

Senate Natural Resources and the Environment
Committee Members - 2012

Senator Ross Tolleson, 20th, *Chairman*
P.O. Box 1356
Perry, GA 31069
404.656.0081

Senator Freddie Powell Sims, 12th
5377 Goose Hollow Road
Dawson, GA 31742
404.463.5259

Senator John Bulloch, 11th, *Vice Chairman*
3554 Bulloch Road
Ochlocknee, GA 31773
404.656.0040

Senator Frank Ginn, 47th, *Ex-Officio*
P.O. Box 1136
Danielsville, GA 30633
404.656.4700

Senator Lindsey Tippins, 37th, *Secretary*
139 Midway Road
Marietta, GA 30064
404.657.0406

Senator Steve Gooch, 51st, *Ex-Officio*
P. O. Box 600
Dahlonega, GA 30533
404.656.9221

Senator Bill Cowsert, 46th
P.O. Box 512
Athens, GA 30603
404.463.1383

Senator Butch Miller, 49th, *Ex-Officio*
2420 Browns Bridge Road
Gainesville, GA 30504
404.651.7738

Senator Steve Henson, 41st
2643 Sterling Acres Drive
Tucker, GA 30084
404.656.0085

Senator Jack Hill, 4th
P.O. Box 486
Reidsville, GA 30453
404.656.5038

Senator George Hooks, 14th
P.O. Box 928
Americus, GA 31709
404.656.0065

Senator Bill Jackson, 24th
P.O. Box 528
Appling, GA 30802
404.651.7738

Senator Rick Jeffares, 17th
300 Lester Mill Road, Ste. 200-E
Locust Grove, GA 30248
404.656.0503

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 23, 2012 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-Chairman
Tippins of the 37th, Secretary
Cowser of the 46th
Ginn of the 47th, Ex-Officio
Gooch of the 51st, Ex-Officio
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: Senator Henson of the 41st was absent.

Chairman Tolleson called the meeting to order at 2:03 p.m.

SB 307 (Ligon, 3rd) One-Day Salt-Water Shore Fishing License; create

Senator Ligon presented **SB 307**, stating that this legislation would allow for the purchase of a one-day saltwater fishing license. This license would be available for purchase by residents and non-residents of Georgia for a fee of \$5.00. He stated that persons wishing to fish off the piers while on vacation do not want to pay \$20.00 for a three day license when they might only fish for one afternoon.

Chairman Tolleson asked if this license was for shore use and Senator Ligon clarified that it was not for off-shore fishing.

Chairman Tolleson questioned cutting it to \$5.00 and asked if it would not be better to lower it less. Senator Ligon replied that he wanted it to be as cheap as possible.

Chairman Tolleson requested that Todd Holbrook, Assistant Commissioner of the Department of Natural Resources, address the issue.

Mr. Holbrook stated that he felt that anything in the \$5.00 to \$10.00 range would not discourage participation. He stated that a three day license costs \$20.00 for non-residents and it was a hunting and fishing combination license. The combination license includes fresh water fishing, saltwater fishing and hunting, and this would include off-shore fishing. He said the department's view is that \$5.00 for an on-shore one-day license is roughly in the right area.

Senator Hooks asked Senator Ligon if he would be opposed to a distinction between resident and non-resident licenses. He stated that there was a cost difference on hunting licenses and felt that Georgia residents should pay \$5.00 for a one-day license and non-residents should pay \$10.00.

Senator Ligon stated that if he had to compromise, he would prefer to put the non-resident license at \$7.00. He stated that tourists come to the area and do not fish because of the price of the license and this would be a boost to the small fish and tackle stores at the pier.

Senator Hooks asked Senator Ligon if he knew what Florida charged for non-resident saltwater fishing.

Senator Ligon replied that he did not know what Florida's license costs but knew that North Carolina's three day fishing license cost \$10.00.

Chairman Tolleson asked Mr. Holbrook to find out what Florida charges.

Mr. Holbrook stated that Florida has a combined fishing and hunting three day license for \$3.50 for non-residents.

Senator Ginn asked if licenses costs even made enough of a difference to be worth the discussion.

Mr. Holbrook stated that licenses generate \$20 million annually.

Senator Bill Jackson stated that since a coke and a candy bar cost \$5.40, what would be wrong with charging \$10 for a one-day on-shore license.

Senator Ligon stated that if they paid \$10.00 for a license, rented poles for \$5.00 each, bought bait for \$5.00, and a coke and candy bar for another \$5.00, you are looking at \$30.00 to \$40.00 for a two to three hour fishing excursion per person. He said that his purpose for bringing the bill was to make it affordable and accessible to encourage greater participation.

Chairman Tolleson said that he agreed with the concept and the opportunity it presented but he did believe that raising the cost some to at least \$7.00 would not deter the interest but would help with the cost.

Senator Ligon said that he would not want to go over \$7.00.

Senator Miller asked if the fishing licenses could be bought in the bait shops and Senator Ligon replied yes in the bait shops, on line and by phone. Senator Miller said the point is you get them to spend money in the area and Senator Ligon agreed.

Chairman Tolleson said he felt like everyone will benefit from this one-day license and it will help out the local businesses.

Senator Tippins asked if a difference could be made between resident and non-resident pricing. He stated he had no problem with the \$5.00 for residents but thought that non-residents should pay at least \$15 and believed that they would.

Senator Ligon replied that the idea is to get people hooked on the sport and he had been told that once you got in the \$15.00 to \$20.00 range people would just not pay that for an afternoon of fishing.

Senator Bulloch made a motion that **SB 307, do pass.** Senator Cowser seconded the motion. [SB 307](#) passed by unanimous vote.

[SB 309](#) (Jeffares, 17th) Special hunting, trapping or fishing Licenses to persons who are terminally ill

Senator Jeffares presented **SB 309**, stating that this legislation would allow the Commissioner of the Department of Natural Resources to issue a special hunting or fishing permit to terminally ill persons 21 years of age or younger who have a life expectancy of less than 12 months. This license would permit the terminally ill person to hunt or fish out of season.

Senator Jeffares also introduced a substitute to clarify the language regarding who can certify that a person is terminally ill. This language would change the original language that read "licensed doctor" to include a licensed doctor of medicine currently licensed to practice either by the State Board of Medical Examiners or the State Board of Examiners in Osteopathy.

Senate Natural Resources and the Environment Committee
January 23, 2012
Page 4 of 4

Senator Tippins made a motion that **SB 309, do pass by substitute**. Senator Miller seconded the motion. [SB 309](#) passed by unanimous vote. Committee substitute **LC 40 0045S**.

There being no further business, Chairman Tolleson adjourned the meeting at 2:23 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 January 25, 2012 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
Ginn of the 47th, Ex-Officio
Gooch of the 51st, Ex-Officio
Hooks of the 14th
Jeffares of the 17th
Sims of the 12th

Note: Senators Cowser 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 3:00 p.m.

SB 301 (Bulloch, 11th) Allowing hunting firearms to be equipped with silencers

Senator Bulloch presented SB 301, stating that this is a simple bill that has a lot of good points about it, and allows silencers to be used on hunting firearms.

Senator Bulloch also introduced a substitute (LC 28 5950S) to SB 301, and stated that this substitute does the same thing the original did as far as on line 10 of the original where it strikes the language of "The use of silencers for hunting within this state is prohibited" and added in its place "Any firearm otherwise authorized for use in hunting or taking of game may be equipped with a silencer, as defined in paragraph (7) of Code Section 16-11-121, possessed by the user in accordance with paragraph (4) of Code Section 16-11-124."

Senator Bulloch went on to say the language is exactly the same in the substitute. However, the substitute adds to the original, paragraph (b) in paragraph 9 under the presumption the department asked him to add, that "The hunting privileges of any person who has been convicted of violating the provisions of this title or any rule or regulation promulgated pursuant thereto by hunting without landowner permission, hunting in an area that is closed for hunting, or by hunting big game out of season or at night with a firearm equipped with a silencer shall be suspended for three years." So, your hunting privileges will be suspended for three years.

Senator Bulloch further explained that what this does is increases the penalty for hunting in those areas without permission, i.e. poaching, or an area that is closed such as a state owned property or a federal property where they have restrictions on hunting, or hunting at night with a light. The penalty will be that your license is suspended for three years after the conviction for hunting with a silencer. Senator Bulloch explained that the Department of Natural Resources had requested this provision.

Senator Bulloch stated that he had been approached constantly about why this bill was needed. He went on to explain if we look at hunting in this state and want to encourage more people to hunt and as this state grows, as we are over 9 million people today, we have residential developments that are encroaching on our hunting lands so the sound of a firearm going off is heard. I conferred with a sheriff yesterday and he said during certain times of the year this would probably cut their complaints almost in half. Most of the complaints from home owners are that they hear gun shots and of course it's a hunter.

Also, we have a growing problem in this state with feral hogs and a lot of people don't understand that a sow, a female hog, has a gestation period of 3 months 3 weeks and 3 days. That sow will have 3 litters of pigs a year, and she will raise 8-10 pigs per a litter. So, we are looking at an increase of 25 to 30 times the number of feral hogs in one year. Then, when a female pig is a year old, known as a gilt, they can start breeding, so if half of those 25-30 piglets are females after one year you have the potential for those to each have 3 litters.

