

Senate Natural Resources and the Environment - 2013

Committee Members

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Senator Curt Thompson
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NATURAL RESOURCES AND THE ENVIRONMENT COMMITTEE RULES

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

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 5, 2013 in room 450 of the State Capitol at 2:00 p.m.

The following Senators were present:

Tolleson of the 20th, Chairman
Jeffares of the 17th, Vice Chairman
Cowser of the 46th, Secretary
Ginn of the 47th
Harper of the 7th
Henson of the 41st
Sims of the 12th
Curt Thompson of the 5th
Williams of the 19th

Note: Senator Gooch of the 51st and Senator Jack Hill of the 4th were absent.

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

This meeting began as an organizational meeting with the explanation of the Committee Rules by Chairman Tolleson. Senator Ginn made a motion to adopt the Committee Rules. Senator Powell-Sims seconded the motion and the Rules passed by unanimous vote.

Chairman Tolleson then introduced the staff that would be working with the Committee during the 2013 session.

Mr. David Gibson, Director of Energy Resources, Georgia Environmental Finance Authority (GEFA) presented the Energy Assurance Overview to the Committee. This presentation explained to the Committee about significant energy dependencies in Georgia and fuel emergencies in 2005 and 2008. In 2009, GEFA received an American Recovery and Reinvestment Act (ARRA) grant and entered into an agreement with the Georgia Emergency Management Agency (GEMA).

Mr. Gibson went on to explain that GEFA has developed Energy Assurance Goals which include 1) comprehensive inventory of energy infrastructure and data, 2) developing a geospatial analysis tool, 3) writing a comprehensive Energy Assurance Plan, 4) holding realistic, but challenging exercises, 5) developing an active and responsive Emergency Support Function (ESF-12) group in Georgia, and 6) takes an all-hazards approach.

The ESF-12 Overview and Activation states that GEFA is the lead coordinator for any ESF-12 activities which fit into the following categories:

- 1) Foreseeable threat conversations with:
 - GEFA, GEMA, Department of Agriculture, Environmental Protection Division, and Public Service Commission.
- 2) Sudden threat concerns:
 - GEMA may activate ESF-12 immediately

- 3) All-hazards approach
 - Energy assurance designed for any type of threat

The Energy Assurance Plan contents include:

- 1) Operational elements
- 2) Contingency plans
- 3) Renewables for Energy Assurance
- 4) Smart Grid and Cyber Security
- 5) Critical Infrastructure and Key Resources for Energy

There being no further business, Chairman Tolleson adjourned the meeting at 3:00 p.m.

Respectfully submitted,

/s/ Senator Cowser, 46th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 13, 2013 in room 450 of the State Capitol at 1:00 p.m.

The following Senators were present:

Tolleson of the 20th, Chairman
Jeffares of the 17th, Vice Chairman
Cowser of the 46th, Secretary
Ginn of the 47th
Gooch of the 51st
Harper of the 7th
Henson of the 41st
Sims of the 12th
Curt Thompson of the 5th

Note: Senator Jack Hill of the 4th and Senator Tommie Williams of the 19th were absent.

Chairman Tolleson called the meeting to order at 1:03 p.m.

SB 11 (Carter, 1st) Re-establishes the Georgia Geospatial Advisory Council

Senator Carter introduced **SB 11**, stating that this bill is necessary to re-establish the Georgia Geospatial Advisory Council which will audit Georgia's geospatial capabilities at county, regional and state levels. This bill will continue the program until June 30, 2016

Senator Carter further stated that the purpose of the bill was to provide the general public with access to reliable data pertaining to flood maps. He stated that by having one set of data it would provide a coordinated map that would prevent properties being placed in a floodplain without the owner's knowledge. He went on to state that in the past, a landowner would apply for building permits only to find that the property could not be built on because of floodplain status.

Senator Ginn asked if the vertical topography remains at 2 feet in South Georgia as is the case in North Georgia. Senator Carter was not sure of the answer to that question but would find out.

Senator Henson asked if the Environmental Protection Division was creating rules to follow and, if so, were the costs expected to rise. Senator Carter explained that this bill just re-establishes what was already in place.

Senator Henson made a motion that **SB 11 "do pass by substitute"** (LC 40 0235S). Senator Ginn seconded the motion. **SB 11** passed by unanimous vote.

SB 93 (Heath, 31st) Authorizes the use of Suppressors on Hunting Firearms

Senator Heath introduced **SB 93**, stating that this legislation authorizes the use of suppressors, provided that the user is authorized to possess the suppressor and he or she has registered it in accordance with the National Firearms Act. Senator Heath went on to explain that suppressors are not silencers (which actually only exist in the

movies). He said that a rifle without a suppressor is 165 decibels; a rifle with a suppressor is 130 decibels and a point of reference is a NASCAR race noise level is between 125 and 130 decibels.

Senator Heath also explained the process of buying a suppressor. He stated that a purchaser would pay for the suppressor at the store; the store would apply for a permit for the purchaser at an expense of \$200. The permit request would be processed through the Alcohol, Tobacco and Firearms division and when approved the purchaser could then pick it up from the store.

Senator Gooch made a motion that [SB 93](#) “**do pass**”. Senator Ginn seconded the motion. **SB 93** passed by a vote of 8-1 with Senator Sims casting a nay vote.

There being no further business, Chairman Tolleson adjourned the meeting at 1:43 p.m.

Respectfully submitted,

/s/ Senator Cowser, 46th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 26, 2013 in room 450 of the State Capitol at 1:00 p.m.

The following Senators were present:

Tolleson of the 20th, Chairman
Jeffares of the 17th, Vice Chairman
Cowser of the 46th, Secretary
Ginn of the 47th
Gooch of the 51st
Harper of the 7th
Williams of the 19th

Note: Senator Henson of the 41st, Senator Jack Hill of the 4th, Senator Sims of the 12th, and Senator Thompson of the 5th were absent.

