

**2009-2010 SENATE NATURAL RESOURCES AND THE ENVIRONMENT  
COMMITTEE ROSTER**

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Senator John Bulloch, 11<sup>th</sup>  
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Senator Steve Henson, 41<sup>st</sup>  
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Senator Jack Hill, 4<sup>th</sup>  
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Senator George Hooks, 14<sup>th</sup>  
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Senator Freddie Powell Sims, 12<sup>th</sup>  
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Senator Dan Weber, 40<sup>th</sup>  
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## NATURAL RESOURCES AND 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 subcommittees 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 held a meeting on January 27, 2009 in room 450 of the State Capitol at 4:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Bill Cowser of the 46<sup>th</sup>, Ex Officio  
Hawkins of the 49<sup>th</sup>  
Jack Hill of the 4<sup>th</sup>  
Hooks of the 14<sup>th</sup>  
Jackson of the 24<sup>th</sup>  
Powell of the 23<sup>rd</sup>, Ex Officio  
Sims of the 12<sup>th</sup>  
Weber of the 40<sup>th</sup>

Note: Senator Bulloch of the 11<sup>th</sup>, Senator Chapman of the 3<sup>rd</sup> and Senator Henson of the 41<sup>st</sup> were absent.

Chairman Tolleson called the meeting to order at 4:00 p.m.

The meeting began with a welcome by Chairman Tolleson who then introduced the staff. Chairman Tolleson asked each member to take a few minutes and review the rules for the Committee.

Senator Hudgens made a motion to adopt the Committee Rules. Senator Jack Hill seconded the motion. The Committee Rules were adopted unanimously.

Chairman Tolleson then recognized Robert Farris, Director of the Georgia Forestry Commission, to make a presentation to the Committee on "Georgia Sustainable Forest Management."

Director Farris thanked the Natural Resources Committee for all their attention to Forest Sustainability. He noted that in 2007, the Committee passed SB 176 that established new regulations and required annual reports to be given to each regular session of the General Assembly. The purpose of this was for the protection, preservation and propagation of timber growth. The second portion of this legislation was aimed at the future. The bill required that the Commission must report quinquennially to the General Assembly verifying the ability of forest resources in this state to meet the needs of the present without compromising the ability to meet the needs of future generations.

Director Farris presented the following annual report as required by SB 176:

Georgia's forests are being sustainably managed to meet the numerous needs of our state today. To ensure our forests will continue to meet the ever increasing demands of future generations, many challenges must be met. Success will depend on proactive decisions by our state leaders and the entire forestry community addressing a myriad of forestry-related issues.

Georgia's forests have remained stable for the past 50 years at approximately 24 million acres, contributing \$27.7 billion to Georgia's economy. Ninety-two percent of this acreage is privately owned. The main change that is being seen is the size of parcel acreage which has been shrinking. This is due to a number of factors, including the effects of urbanization and the tremendous divestiture of forest industry-owned lands. Several issues, such as state and local tax structures and the strength of forest product markets, affect the economic viability of owning and managing forest land.

Fifty-five of Georgia's counties are dependent on forestry activity, and while the number of mills has declined, total productivity remains high. Strong markets for forest products are crucial to the future of traditional pulp and paper, lumber and pole supplies. Forest growth well exceeds removals and is available to global supply and local markets. The development of a forest resource-based bioenergy industry is poised to contribute significantly to Georgia's economy and reduce our dependence on nonrenewable fossil fuels.

Georgia's forests provide valuable ecological services that help supply our state with clean water, clean air, wildlife habitat, and recreation opportunities. With two out of every three falling raindrops in Georgia landing on forest lands, the sustainable management of our forests is one of the most significant factors affecting our water quality and quantity. The General Assembly's recent adoption of the Statewide Water Management Plan recognizes forestry's Best Management Practices as a model program that other land use practitioners should emulate. Carbon sequestration is an emerging ecological market opportunity that will soon provide additional incentives for landowners to keep their property forested.

Forestry professionals ensure public safety by providing fire prevention services in the form of prescribed fire as well as wildfire suppression. The health and sustainability of Georgia's forests are dependent on attention to both. Urbanization places more lives and property at risk from wildfire and greatly complicates the management of wildfires and prescribed fires.

Urban sprawl and fragmentation impact natural habitat and the nature services forestry provides. Forest recreation contributes \$1.8 billion annually to Georgia. A system of public and private conservation strategies is needed to support forest and wildlife sustainability. The professional use of prescribed fire and the eradication of invasive plants and animals are needed to maintain the full suite of habitats required by native species. Expansion of the Georgia Land Conservation Program supports this goal, as does the State Wildlife Action Plan.

The Forestry Commission is in the process of developing further prevention measures to provide protection from the onslaught of Cogangrass. This grass has spread across the southern US since arriving as packing material in crates shipped from Asia to Mobile, Alabama and is already in neighboring states. If left unchecked Cogangrass chokes out native plants and causes problems for livestock and wildlife. Without proper eradication, Cogangrass can destroy entire forests.

The forest land valuations for tax purposes are inconsistent across Georgia and "highest and best use" land valuation threatens forest sustainability. The General Assembly's overwhelming support and passage of the 2008 Forest Land Protection Act is an excellent first step. However, additional legislation is needed to support the fair and equitable treatment of forest land to help ensure Georgia's forest resources for future generations.

The cooperative efforts of a diverse group of natural resource professionals developing this report have confirmed the need for a comprehensive statewide assessment of Georgia's forest resources. The Georgia Forestry Commission has initiated a comprehensive assessment and action plan that will be completed in April 2010.

Director Farris closed his report by stating that with wise use of knowledge and resources, Georgians can keep our forests sustainable for present and future generations.

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Chairman Tolleson thanked Director Farris for his excellent report. He also thanked the Georgia Forestry Commission for their diligence to excellence under extreme budget duress.

There being no further business, Chairman Tolleson adjourned the meeting at 4:52 p.m.

Respectfully submitted,

/s/ Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 3, 2009 in room 125 of the State Capitol at 4:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Hawkins of the 49<sup>th</sup>  
Henson of the 41<sup>st</sup>  
Hooks of the 14<sup>th</sup>  
Jackson of the 24<sup>th</sup>  
Powell of the 23<sup>rd</sup>, Ex Officio  
Sims of the 12<sup>th</sup>

NOTE: Senator Bulloch of the 11<sup>th</sup>, Senator Chapman of the 3<sup>rd</sup>, Senator Cowser of the 46<sup>th</sup>, Senator Jack Hill of the 4<sup>th</sup> and Senator Weber of the 40<sup>th</sup> were absent.

Chairman Tolleson called the meeting to order at 4:02 p.m.

### **SB 72 (Heath, 31<sup>st</sup>) Rules and Regulations of the Board of Natural Resources**

Chairman Tolleson asked Todd Holbrook, Georgia Department of Natural Resources, to present **SB 72**. Senator Heath was unable to attend the meeting.

Mr. Holbrook spoke to **SB 72**, explaining that this bill is strictly a housekeeping bill. The purpose of this bill is to establish criminal violations of the rules and regulations promulgated by the Board of Natural Resources. These rules and regulations relate to game and fish generally; and certain changes relating to registration, operation and sale of watercraft relating to penalties for violations.

Senator Hooks made a motion that **SB 72**, “do pass.” Senator Sims seconded the motion. **SB 72** passed by unanimous vote.

NOTE: Senator Bullock came into the meeting.

**SR 109 (Tolleson, 20<sup>th</sup>)    Joint Study Committee on the Retrofit of Diesel Engines**

Chairman Tolleson presented **SR 109**. He stated that it is a joint study committee on the retrofit of diesel engines which deals with air quality. He said that there are a lot more regulations coming from the Federal Environmental Protection Agency and he wants to look at the issue. These regulations need to be studied to see if retrofitting will assist with meeting them and if there are provisions for the federal government to defray some or all of the costs.

Anne Blair, Southern Alliance for Clean Energy, spoke in favor of the Resolution stating she believed that this is something that needs to be studied. She said that there are a lot of groups now looking into this issue in our state and others.

Senator Bulloch stated that when looking at diesel engines, diesel fuel is in two forms – on-road and off-road. He questioned whether this requirement would also include off-road diesel fuel. Ms. Blair replied that there are two separate diesel rules on the federal level. She said the 2007 bill regulates on-road diesel and its emissions. The off-road vehicles will begin having to meet those mandates in 2011. The purpose of this resolution is to take a look at legacy diesel engines that last 20-30 years or even longer. These engines are not affected by the federal regulations, and if not regulated will continue to produce harmful pollution. There is retrofitting becoming available that will reduce emissions in these engines by 30-90 percent depending on the technology you use and can be used with a combination of fuels including bio-diesel.

Senator Bulloch stated that he has some diesel engines that have lasted more than 50 years. He said that he is under the impression that these engines will have to be retrofitted to a cleaner air standard by 2011.

Ms. Blair stated the technology is widely used and very effective.

Senator Bulloch asked if any major manufacturers have an engine on the market today that can meet these regulations, remarking that in California it is unlawful to operate a tractor made prior to 2012 regulations.

Bruce Widener, lobbying on behalf of Caterpillar Equipment, spoke in favor of the Resolution. He stated that Caterpillar and John Deere are working diligently on engines that meet these emission standards. Senator Bulloch wondered if he bought a new tractor today, would he even be able to use that tractor in 2011.

