

**2008 SENATE NATURAL RESOURCES AND THE ENVIRONMENT
COMMITTEE ROSTER**

Senator Ross Tolleson, 20th
Chairman
P.O. Box 1356
Perry, GA 31069

Senator John Bulloch, 11th
Vice Chairman
3554 Bulloch Road
Ochlocknee, GA 31773

Senator Ralph Hudgens, 47th
Secretary
P.O. Box 534
Comer, GA 30629

Senator Jeff Chapman, 3rd
P.O. Box 3119
Brunswick, GA 31521

Senator Lee Hawkins, 49th
4710 Jim Hood Road
Gainesville, GA 30506

Senator Steve Henson, 41st
2643 Sterling Acres Drive
Tucker, GA 30084

Senator Jack Hill, 4th
P.O. Box 486
Reidsville, GA 30453

Senator George Hooks, 14th
P.O. Box 928
Americus, GA 31709

Senator Bill Jackson, 24th
P.O. Box 528
Appling, GA 30802

Senator Michael Meyer von Bremen, 12th
P.O. Box 72065
Albany, GA 31708

Senator Dan Weber, 40th
1117 Wynterhall Lane
Dunwoody, GA 30338

Senator Eric Johnson, 1st
Ex-Officio
128 Baymeadow Point
Savannah, GA 31405

Senator J. B. Powell, 23rd
Ex-Officio
228 Church Street
Blythe, GA 30805

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 six (6) 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 NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on January 15, 2008 in room 450 of the State Capitol at 5:00 p.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Chapman of the 3rd
Hawkins of the 49th
Jack Hill of the 4th
Hooks of the 14th
Meyer von Bremen of the 12th
Weber of the 40th
Jackson of the 24th
Johnson of the 1st
Powell of the 23rd

Note: Senator Henson of the 41st was absent.

Chairman Tolleson called the meeting to order at 5:15 p.m.

SR 701 (Tolleson, 20th)

**Resolution to Ratify the
Comprehensive State-Wide
Water Management Plan**

Chairman Tolleson began the meeting by addressing SR 701 and stated that it does not change anything in the state Code and is consistent with state law. He then introduced Dr. Carol Couch, Director of the Environmental Protection Division, Georgia Department of Natural Resources, to provide the Committee with an overview of the plan. Dr. Couch stated that it took four years and over 60 meetings to create the water plan proposed on January 8, 2008. She stated that 22 town hall meetings had been held across the state to get state-wide input, and that 600 emails had been received and logged along with 400 letters. Dr. Couch stated that this plan builds on the riparian doctrine and though it is not a drought plan it will better prepare the state for future drought situations. She went on to say that this is a valuable plan for economic growth and sustaining future growth for the State. She addressed many of the concerns of the Committee, noting that the plan does not provide exemptions for the North Metropolitan Area. This plan, according to Dr. Couch, creates a level playing field for all of Georgia.

Dr. Couch further explained that the plan provides good management practices including: 1) efficient management; 2) return of used water to streams; 3) reservoir additions; and 4) management of waste water. She stated that this is a pro-active stance of multi-jurisdictional water supplies and a move to quickly provide for additional storage. This is also a plan for uniting the State.

Dr. Couch then addressed the concerns of interbasin transfers. She announced that she was putting a state-wide moratorium on raw water transfers without region agreements and the new plan places a high bar and stringent criteria for intra basin transfers. She went on to say that the plan is complex in many aspects but there had been every attempt to bring everyone to the table because water touches the lives of everybody.

Chairman Tolleson thanked Dr. Couch for her hard work and for addressing the Committee.

Senator Hawkins asked if the reservoirs would be managed by the Corps of Engineers, to which Dr. Couch responded that the reservoirs would in fact be managed by the districts themselves. Senator Meyer von Bremen asked if regions could "opt-out" of a plan. To that question, Chairman Tolleson introduced Mr. Chris Clark, Director of the Georgia Environmental Facilities Authority, who briefly spoke about the region map and the breakup of the councils. Chairman Tolleson noted that while drafting their plan, the Water Council tried to take the comments and input of people all over the state.

Director Clark continued by saying that the map tries to keep counties whole and keep the river basins together. He also stated that the bill did not allow for any changes to be made to the metro area. The plan allows for flexibility and the councils are not expected to have a direct role in the implementation - they are merely advisory. The members of each council must reside in the council's geographical area and will have input in helping to forecast Georgia's water needs in the future.

Mr. Mike Beatty, Commissioner of the Department of Community Affairs, added his comments about the makeup of the regional maps. He stated that there had been a level of trust built with these councils. He added that the plan is about the entire state and he appreciated the enormity of the amount of work Chairman Tolleson had put into the plan. He went on to state that the leadership in guiding the project exemplified by Chairman Tolleson was invaluable to the final project.

Director Clark reiterated the fact that the water plan and the water regional districts are flexible and that this is a moving document that can be adjusted over time.

Senator Hudgens asked if not for existing state law stating that a water plan was required, would the council have broken up existing boundaries, or would it even have been needed? Dr. Couch answered that this was very much needed and Chairman Tolleson reminded everyone that "water law" rules.

