

2005-2006 SENATE NATURAL RESOURCES AND THE ENVIRONMENT
COMMITTEE ROSTER

Senator Ross Tolleson
Chairman
P.O. Box 1356
Perry, GA 31069

Senator John Bulloch
Vice Chairman
3554 Bulloch Road
Ochlocknee, GA 31773

Senator Ralph Hudgens
Secretary
P.O. Box 534
Comer, GA 30629

Senator Casey Cagle
4143 Ashford Way
Gainesville, GA 30507

Senator Jeff Chapman
P.O. Box 3119
Brunswick, GA 31521

Senator Steve Henson
2643 Sterling Acres Drive
Tucker, GA 30084

Senator Jack Hill
P.O. Box 486
Reidsville, GA 30453

Senator George Hooks
P.O. Box 928
Americus, GA 31709

Senator Michael Meyer von Bremen
P.O. Box 72065
Albany, GA 31708

Senator Terrell Starr

2735 Edgewater Court
Jonesboro, GA 30236

Senator Dan Weber
1117 Wynterhall Lane
Dunwoody, GA 30338

Senator Jim Whitehead, Sr
4715 Silverlake Drive
Evans, GA 30809

Senator Eric Johnson
Ex-Officio
128 Baymeadow Point
Savannah, GA 31405

NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE RULES

1. These Committee Rules of Operation shall be consistent with Senate Rule 2-1.5 (d) regarding the establishment of Rules of Operation.
2. Quorum of the Committee shall be Seven (7) members.
3. The Chairman shall have the authority to refer bills and resolutions to be considered and the order in which said measures are considered; the Chairman shall have the authority to call a bill, resolution, substitute or amendment for debate and explanation only.
4. The Chairman shall have the authority to refer bills and resolutions to subcommittees for study. Such subcommittee in turn shall have the authority to make recommendations on such measures to the full Committee at such time as shall be designated by the Chairman.
5. The Committee shall convene, recess, and adjourn upon the order of the Chairman.
6. A bill or resolution will be considered only after presentation by its principal author or other legislator whom he/she may designate. The principal author shall be the legislator whose name first appears on the list of authors.
7. The Chairman reserves the right to delay action on substitutes and amendments not provided to the Chairman at least 24 hours prior to the hearing.
8. Any Member or members of the Committee who disagree(s) with the majority report of the Committee shall be privileged to file a minority report if they so desire.
9. These rules may be amended upon a motion duly made and subsequently approved by two-thirds of the members of the Committee.
10. Where these rules are silent on a specific issue, the Rules of the Senate as adopted shall govern. (Senate Rule 2)

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee met in Room 606 of the Coverdale Legislative Office Building, January 5, 2006 at 10:00 a.m. This meeting was a joint meeting of the House and Senate Natural Resources Committees.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Chapman of the 3rd
Whitehead of the 24th

Note: Senator Cagle, Senator Henson, Senator Hill of the 4th, Senator Hooks, Senator Meyer von Bremen, Senator Starr, Senator Weber, and Senator Johnson were absent.

Chairman Lynn Smith of the House Natural Resources and the Environment Committee called the meeting to order at 10:10 a.m.

Chairman Ross Tolleson of the Senate Natural Resources and the Environment Committee introduced the guest speaker, Dr. Harold Brown, author of “The Greening of Georgia”. He stated that Dr. Brown is a Professor Emeritus with the Department of Crop and Soil Sciences at the University of Georgia in Athens, Georgia. He was born and raised on a farm in Laurens County, Georgia and graduated from Dexter High School. He attended Abraham Baldwin Agricultural College and the University of Georgia earning a Bachelor of Science degree in Agriculture in 1957 and a Master of Science degree in 1959. He received his Ph.D. degree in Agriculture from Virginia Polytechnic Institute in 1962. Dr. Brown taught and conducted research on field and pasture crops at Virginia Polytechnic Institute from 1962 to 1966, the Texas A&M University Research Station at Beaumont from 1966 to 1968, and the University of Georgia 1968 to 1995. His specialty was Plant Physiology with emphasis on photosynthesis. Dr. Brown has authored 12 books and over 120 journal articles. Since retiring from the University of Georgia in 1995, he has researched environmental and wildlife records in Georgia for a book that describes changes in the environment in the state during the 20th century. The book is entitled “The Greening of Georgia” and was published in 2002 by Mercer University Press, Macon, GA. Dr. Brown is currently writing commentary on environmental topics for the Georgia Public Policy Foundation. He is the past president of Classic City Lions Club and a reader for the Georgia Chapter of Recording for the blind and dyslexic.

Dr. Brown thanked Senator Tolleson for the introduction and stated that his book would be on the market in paper back sometime in January, 2006. He stated that he wrote the book because he believes that there is a need for good news and that Georgians have a right to

know how their environment has improved and is improving. He continued by saying that in the early 1900's air quality was not as good as people have stated. He referred to an article in the Atlanta Journal and Constitution in 1990 that interviewed Dr. Lelia Denmark, a renowned pediatrician and emergency room doctor at Grady Memorial Hospital. Dr. Denmark stated in the article that in the early 1900's the Atlanta environment was very poor. She said that smog was terrible and that children got very little sunshine due to the burning of coal, leaves and emissions from trains. Persons living in Georgia during that time, if over the age of 35 when they died, when autopsied would invariably have black stripes on their lungs.

Dr. Brown said that from his research that air quality in Georgia is 80% better today than in the early 1900's and that the particles of pollution in the air decreased 80% from 1950 to 2000. Sulfur Dioxide has shown an 80% decrease from 1970 to 2000 and that since the Environmental Protection Agency has removed lead from air through emissions that there has been a 90% decrease in blood lead levels in all Americans. Carbon Monoxide has shown a 70% decrease between the years of 1975 and 2005 and the Ozone level has not increased since readings were first taken in 1975. The last 6 years have been the lowest readings since first being recorded. Visibility at Atlanta's airport has improved since the 1970's.

Dr. Brown then discussed health issues that are directly related to polluted air. He said in his research he found that asthma and other diseases associated with polluted air, do not appear related to air pollution in Georgia. To emphasize this point he showed graphs that stated asthma increased in DeKalb County from 1999-2003 as pollution was decreasing. The state average for asthma hospitalizations was 155 per 100,000 residents; all Atlanta metro counties were significantly below average. The counties with the most asthma cases were the rural Georgia counties.

Dr. Brown feels that air quality is still improving, partly due to power plant upgrades. According to the Atlanta Journal and Constitution (May 10, 2004) "...a \$400 million upgrade at Plant Bowen in Cartersville complete last summer is equivalent to taking about 2.8 million cars off the road."

Then Dr. Brown stated that to continue with the "good news" we should also know that soil erosion has been nearly stopped. He believes that the worst environmental disaster Georgia ever suffered was the washing away of its topsoil; the Piedmont lost an average of 7 inches. Streams and reservoirs all over the state became filled with sediment washed into them. The reasons that soil erosion is so vastly improved are mainly two reasons, cultivated acres have dropped from nearly 10 million about 1910 to 3 million in 2000, replaced by non-erosive land uses and conservation tillage is now as common as careless cultivation used to be. According to a USDA report in 1994, erosion on Georgia's cultivated acres in 1992 equaled 5.5 tons per acre and Georgia's urban erosion rate equaled zero.

Georgia has 3 to 5 million more acres of forest than in the 1930's. Georgians planted almost no trees in the 1930's and an average of 400,000 acres per year since 1985. In the 1990s we produced 4 times as much wood per year and had twice the inventory of the 1930's. Even in

the metro Atlanta counties the improvement of reforestation was notable. There were 44% of land in 1934, 49% in 1997 and 74% of the land was covered with trees in 1990. In 1934, 37% of the property was cultivated while only 2.5% in 1989.

Then Dr. Brown turned to the subject of Georgia Wetlands. He showed documentation that stated there has been no discernible trend in wetland acreage in the 20th century, but that they have likely increased. About 100,000 ponds and lakes have been built in the last 50 years. Beavers, nearly extinct in Georgia early in the century, have built hundreds of thousands of acres of wetlands since then. According to the USDA report in 1997, they estimate that Georgia had 1.6% more wetlands than in the late 1700's.

Dr. Brown went on to discuss the cleaning of the water in Georgia. He stated that sediment in the Chattahoochee River near Atlanta has decreased nearly 90% since the 1930's. In the early 1960's, only 30% of municipal sewage, and less than 5% of industrial wastewater was treated; now all of it is treated. Fecal coliform bacteria have decreased 99+% in the Chattahoochee River south of Atlanta. Oxygen in the Chattahoochee and South Rivers increased 80 to 100% since the 1960's and fish have returned. The "water quality index" for 18 locations around Atlanta improved an average of 18 percent from 1986-89 to 1990-95. Nutrient pollution of Georgia waters has decreased in the last three decades. Phosphorus is down in nearly all streams, but especially downstream of sewage treatment plants. Nitrogen is up in some streams, down in others. There is little evidence of contamination of groundwater by nitrates except in very localized instances. Mercury in Georgia's largemouth bass has decreased by 50 percent since 1970.

On the subject of wildlife, Dr. Brown presented statistics by the Department of Natural Resources which shows the deer population to have increased from nearly none in the 1930's to well over a million today. DNR recently estimated that 50,000 deer are hit by cars every year, more than even existed in Georgia before 1960. The bald eagle, peregrine falcon and alligator were removed from the endangered species list and Georgia has more wild turkey, bear and beaver than in 100 previous years. Resident Canadian geese have increased from none on record in the 1970's to about 50,000 in 2000. In 2003, the first hunting season for alligator was held. The numbers and diversity of birds in Georgia have risen throughout the 20th century. The Audubon Society Christmas Bird Counts recorded about 40 species at Macon in the 1920's and 1930's to almost 120 species in 2000. The United States Fish and Wildlife Service Breeding Bird Survey shows Georgia has four times as many bluebirds as in 1966 and three times as many hawks.

In conclusion, Dr. Brown stated that Georgia's environment is the best in a century. Although there will always be problems to solve and resources to protect, we ought to at least acknowledge, if not celebrate, that Georgia is in fact "Greening".

Chairman Smith then opened the floor for questions for Dr. Brown.

Senator Whitehead asked if these facts were true, why they were not often heard. Dr. Brown

stated that he was unsure, other than new specifications are made each year that lower the standard and this tends to paint a bleaker picture.

After other discussion from House Representatives present, Chairman Smith adjourned the meeting at 12:21 p.m.