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Senator Henson made a motion that **SR 109, “do pass by substitute.”** Senator Hudgens seconded the motion. [SR 109](#) passed by unanimous vote.

Note: Senator Cowser came into the meeting.

### **[SR 107](#) (Pearson, 51<sup>st</sup>) Reservoirs Upstream of Lake Sidney Lanier**

Senator Pearson presented **SR 107**. This is an urging resolution, urging Congress to facilitate the building of reservoirs upstream of Lake Lanier. He stated that over five million people depend on Lake Sidney Lanier and the Chattahoochee River for their water supply. Building reservoirs upstream from Lake Lanier is necessary to control water levels so that the people of Georgia and the surrounding states are ensured an adequate supply of water. Therefore, this resolution urges the United States Congress to assist Georgia in our water needs by helping facilitate the building of reservoirs on the Chattahoochee National Forest land to supplement water inflow and maintain adequate water levels in Lake Sidney Lanier.

Mark Woodall, representing the Sierra Club, spoke in opposition to the Resolution. He stated that the building of reservoirs is not cost-effective and that the State of Georgia needs to save and conserve water. He stated that he wanted to have the State do something right now. We need to focus on leaks right away.

Senator Bill Jackson asked why the Sierra Club is not in favor of reservoirs as an additional water pool. Mr. Woodall replied that Lake Lanier is a small watershed located at the headwaters of the Chattahoochee and developing large reservoirs upstream would not do any good. He did state that he is not opposed to developing existing Soil and Water Conservation Commission reservoirs, but still wants to be emphatic that conservation is more cost-effective.

Senator Hudgens made a motion that **SR 107 “do pass.”** Senator Bill Jackson seconded the motion. [SR 107](#) passed by unanimous vote.

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There being no further business, Chairman Tolleson adjourned the meeting at 4:45 p.m.

Respectfully submitted,

/s/ Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 10, 2009 in room 450 of the State Capitol at 4:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Cowser of the 46<sup>th</sup>, Ex Officio  
Hawkins of the 49<sup>th</sup>  
Henson of the 41<sup>st</sup>  
Jack Hill of the 4<sup>th</sup>  
Hooks of the 14<sup>th</sup>  
Powell of the 23<sup>rd</sup>, Ex Officio

NOTE: Senator Chapman of the 3<sup>rd</sup>, Senator Jackson of the 24<sup>th</sup>, Senator Sims of the 12<sup>th</sup> and Senator Weber of the 40<sup>th</sup> were absent.

Chairman Tolleson called the meeting to order at 4:01 p.m.

Chairman Tolleson announced that [SB 71](#) would not be on the agenda today as originally posted.

### [SB 99](#) (Grant, 25<sup>th</sup>) Prohibits the Operation of Large Vessels on Certain Lakes

Senator Grant introduced **SB 99** to the Committee stating that this bill would specifically limit motorized vehicles on Lake Sinclair to 30 feet 6 inches. He stated that there were between 2 to 25 boats presently on the lake.

Chairman Tolleson questioned the fact that people owning this size boat had made a huge investment and was it fair to just tell them that they could no longer operate.

Senator Hudgens questioned who would be responsible for having these vessels moved and what were the owners supposed to do with them.

Dan Forster, Director of Wildlife Management, Georgia Department of Natural Resources, was questioned as to whether this was a County or State regulation since it seemed the County was the one requesting the change in the law. Mr. Forster stated that it was not County-enforceable but came under State (DNR) regulation. Several lakes already prohibit boats of this size.

Chairman Tolleson **tabled** [SB 99](#) until there could be some provisions worked on for those already owning boats of this size on Lake Sinclair.

**[SB 110](#) (Bulloch, 11<sup>th</sup>)      **Trapping Wildlife upon Rights of Way of Public Roads and Highways****

Senator Bulloch stated that **SB 110** allows authorized agents and contractors of the State, County or City to trap beavers on roads and highways. These agents must have commercial trapping licenses. Senator Bulloch further explained that this bill is very necessary in the rural areas of the state.

Senator Henson asked how many beavers this will affect and was answered that it could affect numerous beavers.

Senator Hooks wanted to clarify that he was not in violation of the current law, trapping on personal property. He stated that the beavers were a menace to the property owner.

Todd Edwards, representing Association County Commissioners of Georgia, spoke in favor of the bill.

Senator Hooks made a motion that **SB 110** “**do pass.**” Senator Henson seconded the motion. [SB 110](#) passed by unanimous vote.

**[SB 111](#) (Bulloch, 11<sup>th</sup>) **Restrictions on Hunting Certain Animals with Lights****

Senator Bulloch introduced **SB 111**, explaining that this bill removes the restrictions on light voltage when hunting certain wildlife at night. He stated that this bill requires lights to be carried by hunters, affixed to the helmet, hat, or belt. He said that because of technical innovations this bill modernizes the former statutes and would change the Code Section in two places. This bill would allow for the hunting of raccoons, opossums, foxes, bobcats and feral hogs. Alligators can no longer be hunted at night.

Dan Forster, Georgia Department of Natural Resources, stated that the Department was completely in support of this bill.

Senator Hooks made a motion that **SB 111**, “**do pass.**” Senator Hudgens seconded the motion. [SB 111](#) passed by unanimous vote.

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There being no further business, Chairman Tolleson adjourned the meeting at 4:55 p.m.

Respectfully submitted,

/s/ Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 12, 2009 in room 450 of the State Capitol at 3:30 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Chapman of the 3<sup>rd</sup>  
Henson of the 41<sup>st</sup>  
Jackson of the 24<sup>th</sup>  
Powell of the 23<sup>rd</sup>, Ex Officio  
Weber of the 40<sup>th</sup>

NOTE: Senator Cowser of the 46<sup>th</sup>, Senator Hawkins of the 49<sup>th</sup>, Senator Jack Hill of the 4<sup>th</sup>, Senator Hooks of the 14<sup>th</sup> and Senator Sims of the 12<sup>th</sup> were absent.

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

### **SR 184 (Tolleson, 20<sup>th</sup>) Creating the Senate Study Committee on Boating Safety**

Chairman Tolleson presented **SR 184** to the Committee. He explained that this resolution would create a Senate Study committee to study the need for stricter boating laws. He said he felt that with the greater use of lakes by boaters, more accidents are regularly occurring.

Senator Henson made a motion that **SR 184** “do pass.” Senator Hudgens seconded the motion. **SR 184** passed by unanimous vote.

### **SR 12 (Pearson, 51<sup>st</sup>) Commercial Oil and Natural Gas Well Production**

Senator Pearson presented **SR 12**. He stated that this would authorize the General Assembly to provide a reward to the first person or firm that drills and produces a commercial oil well and/ or a natural gas well on land or off-shore in the Atlantic Ocean. This person or firm would have to develop a method or device for substantial and viable energy production and/or conservation to reduce our dependence on fossil fuels. The general law will provide for the reward amount, the minimal amounts of daily production and the authority for determining whether the requirements of the reward have been met, including the distribution of the reward. The methods of payments will be determined by the Governor.

Senator Pearson further noted that there has been a bill on the books since 1957 which provides a bounty for an oil well.

NOTE: Senator Cowser and Senator Hooks came into the meeting.

Chairman Tolleson asked if this is current law. Senator Pearson replied yes that it is current law in Georgia. This bill combines natural gas with the oil well because they typically are found together and come out of the same drilling. Senator Pearson said this is a clean, environmentally-friendly alternative and reduces our dependency on fossil fuels. This would be a new source of reliable energy.

Chairman Tolleson stated he was all for the conservation part but questioned how we measure the amount of the reward. Wayne Allen, Legislative Counsel, added that it has to be determined by a bill. Senator Pearson noted that they have not prepared a bill, because they first need to get this Resolution passed. Upon passage of the resolution they will craft a bill but it might have to begin in the House. Mr. Allen stated that since money would change hands that the bill would have to begin in the House of Representatives.

Chairman Tolleson stated that he is alright with going ahead with the resolution as long as there has to be a companion bill. He stated that he wanted to make sure the Committee is not voting to change the law and not be sure what changes are being made to the law.

Senator Henson asked if the 1957 law had ever been used and if we pass this resolution could a major corporation such as Chevron or BP claim the reward money. Senator Pearson said that no money has ever been given as a reward. There was an effort by small jobbers to buy the gas belt. We know that Georgia has coal, so there is a very good chance that we have oil and natural gas. This resolution gets people involved with the discovery and explores whether it is commercially viable to have the oil and natural gas wells.

Senator Henson asked Senator Pearson if this Resolution intended to raise the amount of the bounty. Senator Pearson replied yes, approximately \$5 million for on-shore and \$10-15 million for off-shore. Senator Pearson continued that each state must do its part to become energy independent as a whole. We will never be an Oklahoma or Texas in quantity of production, but we need to get bright people in private industries interested.

Senator Bulloch asked Senator Pearson if all he was doing is trying to get an incentive for a company that will spend a lot of money trying to find oil and natural gas. Senator Bulloch praised Senator Pearson in making a great step to encourage this exploration and the conservation aspect of the resolution should make it even more enticing to the Committee.

Clint Austin, representing the Municipal Authority of Georgia, spoke in favor of the bill stating it keeps the exploration ideas in front of the public. He stated that the Municipal Authority believes there is a lot of natural gas off-shore and hopes that Congress will also allow the exploration of that source of energy.

