

Senate Natural Resources and the Environment
2011 Roster

Committee Members

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

Senator Freddie Powell-Sims, 12th
5377 Goose Hollow Road
Dawson, GA 31742

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

Senator Butch Miller, 49th **Ex-Officio**
2420 Browns Bridge Road
Gainesville, GA 30504

Senator Lindsey Tippins, 37th, **Secretary**
139 Midway Road
Marietta, GA 30064

Senator Jim Butterworth, 50th
P.O. Box 2000
Cornelia, GA 30531

Senator Bill Cowsert, 46th
P.O. Box 512
Athens, GA 30603

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

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

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

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

Senator Rick Jeffares, 17th
300 Lester Mill Road, Ste 200-E
Locust Grove, GA 30248

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 26, 2011 in room 450 of the State Capitol at 3:00 p.m.

The following Senators were present:

Tolleson of the 20th, Chairman
Bulloch of the 11th, Vice-Chair
Tippins of the 37th, Secretary
Cowser of the 46th
Jack Hill of the 4th
Hooks of the 14th
Jackson of the 24th
Jeffares of the 17th
Miller of the 49th
Sims of the 12th

Note: Senators Henson of the 41st and Butterworth of the 50th were absent.

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

Senator Tolleson asked that Commissioner Mark Williams, newly appointed to the Georgia Department of Natural Resources, begin the meeting.

Commissioner Williams thanked Senator Tolleson and introduced Becky Kelly, Director of State Parks, and stated that he was new to the position of Commissioner but was getting settled in and doing very well. He also thanked Senator Tolleson for taking a Sunday to spend in a Georgia State Park.

The Commissioner asked for questions. Senator Bulloch asked how they got Senator Tolleson up on a Sunday morning and if it had anything to do with Sunday Sales.

The Commissioner stated that he told him he could wear blue jeans.

Senator Bulloch replied that he was not aware Senator Tolleson owned a pair of blue jeans.

Senator Tolleson introduced and welcomed the new Senators to the committee, Senator Rick Jeffares and Senator Lindsey Tippins. He stated that they would be an asset to the committee because of their experience in water related industries. He also welcomed back Senator Butch Miller who had served during the summer on water study committees. He also introduced Wayne Allen, Legislative Counsel; Angie Fiese, Senate Research; Kallarin Richardson, Senate Press Office; and Jim Elgar, Committee Aide.

Senator Tolleson asked that the Rules of the Committee be reviewed by the members and he would entertain a motion for the adoption of the Committee Rules.

Senator Bulloch made a motion that the Committee Rules “**do pass**”. Senator Sims seconded the motion. The motion passed unanimously.

Senator Tolleson then called on Becky Kelly to address the committee.

Becky Kelly, Director of State Parks and Historic Sites, Georgia Department of Natural Resources addressed the committee about a strategic business development action plan to position the system for maximum sustainability by FY 2015.

She stated that the goals and objectives are to work with a team of associates, consultants, public and private partners, the Georgia Department of Natural Resources Parks, Recreation and Historic Sites Division which will move the state’s parks and historic sites system to a 75% self-sustainable level by FY 2015. This will be called Direction 2015 and will develop integrated business plans, resource management and schematic site development plans for each park and historic site. It will establish definable sustainability targets for each site, establish resource management standards to properly care for Georgia’s natural, cultural and recreational resources and improve site and division-wide budget development and management. Direction 2015 will also direct investment of capital funds and partnerships to maximize sustainability and make progressive organizational adjustments to maximize efficiencies, realign staff resources and challenge/asses emerging leaders within the organization.

Director Kelly went on to explain the process that Direction 2015 would apply. She stated that over a 3-year period, we will conduct an assessment of all parks and historic sites, golf courses and lodge operations. The program was launched in July 2010. Three consultant groups will guide the assessments which include the following components: (1) Operational Assessment; (2) Facility and Infrastructure Needs Assessment; (3) Maintenance Management Standards; (4) Core Programs and Services; (5) Financial Review; (6) Pricing, Financial Model and Pro Forma; (7) Partnership Management Strategies and (8) Business, Marketing and Operations Plan Development.

Director Kelly stated that the supporting partners to date include Friends of Georgia State Parks and Historic Sites, the North Georgia Mountains Authority, the National Golf Foundation and Coral Hospitality.

Director Kelly then discussed the Greater Sustainability Mandate, actions-to-date, which included the FY 2010 Legislative Budget Directive: *"Pursue a strategy of self sufficiency for all golf course, lodge and park operations."*

A. Georgia State Parks, Recreation and Historic Sites Division are the steward of state and nationally significant natural and cultural resources and important public recreational areas. These state assets require financial and human resources for proper care and management to ensure that they are safe, attractive and accessible to current and future Georgians and visitors.