Respectfully submitted,

/s/ Hudgens of the 47th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee met in Room 450 of the Capitol, January 10, 2006 at 4:00 p.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Chapman of the 3rd
Whitehead of the 24th
Johnson of the 1st
Meyer von Bremen of the 12th
Hooks of the 14th
Jack Hill of the 4th

Note: Senator Cagle, Senator Henson, Senator Starr, and Senator Weber were absent.

Chairman Tolleson called the meeting of the Senate Natural Resources and the Environment to order at 4:00 p.m.

Senator Tolleson introduced Becky Kelley, Director, Georgia Department of Natural Resources, Parks, Recreation and Historic Sites, to speak to the committee about the 75th Anniversary of Georgia's State Parks.

Director Kelley began her presentation by giving a history of the Parks Department. She then stated the goals and objectives of the celebration.

As an introduction, Ms. Kelley stated that in 1931, Indian Springs Park and Vogel State Park were created to begin Georgia's state parks system, one of the oldest park systems in the nation. She then pointed to 2006, the Georgia Department of Natural Resources will celebrate 75 years of protecting natural, cultural, and recreational resources for generations to come.

Director Kelley then itemized the goal of the 75th anniversary celebration. This will be to increase awareness and appreciation of the Georgia State Parks and Historic Sites Division's history and heritage of conservation and recreation. The anniversary will emphasize the accomplishments of the past and help prepare for the challenges and opportunities for the future. This period of celebration will also be a good time to state a mission, a vision and itemize core values as well as to state strategic plan initiatives.

Director Kelley then pointed out the 75th Anniversary objectives. She said that these were to

create opportunities for new partnerships and to develop opportunities for fundraising. The DNR Parks Division wants to showcase the parks and historic sites and attract new visitors and revenue. There is also a plan being worked on to sell merchandise to generate revenue.

Director Kelley invited the committee to a breakfast on Wednesday, January 25, 2006, to kick-off the ceremony for the 75th Anniversary Celebration and itemized events and dates to follow in 2006.

Chairman Tolleson thanked Director Kelley for her presentation and opened the floor for questions from the committee.

Senator Hudgens asked if Indian Springs was still a State Park. Director Kelley stated that this land was deeded because of public agreement within the Creek Indian Treaty of 1823.

Senator Tolleson expressed concerns for the Committee's responsibility to the State Parks system. Director Kelley replied that she would like to see the park system grow while protecting what we already have. She said that they are in the process of reviewing the status of all parks and creating a "master plan".

Senator Jack Hill of the 4th asked about the possibility of putting covered shelters in more of the State Parks. Director Kelley stated that these are built through the park pass funds which nets approximately 3 million dollars per year.

Senator Hooks asked if the inmate labor program was still working well for the parks department. Ms. Kelley stated that this was working very well because the Department was being able to add facilities at a nominal cost and gave the example of the Sloppy Floyd Park cottages that were recently completed.

Chairman Tolleson asked Director Kelley if she would agree to return and report to the committee at a later date about the specific needs of the Parks Department. Director Kelley agreed to do this at a later date in the session.

There being no further business the committee adjourned at 4:25 p.m.

Respectfully submitted,

/s/ Hudgens of the 47th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee met in Room 606 of the Coverdale Legislative Office Building, January 26, 2006 at 8:35 a.m. This meeting was a joint meeting of the House and Senate Natural Resources Committees.

The following Senators were present:

Tolleson of the 20th
Jack Hill of the 4th
Weber of the 40th
Whitehead of the 24th

Note: Senator Bulloch, Senator Hudgens, Senator Cagle, Senator Chapman, Senator Henson, Senator Hooks, Senator Meyer von Bremen, Senator Starr, and Senator Johnson were absent.

Chairperson Lynn Smith of the House Natural Resources and the Environment Committee called the meeting to order at 8:35 a.m. Representative Bobby Reese gave the invocation.

Chairman Ross Tolleson of the Senate Natural Resources and the Environment Committee introduced Commissioner Noel Holcomb of the Department of Natural Resources. Commissioner Holcomb spoke to the rules and regulations of the Environmental Protection Division. He stated that many of the rules that the committee might be familiar with that had been changed recently were the allowing of pets in cottages in State Parks; fees on dead head logging; and outdoor water use restrictions. Commissioner Holcomb then introduced the retiring Assistant Director of EPD, David Word to give the procedures for the changing of EPD rules and regulations.

Chairperson Smith honored Director Word with a House Resolution, honoring his service to the State of Georgia. She stated that [HR 1187, Smith, 70th](#), would be adopted by the House on January 31, 2006.

Assistant Director Word then spoke to the committee giving the procedures for changing rules and regulations for EPD. He stated that EPD follows the steps of the Administrative Procedures Act and the Policy of the Board of Natural Resources. One of several events can occur to start a proposed rule. Changes in EPA rules, state law or federal law can cause a rule change or the identification of a problem internally or externally.

At the early development of a change in rules draft language is prepared, effort being dependent on the rule. Some changes are simply exact use of EPA rule changes or state law language. Some rules involve new ground or creative thinking. For this latter group, EPD uses stakeholder groups to prepare early rule language.

EPD then prepares a public participation plan early in the rulemaking process. The various elements to be included in this plan were developed by the Board of Natural Resources. Prior to issuing public notice, EPD briefs the Board of Natural Resources on the proposed rule.

If the proposed rule is not simply adopting federal language or making minor changes, EPD often requests input on the proposed rule prior to the formal Administrative Procedures Act process. This input could be through various mechanisms, but typically is by issuing public notice, receiving comments and holding a public meeting. EPD reviews all comments and usually makes changes to the proposed rule.

EPD issues formal public notice asking for comments on the proposed rule. This notice includes (1) an exact copy of the proposed rule; (2) date and place the public hearing is to be held; (3) methods available to the public to provide comments to EPD; (4) the rule synopsis; (5) a statement of rationale; (6) an analysis of the financial impact on small business; and (7) the date and place of the DNR Board meeting when the rule is proposed for adoption. The public notice is delivered to Legislative Counsel for forwarding to the House and Senate Natural Resources Committee Chairs.

After all comments have been received, EPD reviews them and decides either to present the rule to the DNR Board for adoption or to revise the proposed rule. If the proposed rule is to be revised, EPD must repeat the public notice steps.

Once EPD has completed all of the necessary steps, the proposed rule is presented to the DNR Board. The Environmental Protection Committee of that board considers the proposed rule. If this committee passes the proposed rule, it is considered by the full DNR Board. The Board can either adopt the rule exactly as proposed or reject it. If the Board wants changes to the proposed rule, EPD must repeat the public notice step seeking comments on the changed proposed rule. Once a rule is adopted by the DNR Board, it is filed with the Secretary of State for publication.

Commissioner Holcomb stated that these were the highlights to understand the overall process. He said that it is important to add that there are many opportunities for public input during the process. Some of these might be with (1) stakeholder groups; (2) written comments; (3) e-mail comments; (4) public hearing comments; and (5) comments at board meetings. EPD is required to put all rulemaking activities and schedules on the DNR website, which also includes a summary of all comments received, a summary of EPD responses to comments and the final Board action. EPD e-mails, or sends letters to those persons without email access, all public notices to any person requesting notification.

Representative Manning of the 32nd asked how the role of the legislature affects policy.

Director Word replied that EPD acts out Federal programs but the DNR Board takes very seriously the Natural Resources Committee. DNR rules must be inside the scope of the law and they strive for a thorough and open process.

Senator Weber asked Director Word what is the scope of authority for EPD. Director Word stated that they must operate under the authorities given to them by the Legislature and if there are questions to this authority, they request a ruling by the Georgia Attorney General.

Representative Bob Hanner of 148th thanked Assistant Director David Word for all of his hard work for the State of Georgia.

Chairman Tolleson stated that the Senate appreciated the work of Director Word and that he would be missed by the Legislators.

There being no further business, the meeting was adjourned at 9:18 a.m.

Respectfully submitted,

/s/ Tolleson of the 20th, Chairman

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee met in Room 450 of the Capitol, February 1, 2006 at 3:30 p.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Chapman of the 3rd
Jack Hill of the 4th
Hooks of the 14th
Meyer von Bremen of the 12th
Whitehead of the 24th
Weber of the 40th

Note: Senator Cagle, Senator Henson, Senator Starr, and Senator Johnson were absent.

Chairman Tolleson called the meeting of the Senate Natural Resources and the Environment to order at 3:40 p.m.

SB 434 (Harbison, 15th) Renewal of Geologist Licenses

Senator Harbison of the 15th was recognized to speak to [SB 434](#). Senator Harbison explained the basics of the bill stating that a board would be created that would consist of 5 members that are geologists, 1 member that has no connection to geology and the Commissioner of the Department of Natural Resources. He also stated that the bill requires continuing education courses for licensed geologists. Senator Harbison requested that Jeff Clements from the Board of Licensing of the Secretary of States office be recognized. Mr. Clements stated that he felt this continuing education requirement is important because currently the Board does not have the ability to require continuing education and that it is required of the legislature to give the authority to set up.

Chairman Tolleson asked what courses would be required and who would determine which courses. Mr. Clements answered that the Board would set the courses and allow for expansion if they deemed it was needed.

Senator Bulloch asked again about the composition of the board and it was stated that the Commissioner of Department of Natural Resource could designate someone to sit on the Board in his place.

Senator Weber asked what had prompted this legislation and if other states required this continuing education. The committee was told that to his knowledge, Mr. Clements was unaware of any event that had prompted this legislation and that he was unaware of other states' policy.

Senator Bulloch asked if there is a geologist organization or association that could present their side to the committee. No one knew of such an organization.

Senator Hooks stated that he believed that it would be beneficial for mining which is an important industry in Georgia.

Chairman Tolleson asked Mr. Clements if the Secretary of State's office was pushing this legislation. Mr. Clements replied that to his knowledge the Board of Licensing had not yet ruled on the necessity of this legislation.

Senator Hudgens asked that he be given a definition of the difference between a soil scientist and a geologist. None could answer.

Senator Bulloch asked Wayne Allen, Legislative Counsel, for a definition of a geologist. Mr. Allen provided a dictionary version.

Senator Weber asked if other states were to require a license in their state, would a person have to have a separate license. Again, no one was able to answer this question.

Chairman Tolleson felt that there was not enough information about [SB 434](#) at this time and **POSTPONED** any action until a future meeting when more information would be available.

There being no further business the committee adjourned at 3:55 p.m.