Senator Bulloch made a motion that **SR 12 “do pass by substitute.”** Senator Powell seconded the motion. [SR 12](#) passed by unanimous vote.

### **[SB 15](#) (Douglas, 17<sup>th</sup>) Clean Up of Methamphetamine Lab Sites**

Senator Douglas presented **SB 15** to the Committee. He explained that this bill deals with the cleaning up of methamphetamine labs, allowing the local health department to quarantine a house if a meth lab is found in the house.

NOTE: Senator Bulloch left the meeting.

Wayne Allen, Legislative Counsel, discussed with the Committee that there were a number of lines of the bill that had questionable constitutionality issues. He suggested that a new bill be drawn to be voted on in the next meeting and Chairman Tolleson agreed that the bill needed to be cleaned up.

Senator Hudgens said that he was unaware that this was as big a problem as was being presented. He stated that he owns some trailers that he rents out. He asked after those people move what he is supposed to do with a trailer that has had methamphetamine produced inside the trailer and if it is acceptable to take it to a landfill if it has been contaminated. There was no one in the meeting from EPD that could answer Senator Hudgens' question.

Senator Weber noted that the bill stated that once the county health department gets notice from law enforcement they have 24 hours to decide if the property gets quarantined. He stated he had a concern about the time period involved and how could the health department work in that short a time. Senator Douglas stated that if there is a meth lab found, then there is a definite contamination problem. Senator Weber asked what if there had only been one use of the lab for example. Senator Douglas replied that the hygienist then inspects the property and lifts the quarantine.

Senator Weber expressed further problems with the bill stating the 120 day clause seems unreasonable. His concern is to be able to get a judge to rule in that period of time. Senator Douglas explained that the main goal is to keep this under local jurisdiction and to keep the State EPD out of the process. However, Senator Douglas stated he is not opposed to EPD being a part of the process if needed.

Senator Weber stated that he would also like for all the wording to match so that all people with interest in the property have equal footing. The wording should read owner/lien holder. Senator Douglas stated that he has no objections to adding lien holder to the bill.

Senator Hooks added that the methamphetamine epidemic is a tragedy and a national problem, and he is glad that we are recognizing the fact. He stated that he has one major problem in the bill. The bill puts the responsibility of enforcement on the local health departments who are already desperately under staffed and extremely under funded. The local governments have to cover what the State cannot. He stated that it is unfair to pass a law that loads further responsibility on the County without providing for further funding. Senator Hooks suggested that Senator Douglas have a conversation with the State EPD and the County Health Departments to see where the burden should be placed.

Senator Douglas responded that the only responsibility of the County Health Department is to issue the quarantine and then to remove the quarantine. The burden of the expense of the hygienist, cleaning the property and making sure it meets code enforcement fall directly on the property owner. It is one of the burdens of owning property.

Senator Powell stated that he would like to express the same concerns as Senator Hooks on the County level. He also would like to know what the insurance liability would be for the property owner. He stated that he believed that General Liability insurance would then require a home owner to carry Error and Admission Insurance. He stated that he felt that was an unfair burden on the average home owner.

Senator Hudgens then stated that he did not feel that any insurance would cover these types of problems. Chairman Tolleson agreed and said he does not believe any insurance would pay in these cases.

Chairman Tolleson addressed the members of the Committee stating that he would not call for a vote on this version of the bill. He instructed Senator Douglas to work with Legislative Counsel and other parties to work out the problems that had been expressed by the Committee.

Chairman Tolleson recognized Keith Hatcher, representing the Georgia Association of Realtors, to speak to the bill. Mr. Hatcher began by thanking Senator Douglas for including them in the discussions pertaining to this bill. He also said he appreciated the Senators on the Committee working so diligently for the rights of property owners. He stated that the sad thing is that no matter how this bill is drawn it adds additional burdens to the property owners. If the meth lab is on your property, you as property owners will have to assume the liability. This bill attacks the problem head on and asks the question, "here it is, now what do we do with it?" The Georgia Realtors agree that we must have a standard across Georgia to set things right and return the property to a marketable state. He finished by adding that he was extremely concerned about rural areas having access to a hygienist's services.

Chairman Tolleson recognized Haydon Stanley, representing the Georgia Apartment Association, who echoed his praise for Senator Douglas working with their organization. He stated that their group had been looking at this growing problem for the past few years. The property owners are the victims, but need to be able to act quickly to get their property cleaned up and usable. He stated that the property owner should not be treated in the same manner as the person running the meth lab. We would like to continue to work with this Committee and the author to work on reasonable solutions to this ever growing problem.

There being no further business, Chairman Tolleson adjourned the meeting 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 held a meeting on February 19, 2009 in room 450 of the State Capitol at 2:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice Chairman  
Chapman of the 3<sup>rd</sup>  
Cowser of the 46<sup>th</sup>, Ex Officio  
Hawkins of the 49<sup>th</sup>  
Henson of the 41<sup>st</sup>  
Hooks of the 14<sup>th</sup>  
Powell of the 23<sup>rd</sup>, Ex Officio  
Weber of the 40<sup>th</sup>

Note: Senator Hudgens of the 47<sup>th</sup>, Senator Jack Hill of the 4<sup>th</sup>, Senator Jackson of the 24<sup>th</sup>, and Senator Sims of the 12<sup>th</sup> were absent.

Chairman Tolleson called the meeting to order at 2:07 p.m.

### **SB 78 (Tolleson, 20<sup>th</sup>) Georgia Voluntary Remediation Program Act**

Chairman Tolleson presented **SB 78** to the Committee. He stated that it does not change the hazardous clean up fund but expands the site clean up to include a voluntary remediation plan. This plan would provide progressive clean up and gives other avenues to move the process faster. To qualify, properties must be listed on EPD's hazardous waste site inventory or have a release of regulated hazardous substances. An applicant must submit a voluntary remediation plan with an application fee of \$5,000, and have approval from the EPD Director of a compliance status report.

Senators Weber and Chapman both questioned what the incentive is for property owners to enter into the program. Rudy Underwood, representing the Georgia Chemistry Council, stated that this gives the flexibility of an alternative route for clean up of properties already on EPD's list. Currently, property owners can undergo voluntary remediation after EPD determines there has been a release of hazardous substances, but they must go through a lengthy, very time-consuming process with EPD that is the same for every situation. This bill would provide for a more cost-effective approach that can be tailored to the individual site and allows for a quicker clean up.

Senator Weber asked if there are any incentives to give these people. Mr. Underwood replied that there are now 575 sites on the list and this provides a way to more effectively get them cleaned up.

Senator Weber said that he was impressed with the bill and that the process seemed very good. He asked if there are sites that are not reported.

Mr. Underwood replied that this also gives an incentive to get them all on the list.

John Poole, representing the Georgia Paper Forest Products Association, reported he has seen this work very well in other states.

Mark Woodall, representing the Associated General Contractors, stated they were in support of the bill.

Lee Lemke, representing the Georgia Mining Association, stated their organization is in support of this bill.

Neill Herring, representing the Sierra Club, stated concerns with the bill. He stated that many of his concerns have been addressed in the bill. He will work with the author of the bill to address the concerns he still has with the bill. These concerns relate to the clean up standards that may be used by the applicant. He believes the highest standard should be required. He stated that the House Committee is addressing these concerns, especially groundwater/drinking water standards, in HB 248, the companion bill in the House.

Jean Harrison, representing Atlanta Gas Light Company, spoke in support of SB 78. She cited three basics that her company particularly favored:

- 1) The bill supports properties being put back to functional value;
- 2) The bill is supportive of human health and the environment; and
- 3) The bill allows responsible companies to get the clean up started and frees up EPD to work with sites that have been abandoned or are not being worked on.

Ms. Harrison closed by stating that SB 78 gives an incentive for cleaning up sites and that her company believes it compares to other states with this type of legislation.

Joel Harrison, representing Norfolk Southern Railroad, spoke in support of SB 78 stating that this legislation had achieved very good success in other states.

Crinu Baila, a representative of Premier Environmental Services, Inc., stated that they are in complete support of the bill. He said that it is competitive with other states and makes the public pro-active.

Clay Jones, representing the Georgia Traditional Manufacturing Association, also wanted to speak in support of SB 78. He praised the bill for bringing a positive idea which gives an alternative to companies.

Senator Bulloch made a motion that **SB 78 “do pass by substitute.”** Senator Powell seconded the motion. [SB 78](#) passed by unanimous vote.

### **[SB 15](#) (Douglas, 17<sup>th</sup>) Clean Up of Methamphetamine Lab Sites**

Senator Douglas presented **SB 15 substitute**. He stated that this was a clean version of the bill addressing issues that the Committee had formerly voiced. He also stated that it greatly minimized the responsibility of the EPD.

John Banaski was introduced by Senator Douglas as an expert witness. He cited a *Rome News-Tribune* article on February 14, 2009, stating that: “Growing meth epidemic likely costing taxpayers billions.” He compared this to an infectious disease and told the Committee that it is their responsibility to pass laws to shut these labs down. He stated that his years of experience had shown him that families are being destroyed by this drug and others are being destroyed by the hazard of living in a home that has formerly had a meth lab in the building.