The Department of Natural Resources has issued a lot of permits to farmers to protect their crops by allowing them to hunt feral hogs at night with a light. This is not legal without a permit. If you have the ability to have a silencer on that gun the opportunity to kill more than one, possibly two, would increase because the sound does not scare them off.

Senator Bulloch also mentioned that the silencer protects the hunter from ear damage. He stated that he and Chairman Tolleson have a great amount of hearing loss and that they both grew up hunting. This would help us to try and prevent some hearing loss with young adults now hunting. Suppressors of sound or silencers are currently those only found to be used in a rim fire type bullet. They cannot be used on a shot gun with birdshot, so we are dealing primarily with deer hunting, varmints, large game and feral hogs.

Silencers are already legal in the state of Georgia and they are controlled on the federal level through the ATF (alcohol, tobacco and firearms) and have to have a permit. The application requires a \$200 fee with your application. That application is for a suppressor on one gun. For that gun you have to list the gun you are going to put the suppressor on by serial number, model number and make. They are not transferable from gun to gun.

Senator Bulloch stated that he had learned a lot about this in the past couple of weeks. After speaking with a sheriff last evening, the sheriff stated he was glad we are working on this and he has seven suppressors. Senator Bulloch mentioned that a lot of people seem to have them; a lot more people than he thought had them. This application requires a background check, so if you have any criminal background you cannot get a suppressor. You also cannot get a firearms permit, or carry a firearms permit in the state of Georgia if you have ever been convicted of a crime. So, it's not that we are changing that; we cannot change that, because it's federal law.

Chairman Tolleson asked Senator Bulloch if it is true that when most people think about a silencer, they think about the movies and they think about guns you cannot hear go off. This really just suppresses noise and reduces how loud a gun is but you can still hear the gun go off.

Senator Bulloch replied that the Chairman is correct and that the movies sometimes lead you to believe a lot of things that are not really possible. For instance, when you see a bad guy shoot a good guy with a pistol with a silencer on it, you only hear the sound that person makes when they fall and hit the floor. That is not what a suppressor does. The silencer takes away a lot of that noise but the percussion from the bullet is still heard when you shoot it. However, when the bullet breaks the sound barrier and comes out of the end of the barrel, you cannot suppress the noise.

Senator Hooks stated that he understood about the rifle and certainly understood the feral hog problem because he has an issue with hogs also. He asked Senator Bulloch if silencers can be used on 12 gauge shot guns.

Senator Bulloch stated it would only work if you were using a slug type bullet and not birdshot.

Senator Hooks confirmed that if he were attempting to kill a feral hog, he could shoot them with a 12 gauge shot gun with a silencer using a slug.

Senator Bulloch stated that that was his understanding. He went on to say that Georgia has four businesses that manufacture and sell silencers. He stated they are a class three firearms dealer.

Senator Hooks asked about the cost of a silencer.

Senator Bulloch stated the cost of a suppressor is approximately \$300. There is also the expense of going to a gunsmith to have them fitted to the barrel. Overall, there is the permitting cost, purchasing of a suppressor, and a gunsmith cost which can add up to \$1000 per a gun.

Chairman Tolleson observed that this is not something everyone would be going to get because of the cost.

Senator Ginn requested that Senator Bulloch amend the bill to add a severe monetary fine and Senator Bulloch stated that it was already a part of the existing law and depending on the charge, the vehicle can be confiscated, the gun can be confiscated, and the fine goes up to \$2,000 on the 1st offense.

Senator Ginn stated that he would prefer a fine of \$10,000.

Senator Bulloch agreed with a larger fine but stated that the Department of Natural Resources felt the law was adequate as stated.

Chairman Tolleson suggested that Senator Ginn and Senator Bulloch meet with the Department and suggest stronger fines.

Senator Bulloch summarized the bill by stating that hunting with suppressors would improve hunting in the following ways:

- **Hearing Loss:** Because of practical concerns in the field, many hunters do not use adequate hearing protection while hunting. This can cause significant hearing loss, especially over a period of time. Suppressors decrease the decibel level associated with muzzle blast, protecting against permanent damage to a hunter's ears.
- **Noise Complaints:** Suppressors reduce complaints from neighboring properties and other users of an area. Complaints related to noise or perceived safety concerns caused by the sound of nearby gunshots can lead government officials to take rash action with a host of restrictive rules, including discharge ordinances that effectively ban hunting. The reduced noise not only benefits humans, but also decreases stress and behavioral change in wildlife populations.
- **Increased Accuracy and Safety:** By reducing noise, felt recoil and muzzle blast, suppressors mitigate trigger flinch. This helps to increase accuracy and creates a more enjoyable experience. This is especially true with children and other novices while being introduced to firearms. Suppressors help to direct focus to the other fundamentals of handling a firearm, including safety.

- **Poaching:** The common argument raised against suppressor use for hunting is that they are a tool used primarily by poachers. This is not true. Suppressors are heavily regulated by federal law. A person who is going to the expense of legally obtaining one is not usually a person who violates other laws, including game laws. Suppressors do not make firearms “silent” as often portrayed in popular culture. They simply mitigate noise. Those opposing suppressors for hunting would seem to be arguing that rifles must make a certain minimum amount of noise to be legitimate.
- **Suppressors in Europe:** Most European countries do not have very liberal gun laws, but they do widely allow suppressors for hunting. Primary reasons cited are to reduce noise complaints and hearing loss.
- **Hollywood Stigma:** Suppressors caught the attention of Hollywood long ago and are often negatively portrayed as the tool of assassins. Suppressors have many useful applications described already and need to be made available to law abiding hunters. Hollywood drama should not prevent sound and reasonable policy.

Senator Bulloch said that he also wanted to bring to the committee’s attention that there are 15 states that already allow for the use of suppressors in hunting, and there are 39 states that allow for private ownership of suppressors.

Senator Ginn made the motion that [SB 301](#), **do pass by substitute** (LC 28 5950S). Senator Tippins seconded the motion. **SB 301 passed** by unanimous vote.

Chairman Tolleson adjourned the meeting at 3:37 pm.

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 January 30, 2012 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
Ginn of the 47th, Ex-Officio
Jeffares of the 17th
Miller of the 49th
Sims of the 12th

Note: Senator Cowser of the 46th, Senator Hill of the 4th, Senator Hooks of the 14th, Senator Jackson of the 24th, Senator Tippins of the 37th, Senator Henson of the 41st, and Senator Gooch of the 51st were absent.

Chairman Tolleson called the meeting to order at 2:05 p.m.

SB 319 (Jeffares, 17th) Use of Boats on State Park Lakes and Other Areas

Senator Jeffares presented **SB 319**, stating that this legislation would allow for a change in the current language to allow the DNR commissioner to set hours and usage of boats for waters of state parks, historic areas, and recreational areas. The current language places restrictions on the use of certain boats on state park lakes. This legislation removes these restrictions, and instead, places a restriction on the use of boats on the waters of "any" park, historic site, or recreational area when the Department of Natural Resources (DNR) has posted a sign or other form of notice restricting such use; exceptions exist for law enforcement and official use by DNR. This legislation clarifies that boat and wade fishing is authorized in such areas during certain times so long as it is not otherwise prohibited.

Senator Jeffares stated that the bill changes the language to give the DNR commissioner the right to use boats on state waters. This takes all the language out about the different state parks and makes it consistent and gives the Commissioner the right to set the hours for the boats.

Chairman Tolleson asked if the language now deals with state waters but not state parks.

Senator Jeffares replied that that was correct. The current law lists all the state parks as retaining the same rights as the state waters.

Chairman Tolleson clarified that this legislation states that the DNR Commissioner also has the right to set the standard for state parks as well as state waters.

Senator Ginn made a motion that **SB 319, do pass**. Senator Miller seconded that motion. **SB 319** passed by unanimous vote.

Note: Senator Cowser of the 46th, Senator Hill of the 4th, Senator Hooks of the 14th, and Senator Jackson of the 24th arrived at the meeting.

Chairman Tolleson introduced Kevin Clark, Executive Director of Georgia Environmental Finance Authority (GEFA).

Director Clark stated that on January 25, 2011, Governor Nathan Deal issued an executive order charging GEFA with developing and implementing the Governor's Water Supply Program (GWSP). The purpose of the GWSP is to assist local governments in developing new sources of water supply adequate to meet future water needs. In the executive order, the governor stated that an adequate supply of clean and affordable water is vital to Georgia's economic well-being and sustaining Georgia's high quality of life. In addition, the Governor recognized that communities across the state face short and long-term water supply challenges and considerable constraints in financing critical water infrastructure projects in today's economic environment. The governor directed GEFA to convene a Water Supply Task Force (WSTF) to provide expert guidance in developing the GWSP and to ensure interagency cooperation in GWSP implementation. In the order the members were named they are as follows:

- Georgia Department of Natural Resources, Commissioner Mark Williams
- Georgia Environmental Protection Division, Director Jud Turner
- Georgia Department of Community Affairs, Commissioner Mike Beatty
- GEFA, Financing and Investment Division Director, Susan Ridley
- State Properties Commission, Executive Director Steve Stancil
- Georgia Soil and Water Conservation Commission, Executive Director Brent Dykes
- Georgia Department of Agriculture, Commissioner Gary Black

Director Clark explained that the public process has been taking place for the past year with task force and subcommittee meetings held around the state and also online public comment has been received. The report recommendations include:

- **Guiding Principles:** Local governments to take the lead but with State support. Funding to maximize water supply. The approach cannot be one-size-fits-all and that Regional cooperation is preferred.
- **Competitive Solicitations:** Competitive solicitations over the next four years. Score the projects on need, readiness, finances and regional cooperation and impact. Planning for loan availability.
- **State Direct Investment:** \$100 Million over the next four years directed through the Department of Community Affairs.
- **Loans:** \$200 million over the next four years directed through GEFA.
- **Public-Private Partnerships:** GEFA will serve as a P3 advisor to local governments.
- **Permitting:** To promote existing support programs.