B. Georgia's state parks and historic sites are socially and economically important to Georgia and our local communities' quality of life, connection to nature and history, health and fitness, and state and local economic engines. FY 2010's economic impact of Georgia State Parks & Historic sites were 9.8 million visitors for a \$617 million economic impact. \$1 worth of appropriations funds has a \$43 return on investment for state and local economies. Over 7,200 local jobs were created.

C. The Division is committed to transitioning to a more self-sustainable operational model.

D. Sampling of actions taken FY 2009/2010 include ParkPass fee increased to \$5/day or \$50/annual; golf course and lodge outsource efforts failed to attract outsource partner; Red Top Mountain Lodge closed; reduced operating hours at 12 historic sites and limited services at 5 state parks (transitioned Providence, Bobby Brown, Hart, Sprewell, Hamburg to State Outdoor Recreation Areas); 6 sites/facilities divested to local community (PHY, Toombs, Jeff Davis, Tanner, Fargo golf, Bo Ginn aquarium); most swimming pools closed. 424 positions impacted: 127 full-time staff laid off or transitioned to part-time positions & 118 full-time positions eliminated; 32 full-time staff reassigned; 52 part-time staff laid off & 95 part-time positions eliminated.

FY 2011, to-date: reorganized division to focus on strategic business management; initiated Direction 2015: 5-year business transition plan to achieve a sustainable 75% recovery of the Parks & Recreation, Historic Sites Division operational costs by FY 2015; professional consultant/staff assessment of all golf, lodge, park and historic site operations underway; pursued and implemented operational efficiencies on all park and historic site properties; free Wednesday ParkPass eliminated; and continued analysis for increasing the number of satellite operations and other service delivery adjustments.

E. Looking forward on our path to achieve greater sustainability is a work-in-progress through uncharted territory requiring transition time and operational latitude; exhausted the primary savings opportunities, making focus now on creating greater efficiencies by transitioning to a sustainable business model and increasing revenues through marketing and sales efforts. The ability to increase revenues is impacted by many factors beyond our control (weather, gas prices, continued depressed economy, etc.). However, the division is constantly monitoring their operations and is prepared to recommend and enact corrective actions as may be necessary to stay within the budget. Continued operational funding support, especially for 'core' costs, is paramount to our ability to ensure safe and inviting park and historic site experiences and to protect our natural and cultural resources. Capital investments focused on properly maintaining state assets and on facilities with the potential to maximize cost recovery is essential to achieve greater sustainability. The continued and growing support of our statewide and chapter Friends of Georgia State Parks and Historic Sites is one of our greatest assets. Their efforts to promote preserve and support Georgia's state parks and historic sites are directly aligned with the division's sustainable business plan (Direction 2015).

NOTE: Senator Butterworth came into the meeting.

Senator Tolleson commended the Friends of Georgia State Parks saying that without their help many of the parks would have to shut down now. He also commended Director Kelly for "keeping the doors open" during tough times. He stated that Director Kelly and her team were doing a fantastic job making cuts, changes and being willing to try different things.

Director Kelly stated that there is over \$120 million in deferred maintenance for parks. A minimum of \$12 million per year is needed to sustain floors, sewers, roofs, etc. based on industry standards. Ms. Kelly thanked the committee for their strong support.

Senator Tolleson stated that he did not want to see any new parks open right now. He said that we need to finish the ones we have now and perform deferred maintenance on those that need it. This may need to remain that way for the next 10 years.

Senator Hooks agreed with Senator Tolleson's remarks about not opening new parks and focusing on maintenance.

Chairman Tolleson then introduced Jill Stuckey, Director of the Center of Innovation for Georgia. Director Stuckey spoke about her experience in the field stating that she had been appointed by Governor Perdue in 2008 and before that had worked in energy development with GEFA.

NOTE: Senator Jackson, 24th, left the meeting.

Director Stuckey presented a program to introduce the committee to the Georgia Center of Innovation. She stated that their mission is to commercialize new energy related products and services. The drivers are the economy where forestry is experiencing 42% unemployment and that housing starts are down 92%; Energy Security where supply disruptions are a looming threat caused by unrest in the Middle East and the environment. The United States, with 5% of the world's population, consumes roughly 25% of total energy production, yet only holds 2% of the proven petroleum reserves.