Senator Bulloch asked Mr. Banaski who he was and what his job was. Mr. Banaski refused to answer the question.

NOTE: Senator Chapman left the meeting.

Hayden Stanley, representing the Georgia Apartment Association, stated that they were continuing to work with the author. Their organization is not opposed to the legislation but still wanted to be sure the property owner is protected.

Keith Hatcher, with the Georgia Realtors Association, stated that they too wanted to be assured that the property owners did not get unfair treatment.

Scott Maxwell, representing the Georgia Public Health Association, spoke to SB 15. He stated that in the past couple of years the State of Georgia, due to budget constraints, has made nineteen percent cuts to public health funding and will probably see deeper cuts in the future. He cautioned that these organizations are already underfunded and severely understaffed. Not only would this bill put greater responsibility on the now strapped staff, he wanted the Committee to be mindful that public health department employees are not trained in this field. He questioned how they would be prepared to make a “quarantine decision.”

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**SB 15 was tabled by the Chairman until a future meeting.**

There being no further business, Chairman Tolleson adjourned the meeting at 3:10 p.m.

Respectfully submitted,

/s/ Tolleson of the 20<sup>th</sup>, Chairman

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 24, 2009 in room 450 of the State Capitol at 4:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Cowser of the 46<sup>th</sup>, Ex Officio  
Hawkins of the 49<sup>th</sup>  
Jack Hill of the 4<sup>th</sup>  
Hooks of the 14<sup>th</sup>  
Weber of the 40<sup>th</sup>

Note: Senator Chapman of the 3<sup>rd</sup>, Senator Henson of the 41<sup>st</sup>, Senator Jackson of the 24<sup>th</sup>, Senator Powell of the 23<sup>rd</sup>, and Senator Sims of the 12<sup>th</sup> were absent.

Chairman Tolleson called the meeting to order at 4:08 p.m.

### **SB 15 (Douglas, 17<sup>th</sup>) Clean up of Methamphetamine Lab Sites**

Senator Douglas was asked by the Chairman to explain to the Committee the changes that had been made to **SB 15**. The Chairman reminded Senator Douglas that this was the third meeting that SB 15 had been discussed.

Senator Douglas thanked the Chairman and drew attention to the substitute changes line by line. The main changes he made were the number of tests that would be performed and removing the Superior Court's involvement in the process. Under the current substitute there would be three tests performed to see if the residence would be required to be quarantined. The registered owner pays for the first two tests. If the first test results in a positive testing and the second test results in a negative testing, then the government will pay for a third test. The Superior Court has been replaced with the owner of the property going to the City Council or the County Commission because there is no cost to appear before them. These changes were made because Senator Bulloch and Senator Weber had these concerns.

Senator Bulloch asked Senator Douglas how many certified hygienists there were in the State of Georgia. Senator Douglas replied that he did not have any idea. Senator Bulloch asked who certifies hygienists and Senator Douglas stated that he was not sure and asked the Chairman's permission for Jim Banaski to join him at the witness table. Mr. Banaski stated that the hygienists complete schooling and they are certified by a governing body but unsure which one.

Senator Hooks asked if there is a licensing board, possibly overseen by the Secretary of State. Mr. Banaski stated he was not aware of the Secretary of State having a board of hygienist licensure.

Senator Bulloch stated that he did his homework and can answer the question. He stated that there are 150 certified hygienists in the State of Georgia. He said that they receive certification from the American Board of Hygienists. There are three certified hygienists south of Macon. Senator Bulloch stated that this could be a major cost to whoever would be responsible for paying a certified person to inspect a residence in South Georgia.

Senator Douglas stated that he understood Senator Bulloch's concern but that he feels that most of the people live in the metro Atlanta area and that he feels there are enough to cover the state.

Senator Bulloch questioned that statement. He said that there might be enough if the total 150 hygienists were distributed evenly throughout the State. He gave the example of a hygienist residing in Lee County and a property in Thomas County comes under question. The Lee County hygienist is unavailable. Senator Bulloch stated that this would be a major expense on a property owner to have someone come from Atlanta. Senator Bulloch also has a concern as to how long a property will be shut down while waiting for someone in authority to certify it can be reopened.

Senator Douglas said that he is sympathetic to Senator Bulloch's concerns but that is the burden of the property owner. He said that someone has to pay for the repairs after a crime is committed on their property.

Senator Hudgens asked Senator Douglas what constituted having a test run. Senator Douglas replied that if a meth lab had been found. Senator Hudgens then said what if a tenant just claimed there had been a meth lab and your property gets shut down for false reasons. Senator Douglas said he would imagine the burden of proof would lie with the accuser.

Senator Hooks stated that he admires the position that Senator Douglas is taking but has strong concerns over the number of available personnel. He stated that more mandates causes more expenses to the counties and some of Georgia's counties are running below the poverty level now.

Chairman Tolleson recognized Haydon Stanley with the Georgia Apartment Association to speak. Mr. Stanley stated he would be brief. He said that he appreciates the amount of time and effort that Senator Douglas has spent addressing all of our concerns. This Committee has spent a great deal of time on this bill. There have been changes to the bill that their organization has not been able to review and he would need to take them to his clients. He stated that he wanted to inform Senator Douglas and the Committee that there might be further changes and they would want to express them through amendments.

NOTE: Senator Hooks left the meeting.

Scot Uhlich, Environmental Director, Georgia Department of Public Health, stated that they recognize that exposure to toxic fumes is very dangerous. However, the problem is that our health departments are just not trained in this area. We would have to train our staff on meth labs for our liability. We have concerns about the available resources that we would have and who would pay for the hygienist. Senator Douglas stated that as he had said before the property owners would be responsible for the first two tests. Mr. Uhlich asked who would represent the health departments in these cases as they do not have any lawyers on staff. Senator Douglas stated that they would have immunity just like any county government. Mr. Uhlich stated that they would still have to have a representative in court in these cases. We have, in the past, been represented by the Attorney General's office in some cases but this could increase the number of court cases. Mr. Uhlich closed by saying that he has two very strong concerns: 1) Training of staff so they know what to do; and 2) Where the liability would fall and who would be responsible for defending that liability.

Jim Banaski states that there are other ways to receive funding than just through the state. He said there are grants that the health department and other organizations can qualify for to ease the cost. The EPA has a local government reimbursement program that will reimburse up to \$25,000 per incident.

Scott Maxwell, representing the Georgia Public Health Association, stated that the biggest problem they have is the money issue. One hand gives them more responsibility and the other hand takes away money. Senator Hudgens asked Mr. Maxwell if his organization was in favor or opposed the bill. Mr. Maxwell stated that he believed the fence was a good place to be at this point.

Senator Douglas closed the discussion by stating that he appreciates everyone working so hard on this bill. He said that this is a very serious issue we are facing in Georgia today.

Senator Hawkins made a motion that **SB 15 “do pass by substitute.”** Senator Weber seconded the motion. [SB 15](#) passed by a vote of 5-2. Voting yea were Senators Chapman, Cowser, Weber, Hawkins and Jack Hill. Opposed were Senators Bulloch and Hudgens.

### **[SR 304](#) (Pearson, 51<sup>st</sup>) Etowah Aquatic Habitat Conservation Plan**

Senator Pearson presented **SR 304** to the committee. He stated that this is an urging Resolution to the U.S. Fish and Wildlife Service to conduct further scientific review within the Etowah River Basin by performing the mandatory five-year status update prior to further consideration of any Etowah Aquatic Habitat Conservation Plan. He stated that there are one million acres involved in this area and that the estimated cost of this conservation plan is up to \$5,000 per acre. He said that they need to slow the process of naming endangered species within the area down and take the time to look to see if these animals even need to be on the endangered species list. The numbers look like they are building for certain fish that are listed. Senator Pearson said that all he is asking is that they carefully and routinely carry out the studies and realize the cost to the property owners.

Shana Udvardy, representing the Georgia Conservancy, opposed the Resolution. She stated that this would put a few builders over all of the stakeholders. The second point she wanted to bring to the Committee has to do with storm water run-off. Other plans around the country have much harsher plans and protect rain water. The third point was the biological diversity in the areas.

There are so many types of fish and wildlife in this area that it makes the area unique and worth our protection. In closing, she asked that the Committee not support this Resolution.

Joe Cook, representing the Coosa River Basin Initiative, spoke against the Resolution on behalf of the 3,000+ members of his organization. He said he wanted to correct the misinformation that the Resolution presents. The stakeholder process has already begun. Out of the 20 cities involved, 13 cities have already passed resolutions in support of the plan. The Resolution also gives the impression that the rules governing the Etowah River Basin are some of the harshest in the nation for a metropolitan area. He stated that many are opposed to this plan because it is not stringent enough. He said that the status of the endangered fish and other wildlife was updated in 2000. Mr. Cook stated that he feels that this undermines local governments taking care of their local areas.

Senator Hudgens asked what Mr. Cook's organization is afraid of with this Resolution. Mr. Cook said they see it as an attempt to derail a very solid plan.

Senator Bulloch asked why we are wasting the Committee's time on an urging Resolution.

Jason O'Rourke, representing the Council for Quality Growth, spoke in support of the Resolution. He stated that these are burdensome regulations for development within this community in hard economic times. He stated that placing further restrictions on builders now just does not make sense. He stated that it will be impossible for developers to meet these standards. He stated that the process is misrepresented.