Senator Meyer von Bremen said that he was concerned with the hydrology of the lower Flint area and asked what criteria was set up for them to opt out. Director Clark stated that each area can make their case on a one-by-one basis and that there would be an attempt to move everyone at once. Dr. Couch added that they would only provide the criteria for those considering opting out. Senator Meyer von Bremen commented that a region could be months into the plan before they realized they would want to opt out and that the criteria needed to be in place up front.

NOTE: Senator Hudgens left the meeting at 5:45 p.m.

Chairman Tolleson opened the floor for public comment.

Mr. Tim Kibler, Georgia Realtors Association, stated his organization supported the resolution.

Mr. Nick Pearson, Georgia Chamber of Commerce, stated his organization supported the resolution.

Mr. Gary Black, Georgia Agribusiness Council, stated his organization supported the resolution and thanked the Water Council for working so diligently with the agriculture industry.

Mr. Clay Jones, Georgia Traditional Manufacturers Association, stated his organization supported the resolution.

Mr. Gil Rogers, Attorney for the Georgia Water Coalition, stated they have concerns with the plan about protection for downstream communities. He further stated that there is not enough protection against interbasin transfers and that it is inconsistent with existing statutes.

Mr. Gordon Rogers, Executive Director of the Upper Chattahoochee Riverkeepers, said that his concerns with the plan were that the boundaries were drawn and the Committee should alter them so that they are drawn along watershed lines.

Mr. Jack Dozier, Georgia Association of Water Professionals, stated his organization supports the resolution.

Mr. Tom Gehl, Georgia Municipal Association, stated his organization supports the resolution.

Mr. Brad Curry, Metro Atlanta Chamber of Commerce, stated his organization supports the resolution.

Mr. Mike Giles, Vice President of the Georgia Poultry Federation, said his organization supports the resolution.

Mr. Michael Paris, Council for Quality Growth, said his council supports the resolution.

Ms. Sally Bethea, Executive Director of the Upper Chattahoochee Riverkeeper, stated she was opposed to the resolution and that it contained a number of fatal flaws.

Mr. Jeffery Harvey, Georgia Farm Bureau, stated his organization supports the resolution.

Mr. Todd Edwards, Association County Commissioners of Georgia, stated his organization supported the resolution.

Ms. Suzanne Williams, Vice President of Home Builders Association of Georgia, said that her organization supports the resolution.

Senator Bulloch thanked Chairman Tolleson for his hard work and dedication to this plan. He commended him for his tireless efforts.

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Senator Bulloch made a motion that [SR 701](#) "**do pass.**" Senator Hawkins seconded the motion. **SR 701** passed unanimously.

There being no further business, Chairman Tolleson adjourned the meeting at 6:45 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 held a meeting on January 30, 2008 in room 450 of the State Capitol at 1:00 p.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Hawkins of the 49th
Jack Hill of the 4th
Hooks of the 14th
Meyer von Bremen of the 12th
Jackson of the 24th

Note: Senator Chapman of the 3rd, Senator Henson of the 41st, Senator Johnson of the 1st, Senator Powell of the 23rd, and Senator Weber of the 40th were absent.

Chairman Tolleson called the meeting to order at 1:10 p.m.

SB 342 (Pearson, 51st) Water Conservation and Drought Relief Act

Senator Pearson spoke to **SB 342**. Senator Pearson spoke of the needs of the State of Georgia moving forward, which would require approximately 45 to 52 inches of rainfall per year. Assuming that the water is there when we need it, the State needs to be able to facilitate the usage and conservation of our water supply. He stated that we do not need to set obstacles that prevent growth and development. Section 1 of this bill would allow the Environmental Protection Division to be a partner in the process, but establishes a 90-day permit time. Section 2 describes the breakdown of the 357 existing dams in the state.

Senator Hooks asked if the improvements would apply only to existing dams or if they would also apply to new ones. Senator Pearson responded by saying 20 percent will go towards the existing ones and 40 percent would be designated for new dams.

Senator Hawkins asked about the continuing problems with the Army Corps of Engineers controlling rivers like they control lakes. He also commented on the withdrawal of water from the reservoirs.

Chairman Tolleson asked if anyone would like to make a public comment.

Mr. Brook Anderson, Dawson County Water Service, stated that they had presented a plan three years ago and it still was in the planning process. He urged the Committee to pass this legislation in the hopes that this would help their project move forward.

Mr. Todd Edwards, Association County Commissioners of Georgia, said that his organization supports this plan to help aid the counties in the region.

Senator Bulloch asked several questions about the cost and the fiscal note that was presented with the bill.

Senator Bulloch made the motion that **SB 342, "do pass."** Senator Hawkins seconded the motion. [SB 342](#) passed by unanimous vote.

NOTE: Senator Chapman arrived at the meeting. Senator Jack Hill left the meeting.

[SB 351](#) (Cowsert, 46th)

**State-wide Water Planning Oversight
Committee; Procedural Requirements for
Proposed Environmental Rules**

Senator Cowsert spoke to **SB 351**. He stated that this bill calls for future rules and regulations to implement the state-wide water plan with a legislative regulatory oversight committee. This would be created as a Joint House and Senate Committee with the Chairmen of the Natural Resource Committee of each body serving as Co-Chairs. There would also be three House members appointed by the Speaker of the House and three Senate members appointed by the Lieutenant Governor. This would provide that the General Assembly would continue to regulate water.