Chairman Tolleson called the meeting to order at 1:35 p.m.

SB 156 (Tolleson, 20th) Borrowing Pits

Senator Tolleson introduced **SB 156** stating that current law defines a “borrow pit” as an excavated area where naturally occurring earthen materials are to be removed for use as ordinary fill at another location. This bill revises the definition to clarify that the term does not include excavated areas of fewer than five acres which are incidental to forestry land management and from which no earthen material is removed for sale.

Steve McWilliams, Georgia Forestry Association, stated that this bill revises the Georgia Surface Mining Act (OCGA 12-4-72) which requires that a “borrow pit” of 1.1 acre or more must be permitted under the state Surface Mining Act. This bill would change that to 5 acres as long as the materials are not sold. Mr. McWilliams went on to explain in forestry, the ability to utilize clay-like deposits found on the property for the building and maintenance of forest roads is critical. Forest roads connect the most remote parts of the forest to existing county and state roads and highways, providing access for timber management, fish and wildlife habitat improvement, fire control, hunting and a variety of recreational activities. Furthermore, forestry borrow pits are commonly used as “dip ponds” for helicopters fighting wildfires.

He further stated SB 156 would simply provide that “borrow pits” incidental to normal forestry operations would be exempt as long as they do not exceed 5 acres and as long as the material removed from the excavated area is not sold.

Lee Lemke, Georgia Mining Association, spoke to the committee to state that they are in support of the bill and it would eliminate some of the EPD permits.

Senator Jeffares made a motion that **SB 156** “**do pass**”. Senator Gooch seconded the motion. **SB 156** passed by unanimous vote.

SB 194 (Mullis, 53rd) Historic Preservation

Senator Mullis introduced **SB 194** stating that this bill provides an exemption for restoration of certain barns used to promote Georgia tourist destinations.

He went on to explain that current law provides the Department of Natural Resources (DNR) with certain powers and duties relating to historic preservation and promotion. This legislation specifies that a person is not prohibited from restoring and utilizing an agricultural structure, including barns erected prior to 1965 that previously promoted Georgia tourist destinations to the traveling public. DNR must approve applications for such structures so long as no public funds from the State of Georgia are used in connection with such restoration or utilization.

Senator Mullis gave examples of advertising that would be acceptable that are historic to Georgia. One of the examples used was "See Rock City". No new advertisement will be permitted.

Senator Ginn made a motion that **SB 194** "**do pass**". Senator Harper seconded the motion. **SB 194** passed by unanimous vote.

SB 136 (Miller, 29th) **Boating Safety**

Senator Miller presented **SB 136**, stating this bill covers 3 major changes in the law; 1) reduces the legal blood alcohol limit from 0.10 to 0.08 for hunting or boating while under the influence; 2) increases the penalties for boating while under the influence; 3) requires certain persons to complete a boating education course prior to operation of a vessel.

Hunting While Under the Influence

Current law prohibits a person from hunting while the person's alcohol concentration is 0.10 grams or more at any time within three hours after hunting. This bill reduces the limit to 0.08. If convicted, the person's hunting privileges will be suspended for a period of one year and will remain in effect until the person submits proof of completion of a DUI Alcohol or Drug Use Reduction Program and pays a \$200 restoration fee (\$500 if the conviction was a repeat or habitual conviction).

Boating While Under the Influence

Current law prohibits a person from operating a moving vessel under the influence of alcohol and drugs. This legislation also prohibits such operation while under the intentional influence of any glue, aerosol, or other toxic vapor. Further, the bill reduces the legal alcohol concentration limit from 0.10 to 0.08. A first or second conviction will result in a felony. Convictions will result in a civil fine, imprisonment, community service, clinical evaluation, possible completion of a Program, and a period of probation. The person's privileges to operate a vessel will be suspended for three years and will remain in effect until the person submits proof of completion of a boating education course and pays a \$200 restoration fee (\$500 if the conviction was a repeat or habitual conviction).

Boating Safety and Education

The bill increases the age requirement for a child to wear a personal flotation device while on a moving vessel from 10 to 13 years old. Effective July 1, 2014, anyone born on or after January 1, 1998, and those who turn 16 years thereafter, who operates a motorized vessel (own, rents, or leases) on the waters of this state must complete a boating education course approved by the Department of Natural Resources prior to operation of the vessel. Persons are exempted from this requirement if they are: licensed by the U.S. Coast Guard as a master of a vessel; operating the vessel on a private lake or pond; or a nonresident who has proof that he or she has completed a National Association of State Boat Licensed Administrators approved boater education course or the equivalency from another state. Persons age 12 through 15 years of age may only operate a Class A vessel if the person is accompanied by an adult 18 years of age or older who has completed a boater education course. Such persons may not operate a Class 1, Class 2 or Class 3 vessel (over 16 feet in length).

Col. Eddie Henderson, DNR Law Enforcement, spoke to this section of the bill stating that most of the accidents incurred while hunting were DUI, 90% of which were from falling from tree stands.

Senator Gooch asked if hunting occurred on private property would the DUI apply and was answered yes.

Rick Albright, Marine Trade Association, spoke in favor of the legislation stating that it was good for the marine industry.

Daniel Thompson, Children's Healthcare of Atlanta, stated that the raising of the age for personal flotation devices (PFD) will make a major change in instances of drowning and injury among children.

Commissioner Mark Williams, Department of Natural Resources (DNR), stated DNR is in complete support of the bill and would urge the passage. He stated that the provisions would go a long way toward preventing accidents like the one that occurred on Lake Lanier on July 6, 2012 in which 2 children were killed.

Jason Ulseth, Chattahoochee Riverkeeper, spoke in favor of the bill stating that alcohol is a major factor in the need for river rescues.