Senator Pearson closed the discussion by asking for favorable consideration by the Committee. He said this is simply a request for an in-depth five-year plan that will work and is fair to everyone.

Senator Hudgens made a motion that **SR 304 "do pass."** Senator Weber seconded the motion. [SR 304](#) passed by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 4:56 p.m.

Respectfully submitted,

/s/ Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 26, 2009 in room 125 of the State Capitol at 2:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Chapman of the 3<sup>rd</sup>  
Cowser of the 46<sup>th</sup>, Ex Officio  
Hooks of the 14<sup>th</sup>  
Sims of the 12<sup>th</sup>

Note: Senator Hawkins of the 49<sup>th</sup>, Senator Henson of the 41<sup>st</sup>, Senator Jack Hill of the 4<sup>th</sup>, Senator Jackson of the 24<sup>th</sup>, Senator Powell of the 23<sup>rd</sup> and Senator Weber of the 40<sup>th</sup> were absent.

Chairman Tolleson called the meeting to order at 3:05 p.m.

### **SB 155 (Pearson, 51<sup>st</sup>) Soil Erosion and Sedimentation; 25-foot buffers along state waters**

Senator Pearson introduced **SB 155** to the Committee. He stated that the term “ephemeral stream” is defined as a stream that under normal circumstances has water flowing only during and for a short duration after a precipitation event; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from rainfall is the primary source of water flow. He stated that this can include undefined runoff ditches. He said that when you hear the word stream you think of flowing water and fish. Under the “ephemeral stream,” this can merely be a ditch that in a time of very, very heavy rainfall may have some water in it for an hour. These can be on the side of an incline or in your front yard where your gutter empties. Many homeowners have been denied permits because they fell within a buffer, when in fact they have never seen water in an indentation in their yard. Senator Pearson stated that there is no clear meaning to “ephemeral stream” and that it is currently very subjective. He feels that it is truly unfair to property owners. Without a solid definition these “streams” are completely impractical. He stated that he had worked with Legislative Counsel and EPD Director Dr. Carol Couch to create a definition. It is complete and adequate. It defines what is and what is not a buffer. It helps land owners.

Chairman Tolleson asked if this bill actually sets a buffer and Senator Pearson replied that they are simply adding the definition of an “ephemeral stream.”

Senator Bulloch said that he has been getting a lot of calls and emails from Trout Unlimited members and he wanted to know if you can catch a trout in an ephemeral stream. Senator Pearson replied yes if you wait for a major rain storm and released a bucket of trout in the stream when it became deep enough for the trout to swim. Senator Pearson stated that he looked up the meaning of the word ephemeral which came from a Greek word meaning temporary. The word "stream" is causing the concern, but it is merely a ditch.

Jason O'Rourke, representing the Council for Quality Growth, spoke in favor of the bill requesting that the Committee support this legislation that is good for the environment and good for the property owner.

Harold Reheis, Consultant with Joe Tanner and Associates, stated that he works to get Section 404 permits from the Corps of Engineers and stream buffer variances from EPD. These have included a regional hospital authority, a county landfill and others. He stated that he likes this bill because it makes what EPD has to do, give variances, codified into law. Mr. Reheis said the federal law for a Section 404 does define an ephemeral stream and it is very close to the definition in this bill. This would make state rule and state law match. This is only about non-trout bearing waters.

Senator Cowser asked Mr. Reheis if there are current rules for this type of stream and Mr. Reheis replied yes. He stated that in 2004 the legislature made some changes so buffer variances could be made in certain circumstances. There has never been a definition in law or rule to what is "normal stream flow." This bill just makes current rules law.

Senator Hooks said a spring head like a wet weather spring that bubbles up can have different laws applying to it at different times of the year the way the current law reads. Mr. Reheis agreed.

NOTE: Senator Henson came into the meeting.

Gil Rogers, representing Southern Law Center, spoke against the bill. He stated that he prefers to call ephemeral streams head streams because that is what they really are in the wild. These streams are the smallest links but are very important for the health of the whole ecosystem. He said it is true that trout do not live in ephemeral streams but the ephemeral streams flow into water where trout do live. He also stated that the bill is a little premature because we are still in a drought until at least the end of 2009. He also said that with the new Presidential Administration in place, current regulations may change.

Senator Sims requested that Dr. Carol Couch of the EPD give her opinion of the bill. Dr. Couch said that the bill would clarify the current stature and that she supports the bill. She also added that in a ditch there is no vegetation so they should not be subject to a buffer.

Senator Bulloch made a motion that **SB 155 “do pass by substitute”**. Senator Hudgens seconded the motion. [SB 155](#) passed by a vote of 6-1. Voting yeah were Senators Chapman, Cowser, Bulloch, Hudgens, Sims and Hooks. Voting nay was Senator Henson.

NOTE: Senator Hudgens left the meeting.

### [SB 198](#) (Tolleson, 20<sup>th</sup>) Emission Inspection Fees

Chairman Tolleson introduced **SB 198** to the committee. He stated that this bill would give the EPD flexibility with the money that they receive from car inspections in the metro Atlanta area.

Dr. Carol Couch, Director of the State Environmental Protection Division, spoke to the bill. She stated that with greater traffic, a greater portion of the EPD's time is spent working to try and raise air pollution standards. Out of every emission fee of \$20-\$25, 95 cents is sent to EPD. This would give EPD flexibility in where the money can be spent. Dr. Couch stated that this is a revenue-neutral bill and would not affect consumers. It merely directs the resources where the department needs them the most.

Randy Quintrell, Georgia Paper and Forest Production, spoke in favor of the bill.

NOTE: Senator Hooks left the meeting.

Senator Henson made a motion that **SB 198 “do pass.”** Senator Bulloch seconded the motion. [SB 198](#) passed by unanimous vote.

### [SR 333](#) (Powell, 23<sup>rd</sup>) Lamar Mobley Memorial Barn; Designate

Chairman Tolleson introduced **SR 333** to the Committee in the absence of Senator Powell. He stated that this resolution designated the barn located on the Di-Lane Plantation Wildlife Management Area as the Lamar Mobley Memorial Barn.

Senator Henson made a motion that **SR 333 “do pass.”** Senator Chapman seconded the motion. [SR 333](#) passed by unanimous vote.

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There being no further business, Chairman Tolleson adjourned the meeting at 3:39 p.m.

Respectfully submitted,

/s/ Tolleson, 20<sup>th</sup>, Chairman

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on March 5, 2009 in room 450 of the State Capitol at 10:30 a.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Chapman of the 3<sup>rd</sup>  
Cowser of the 46<sup>th</sup>, Ex Officio  
Hawkins of the 49<sup>th</sup>  
Henson of the 41<sup>st</sup>  
Jack Hill of the 4<sup>th</sup>  
Hooks of the 14<sup>th</sup>  
Jackson of the 24<sup>th</sup>  
Powell of the 23<sup>rd</sup>, Ex Officio  
Sims of the 12<sup>th</sup>  
Weber of the 40<sup>th</sup>

Chairman Tolleson called the meeting to order at 10:41 a.m.

### **SR 433 (Tolleson, 20<sup>th</sup>) Urging Congress to oppose efforts to expand the reach and scope of Clean Water Act**

Chairman Tolleson introduced **SR 433** to the committee. He explained that this resolution requests that Congress oppose legislative changes to the Clean Water Act. There is currently a proposed bill, The Clean Water Restoration Act, which seeks to expand the scope and reach of the Clean Water Act, taking the power away from states to decide water and land issues. He said a great deal of work has already been done on the State level including the passage of the Statewide Water Plan that was passed by the General Assembly the previous year. This would mean that the Federal Environmental Protection Agency would have the ruling authority over all water and water rights. This is a clear issue of State's rights. The individual states need to have jurisdiction over their waters. Chairman Tolleson praised Georgia's Environmental Protection Division and the work that they do. He stated that they are perfectly capable of making sound decisions for Georgia's waters. He also pointed out that going through the Federal EPA for each issue would be a logistical problem.

Senator Cowser made a motion that **SR 433** "do pass". Senator Hudgens seconded the motion. **SR 433** passed by unanimous vote.

Note: Senator Cowsert left the meeting.

**SB 99 (Grant, 25<sup>th</sup>) Boat Safety Zones**

Senator Grant introduced **SB 99** which prohibits the operation of large boats on Lake Sinclair. He said that this bill would not apply to large boats already on the lake that are owned by property owners who are on the tax digest of the counties surrounding the lake. Senator Grant explained that those boats, 8 in number, would be grandfathered.

Senator Hudgens asked if this bill would be in harmony with county ordinances. Senator Grant said that several of the counties had already passed ordinances stating size restrictions but had grandfathered the existing boats just as the State would be doing.

Senator Hudgens made a motion that **SB 99 “do pass by substitute.”** Senator Powell seconded the motion. **SB 99** passed by unanimous vote.

**SB 228 (Tolleson, 20<sup>th</sup>) Soil Erosion/Sedimentation; 25 ft. Buffers along State Waters**

Chairman Tolleson introduced **SB 228** explaining that this establishes 25-foot buffers along tidally-influenced waters, with certain exceptions. This is current practice and provides clarification that the buffers start at the edge of the marsh as opposed to out in the marsh.