Director Stuckey went on to discuss that the Center of Innovation is a "One Stop Shop" providing a forum for new and expanding businesses; a venue to explain state and federal policies and procedures; expedites the permitting process; matchmaking to form successful collaborations; and partnering with universities to commercialize research. In these meetings, a representative from the Energy Center of Innovation; Agriculture Center of Innovation; Governor's Office; Lieutenant Governor's Office; GEFA; GA Departments of Agriculture, Natural Resources, Revenue, Environmental Protection, Community Affairs, and Economic Development meet with prospective new or expanding businesses to help them acclimate them to all the agencies and to try to cut through miles of "red tape". Others that work with this process are Georgia EPD Air Protection Branch; Georgia Forestry Commission; Herty Advanced Materials Development Center; State Fire Marshall; University of Georgia; Georgia Tech; Georgia Railroad Association; and more. Director Stuckey stated that "truly we are a One Stop Shop" in which 300 companies and \$2 billion in announced projects have come. Three other states have copied Georgia in this method.

NOTE: Senator Hill, 4th, left the meeting.

Director Stuckey then discussed the energy alternatives available to the state. She stated that solar, geothermal, wind and corn ethanol were not strong in Georgia but that biomass is very strong. Georgia is second only to Oregon with more forestry than any other state. Between 1998 and 2008, the growth of growing stock on timberland in the state has exceeded removals by an average of 38.5% annually or 546,086,970 cubic feet per year. However great the supply, she stated that we do not want to just rely on trees. We need to plant faster growing, quickly replaced, drought tolerant sources such as Miscanthus grass, for example.

In the past year, Georgia has had 12 biomass to electricity projects announced for a total of \$1.8 billion in investment dollars. This has resulted in 700 megawatts of renewable energy, 570 direct jobs and 1700 indirect jobs. Another booming industry for Georgia is pellets and genetically modified trees.

Director Stuckey announced that Georgia is leading the nation in announced Bioenergy projects by state at 37. The closest state to us would be California at 21. Bio based fuels could change the face of rural Georgia. The state has sufficient biomass to support the development of over 40 major biomass investments of greater than \$100 million each.

Chairman Tolleson thanked Director Stuckey for her work and for keeping the committee informed about the progress being made in alternative fuel by the State of Georgia.

There being no further business, Chairman Tolleson adjourned the meeting at 3:58 p.m.

Respectfully submitted,

/s/ Senator Tippins of the 37th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 2, 2011 in room 450 of the State Capitol at 3:00 p.m.

The following Senators were present:

Tolleson of the 20th Chairman
Bulloch of the 11th, Vice-Chair
Tippins of the 37th, Secretary
Butterworth of the 50th
Cowser of the 46th
Henson of the 41st
Hooks of the 14th
Jackson of the 24th
Jeffares of the 17th
Miller of the 49th
Sims of the 12th

Note: Senator Jack Hill of the 4th was absent.

Chairman Tolleson called the meeting to order at 3:02 p.m.

SR 15 (Tolleson, 20th) Creating the Joint Committee on Water Supply

Senator Tolleson introduced **SR 15** stating that this is an extension of the Water Supply Study Committee that was begun in 2010. Todd Edwards with the Association of County Commissioners Georgia spoke in favor of **SR 15**.

Senator Bulloch made a motion that **SR 15 do pass**. Senator Hooks seconded the motion. **SR 15 passed** by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 3:06 p.m.

Respectfully submitted,

/s/ Senator Tippins of the 37th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 9, 2011 in room 450 of the State Capitol at 3:00 p.m.

The following Senators were present:

Tolleson of the 20th Chairman
Bulloch of the 11th, Vice-Chair
Tippins of the 37th, Secretary
Hooks of the 14th
Jeffares of the 17th
Sims of the 12th

Note: Senators Butterworth of the 50th; Cowsert of the 46th; Henson of the 41st; Hill of the 4th; Jackson of the 24th; and Miller of the 49th were absent.

Chairman Tolleson called the meeting to order at 3:10 p.m.

SB 9 (Seabaugh, 28th) Georgia Energy Freedom Act of 2011

Senator Seabaugh presented **SB 9**, stating that this legislation would authorize the Governor to delay any compliance with any federal program to regulate greenhouse gas emissions or motor vehicle fuel economy until such time as a comprehensive analysis of the fiscal and regulatory impacts of the proposed program, and any legislation required authorizing the proposed program, on this state's budget, economy, consumers, families, and small and large businesses has been made and it is determined that participation in such a federal program is in the best interests of the citizens of this state.

Senator Seabaugh went on to say that if the federal government should take or threaten any action to penalize the state because of any delay, it is the duty of the Attorney General to promptly and vigorously litigate in opposition to the federal action on the basis of any applicable Tenth Amendment grounds and any other applicable legal grounds.

Senator Seabaugh stated that this bill was passed out of the Senate last year but did not pass the House.

Chairman Tolleson asked if the Attorney General was involved with a suit now against the Federal Government concerning greenhouse gas.