Director Clark then discussed what the eligible projects would include:

- Expanding and converting existing reservoirs.
- New reservoirs
- Interconnecting water systems
- Wells (direct potable use or streamflow augmentation)
- Reopening inactive wells
- Desalination
- Aquifer storage and recovery capability

The Governor's Water Supply Program Funding Sources would consist of the following:

- Current GEFA Reservoir and Water Supply Fund Assets 28.5 Million
- FY12 GO Bond appropriations for DCA for reservoirs 25.0 Million
- Planned GO Bond appropriations for DCA for reservoirs FY13-FY15
(25 Million per year) 75.0 Million
- FY12 GO Bond appropriations for GEFA for reservoir development
20.75 Million
- Planned GO Bond appropriations request to GEFA for reservoir development
FY13-FY15 (20.75 Million per year) 62.25 Million
- GEFA Revenue Bond Sale Out of "Reservoir Fund and/or GA Fund" (to reach
\$300 Million) 88.5 Million
- For a total amount of 300 Million.

Director Clark concluded his presentation by stating what the Water Supply Program's next steps would include. He stated that there was an open application period that began in January 2012. GEFA will then host application workshops from February 15 through March 2, 2012. On April 30, 2012 the application period will close and on June 20, 2012 the award of loans and state direct investments will be announced. The GEFA Board will then meet and approve loans on July 24, 2012 and on August 1, 2012 the DCA Board will approve investments. On September 12, 2012 the final step will be the approval of land purchases by the State Properties division.

Chairman Tolleson asked Director Clark to explain to the committee how the word is spread to small communities and municipalities. Director Clark stated that the agency was working in very close conjunction with the Georgia Municipal Association. He stated that they were working with their client base to make sure that each and every municipality was informed about opportunities for expanding and/or approving their water supplies.

Senate Natural Resources and the Environment Committee
January 30, 2012
Page 4 of 4

Chairman Tolleson thanked Director Clark and all the members of the Governor's Water Supply Program for their continued work toward assisting communities in their efforts to provide their citizens with a clean, ample supply source. The Chairman also thanked the Georgia Municipal Association for helping to keep the information forefront in the remote areas as well as large municipalities. Chairman Tolleson concluded the meeting by stating that only with due diligence toward Georgia's Water Supply would Georgia remain a viable state for growth with the continued welfare of its citizens and businesses.

Senator Tolleson adjourned the meeting at 2:53pm.

Respectfully submitted,

/s/ Senator Tolleson of the 20th, Chairman

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 1, 2012 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
Ginn of the 47th, Ex-Officio
Gooch of the 51st, Ex-Officio
Hill of the 4th
Hooks of the 14th
Jackson of the 24th
Jeffares of the 17th
Miller of the 49th, Ex-Officio
Sims of the 12th

Note: Senator Henson of the 41st was absent.

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

SB 269 (Jeffares, 17th) Cooperative Efforts for Abatement of Water Pollution

Senator Jeffares presented **SB 269**, stating that this legislation would allow a person or local government in violation of a water quality standard to perform voluntary corrective action in accordance with an administrative consent order. Local governments may be required to provide a performance bond or letter of credit.

Senator Jeffares stated that for most of his professional career he has been working for cities and counties in the water and sewer business. When EPD issues a consent order to pay a fine, for instance a sewer line being stopped up or a spill, instead of just paying the fine and moving on, this allows EPD to negotiate with the city or county to actually fix the problems. There are situations in cities and counties in this state and other states, where infrastructures are getting old, almost 150 years old in some cases. In certain situations they will go years paying EPD a consent order of \$20,000-\$30,000, and a lot of cities just pay it knowing they need to fix the problem. This bill is giving the EPD director the chance to sit down and negotiate, for example, to put in a new lift station that is going to cost \$150,000. The city or county would be given the opportunity to put up a line of credit or receive a bond and if they follow strict guidelines, they would be able to use the fine money toward repairs. If the guidelines are not met then the fines would be assessed and paid to the state. This is to encourage repairs.

In the second part of this bill, instead of going to the general fund it will actually go to GEFA, the issuing bond or credit line division, and the monies paid over time will build up in an account for the cities and counties use. This gives GEFA another tool to try and get cities and counties to replace some of this infrastructure when it comes up instead of just paying the fines.

Chairman Tolleson asked if businesses would be treated differently than cities and counties.

Senator Jeffares stated that he knew some private businesses have similar problems but that his bill was aimed more toward the cities and counties.

Chairman Tolleson said that he would like it to be inclusive of all industry.

Senator Hooks commented that this is exactly what the City of Atlanta has been doing for years, just paying the fines and not repairing the problem. He stated that he salutes the bill because these problems need to be repaired.

Senator Gooch asked if the mode of credit will stay in possession of GEFA until the work is done.

Senator Jeffares answered yes, that until the EPD director signs off on it and that the work is complete.

Senator Gooch stated that if the offenders do not do the work and do not comply with the order, then the EPD can call back the bond or loan and do the work. He said he would like to see this also apply to the private sector as well. Maybe not today or maybe not in this bill, but this is the kind of stuff, in his opinion, that makes good sense. The whole purpose of a consent order is to enforce compliance with the problem. A lot of times your sewer leaks, your water leaks or there is a whole list of a hundred things that can go wrong with the EPD. He stated that this just seems like good business. He said, however, this does take money away from the general fund from the state, because today all those fines go straight into the general fund.

Senator Jeffares replied that the only number he could get last year was in 2008, and it was around \$300,000 and it included cities, counties, industry, DOT, contractors, and anybody that paid it in general.

Senator Gooch argued that this particular bill is taking money out of the local government bank accounts and putting it into the state of Georgia general fund. He stated that this does not make sense. It makes more sense to me to get the work done and get the problem fixed.

Chairman Tolleson said he believed that is what the bill is doing, but that Senator Gooch brought up a good point earlier, of including business in the bill.

Senator Jeffares stated that there is one thing that needs to be clarified. On line 67 the bill states "to be approved by the director"; it should state "to be approved by the director of GEFA", to make sure there is no confusion with the EPD director.

Chairman Tolleson stated that we would need to have a substitute bill.

Senator Sims asked, "What is the consent order and is that sort of like a waiver?"

Senator Jeffares said no. What happens when the state has sewers leaking, is that there is always going to be a consent order and a fine which most of the time comes from the EPD director. They draw it up and they know you have a problem and you tell them what your corrective action is going to be. Also, you get a monetary fine with it.

Senator Sims asked why the municipalities are foregoing the repair work, if we have the funds available for them to complete the repairs.

Senator Jeffares replied that to a lot of the small cities, a couple hundred thousand dollars carries them into debt really quickly, even though they are eligible to get financial loans.

Senator Sims asked then why are they not making use of the funds that are available and wondered if it was because the qualification process is so lengthy.

Senator Jeffares replied that if the process goes through the USDA, which is a federal program, the process resulting from applications to receive grant and loan money can take up to two and a half years just to get the financing in place. But, he added, GEFA is a lot quicker than the USDA.

Senator Tippins asked Senator Jeffares if he believed that this would be a typical situation or maybe an infrequent event. If you had a broken sewer line, then you would have to go and fix that anyway. It would be more like a restoration of an old unreliable system.

Senator Jeffares replied that most of the repairs would be to lift stations and plants, which is expensive when you start talking about fixing those.

Senator Tippins said that this is not a situation of a perpetual leak, because you have a fine everyday if you don't fix that.

Senator Gooch stated that he believes a lot of these consent orders are brought about because of cities and counties not complying with an issue, not an emergency break. They do get fined for those spills. But, if the old water systems, like well systems and so forth are not brought up to state standards and they send a letter, a month later they send another letter, two months later, a year later, and there is still no activity from a municipality or a county or a water authority. Then the municipality is fined if not brought up to par and a consent order is signed that may have a \$15,000-\$20,000 fine per day, month or year for some period. Instead of the money going to the general fund each year, it would help to be used back home for the system that needs to be worked on. So, to these small communities that have very small water systems, \$20,000-\$30,000 is a lot of money. Now, the city of Atlanta spends millions of dollars on fines. Where did that money go? And the \$300,000 you mentioned earlier is that truly the number? I would think it would be a lot more than that.

Senator Jeffares stated that was what it was in 2008 and that was the only number he could find.

Senator Ginn said that the money from the city of Atlanta went to the EPA, on the Federal level.

Chairman Tolleson recognized Juliet Cohen, general counsel for the Upper Chattahoochee Riverkeeper to speak to the bill.

