

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**

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 findings and intent; to  
6 provide for definitions; to provide for procedures, requirements, and limitations for such  
7 fund, program, and council; to provide for membership, quorum, compensation, and  
8 meetings; to provide for powers and duties; to provide for administration and costs; to  
9 provide for an application and review process; to provide for expenditure of funds; to provide  
10 for annual accounting; to provide for related matters; to provide for an effective date; to  
11 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:

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 The General Assembly finds and declares that:

21 (1) Ensuring permanent conservation of farmland is of vital importance to the state and  
22 the citizens of Georgia and essential in protecting Georgia's agricultural economy, the  
23 ecological benefits provided by agricultural lands and activities, the community character  
24 enhanced by agricultural landscapes, and food production in the state;

25 (2) Creating the Georgia Farmland Conservation Fund Program will enable owners of  
26 farmland to voluntarily protect their farmland, facilitate the transition of farms under  
27 development pressure to next-generation farmers, increase the supply of locally grown  
28 food in this state, and facilitate utilization of federal and local funds to benefit Georgia's  
29 farmland; and

30 (3) Utilizing nonprofit organizations, in addition to government entities, to hold  
31 agricultural conservation easements will provide substantial benefit to the state by  
32 allowing the state to maximize the availability of matching funds from federal programs  
33 designed to protect farmland and food production in the state and reduce the costs and  
34 burdens to the state associated with enforcing the terms of agricultural conservation  
35 easements.

36 44-10-42.

37 As used in this article, the term:

38 (1) 'Agricultural conservation easement' means a conservation easement that, in  
39 accordance with the provisions of Article 1 of Chapter 10 of Title 44, the 'Georgia  
40 Uniform Conservation Easement Act,' imposes limitations or affirmative obligations, the

41 purpose of which include assuring the availability of real property for agricultural uses  
42 or the retention or protection of natural, scenic, or open-space values of real property.

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

44 (3) 'Conservation easement' shall have the same meaning as set forth in Code  
45 Section 44-10-2.

46 (4) 'Costs of acquisition' means all direct costs of activities, including, but not limited to,  
47 appraisals that are required by applicable state laws and local ordinances or policies in  
48 order to convey an agricultural conservation easement in qualified farmland to a qualified  
49 holder; provided, however, that such costs shall not include any costs for services  
50 provided in violation of Chapter 40 of Title 43.

51 (5) 'Council' means Georgia Farmland Advisory Council.

52 (6) 'Department' means the Department of Agriculture.

53 (7) 'Fund' means the Georgia Farmland Conservation Fund.

54 (8) 'Program' means the Georgia Farmland Conservation Fund Program.

55 (9) 'Project proposal' means any application seeking moneys from the Georgia Farmland  
56 Conservation Fund.

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

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

63 44-10-43.

64 (a)(1) The state treasurer shall establish a separate trust fund in the state treasury that  
65 shall be known as the Georgia Farmland Conservation Fund, consisting of annual  
66 appropriations by the legislature to the fund, public or private grants, gifts, donations, or

67 contributions dedicated to the fund for farmland conservation, and moneys from any  
68 other source, including proceeds from the sale of bonds, state, federal or private  
69 mitigation funds, or moneys from any local, state, or federal program dedicated to the  
70 fund for farmland conservation.

71 (2) The state treasurer shall invest the money held in the Georgia Farmland Conservation  
72 Fund in the same manner in which state funds are invested as authorized by the State  
73 Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the  
74 money held in the trust fund shall be accounted for separately and shall be credited to the  
75 trust fund to be disbursed as other moneys in the trust fund.

76 (b) Moneys in the Georgia Farmland Conservation Fund shall be expended by the  
77 Commissioner solely as provided in this article.

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

82 44-10-44.

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

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

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

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

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

99 44-10-45.

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

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

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

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

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

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

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

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

114 (F) Preserve or enhance soil quality; and

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

116 (3) Ensure that, per its terms, any agricultural conservation easement to be acquired  
117 through the project:

- 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 president 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 This Act shall become effective on July 1, 2023.

177 **SECTION 3.**

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