Jim Ussery, Georgia Environmental Protection Division, stated that the Department fully supports the bill. Senator Chapman asked what would happen if someone built a water feature such as a pond on the line of the buffer. Mr. Ussery replied that this bill would not stop that type of construction.

Harold Reheis, representing Joe Tanner and Associates, spoke in favor of the bill stating it gave a greater protection of the marsh areas.

Patricia Barmeyer, representing King and Spalding, spoke in favor of the bill. She stated that she was an environmental lawyer and that she is very much in favor of this bill.

Senator Henson made a motion that **SB 228 “do pass.”** Senator Bulloch seconded the motion. **SB 228** passed by unanimous vote.

**SB 229 (Tolleson, 20<sup>th</sup>) Conservation/Natural Resources; reference  
Administrative Law Judges/Hearing Officers**

Chairman Tolleson introduced **SB 229** to the committee. He explained that this requires administrative law judges to give deference to rule/regulation interpretations of DNR, EPD and the Shore and Coastal Marshland Protection Committees. He said that this bill follows precedents set forth by the court.

Note: Senator Jack Hill left the meeting.

Senator Hawkins asked the Chairman if this referred to just marsh grass or did it also include boat docks. Chairman Tolleson answered that it does not affect boat docks.

Patricia Barmeyer, King and Spalding, stated that this bill would clarify something that has become unclear because of evolution of the law. She stated that this used to be referenced to the Board of Natural Resources.

Greg Blount, representing Troutman Sanders for the Georgia Textile Manufacturers Association, stated that he had concerns with the bill that he would like to see addressed as the bill moves forward. He stated that the bill should only require the administrative law judge to give deference to technical interpretations of the rules and regulations.

Senator Bulloch made a motion that **SB 229, “do pass by substitute.”** Senator Hawkins seconded the motion. **SB 229** passed by unanimous vote.

**SB 203 (Mullis, 53<sup>rd</sup>) Regulate Taking of Fresh Water Turtles**

Senator Mullis introduced **SB 203** stating that it was a very simple bill. It prohibits the taking, selling and farming of fresh water turtles unless authorized by the rules and regulations of the Board of Natural Resources. These rules and regulations cannot prohibit the selling and taking of turtles from private ponds when given written permission of the landowner. Senator Mullis stated that surrounding states have had similar rules on their books and if Georgia does not do something they could see a rush of turtle trappers to capture turtles and send them to China as food. Senator Mullis said that China has a very short supply of turtles because of the mass capture of them and are paying to have them shipped from the United States.

Mike Harris, Chief of the Nongame Conservation Section for the Georgia Department of Natural Resources, stated that this bill would stop the international trade of turtles for food.

Senator Bulloch stated that he had real concerns with this bill and would ask that two issues be addressed on the floor: 1) work on the definition of a "private pond" which is defined elsewhere in the Code; and 2) add language to the bill that excludes pet turtles as well as possession limits.

Mr. Harris stated that DNR would be more than willing to work with the Senator on those definitions.

NOTE: Senators Sims, Chapman and Powell left the meeting.

Senator Hooks stated that the bill contained the word poisonous and that he thought the word should be venomous. Dan Forster, Director of Wildlife Management, Georgia Department of Natural Resources, said the Senator was correct. Senator Hooks asked that the word be changed in the committee substitute.

Jerry McCollum, representing The Georgia Wildlife Federation, stated that he and the 46,000 members of his organization support the passage of this bill. This bill would promote wildlife restoration.

Kirk DeKalb, a private citizen, stated that he is a turtle trapper from Darren, Georgia. He specializes in trapping beavers and turtles and in all of his years of trapping turtles has seen no change in the numbers. He stated that the turtles he traps go to Florida where they are sold for pets. He said the turtles he traps do not meet the standard of the turtles used for food in China. Mr. DeKalb said that the decrease in population is the destruction of eggs by other animals.

Dr. Joseph Mendelson, representing Zoo Atlanta, gave his support for the bill. He said that turtles are mammals and the problem is not with the eggs but the over trapping of the adults. He further stated that with the current levels of trapping in Georgia there is not an immediate problem but there is a good chance that it will become a problem. He said that turtles are a delicacy in China and they have depleted not only their supply but most of Europe's turtles. China has now created a US market. Georgia is the last state without a trapping law.

Senator Bulloch made a motion that **SB 203 "do pass by substitute."** Senator Henson seconded the motion. [SB 203](#) passed by unanimous vote.

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There being no further business, Chairman Tolleson adjourned the meeting at 12:05 p.m.

Respectfully submitted,

/s/ Hudgens of the 47<sup>th</sup>, 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, 2009 in room 450 of the State Capitol at 1:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Hawkins of the 49<sup>th</sup>  
Henson of the 41<sup>st</sup>  
Hooks of the 14<sup>th</sup>  
Weber of the 40<sup>th</sup>

Note: Senator Chapman of the 3<sup>rd</sup>, Senator Cowser of the 46<sup>th</sup>, Senator Jack Hill of the 4<sup>th</sup>, Senator Jackson of the 24<sup>th</sup>, Senator Sims of the 12<sup>th</sup> and Senator Powell of the 23<sup>rd</sup> were absent.

Chairman Tolleson called the meeting to order at 1:12 p.m.

### **HB 248 (Barnard, 166<sup>th</sup>) Georgia Voluntary Remediation Program**

Representative Barnard introduced **HB 248** to the Committee stating that some changes had been made in the House to the original Senate Bill that was sponsored by Senator Tolleson. He stated that this establishes the voluntary remediation program for cleanup of hazardous waste sites. An applicant must submit a voluntary remediation plan with the application fee of \$5,000. This bill makes an exception for cleanup of groundwater if there is only a reportable quantity of a release for soil, but not groundwater.

NOTE: Senator Henson left the meeting.

Senator Bulloch made a motion that **HB 248** “**do pass by substitute.**” Senator Hudgens seconded the motion. **HB 248** passed by unanimous vote. Chairman Tolleson will sponsor **HB 248** on the Senate floor.

NOTE: Senator Sims came into the meeting.

**HB 326 (Lane, 158<sup>th</sup>) Hunting, Fishing, and Trapping Licenses**

Dan Forster, Director of Wildlife Resources, Georgia Department of Natural Resources, presented **HB 326** in the absence of Representative Lane. He explained that under current law, all hunting, fishing and trapping licenses are valid from April 1<sup>st</sup> to March 31<sup>st</sup> of the following year. This legislation provides for the addition of a two-year or other multi-year license that will be effective through the applicable anniversary of the date of issuance. Mr. Forster went through the bill stating that the first Section provides for the multi-year license. Section 2 removes the "primitive weapons hunting license." Section 3 will increase out-of-state licenses cost. Section 8 shows the pricing schedule for in-state licenses both one-year and multi-year. Section 8 also includes fees for out-of-state licensing. Sections 10, 11 and 12 will eliminate the sunset clauses of 2012.

Mr. Forster stated that the law change offers a discount of \$2.75 (equivalent to the outsourced license system service charge) to all hunters and anglers who renew their license before their current license expires. It adjusts Georgia's non-resident fee structure to prices commensurate with those charged by neighboring states. HB 326 changes the nonresident hunting license to a hunting/fishing combination license.

Mr. Forster explained the impact for Georgia. He stated that nonresident hunting and fishing license fees are priced well below market value. Benchmarking Georgia's fees against those of surrounding states and the quality of hunting and fishing provided in Georgia results in more appropriate pricing of nonresident hunting and fishing licenses. Resident hunters and anglers will not have to pay a fee increase over current prices, and some will get a discount. Sunset provisions for select license fees are eliminated by corrections to fees and the license structure in HB 326. Total revenues from all changes to resident and nonresident hunting and fishing licenses are projected to increase by \$2.3 million from \$18.3 million to \$20.6 million.

Currently 58 percent of licensed hunters and seventy percent of licensed anglers do not purchase a license every year. This reduces participation and funding (both state and federal) for fish and wildlife programs. The change in license structure and renewals will reduce this in hunters and anglers.

Mr. Forster further stated that the changes provided in HB 326 to license fees and the license structure reflects input given through public meetings and written comment. DNR strongly supports this Bill.

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Senator Hooks asked if the license is priced high enough. Mr. Forster replied that it is priced within the boundaries of neighboring states.

Senator Weber expressed concern with an increase in any fees in these economic times. He suggested that the website give the opportunity for donations to wildlife management. He also suggested that it would be a good idea to send e-mail reminders that a license is expiring.

Senator Bulloch made a motion that **HB 326 “do pass.”** Senator Sims seconded the motion. **HB 326** passed by unanimous vote. Chairman Tolleson will sponsor [HB 326](#) on the Senate floor.

NOTE: Senator Cowser came into the meeting.

### **[HR 338](#) (Smith, 70<sup>th</sup>) Support of Georgia’s Energy Resources**

Chairman Tolleson presented **HR 338** to the Committee stating that this supports the development of Georgia’s energy resources. This support is for land and off-shore in a balanced manner.

Senator Bulloch made a motion that **HR 338 “do pass.”** Senator Hawkins seconded the motion. **HR 338** passed by unanimous vote. Chairman Tolleson will sponsor [HR 338](#) on the Senate floor.

### **[SR 579](#) (Tolleson, 20<sup>th</sup>) Senate Biomass/Bioenergy Study Committee**

Chairman Tolleson introduced **SR 579** to the Committee explaining that this was a continuing effort to stay on top of biomass and bioenergy development to keep Georgia on the “cutting edge.”