Respectfully submitted,

/s/ Hudgens of the 47th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee met in Room 450 of the Capitol, February 13, 2006 at 9:00 a.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Chapman of the 3rd
Whitehead of the 24th
Weber of the 40th
Johnson of the 1st

Note: Senator Cagle, Senator Henson, Senator Jack Hill, Senator Hooks, Senator Meyer Von Bremen, and Senator Starr were absent.

Chairman Tolleson called the meeting of the Senate Natural Resources and the Environment to order at 9:05 a.m.

Chairman Tolleson introduced Wayne Allen, Deputy Legislative Counsel and thanked him for appearing before the committee to speak about Salient Features of the Georgia Natural Resources law.

Mr. Allen stated that there are 2 Codes of authority for the legislative body that directly impact Water Law in Georgia. These codes are found in Title 12 and in Title 27 of the Official Code of Georgia. The State of Georgia follows the Riparian Rights Doctrine which basically states that reasonable use is allowed as long as it does not alter the natural flow. Regulation comes into effect when greater than 100,000 gallons of water is withdrawn.

Mr. Allen further stated that all tidewaters are owned by the State and that in recent developments the General Assembly has been given legislative power to put into effect a Comprehensive Water Plan. By this delegation of law, the General Assembly must change the existing law.

Senator Weber asked when a “ditch” becomes a “stream” and Mr. Allen advised that it changes only if it is perennial or intermittent. Senator Weber further asked if he was a landowner and has a stream, what would be necessary to build a pond from that stream. Mr. Allen stated that a permit from the Corp of Engineers or the Environmental Protection Department would be required.

Senator Bulloch wanted to know if the Corp of Engineers has control over all waters and he

was answered by Mr. Allen that they have governing powers over all navigable waters of the United States.

Senator Bulloch asked Mr. Allen about HB 237 which charged the General Assembly with a Water Council plan. Mr. Allen stated that the Georgia General Assembly must have a plan in place by the 20th legislative day of the 2008 session, or by default if no plan is adopted the existing law would be extended.

Senator Tolleson again thanked Wayne Allen for bringing this before the Committee and asked if he would return at a later date to give more information, so that this could be a continuing educational process.

Mr. Allen said that he wanted to add one additional point and that was the Georgia General Assembly could extend or alter the deadline.

There being no further business the committee adjourned at 9:21 a.m.

Respectfully submitted,

/s/ Hudgens of the 47th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee met in Room 450 of the Capitol, February 16, 2006 at 11:00 a.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Cagle of the 49th
Chapman of the 3rd
Whitehead of the 24th
Weber of the 40th
Johnson of the 1st

Note:, Senator Henson, Senator Jack Hill, Senator Hooks, Senator Meyer Von Bremen, and Senator Starr were absent.

Chairman Tolleson called the meeting of the Senate Natural Resources and the Environment to order at 11:09 a.m.

SB 434, (Harbison, 15th) Geologist; License Renewal

Chairman Tolleson recognized Mollie Fleeman, Director, Professional Licensing Boards of Georgia. Ms. Fleeman stated that the Geology Board unanimously voted to support **SB 434**. Senator Bulloch made the motion that **SB 434 DO PASS**. Senator Hudgens seconded the motion. **SB 434** passed by a vote of 6-2 with Senators Chapman and Johnson casting the opposing votes.

SR 818, (Bulloch, 11th) Creates Senate Septage Disposal Study Committee

Senator Bulloch spoke to the ongoing problems of septage disposal and that there would have to be extensive study sooner rather than later to prevent future problems from being out of control.

Todd Edwards with the ACCG stated that County Governments were very much behind this legislation and urged passage.

Senator Cagle made the motion that **SR 818 DO PASS**. Senator Hudgens seconded the motion. **SR 818** passed with a vote of 8 -0.

SB 510, (Pearson, 51st) River Corridors; Minimum standards; Procedures for Protection; Change Provisions

Senator Pearson presented [SB 510](#) and then requested that Wayne Allen, Deputy Legislative Counsel speak to the Committee on the different rules and regulations that apply to “stream buffers”. Mr. Allen stated that this bill provides alternatives for local governments to deal with buffers and easements or purchases for development rights. He also stated that agriculture and forestry are exempt.

Mr. Allen went on to say that Section 1 of the bill defines the terms for the heart of the bill and Section 2 is the heart of the bill. In the legal sense, EPD was charged with adopting a model and that those buffers varied from the mandated Federal code. These rulings would deal with buffers in 2 ways but would cause no detrimental effects on water quality. Essentially, this bill would set up a menu of options for governments to go by when mandating State buffer restrictions. Also [SB 510](#) would give the local governing authorities an option of purchase in lieu of variance.

Senator Cagle asked if the federal government had regulations already in place and was advised that yes they do exist. Twenty-five (25) foot buffers are required for streams and fifty (50) foot buffers are required for trout streams. Senator Cagle further questioned if this bill would prevent additional buffer restrictions. Mr. Allen answered no.

Senator Hudgens asked if in reading the bill was he correct that Page 3, line 11 required the State to be bound by Federal regulations and Mr. Allen stated that he was correct. In further questioning Mr. Allen, Senator Hudgens asked if he owned a lot that did not have room for the buffers that were required and a building would affect water quality, whose restrictions would apply? Mr. Allen answered that Federal regulations would influence the issuance of building permits.

Senator Hudgens then asked Mr. Allen if there was anywhere in the law that stated that all parties have to be willing for the local governing body to purchase the property. Mr. Allen stated that “eminent domain” could apply.

Senator Weber stated that a city or county already has a right to purchase or propose purchase and Mr. Allen agreed that this was just restatement of existing law.

Senator Chapman asked if there could not be additional language added that would require the words “mutual consent” and Mr. Allen stated that the word “purchase” implies that you already have consent.

Senator Weber asked if paragraph B, page 3 could just be removed from [SB 510](#) completely and was told that the removal would not take away a local governing body's rights to eminent domain unless legislation on that subject was enacted.

Senator Hudgens asked would the purchase of land be of an additional buffer area or what was a local agency required to purchase. Mr. Allen answered that this was of a practical matter and the local government would look at the entire situation and that each situation would vary.

Senator Whitehead then said he had grave concerns and wanted to know if "eminent domain" could be the result if the landowner and governing body were to reach a stalemate. Mr. Allen replied that the goal is to help with buffer zones for the landowner and this legislation was trying to provide a middle ground between the State minimum.

Chairman Tolleson recognized Dr. Judy Meyer of the University of Georgia who was commissioned by the State Legislature in 2000 to do a study of the affects of building near rivers on water quality. She spoke to buffers and the consequences of building close to streams. She stated that the streams warm and sediment increases. The warming streams directly affect the trout population and that the bulk of all trout streams are on or run through private land. It was her opinion from the study that the reduction of stream buffers would result in the loss of 80% of the chance of survival by young trout.

Senator Weber question Dr. Meyer as to whether this study was done after the 2000 change in stream buffer restrictions and she stated that yes this study was in comparison of fifty (50) foot buffers versus one hundred (100) foot buffers.

Senator Hudgens asked what are the actual buffers and was told to refer to the study. He then asked Dr. Meyer if this study was actually scientific or speculation and Dr. Meyer said that it was the result of models.

Senator Weber asked Dr. Meyer if they had actually done any studies since the change and Dr. Meyer said not yet.

Chairman Tolleson asked what effect did elevations make on the population of brook trout and Dr. Meyer answered that they had done a range of sampling. He asked which varieties of trout were the experiments done on and was answered that brook trout is native to Georgia and they were going to do studies on rainbow trout.

Chairman Tolleson then recognized John Barnett, a resident of Rabun County, GA. He stated that he believes that the water quality of Lake Burton is directly affected by buffers of creeks and streams that feed into the lake. He believes that the current stream buffers are not working in Rabun County.

Neill Herring of the Sierra Club was recognized. He urged the Committee to vote down [SB 510](#). He stated that there would be negative environmental impacts. He even stated that he would like to see additional buffers to protect down stream neighbors.

Geoff Poole of Ecometrics, Inc. and the University of Georgia stated that he had serious concerns about the fact that they are not given credit for studies and scientific literature. He stated that the literature and studies are there.

Senator Hudgens asked what he would advocate for buffers and if he would advocate the State of Georgia purchase buffers. Mr. Poole answered no, he just wanted to inform the committee that science finds buffers to be needed.

Aaron Varner, Chairman of the Newton County Board of Commissioners stated that he was very concerned about the legislation. He stated that Newton County is experiencing a lot of population growth and development. He stated that Newton County does not have the money to actually purchase the buffer zones.

Charlie Breithaupt, Chairman of Georgia Council of Trout Unlimited, wanted to advise the Committee that he had serious concerns and was against the bill. He stated that the quality of water was extremely important to the propagation of brook trout and the minimizing of stream buffers would place the brook trout in the position of a “canary in a coal mine”. He believes that stream buffers are critical to the survival of Georgia’s brook trout. He asked to leave the Committee with two thoughts: (1) Your freedom ends where my nose begins and (2) everybody lives down stream.

Senator Hudgens asked Mr. Breithaupt if government should compensate landowners. Mr. Breithaupt stated that land doesn’t always need to be used.

Senator Weber asked if Mr. Breithaupt believed that local governments should set buffers and he answered no because they do not have the money, inclination or knowledge to do so.

David Waller, Georgia Wildlife Federation, was the next speaker to address the committee. He stated that he believed the Committee’s main job is to protect the natural resources of the State of Georgia. He would like to suggest that the State set up a mitigation bank and require developers to pay into this bank. This would set up funds to buy stream buffers from private landowners. He stated that he believes decreasing of stream buffers will only hurt streams and wildlife.

Senator Hudgens asked who would pay the taxes for this land and Mr. Waller said those could be paid out of the mitigation fund.

Tom Gehl, Georgia Municipal Association, spoke against the bill because it would be difficult to understand and implement on a local level. He stated that he would like to suggest that this goes to a study committee and this committee be charged with providing an advisory plan for a task force to work with the Water Plan.

Betsy Nichols, Georgia Water Coalition, stated she opposed the legislation because of the possible hazards to drinking water. She believes that there is not enough clean water in the state as it is and that this bill is aimed at personal interests. She stated that she believes that this entire issue is a result of EPD and Lumpkin County and that the reservoir in Lumpkin County has never been in compliance with the law.

Jim Stokes, President of the Georgia Conservancy, stated that he believes that buffers need to be larger and not subject to variance. He stated that [SB 510](#) would make smaller watersheds the most vulnerable and that local governments do not have the expertise to determine what stream buffers should be. He stated he agrees there needs to be a fair way to deal with stream buffers and property rights, but he believes more time should be taken to fully look at the issues that are involved. At this time, he stated that he was opposed to [SB 510](#).

