included in a proposal be subject to time constraints for completion as determined by the Board of Trustees of the Georgia Outdoor Stewardship Trust Fund, such board shall immediately provide written notice of same to the chairpersons of the appropriations subcommittees of the House of Representatives and the Senate maintaining oversight authority over the Department of Natural Resources and the Georgia Environmental Finance Authority.

(e) Upon approval of a proposal of the Board of Trustees of the Georgia Outdoor Stewardship Trust Fund by the appropriations subcommittees of the House of Representatives and the Senate maintaining oversight authority over the Department of Natural Resources and the Georgia Environmental Finance Authority, the proposal and projects included therein shall be deemed approved.

(f) Such approved project shall become eligible for funding consistent with this chapter. The Georgia Environmental Finance Authority shall be responsible for the disbursement of funds following project approval.

History: Code 1981, Section 12-6A-7, enacted by Ga. L. 2018, p. 541, Section 1/HB 332; Ga. L. 2019, p. 648, Section 3/HB 382; Ga. L. 2019, p. 1056, Section 12/SB 52.

Section 12-6A-9. Agreements as to acceptance, administration, ownership, and operation of properties

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

History: Code 1981, Section 12-6A-8, enacted by Ga. L. 2018, p. 541, Section 1/HB 332.

Section 12-6A-10. Annual report by department

Following the close of each state fiscal year, the department shall submit an annual report of its activities and program administration expenditures for the preceding year pursuant to this chapter to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the chairperson of the Ways and Means Committee of the House of Representatives, the chairperson of the Senate Finance Committee, the chairpersons of the Appropriations Committee of the House of Representatives and the Appropriations Committee of the Senate, and the chairpersons of the Natural Resources and Environment Committee of the House of Representatives and the Natural Resources and the Environment Committee of the Senate, and make such report available to the General Assembly.

History: Code 1981, Section 12-6A-9, enacted by Ga. L. 2018, p. 541, Section 1/HB 332; Ga. L. 2019, p. 648, Section 4/HB 382.

Section 12-6A-11. Authority to promulgate rules and regulations

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

History: Code 1981, Section 12-6A-11, enacted by Ga. L. 2018, p. 541, Section 1/HB 332.

Section 12-6A-12. Annual grant when state owns property; calculations

(a) Each county in which is located 20,000 acres or more of unimproved real property belonging to the state and under the custody or control of the department, in which such state-owned property exceeds 10 percent of the taxable real property in the county, and in which such property represents 10 percent or more of the assessed tax digest of the county may receive from the department an annual grant as provided in this Code section.

(b) For each county eligible to receive a grant pursuant to subsection (a) of this Code section, the department shall calculate the approximate value of public services which the county provides the department each year; provided, however, that such sum shall not exceed the amount the county would charge any other landowner for such services. The department shall request funds in its annual operating budget each year to reimburse all eligible counties for the provision of such services. In the event the amount appropriated in any year is less than the amount requested, each eligible county shall receive a pro rata share based on the estimated value of services provided.

(c) The department is directed to make an annual calculation of the amount of unimproved state-owned real property under its custody or control and determine which counties are eligible for a grant pursuant to subsection (a) of this Code section. The first such determination shall be completed not later than December 31, 2020, and each subsequent determination shall be made not later than December 31 of each year. The department is further directed to calculate the approximate value of public services provided by each eligible county as provided in subsection (a) of this Code section.

(d) Only land acquired with Outdoor Stewardship Trust Fund moneys shall be used in the calculation of this grant.

(e) No more than 10 percent of Outdoor Stewardship Trust Fund moneys shall be allocated to grants to offset local taxes during any fiscal year.

(f) No county shall be authorized to receive a grant of funds pursuant to both this Code section and Code Section 48-14-1.

History: Code 1981, Section 12-6A-12, enacted by Ga. L. 2018, p. 541, Section 1/HB 332.

<https://codes.findlaw.com/ga/title-12-conservation-and-natural-resources/ga-code-sect-12-6a-1.html>