Senator Hawkins made a motion that **SR 579 “do pass.”** Senator Hudgens seconded the motion. [SR 579](#) passed by unanimous vote.

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**SR 589 (Tolleson, 20<sup>th</sup>) Requests that Congress correct the Definition of Renewable Biomass in Energy Independence and Security Act of 2007**

Chairman Tolleson introduced **SR 589** and asked Robert Farris, Director of the State Forestry Commission to speak to the Resolution. Director Farris stated that the Energy Independence and Security Act of 2007 placed restrictions that were unsupported by science on the source of biomass from privately-owned forest lands, resulting in the disqualification of approximately 15 million acres of private forests in Georgia. These are being restricted from being utilized for biomass energy production.

Director Farris stated that Senator Chambliss is helping by co-sponsoring similar legislation in Congress. He stated that the Food, Conservation, and Energy Act of 2008 does not restrict the ability of local resource managers to properly manage forests, and it provides an appropriate definition of “renewable biomass” by including “any organic matter available on a renewable or recurring basis” in the definition.

This Resolution requests that all federal legislation related to biomass follow the uniform definition of renewable biomass as contained in the Food, Conservation, and Energy Act of 2008.

Chairman Tolleson said that this is an ongoing problem.

Senator Hawkins stated that Congressman Nathan Deal needs to be encouraged to support this legislation also.

NOTE: Senator Bulloch left the meeting.

Senator Weber asked Director Farris if this would clear up the federal definition and open up the private lands. Director Farris believed it would solve the problems in specifying some lands over others.

Neill Herring, Sierra Club, stated that their organization is in favor of the Resolution.

Senator Hooks made a motion that **SR 589 “do pass.”** Senator Hawkins seconded the motion. **SR 589** passed by unanimous vote.

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There being no further business, Chairman Tolleson adjourned the meeting at 2:35 p.m.

Respectfully submitted,

/s/ Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on March 24, 2009 in room 450 of the State Capitol at 3:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice Chairman  
Chapman of the 3<sup>rd</sup>  
Hawkins of the 49<sup>th</sup>  
Henson of the 41<sup>st</sup>  
Hooks of the 14<sup>th</sup>  
Jackson of the 24<sup>th</sup>  
Weber of the 40<sup>th</sup>

Note: Senator Hudgens of the 47<sup>th</sup>, Senator Cowser of the 46<sup>th</sup>, Senator Jack Hill of the 4<sup>th</sup>, Senator Sims of the 12<sup>th</sup> and Senator Powell of the 23<sup>rd</sup> were absent.

Chairman Tolleson called the meeting to order at 3:07 p.m.

### **HB 552 (Barnard, 166<sup>th</sup>) Water Well Standards**

Representative Barnard introduced **HB 552** to the Committee. He stated that this bill was to add an additional five years to the moratorium that is currently in place. The bill states that no well or borehole will be drilled or used for the purpose of injecting any surface water into the Floridian aquifer in any county governed by the Georgia Coastal Zone Management program before July 1, 2014.

Senator Bulloch asked if this referred to the bill that Ann Mueller introduced and passed in the House a number of years ago. Representative Barnard replied that in fact it was the bill and this was just to continue the protection to the aquifer that was covered then.

Senator Chapman expressed his appreciation to Representative Barnard for bringing this before the Committee.

Senator Bulloch made a motion that **HB 552** “do pass.” Senator Jackson seconded the motion. **HB 552** passed by unanimous vote. Senator Johnson of the 1<sup>st</sup> will sponsor **HB 552** on the Senate floor.

**HB 406 (Coan, 101<sup>st</sup>)      State Service Delivery Strategies: Limitations of Funding Exceptions**

Representative Coan introduced **HB 406** to the Committee. He stated that the Service Delivery Strategies were interfering with water reservoirs being built. This bill would state that reservoirs do not need to be consistent with state service delivery strategies to receive state financial assistance or permitting. The strategy must be consistent within a year of the date the reservoir becomes operational.

Representative Coan explained that this is a state-wide bill. However, it was proposed because the South Fulton Water and Sewer authority wanted to build a reservoir on Bear Creek to provide a water supply to the cities of Fairburn, Union City and Palmetto. Fairburn and Union City currently buy their water from the City of Atlanta.

Senator Bulloch asked what would be the capacity of the South Fulton reservoir. Harold Reheis, representing Joe Tanner and Associates, stated that it would be around 50 million gallons per day.

Senator Chapman asked if the reservoir would be privately owned and Representative Coan replied no.

Senator Hooks asked how Representative Coan got involved with this bill and Representative Coan replied that he carried the reservoir bill last session.

John Miller, City of Palmetto, spoke in favor of the bill saying that it would have state-wide effects but that the City of Palmetto wanted to supply their own water source. He stated they are financing the reservoir themselves with no state aid. He went on to say that the City of Atlanta is attempting to delay the building of the reservoir indefinitely.

NOTE: Senator Hudgens and Senator Cowser came in to the meeting.

Juliet Cohen, representing the Upper Chattahoochee Riverkeeper, spoke in opposition to the bill stating environmental concerns. She said that Bear Creek is a tributary of the already overworked Chattahoochee River and is a groundwater recharge area. She stated this was not a good use of the water and that these three cities do not have conservation methods in place.

Senator Bulloch asked if there is true evidence that this would pull the Chattahoochee down. There was no response.

Senator Hooks asked if this would impact the federal court's decision. Ms. Cohen answered that if this takes away from the Chattahoochee, it will affect the tri-state water decision.

Senator Hawkins asked if she was saying that we should not build any more reservoirs and try to recharge the system. She replied that conservation measures should be used instead.

Senator Bill Jackson stated that it seemed a wonderful opportunity to take the strain off the Chattahoochee.

Rob Hunter, City of Atlanta, Commissioner of Watershed Management, stated that this will destabilize bond markets that are needed to pay for current assets including distribution systems. He stated that they would no longer have stable service areas. He also said that it overrides current agreements. In closing, Mr. Hunter stated that this bill compromises and undermines their water authority and the master plan says they have an adequate water supply through the year 2060.

Eric Rothstein, Galardi Rothstein Group, stated that they do bonds for utilities. He said that current law in Georgia, as it relates to state service delivery strategies, is typical and good for bond markets. He affirmed that this will affect the bond markets because it would allow for the reservoir to be built and would then require the strategies to be changed after the fact. He said that it behooves the State to tread carefully.

Senator Bulloch asked if it were true that the City of Atlanta's bond rating had just been lowered. Mr. Rothstein answered that the water and sewer bond rating is good.

Marc Ganchar, City of Atlanta representing Cobb County/ Marietta Water Authority, read a statement in opposition to the bill.

Matt Harper, Metropolitan North Georgia Planning District, stated that this bill would cause harm to the bond capacity and they were opposed to the bill.

Senator Weber asked about the duration of the agreement.

Roy Robinson, lobbyist for the City of Atlanta, called on Renee Shepherd from the legal office for the City of Atlanta to answer that question. She stated that two of the three cities' agreements have expired.

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Harold Reheis, Joe Tanner and Associates, stated that they represent the South Fulton authority. He spoke in favor of the bill. He said that under current law it is hard to permit and expensive to build. He stated that it is important to provide North Georgia water without keeping South Georgia from losing their water. He said that these three cities were given permission for their water authority nine years ago by local legislation.

Senator Bulloch made a motion that **HB 406** “do pass.” Senator Hawkins seconded the motion.

Senator Henson made a substitute motion for this bill to go to study committee. Chairman Tolleson did not entertain Senator Henson’s motion.

Senator Weber stated that he was 100 percent in agreement to building reservoirs but did not believe that HB 406 is consistent with the Water Plan.

Chairman Tolleson stated that he believed there is a need for good policy. The Chairman moved the previous question.

**HB 406** passed by a vote of 6 to 3. Senators Henson, Chapman and Weber voted nay. Chairman Tolleson will sponsor [HB 406](#) on the Senate floor.

There being no further business, Chairman Tolleson adjourned the meeting at 4:21 p.m.

Respectfully submitted,

/s/ Tolleson of the 20<sup>th</sup>, Chairman

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on March 26, 2009 in room 125 of the State Capitol at 4:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Chapman of the 3<sup>rd</sup>  
Hooks of the 14<sup>th</sup>  
Jackson of the 24<sup>th</sup>  
Powell of the 23<sup>rd</sup>, Ex Officio

Note: Senator Bulloch of the 11<sup>th</sup>, Senator Hawkins of the 49<sup>th</sup>, Senator Cowser of the 46<sup>th</sup>, Senator Henson of the 41<sup>st</sup>, Senator Jack Hill of the 4<sup>th</sup>, Senator Sims of the 12<sup>th</sup> and Senator Weber of the 40<sup>th</sup> were absent.

Chairman Tolleson called the meeting to order at 4:45 p.m.

Chairman Tolleson began the meeting by apologizing to the members of the House of Representatives who were in the meeting to present House Bills. He stated that he would not be hearing House Bills in this Committee on this date due to actions taken by a House Committee toward him. He said that their bills would be rescheduled for a later meeting.

