

The Senate Committee on Agriculture and Consumer Affairs offers the following substitute to HB 397:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 6 of Title 2 of the Official Code of Georgia Annotated,
2 relating to soil and water conservation districts, so as to revise provisions relating to the State
3 Soil and Water Conservation Commission; to provide for administrative attachment; to
4 provide for appointment to the commission; to remove authority related to funding of water
5 supply reservoirs; to amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated,
6 relating to erosion and sedimentation control, so as to provide for erosion manual publication
7 oversight; to provide for related matters; to provide for an effective date; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Article 2 of Chapter 6 of Title 2 of the Official Code of Georgia Annotated, relating to soil
11 and water conservation districts, is amended by revising Code Section 2-6-23, relating to
12 establishment of the State Soil and Water Conservation Commission, as follows:

13 "2-6-23.

14 (a) There is established, to serve as an agency of the state and to perform the functions
15 conferred upon it in this article, the State Soil and Water Conservation Commission. The
16 commission shall be assigned to the Department of Agriculture for administrative purposes
17 only, as prescribed in Code Section 50-4-3.

18 (b) ~~Five district soil and water conservation supervisors, who shall be appointed by the~~
19 ~~Governor as provided in this Code section, shall serve as members of the commission.~~
20 ~~Commencing with appointments for the year 1977, the Governor shall appoint to the~~
21 ~~commission one supervisor from each of the five Georgia Association of Conservation~~
22 ~~District Supervisors' groups. Commencing with appointments for the year 2015, the~~
23 ~~Governor shall appoint one at-large member from each of the five soil and water~~
24 ~~conservation district regions to serve on the commission. Such initial appointments were~~
25 shall be for terms of office of one, two, three, four, and five years, respectively. Thereafter,
26

27 successors shall be appointed for terms of office of five years and until their successors are
 28 duly appointed.

29 (c) The following persons shall serve ex officio in an advisory capacity to the State Soil
 30 and Water Conservation Commission:

31 (1) The ~~director of the Cooperative Extension Service~~ associate dean for extension of the
 32 College of Agricultural and Environmental Sciences of the University of Georgia;

33 (2) The commissioner of natural resources;

34 (3) The ~~director of experiment stations~~ associate dean of research of the College of
 35 Agricultural and Environmental Sciences of the University of Georgia;

36 (4) The executive director of the Agricultural Stabilization Conservation Service;

37 (5) The Georgia state director of the Farmer's Home Administration;

38 (6) The director of the Southern Piedmont Conservation Research Center;

39 (7) The president of the Georgia Association of Conservation District Supervisors;

40 (8) The director of the State Forestry Commission;

41 (9) The Georgia supervisor of national forests of the U.S. Forestry Service;

42 (10) The state conservationist of the ~~U.S. Soil Conservation Service~~ U.S. Natural
 43 Resources Conservation Service;

44 (11) The dean and director of the College of Agricultural and Environmental Sciences
 45 of the University of Georgia;

46 (12) The ~~state supervisor~~ state program manager of agricultural education ~~in this state;~~

47 (13) The Commissioner of Agriculture; and

48 (14) Such other representatives of state or federal agencies as the commission deems
 49 desirable.

50 (d) The commission shall adopt a seal, which shall be judicially noticed. It may perform
 51 such acts, hold such public hearings, and promulgate such rules and regulations as may be
 52 necessary for the execution of its functions under this article."

53 SECTION 2.

54 Said article is further amended by revising Code Section 2-6-27, relating to additional duties
 55 and powers of the commission, as follows:

56 "2-6-27.

57 In addition to the duties and powers otherwise conferred upon the commission, it shall have
 58 the following duties and powers:

59 (1) To offer such assistance as may be appropriate to the supervisors of the soil and
 60 water conservation districts in the carrying out of any of their powers and programs;

- 61 (2) To keep the supervisors of each of the districts informed of the activities and
62 experiences of all the other districts and to facilitate an interchange of advice, experience,
63 and cooperation between such districts;
- 64 (3) To coordinate the programs of the districts so far as this may be done by advice and
65 consultation;
- 66 (4) To secure the cooperation and assistance of the United States and any of its agencies
67 and of the agencies and counties of this state in the work of such districts;
- 68 (5) To disseminate information throughout this state concerning the activities and
69 programs of the districts and to encourage the formation of such districts in areas where
70 their organization is desirable;
- 71 (6) To receive gifts, appropriations, materials, equipment, land, and facilities and to
72 manage, operate, and disperse the same;
- 73 (7) To formulate such rules and regulations, to exercise such powers, and to perform
74 such duties as are necessary to implement the administration of the federal Watershed
75 Protection and Flood Prevention Act;
- 76 (7.1) To formulate such rules and regulations in consultation with the Environmental
77 Protection Division of the Department of Natural Resources, to exercise such powers, and
78 to perform such duties as are necessary to implement the administration of the education
79 and training program established under Code Section 12-7-19;
- 80 (7.2) To formulate such rules and regulations and to exercise such powers as are
81 necessary to perform its duties under subsection (m.1) of Code Section 12-5-31 and
82 subsection (b.1) of Code Section 12-5-105;
- 83 (8) To enter into contracts and agreements with the districts, municipalities, and counties
84 of this state, other agencies of this state, the United States and any agencies thereof, any
85 association, any landowner or land occupier, or any person in order to carry out the
86 purposes of this article; and
- 87 (9) To receive grants from any agency of the United States government or any agency
88 of this state, and to make grants to districts, municipalities, or counties in this state, or
89 other state agencies in order to:
- 90 (A) Fund up to 20 percent of the cost of obtaining permits for and constructing
91 improvements to any dam that was originally constructed or financially assisted by the
92 Natural Resources Conservation Service, formerly known as the Soil Conservation
93 Service, of the United States Department of Agriculture; or
- 94 ~~(B) Fund up to 40 percent of the cost of obtaining a permit under Section 404 of the~~
95 ~~federal Clean Water Act, 33 U.S.C. Section 1344, for the construction of any new~~
96 ~~public water supply reservoir. In awarding any grants under this subparagraph, the~~
97 ~~commission shall consider regional effects and water supply yield of the proposed~~

133 approve the most current version of the manual and at all other times as necessary to
134 approve any subsequent changes or updates to the manual prior to its implementation.
135 Such meetings shall be held at the call of the chairperson. Each councilmember shall
136 receive a daily allowance in the amount specified in subsection (b) of Code Section
137 45-7-21; provided, however, that any full-time state employee serving on the council
138 shall draw no compensation but shall receive necessary expenses. The commissioner is
139 authorized to pay such compensation and expenses from department funds.
140 (2) The council may develop recommendations governing the preparation of plans and
141 the installation and maintenance of best management practices. If a dispute concerning
142 the requirements of this Code section should arise, the Erosion and Sediment Control
143 Overview Council shall mediate the dispute."

144 **SECTION 5.**

145 This Act shall become effective upon its approval by the Governor or upon its becoming law
146 without such approval.

147 **SECTION 6.**

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