Juliet Cohen stated that she was also speaking for the Georgia Water Coalition. I have a couple of comments about this bill and hopefully a few things that will perfect the bill. Senator Jeffares and I have spoken today and I wanted to make sure that everyone understood a couple of things. For instance, while the intent of this bill may be to address municipal sewer collection systems, utilities and that sort of thing, actually the majority of the bill applies to any person discharging. So, if you look at starting on line 14, you will see the reference to any person. That can apply to a small private business, a large manufacturer, or a factory discharging into one of our rivers.

The only section limited to local government, starts on line 54, and has to do with providing performance on or a letter of credit in lieu of a penalty or fine. The rest of the bill addresses voluntary corrective action and extensions for consent orders for up to six months. Those are things that are not limited to local government, but can be applied to anyone which is an important distinction.

Another point of interest is that this bill does provide authority to the director to extend consent orders by up to six months and you can see that starting at about line 50. One of the amendments we would offer, and hope you all will take up, is to limit the number of six month extensions that can be granted by the director. As it reads now, it is limitless and while the current EPD director may have good intentions to follow the provision for showing good faith before an extension is granted, we really do not know what will happen in the future. I think it would be prudent to limit the number of extensions that can be granted in the future. So, we would suggest a simple change which would be to add the words that "no more than once by up to six months" so on line 50 be made to "extend the completion date no more than once by up to six months". That would be an easy fix for that.

We also have another suggestion, and that has to do with while the director can be granted this authority to provide extensions, there are some situations where a voluntary corrective action or an extension is not appropriate. We have seen this recently with the Ogeechee River, Briar Creek, and Trail Creek on the Oconee River. These were instances where there were crisis situations, mass discharges that posed threats to public health, drinking water supplies, and to fish and wildlife. We think that there should be a provision here that would prohibit that type of voluntary corrective action or an extension in those types of situations, emergency threat type situations. The director should be forced to act immediately, to the best of his ability. The language we are suggesting is to the maximum extent practicable. I have language that I also provided to Senator Jeffares with our suggestions.

Finally, the last suggestion that the Senator has already identified, would be clarifying that any letter of credit needs to be provided to the director of the Georgia Environmental Finance Authority (GEFA) and not the director of the Environmental Protection Division (EPD).

Senator Bill Jackson stated that Ms. Cohen brought up a good point about the discharging into creeks and rivers. He said he had been through that in the last several months with the Briar Creek discharge. He asked Ms. Cohen if they are saying in this legislation that those things should be taken care of as well.

Juliet Cohen replied that those types spills should be taken care of immediately and that any provision for a voluntary consent order, a voluntary compliance schedule, or a six month extension on top of that should not apply to those types of crisis situations.

Senator Bill Jackson asked if she believed that this legislation would bring that on and give them that time frame to clear up their problem?

Ms. Cohen replied that this legislation does not address that situation and unless we are explicit about it in the law, then there will be a question about the director's responsibility in that situation. He may have the authority to say we will sit down with you, manufacturer or private business, that we were discharging illegally and we will give you a long term compliance schedule and then we will work with you on an extension if you need it. That could be the case if we leave the bill as it is. If we amend it and are explicit and very clear about what type of activity or action the director has to take in the event of a crisis or a threat to public drinking water, then I think there would be no question.

Juliet Cohen then requested that the committee amend SB 269 to include the following changes: Line 50 – Amend (c) (1) to add “no more than once” before “by up to six months”; Line 53 – Amend (c) (1) by adding the following sentences: “Notwithstanding any other provision in this section, the Director shall require any violations of any provision of this article or any rule or regulation promulgated pursuant to this article which results in public health emergencies, threats to public or private drinking water supplies, or significant harm to fish and wildlife, to perform immediate corrective action to

the maximum extent practicable. The completion date for corrective action for such violations may not be extended by the Director; Line 67- Amend (c) (2)(B) – Amend by changing the phrase “approved by the director” to “approved by the Georgia Environmental Finance Authority.”

Senator Jeffares responded to the proposed amendment stating that he is not in favor with line 50, adding “no more than once by up to six months” and what he sees happen time and time again, is it all comes down to finances. If a city or county decides to repair a sewer plant or a lift station, they have to get plans to EPD. I know in the consent order, it is spelled out in 18 months we plan to have all this done. What I have seen happen in the past, is that the city, county or whoever it will be will have everything ready to go and be ready to go out and build, but they do not have their financing through. This is because they are dealing with the USDA, and sometimes that can take up to two and a half years and sometimes it can be done in six months. It just depends on who is working on it. I would hate to see someone get penalized because they have done everything they said they were going to do, other than to secure financing for the project.

On another note, I do not see anything in the bill that is going to change adding anything about emergencies. I think the EPD director, if we have a spill going into a river, or if we have someone illegally discharging, I do not think he is going to go down there and negotiate with them. I think that is a problem, especially if we are talking about surface water downstream. I do not think we have changed anything on what he is going to do at this point in time if an emergency pops up. I do not see anything in the bill that changes that. I think it is pretty clear, if you have an emergency, they are going to react to the emergency.

Juliet Cohen said she understood what Senator Jeffares was saying but she thinks there has been a question in the past about exactly what the EPD director’s responsibility is in those types of emergency situations. In fact, there has not been corrective action to the maximum extent practicable or possible. But the director has negotiated to try to correct a situation where there has been a purposeful, illegal discharging that does create a crisis situation. The director has done that, I have seen it; our organizations have seen it numerous times. The Ogeechee River spill is an example of that and there are others, so I think likewise that the same argument could be made for a lot of the amendments that you are proposing here. The director has a lot of discretion already and there is no need to spell it out, but if we are spelling things out, then we should be clear about what exactly is the director’s responsibility. He can have certain discretion in some situations, but there are some situations where drinking water supplies are threatened, or fish and wildlife is threatened which are the livelihoods of many people in the state. In those situations, the director should be charged with taking certain action and that is the maximal extent practicable.

Note: Senator Hooks of the 14th left the meeting.

Senator Ginn said that he has had a lot of experience working with EPD on a lot of these types of issues over the last 20 years with local government, and they have a very professional, competent staff. There are a lot of professional engineers on staff and the director is appointed to that position because of the judgment and capabilities of the director. One of the things I would hate to see us do is tie the hands of a director, needlessly. The reason they are put into the position they are in, is because of their ability to think and manage their resources in their department. I think Senator Jeffares pointed out some things in the bill that make a lot of sense and I suggest we do not tie the hands of the EPD Director on this.

Chairman Tolleson recognized the next speaker.

Todd Edwards representing the Association of County Commissioners of Georgia (ACCG) stated that ACCG commends Senator Jeffares for bringing forth SB 269. We are in favor of the concept that he has suggested. I think it gives local governments another tool to address an issue that does indeed impact all the people. Whether it is enhancing or protecting water quality or through the tax payers, the citizens of Georgia will ultimately be paying the fines that are being addressed in this bill. There are lots of issues that I think have been discussed pretty thoroughly in here. There are questions that may come out should this bill advance and go through the legislative process. On the authority of EPD to transfer these funds, GEFA to accept them and whether or not GEFA can automatically perform the agreed terms on projects which are being addressed. I trust they will be addressed if and when this bill does go through the process, but the concept we are 100% behind. Thank you Senator Jeffares for bringing this forth and thank you all should this bill advance.

Chairman Tolleson said that the change that Senator Jeffares wanted to make on line 67 “to approve by the GEFA director” would be the committee amendment. That would make this a committee sub and we will make that one change only and have a discussion on some of these issues going forward that have been brought up.

Senator Bulloch made a motion that **SB 269 do pass by substitute**. Senator Tippins seconded the motion. [SB 269](#) passed by unanimous vote with substitute LC 40 0077S.

Chairman Tolleson recognized Jill Stuckey, Director, Centers of Innovation, State of Georgia.

Jill Stuckey addressed the committee on the workings of the Centers of Innovation and how they were a driving force for energy using Georgia’s natural resources. She stated that the drivers from an economic development standpoint are:

- Economy** – Forest Industries
- Mandates** – Europe-creating jobs in the US
- Environment** – It is cleaner
- Energy Security** – Supply disruptions, Middle East

Georgia wood removal for 1995 was 51.4 million green tons harvested while in 2009 there were 39.2 million green tons harvested. It will take 12.2 million green tons to get back to where we were in 1995. The economy has taken a serious toll on forest industries and jobs related to forest products. 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.

Ms. Stuckey stated that the Centers of Innovation is exploring and experimenting with alternate fuel sources one of which would be the Giant Miscanthus. This plant is herbaceous (without woody stems), deciduous (sheds leaves in the fall), and perennial (a plant that lasts for more than two growing seasons). Miscanthus can produce 11-25 dry tons per acre per year and grow to a height of 15 feet. This grass has low environmental inputs and is an alternative nonfood use for marginal land. It is drought tolerant, crowds out weeds and is carbon neutral.