Chairman Tolleson **tabled** [SB 351](#) for further legal clarification.

[SB 352](#) (Cowsert, 46th)

**Environmental Protection Division Rules:
Procedural Requirements**

Senator Cowsert spoke to **SB 352**. He stated that this bill discusses the procedural requirements of the Environmental Protection Division Rules. Under this legislation, the legislative provision will apply to any rules implementing the plan.

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Senator Bulloch made the motion that **SB 352 "do pass."** Senator Jackson seconded the motion. [SB 352](#) passed by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 1:47 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 held a meeting on February 6, 2008 in room 450 of the State Capitol at 1:00 p.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Hawkins of the 49th
Hooks of the 14th
Meyer von Bremen of the 12th
Weber of the 40th
Jackson of the 24th
Johnson of the 1st
Powell of the 23rd

Note: Senator Chapman of the 3rd, Senator Henson of the 41st and Senator Jack Hill of the 4th were absent.

Chairman Tolleson called the meeting to order at 1:30 p.m.

SB 367(Tolleson, 20th)

**Removes Automatic Repeal Provision
of the Georgia Coastal Management Act**

Chairman Tolleson spoke to **SB 367** and then recognized Ms. Susan Shipman, Director of the Coastal Resources Division of the Department of Natural Resources.

Director Shipman explained what coastal management does and why the extension of the Coastal Management Act is so important to the State. She explained that by not removing the repeal that the State of Georgia would lose a great amount of federal funds.

Mr. Todd Edwards, Association County Commissioners of Georgia, stated that all 159 counties he represents support this bill.

Ms. Julie Mayfield, Georgia Conservancy, stated they were in support of the bill and praised the Coastal Management program.

Mr. Tom Gehl, Georgia Municipal Association, stated that his organization was very much in support of this bill.

Senator Bulloch made a motion that **SB 367 "do pass."** Senator Hudgens seconded the motion. **SB 367** passed by unanimous vote.

Note: Senator Chapman and Senator Henson arrived at the meeting.

SB 382 (Heath, 31st)

Game and Fish; License, Permit, Tag and Stamp Fees

Senator Heath spoke to **SB 382**. He stated that currently the State of Georgia requires hunters over the age of 16 to have a hunters' education course. This bill will extend the one-day course to a three-day course. It will also offer a discount for those who renew their license; the purpose of which is to make residents equal to non-residents, who are not currently required to take the training course. He stated that, basically, SB 382 is designed to encourage people to get out and experience Georgia's natural resources.

Mr. Dan Forster, Director of Wildlife Management, Georgia Department of Natural Resources, stated that this echoed the Department's sentiments. He said that SB 382 addresses the issue of hunter recruitment and is a business-savvy approach to getting people active in renewing their licenses. Senator Bulloch asked what is included in a resident sportsman license and if it would affect lifetime licenses. Director Forster stated that they are awarded all the privileges and that it would not affect a lifetime license.

Mr. Scott Tanner, Heritage and Wildlife Conservation Council, stated that his organization supports the bill.

Senator Bulloch made a motion that **SB 382**, "**do pass.**" Senator Hawkins seconded the motion. **SB 382** passed by unanimous vote.

Note: Senator Jack Hill joined the meeting and Senator Hawkins left the meeting.

SB 351 (Cowser, 46th)

State-wide Water Planning Oversight Committee; Procedural Requirements for Proposed Environmental Rules

Senator Cowser spoke to the substitute for **SB 351**, which was tabled at the previous meeting. He stated that the substitute sets up a Joint Oversight Committee, and points out that the Director of the Environmental Protection Division (EPD) would have consultation input. The main change to the original bill is that the EPD must have input before the oversight committee would take action. He further noted that lines 35-36 were stating that any action must be voted on and is not intended to interfere with federal regulations.

Senator Henson asked the reason for the legislation. Senator Cowser stated that the water plan gave EPD total control of water. He pointed out that this bill was kept narrow and only pertained to water. He stated that the legislators had to answer to the voters and this bill insured that no Senator or Representative could call for a resolution of stay without request of the oversight committee.

Senator Hudgens asked if on page 2, line 22, there should be further definition to which Director this bill is referring to. Mr. Wayne Allen, Legislative Counsel, answered the question stating that the Director is designated in the legislation.

Senator Bulloch made a motion that **SB 351, "do pass by substitute."** Senator Powell seconded the motion. [SB 351](#) passed by unanimous vote.

[SB 368](#) (Rogers, 21st)

**Environmental Protection Division Director;
Swimming Pools; limit restrictions**

Senator Rogers spoke to **SB 368**. He stated that this bill stops the closing of swimming pools in time of drought by EPD. He stated that the only way an order should go out to close pools is by the order of an elected body so that those persons could be held accountable for their actions. He asked that the Committee consider the economic impacts of closing pools and noted that the total water usage to fill pools all over the state would be less than 0.4 percent of our daily consumption.

Senator Hooks stated that he understood the concern over public pool closings but not private pools and stated that owning your own pool is a luxury. He stated that the bill would be strengthened if the word "private" was removed.