Senator Seabaugh replied that he was not sure, but believed that 25 or more states were currently involved in litigation with the government regarding health care but were not presently engaged in judicial action on greenhouse gas.

Senator Hooks stated that cap and trade was a bad bill but he was not sure that we can actually pass legislation that keeps the Federal Government from enforcing mandates. He also suggested that it is difficult to nullify regulations yet to occur.

Senator Seabaugh stated that this bill would allow Georgia to delay implementation of the program until due diligence is done to discover the cost of regulations.

Senator Hooks asked if the legislation had been shown to the Governor.

Senator Seabaugh replied it had not.

Senator Hooks asked if the legislation would direct the Attorney General to act.

Senator Seabaugh stated that Legislative Counsel has said the legislation would direct the Attorney General to act according to his job as stated in the constitution. Senator Seabaugh said that taking action to protect citizens is the constitutional job of the Attorney General.

Senator Tippins asked if there was a precedent for delaying of Federal mandates, especially if the regulations have a definite time specific requirement.

Senator Seabaugh stated that dealing with issues between the Federal and State governments create many arguments. He stated that he was not an attorney and was not as articulate about it but there is a basis now for what is happening regarding health care and what government is trying to pack into clauses of constitution. Judgments have been made in courts when the Federal government is overreaching.

Senator Tippins stated that he is concerned that a delay in implementation would require more counsel and advice on the constitutionality. He went on to say that he had specific concern for non compliance.

Senator Seabaugh stated that this legislation was patterned after the Federal Real ID act and that it was up to the Governor to file suit or not.

Senator Hooks said that yes, but this legislation is patterned on an assumption, not what happened. This is not even a law yet, so how do we pass a law to stop a non law.

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Senator Seabaugh stated that with all due respect to the Senator we need flexibility since we will be out of session when this passes. He stated that it is our right to do so and that the health care law shows that we need to be prepared.

Neil Herring, Sierra Club, spoke against the bill specifically asking about line 29 on "motor vehicle fuel economy." He asked why we would be opposed to saving money on fuel.

Senator Seabaugh spoke about the need for the ability to delay these mandates.

Chairman Tolleson agreed that the language was odd, since the fuel standards are federal, not state. He suggested striking line 29 to remove "or motor vehicle fuel economy."

Senator Seabaugh agreed. Senator Bulloch stated that line 16 would also need to be struck and Senator Seabaugh noted also line 4 would need to be struck.

Senator Jeffares made a motion that **SB 9 pass by substitute**. Senator Tippins seconded the motion. **SB 9 passed** by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 3:25 p.m.

Respectfully submitted,

/s/ Senator Tippins of the 37th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 23, 2011 in room 450 of the State Capitol at 3:00 p.m.

The following Senators were present:

Tolleson of the 20th, Chairman
Bulloch of the 11th, Vice-Chair
Tippins of the 37th, Secretary
Butterworth of the 50th
Cowser of the 46th
Henson of the 41st
Hooks of the 14th
Jackson of the 24th
Jeffares of the 17th

Note: Senators Hill of the 4th; Sims of the 12th; and Miller of the 49th; were absent.

Chairman Tolleson called the meeting to order at 3:03 pm.

SB 122 (Tolleson, 20th) Public/Private Water Supply Act of 2011

Chairman Tolleson presented **SB 122** to the committee stating that this is a clean bill and that different organizations have worked hard with him to make sure that it suited the needs of the state, particularly focusing on small communities and counties. He stated that he had heard this was in place for “deepening the Savannah port” which is not the driving point of this bill. Senator Tolleson stated that this bill was all about local government control and that with the economy as it is, local governments were going to need every “tool in the toolbox” and this was adding another tool. He also stated that he had purposely had Legislative Counsel add several references to eminent domain, so there could be no doubt that this bill did not obstruct eminent domain.

Senator Bill Jackson asked if Chairman Tolleson was assuring the committee that **SB 122** would not interfere with eminent domain and Chairman Tolleson assured him and the committee that he was doing just that.

Chairman Tolleson then went over the bill stating that Section 1 defines entities that are in control of the process. Affected local governments do not have to be one that participates in the project, but they are affected by it, so they have a voice in the project.

36-91-100, of the bill allows local government and private entities to join on financial items such as permits. Paragraph B goes on to state that local governments are allowed to seek private financial assistance for a project. Paragraph C defines eminent domain and states that this bill does not change any existing laws on that issue and in no way gives authority to a private entity. All power rests with local government.

