

2014 Senate Natural Resources Committee Roster

Senator Ross Tolleson, 20th, **Chairman**
P.O. Box 1356
Perry, GA 31069
404-656-0081

Senator Rick Jeffares, 17th, **Vice Chairman**
1300 Keys Ferry Ct.
McDonough, GA 30253
404-651-7738

Senator Bill Cowsert, 46th, **Secretary**
P. O. Box 512
Athens, GA 30603
404-463-1383

Senator Frank Ginn, 47th
P.O. Box 1136
Danielsville, GA 30633
404-656-4700

Senator Steve Gooch, 51st
P. O. Box 600
Dahlonega, GA 30533
404-656-9221

Senator Tyler Harper, 7th
P.O. Box 798
Ocilla, GA 31774
404-463-5263

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 Freddie Powell-Sims, 12th
5377 Goose Hollow Road
Dawson, GA 31742
404-463-5259

Senator Curt Thompson, 5th
6320 Glenbrook Drive
Tucker, GA 30084
404-463-1318

Senator Tommie Williams, 19th
148 Williams Avenue
Lyons, GA 30436
404-656-0089

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 NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The **Senate Natural Resources & the Environment Committee** held a meeting on Thursday, January 23, 2014, 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

Cowsert of the 46th, Secretary

Ginn of the 47th

Gooch of the 51st

Harper of the 7th

Henson of the 41st

Hill of the 4th

Sims of the 12th

Thompson of the 5th

NOTE: Senator Williams of the 19th was absent.

Chairman Tolleson called the meeting to order at 2:10p.m.

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

Chairman Tolleson then introduced the Senators and Staff that would be working with the Senate Natural Resources Committee during the 2014 session.

SB 296 (Tolleson, 20th) Jekyll Island-State Park Authority

Sen. Tolleson introduced and spoke to SB 296. Sen. Tolleson thanked the Jekyll Island Authority for all their work on helping this bill draw together all interested parties. Tolleson went on to explain that current law authorizes the Jekyll Island State Park

Authority to survey, subdivide, improve and lease or sell no more than 35 percent of the land area of Jekyll Island which lies above water at mean high tide. SB 296 would remove the 35 percent limitation and authorize the Authority to convert no more than 1,675 acres of the total land area into developed land. "Developed land" means land that is built upon or paved or land that has been disturbed and no longer retains original, natural functions. Senator Tolleson gave specific examples of developed land as including roads, bike paths, multi-use trails, utility easements, firebreaks, man-made ponds, golf courses as well as properties with buildings.

Senator Tolleson stated for the purpose of the legislation, 1,597 acres that, as of January 1, 2014, have been subdivided, leased, or improved according to the 2013 master plan are deemed as already converted to developed land. After July 1, 2014, undeveloped area must be converted to developed land only as follows: (1) Twelve acres to be used solely for the expansion of the existing campground; (2) Forty-six acres to be used solely for public health, public safety, or public recreation (excluding residential and commercial development); and (3) Twenty acres to be available for unrestricted uses. After July 1, 2014, the proposed conversion of any undeveloped area to be developed land is subject to the procedure outlined in current law for amendments to the master plan.

Senator Tolleson stated that this legislation is good for the people of Georgia and the preservation of Jekyll Island for future generations.

Jones Hooks, Executive Director of the Jekyll Island State Park Authority, spoke in favor of the legislation and thanked the Jekyll Island Oversight Committee for their diligent work.

Richard Royal, Chairman of the Jekyll Island Board of Directors, spoke in favor of the legislation stating that this legislation was the culmination of many hours of negotiations from all factions. He thanked Chairman Tolleson for chairing the Jekyll Island State Park Oversight Committee and holding meetings to bring all sides together in the discussions.

Pierre Howard, Former Lieutenant Governor and member of the Georgia Conservancy, spoke in favor of the legislation. He stated that due to the diligence of the Authority, Oversight Committee, and environmental groups working together, it was most gratifying that common ground could be reached. He commended the fact that both sides could work together for the good of Jekyll Island and future generations of visitors.

Chairman Tolleson took the opportunity to thank Lt. Governor Howard for all the work that he had done for the State of Georgia over the years. He stated that Governor Howard was a “statesman” that all Georgians could look up to.