Ms. Stuckey further explained the purpose of the Centers of Innovation as a “one stop shop”. They provide a forum for new and expanding businesses and a venue to explain state and federal policies and procedures. They work to expedite the permitting process and match-make to form successful collaborations. The Georgia offices that work together are the Centers of Innovation, Governor’s office, Department of Agriculture, Department of Natural Resources, Department of Revenue, Environmental Protection Division, Community Affairs, Economic Development, Herty Advanced Materials Development Center and the State Fire Marshall. The Federal Offices that work with the plan are Forestry Commission, Department of Agriculture, and Georgia Institute of Technology and the University systems of Georgia Tech and the University of Georgia.

Georgia currently leads the nation in announced Bioenergy Projects by state with 37. These projects include pellets, electricity, torrefaction, ethanol, chemicals, and pharmaceuticals. Ms. Stuckey stated that Bio based fuels could change the face of rural Georgia. The State has sufficient biomass to support the development of over 45 major biomass investments of greater than \$100 million each.

Chairman Tolleson expressed the committee’s thanks to Ms. Stuckey for her presentation and also for all that she does for the State of Georgia.

Chairman Tolleson adjourned the meeting at 3:51pm.

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 8, 2012 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
Cowsert of the 46th
Ginn of the 47th, Ex-Officio
Gooch of the 51st, Ex-Officio
Henson of the 41st
Hill of the 4th
Hooks of the 14th
Jackson of the 24th
Jeffares of the 17th
Miller of the 49th, Ex-Officio

Note: Senator Tippins of the 37th and Senator Sims of the 12th were absent.

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

SB 360 (Wilkinson, 50th) Tilapia Species as Domestic Fish

Senator Wilkinson presented **SB 360**, stating that this legislation would revise the definition of a domestic fish to include tilapia, allowing the release of tilapia into permitted, private ponds and the sale of farmed tilapia. This bill also prohibits the use of sale of tilapia as live bait.

Chairman Tolleson questioned the purpose of the raising of tilapia and wanted to know if it would then be marketed to restaurants.

Senator Wilkinson stated that this gives people the opportunity to raise them in their private ponds. The tilapia could be used for pond management, to clean their ponds of algae, or to grow as edible fish. The live bait provision is to keep people from fishing in ponds, where the owner might not want tilapia introduced into the pond.

Senator Bulloch questioned if these fish were allowed in other state's freshwater ponds.

Senator Wilkinson stated they are allowed in Alabama and South Carolina at the present time. He added that there are probably some in Georgia, because of the tributaries that come into the state from those states already and they are legal to have them in private ponds in those states.

Senator Bulloch asked what type of fishing would be used to capture these fish.

Senator Wilkinson stated that he was not truly sure but knows that you cannot catch them with a rod and reel and in some places they use crossbows to shoot them. Other than that he was not sure of the type of procedure used.

Senator Bill Jackson wanted to make clear that this is the type of tilapia served in restaurants.

Senator Wilkinson replied that yes it was.

Senator Bill Jackson asked where the restaurant tilapia are captured. He said he was of the understanding that they were salt water not fresh water.

Senator Wilkinson stated that they were probably fresh water variety that he had eaten and if so, that they came from Alabama or South Carolina. Some of the Agriculture departments in the state use tanks and aquaculture programs where they grow tilapia and harvest them at the present time.

Chairman Tolleson wanted to know if there were different species of the tilapia.

Senator Wilkinson replied that there are and this bill describes the three species. One of the species that are not permitted is the blue tilapia and those are more resistant to cold temperatures. These three species cannot survive when the water temperature gets below 60°F. So, they would probably have a hard time in the northern part of the state, so this bill would apply primarily to South Georgia.

Senator Hooks addressed Todd Holbrook, Assistant Commissioner of the Department of Natural Resources, asking if the state fish hatcheries produce channel catfish, produce trout in North Georgia, and produce bream and largemouth bass. Is that a correct statement?

Todd Holbrook replied that was correct and there are also some hybrids and stripers.

Senator Hooks: I am just trying to figure this out; now, you say that this tilapia is a freshwater fish? Not a saltwater fish?

Senator Wilkinson: Yes sir, it is a freshwater fish.

Senator Hooks: It's not permitted in Georgia right now?

Senator Wilkinson: In private ponds it's not.

Senator Hooks: So, I cannot put it in my pond like Senator Bill Jackson can't put it in his pond.

Senator Wilkinson: As soon as you make the motion and pass this bill, you can.

Senator Hooks: Where would I get them from, where are the hatcheries I would get them from?

Senator Wilkinson: Red Lobster, Senator.

Senator Hooks: Alright then, seriously, what I mean is there a commercial hatchery in Georgia that would have these?

Senator Tolleson: Is there DNR?

Senator Wilkinson: My experience with tilapia indicates that a lot of agriculture departments do have an aquaculture program and they grow these fish and harvest them. I have seen that in different places around the state.

Senator Hooks wanted clarification about lines 20 and 21, white perch; since these are already in the rivers, are they also in the private ponds.

Todd Holbrook replied that that is talking about a different species. This one is challenging the common names. The white perch they are talking about here is a *Morone*, like a striper, white bass fish. They are in Georgia waters in certain locations, but they would not be classified as a domestic fish.

Chairman Tolleson requested that Mr. Holbrook address the question of where the tilapia would be purchased from and why someone would want to stock a pond.

Mr. Holbrook replied that there are fish available at certain places out of state and private ponds could be stocked without a permit. There are reasons to add tilapia, for instance, an excess of duckweed. They are pretty effective at that type of weed control.

Senator Hooks asked if this was similar to grass eating carp.

Todd Holbrook replied similar but the grass carp tend to focus more on things like hydrilla that is low to the ground but pond owners like tilapia because it not only helps control duckweed and other weeds but provides forage for bass. Tilapia eats weeds and provides food to build larger bass as well.

Senator Hooks questioned why has it been outlawed before and Mr. Holbrook explained it has just never been defined as a domestic species. All the exotic species would be prohibited unless they are classified as domestic species.

Senator Henson asked if there was concern about the tilapia invading other environments if this bill goes forward. Mr. Holbrook replied typically not, and the reason we are fairly comfortable here, is these species are really very intolerant to cold temperatures. This has been a warm year and they would survive over but last year, even in South Georgia, they would have died out. The reason they are good food fish for aquaculture is that they grow very fast and become edible size in a fairly quick period of time.

Senator Henson asked about hybrids, how broad of a range do they hybridize and would they become tolerant to the colder temperatures. Todd Holbrook replied a hybrid would be a cross of two different species. In this case it would be defined as two of those tilapia species which are the same genus.

Senator Henson confirmed that they could not mate with a different species, for example “tilapia catfish” and Mr. Holbrook replied that it would only occur with another tilapia.

Senator Gooch asked if it were now legal to sell tilapia as live bait since this bill included line 27, which states “it shall be unlawful to use or sell tilapia as live bait in this state”. What is the purpose for prohibition of tilapia as bait? Todd Holbrook replied that since they are not a domestic species now you cannot have access to them to use as live bait. Once it becomes classified as a domestic species it is necessary to have that extra component of live bait as far as to protect us from their use. If they are introduced to a private pond that does not want them, they could breed there.

Senator Henson asked what kind of risk these fish would make to our rivers and streams. Mr. Holbrook replied that the risk is very low because of the lack of cold tolerance. This is just like one extra check in the system to make sure that does not happen.

Chairman Tolleson called on Mark Woodall, Flint Riverkeeper.

Mark Woodall stated that he was speaking today on behalf of the Flint Riverkeeper, and as a founding member of the board was here to ask the committee to consider holding this bill. Flint Riverkeeper members are concerned about invasive species coming into Georgia. On the Satilla River a great deal of money has been spent to stop the flathead catfish from wiping out the redbreast. As Mr. Holbrooks pointed out maybe it’s a low risk but there is some hope that we feel we do not need to be taking any chances with our native species here in Georgia without making sure of the dangers.

Chairman Tolleson thanked Mr. Woodall for his comments.

Note: Senator Henson of the 41st left the meeting.

Senator Ginn made a motion that **SB 360** do pass. Senator Bill Jackson seconded the motion. [SB 360](#) passed by unanimous vote.

Chairman Tolleson commented to Todd Holbrook that he would like further conversation as this bill proceeds concerning how DNR will regulate the tilapia ponds and what manpower will be used. Chairman Tolleson stated that these questions need to be answered before this bill is passed into law.

SB 369 (Carter, 1st) EPD - Flood Maps

Senator Carter presented **SB 369**, stating that this legislation would extend the automatic repeal date of the Georgia Geospatial Advisory Council from June 30, 2012 to June 30, 2015. He stated that when we had hurricanes and flooding in the southern part of the state, FEMA (Federal Emergency Management Association) directed the state to do a “re-mapping” of all plans to make sure that properties in flood plains are properly marked on the maps. Senator Carter asked Danielle Ryan of the Georgia Geospatial Advisory Council to further explain.

Ms. Ryan stated that initially in the first two years they actually accomplished the auditing of the geospatial capabilities across the state. The council is comprised of state agencies, academia and private sector. They volunteer their time and service, so the bill is just requesting that they are allowed to continue to offer their expertise to solutions that might help the state. She stated that, with the additional time, the desire of the council is to figure out how to notify citizens properly of whether they are going to be moved into the flood plain or flood zone. They have realized through their work that all counties do not have the capability of notification and they want to work further to get this word to anyone concerned.