Chairman Tolleson then expressed the committee's sympathy to Ms. Tameka Raymond and recognized her to speak.

Ms. Raymond said that on July 6, 2012, her son, Kile Ishmael Glover was struck by a personal watercraft (PWC) and her whole life was changed forever. The 11-year-old was air lifted to Children's Healthcare where he stayed for 15 days and was pronounced brain dead. Ms. Raymond tearfully explained to the committee that their efforts to institute stricter boating safety could prevent another mother from having to suffer the loss of her child. She thanked the committee for their efforts and asked that in the future they consider requiring children under 13 to wear protective head gear while riding on tubes and PWC.

Senator Ginn made a motion that [SB 136](#) "**do pass**". Senator Gooch seconded the motion. **SB 136** passed by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 3:08 p.m.

Respectfully submitted,

/s/ Senator Cowser, 46th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 28, 2013 in room 450 of the State Capitol at 2:00 p.m.

The following Senators were present:

Tolleson of the 20th, Chairman
Jeffares of the 17th, Vice Chairman
Cowser of the 46th, Secretary
Ginn of the 47th
Gooch of the 51st
Harper of the 7th
Williams of the 19th

Note: Senator Henson of the 41st, Senator Hill of the 4th, Senator Sims of the 12th and Senator Thompson of the 5th were absent.

Chairman Tolleson called the meeting to order at 2:06 p.m.

SB 176 (Tolleson, 20th)

Remediation – Hazardous Waste Management and Cleanup

Chairman Tolleson began the meeting by stating that he was placing **SB 176** in a study committee to be worked on over the summer months. He said that this is a very important bill that affects the citizens of this state and there are several issues that need to be perfected. He named Senator Rick Jeffares to chair the study committee, with Senator Frank Ginn and Senator Ross Tolleson to serve on the committee.

SR 267 (Ligon, 3rd)

Urging Corps to Close Noyes Cut in the Satilla River System

Chairman Tolleson introduced **SR 267**. (Senator Ligon was unable to attend the meeting). Chairman Tolleson stated that this is a resolution that urges the corps of engineers to close the Noyes Cut in the Satilla River. He explained that between the years of 1900 and 1935, a small channel was cut within the coastal marshlands of Georgia to form a canal to the Satilla River System, creating an alternative Intracoastal Waterway route for purposes of floating timber to coastal sawmills. The canal has outlived its purpose and is now creating navigational problems. The U.S. Army Corps of Engineers has, in the past, considered a project to install earthen plugs at the Noyes cut site and other cut sites. This resolution urges the U.S. Army Corps of Engineers to implement the proposed project for plugging the Noyes Cut within the Satilla River System.

Neill Herring, representing the Satilla Riverkeeper, signed up to give testimony but waved his opportunity to speak.

Senator Ginn made a motion that **SR 267** “do pass”. Senator Harper seconded the motion. **SR 267** passed by unanimous vote.

Chairman Tolleson introduced **SB 210**. He stated that this creates the Georgia Legacy Program to conserve the state's land and water resources. At present there exists the Land Conservation Program. GEFA administers the Georgia Land Conservation Trust Fund and Georgia Land Conservation Revolving Loan Fund. The Legacy program would create the Georgia Legacy Trust Fund and Georgia Legacy Revolving Loan Fund as successors to the current funds, but keeps administration under the Georgia Environmental Finance Authority (GEFA).

Under the current Land Conservation Fund there are no sub-categories for grants, however, the proposed Georgia Legacy Program would create five sub-categories for grants given out of the Georgia Legacy Trust Fund and a minimum percentage of the funds to be disbursed. This would 1) acquire critical areas for clean water, game, wildlife, or natural resources based on outdoor recreation (25%); 2) preserve working farms and forests through voluntary conservation easements or acquisition (20%); 3) aid in the acquisition and improvement of local parks and trails (20%); 4) provide stewardship of conservation land (6%) and 5) promote land usage for health and wellness programs (4%).

Under the current Land Conservation Program, the Council is composed of the State Property Officer (serving as chairman), the Commissioner of the Georgia Department of Natural Resources (DNR), Director of the State Forestry Commission, Executive Director of the State Soil and Water Conservation Commission, Commissioner of Community Affairs, and four additional members appointed by the Governor. The proposed Legacy Program Council would be composed of the Commissioner of DNR (serving as chairman), the State Property Officer (serving as vice chairman), the Director of the State Forestry Commission, the Executive Director of the State Soil and Water Conservation Commission, the Commissioner of Agriculture, four members to be appointed by the Governor, one member appointed by the Speaker of the House of Representatives, and one member to be appointed by the Lieutenant Governor.

Under the current Land Conservation Program, GEFA reviews and recommends project proposals to Council based on fiscal merit. DNR reviews and recommends proposals for conservation merit. The Council issues the final approval for projects. The proposed Legacy Program would have GEFA and DNR continuing their review and recommendation. It would add the Department of Agriculture and the Forestry Commission reviewing proposals to preserve working farms and forests. The Department of Public Health would review proposals for programs promoting land usage for health and wellness, but the Council would still issue a final approval.

Under the current Land Conservation Program, GEFA receives income from tax check-off for the Georgia Land Conservation Trust Fund but under the proposed Georgia Legacy Program it would eliminate existing income tax check-off for the Georgia Land Conservation Trust Fund.

Will Wingate, representing the Georgia Conservancy and the Nature Conservancy of Georgia and others, stated that this legislation is simply taking the existing land conservation program, renaming it and expanding what the money can go towards. Mr. Wingate stated that they had been working with stakeholders throughout the past 3 or 4 months from the business community, agriculture community, the forestry community

and local governments. Mr. Wingate urged the committee to vote favorably for this legislation.

Chairman Tolleson asked Mr. Wingate if he agreed that by putting the percentages in this legislation, that it might be too restrictive and would he be agreeable, as the legislation moved forward to removing the percentages. Mr. Wingate stated that he understood the concerns.