Jill Johnson, Georgia Public Interest Research Group, stated her opposition to [SB 510](#). She stated this legislation was a serious threat to the water supply of Georgia including the healthy aquatic system and recreation areas. She believed it would make it much more difficult for local governments to enhance buffer zones.

Todd Edwards, Association County Commissioners of Georgia, stated that this is a very complex issue and that the legislation has great room for improvement. He stated his organization has great concerns with Section 3 and 4 of the legislation but they would be willing to compromise and make it work. The ACCG would not like to see the legislation limit local power.

Mark Woodall, landowner, stated his opposition to [SB 510](#). He stated that he has land down stream and that drinking and water supplies are of dire concern. He believes that conservation easements are an option for stream buffers and encouraged the Committee to pay attention to science.

Chairman Tolleson stated that time for the Committee had run out and that the legislation needed to be worked on further with different agencies. He postponed the vote on [SB 510](#) until the next meeting.

There being no further business the committee adjourned at 1:05 p.m.

Respectfully submitted,

/s/ Hudgens of the 47th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee met in Room 450 of the Capitol, February 23, 2006 at 3:30 p.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Cagle of the 49th
Chapman of the 3rd
Henson of the 41st
Hooks of the 14th
Meyer Von Bremen of the 12th
Johnson of the 1st

Note: Senator Jack Hill, Senator Whitehead, Senator Weber and Senator Starr were absent.

Chairman Tolleson called the meeting of the Senate Natural Resources and the Environment to order at 3:40 p.m.

SB 550 (Thomas, 54th) Mercury Switch Removal Act of 2006

Chairman Tolleson recognized Senator Don Thomas to speak to his legislation. Chairman Tolleson then assigned **SB 550** to a subcommittee appointing Senator Henson of the 41st to chair the committee and Senator Weber of the 40th and Senator Chapman of the 3rd to serve on this subcommittee.

SB 510 (Pearson, 51st) StreamBuffer Requirements For River Corridors

Senator Pearson and Wayne Allen, Deputy Legislative Council presented a substitute for **SB 510** – LC 25 4409. This substitute allows for a single-family dwelling exemption to be within stream buffer zones. These homes must however comply with zoning regulations and can have septic tanks. There would also be a clause allowing permit variances with the criteria for these variances being created by the Department of Natural Resources Board. Local Governments would be allowed to have storm water ordinances and this would not be applicable to the North Metro Water District.

Senator Hudgens referred to Page 3, line 20 and asked who is the director that this clause references. Senator Pearson answered that the director in this case is referring to the Environmental Protection Division.

Senator Bulloch asked if the single-family dwellings would have to adhere to the federal guidelines of twenty-five (25) foot buffers for streams or fifty (50) foot buffers for trout streams under this new legislation. Mr. Allen replied that they would have to adhere to this ruling as federal has overruling law. The exemption for single-family homes would only apply where one hundred fifty (150) foot buffers are in effect.

Senator Cagle said that he wanted to be very clear that this would affect all buffers that are greater than fifty (50) feet. Mr. Allen answered yes. Senator Cagle then asked how this ruling would affect reservoirs and Senator Pearson stated this will affect all streams with buffers, but that storm water ordinances deal with reservoirs.

Chairman Tolleson then recognized former Senator Guy Middleton to speak for the legislation. Senator Middleton stated that as Americans and Georgians, we all have the right to acquire and possess land under the Fifth Amendment. He stated that no one should be deprived of property without compensation and that our freedoms are very fragile and should be guarded. He cited that the American Indians had their land taken away from them and urged the committee not to allow this injustice to be repeated. He said that one hundred fifty (150) foot stream buffers would affect more than nine thousand (9,000) acres of land and told the Committee that not one of these land owners wanted to devastate the land or pollute the streams. He said that “one size does not always fit all” and that distance of stream buffers is not the most important thing but individual land practices is the priority. He asked the Committee not to place an unnecessary burden on land owners with arbitrary rules that held no balance. He stated that he believes everyone could work together for the greater good and expressed his support for [SB 510](#) as amended.

Jim Stokes, President of the Georgia Conservancy, spoke on behalf of the Georgia Conservancy and Georgia Water Coalition. He stated that he opposed [SB 510](#) as amended stating several concerns. The first concern is the exemption of single family homes built within buffers. He stated that the Georgia Water Coalition believes this could be extremely detrimental to water quality downstream. The second concern was that there should be no variances that do not have the approval of the Environmental Protection Division and the final concern was that the storm water management ordinance in the bill would not, in his opinion, achieve the goals of this management. He urged the Committee to oppose [SB 510](#).

Senator Henson asked Mr. Stokes if he knew how long the setbacks had been in effect and Mr. Stokes stated they had been there since the 1990s.

The next speaker on [SB 510](#) was Steve Goodh, Chairman of the Lumpkin County Board of Commissioners. Chairman Goodh stated that the people of Lumpkin County sent him to express their support for this legislation. He stated that they had been working on a solution for this problem since 2000. He said that he grew up in and loves the North Georgia

Mountains and would do anything to protect those Mountains, but he feels that we must also protect private property as well. He asked the Committee to please help them and vote yes.

Senator Henson asked if there were additional buffers in present regulations and Chairman Goodh answered yes, but that they are not statute.

Senator Hooks asked Chairman Goodh how expensive land is in North Georgia and he stated that it increase in value every day.

Betsy Nichols with the Upper Chattahoochee RiverKeeper spoke in opposition to [SB 510](#). She said that while her organization recognized and appreciated the changes that were made to the substitute bill there had been no one from the environmental community included in the amendment process. She felt that this bill is strictly for the property owner and fails to force counties to comply with the laws of the environment. She feels that the storm water ordinance cannot provide appropriate protection and that no development should be allowed within one hundred fifty (150) feet of any stream. She stated that Lumpkin County is not in compliance with federal laws and that in 2001 Governor Barnes agreed to take on the project of getting the reservoir into compliance. Since that time, according to Ms. Nichols, nothing had been done due to lack of funding. She strongly urged the Committee to oppose [SB 510](#).

Tom Gehl, Georgia Municipal Association, spoke next to state that his organization had been opposed to the original bill but would not be opposed to the amendment now being offered. He stated that they felt this was a reasonable compromise, with a variance process in effect.

Senator Henson asked how Mr. Gehl thought this would affect water quality and Mr. Gehl answered that Georgia would have to meet Federal approval which stated “maintain or improve” quality.

Senator Meyer Von Bremen asked why the Georgia Municipal Association had changed their opposition and Mr. Gehl answered that the removal of the compensation requirement had been the leading factor for their change of opinion.

NOTE: Senator Hooks left the meeting.

Mark Woodall, Landowner and member of the Sierra Club, spoke next to oppose [SB 510](#). He stated that it was every person’s responsibility to protect those downstream and that this bill would greatly affect downstream areas and increase levels of silt, while lowering water quality. He stated that the reservoir in Lumpkin County was constructed with the agreement that there would be one hundred fifty (150) foot stream buffers and now this legislation was to remove those. He asked that the Committee oppose this legislation.

Senator Henson asked Mr. Woodall why he felt that drinking water would be negatively impacted by this legislation and Mr. Woodall answered that buffers are the most cost effective means of protecting and/or improving water quality.

Todd Edwards, Association County Commissioners Georgia, thanked Senator Pearson for being willing to work with his organization in meeting some compromises. He stated that together they had worked extremely hard to find a balance between water quality and property rights. He stated that while this was not perfect legislation, he felt that his organization could overall support the concept.

Chairman Tolleson entertained a motion and Senator Cagle made the motion that **SB 510 DO PASS by SUBSTITUTE**. Senator Hudgens seconded the motion. **SB 510** passed by substitute by a vote of 5 – 2. The descending votes were cast by Senators Meyer Von Bremen and Henson.

There being no further business the committee adjourned at 5:25 p.m.

Respectfully submitted,

/s/ Hudgens of the 47th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee met in the Mezzanine of the Capitol, March 2, 2006 at 4:30 p.m.

The following Senators were present:

Tolleson of the 20th
Hudgens of the 47th
Chapman of the 3rd
Henson of the 41st
Hooks of the 14th
Weber of the 40th
Whitehead of the 24th
Johnson of the 1st

Note: Senator Bulloch, Senator Cagle, Senator Jack Hill, Senator Meyer Von Bremen and Senator Starr were absent.

Chairman Tolleson called the meeting of the Senate Natural Resources and the Environment to order at 4:45 p.m.

[SR 838](#) (Schaefer, 50th) Hazardous Waste Sites, Urge Funding for Cleanup

Chairman Tolleson recognized Senator Nancy Schaefer to speak to **[SR 838](#)**. Senator Schaefer stated that she believed that Hazardous Waste Sites are drastically understaffed and unsatisfactorily funded for clean up. She said that we must properly address waste related activities and control erosion and sedimentation before it is completely out of control. The main problem that exists though is that local governments have been paying for clean up and not getting reimbursed entirely which is a drain on local funds. She urged that the State of Georgia pick up the expense involved.

Senator Henson made the motion that **[SR 838](#), DO PASS**. Senator Weber seconded the motion. **[SR 838](#) passed 8-0.**

[SB 550](#) (Thomas, 54th) Mercury Switch Removal Act of 2006

Senator Henson reported to the Committee that a subcommittee had been held on this matter. He stated that there is a serious problem in the State of Georgia and we must find a way to move forward with the clean up of mercury.

Senator Thomas addressed the Committee and stated that all mercury must be dealt with as soon as possible. He stated that 1 gram of mercury has the capability of contaminating a 30 acre lake and the testing of human corps had proven that mercury was contained in every organ of the body. This is the cause of many health, both mental and physical, problems in the United States today. He stated that he agreed with the subcommittee's recommendation to change the fees to automobile manufacturers from \$6.00 to \$3.00 and remove the \$1.00 that would be given to the Environmental Protection Division. He agreed to have this bill as a work in progress as it moves forward through the legislative process.

Senator Hooks asked if this would affect only the vehicles sold within the State of Georgia and Senator Thomas answered no that it affects all cars that are crashed or salvaged in Georgia and the operators of all of the salvage yards.

Senator Chapman spoke to the cost of handling of mercury switches and stated that he disapproved of manufacturers now having to pay for this problem.

Senator Weber suggested that a compromise be made to make a voluntary switch removal program and if that did not work to go to a required program in the future. He stated that everyone seems to agree that this is a very real and serious problem.

Chairman Tolleson stated that he was not happy with the wording of [SB 550](#) as it stands.