Todd Edwards, ACCG (Association County Commissioners Georgia), stated their support for the bill that would provide adequate notification, which to their organization is the immediate concern.

Senator Carter stated that in his area alone there were specific problems with the classification. Lack of notification when property was reclassified cost property owners tremendous dollars and problems. They would get ready to build on their property and find out they could not because they were now classified in a flood plain and they did not even know. The intent of the original bill was to provide the general public with access to reliable geospatial data, including flood map modernization.

Ms. Ryan stated another situation has happened. Flooding in 2009 in the North Georgia area alone resulted in \$500 million in property losses from uninsured properties. These people had no idea that they would be affected in a flood.

Todd Edwards stated that ACCG shares the belief and concern that it is every property owner’s right to be properly notified. Not all counties have the capability to notify property owners and particularly with the information that was available to them from FEMA. So, in response, we have been working together through the original bill, through the GGAC, this council and other volunteer efforts to see where we are, what we need, and how to get there and that is what this council is about.

After much discussion Chairman Tolleson called for a vote on the legislation.

Note: Senator Cowser of the 46th and Senator Henson of the 41st left before the vote.

Senate Natural Resources and the Environment Committee
February 8, 2012
Page 6 of 6

Senator Hooks made a motion that **SB 369, do pass**. Senator Jeffares seconded that motion. [SB 369](#) passed by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 3:43pm.

Respectfully submitted,

/s/ Senator Tolleson of the 20th, Chairman

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 15, 2012 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
Ginn of the 47th, Ex-Officio
Gooch of the 51st, Ex-Officio
Hill of the 4th
Hooks of the 14th
Jackson of the 24th
Jeffares of the 17th
Miller of the 49th, Ex-Officio
Sims of the 12th

Note: Senator Henson of the 41st was absent.

Chairman Tolleson called the meeting to order at 3:09 p.m.

SB 396 (Chance, 16th) Renames the Herty Advanced Materials Development Center as the Georgia Southern Herty Advanced Materials Development Center and transfers governance of the center to the Board of Regents of the University System of Georgia

Senator Chance introduced SB 396, stating that this piece of legislation is a part of the Governor's package. This legislation would rename the Herty Advanced Materials Development Center to be called the Georgia Southern Herty Advanced Materials Development Center but most importantly would transfer the governance of the center to the Board of Regents. The purpose is to expand the economic development opportunities for Georgia, particularly in the Savannah coastal Georgia region. This would make an attractive market for the construction development and manufacturing companies.

Senator Chance went on to explain that the Governor will appoint three people to an advisory board and the president of Georgia Southern will appoint two people. All of these board members will serve without compensation.

Dr. Keel, president of Georgia Southern, also spoke to the bill explaining that the Herty facility is located actually quite close to the port in Savannah. It is a very large facility employing 40 people there and all of those people would stay where they are. There should not be any transition of people or equipment, and everyone should stay on where they are. The center will be managed from Statesboro, but everything will remain in Savannah.

Chairman Tolleson asked Dr. Keel if Georgia Southern was for this piece of legislation and Dr. Keel explained that they are excited to be able to take this on. It will certainly expand the research opportunities Georgia Southern now provides and give them an opportunity to provide faculty expertise to Herty, which would make it much more attractive for other types of businesses. It is believed that this would expand what Herty was typically focused on, which was originally the paper industry. Dr. Keel went on to say that the Herty Center could move forward into material science, polymer science, biofuels, and bio-fuel product offshoots. It will also allow Georgia Southern to play a more aggressive role in economic development. Georgia Southern's primary goal will be to assist Herty into an operation that generates jobs in Georgia. Dr. Keel stated that they take the role we will play very seriously.

After further discussion, Senator Ginn made a motion that **SB 396, do pass**. Senator Sims seconded the motion and [SB 396](#) passed by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 3:30 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 February 22, 2012 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
Ginn of the 47th, Ex-Officio
Gooch of the 51st, Ex-Officio
Henson of the 41st
Hill of the 4th
Hooks of the 14th
Jackson of the 24th
Jeffares of the 17th
Miller of the 49th, Ex-Officio

Note: Senator Tippins of the 37th, Senator Cowser of the 46th and Senator Sims of the 12th were absent.

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

SB 384 (Ramsey, 43rd) Commercial Lawn Services: Grass Trimmings and Leaves

Senator Ramsey introduced SB 384, stating that he would be speaking on the substitute, LC 40 0111S. He said that this bill prohibits lawn care and landscape services from blowing, raking, or otherwise depositing grass trimmings into storm sewer openings. He stated that he has seen this happening first hand too many times and certainly we all have to be cognizant of protecting our environment and natural resources and the quality of water for our citizens. Senator Ramsey stated that he believes this is a beginning for us to start having some accountability when it comes to our environment.

Senator Hooks asked if the counties and cities already had local control over these issues.

Senator Ramsey replied that he thought that they did but that it is not being enforced so that he believes this is a necessary move to better protect our streams and waterways from pollutants.

Note: Senator Tippins of the 37th joined the meeting.

Mary Kay Woodworth, executive director of the Georgia Urban Ag Council, requested to speak stating that their organization supports the committee substitute as presented. She said that the UAC strongly supports protection of our state's natural resources, and proper disposal is a best management practice that our profession promotes to the industry to protect Georgia's water resources.

Senator Bulloch made a motion that **SB 384, do pass by substitute**. Senator Henson seconded that motion. **SB 384** passed by unanimous vote.

Note: Senator Gooch of the 51st and Senator Miller of the 49th were not present for the vote.

SB 415 (Jeffares, 17th) Water Pollution Control Discharge Permit Requirements

Senator Jeffares withdrew **SB 415** from the committee.

SR 848 (Tolleson, 20th) Urging EPA from further Regulation on Greenhouse Gas

Chairman Tolleson introduced **SR 848** to the committee stating that this resolution urges Congress to adopt legislation prohibiting the United States Environmental Protection Agency (EPA) from regulating greenhouse gas emissions or enacting new air quality regulations without studying the environmental and economic impacts that they would impose. The resolution further requires the Obama Administration to identify all regulatory activity the EPA intends to undertake. Chairman Tolleson explained that the EPA has proposed numerous new regulations; particularly in the area of air quality and regulation of greenhouse gases, which will have major effects on consumers, the economy, jobs and U.S. competitiveness in worldwide markets. Chairman Tolleson stated that he feels the EPA has not undertaken any comprehensive study of the cumulative effects of the regulations on the economy, or performed a study of what the environmental benefits will be in terms of air/water quality or global climate change. Further, EPA has not identified the specific actions it intends to take to achieve these goals and to assess the total cost of all these actions together.

Bob Fletcher, Georgia chapter, Sierra Club of Cobb County, stated that he thinks there are some things that need to be said about this resolution. He stated that he recognizes that this resolution does not have the status of law, it is just urging Congress to do something. Our organization is under the impression that the Clean Air Act would save about 34,000 lives.

Mr. Fletcher stated that it is his belief that these rules prevent something like one hundred and fifty million lost man days per year. He also stated that it was his belief that the rules and regulations are not strict enough and were playing catch up to today's environment.

Senator Ginn made a motion that **SR 848, do pass by substitute LC 40 0137S**. Senator Bill Jackson seconded the motion. **SR 848** passed by a vote of 9-1, with Senator Henson voting nay.

SB 374 (Mullis, 53rd) Tennessee River Water Transfer

Senator Mullis introduced SB 374 stating that his district is in the Tennessee River basin. He stated that the town he lives in pulls nine million gallons of water a day out of the ground to quench the thirst of the area, stating that they have a lot of water in his area. He said that this bill just asks that we be able to grab that water before it goes to the Tennessee River for future planning. This would amount to about one billion gallons of water a day, yet would never be missed out of the Tennessee River. Senator Mullis stated that 6% of all the water in the Tennessee River comes from North Georgia and that Georgia draws back less than 1% of that water. He stated that that was more water than Lake Lanier and Lake Allatoona put together. This bill is strictly to help Georgia prepare for future water needs.

Judd Turner, Director of the Georgia Environmental Protection Division, spoke to the committee stating that after the 11th circuit court overturned the Magnuson ruling there is still the question of how much of Lake Lanier is truly available to Georgia. Director Turner went on to say that the Governor, meanwhile, has identified and this body has followed in the recommendation to begin appropriating those monies over 4 years to increase the pie in Georgia. We have enough rain and a lot of it just goes somewhere else and we are not able to capture it and use the rain toward our water supply. Director Turner said that he thinks the issue for us is just one of timing, we have got to do our job planning how that water gets used. It may not be that you need the Tennessee River water to get to the metro district, which is the only prohibition that exists in the law. I think that was the question that was asked, is there a prohibition in the law, that is the IBT transfer into the metro district.

Senator Hooks asked Senator Mullis if this is rainwater or water from a feeding creek.

Senator Mullis stated that it is rainwater but that sometimes there are springs in the ground. He said that in his district there are three abandoned rock quarries, two of them are side by side. One holds 4 billion gallons of water and the other close to two billion. These belong to the state and at one time there was an attempt to drain one. The pumps ran 24 hours a day and they never could drain it because it was spring fed. Senator Mullis went on to add that his bill did not deal with any of the mechanics of how to make all this happen. He is just trying to get permission for the Department of Natural Resources or other entities in the future to retain this water instead of it feeding into the Tennessee River.