Senator Rogers replied that he did not want to take away the single greatest source of exercise for his and all other children across the state. He said that he believes that the state needed to prove that this use of water would make a difference in the supply and directly affect the water problem. He also said that he believes that stagnant pools are a health risk, including the breeding of mosquitoes.

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Senator Bulloch asked Senator Rogers if he owned a swimming pool and he replied no. Senator Bulloch went on to ask if Senator Rogers was aware that a pool must be constantly filled as water evaporates and that if the water level evaporates below a certain level the water becomes unusable. Senator Bulloch also stated that he thought it was a legitimate need, but so are a lot of other water usages as well, and that the Director of EPD is still trying to address all of these needs. He cautioned that we need to look at the bigger picture.

Senator Weber noted that this bill might cause a lot of resentment from those who do not own their own pools and who are not allowed to water their lawns and gardens, while their neighbors are filling their pools. He again suggested removing the word "private" from the bill and making it strictly for public and club pools.

Senator Judson Hill spoke for the bill.

Mr. Shawn Still, Georgia Association of Pools and Spas, spoke for the bill stating health issues and concerns.

Chairman Tolleson tabled the bill until a future meeting.

There being no further business, Chairman Tolleson adjourned the meeting at 2:34 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 held a meeting on February 11, 2008 in room 450 of the State Capitol at 3:00 p.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Chapman of the 3rd
Hawkins of the 49th
Henson of the 41st
Jack Hill of the 4th
Hooks of the 14th
Meyer von Bremen of the 12th
Jackson of the 24th
Powell of the 23rd

Note: Senator Hudgens of the 47th, Senator Johnson of the 1st and Senator Weber of the 40th were absent.

Chairman Tolleson called the meeting to order at 3:00 p.m.

SB 389 (Sen. Grant, 25th) Mandatory Boating Safety Education Act

Senator Grant spoke to **SB 389**. He stated that the Mandatory Boating Safety Act prohibits any person from operating a motorboat unless the operator:

1. Has received a certificate issued as evidence of successful completion of a course and examination in safe boating that is approved by the National Association of State Boating Law Administrators (NASBLA) and certified by the state; or successful passage of an equivalency examination; or
2. Possesses a valid license to operate a vessel issued for maritime personnel by the United States Coast Guard, or a marine certificate issued by the Canadian government; or
3. Possesses a state approved nonrenewable temporary operator's permit to operate a new or used motorboat; or
4. Possesses a rental or lease agreement which lists the persons as an authorized operator of the motorboat; or
5. Is not a resident of this state, is temporarily using the waters of this state for a period not to exceed 60 days, and meets any applicable requirements of his or her state of residency; or
6. Is a person who operates a vessel under supervised training, as authorized by the state; or
7. Has proper identification in the vessel, provided the person is 16 years of age or older.

Senator Grant stated that a person who fails to present a certificate or other document as evidence that the requirements of this legislation have been met, is guilty of a misdemeanor, unless the person presents the required documents in court that prove the person was operating the motorboat in compliance. Further, this legislation allows the court to suspend all, or part, of a fine if the defendant completes the safe boating education course approved by NASBLA. A person who alters, forges, counterfeits, or falsifies a certificate or other document used as such evidence, or who loans a certificate or document, is guilty of misdemeanor. This legislation requires DNR to adopt necessary regulations to carry out the provisions of this legislation.

Senator Henson asked about operating a vessel in the ocean and Senator Grant responded that this would be included as waters of the state.

Senator Hawkins asked if a person his age would have to take the course and Senator Grant responded yes.

Senator Chapman stated that he had been operating a boat since he was a small child and had an issue with now having to take a course about boat operation.

Senator Jackson questioned the phrase "any boat" and Senator Grant responded that this was defined in line 7 on page 5. Senator Bulloch asked if this included small boats with trolling motors and Senator Grant responded yes.

Senator Grant then introduced Colonel West of the Department of Natural Resources. Colonel West spoke about boating laws in Canada and said that the Canadian standards mirror ours.

Senator Henson asked about the cost of this change to law. Senator Grant responded that there would be no cost since boating safety stations were already in place.

Senator Hooks asked Colonel West about Alabama residents and its current system. Colonel West replied that Alabama has a system that combines automobile operators' licenses and boat operators' licenses.

Chairman Tolleson stated that this legislation would be tabled and suggested that the author get Legislative Counsel to rework some of the language.

SB 389 was tabled.

NOTE: Senator Jack Hill left the meeting.

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SB 399 (Tolleson, 20th) Tire Disposal Restrictions & Fees

Senator Tolleson spoke to **SB 399**. He stated that current law requires retail tire dealers to impose a \$1 fee on each new replacement tire sold in the State of Georgia. The current legislation would expire on June 30, 2008. This legislation re-authorizes the collection of the fee until June 30, 2011.

Senator Henson made a motion that "**SB 399 do pass.**" Senator Bulloch seconded the motion. **SB 399** passed by unanimous vote.

Ms. Becky Kelly, Director, Parks, Recreation and Historic Sites for the Georgia Department of Natural Resources spoke to the Committee. She updated the Committee on the new state-wide outdoor recreation plan.