36-91-102, sets out P3 structure (Public/Private Partnership). It is an alternative for financing, which does not become a requirement but an option. It is also an alternative to bond issuance. Paragraph B gives local governments the authority to identify projects and to join with other local governing authorities. Where more than one local authority agrees to participate, the participants shall designate one of their numbers to be the lead. Paragraph C gives authority to the lead to evaluate P3 project to determine appropriate financing. All governments involved must unanimously vote for the same process. They can do RFPs for the project. Lead local authority cannot force another government to participate. They can leave if they want and the lead local can not force them to stay in the project. 4A lays out the process for negotiations. 4B lays out the discussion and discovery phase reviews. 4Ci addresses negotiation of factors in RFP and 4Cii gives local governments the right to choose the best contractor, not just the lowest bidder. Senator Tolleson went on to note that the lowest bidder is not always the better choice. He said there are instructions about binding arbitration and gives the ability for local government to walk away from a deal. Senator Tolleson said that the legislation has an anti-revolving door policy, a 3 year no compete clause for elected officials so that he could not go to work for a firm that does P3 work upon their approval.

Section 2 sets up GEFA as the potential partner in this to help evaluate projects. GEFA can become lead for local if desired. It also lays out tools from the Water Supply Act that FEFA can use in the P3 process and makes another statement that eminent domain remains exactly the same as the law now reads. Senator Tolleson stated that compliance with the conservation requirements that were passed into law under the Water Plan will cost money and without this tool, local governments will have difficulty meeting those requirements.

Organizations speaking for the legislation:

Georgia Chamber, Tim Lowe

Metro Chamber, Katie Kirkpatrick

Georgia Association of General Contractors

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Organizations speaking neutrally for the legislation:

Georgia Conservancy, Will Wingate

Sierra Club, Neill Herring – would like to require the authority or local government to consult with GSFIC when determining the appropriate levels of state, local and private participation in a project.

Cobb-Marietta Water Authority – would like to repeal the restriction in current law which prohibits a local government or authority from using eminent domain to take a conservation or mitigation easement.

There was no opposition to the bill.

Senator Bulloch made a motion that **SB 122 “do pass by substitute”**. Senator Butterworth seconded the motion. [SB 122](#) passed by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 4:22 p.m.

Respectfully submitted,

/s/ Senator Tippins of the 37th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on March 2, 2011 in room 450 of the State Capitol at 3:00 p.m.

The following Senators were present:

Tolleson of the 20th, Chairman
Bulloch of the 11th, Vice-Chair
Tippins of the 37th, Secretary
Butterworth of the 50th
Cowser of the 46th
Hooks of the 14th
Jackson of the 24th
Jeffares of the 17th
Miller of the 49th
Sims of the 12th

Note: Senators Henson of the 41st and Hill of the 4th were absent.

Chairman Tolleson called the meeting to order at 3:10 p.m.

SB 110 (Murphy, 27th) Repeals Certain Restrictions on Permits for Municipal Solid Waste Landfill Sites

Chairman Tolleson asked Allen Barnes, Director of EPD, to speak first because he had an appointment and had to leave.

Allen Barnes stated that **SB 110** rescinds the prohibition on out-of-state garbage. He said it would strike the paragraph that stopped it, which complies with the ruling handed down by the U.S. Supreme Court. This is the only change that would be made to the legislation. Director Barnes went on to explain that in 1995 the Supreme Court enjoined Harold Reheis from stopping out-of-state trash in his county. In 1992, Gratiot Sanitary Landfill vs. Michigan Department of Natural Resources was the original U.S. Supreme Court ruling. They ruled that stopping trash from outside the county was unconstitutional. Director Barnes said that he knew there were concerns about water recharge areas, but that the law had not changed and that the liner and collection system are still in place.

Senator Tolleson added that this bill does not change the permit process.

Senator Murphy presented **SB 110** stating that this bill repeals the provision in current law which prohibits EPD from issuing a permit for a municipal solid waste landfill which accepts solid waste generated from outside the county. The provision references sites that are within a groundwater recharge area; however, protections in current law for groundwater recharge areas remain in place.

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

There being no further business, Chairman Tolleson adjourned the meeting at 3:53 p.m.

Respectfully submitted,

/s/ Senator Tippins of the 37th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on March 9, 2011 in room 450 of the State Capitol at 11:00 a.m.

The following Senators were present:

Tolleson of the 20th, Chairman
Bulloch of the 11th, Vice-Chair
Tippins of the 37th, Secretary
Butterworth of the 50th
Cowser of the 46th
Hooks of the 14th
Jackson of the 24th
Jeffares of the 17th
Sims of the 12th

Note: Senators Henson of the 41st; Hill of the 4th ; and Miller of the 49th were absent.

Chairman Tolleson called the meeting to order at 11:10 a.m.