Senator Henson expressed concerns that this water could be captured and then used anywhere in the state.

Director Turner stated that it could not be used anywhere in the state. He said we have a rule that applies to interbasin transfers outside of the metro district and there are 23 criteria we look at to guide usage. That is what I would argue is pretty sophisticated in the way we approach interbasin transfer outside of the metro district, the prohibition exists in law about these interbasin transfers all the way into the metro district.

Senator Henson continued to express concerns that this water could be taken by the Metro Atlanta area for their usage.

Chairman Tolleson recognized Joe Cook with the Coosa River Basin Initiative.

Mr. Cook stated that he had some concerns about the environmental impact of this bill and moving that amount of water to other parts of the State. He stated that the cost would be approximately \$2.1 billion dollars for every 250 million gallons a day.

After a great deal of discussion, Chairman Tolleson stated that no vote would be taken on this bill and it would be taken up again at the next meeting.

There being no further business, Chairman Tolleson adjourned the meeting at 3:45pm.

Respectfully submitted,

/s/ Senator Tippins of the 37th, Secretary

/s/ Vicki Gibbs, Recording Secretary

The Senate Natural Resources & the Environment Committee held a meeting on February 27, 2012 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
Gooch of the 51st, Ex-Officio
Hooks of the 14th
Jeffares of the 17th
Miller of the 49th, Ex-Officio
Sims of the 12th

Note: Senator Tippins of the 37th, Senator Cowser of the 46th, Senator Ginn of the 47th, Senator Henson of the 41st, Senator Hill of the 4th, and Senator Jackson of the 24th were absent.

Chairman Tolleson called the meeting to order at 2:11 p.m.

SB 464 (Ligon, 3rd) Limit on Commercial Crabbing Licenses

Senator Ligon introduced SB 464, stating that the bill contains several parts. The bill limits the number of new commercial crabbing licenses from the present 133 to 100. The bill allows for the sale of licenses to non-license holders, stating that a court document may be required to transfer a license upon death. He also stated that the bill provides for the suspension or revocation of a license for the unlawful taking of crabs and damage to crab traps or floats.

Senator Ligon went on to explain that current law authorizes the Department of Natural Resources to issue commercial crabbing licenses and this would limit that number from 133 to 100 beginning May 1, 2013. The bill allows for the sale of licenses but only to a person not holding a current commercial crabbing license. There is also a provision for the inheritance of the license to an heir. This bill also provides additional penalties for the unlawful theft or tampering with other traps not belonging to that person. He stated that a first offense will result in a three-month suspension; a second offense will result in a six-month suspension and a third offense would be the permanent revocation of a license.

Senator Hooks questioned whether this legislation would prohibit occasional crab taking by individuals from docks and was assured that it would not and that these regulations only apply to commercial crabs.

Chairman Tolleson recognized Todd Holbrook, Deputy Commissioner of the Department of Natural Resources.

Mr. Holbrook addressed a number of questions pertaining to the cost of licenses, the number of traps each license could cover and how, for legal reasons, a trap could be identified as belonging to a specific license. Mr. Holbrook explained that each license carries a maximum of 200 traps. He stated that a license costs \$12 per year plus \$2 for each trap and that the traps were identified by a number that coincided with the license.

Senator Hooks made a motion that **SB 464, do pass**. Senator Miller seconded that motion. [SB 464](#) passed by unanimous vote.

[SB 374](#) (Mullis, 53rd) Tennessee River basin transfer of water

Chairman Tolleson reminded the committee that this bill had been discussed at great length at the previous committee meeting.

Senator Mullis reminded the committee that **SB 374** would permit the withdrawal of surface water from any point within the portion of the Tennessee River basin lying in the Chickamauga Valley and Lookout Mountain districts. This would allow for this water to be returned to a basin within the State of Georgia and is exempt from any restriction on interbasin transfers of water provided by current law.

Senator Bulloch made a motion that **SB 374 do pass**. Senator Hooks seconded that motion. [SB 374](#) passed by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 2:29pm.

Respectfully submitted,

/s/ Senator Tolleson, of the 20th, Chairman

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 29, 2012 in room 450 of the State Capitol at 12:00 noon.

The following Senators were present:

Tolleson of the 20th, Chairman
Bulloch of the 11th, Vice-Chair
Jack Hill of the 4th
Hooks of the 14th
Jeffares of the 17th

Note: Senators Tippins of the 37th, Cowsert of the 46th, Henson of the 41st, Jackson of the 24th, Sims of the 12th, Ginn of the 47th, Gooch of the 51st and Miller of the 49th were absent.

Chairman Tolleson called the meeting to order at 12:05 noting that the committee did not have a quorum. Chairman Tolleson stated that there would be a discussion on SB 499 by Senator Hill of the 4th, but due to no quorum this would be a hearing only.

SB 499 (Hill, 4th) Third-Party Monitoring of Water Pollution

Senator Jack Hill introduced **SB 499**, stating that the issue that he was trying to address was the fact that the change in the discharge process of a company allowed the enormous fish kill in the Ogeechee River. This bill would require certain water pollution violators to pay the costs of third-party monitoring. He stated that under the current law, any person who intentionally, negligently or accidentally causes or permits any toxic, corrosive, acidic, caustic or bacterial substance to be spilled, discharged or deposited in the waters of the state, except by providential cause, in amounts and concentrations which are harmful to the public health, safety or welfare of animals, birds or aquatic life, will be strictly liable in damages to the state for any and all costs, expenses and injuries occasioned by the spill or discharges.

Senator Jack Hill explained that this legislation, SB 499, provides that, in addition to any liability for damages, any person who intentionally causes or permits any pollution to be spilled in the waters of this state in amounts harmful to the public health, safety or welfare to animals, birds or aquatic life, must pay the full cost of external third-party monitoring for a period of time to be determined by the Director of EPD, not to exceed two years. He further explained that this legislation would go a long way toward restoring the public confidence that had been lost by the people on the Ogeechee. This spill threatened the livelihood of many people. Under this legislation the EPD would have the authority to take a much stricter approach to negligence.

Senator Hooks said that he was very supportive of this bill and he commended Senator Jack Hill for bringing it before the committee. Senator Hooks noted that this spill extended over some 80 miles, killing all species of fish.

Senator Jack Hill stated that this was a loss of confidence in the systems that needs to be restored.

Juliet Cohen, Georgia Water Coalition and General Council of the Upper Chattahoochee Riverkeeper, stated that she would like to offer their support to SB 499. She said that she felt this bill went a long way toward restoring the confidence of the public in the process of checking and monitoring the quality of discharges. She did ask that in Section 1, subsection (c), line 10 that the language states “intentionally causes”, which leaves an area that is extremely hard to prove and feels that “third-party monitoring” is not entirely clear.

Senator Jack Hill disagreed and said he felt it was not necessary to change the language.

Will Wingate, Georgia Conservancy, stated that he would like to thank the coastal delegation for their hard work on this issue. He stated that the heart of this problem is that the EPD does not have the resources to monitor all of the areas. Mr. Wingate said that he would like to see further study as to how to use the resources of the Universities and Colleges of the state for the studies and then EPD and local water councils would be allowed to make the final decisions. He stated that this would give a more comprehensive source of research without adding additional stress to the budget of the State.

Senator Hooks asked where the worst fish kills in the State were located.

Mr. Wingate replied that in addition to the Ogeechee River, there was Briar Creek, Athens and Commissioner Creek, which means they are all over the State.

Randy Cantrell, Georgia Mining Association and the Georgia Paper and Forest Production Association, stated that they have serious concerns about the bill. EPD already has the authority to issue these types of monitoring and direct authority over those who violate these discharges. We believe this bill is in opposition to Federal law. Therefore, in the interest of business, I am speaking in opposition to this bill.

Roy Bowen, Georgia Association of Manufacturers, stated that they appreciate the concerns of this legislation but believes that they are doing everything to work within the criteria of harmful discharge. He stated that they are very concerned with the vagueness of this bill and stated that this would create great problems in the economic development of the State.

Bryan Wagner, Georgia Association of Water Professionals, spoke in support of the legislation. He stated that their only issue is the term “intentionally” to have more clear definitions of what this means. Some spills are unavoidable.

Chairman Tolleson stated that he appreciated all the comments that were made today and that he would work diligently with Senator Hill to move this legislation forward in the future. Chairman Tolleson said that he would like to see the suggestion of Will Wingate move forward with the use of the University System helping with the monitoring. He said in the last few years the budget of the EPD had been slashed over and over and that they continued to work with less and less resources. For the benefit of the State and future of the State water resources, it would be a very productive activity to have the Universities monitor the discharge in all the waterways of the State and then report back to the EPD. This makes a more immediate solution to problems as they arrive.

There being no quorum, no vote was taken and Chairman Tolleson adjourned the meeting at 12:45 p.m.

Respectfully submitted,

/s/ Senator Tolleson of the 20th, Chairman

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on March 13, 2012 in room 450 of the State Capitol at 3:00 p.m.

The following Senators were present:

Tolleson of the 20th, Chairman
Tippins of the 37th, Secretary
Gooch of the 51st, Ex-Officio
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, Ex-Officio

Note: Senator Bulloch of the 11th, Cowsert of the 46th, Ginn of the 47th, and Sims of the 12th were absent.