Kevin McGrath, Trout Unlimited, stated that he appreciated the author and supporters of this bill. He stated that the members of Trout Unlimited support this bill and feel that it is very good for Georgia citizens. He said it was his honor to come and offer comments on something that does so much good for the State of Georgia and for future generations. It is important to note the economic benefit that we have from natural resources and outdoor recreation programs and the Congressional sportsman's foundation with which we are all familiar. He stated he would like to point out that Georgia sportsmen support as many jobs as Delta Airlines and Hewlett Packard combined. Annual spending by Georgia sportsmen is four times the revenues of the Hawks, Braves and Falcons and annual spending by Georgia sportsmen is more than the combined cash receipts of cotton, greenhouse nursery, eggs, and cattle which are the state's top agricultural commodities. Sportsmen's outdoor recreation is certainly big business and this is important in these hard economic times. Sportsmen create \$198 million dollars' worth of revenue to the budget and local taxes and a ripple effect of \$3 billion dollars. It is the belief of Trout Unlimited that good stewardship and its good business practices are a winning combination for the state.

Mr. McGrath did ask if there could be a change in the bill on lines 85 and 86, dealing with state-owned easements. He stated that they felt it would be important to add to the bill in sub-paragraph (i) "conservation easement that ensures that the land will be maintained for conservation purposes; with access for habitat and riparian improvements". Trout Unlimited ask for a favorable vote on this legislation.

NOTE: Senator Sims of the 12th joined the meeting.

Jamila Pope, Children's Healthcare of Atlanta, spoke in support of SB 210, stating that this would help promote places where children can play, places for healthy living and programs for children in Georgia. She said that children in Georgia have the second highest childhood obesity rate in the country and it is very important for children to get outside and play in safe places and have programming that will help keep them active outside. Children's Healthcare of Atlanta would appreciate the committee's favorable passage of this bill.

Senator Jeffares made a motion that [SB 210](#) "do pass by substitute". Senator Ginn seconded the motion. **SB 210** passed by unanimous vote. (LC 40 0360S)

[SB 213](#) (Tolleson, 20th) "Flint River Drought Protection Act"

Chairman Tolleson presented **SB 213** stating that the Flint River is vital to the State of Georgia, particularly the Agriculture industry which is the leading industry in Georgia. He stated that water and drought protection have been a major issue in Georgia over the last 10 years. The Flint River has a huge impact on these issues and water stewardship that has been done in Georgia is now being modeled across the nation. He stressed that the State cannot sit and wait for disaster to strike but must be proactive. Chairman Tolleson stated that this bill is a culmination of the combined

efforts of Agriculture, the Environmental Protection Division (EPD), Farm Bureau and many other factions. He explained that the bill would require EPD, in consultation with the Department of Agriculture and the State Soil and Water Conservation Commission to undertake studies to use to establish new and revised rules and regulations pertaining to the management of water resources in the Flint River Basin. It also allows the Director of EPD to modify all active surface-water and ground-water withdrawal permits for farm use in the affected area to require all irrigation systems applying water withdrawn to achieve application efficiencies of 80 percent or greater by the year 2020. "Application efficiency" is defined in the legislation as the percentage of the total amount of water withdrawn from a source which ultimately reaches any plant's root zone.

SB 213 also authorizes the state to fund or invest in projects to augment stream flows in the Flint River Basin. All permit holders with active surface-water withdrawal permits in the affected area downstream of such a project, upon notification from the Director, must let the flow provided by the augmentation project pass their point of withdrawal. The director's notification must contain notice of opportunity for a hearing and may involve considerations such as the appropriate duration of protection of augmented flows.

Chairman Tolleson said that we cannot wait for a crisis and must promote and reward efficiency of systems. Georgia must also support pilot projects to promote research for augmentation to prevent rivers from reaching crisis low levels.

Jeffrey Harvey, Georgia Farm Bureau, expressed their support of the bill and thanked Chairman Tolleson for his work.

Gordon Rogers, Flint Riverkeeper, stated that the bill has some promise but feels that the issues need more study. He stated that their organization feels it would be more prudent to know more about hydrology on the Flint. He stated that the bill is premature and extremely expensive and augmentation would result in an "expensive band-aide".

Mr. Rogers said that the problems with the bill included the lack of flow targets; the bill needed to be more comprehensive, taking the spotlight off of Agriculture and giving a harder look at municipal use; and the need to strike the augmentation language on lines 174-201.

Senator Williams stated that he was concerned with the 80% efficiency irrigation policy. He stated that he felt it would be pretty hard to achieve that efficiency.

Russ Pennington, Assistant Director EPD, stated that the Lower Flint Council had recommended the adjustment from 60% efficiency to 80% by the year 2020.

Senator Cowsert asked if municipal and industrial entities could be added to the language.

Senator Harper asked what is the efficiency of Stripling Irrigation.

Mr. Pennington stated that the pivots are 80%.

Senator Gooch asked if Section 4 was stating that some farms would be paid not to irrigate and if so who is paying and at what rate.

Mr. Pennington replied that the State would be paying at a rate of \$100 an acre during a declared drought.

Ben Emanuel, American Rivers, stated that his organization felt the Upper Basin was the problem due to the industrial and municipal use. He stated that the extreme low flow was not healthy to the river and land use changes were the problem. He asked that the bill be amended to not only address agriculture.

Note: Senator Ginn left the meeting.

April Ingle, Georgia River Network, stated that her organization sponsors Paddle Georgia which is the largest canoe and kayak trip in the nation. She pointed out that of course there needs to be water to make this trip and that in 2008 it was referred to as "Puddle Georgia" instead of "Paddle Georgia" because of the severity of the drought. They wound up walking more than paddling and would like for the bill to be more comprehensive to include all of the rivers and streams.