SR 228 (Mullis, 53rd) Feasibility Study of the Withdrawal, Storage, and Distribution of Waters from the Tennessee River Basin

Senator Mullis presented **SR 228** explaining that this resolution urges DNR and GEFA to conduct a feasibility study of the withdrawal, storage, and distribution of waters from the Tennessee River Basin. Senator Mullis stated that 6% of the water in the Tennessee River came from Georgia.

NOTE: Senator Bulloch and Senator Sims left the meeting.

Brad Carver with Hall, Booth, Smith & Slover, asked that the committee consider an amendment to include Senator Shafer's resolution that passed in 2008 authorizing the Governor to enter into negotiations with Tennessee to correct the flawed boundary line and directs the attorney general to take the appropriate legal action. Chairman Tolleson directed Mr. Carver to talk with Senator Mullis about any possible amendment.

Neill Herring, Sierra Club, spoke against the Resolution stating that this could invite reciprocity by Tennessee to divert the Conasauga River which flows in and out of Georgia and Tennessee.

Senator Hooks made a motion that **SR 228** “do pass”. Senator Butterworth seconded the motion. [SR 228](#) passed by unanimous vote.

[SB 157](#) (Jeffares, 17th) Local Solid Waste Management and Reporting

Senator Jeffares presented **SB 157** stating that a lot of cities and counties no longer have landfills but because of the Solid Waste Management Act of 1990, these cities/counties still have to file very detailed and time consuming reports that are unnecessary. The reporting is required to be done and filed with the Department of Community Affairs. Senator Jeffares suggested that this should be voluntary rather than required to keep Qualified Local Government Status, and required for getting loans and grants. He went on to add that larger towns and cities could and should continue, but small ones do not have the staff to do it and also have the expense of hiring outside sources. Senator Jeffares stated that small towns used to have their own landfills but now they are regional, however they still have to do the paperwork.

NOTE: Senator Bulloch returned to the meeting.

Senator Hooks said that he sponsored the bill in 1990 because there was a problem with landfills operating illegally and there were no EPD requirements in the law.

Senator Bulloch spoke in favor of the bill saying that small towns sometimes do not even have a city clerk to do this and that other officials are elected. The old law from 1990 creates a mandate with no one to run it. He said he supports the bill and thinks it is a great idea.

Todd Edwards, Association of County Commissioners Georgia, spoke in favor of the bill. He stated that local governments can have to pay out as much as \$10,000 to \$25,000 to comply.

Randy Harbin, Association of County Commissioners Georgia, added that the survey the DCA puts out has no connection with how landfills are constructed or operated. If there are concerns with landfill operations and tonnage, that is done through the information that landfills report quarterly to EPD. These are two separate surveys.

Neill Herring, Sierra Club, spoke against the bill stating that counties would try to get away with illegal landfills if reporting is not required.

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Chairman Tolleson stated that he would delay the vote until the next meeting, which will take place on Friday, to make sure all items are covered.

There being no further business, Chairman Tolleson adjourned the meeting at 11:45 a.m.

Respectfully submitted,

/s/ Senator Tippins of the 37th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on March 11, 2011 in room 450 of the State Capitol at 11:00 a.m.

The following Senators were present:

Tolleson of the 20th
Bulloch of the 11th
Tippins of the 37th
Butterworth of the 5th
Hooks of the 14th
Jeffares of the 17th
Sims of the 12th
Miller of the 49th

Note: Senators Cowser of the 46th; Henson of the 41st; Hill of the 4th; and Jackson of the 24th were absent.

Chairman Tolleson called the meeting to order at 11:08 a.m.

SB 157 (Jeffares, 17th) Local Solid Waste Management and Reporting

Senator Jeffares presented the **SB 157** committee substitute. He stated that this bill would make cities and counties no longer required to report annually to DCA on the status of solid waste management in their jurisdiction. This also requires DCA to promulgate solid waste planning guidance that a city or county may use to update and amend their plans. Any county that proposes to update or amend its solid waste management plan must publish notice of the proposed action in the county legal organ at least two weeks prior to adopting the update or amendment to its plan. To be included as part of a plan, each city and county part of the plan must adopt the plan and any plan updates by local ordinance or resolution.

Todd Edwards and Randy Harman with Association County Commissioners of Georgia urged favorable consideration of this bill.

Tom Gehl, Georgia Municipal Association, spoke in support of the support the bill.

Senator Bulloch made a motion that **SB 157 “do pass by substitute”**. Senator Tippins seconded the motion. **SB 157** passed by unanimous vote.