Senator Henson suggested that the Committee move forward with a Committee Substitute and then amend the bill as it moved forward in the legislative process.

Senator Henson made a motion that [SB 550](#), **DO PASS BY SUBSTITUTE**. Senator Weber seconded the motion. [SB 550](#) passed 8-0.

[SB 392](#) (Douglas, 17th) Parks, Historic Areas, Memorials and Recreation; Provide for Waiver of Fees

Senator Douglas spoke to [SB 392](#) stating that it would provide access to State Parks, Historic Sites, Memorials and State Recreational Areas for non-married military widows with a waiver of fees. He stated that he was offering a substitute to the bill so that the impact on fiscal cost would not be as great as had been originally thought. He stated that he had worked with the Department of Natural Resources, specifically Director of Parks and Historical Sites, Becky Kelley to find measures to implement these passes.

Senator Hooks stated that he was a part of the fee process when it was passed years ago. He said that he and other legislators did not like installing fees at that time, but it was necessary because of a lack of funds to support these sites. He cautioned that the Committee be very careful about opening a door that other groups might want to be a part of and seriously

affecting the operating budget of the Parks and Recreation areas. He then asked how a designation for these widows would be made and who would make it. Senator Douglas replied that a permit would be given by the Department of Natural Resources.

Becky Kelley, Director of the State Parks and Historic Sites Division of the Department of Natural Resources, was asked by Chairman Tolleson for her comments on [SB 392](#). She stated that with the substitute she was comfortable with the Department's ability to handle this and to absorb the costs.

Senator Weber asked Senator Douglas why this bill was being limited to deceased veteran's widows that are post 9/11 and not all veteran's widows. Senator Douglas said that he was making an attempt to not cut drastically into the Department's budget.

Senator Whitehead made the motion that [SB 392](#), **DO PASS BY SUBSTITUTE**. Senator Hooks seconded the motion. [SB 392](#) passed by substitute 8-0.

There being no further business the committee adjourned at 5:25 p.m.

Respectfully submitted,

/s/ Hudgens of the 47th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee met in Room 450 of the State Capitol, March 7, 2006 at 8:30 a.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Chapman of the 3rd
Jack Hill of the 4th
Hooks of the 14th
Weber of the 40th
Whitehead of the 24th
Johnson of the 1st

Note: Senator Cagle, Senator Henson, Senator Meyer Von Bremen and Senator Starr were absent.

Chairman Tolleson called the meeting of the Senate Natural Resources and the Environment to order at 8:39 a.m.

SB 612 (Bulloch, 11th) **Hunting; Vicinity of Feeds; change certain provisions; Provide penalties**

Senator Bulloch addressed the Committee and stated that **SB 612** would create a consistent fine for hunting over bait that would be set at \$25.00 per occurrence. He stated that the present law left the fine to be established by each county which ultimately meant that each judge could set a different fine. Senator Bulloch went on to say that he knew of fines that varied across the state from \$50.00 to much more. He said that this bill would present a unified front across the State.

Dan Forster, Director Wildlife Resources Division, Georgia Department of Natural Resources, spoke to the bill stating that he was in support of this legislation. He stated that the fees that are collected go to the county not the Department of Natural Resources and that from their studies the average fines are \$280.00. Director Forster went on to say that hunting deer over bait is probably the number one problem his Department faces and this bill will not affect federally regulated migration species. Senator Hooks asked Director Forster how fines range on dove vs. deer. Director Forster stated it mainly applies to deer.

Glen Dowling, Georgia Wildlife Federation spoke in opposition of [SB 612](#). He stated that GWF felt that this would directly affect the quality of deer management. He stated that they also oppose because it is a form of de facto legalization of baiting. He said the current law is already a compromise and urged no change to the law. Georgia Wildlife Federation believes that this bill circumvents law enforcement and gives a way for purchasing a way out of public policy. The fines can be considered a “cost of doing business” for some of the large hunting plantations. Senator Hooks commented that he is opposed to hunting deer over bait.

Senator Bulloch then restated that no migratory birds would be affected by this legislation and that it deals primarily with deer. He said that the sole reason for [SB 612](#) is to set a unified fine statewide and that this was a good piece of legislation.

Senator Bulloch made the motion that [SB 612](#), **DO PASS**. Senator Hooks seconded the motion. [SB 612](#) passed 7-1, with Senator Johnson casting the opposing vote.

[SB 604](#) (Harp, 29th) Buffer Zones; provide for current use assessment for undeveloped land areas

Senator Harp presented [SB 604](#) as a committee substitute. He stated that the intention of this legislation is to protect buffers and allow conservation use preserving the forest and agriculture land use within stream buffers. He said that Georgia is unique in that water can be controlled by head waters and that this is a critical matter if you own land or live south of Atlanta. He stated that the water quality down river from Atlanta is deteriorating on a daily basis. He stated that Columbus is losing water volume, which decreases their dilution factor for the sewage that is being treated which lowers water quality continuously.

Note: Senator Jack Hill of the 4th left the meeting.

Neill Herring, Georgia Sierra Club, spoke in favor of [SB 604](#). He stated that the Sierra Club was in favor of conservation use of stream buffers.

Senator Hooks moved that [SB 604](#) **DO PASS BY SUBSTITUTE**. Senator Hudgens seconded the motion. [SB 604](#) passed 7-0.

[SB 575](#) (Harp, 29th) Metropolitan North Georgia Water Planning District; Water supply/conservation management plan; Change Provisions

Senator Harp presented [SB 575](#) as a substitute to the committee stating that the purpose of this legislation is to phase in the retrofitting of showers and toilets to reduce the amount of water being used beginning in 2007 and being completed by 2016.

Senator Hudgens asked if this would only affect the Metropolitan Atlanta area and Senator Harp answered yes. Senator Hudgens asked how this was to be achieved and Senator Harp answered that there would be a phase in process of all showers and toilets. Senator Hudgens asked about the Board of Realtors' stance on this procedure. Senator Harp stated that the Board of Realtors was opposed to having this procedure as a term of closing so considerations were made in the substitute to state that it must be done during the stated years of 2006 and 2017 (pg 2, line 29).

Senator Chapman asked if someone could not afford to replace their toilet could they use the "poor boy method" of placing a brick in the tank. Senator Harp answered yes because this will be regulated on consumption rather than type of device.

Senator Johnson stated concerns over the mandate that puts a hardship on homeowner and water use. Senator Harp stated that he does not like regulation but states that we are out of options. He stated that we are running out of water and that this finite resource is losing its capacity of dilution. He states that the water quality downstream, such as Columbus, is becoming an open cesspool.

Senator Hooks stated that he applauded the work that Senator Harp had done to move this issue to the forefront. He stated that he also does not support increased regulations but that some action must be taken now because of the terrible problem with water south of Atlanta.

Senator Bulloch asked if this bill included Columbus and Senator Harp stated no that this bill covered the Metro Water Planning District because Columbus had already done a lot toward water quality improvements. Senator Harp stated that Columbus had made strong moves toward the recycling of storm water and the implementation of low E water devices. Senator Bulloch then questioned why this bill was needed if there is already an idea within the Metro Water Plan. Senator Harp said it would force some of the issues and be a definitive first step to speed up the process.

Neill Herring, Georgia Water Coalition spoke to the bill stating that the bill only applies when water use or need is increased. He stated that when now Senator Johnny Isakson was a member of the House, he passed legislation that mandated limited flow fixtures. He stated that this bill would also address special circumstances including historical sites, prisons and schools to name a few. Mr. Herring said that Atlanta is highly dependent on septic tanks and the low flow fixtures would be an asset to septic tank systems.

Senator Bulloch asked how local governments would be able to recover the costs of actual fixture replacements. Senator Harp stated that local governments would not recover costs of actual fixtures but would save money on water by as much as 50%.

Senator Whitehead asked if he would be made to change the fixtures in his own home.

Senator Harp stated that he would have to decrease water flow through one form or another.

Senator Hudgens asked if there was a provision in the bill to disclose to an individual who is purchasing a home and Senator Harp stated there is no provision for that in this bill.

Senator Whitehead asked if he would have to change his fixtures even if he never sells his residence and was answered yes.

Joe Cook, Coosa River Basin Initiative, spoke in favor of [SB 575](#). He stated that Northwest Georgia is connected to Atlanta through the interbasin transfer and loses 25 million gallons of water a day. He believes that the retrofitting of older homes in Atlanta has the potential of saving 71 million gallons of water and would greatly impact the flow of water down stream. He urged the committee to support [SB 575](#).

Senator Hudgens asked Mr. Cook who had done the study he referred to and Mr. Cook stated that it had been done by the Metro Water Authority District who spent \$8 billion on the study that found retrofitting to be the most cost-effective measure.

Pam Stevens, Metro North Georgia Water Planning District, opposed [SB 575](#). She stated that she agrees that fixtures should be changed but not comfortable with the measures that are outlined in [SB 575](#). She stated that they had seriously looked how to achieve retrofitting and felt that there were not workable plans being offered. She stated that other options might be to study cities in New York and California who applied flexible and incentive based approaches. She stated that the water utilities should come up with a plan and given the opportunity to install the plan. She said that her organization feels that it is unrealistic to feel that the water utilities can deny use to its citizens. She said that the utilities were working on a plan to begin in 2008 and be fully implemented by 2010. She expressed concern that [SB 575](#) will not be successful and therefore nothing will happen.

Senator Tolleson asked when the plan would take affect and she stated that it would be fully implemented by 2010.

Senator Hudgens asked if Ms. Stevens was in favor of [SB 575](#) and she stated no.

Tim Kibler, Georgia Realtors Association, spoke about their concerns with the legislation even though he admitted they had worked with Senator Harp on the substitute for this bill. He stated that this version is a big improvement but that they still have reservations.

Senator Harp asked Mr. Kibler when the Georgia Realtors Association would come up with a plan and received no answer.

Senator Hudgens asked which plan Mr. Kibler would prefer and he answered that he has

constitutional concerns regarding [SB 575](#).

Note: Senator Weber left the meeting.

Tom Gehl, Georgia Municipal Association, spoke in opposition to the bill stating that the utility companies are adamantly opposed to this legislation. He stated that Columbus Water Works said that basically rates would have to go up because of poor returns on installations and felt that growth would increase. He stated that the retrofitting would be huge costs to utility companies and would give Atlanta a means to work around moratoriums that are now in place. He said that it would require the measurement of water and be an administrative burden for utility companies, some of which are too small to absorb the cost. He stated that this is a bad bill for a lot of reasons.