There being no further business, Chairman Tolleson adjourned the meeting at 4:02 p.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 held a meeting on February 13, 2008 in room 450 of the State Capitol at 1:00 p.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Chapman of the 3rd
Hawkins of the 49th
Jack Hill of the 4th
Hooks of the 14th
Jackson of the 24th

Note: Senator Henson of the 41st, Senator Johnson of the 1st, Senator Meyer von Bremen of the 12th, Senator Powell of the 23rd, and Senator Weber of the 40th were absent.

Chairman Tolleson called the meeting to order at 1:02 p.m.

SB 400 (Sen. Tolleson, 20th) State Forestry Commission Investigators; Arson of Lands

Senator Tolleson spoke to **SB 400**. He stated that this bill is dealing with arson fires. This bill clarifies arson laws and penalties, making them more stringent, stating that there were 692 arson fires in 2007. Senator Tolleson itemized the bill as follows:

- Section 1 - Arson fires, under Georgia code, certified investigators can arrest but not issue a citation. On the 3rd citation an arrest can be made.
- Section 2 - Broadens arson laws
- Section 3 - 3rd degree arson, not substantial loss
2nd degree arson, significant loss
1st degree arson, also risking life of citizens.

Senator Chapman asked if it would still be permissible to call in a permit and he was answered yes.

Senator Bulloch asked if on page 3, line 35C - Fires that burn more than 5 acres is a felony charge. He was answered that this is a 2nd degree fire with a charge of 1 - 10 years imprisonment.

Mr. Wayne Allen, Legislative Counsel, was called on to clarify the penalties of this bill including the fines and imprisonment. He stated that:

- 1st degree - \$50,000 fine - 1 to 20 years imprisonment
- 2nd degree - \$25,000 fine - 1 to 10 years imprisonment
- 3rd degree - \$10,000 fine - 1 to 5 years imprisonment

Senator Bulloch wanted to clarify that the loss of timber is a real property value loss.

Senator Jackson stated that arson is determined damage. He wanted to know how this bill would cover "accidents."

Mr. Wayne Allen replied that current law deals with campfires, burning of debris, and related subjects as a misdemeanor.

Mr. Robert Farris, Acting Director, Georgia Forestry Commission, stated that his agency was in favor of the bill and appreciated it coming before the Committee.

Senator Bulloch made a motion that **SB 400 "do pass."** Senator Hudgens seconded the motion. [SB 400](#) passed by unanimous vote.

[SB 443](#) (Heath, 31st)

**Establish Game and Fish Criminal
Violations, Relating to Wild Animals which
Require Licenses or Permits**

Mr. Dan Forster, Director, Wildlife Resources Division, Georgia Department of Natural Resources (DNR), spoke to **SB 443** in the absence of Senator Heath. He stated that Section 1 changes the language of the current law to establish game and fish criminal violations and that Section 2 exempts water buffalo from the wild animal license requirement. These animals needed to be exempted because they are becoming more prevalent as agricultural animals because their milk is used to make mozzarella cheese.

Senator Tolleson had concerns about the two sections being in one bill and called upon Mr. Wayne Allen, Legislative Counsel, to verify his concern. Mr. Allen confirmed that the bill did not have one single purpose.

NOTE: Senator J. B. Powell came into the meeting.

Senator Bulloch made a motion that a Committee Substitute be drafted that would only leave Section 2 in the bill concerning water buffalo. Senator Hudgens seconded that motion.

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Senator Bulloch made a motion that **SB 443 "do pass by substitute."** Senator Jackson seconded the motion. [SB 443](#) passed by unanimous vote.

Chairman Tolleson suggested that there needed to be a new bill drafted on DNR rules and regulations. He also stated that since Senator Mullis was not in attendance, the Committee would not be hearing [SR 820](#) at this meeting

There being no further business, Chairman Tolleson adjourned the meeting at 1:21 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 held a meeting on February 21, 2008 in room 450 of the State Capitol at 5:00 p.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Hawkins of the 49th
Henson of the 41st
Meyer von Bremen of the 12th
Johnson of the 1st
Powell of the 23rd

Note: Senator Chapman of the 3rd, Senator Jack Hill of the 4th, Senator Hooks of the 14th, Senator Jackson of the 24th, and Senator Weber of the 40th were absent.

Chairman Tolleson called the meeting to order at 5:00 p.m.

SR 820 (Mullis, 53rd) Creating the Joint Department of Natural Resources Law Enforcement Study Committee

Senator Bulloch presented **SR 820** in the absence of Senator Mullis. Senator Bulloch stated that this resolution creates the Joint Department of Natural Resources Law Enforcement Study Committee.

Senator Henson made a motion that **SR 820 "do pass."** Senator Meyer von Bremen seconded the motion. **SR 820** passed by unanimous vote.

NOTE: Senator Chapman arrived at the meeting.

SB 463 (Pearson, 51st) Gray Water Recycling System to State minimum Standard Plumbing Codes

Senator Pearson presented **SB 463**. He stated that this bill provides for private residential direct reuse of gray water if certain conditions are met. Gray water use is currently against state law. Senator Pearson stated that it was not the intent to rewrite the code but those persons watering their trees with shower water that had been collected were currently breaking the law. The Committee had several questions about the use of the word "systems" on line 2.

After further discussion, it was decided to delete the word "systems" and to draft a Committee Substitute.