[SB 211](#) (Tolleson, 20th) Lead Poisoning Prevention

Chairman Tolleson presented **SB 211** to the committee stating that this was an EPD back bill. Chairman Tolleson said there are many questions concerning the need for the legislation and what was actually repealed by the bill last year. This bill may be amended to ensure that it does not conflict or provide redundant provisions in current law. There is a companion bill in the House. Chairman Tolleson summarized the bill saying that it re-codifies an enforcement provision in the Lead Poisoning Prevention Act that was repealed in a bill addressing childhood lead poisoning prevention last session (SB 78).

Mark Woodall, Association of General Contractors, stated that they would work with Senator Tolleson to ensure that the bill is not redundant to provisions in current law such that fees are being assessed twice.

Keith Hatcher, Georgia Realtors Association, stated that current law grants the enforcement authority to the Board of Natural Resources. This bill would change that and grant the authority to the Department of Natural Resources. He stated that their Association would prefer to deal with the Board.

Senator Bulloch made a motion that **SB 211** “do pass”. Senator Jeffares seconded the motion. **[SB 211](#)** passed by unanimous vote.

NOTE: Senator Cowser came into the meeting.

[SB 218](#) (Williams, 19th) Deadhead Logs

Senator Williams presented **SB 218** to the committee by explaining the intent and history of the issue. He said that under Federal case law, these logs are considered salvage. The Georgia Attorney General claimed the logs are owned by the state. A southwest Georgia resident won the case in Federal court that the logs are salvage and not state owned. The cases are now enjoined with another case that is determining who owns the river. The intent of this bill is to bring a solution to the case by allowing deadhead logging in Georgia. The General Assembly passed a bill a couple of years ago that allowed for deadhead logging; however the price to be paid to retrieve the logs was set too high by the Board of Natural Resources so no one was able to afford to do it.

Senator Williams went on to say that the bill would authorize DNR to provide for sales of deadhead logs on a competitive bid basis to the highest responsible bidders from navigable stream locations in quantities as DNR may deem appropriate taking into consideration the protection of natural resources. "Deadhead logs" are defined in this legislation as logs that were commercially harvested from forests in this state during the 19th or 20th century and that sank or were sunken in a navigable stream, other than a segment of a navigable stream that is a boundary of the state, either while in the process of being floated to mill or market or intentionally for storage.

Neill Herring, Sierra Club, voiced opposition to the legislation stating that this bill is in conflict with the gratuities clause of the state constitution. He stated that they would sue if the bill passes. The price of the logs must be equal to the value that the state is giving up.

Senator Bulloch made a motion that **SB 218 "do pass"**. Senator Cowser seconded the motion. [SB 218](#) passed by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 12:01 p.m.

Respectfully submitted,

/s/ Senator Tippins of the 37th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on March 22, 2011 in room 450 of the State Capitol at 3:00 p.m.

The following Senators were present:

Bulloch of the 11th, Vice-Chair
Tippins of the 37th, Secretary
Cowser of the 46th
Henson of the 41st
Jack Hill of the 4th
Hooks of the 14th
Jackson of the 24th
Jeffares of the 17th
Miller of the 49th

Note: Senators Tolleson of the 20th; Butterworth of the 50th and Sims of the 12th were absent.

Vice-Chairman Bulloch called the meeting to order at 3:00 p.m.

SB 253 (Brown, 26th) Hearing: Municipal Solid Waste Landfill Sites; Ground-water Recharge Areas

Senator Brown presented **SB 253** to the committee expressing his appreciation for a hearing on the bill. He stated that he represents the Twiggs County area which is in the middle of the state. This area has an aquifer and the concern is that it also has a landfill across the line in Bibb County. We recognize that this landfill exists and are not saying that we have the authority to close them down and that this is a decision made at a local level that these landfills exist. At the same time, citizens of this district and area are very concerned about the long term effect of expanding this landfill. Part of that is due to the realization that originally this landfill was there to serve just that town. It was later permitted to serve adjacent counties. Now it will serve a much larger area than that. Because of SB 110, which I expect will pass because of commerce reasons, this landfill will allow trash to be brought in across state lines. Their concern and mine is that the additional waste will come in and we believe that is a very bad and dangerous idea because of the long term harm to citizens, not just in Twiggs county, but downstream to Florida if we have very large landfills on this aquifer. Even though these landfills are required now to have liners, even with the most up-to-date technology, no one can be assured that there will be no damage done to waters and streams in the area. All this bill is asking is to not allow this additional expansion within two miles of the aquifer. Senator Brown said that he was not exaggerating to say that this may be a life and death situation for those in this county.

NOTE: Chairman Tolleson arrived at the meeting.