Senator Bulloch said that he agreed with Mr. Gehl, that no one is addressing the main problem of growth in the Metro area.

Senator Harp recapped the discussion by stating that studies prove that river water is going dry. He stated that he is tired of studying the problem. If the State does not do something then the Federal Government will be telling us what to do. He said that he would much rather be proactive than reactive. He said that one day the Federal Government is going to be forced to shut Atlanta down and we must choose our poison or be corrective.

Senator Hooks made a motion that [SB 575](#), **DO PASS BY SUBSTITUTE**. Senator Chapman seconded the motion. [SB 575](#) passed 5-2, with Senators Johnson and Hudgens voting no.

Note: Chairman Tolleson cast a vote to keep a quorum because Senators Hill and Weber had left the meeting.

[SB 191](#) (Tolleson, 20th) Environmental Advisory; expedited review for permits under contract

Senator Tolleson introduced [SB 191](#) in substitute form. He explained that this would be a process for expediting new permits through the Environmental Protection Division. He stated that the applicant pays the fees that are involved and that this provides for increased flexibility for EPD.

Mike Vaquer, representing the Georgia Coalition for Sound Environmental Policy, spoke in support of [SB 191](#). He stated that it does not remove any authority from EPD, but provides an additional tool to the regulatory community.

Senator Hudgens had concerns about the word “may” on page 2, line 1. Mr. Vaquer stated

that this gives the director of EPD flexibility. Mr. Vaquer agreed that he thought it should be “shall” also.

Senator Hudgens then questioned the composition of the Board referred to in the legislation. Mr. Vaquer stated that it would consist of qualified engineers and it was up to the applicant to decide to go before the board.

Jim Ussery, Deputy Director, Georgia Environmental Protection Division, Georgia Department of Natural Resources, stated that he could support [SB 191](#) with the word “may” but not with the word “shall”.

Betsy Nichols, Upper Chattahoochee Riverkeeper, spoke against [SB 191](#). She stated that EPD has the expertise and they should be left alone with the permit process. She stated that she often reviews the permits in the Chattahoochee River basin and knows that these permits are complicated and confusing to the untrained person. She urged the Committee to leave the final review with the EPD as the addition of a Board will bring in outsiders that may complicate the process.

Senator Bulloch made the motion that [SB 191](#), **DO PASS BY SUBSTITUTE**. Senator Hudgens seconded the motion. [SB 191](#) passed 7-0.

Note: Chairman Tolleson voting. Senator Weber and Hill not present.

[SR 325](#) (Miles, 48th) Scales Road Landfill in DeKalb County; Urge State of Georgia to appropriate Funding for Closure and Post-Closure Care

Senator Miles introduced [SR 325](#). She said that it had come to her attention that the money needed for closure has been designated. She stated that DeKalb County has 5 landfills (2 have been closed) which is the highest number of any county in the State of Georgia. She said that the original motivation behind the legislation was for the search for funding to close Scales Road Landfill, but that had been accomplished. She said she now wants to promote the safety concerns that accompany these areas.

Senator Miles called on Dr. Sandra Ford Bovehelia, DeKalb County Board of Health, who spoke to the health risks of open landfills. She said that landfills break down and emit various toxic gases, therefore causing harm to people who already suffer from respiratory diseases. She said that some very responsible studies had linked landfills to cancer and other serious health risks.

Billy Malone, DeKalb County Landfills, spoke to the Committee stating that some landfills merely claimed bankruptcy and had no funds to close the facilities. He stated that the State is now funding these cleanups but wants to see a financial assurance method in the future

before permits are issued to have landfills.

Jim Ussery, Deputy Director, Environmental Protection Division, stated that the State had approved \$1.7 million to close the Scales Road Landfill. He also stated that the Department of Natural Resources had directed EPD to look at financial closure mechanisms.

Senator Bulloch asked Senator Miles what part of [SR 325](#) had not yet been addressed. Senator Miles stated she felt the health risk analysis and medical trending data were left unsolved.

Senator Hudgens asked about the provisions in the legislation that requested the purchase of Mr. James Clark's residence. Senator Miles answered that hopefully DeKalb County is going to purchase the home.

Chairman Tolleson suggested that **no action** be taken on [SR 325](#) because most of the issues had been resolved. The Committee as well as the sponsor of the Resolution stated their agreement.

[SB 294](#) (Pearson, 51st) Timber Harvesting; Tree Ordinances; Provide Additional Limitations

Senator Pearson introduced [SB 294](#) by showing a video of a news story aired last year by FOX5 news. This story showed the plight of residents in the City of Atlanta who had cut trees from their resident yards. These people had been so stiffly fined that they were unable to pay the fines without ending their retirement and returning to work. Senator Pearson stated that a Tree Ordinance Study Committee was held during the interim of 2005 and the finding of this committee recommended the passage of [SB 294](#). He stated that the purpose behind the legislation was the protection of the average homeowner from outrageous fines by cities.

Senator Hudgens questioned wording in the legislation that allowed only for cutting of trees on land that you occupied. Where would that leave a property owner who rented their property to another person? Senator Pearson said that he believed the wording would allow for you to cut trees in that circumstance.

Senator Whitehead asked if the legislation could be changed to read owned and/or occupied and Senator Pearson was in agreement with that change.

Senator Bulloch wondered if it would be better to define residential property to 1 acre around the home and Senator Pearson stated he would not have objections to that definition.

Note: Senator Jack Hill returned to the Committee meeting.

Senator Hooks recommended that the Committee move the bill forward and make any changes needed on the floor of the Senate.

William Dick, homeowner in Fulton County, spoke in favor of the legislation. He stated that the City of Atlanta was putting a burden on homeowners and yet developers clear-cut property and then pass the fines on to the future homeowners in the cost of the structure. He stated that homeowners need relief and urged the Committee to pass the legislation.

Robbie Ashe, City of Atlanta, stated that the City of Atlanta has revamped ordinances, changed ordinances for invasive species and streamlined the process for getting cutting permits. He said that the video shown by Senator Pearson is very misleading and the City of Atlanta largely took care of the problem. He stated that the City of Atlanta is opposed to [SB 294](#) because it would allow the property owner to cut all trees if they chose. He further felt that this legislation oversteps the bounds in terms of local control.

Note: Senator Hooks left the Committee meeting.

Senator Hudgens stated that he would prefer that [SB 294](#) not be necessary because of local government control and that hopefully this legislation can be reworked by the time the full Senate addresses it.

Senator Hudgens made the motion that [SB 294](#), **DO PASS**. Senator Whitehead seconded the motion. [SB 294](#) passed 7-0.

Note: Chairman Tolleson voting. Senator Weber and Hooks were not present.

There being no further business the committee adjourned at 11:03 a.m.

Respectfully submitted,

/s/ Hudgens of the 47th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee met in Room 450 of the State Capitol, March 16, 2006 at 3:30 p.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Cagle of the 49th
Henson of the 41st
Jack Hill of the 4th
Whitehead of the 24th

Note: Senator Chapman, Senator Hooks, Senator Meyer Von Bremen, Senator Starr, Senator Weber and Senator Johnson were absent.

Chairman Tolleson called the meeting of the Senate Natural Resources and the Environment to order at 3:47 p.m..

HB 724 (McCall, 30th) Standards of Sewage Management Systems

Representative Tom McCall spoke to **HB 724**, stating that this bill would allow plumbers to hook up to septic tanks without a septic tank specialist. He stated that these are licensed plumbers and that the requirement of an additional specialist is costly and unnecessary.

Senator Bulloch moved that **HB 724, DO PASS**. Senator Hudgens seconded the motion. **HB 724** passed 7-0. Senator Whitehead will carry this bill in the Senate.

HB 1319 (Smith, 70th) Georgia Environmental Facilities Authority

Representative Lynn Smith was unable to attend the meeting, but had Mr. Paul Burks, Executive Director, GEFA, present the bill on her behalf. Mr. Burks stated that in 2005 Governor Perdue requested and the General Assembly adopted the Georgia Land Conservation Act. Under this Act the Georgia Environmental Facilities Authority (GEFA) was authorized to create a Revolving Loan Fund and a Trust Fund to provide grants to local governments to purchase land and conservation easements for preservation. Since then, Georgia taxpayers have donated approximately \$100,000 to this trust fund and the Governor is currently requesting \$5 million in the Fiscal Year 2007 budget for grants to local

governments for land conservation purposes. In order for GEFA to provide these grants and donations to local governments for all of the intended purposes under the Georgia Land Conservation Program, this amendment is necessary to the GEFA statute. Under current law, GEFA is only allowed to make grants and loans for water related Land Conservation projects. These amendments to that law would allow GEFA to fully fund all the activities under the Georgia Land Conservation Program which include such land purchases as prime agricultural land, historic sites and recreation areas for preservation purposes. Mr. Burks stated that this legislation has the support of the Georgia Municipal Association and the Association of County Commissioners of Georgia.

Senator Bulloch asked if the only money being dispersed had to be that appropriated by CUVA and Mr. Burks answered that no, can use any money appropriated by GEFA.

Todd Edwards, Association of County Commissioners, urged the committee to vote for this legislation. He stated that his organization supports any legislation to expand loan/grant capabilities.

Senator Bulloch made the motion that [HB 1319](#), **DO PASS**. Senator Hudgens seconded the motion. [HB 1319](#) passed the committee 7-0. Senator Tolleson will carry [HB 1319](#) in the Senate.

*Note: Senator Jack Hill left the meeting at 3:59 p.m. and Senator Jeff Mullis of the 53rd was appointed by the Committee on Assignments as an ex-officio member to serve on the Natural Resources and the Environment Committee for the March 16, 2006 meeting.

[SR 1129](#) (Judson Hill, 32nd) **Minerals Management Service; Offshore Development**

Senator Cagle spoke to the Resolution for Senator Judson Hill who was unable to attend the meeting. Senator Cagle stated that this Resolution asks for a look at off-shore development of oil and natural gas along the Georgia coastline.

Jill Johnson, Georgia Public Interest Research Group, spoke against the Resolution, because it is her belief that this opens the door to oil and gas drilling. She believes that the impact on tourism and nature-based businesses could be devastating to the Georgia economy.

Senator Hudgens asked Ms. Johnson how far does the protected area extend off shore and she stated 12 miles.

Senator Henson asked about the protection to the outer waters and was told that those do not come under the jurisdiction of Georgia law. Senator Henson stated that perhaps we should consider protecting the reserves for the future.

Senator Henson then made the motion that [SR 1129](#) be **TABLED** for further study. Senator Bulloch seconded the motion. [SR 1129](#) was tabled by a vote of 5-2. Senator Cagle and Senator Mullis casting opposing votes.