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Senator Henson made a motion that **SB 463 "do pass by substitute."** Senator Hudgens seconded the motion. [SB 463](#) passed by unanimous vote.

NOTE: Senator Jack Hill arrived at the meeting.

[SB 466](#) (Bulloch, 11th)

**Exempt Permanent Facility Car Washes
from Outdoor Watering Restrictions**

Senator Bulloch presented **SB 466**. He stated that this bill exempts car washes from outdoor water restrictions. The bill only applies to a licensed business. The business has to recycle the water that they use. The business also has to be connected to a city or county water and sewer system.

Mr. Gary Dennis, President of the Georgia Car Wash Association, stated that the car washes are already recycling 85-95 percent of the water they use. They are a part of the best management practices program and they have to meet stringent criteria to be certified. He stated that their organization wanted to be taken off the list of outdoor water businesses and that they wanted to be treated on a level business field with other businesses using water.

Senator Hudgens asked about the way that the car washes recycled their water and how much fresh water was used on a single car.

Mr. Dennis stated that they only introduce 15 gallons of new water per day and that only the final rinse uses fresh water.

Senator Hudgens made a motion that **SB 466 "do pass."** Senator Henson seconded the motion. [SB 466](#) passed by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 5:27 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 held a meeting on February 27, 2008 in room 450 of the State Capitol 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
Hawkins of the 49th
Henson of the 41st
Hooks of the 14th
Meyer von Bremen of the 12th
Jackson of the 24th
Powell of the 23rd

Note: Senator Jack Hill of the 4th, Senator Johnson of the 1st, and Senator Weber of the 40th were absent.

Chairman Tolleson called the meeting to order at 3:35 p.m.

SB 389 (Grant, 25th)

Mandatory Boating Safety Education Act

Senator Grant spoke to **SB 389 substitute**. He stated that this was the bill that had been brought before the committee several meetings before and that changes had been made based on the concerns of the committee as well as others. He noted that on page 5 of the substitute a "born on" date had been added. Chairman Tolleson asked if any other major changes had been made. Senator Grant replied that this bill will now contain a tiered structure of education requirements.

Senator Jackson asked what type of card or certificate would have to be presented by the boat operator. Senator Grant said that a license or photo identification card would have to be shown.

Senator Hooks suggested that all of the changes needed to be reviewed and Senator Grant went through the bill line by line.

Senator Meyer von Bremen clarified the July 1st date on page 5.

Senator Bulloch made a motion that **SB 389 "do pass by substitute"**. Senator Hooks seconded the motion. **SB 389** passed by unanimous vote.

NOTE: Senator Chapman left the meeting.

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SB 476 (Heath, 31st)

**Effective Date of Certain Rules and
Regulations Promulgated by the Board of
Natural Resources**

Senator Bulloch spoke to **SB 476** in the absence of Senator Heath. He stated that this bill simply deals with the effective date of certain rules and regulations that are made by the Board of Natural Resources.

Senator Hooks made a motion that **SB 476 "do pass"**. Senator Henson seconded the motion. **SB 476** passed by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting 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 held a meeting on March 5, 2008 in room 450 of the State Capitol at 2:00 p.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Chapman of the 3rd
Hawkins of the 49th
Henson of the 41st
Jack Hill of the 4th
Hooks of the 14th
Meyer von Bremen of the 12th
Weber of the 40th
Jackson of the 24th
Johnson of the 1st
Powell of the 23rd

Chairman Tolleson called the meeting to order at 2:02 p.m.

[SR 1052](#) (Hawkins, 49th)

**Urge Congress to Amend the Endangered
Species Act of 1973**

Senator Hawkins spoke to SR 1052. He stated that revisions in this Act would give the government agencies leeway for human life over wildlife. In times of drought, this has not been a possibility under the wording of the 1973 act. Under the new recommendations, the sturgeons in Florida, that have been so much in the news, would not be adversely affected.

Senator Henson remarked that surely human health should take precedence over animal life.

Ms. Sally Bethea, Upper Chattahoochee Riverkeeper, stated that she had watched the water go down at Lake Lanier. She said that this was very upsetting to watch but that the target is totally wrong. She said that the emphasis should be on the nuclear and coal-fired plants that are using a majority of the water and must have a majority of the water. She said that the endangered species are not the problem and the focus should be on conservation at home.

Ms. Bethea went on to say that the Natural Resources Committee should be committed and focused on low-flow toilets, septic systems, leaks and outdoor watering.

Mr. Bryan Tolar, speaking on behalf of the Georgia Agribusiness Council, applauded the initiative of Senator Hawkins.

Senator Hooks reminded the audience that this was merely an urging resolution.

Senator Meyer von Bremen stated that the flow from Lake Lanier supplied up to 700,000 people and he urged the Committee to be very careful. He said that it would be very unwise to cut water back too far.

Senator Hawkins closed the discussion by stating that the Endangered Species Act does affect what the Army Corp of Engineers can do and that the proper plan should enhance the refilling of the reservoir.

Senator Hudgens made a motion that **SR 1052 "do pass."** Senator Bulloch seconded the motion. [SR 1052](#) passed by a vote of 10-2. Senator Henson and Senator Meyer von Bremen were opposed.