HB 274 (Nix, 69th) Solid Waste Management Permitting

Representative Nix introduced **HB 274**, stating that currently, there are 9 landfills with gas collection systems. This bill would renew the solid waste trust fund fee of \$1.00 per tire for 3 years. It bans yard trimmings in all landfills except ones that have a gas collection system, inert waste landfills or C & D landfills which recycle materials. It gives solid waste facilities that recycle a credit towards the 75-cent surcharge per ton of material recycled. Current law prohibits yard trimmings from being mixed with municipal solid waste except at C & D landfills, bans yard trimmings at municipal solid waste disposal facilities having liners and leaching collection systems, and requires yard trimmings to be chipped, composted, or used as mulch to the maximum extent feasible. Representative Nix stated that the solid waste trust fund tire fee extension of 3 years was negotiated with the Governor's Office.

Tim Lesko, Greenco Environmental, spoke in opposition to the bill stating that they were the first permitted compost facility in Georgia. He stated that you can not compost without yard trimmings.

Mark Woodall, Sierra Club, stated their opposition to the bill saying that the tire fee should be dedicated to the solid waste trust fund and that this bill would discourage composting in Georgia.

Senator Bulloch made a motion that **HB 274 "do pass"**. Senator Bill Jackson seconded the motion. **HB 274** passed by unanimous vote. **HB 274** will be carried by Chairman Tolleson on the Senate floor.

There being no further business, Chairman Tolleson adjourned the meeting at 4:30 p.m.

Respectfully submitted,

/s/ Senator Tippins of the 37th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on March 28, 2011 in room 450 of the State Capitol at 2:00 p.m.

The following Senators were present:

Tolleson of the 20th, Chairman
Bulloch of the 11th, Vice-Chair
Tippins of the 37th, Secretary
Jack Hill of the 4th
Hooks of the 14th
Jackson of the 24th
Miller of the 49th

Note: Senators Butterworth of the 50th; Cowsert of the 46th; Henson of the 41st; Jeffares of the 17th; and Sims of the 12th were absent.

Chairman Tolleson called the meeting to order at 3:10 p.m.

SR 379 (Hill, 32nd) Outer Continental Shelf Planning

Senator Judson Hill presented **SR 379** which urges the U.S. Bureau of Ocean Energy Management to include all outer continental shelf planning areas in its proposed five-year plan.

Senator Bulloch made a motion that **SR 379** “do pass by substitute”. Senator Miller seconded the motion. **SR 379** passed by a vote of 6-1. Senator Hooks voted nay.

HB 277 (Shaw, 176th) Hunting Deer and Feral Hogs over Bait

Representative Shaw presented **HB 277** stating that hunting of deer and feral hogs over bait would become legal in the northern zone. This would be hunting with firearms, other than on state or federal land, if the hunter is at least 200 yards away from, and not within sight of, such feed or bait. In the Southern zone for hunting of deer with firearms, on other than state or federal land, if the hunter has written permission of the landowner. However, a person is prohibited from placing feed or bait to lure any game bird or animal or feral hog within 50 yards of any property ownership boundary.

NOTE: Senator Bill Jackson left the meeting.

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Jerry McCollum, Georgia Wildlife Federation, expressed their opposition to the bill stating that they believe the bill will lead to an increase of diseases and alter deer behavioral patterns. He stated that this would be an artificial deer management system.

Senator Tommie Williams spoke in favor of the legislation stating that he and Senator Harp had tried for years to get this bill passed, but it would never get moved through the House of Representatives. He stated that he was here in favor of the bill today to speak for the many constituents in his district who were asking that this bill pass.

Reggie Dickey, Georgia Hunting and Fishing Federation, spoke in favor of the bill stating if a hunter has opposition to the bill then they do not have to hunt over bait.

Greg Brown, Georgia Chapter of the National Wild Turkey Federation, stated that they were in opposition to the legislation.

David Waller, Former Director of the DNR Wildlife Resources Division, spoke passionately against the legislation stating that this was a personal issue with him. He stated that this takes the challenge out of deer hunting. He said he wanted his grandchildren to learn to track and hunt without having bait to do it for them.

Lynn Lewis Lyle, Wildlife Biologist with the Wild Turkey Federation, spoke against the bill stating it does away with hunting traditions.

Senator Bulloch made a motion that **HB 277 “do pass”**. Senator Jack Hill seconded the motion. [HB 277](#) passed by a 3-2 vote. Senators Miller and Tippins voted nay. Senator Bulloch will carry **HB 277** on the Senate floor.

There being no further business, Chairman Tolleson adjourned the meeting at 4:00 p.m.

Respectfully submitted,

/s/ Senator Tippins of the 37th, Secretary

/s/ Vicki Gibbs, Recording Secretary

June 1, 2011

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 2011 session:

[SB 128](#)

[SB 132](#)

[SB 253](#)

[SB 259](#)

[SB 269](#)

[SR 494](#)

Respectfully submitted,

/s/ Vicki Gibbs
Recording Secretary