[SR 1133](#) (Bulloch, 11th) Urge US Congress and the President to pass Changes to Protect Threatened or Endangered Species

Senator Bulloch spoke to [SR 1133](#). He urged the Committee to adopt this Resolution hoping that Congress would encourage landowners to participate in Endangered Species programs. Georgia currently provides habitat for 63 species of plants and animals on the Federal Endangered and Threatened Species List. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service work with the Georgia Department of Natural Resources, as well as universities, conservation groups and private landowners, to protect habitat for these species and promote species recovery.

The Georgia Department of Natural Resources provided the Committee with a list of the mammals, birds, fish, amphibians and reptiles, invertebrates and plants that are considered threatened or endangered by the State of Georgia.

Bob Fletcher, Georgia Chapter of the Sierra Club, spoke against the Resolution. He stated that HR 3824 passed by Congress in September of 2005 could have dramatic negative impact on the habitat of endangered species. He advised the Committee that he felt that supporting SR 1133 was a bad idea because it could cause further damage to endangered species.

Senator Hudgens made the motion that [SR 1133](#), **DO PASS**. Senator Bulloch seconded the motion. [SR 1133](#) passed 7-0.

[HR 1551](#) (Ron Stephens, 164th) Creating the Joint Comprehensive Water Desalination Study Committee

Representative Ron Stephens could not be present for the Committee meeting so the Resolution was presented by Arthur "Skin" Edge. Mr. Edge stated that this legislation would create the Joint Study Committee to re-examine Georgia's water policy and would delineate the composition of the Study Committee.

Senator Cagle moved that [HR 1551](#), **DO PASS**. Senator Hudgens seconded the motion. [HR 1551](#) passed 7-0. Senator Hudgens will carry [HR 1551](#) in the Senate.

There being no further business the committee adjourned at 5:10 p.m.

Respectfully submitted,

/s/ Hudgens of the 47th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee met in Room 450 of the State Capitol, March 21, 2006 at 3:30 p.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Cagle of the 49th
Chapman of the 3rd
Henson of the 41st
Jack Hill of the 4th
Meyer Von Bremen of the 12th
Whitehead of the 24th

Note: Senator Hooks, Senator Starr, Senator Weber and Senator Johnson were absent.

Chairman Tolleson called the meeting of the Senate Natural Resources and the Environment to order at 3:50 p.m.

SR 1195 (Cagle, 49th) Environmental Protection Division; urged to allow electric generation peaking facilities

Senator Cagle introduced [SR 1195](#) stating that this would be good public policy.

Senator Hudgens asked what was the motivation behind the bill, was it good public policy or campaign motivated.

Neill Herring, Sierra Club, spoke against the bill stating this would make more counties have to have emission stickers. He stated that this would cause non-attainment areas to have more air quality problems in summer. He stated that this legislation would require EPA to make off-sets in emission standard testing.

Senator Bulloch asked was this legislation for emergency uses such as hurricane and tornado damage rather than full-time plan, using only in situations of called states of emergency.

Senator Cagle stated that it only deals with extreme situations sighting the Katrina disaster.

NOTE: Senator Whitehead left at 3:53.

Senator Bulloch made the motion that [SR 1195](#), **DO PASS**. Senator Hudgens seconded the motion. [SR 1195](#) passed 7-0.

NOTE: Senator Hooks came into the meeting at 3:58.

[SR 1129](#) (Judson Hill, 32nd) Minerals Management Service; Offshore Development

This legislation had been tabled at the previous meeting and Senator Cagle requested that the Chairman not remove this legislation from the table.

[HB 1085](#) (Lane, 158th) Finfish; Certain species; open season, creel and possession limits; amend

Representative Bob Lane spoke to this bill stating that this legislation would reduce the creel limit from 5 to 2 for tripletail fish.

Senator Hudgens asked if this was a freshwater or saltwater fish and Representative Lane answered saltwater. Senator Hudgens asked how far out the regulated area would go into the ocean and Representative Lane stated that the finfish is a shoreline fish so the distance is not relevant.

Senator Bulloch asked if the season would be year round and Representative Lane stated yes. Senator Bulloch asked if this limit was per day and was answered yes. Senator Bulloch then asked if this legislation had any scientific data to back it up and Representative Lane answered no.

Senator Henson made the motion that [HB 1085](#), **DO PASS**. Senator Hudgens seconded the motion. [HB 1085](#) passed 8-0. Senator Tolleson will carry this legislation in the Senate.

[HB 1490](#) (Burns, 157th) State Park Lakes; Watercraft; Change Provisions

Note: Senator Whitehead returned at 4:12 p.m.

Representative Burns brought this legislation before the Committee stating that this codifies boat hull identification number and limits the size of boats on certain lakes such as Lake Oconee and Lake Burton which would restrict size to 30 ½ feet. This bill was presented to the Committee with a substitute.

Senator Tolleson asked what part of the legislation was a substitute and was informed that the part dealing with boat length was added to the bill.

Senator Bulloch asked about the definition on Page 4 of the legislation of a “homemade vessel” and if they would require a hull identification number. The question was deferred to Col. Terry West, Chief of Law Enforcement, Georgia Department of Natural Resources. Col. West stated that the Coast Guard requires that a homemade vessel used on public waters must have a hull identification number. Senator Bulloch asked if the Coast Guard also covers freshwater and Col. West replied that all boating regulations are covered by the Coast Guard.

Col. West went on to explain that all homemade boats have to be registered since 1963 by the Coast Guard rules. Hull numbers have been assigned by the Department of Natural Resources for the past 20 years.

Representative Charles Jenkins of the 8th District stated that controlling the size of boats on area lakes was imperative to the health of those lakes. He stated that smaller boats improve environmental quality and improve boating safety.

Senator Henson asked if a person already owned a 30+ foot boat would they be grandfathered into the law. Representative Jenkins stated no because they are not allowed on the lakes now.

Senator Bulloch asked why they were trying to regulate something that was not currently a problem and Representative Jenkins replied that they were trying to prevent problems that Lake Oconee had faced which is already protected in Georgia Code.

Eston Melton, Chairman of the Rabun County Board of Commissioners, said that the size of boats is increasing constantly. He stated that the larger boats are creating larger wakes which in turn causes bank erosion and silt problems. He stated that the county does not have the resources to check every boat for a head which is against regulation on Lake Burton. The possibility of heads being used creates a sanitation problem and water quality issue.

Senator Bulloch asked who was going to enforce the size of the boats being used and there was no answer.

Senator Chapman asked what the fine or penalty would be for a boat oversized. Col. West answered that the penalty is a misdemeanor and is \$1,000 fine and/or up to 12 months in jail.

Alan Price, Chairman of the Lake Rabun Association, urged the passage of this legislation. He stated that this would be prevention for the future. He said that the lakes are small and the larger boats create safety hazards.

Senator Whitehead asked if the homeowners association could not just make this a regulation

for use on the lake. Mr. Price stated no that they are only a civic organization and do not have enforcement powers. Senator Whitehead then asked if this was not just an open door to more restrictions. Mr. Price stated that they were not interested in gradualism.

Senator Bulloch asked why the county could not place the restrictions on the lake and Col. West stated that the county could apply to DNR Commissioner for restrictions.

Senator Henson asked if this would be a problem if the lake crossed county lines and Col. West said yes and in fact Lake Burton does cross county lines.

Scott Hendricks, Georgia Power Company, stated that he supports smaller boats on these particular lakes. He stated that the House Boat Law restricting heads does speak to some of this but that in recent years of drought, they are seeing larger boats moving to smaller lakes. He urged the Committee to support this legislation.

David Dickerson, National Marine Manufacturers Association, stated that they represent 6500 employees for the industry and that this legislation could have a \$36 billion impact in the United States and their subsequent 46 manufacturers in Georgia. He stated that he supports the original bill but has a problem with Section 6 which limits boat sizes. He stated that this sets a very bad president.

Bill Summerfield, Marine Trade Association, stated that some fishing boats have accessories and engines that make them longer than 30 feet.

Note: Senator Bulloch left at 4:32 p.m.

Senator Henson asked Col. West about how a boat was measured and he replied that they typically measure hull length.

Glen Dowling, Georgia Wildlife Federation, urged the Committee to support the bill.

Senator Henson made the motion that the Committee offer an amendment deleting Section 6. This motion carried 6-0 with Senator Meyer Von Bremen voting no.

Senator Henson then made the motion that [HB 1490](#), **DO PASS by Substitute**. Senator Chapman seconded the motion. [HB 1490](#) passed 7-0.

The hour getting late the committee adjourned at 4:45 p.m.

Respectfully submitted,

/s/ Hudgens of the 47th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee met in Room 450 of the State Capitol, March 22, 2006 at 1:30 p.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Cagle of the 49th
Chapman of the 3rd
Henson of the 41st
Jack Hill of the 4th
Hooks of the 14th
Weber of the 40th
Whitehead of the 24th

Note: Senator Meyer Von Bremen, Senator Starr and Senator Johnson were absent.

Chairman Tolleson called the meeting of the Senate Natural Resources and the Environment to order at 1:45 p.m.

HB 338 (Warren, 122nd) Hunting, Primitive Weapons Amend Provisions

Representative Warren spoke to the Committee on **HB 338** sections 1 and 2. He then called on Senator Cagle to speak to sections 3 and 4.

Bill Fletcher of the Department of Natural Resources stated that they are in support of the bill with the substitute that is before the committee.

Senator Bulloch asked about scopes being considered primitive weapons and wondered if the code section should be changed so that it is no longer called primitive.

Glen Dowling, Georgia Wildlife Federation, stated that this bill is supported by the Deer Management Association and the Cattleman's Association.

Steve Burch, Georgia Outdoor Network, stated that he is in support of all phases of this bill.

Senator Hudgens made the motion that **HB 338, DO PASS by SUBSTITUTE**. Senator Henson seconded the motion. **HB 338** passed 9-0. Senator Cagle will carry **HB 338** in the Senate.

Note: Senator Whitehead left before vote was taken.

HB 1320 (L. Smith, 70th) Revisions of Provisions to Littering and Environmental Offenses

Representative Smith spoke to this bill stating that this would consolidate 25 code sections in Georgia law and clarify definitions. Representative Smith explained the bill one section at a time. She explained that there are two main types of litter, non-egregious defined as general litter and egregious defined as septage, hazardous waste or intentional dumping violations. She stated that penalties would vary but could include points on a driver's license for non-secured loads. This bill would also provide for more courts to hear misdemeanor cases.