Lauren Joy, Southern Environmental Law Center, stated that she had concerns on lines 174-201 about the augmentation program. She stated that she felt the aquifer storage and recovery language was too broad and might interfere with riparian rights. She also expressed concerns that the bill called for too much investment by the State which would give the State more control of water.

Todd Holbrook, Georgia Wildlife Federation, stated concerns for the cause and effect. He stated that the Flint River is a breeding ground for small mouth shoal bass and he wanted to see the biological studies before this bill went forward.

Senator Jeffares made a motion that [SB 213](#) "**do pass by substitute**". Senator Sims seconded the motion. **SB 213** passed by unanimous vote. (LC 40 0358S)

Note: Senator Henson and Senator Ginn joined the meeting.

Note: Senator Sims and Senator Gooch left the meeting

[SB 230](#) (Harper, 7th) Regulation of White-tailed Deer Breeding

Senator Harper presented **SB 230**, stating that this bill prohibits a person from receiving, collecting, holding, possessing, importing, transporting, transferring, releasing, shipping, selling, or propagating breeder deer without a deer breeding permit issued by the Department of Natural Resources (DNR). Breeder deer means a white-tailed deer to be used to propagate offspring for the purposes of hunting or urine or scent collection. Anyone holding such a permit is not required to have a wild animal license or permit to transport or possess any breeder deer. Senator Harper further stated that a deer breeding permit is not required if deer breeding activities are conducted solely for scientific research, education display, zoological collection, or rehabilitation. The fees for a permit are \$1,000 for the first 50 animals, \$2,000 for 51 to 100 animals, and \$3,000 for any number of animals in excess of 100.

Senator Harper said that a permit holder may engage in the business of breeding deer in Georgia; import the eggs, embryos, or semen of breeder deer from any state for purposes of propagation in a deer breeding facility; and until January 1, 2018, import deer from a low-risk state for purposes of propagation in a deer breeding facility. "Low-risk state" is defined as any state for which both tuberculosis nor chronic wasting disease (CWD) has been diagnosed in any white-tailed deer population within that state; and that has WD surveillance and an established prevention program. The bill allows a deer breeder, his or her agent, or an assistant to capture a breeder deer in the facility under certain circumstances.

Senator Harper further explained that any person operating a deer breeding facility must maintain a high-fence enclosure that is capable of retaining the breeder deer and is designed to prevent entry by other deer. No later than March 31 of the following year in which the breeder deer is born, or otherwise simultaneous with importation, the deer must be identified with an identification tag bearing an alphanumeric number assigned by DNR.

All breeder deer, deer semen, or deer embryos imported into this state must be accompanied by an OCVI which must be attached to the waybill or be in the possession of the driver of the vehicle or person otherwise in charge.

Finally, this bill prohibits a person from hunting or killing any deer at a deer breeding facility for a fee or other value consideration or recreation.

Mark Whitney, Department of Natural Resources, spoke for the department expressing concerns. He listed the concerns as 1) ownership, i.e. who owns the deer; 2) liability; 3) violation of public trust; 4) disease; 5) impact on the health of wild deer. Mr. Whitney asked that the committee not vote on this bill and further study impacts.

Senator Williams asked if the venison was sold in the state of Georgia and there was no one that knew the answer.

Senator Henson asked what is the primary purpose for breeding and Mr. Whitney replied that it is to provide stock to other facilities and other states.

Senator Harper stated that the white-tail cannot be released into the wild, only to breeders or other states.

Steve Croy, Georgia Deer Association, spoke in favor of the bill stating that 22 states are in the industry and it is good business for the State of Georgia. Alabama has been breeding white-tail for 25 years and Texas for 45 years. He stated that there has been 3 years of work on the bill and that there are protections in place to prevent disease. He also stated that this bill will sundown after 5 years. He also stated that the deer are tagged and that there is a chain of ownership to make sure they are TB and CWD free.

Senator Cowsert asked if the deer can be hunted where they are bred and the answer was no.

R.G. Stewart, independent, spoke in favor of the bill stating that he had seen the industry grow and it is an economically valuable resource.

Todd Holbrook, Georgia Wildlife Federation spoke against the bill stating that science-based management for wildlife policy is getting trounced by this bill and urged that this bill not pass out of committee.

Senator Williams made a motion that [SB 230](#) “**do pass**”. Senator Harper seconded the motion. **SB 230** failed by a vote of 2-4; Senators Henson, Cowsert, Jeffares and Ginn voted no.

There being no further business, Chairman Tolleson adjourned the meeting at 4:15 p.m.

Respectfully submitted,

/s/ Senator Cowsert, 46th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on March 12, 2013 in room 450 of the State Capitol at 1:00 p.m.

The following Senators were present:

Tolleson of the 20th, Chairman
Jeffares of the 17th, Vice Chairman
Cowser of the 46th, Secretary
Ginn of the 47th
Gooch of the 51st
Harper of the 7th
Hill of the 4th
Sims of the 12th
Curt Thompson of the 5th
Williams of the 19th

Note: Senator Henson of the 41st was absent.

Chairman Tolleson called the meeting to order at 1:15 p.m.

HB 36 (Watson, 166th) Revise the Definition of “Game Fish”

Representative Watson introduced **HB 36**, stating that the population of the Red Drum fish is decreasing and that the selling of these fish is now having a serious impact on the stocks. He stated that the continued harvest for commercial sale endangers the long term viability of this resource. Representative Watson encouraged the committee to vote favorably for this legislation

Jeff Young, Coastal Conservation Association, spoke in support of the legislation. He stated that poaching of Red Drum had become a serious problem. He pointed out that Red Drum fishing is already illegal in federal waters, so this legislation would just be for the waters governed by the State of Georgia. These waters are 3 miles wide by 90 miles long.