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

HB 869 (Lane, 167th) DNR saltwater fishing housekeeping bill

Representative Lane introduced **HB 869**, asking that Spud Woodward, director of the Coastal Resources Division of the Georgia Department of Natural Resources, explain the bill to the committee.

Mr. Woodward stated that HB 869 extensively revises various provisions relative to salt water fisheries management. This bill establishes violations of rules and regulations passed by the Board of Natural Resources and provides that the "rules and regulations" means those rules and regulations in effect on January 1, 2012.

It requires the participation in the "Saltwater Information Program" to fish in salt waters. It removes the provision that prohibits the use of bow nets to fish for nongame fish in salt waters and authorizes the Board to promulgate regulations regarding such use. The bill clarifies that dip nets and cast nets may be used for bait of certain nongame fish and removes the provision that allows the use of gill nets to take sturgeon, allowing those nets to still be used to take shad. It adds certain saltwater fish species to the list of freshwater species that are subject to the Board's rules and regulations establishing seasons and harvest limits. It authorizes the Board to declare officially the regulations establishing seasons, harvest limits, gear and methods to take fish in fresh and salt waters. The bill clarifies that it is illegal to fish for trout in waters designated as trout waters and allows the Board to authorize the use of live fish for bait in certain trout waters. It prohibits commercial fishing for American eel, catfish in salt water or horseshoe crabs without a valid commercial fishing license and requires a valid commercial fishing boat license to fish for these species as well as shad and authorizes the Board to establish harvest regulations for these species. The bill also requires that a person that lands any seafood in this state to maintain a record book showing the amount of seafood landed per trip. It authorizes the Commissioner of the Department of

Natural Resources to close all or any portion of the salt waters in this state to all fishing for a period not to exceed six months. It authorizes the Board to establish seasons, methods and harvest limits for noncommercial fishing for shrimp and allows the Commissioner of DNR to authorize a person to fish for jellyfish. The bill further authorizes the Board to manage bait shrimp dealers and bait shrimp fishing. In closing, Spud stated that Federal funds will help with the funding for the purchase of portable marine toilets on board all commercially licensed vessels engaged in commercial shellfish harvest or transport. This will be required under this bill. One final note is that the bill prohibits the taking of certain size oysters for commercial purposes. Mr. Woodward stated that after this bill was crafted it was taken to the coastal communities to public hearing for input. He stated that a majority of the public agreed with the bill and most of the reaction was positive.

Representative Lane stated that this is a good bill and that it mainly relates to the coastal community who were more supportive than not.

NOTE: Senator Hooks and Senator Bill Jackson left the meeting.

Brooks Binder, a member of the Coastal Conservation Association of Georgia, spoke in favor of the bill stating that he was from generations of fishermen and although Georgia was rich in fish resources that it is not an endless resource. He commended the Georgia Department of Natural Resources for their great work in this field.

Jeff Young, a recreational fisherman, spoke in support of the legislation, stating that there is a need to act quickly for the environmental benefits.

Brooks Schoen, a member of the Coastal Conservation Association of Georgia, spoke in support of the bill. He stated that he had worked with the commission for years and this bill represents appropriate management.

Thomas D. Jones, Georgia Wild Life Federation, spoke in favor of the legislation stating that this bill was good legislation.

Senator Gooch made a motion that **HB 869, do pass**. Senator Miller seconded the motion. [HB 869](#) passed by unanimous vote.

[SR 727](#) (James, 35th) Senate Study Committee on the Preservation of Sapelo Island

Senator James presented **SR 727** to the committee. She stated that this would create the Senate Study Committee on the Preservation of Sapelo Island to be composed of seven members of the Senate appointed by the President of the Senate.

Pamela Flores, Raccoon Hogg Community Development Corporation, spoke in favor of the legislation.

After much discussion, the bill was removed from the calendar.

Senate Natural Resources and the Environment Committee
March 13, 2012
Page 3 of 3

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

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on March 19, 2012 in room 125 of the State Capitol at 3:30 p.m.

The following Senators were present:

Tolleson of the 20th, Chairman
Bulloch of the 11th, Vice-Chair
Ginn of the 47th, Ex-Officio
Jack Hill of the 4th
Jackson of the 24th
Jeffares of the 17th
Sims of the 12th

Note: Senators Tippins of the 37th, Cowser of the 46th, Gooch of the 51st, Henson of the 41st, Hooks of the 14th, and Miller of the 49th were absent.

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

HB 875 (Knight, 126th) Privacy of Personal Information Maintained by the Department of Natural Resources

Representative Knight presented **HB 875** to the committee. He explained that this bill keeps user information private. He stated that this covers two sections of the Department, (1) Hunting, Trapping and Fishing and (2) Boating – boating can be released to law enforcement. Representative Knight stated that in essence this bill exempts certain personal information from the open records requirement.

After some discussion, Senator Bulloch made a motion that **HB 875 do pass**. Senator Bill Jackson seconded the motion. **HB 875** passed by unanimous vote.

HB 684 (Buckner, 130th) State Parks Change in Services

Representative Buckner presented **HB 684** stating that the bill would require the Department of Natural Resources, specifically the Director of Parks, to notify local governments before making significant changes in services at a state park within the local authority's area. The law now provides that the responsibility for management and control of the state park system lies with the Department. This bill adds a new Code Section that requires DNR to provide 60 days notice of a change in services to the governing authority of each city and county in which the state park or recreational area is located. The bill goes further to define "change of services" as the closing of a state park or recreational area, a permanent change of a primary existing operational function, or a reduction in the hours of operation or services offered at a state park or recreational area by 50 percent or more.

Representative Buckner mentioned that by giving the governing bodies notification, that in some cases, arrangements can be made for those governments to assist in expenses to allow these parks to remain open and operational.

Note: Senator Sims left the meeting.

Senate Natural Resources and the Environment Committee
March 19, 2012
Page 2 of 2

Senator Ginn proposed that the county or city be given a 90 day notice rather than a 60 day notice to give more time for adjustment. Senator Bulloch stated that he opposed the change.

Ashley Meggitt, Georgia Municipal Authority, spoke in favor of the legislation.

Todd Edwards, Association of County Commissioners, stated that the counties were very much for this legislation.

Senator Ginn made a motion that **HB 684 do pass by substitute (LC 40 0188S)**. Senator Bill Jackson seconded the motion. **HB 684** passed by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 4:50 p.m.

Respectfully submitted,

/s/ Senator Tolleson of the 20th, Chairman

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on March 21, 2012 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
Ginn of the 47th, Ex-Officio
Hooks of the 14th
Jackson of the 24th
Jeffares of the 17th

Note: Senators Tippins of the 37th, Cowser of the 46th, Gooch of the 51st, Henson of the 41st, Jack Hill of the 4th, Miller of the 49th and Sims of the 12th were absent.

Chairman Tolleson called the meeting to order at 3:15 p.m.

HB 1102 (Smith, 70th) Application for Limitation of Liability: Grace Period for Purchasers of Brownfield Property

Representative Smith presented **HB 1102** to the committee explaining that this legislation provides a 30-day grace period for purchasers of hazardous site reuse property to seek a limitation of liability. This bill would also extend the preferential tax assessment for brownfield property for up to 15 years under certain circumstances. Representative Smith stated that the original legislation in 2003 created preferential property assessment to encourage the clean up of property that was considered contaminated by hazardous waste and substances. This property owner has submitted a plan or corrective action to EPD for remediation of the hazardous substances found on the property. At issue is the economy has caused some owners to stop construction for more than 6 months and later resume construction making the tax savings expire before the tax savings are realized. This legislation would add one year to the assessment period for each year of construction delay up to a total of 5 years not to exceed 15 consecutive years.

Sharon Gay, attorney, McKenna, Long & Aldridge, spoke in favor of the legislation with the committee substitute which allowed for the additional time.

Lewis Massey, Georgia Brownfield Association, and Gerald Bracey also with the Georgia Brownfield Association, both expressed their support for the legislation. Mr. Bracey also stressed to the committee that this had been an extremely successful project with over 400 sites being reclaimed for usable property.

Senator Ginn made a motion that **HB 1102 do pass by substitute (LC 34 3481S)**. Senator Bill Jackson seconded the motion. **HB 1102** passed by unanimous vote.

Senate Natural Resources and the Environment Committee
March 21, 2012
Page 2 of 2

There being no further business, Chairman Tolleson adjourned the meeting at 3:30 p.m.

Respectfully submitted,

/s/ Senator Tolleson of the 20th, Chairman

/s/ Vicki Gibbs, Recording Secretary

March 27, 2012

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 2012 session:

[SB 128](#)

[SB 132](#)

[SB 253](#)

[SB 259](#)

[SB 401](#)

[SB 415](#)

[SB 499](#)

[SB 521](#)

[SB 524](#)

[SR 379](#)

[SR 494](#)

[SR 677](#)

[SR 727](#)

[SR 781](#)

[SR 1064](#)

[SR 1069](#)

[SR 1162](#)

[SR 1281](#)

[HB 315](#)

Respectfully submitted,

/s/ Vicki Gibbs
Recording Secretary