Wayne Allen, Deputy Legislative Counsel, explained that there would be a change in the substitute that had been previously offered by Senator Cagle. He stated that it changes page 10, lines 30-32 pertaining to new political signs and page 20, lines 3-5 to make effective date upon signature of the Governor, but local ordinances on July 1.

Senator Hudgens asked about the ruling that Athens, Clarke County, has on political signs which states that they cannot be up over 30 days before an election. Mr. Allen answered that this bill would negate that ruling.

Senator Henson offered an amendment, AM 25 0902, which would reestablish a minimum fine.

Senator Hooks questioned if the new substitute was weaker than current law and legislative counsel felt that it was because of the removal of the minimum fine.

Senator Weber questioned the punishment on page 20, line 3. Senator Cagle responded that it was up to \$1,000 and/or up to 1 year in prison, leaving the discretion to the judge. Senator Cagle had concerns about this weakening the bill when the discretion is left to the judge.

Senator Hudgens asked Senator Cagle, if with his amendment, that would leave the judge no options on punishment and Senator Cagle stated that was correct.

At this time Senator Henson withdrew his amendment to the bill.

Senator Hooks asked about page 10, lines 30-33, clarifying that political signs can be in a yard even where local ordinances prevent them. He was told that this overrides local ordinances. He stated that he was not happy about the State telling his communities what to they could do.

Senator Henson stated that he would like to go on record as requesting that a minimum fine

be placed back in the bill.

Senator Chapman asked about an explanation of the definition of political signs and was told that this bill prohibits local government from limiting the signs.

Mark Woodall, Sierra Club, spoke in support of the bill and its direct benefits to the environment. He stated that he believes the increased penalties will make a big difference in the teeth of the law.

Ron Jason, Georgia Real Estate Investors Association, stated that his organization supports every aspect of the legislation.

Senator Bulloch made the motion that [HB 1320](#), **DO PASS by SUBSTITUTE**. Senator Hudgens seconded the motion. [HB 1320](#) passed 9-0. Senator Cagle will carry [HB 1320](#) in the Senate.

[HB 1424](#) (T. Smith, 168th) Dogs; Hunting; Change Provisions

Representative Tommy Smith presented the bill with the substitute LC 35 0264S.

Note: Senator Meyer Von Bremen came into the meeting at 2:34 p.m. and Senator Whitehead returned at 2:38.

Senator Bulloch asked if dog hunters must still have a permit and was answered yes, that the license must be on the vehicle windshield.

Senator Jack Hill made the motion that [HB 1424](#), **DO PASS by SUSTITUTE**. Senator Bulloch seconded the motion. [HB 1424](#) passed 11-0. Senator Goggins will carry [HB 1424](#) in the Senate.

[HR 1226](#) (Lane, 158th) Initiate a “GA Quail Trail”; Create GA Quail Trail Advisory Council

Representative Lane spoke to the bill. He stated its purpose was to set up the initiative for improved information on quail and quail hunting opportunities in Georgia.

Senator Tolleson offered a Substitute (LC 21 8975S) which changes the number and make-up of the Council members.

Senator Bulloch asked who runs this same program in Alabama and Representative Lane replied that the Wildlife Federation handles that. Senator Bulloch asked who would run the program in Georgia and Representative Lane stated that Quail Unlimited, Georgia Wildlife

Federation and state experts with the Department of Natural Resources and Georgia Economic Development. Senator Bulloch asked at large if the Department of Natural Resources supports the legislation. Todd Holbrook, Department of Natural Resources, responded that they were in agreement with the legislation.

Senator Hooks made the motion that [HR 1226](#), **DO PASS by SUBSTITUTE**. Senator Henson seconded the motion. [HR 1226](#) passed 10-0. Note: Senator Cagle not present for vote. Senator Tolleson will carry [HR 1226](#) in the Senate.

[HB 695](#) (Holt, 112th) “Disabled Assistance Act of 2006” relating to wild animal permits and licenses

Representative Holt spoke to the bill stating that this would allow for the use of Capuchin monkeys by the severely disabled as an assistance animal. Monkeys can do simple things allowing people to stay at home instead of going into assisted living.

Senator Henson asked if there were health related problems. Representative Lane answered that there have been no related problems in the past 27 years.

Helen Maude Sterling, a severely disabled MS patient, offered her testimony to the Committee and stated that prior to the MS she had a great life with a promising career. However, MS left her a quadriplegic and among many other things a loss of dignity and privacy. She stated that the simple things are no longer allowed to her such as taking a drink, scratching her nose or turning on a light switch. Ms. Sterling asked that the Committee imagine life in her skin, with this request being a basic one, where the use of a Capuchin monkey could make it possible for her to scratch an itch, drink, manage a phone or turn pages of a book. This animal would also provide companionship that would alleviate hours of loneliness. This monkey could relieve some of the hours that a caregiver would be necessary and although her living and health-care costs continue to rise, her income remains stagnant. She stated that it is cruel to tell disabled Georgians that becoming disabled means others get to decide the quality of your life for you. As an adult, Ms. Sterling feels that she should be given the consideration, respect and basic human right to make adult decisions for her life. She then requested that the Committee make her life better by passing [HB 695](#).

Carolyn Denise, Humane Association of Georgia, spoke in opposition to the bill stating the possibility of disease transmission and injury to people. She said that another problem exists because there is no place to put an unwanted animal when it does not work out with humans. She sited that there have been times when the monkey’s teeth have been removed and this is harmful and cruel to the animals.

Senator Bulloch told Ms. Denise that he appreciated her thoughts and feelings but he would

have to support the bill.

Senator Weber asked what alternative help is available and was told that other animals such as dogs can do the work. He further asked how Ms. Denise would respond to the request of a quadriplegic that needed this assistance and she stated that it is difficult to stand against the legislation but the risks are too great to support.

Senator Bulloch made the motion that **HB 695, DO PASS**. Senator Henson seconded the motion. **HB 695** passed 7-0. Note: Senators Hudgens, Cagle, Meyer Von Bremen and Whitehead had left the meeting before the vote was taken. Senator Douglas will carry this legislation in the Senate.

HB 1460 (Hill, 180th) Shrimp and Shrimping; Size of Cast Nets

This bill was presented to the Committee by Representative Cecily Hill and Spud Woodward, Department of Natural Resources. The bill would allow shrimp cast netters to use modified nets and increase the limits to 160 quarts for commercial shrimpers. This bill comes from the recommendations of the stakeholders.

Senator Weber asked about the different classifications of the shrimp industry and Mr. Woodward stated that the shrimp trawlers were for commercial food, cast netters (only 200 licenses allowed in Georgia) were coastline commercial and also there is the shrimp bait industry. Senator Weber asked why should we increase the limits and the answer was that the cast netters are an emerging enterprise to allow the commercial end to make a profit. Senator Weber asked where the commercial cast netters are limited to throw their nets and was told that they were not limited to a specific area. Senator Weber asked Mr. Woodward what the recreational fishing effect is and he stated that there was no effect since they were required to have fishing licenses, but overall a small group has these licenses. Senator Weber asked about the impact on trawlers and Mr. Woodward stated that there would be none because DNR can regulate when inside waters need to be closed. He asked about other states and the answer was that none around Georgia have a commercial industry. Senator Weber went on to ask the effect on fish numbers and Mr. Woodward said he had never really noticed a correlation.

Senator Bulloch asked how long does a cast netters license last and Mr. Woodward said that it was for 1 year at a cost of \$250.

He stated that there were only 82 licenses issued this year. Senator Bulloch asked if South Carolina regulates and Mr. Woodward stated only to cast over bait.

Senator Henson asked if the lowering of license numbers would help the population numbers

of the shrimp. Mr. Woodward replied there he did not know whether there was a perfect number of licenses.

Because the committee room was completely full of people wanting to speak, Chairman Tolleson asked if the Committee could hear from opposing sides rather than everyone speaking.

John Wallace, Georgia Shrimp Association, spoke in opposition to the bill because their association feels that there are loop holes in the legislation that can lead to the destruction of the shrimp resource. He stated that the mesh size nets can result in essentially high grading where casting can be done in estuaries which are essentially nursery areas. He feels it would be more productive to limit shrimp numbers in deep water. His industry believes that this legislation could result in the loss of over 1000 jobs and the revenue of 4 million pounds of shrimp brought in by the trawling industry each year. He further stated that commercial cast netters are not subject to the same regulations and taxes as trawlers.

Senator Weber asked what takes place when the nets are modified and Mr. Wallace answered that they add tape to the edges so it is always a good cast.

Senator Bulloch asked who was allowed to shrimp in the sound areas and Mr. Wallace stated that until 1980's the trawlers were allowed in the sound but their industry had left the sounds so that this could be a nursery area. Senator Bulloch asked if the sounds were addressed in the Georgia Code and Susan Shipman with the Department of Natural Resources replied yes but that the DNR Commissioner opens and closes the sounds.

Senator Weber asked Mr. Wallace as a member of the industry was he comfortable with DNR's ability to monitor the sounds and he replied no.

Paige Morrison, a shrimper's wife, spoke to the Mr. Woodward's statement that this legislation was a result of stakeholders meetings. She stated that these meetings took place during the height of the shrimping season and many who made their living as trawlers were unable to attend. She also stated that allowing modified nets and smaller mesh hurts the nursery aspect of the fishery.

Tim Jones, Cast Netters Group, spoke in favor of the bill stating that they had worked through the process with the entire group. Most cast netters do not have the equipment to make it to deep water. He stated their season was from August to mid-January and the mesh size change is to decrease the chance of catching grill fish in the nets.

Richard Jones, Cast Netters Group, also spoke in favor of the bill stating that the two groups should be working together instead of opposing each other. He said that the cast netters do not have influence on the prices of shrimp. He stated that the problem facing the industry is not the cast netters vs. the trawlers but the fact that 80% of the shrimp is imported.

Howell Boone, Owner of Boone Seafood, said that he owns several boats and has been shrimping for 32 years. He stated that the sound areas protect the baby shrimp and changing of mesh size would severely damage the shrimping industry. He stated that the trawling industry is a \$300,000 investment and has been an industry for the past 75 to 100 years. According to Mr. Boone, the cast netters are not following the limits set forth by their licenses and there are not enough law enforcement personnel to closely regulate their catches.

Chairman Tolleson then tabled the legislation because the Committee had lost a quorum and adjourned the meeting at 3:42 p.m.

Respectfully submitted,

/s/ Hudgens of the 47th, Secretary

/s/ Vicki Gibbs, Recording Secretary