[SR 1063](#) (Johnson, 1st)

New Water Quality Standard for the Savannah Harbor

Senator Johnson spoke to **SR 1063**. He stated that the Environmental Protection Division (EPD) had set harbor standards and this resolution would urge the EPD to set new standards.

Senator Bulloch made a motion that **SR 1063 "do pass."** Senator Hill seconded the motion. [SR 1063](#) passed by unanimous vote.

[SR 1007](#) (Staton, 18th)

U.S. Environmental Protection Agency Air Quality Standards

Senator Staton spoke to the Committee Substitute **SR 1007**. He stated that ozone levels have dropped by 20 percent and that air is becoming cleaner. He stated that he has real concerns about the tightening of air quality standards and the economic devastation that the new standard could have. He said that in Atlanta alone, the standards would change from 9.8 billion particles to 17.9 billion particles. This resolution would urge the EPA to reevaluate the air quality. Senator Staton said that he is an advocate for health care and that real progress is being made in air quality.

He stated that he believes that at this point in time, making the air quality standards more stringent could be a devastating move for the State of Georgia. He stated that he is in support of more flexibility in the standards.

Senator Weber asked what percentages of the pollutants come from transportation. Senator Staton answered that he was not an expert but that cars were running 95 percent cleaner than previously.

Ms. Mary Carr, Southern Alliance for Clean Energy, stated that ozone levels cost billions of dollars in health care cost. She went on to say that these ozone levels affect plant levels and adversity to agriculture. She said that she is an avid cross country runner and had to curtail some of her running due to poor air quality.

Ms. Seandra Rawls, Sierra Club Volunteer, stated that her 2-year old daughter, Victoria, enjoys playing outside. She says she is concerned with the ozone standards and that Georgia is the asthma capital of the nation. She urged the Committee to allow EPA to set stringent standards for the good of public health.

Ms. Rebecca Watts Hull, Mothers and Others for Clean Air, stated that transportation accounts for half of the ozone levels in Georgia. Economic standards do not allow for public health standards. She stated that this is asking EPA to ignore those standards and for them to conflict with Federal law. Non-attainment forces counties to clean up their air. She went on to say this resolution gives the illusion that all is well when it is not and that \$142 million in hospital costs are spent on asthma patients alone. She urged the Committee not to pass the resolution.

NOTE: Senator Johnson left the meeting.

Ms. Anne Mellinger-Birdsong, a citizen, parent and pediatrician, addressed the committee stating that higher ozone increases the amount of emergency room visits. She said that asthma decreased by 40 percent in the metropolitan area during the Olympics because of the decrease in traffic.

NOTE: Senators Hooks, Hawkins and Hill left the meeting.

Ms. Birdsong continued that ozone may be inducing the asthma and that children are acutely affected. Lung growth can be affected while they are at a young age.

NOTE: Senators Weber and Henson left the meeting.

Mr. Bryan Tolar, Georgia Agribusiness, stated that while air quality is important, the present standards need to be maintained. This is very important to economic growth.

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Mr. Rick Cobb, Georgia Petroleum Council, spoke to the Committee stating that gasoline has improved greatly since 1997 following the provisions of the Clean Air Act. He said that during ozone season, which is from June 1 to September 15, the "summer mixture" is sold in the metro area and has a dramatic impact on business and the economy. He stated that gasoline is already clean and that the EPA Clean Air Committee lacks results to set these new standards. The new standards for non-attainment areas would make fuel more difficult and more expensive to produce.

Senator Chapman made a motion that **SR 1007 "do pass by substitute."** Senator Hudgens seconded the motion. **SR 1007** vote was 3-3. Senators Chapman, Hudgens, and Meyer von Bremen voted yes. Senators Bulloch, Powell, and Jackson were opposed. Chairman Tolleson broke the tie by voting yes. [SR 1007](#) passed by substitute.

There being no further business, Chairman Tolleson adjourned the meeting at 4:10 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 held a meeting on March 19, 2008 in room 450 of the State Capitol at 1:00 p.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Hudgens of the 47th
Chapman of the 3rd
Hawkins of the 49th
Henson of the 41st
Jack Hill of the 4th
Hooks of the 14th
Meyer von Bremen of the 12th
Weber of the 40th
Jackson of the 24th
Johnson of the 1st
Powell of the 23rd

Chairman Tolleson called the meeting to order at 1:10 p.m.

[HB 1016](#) (Lane, 158th) **Management of Blue Crab**

Senator Johnson spoke to HB 1016. He stated that current law establishes a line as the separation point between salt and fresh water for commercial and sport fishing. This legislation would clarify that point as being where US Highway 17 crosses the Savannah River. This was the original line designated.

Senator Bulloch made a motion that **HB 1016 "do pass by substitute."** Senator Jackson seconded the motion. **[HB 1016](#)** passed by unanimous vote.

[HB 68](#) (Barnard, 166th) **Coastal Marshlands Protection Act**

Representative Barnard spoke to **HB 68**. He stated current law prohibits a person from removing, dredging, filling, draining, or otherwise altering any marshland, or constructing or locating any structure on or over marshlands in the state, without obtaining a permit from the Coastal Marshlands Protection Committee. This legislation provides an additional exemption to the permit requirement for the building of a single dock by the owners of up to four adjoining lots.