Stephanie Stuckey Benefield, Director of Green Law, spoke in favor of the bill stating that this was the culmination of a long process lasting over one and one-half years. She said that Jekyll Island was near and dear to her heart and she appreciated the work to preserve its beauty.

Senator William Ligon, District 3, spoke in favor of the bill. He stated that Jekyll Island is an integral part of his district and he is pleased to see the positive work being done for preservation.

Representative Alex Atwood, 179th, spoke commending the legislation. He stated that he also represents Jekyll Island in his district.

Senator Henson made a motion that **SB 296, “do pass”**. Senator Cowsert seconded the motion. **SB 296 passed by unanimous vote.**

There being no further business, Chairman Tolleson adjourned the meeting at 2:30 p.m.

Respectfully submitted,

/s/ Senator Cowsert, 46th, Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The **Senate Natural Resources & the Environment Committee** held a meeting on Tuesday, February 4, 2014, 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

Cowsert of the 46th, Secretary

Ginn of the 47th

Gooch of the 51st

Harper of the 7th

Hill of the 4th

Sims of the 12th

Thompson of the 5th

Williams of the 19th

NOTE: Senator Henson of the 41st was absent.

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

SB 322 (Harper, 7th) Protects Certain Wildlife Habitats

Senator Harper introduced and spoke on SB 322. Senator Harper stated that this bill removes the provision in current law that exempts poisonous snake habitats from habitat protection. Senator Harper further stated that under current law, O.C.G.A. 27-1-30, no person may disturb, mutilate, or destroy the dens, holes, or homes of any wildlife; to blind wildlife with lights; or to use explosives, chemicals, electrical or mechanical devices, or smokers of any kind in order to drive such wildlife out of such habitats; however, this provision does not apply to poisonous snakes. This bill removes this exemption, thereby prohibiting the destruction of poisonous snake habitats.

Dan Forster, Director, Wildlife Resources Division, Georgia Department of Natural Resources, spoke in favor of the legislation. He stated that in July of 2011, the U.S. Fish and Wildlife Service published a 12-month finding that listed the gopher tortoise as threatened. One of the threats identified in the finding was the harm to the gopher

tortoise from the use of gasoline or other chemicals by rattlesnake hunters. The Fish and Wildlife Service found that “both individual and organized rattlesnake hunters typically extract snakes from gopher tortoise burrows using noxious liquids or gases, which undoubtedly harms or harasses gopher tortoises in active burrows. Unregulated harvest of rattlesnakes occupying tortoise burrows is a threat to the gopher tortoise now and in the foreseeable future.

Director Forster stated that the Georgia DNR Wildlife Resources Division is engaged with the U.S. Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission and other agencies and organizations in a comprehensive strategy to conserve the gopher tortoise without the need for federal listing. Conserving the gopher tortoise without federal listing will have many benefits to Georgians by avoiding federal rules and regulations that will be implemented if the gopher tortoise is federally listed.

Director Forster said that he believes SB 322 will make a significant contribution to efforts to conserve the gopher tortoise without federal listing by removing the ‘poisonous snake exemption’ from O.C.G.A 27-1-30 and making it illegal to introduce gasoline or other chemicals into gopher tortoise burrows. This will remove one of the threats identified by the Fish and Wildlife Service in their 12-month finding. Additionally, many other species of wildlife, including protected species, take refuge in tortoise burrows and are harmed by this practice. The eastern indigo snake, gopher frog, pine snake, and many species of wildlife use gopher tortoise burrows for refuge and will benefit from the proposed legislation. He stated that the Georgia Department of Natural Resources does not support the federal listing of the gopher tortoise and must show a commitment to significantly alleviating the factors contributing to its imperilment if we are to successfully avoid the need to list this species. This legislation will make a significant contribution toward our efforts to conserve the gopher tortoise and avoid federal listing.

Senator Williams asked if this helps to keep rattle snakes off the endangered list and Director Forster answered that it was up to the State of Georgia to prove that the numbers remain good.

Todd Holbrook, Georgia Wildlife Federation, stated that this is important because it also protects the good species such as the indigo snake.