Tom Jones, Coastal Conservation Association, echoed Mr. Young in supporting the bill.

Brooks Schoen, Coastal Conservation Association, addressed the committee in favor of HB 36. He stated that the current law, which permits the commercial sale of Red Drum, encourages a “black market” in which Red Drum are illegally captured and sold to the public on a wide scale. He said the Coastal law enforcement professionals have limited resources and are outnumbered in their enforcement. HB 36 would allocate protections to an at-risk resource, without additional cost to our State Treasury. Mr. Schoen concluded that the Red Drum is our State Saltwater Fish and that wise wildlife management demands that the State also extend the same protections to Georgia’s most cherished recreational saltwater fish.

Senator Jeffares made a motion that **HB 36** “do pass”. Senator Sims seconded the motion. **HB 36** passed by unanimous vote and will be carried in the Senate by Senator Carter of the 1st.

HB 126 (Hamilton, 24th) Prohibits a Person from Obstructing/Hindering a Park Ranger in Duties

Representative Hamilton presented **HB 126**, stating that this legislation provides a new Code Section which prohibits a person from knowingly or willfully obstructing or hindering any park ranger in the lawful discharge of his or her official duties. Such person will be guilty of a misdemeanor unless the person does so by offering or doing violence to the park ranger; then the person will be guilty of a felony and, if convicted, will be punished by imprisonment for not less than one, but no more than five years. He stated that "Park Ranger" is defined in the legislation as any person, other than a law enforcement officer and other similar individuals, however designated, who is employed by the state, any political subdivision of the state, or the United States for the enforcement of park rules and regulations.

Representative Hamilton stated that this bill was necessary to codify the existing rules and regulations.

Senator Jeffares made a motion that **HB 126** "**do pass**". Senator Thompson seconded the motion. **HB 126** passed by unanimous vote and will be carried in the Senate by Senator Unterman of the 45th.

HB 155 (Knight, 130th) Licensing & Operation of Shooting Preserves

Representative Knight introduced **HB 155**, stating that it was Department of Natural Resources (DNR) legislation. He said that this revises provisions concerning the licensing and operation of shooting preserves, the definition of "pen raised game birds", and changes the types of licenses and requirements for shooting preserves.

Dan Forster, Wildlife Resources Manager, Georgia Department of Natural Resources, spoke to the bill. He stated that HB 155 removes the right to release pen raised game birds from those who possess blanket commercial shooting licenses and requires applicants for shooting preserve licenses to own or lease at least 100 contiguous acres. He stated that this bill removes specific requirements for signs marking the boundary lines of the premises and meeting a minimum quota for quail and ducks present on the property. It restricts the shooting preserve licenses to people who have completed a hunter education course or have demonstrated proper firearm capabilities. It enables the removal of pen raised game birds from shooting preserves if they are accompanied by the contact information of the preserve from which it was taken and provides ring-necked pheasants as an exception to shooting restrictions. Further, the legislation provides a rule against propagation, possession or releasing of wild animals for pen raised birds and provides a more specific definition of "Pen raised game bird." It provides for the creation of the new "Type SP" Shooting Preserve sportsman's license, entitling the holder to hunt pen raised game birds and fish in any private or state waters within the boundaries of a property licensed shooting preserve for \$75.00.

Representative Knight asked that **HB 155** be passed by committee substitute.

Senator Ginn made a motion that **HB 155** "**do pass by substitute**". Senator Jeffares seconded the motion. **HB 155** passed by unanimous vote (LC 40 0385S) and will be carried in the Senate by Senator Heath of the 31st.

HB 274 (Burns, 159th) Practice of Falconry

Representative Burns presented **HB 274**, stating that this creates a new Code Section which regulates falconry permits.

Dan Forster, Wildlife Resources Manager, DNR, spoke in favor of the legislation stating that this bill removes the Code Section in current law relating to falconry permits and provides a new Code Section which prohibits a person from trapping, taking, transporting or possessing raptors for falconry purposes unless the person possesses, in addition to any other required licenses and permits, a falconry permit (currently a three-year, \$30 permit.) It also prohibits a nonresident from trapping, taking, or attempting to trap or take a raptor from the wild in this state or to transport or possess any raptor in this state, along with all other required licenses and permits and allows a falconer who is in full compliance with the law to take small game with raptors, so long as the falconer observes all other laws regulating the taking of small game.

Mr. Forster went on to state that no falconry permit may be issued until the applicant's raptor housing facilities and equipment have been inspected and certified by DNR. DNR has the right to enter upon the premises of a permit holder to inspect and certify compliance with federal and state standards.

Senator Hill made a motion that **HB 274 "do pass"**. Senator Sims seconded the motion. **HB 274** passed by unanimous vote and will be carried in the Senate by Senator Hill of the 4th.

There being no further business, Chairman Tolleson adjourned the meeting at 2:05 p.m.

Respectfully submitted,

/s/ Senator Cowser, 46th, Secretary

/s/ Vicki Gibbs, Recording Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on March 14, 2013 in room 450 of the State Capitol at 2:00 p.m.

The following Senators were present:

Tolleson of the 20th, Chairman
Jeffares of the 17th, Vice Chairman
Ginn of the 47th
Gooch of the 51st
Harper of the 7th
Henson of the 41st

Note: Senator Cowser of the 46th, Senator Hill of the 4th, Senator Sims of the 12th, Senator Thompson of the 5th and Senator Williams of the 19th were absent.

Chairman Tolleson called the meeting to order at 2:15 p.m.

HB 381 (Hatchett, 150th) GA Natural Resources Foundation

Representative Hatchett introduced **HB 381**, stating that this revises the qualifications that must be met by a nonprofit corporation for its incorporation into the Department of Natural Resources. This legislation requires the board of directors of any such nonprofit to include three members of the Board of Natural Resources as nonvoting members. It also restricts members of the Board of Natural Resources from serving as voting members of the board of directors for such nonprofits but enables them to serve as officers or directors.