### **SR 619 (Jackson, 2<sup>nd</sup>)      Dissolved Oxygen in the Savannah Harbor**

Senator Lester Jackson presented **SR 619** to the Committee. He stated that this resolution requests that the Environmental Protection Division lead the efforts, in coordination with stakeholders, to develop a process establishing an appropriate dissolved oxygen deficit for the Savannah Harbor to allow for protection of aquatic species and the economic viability of the region.

Senator Hudgens made a motion that **SR 619** “do pass.” Senator Jackson of the 24<sup>th</sup> seconded the motion. **SR 619** passed by unanimous vote.

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**SR 667 (Tolleson, 20<sup>th</sup>)    **Creating the Senate Study Committee on Retrofit of Diesel Engines****

Chairman Tolleson introduced **SR 667** to the Committee stating that this resolution simply creates the Retrofit of Diesel Engines Study Committee to be composed of nineteen members; three of these members would be of the Senate, with sixteen members being non-legislative members.

Senator Hooks made a motion that **SR 667** “**do pass.**” Senator Powell seconded the motion. **SR 667** passed by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 4:51 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 30, 2009 in room 450 of the State Capitol at 10:00 a.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Chapman of the 3<sup>rd</sup>  
Cowser of the 46<sup>th</sup>, Ex Officio  
Hawkins of the 49<sup>th</sup>  
Hooks of the 14<sup>th</sup>

Note: Senator Henson of the 41<sup>st</sup>, Senator Jack Hill of the 4<sup>th</sup>, Senator Jackson of the 24<sup>th</sup>, Senator Powell of the 23<sup>rd</sup>, Senator Sims of the 12<sup>th</sup> and Senator Weber of the 40<sup>th</sup> were absent.

Chairman Tolleson called the meeting to order at 10:07 a.m.

### **HB 367 (Knight, 126<sup>th</sup>) State Parks & Recreational Areas**

Representative Knight introduced **HB 367** to the Committee explaining that the purpose of this bill is to allow DNR to permit boat shelters on High Falls Lake. He stated that also in the bill is a provision to repeal the language in current law relating to the Georgia Golf Hall of Fame.

Senator Hudgens questioned whether there was already a park or building in the Augusta area for the Hall of Fame. Chairman Tolleson said there is designated land but no building. Representative Knight said that it will be purchased by a private organization that will construct and maintain the project.

Senator Hawkins questioned the legality of having two different subject matters in one bill. Wayne Allen, Legislative Counsel, stated that if challenged in court, he could see that it would violate the one-subject matter rule.

Senator Hudgens made a motion that **HB 367 “do pass by substitute.”** Senator Bulloch seconded the motion. **HB 367** passed by unanimous vote. Senator Bulloch will sponsor **HB 367** on the Senate floor.

**HB 262 (Hill, 21<sup>st</sup>) Prohibits Covenants Which Would Require Use of Certain Plants**

Representative Hill introduced **HB 262** to the Committee stating that homeowners' covenants are requiring too lush of plantings. These plantings then require supplemental watering and a potential problem for water conservation. He stated that this legislation would prohibit the enforcement of a covenant that requires the use of specified grasses, shrubs, trees or bushes that require a property owner to violate any state or state-authorized local outdoor water use restriction. Representative Hill also stated that three years ago he had introduced a bill that called for zero landscaping; only being allowed to plant what will grow without special watering. He went on to say that presently certain covenants are requiring plants that drink water like a sponge. Then when there are drought conditions, these plants cannot be watered, then they die and the homeowner is forced to replace the plants, only for them to die again. He said that this bill is a great first step. Representative Hill stated that this condition exists in his community.

NOTE: Senator Bill Jackson came into the meeting.

Senator Hooks asked Representative Hill why he did not just move if he was unhappy with the Homeowners' Association. No reply given.

Senator Hawkins asked if there was not a proper means of changing covenants through Homeowners' meetings. Representative Hill replied yes but it was nearly impossible to get them to change.

Senator Bulloch wanted to know if Representative Hill was asking the legislature to pass Georgia law to solve subdivision problems. Senator Bulloch said that a covenant could not supersede a Georgia law. He further stated that he did not feel that this bill was needed because a covenant is not a law.

Senator Hudgens asked Representative Hill to explain to him how a covenant can make someone go against the law. Representative Hill replied that a covenant can require a homeowner to replant plants that are not wise to have during drought conditions and then be forced to hire an attorney if they do not want to comply.

Senator Hudgens stated that he looked into the state law on covenants and said that the Code stated that a community could make a covenant null and void by a 50 percent plus 1 vote. He asked Representative Hill why he felt a state law was necessary. Representative Hill stated that it is nearly impossible to even get a quorum at a neighborhood meeting.

Chairman Tolleson recognized Shanna Udvardy, Georgia Conservancy, who spoke in support of the bill. She stated that this bill allows citizens to do the right thing in drought times. It allows citizens to have another tool in their tool box for conservation. It keeps from mandating non-drought tolerant plants being required in landscapes.

Senator Bulloch stated that this is not about water restrictions; this is telling a developer that they cannot plant certain plants.

Bryan Tolar, Georgia Agribusiness Council, spoke against the bill stating that this is a covenants issue not a state-wide issue.

Jill Johnson, Georgia Conservation Voters, spoke for the bill stating that this is a permissive bill which gives homeowners more choices. She stated she believed it was a forward-thinking bill which would not allow homeowners covenants to restrict water conservation. She also stated that she believed the state legislature has the right to do balanced legislation that is good in times of water restrictions.

Representative Hill closed the discussion saying that this legislation is forwarding thinking and will help the state in the long-run. He stated there are a lot of drought options, not just cactus and rocks.

Senator Jackson made a motion that **HB 262 “do pass.”** Senator Hawkins seconded the motion. **HB 262 failed** by a vote of 2-5. Voting yea were Senators Jackson and Hawkins. Voting nay were Senators Cowser, Chapman, Hudgens, Bulloch and Hooks.

### **HB 207 (Sims, 169<sup>th</sup>)      Off-Road Vehicles**

Representative Sims introduced **HB 207** to the Committee stating that it prohibits operation of off-road vehicles within any perennial stream. He also stated that there may be a Floor Amendment because of concerns of Trout Unlimited. There are concerns that persons operating off-road vehicles by mountain streams are killing the trout.

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Chairman Tolleson expressed concern about a Floor Amendment stating that could jeopardize the bill since its original intent was to prevent the silting and erosion of streams.

Senator Hudgens asked if you can cross a stream in an off-road vehicle such as a four-wheeler. Representative Sims replied "yes" that this bill did not prevent this from occurring, you just could not ride in a stream for extended periods of time.

Senator Bulloch made a motion that **HB 207 "do pass by substitute."** Senator Chapman seconded the motion. **HB 207** passed by unanimous vote. Chairman Tolleson will sponsor [HB 207](#) on the Senate floor.

NOTE: Senator Hooks left the meeting.

#### [HB 169](#) (Carter, 159<sup>th</sup>)      **Notice of Any New or Revised Flood Elevations**

NOTE: Senator Weber came into the meeting.

Representative Carter introduced **HB 169** to the Committee stating that this gives property owners a notification by certified letter that the status of their property flood plain elevations had been changed. In the past, property owners have not found out until the appeal process had expired. This could many times render the property valueless without proper cause. This bill strengthens the notification process.

Representative Stephens of the 164<sup>th</sup> spoke to the 2<sup>nd</sup> section of the bill that would require water metering and allow a water permit holder to transfer any saved water capacity to another permit.

Mike Vaquer, The Vaquer Firm, lobbying on behalf of Savannah water utility management, spoke in favor of Section 2 of the bill. He stated that this is just moving current permits around, not using more water. He also stated that he represents the Tax Commissioners in Chatham County and Section 1 is a good bill and that it would take the strain off of local officials on the notification process of flood plain variances.

Tim Kibler, Georgia Realtors Association, spoke in favor of the bill saying the Georgia Realtors are behind the Flood Elevation Notification Bill.

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Todd Edwards, Association County Commissioners of Georgia, asked that the bill be held to next session to keep from rushing it through. He had particular concerns with Section 2 of the bill.

Tom Gehl, Georgia Municipal Association, stated that he was supportive of the bill as it passed the House. He said it would cause a problem for cities having to provide names and addresses for all the affected areas. He would like to see this responsibility fall to the tax assessors' office. He stated that Section 2 should not be added without more consideration.

Allison Wall, Georgia Watch, stated their organization had previously supported the bill but would change their support because of the addition of Section 2. She hoped the original bill would return.

Representative Carter closed by saying that cities already have the ability to notify people of flood elevation changes. This bill would require FEMA to notify property owners and keep them from having changes made without them being aware.

Senator Chapman made a motion to strike Section 2 from the bill. Senator Hudgens seconded the motion. The Committee Substitute passed by a 7-1 vote. Senator Jackson voted nay.

Senator Chapman then made a motion that **HB 169 “do pass by substitute.”** Senator Hudgens seconded the motion. **HB 169** passed by unanimous vote. Chairman Tolleson will sponsor [HB 169](#) on the Senate floor.

There being no further business, Chairman Tolleson adjourned the meeting at 11:55 a.m.

Respectfully submitted,

/s/ Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

April 3, 2009

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 2009 session.

[SB 71](#)  
[SB 166](#)  
[SB 276](#)  
[HB 262](#)

Respectfully submitted,

/s/ Vicki Gibbs  
Recording Secretary