

House Bill 397 (AS PASSED HOUSE AND SENATE)

By: Representatives Knight of the 130<sup>th</sup>, Roberts of the 155<sup>th</sup>, Houston of the 170<sup>th</sup>, Nimmer of the 178<sup>th</sup>, McCall of the 33<sup>rd</sup>, and others

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:

10 style="text-align:center">**SECTION 1.**

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

14 "2-6-23.

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

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

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~~

98 ~~reservoir, anticipated population growth, and local government funding commitment;~~  
 99 ~~or~~  
 100 ~~(E) Carry out other purposes of this article."~~

101 **SECTION 3.**

102 Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to erosion and  
 103 sedimentation control, is amended in Code Section 12-7-3, relating to definitions, by  
 104 redesignating paragraph (10.1) as paragraph (10.2) and by adding a new paragraph to read  
 105 as follows:

106 "(10.1) 'Manual for Erosion and Sediment Control in Georgia' or 'manual' means the  
 107 published guidance of the commission governing the design and practices to be utilized  
 108 in the protection of this state's natural resources from erosion and sedimentation which  
 109 shall be based foremost upon sound engineering principles and repeatable bench and field  
 110 testing of structural and vegetative best management practices and which shall have the  
 111 annual approval of the Erosion and Sediment Control Overview Council established  
 112 pursuant to Code Section 12-7-7.1."

113 **SECTION 4.**

114 Said chapter is further amended in Code Section 12-7-7.1, relating to erosion and sediment  
 115 control plan preparation, completion, and implementation, by revising subsection (f) as  
 116 follows:

117 "(f)(1) There shall be an Erosion and Sediment Control Overview Council which shall  
 118 approve the Manual for Erosion and Sediment Control in Georgia prior to publication by  
 119 the commission. In addition, the council shall provide guidance on the best management  
 120 practices for implementing any erosion and sediment control plan for purposes of this  
 121 Code section. The council shall be composed of nine members, including one member  
 122 of the House of Representatives who shall be appointed by the Speaker of the House of  
 123 Representatives and serve at the pleasure thereof; one member of the Senate who shall  
 124 be appointed by the Lieutenant Governor and serve at the pleasure thereof; and seven  
 125 members who shall be appointed by the Governor and serve at the pleasure thereof,  
 126 including one employee each from the Department of Transportation, the Environmental  
 127 Protection Division of the Department of Natural Resources, and the Georgia Regional  
 128 Transportation State Road and Tollway Authority, a professional engineer licensed to  
 129 practice in this state from a private engineering consulting firm practicing environmental  
 130 engineering, two representatives one representative of the highway contracting industry  
 131 certified by the Department of Transportation, one representative of the electric utility  
 132 industry, and a chairperson. The council shall meet prior to December 1, 2015, to

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.