Senator Ginn made a motion that **HB 381** “do pass”. Senator Gooch seconded the motion. **HB 381** passed by unanimous vote and Senator Jeffares of the 17th will carry it in the Senate.

HB 199 (Lindsey, 54th) Expansion of GA Reservoir Fund relating to Water Supply

Representative Lindsey introduced **HB 199**, stating that this renames the Georgia Reservoir and Water Supply Fund, expands projects to which the Georgia Environmental Finance Authority may loan or grant money, and redefines “projects”, “affected local governments”, and “environmental facilities.”

Representative Lindsey went on to say that the Georgia Reservoir Fund will be renamed the Georgia Reservoir and Water Supply Fund. It expands the projects to which the Georgia Environmental Finance Authority (GEFA) can make loans and grants to include the development of any water supply system comprised of new or existing reservoirs, or any means of providing or enhancing water supply. He stated that the bill requires that such requests for assistance must consider the long-term cost-saving risk and benefit to taxpayers that may be associated with full-scale project implementation. The legislation redefines “projects” to include any water supply system and redefines “affected local government” to include any county, municipality, or consolidated government in which water storage, supply, monitoring, distribution, conservation or maintenance facilities of a project are or will be located; and the bill redefines

“environmental facilities” to include systems and the monitoring and conservation of water.

Juliet Cohen, Chattahoochee Riverkeeper general counsel, stated that her organization was in favor of the legislation and appreciated the continued work toward water conservation and planning.

Senator Henson made a motion that [HB 199](#) “do pass”. Senator Ginn seconded the motion. **HB 199** passed by unanimous vote and Senator Jeffares of the 17th will carry in the Senate.

NOTE: Senator Gooch left the meeting. Senator Thompson arrived at the meeting.

[HB 226](#) (Nix, 69th) Solid Waste Management; Transportation, Storage and Disposal

Representative Nix introduced **HB 226**, stating that this legislation includes several components for tire disposal including permitting; exemptions and numbers of stored tires. Representative Nix said that current legislation needed to be tightened. He said the bill clarifies that a person must obtain a tire carrier permit from the Environmental Protection Division (EPD) before collecting or transporting any tires, other than new tires. The person must also display on each vehicle used to collect or transport tires an EPD-issued decal that was obtained for a nominal fee; however, this requirement does not apply to a common carrier that collects tires exclusively from outside this state and transports them directly to a scrap tire processor or end user within this state.

He continued by stating that current law prohibits a person from storing more than 100 scrap tires. Tire retailers with no more than 3,000 scrap tires in storage, tire retreaders with no more than 500 scrap tires in storage, and scrap tire processors approved by EPD are exempt from this requirement. This bill reduces the number of tires that may be stored by a person from 100 to 25; reduces the number for allowable scrap tires to be stored by a tire retailer from 3,000 to 1,500; increases the number of allowable scrap tires to be stored by a tire retreader from 1,500 to 3,000; revises the term auto salvage yard to mean a licensed used motor vehicle parts dealer or registered secondary metals recycler; and clarifies that a scrap tire processor is exempt if all of the scrap tires are secured in a locked enclosure or are otherwise adequately secured. EPD may grant a waiver of the enclosure requirement.

Representative Nix said this bill reduces the maximum bond amount required by the Director of EPD to ensure compliance of a tire carrier or scrap tire processor from \$25,000 to no less than \$10,000/ no greater than \$20,000. And finally, HB 226 updates the corresponding date of rules and regulations promulgated by the Board of Natural Resources for the purposes of establishing criminal violations to be January 1, 2013.

Representative Nix asked that this bill pass the committee by committee substitute which removed the composting language from the bill after many calls and emails from residents of Stephens County about a landfill problem.

Larry Grantham, Liberty Tire Recycling, spoke in favor of the legislation.

Michelle Grafton, Concerned Citizens of Toccoa/Stephens County, expressed her appreciation to the Chairman and Representative Nix for helping with the composting language in the original bill.

Skin Edge, Georgia Auto Recyclers Association, spoke in favor of the legislation.

Senator Jeffares made a motion that [HB 226](#) “**do pass by committee substitute**”. Senator Ginn seconded the motion. **HB 226** passed by unanimous vote. (LC 40 0399S) Senator Tolleson of the 20th will carry this legislation in the Senate.

[HB 276](#) (Nimmer, 178th) **Extend the Sunset Date – Certain Hazardous Waste Fees**

Representative Nimmer introduced **HB 276**, stating that this legislation changes appropriations procedures to the Department of Natural Resources and Georgia Hazardous Waste Management Authority. It extends the sunset dates for certain fees and surcharges, and provides for automatic fee adjustment when funds intended for specific purposes are not so allocated.

Todd Edwards, Association County Commissioners of Georgia (ACCG), spoke stating that ACCG would like to see these fees going back to the Georgia Hazardous Waste Fund and not into the General fund.

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

Senator Jeffares made a motion that [HB 276](#) “**do pass by committee substitute**”. Senator Ginn seconded the motion. **HB 276** passed by unanimous vote (LC 40 0394 ECS). Senator Jeffares will carry this legislation in the Senate.

[HB 207](#) (Shaw, 176th) **Special Turkey Hunting Permit for Young and Mobility Impaired**

Representative Shaw presented **HB 207**, stating that this legislation defines a “mobility impaired person” as someone who has been verified by a physician to have any of the following permanent conditions: dependence upon a wheelchair or similar device for ambulation; Hemiplegia, Monoplegia; Paraplegia; or Single-leg amputation above the knee. The bill allows for the issuance of a special turkey-hunting permit for these impaired individuals. This legislation also allows the commissioner to issue special authorization to hunt turkeys during an extended open season to any person who is 16 years of age or younger. This permit is only valid for the current season unless otherwise approved.