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Senator Hudgens asked if this process will make this harder or easier to get a single dock permit.

Representative Barnard stated that under current law, it is not possible to get a permit without going through the Coastal Marshland Protection Committee.

Mr. Neill Herring of the Sierra Club wanted to commend Representative Barnard for bringing this legislation which continued to protect the marshlands.

Senator Weber wanted to know why the legislation limits the number of users to four property owners.

Representative Barnard answered that at some point, it would become a community dock if limitations were not put on the amount of property owners.

Senator Hawkins asked if there were limitations to the number of walkways.

Representative Barnard replied that he was unaware of any limitations.

Senator Hawkins proposed a substitute to HB 68 with no objections.

Senator Hill made a motion that **HB 68 "do pass by substitute."** Senator Hudgens seconded the motion. [HB 68](#) passed by unanimous vote.

[HB 964](#) (Day, 163rd)

Rules of the Road for Boat Traffic; GA Ports and Harbors

Representative Day spoke to **HB 964**. He stated that this mirrors federal law allowing for exclusionary zones and protects commerce. This legislation is supported by the Georgia Ports Authority, the Georgia Department of Natural Resources (DNR), and the Southern Gas Companies.

Senator Tolleson asked if this was for all areas or just specific to the Georgia ports.

Representative Day explained that the zones were determined by different criteria such as response time.

Colonel Terry West, Chief of DNR law enforcement, allows them to mirror the coast guard restriction areas. This is a joint effort of federal, state and local governments.

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Senator Bulloch made a motion that **HB 964 "do pass."** Senator Meyer von Bremen seconded the motion. [HB 964](#) passed by unanimous vote.

[HB 1176](#) (Knight, 126th) **Oconee River Greenway Authority - Duties
of State Forestry Commission**

Representative Knight spoke to **HB 1176**. He stated that this was a revolving land fund, and it broadens out the players and the opportunities. This legislation is strongly supported by the Georgia Forestry Association.

Senator Bulloch made a motion that **HB 1176 "do pass."** Senator Hawkins seconded the motion. [HB 1176](#) passed by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 2:45 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 held a meeting on March 26, 2008 in room 450 of the State Capitol at 4:00 p.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Chapman of the 3rd
Hawkins of the 49th
Jack Hill of the 4th
Hooks of the 14th
Meyer von Bremen of the 12th
Jackson of the 24th

Note: Senator Hudgens of the 47th, Senator Henson of the 41st, Senator Johnson of the 1st, Senator Powell of the 23rd, and Senator Weber of the 40th were absent.

Chairman Tolleson called the meeting to order at 4:12 p.m.

[HB 1226](#) (Coan, 101st) Georgia Water Supply Act of 2008

Representative Coan spoke to **HB 1226**, the Georgia Water Supply Act of 2008. He stated the bill allows the Georgia Environmental Facilities Authority (GEFA) to authorize funds for grants for reservoirs. This legislation would require a report from the newly created water supply division of GEFA every quarter to the legislature, specifically the Natural Resources and the Environment Committee of each body. Representative Coan stated that the GEFA would use contractors rather than new hires so that they would work themselves out of a job and not add additional personnel to state payrolls.

Senator Hawkins asked about buffers. Senator Pearson replied that this bill does not deal with that issue.

Senator Hooks asked about how reservoir funds would be worked out and if local governments would be forced to participate.

Mr. Joe Young, Legal Counsel, replied that local governments could not be forced to participate. He further stated that GEFA would have a board consisting of mainly local officials. He also stated that the money would come from revenue-backed bonds.

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Senator Jackson asked about who would select the sites and Mr. Young replied the GEFA, in conjunction with the Environmental Protection Division (EPD), and local governments would select the sites.

Ms. Shana Udvardy, Georgia Conservancy, said that for the long- term planning, she would urge legislation to be geared to reduction of water usage by 20 percent, rather than the building of reservoirs.

Senator Bulloch made a motion that **HB 1226 "do pass by substitute."** Senator Hawkins seconded the motion. [HB 1226](#) passed by unanimous vote.

[HB 239](#) (Lane, 158th)

**Provisions of Game & Fish Criminal
Violations**

Senator Bulloch presented **HB 239**. He stated that this legislation changes the language in the current law. It would establish the effective date for game and fish criminal violations. It also would allow for the water buffalo and sugar gliders to be removed from the wild animal classification. These animals would no longer require a wild animal permit.

Senator Hill made a motion that **HB 239 "do pass by substitute."** Senator Chapman seconded the motion. [HB 239](#) passed by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 4:58 p.m.

Respectfully submitted,

/s/ Tolleson of the 20th, Chairman

/s/ Vicki Gibbs, Recording Secretary

April 10, 2008

Mr. Robert Ewing
Secretary of the Senate
353 State Capitol
Atlanta, GA 30334

Dear Mr. Ewing:

The following bills remained in the Senate Natural Resources and the Environment Committee at the close of the 2008 session.

[SB 3](#)
[SB 69](#)
[SB 197](#)
[SB 198](#)
[SB 221](#)
[SB 273](#)
[SB 292](#)
[SB 368](#)
[SB 377](#)
[SR 439](#)

Respectfully submitted,

/s/ Vicki Gibbs
Recording Secretary