Senator Ginn made a motion that [HB 207](#) “**do pass by committee substitute**”. Senator Harper seconded the motion. **HB 207** passed by unanimous vote (LC 40 0398S). Senator Harper of the 7th will carry this legislation in the Senate.

HB 177 (Wilkinson, 52nd) Oconee River Greenway Authority

Representative Kidd of the 145th, introduced **HB 177**, for Representative Wilkinson, stating that under current law, the Oconee River Greenway Authority consists of: the Commissioner of Natural Resources; the Director of the State Forestry Commission; the Mayor of Milledgeville; the President of Georgia Military College; the chairperson of the governing authority of each county which is in the geographic jurisdiction of the Authority; and two residents of each county which is in the geographic jurisdiction of the Authority who have certain training or experience. This bill increases the number of residents of each county from two to four.

Senator Henson made a motion that **HB 177** “do pass”. Senator Thompson seconded the motion. **HB 177** passed by unanimous vote. Senator Jones of the 25th will carry this legislation in the Senate.

HB 402 (Stephens, 164th) Local Shore Assistance Program

Representative Stephens presented **HB 402**, stating that this legislation enables the Department of Natural Resources to issue letters of permission related to shore protection and coastal marshlands, and to impose a reasonable fee for processing these letters and it provides for the maintenance of a project pursuant to a permit without an additional permit, so long as it does not alter the natural topography of the site and it remains in serviceable condition; and it permits activities pursuant to a letter of permission, no longer requiring a permit in addition to the letter.

Senator Ginn made a motion that **HB 402** “do pass”. Senator Thompson seconded the motion. **HB 402** passed by unanimous vote. Senator Tolleson of the 20th will carry this legislation in the Senate.

There being no further business, Chairman Tolleson adjourned the meeting at 3:27 p.m.

Respectfully submitted,

/s/ Senator Tolleson, 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 22, 2013 in room 450 of the State Capitol at 9:00 a.m.

The following Senators were present:

Tolleson of the 20th, Chairman
Jeffares of the 17th, Vice Chairman
Gooch of the 51st
Harper of the 7th
Sims of the 12th
Williams of the 19th

Note: Senator Cowser of the 46th, Senator Ginn of the 47th, Senator Henson of the 41st, Senator Hill of the 4th, and Senator Curt Thompson of the 5th, were absent.

Chairman Tolleson called the meeting to order at 9:02 a.m.

SR 502 (Jackson, 2nd) Encourage Promotion of Wind Energy Developers

SR 502, is a resolution to encourage local governments to recognize wind energy as an important source of clean energy and a significant job-creating industry, open communication between members of the wind energy industry and Georgia public officials; and request educational institutions and developers to utilize the local workforce to build the industry.

Chairman Tolleson made a motion that **SR 502** “do pass”. Senator Sims seconded the motion. **SR 502** passed by unanimous vote.

HB 497 (Tanner, 9th) “Georgia Boat Safety Act”

HB 497, revises provisions regarding vessel numbering and registration; revises application procedures and expiration provisions; provides for vessel registration renewal; yields the Department of Natural Resources the ability to issue several types of permits; and removes requirements to involve the Georgia Bureau of Investigation or the Georgia Crime information Center in handling abandoned vessels or addressing their owners.

Chairman Tolleson made a motion that **HB 497** “do pass by substitute”. Senator Sims seconded the motion. **HB 497** passed by unanimous vote (LC 40 0406S). Senator Gooch of the 51st will carry this legislation in the Senate.

SR 531 (Tolleson, 20th) Diesel Emissions Resolution

SR 531 supports HB 348 and encourages the Department of Transportation in its efforts to maximize the use of Congestion Mitigation and Air Quality funding that is directed to be used to reduce diesel emissions.

Chairman Tolleson made a motion that **SR 531** “do pass”. Senator Sims seconded the motion. **SR 531** passed by unanimous vote.

HB 320 (Harden, 148th) Inert Waste Landfill Operations

HB 320, exempts certain compliant inert waste landfill operations from additional permit requirements; updates effective date of rules/regulations of the Board of Natural Resources; and the Senate Committee substitute narrows the waste landfill permitting exemption to only include inert waste landfills owned and operated by a local government or authority. Further, this substitute removes a permitting exemption previously provided to landfills with a capacity of 250 cubic yards or less, and a distance of over 100 feet from any property line or enclosed structure.

Chairman Tolleson made a motion that **HB 320** “do pass by committee substitute. Senator Sims seconded the motion. **HB 320** passed by unanimous vote (LC 40 0205S). Chairman Tolleson of the 20th will carry this legislation in the Senate.

HB 189 (Buckner, 137th) Notification of Change in Services, State Parks and Historic Sites

HB 189, defines “change in services” as a permanent change of a primary existing operational function, a reduction by 50 percent or more of the house of operation or service, or closure of any state park, historical site, or recreational area operated by or pursuant to the authority of the Department of Natural Resources. This bill also requires the Department of Natural Resources to provide 60 days’ notice to the governing authority of each municipality and county in which there is any part of the state park, historic site, or recreational area in which the specific proposed change in services is occurring.

Chairman Tolleson made a motion that **HB 189** “do pass”. Senator Sims seconded the motion. **HB 189** passed by unanimous vote. Senator McKoon of the 29th will carry this legislation in the Senate.

There being no further business, Chairman Tolleson adjourned the meeting at 9:11 a.m.

Respectfully submitted,

/s/ Senator Tolleson, 20th, Chairman

/s/ Vicki Gibbs, Recording Secretary

March 28, 2013

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 2013 session:

[SB 75](#)
[SB 176](#)
[SB 230](#)
[SR 11](#)
[SR 342](#)
[SR 506](#)

Respectfully submitted,

/s/ Vicki Gibbs
Recording Secretary