Senator Williams made a motion that **SB 322, “do pass”**. Senator Ginn seconded the motion. **SB 322 passed by unanimous vote.**

SB 299 (Gooch, 51st) Watershed Protection Standards

Senator Gooch introduced and spoke on **SB 299**. He stated that he would be working from LC 40 0536S, the committee substitute. Senator Gooch stated that this legislation provides flexibility for establishing watershed protection standards. He said that he had been working on this legislation for 14 years. Current law authorizes the Department of Natural Resources to develop minimum standards and procedures for the protection of natural resources, the environment, and vital areas of the state, including the protection of watersheds. Under this bill, the minimum standards and procedures for watershed protection may, but are no longer required to, include buffer areas, land development densities, and land use activities. However, local governments must submit a watershed protection plan that includes the standards and procedures for watershed protection in accordance with DNR rules and regulations.

Senator Gooch went on to assure the committee that this bill has nothing to do with trout stream buffers.

Senator Williams clarified that different communities have different buffers. The Georgia Environmental Protection Division would have the flexibility to determine the buffers required.

Todd Holbrook, Georgia Wildlife Federation, spoke against the bill stating that it threatens down-stream property rights, and can cause a huge problem. He said that trout, shoal bass, and other species require healthy stream bottoms.

Senator Williams asked if every home ever built would not cause some silting.

Holbrook answered that buffers are the best plan that exists.

Senator Ginn asked if Mr. Holbrook wanted to stop all development.

Juliet Cohen, Chattahoochee Riverkeeper, spoke to oppose the legislation. She stated that the existing code is the minimum amount of buffers. She said this bill will remove a certain number of protections. She said that she believes the impact downstream would be detrimental to the well-being of Georgia's water quality. She went on to state that the regulations already provide for variances.

Senator Jeffares asked if Ms. Cohen had ever applied for a variance and realized the process that was required.

NOTE: Senator Curt Thompson left the meeting.

Chris Manganiello, Georgia River Network, stated that his organization opposed the bill.

Lauren Joy, Southern Environmental Law Center, spoke to oppose the bill stating that it stripped certain water supply protections.

Edwin Nix, White County Commissioner, spoke in favor of the bill. He stated that White County had struggled under these provisions for many years.

Doug Sherrill, Lumpkin County Commissioner, spoke in favor of the bill. He stated that this allows local people to make their own regulations about their own land.

NOTE: Senator Henson entered the meeting.

Russell Mobley, a White County Citizen, stated that he was a conservationist and that he had already put 14 acres in conservation to protect people downstream. He stated that his concern with variances was the understaffing of the EPD division. He said after years of preparing to build a home, when it came time, the buffer laws had changed. He said that it took a very long period of time to get a variance. He asked that the committee favorably report the bill out of committee.

Kevin McGrath, Georgia Trout Unlimited, spoke against the bill, stating that it put trout streams in imminent danger.

Russ Pennington, Assistant Director of Georgia Environmental Protection Division, stated that they had worked with the author and the Division likes the plan for watershed protection. This plan would be a case by case plan.

Senator Ginn made a motion that **SB 299, “do pass by substitute”**. Senator Williams seconded the motion. **SB 299 passed** by a vote of 6-2, with Senator Henson and Senator Sims casting nay votes.

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

Respectfully submitted

/s/ Senator Cowsert, 46th, Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The **Senate Natural Resources & the Environment Committee** held a meeting on Tuesday, February 18, 2014, in room 450 of the State Capitol at 1:00 p.m.

The following Senators were present:

Tolleson of the 20th, Chairman

Ginn of the 47th

Harper of the 7th

Sims of the 12th

Thompson of the 5th

Williams of the 19th

NOTE: Senator Jeffares of the 17th, Senator Cowser of the 46th, Senator Gooch of the 51st, Senator Henson of the 41st, and Senator Hill of the 4th were absent.

Chairman Tolleson called the meeting to order at 3:40p.m.

SB 361 (Carter, 1st) Georgia Geospatial Advisory Council

Senator Buddy Carter introduced and spoke to SB 361. He stated that this legislation creates the Georgia Geospatial Advisory Council to provide reliable geospatial data. This council would provide reliable geospatial data, which includes flood map modernization. The Environmental Protection Division (EPD) must coordinate with state executive branch departments and agencies to appoint members of the Council, which may consist of representatives from state departments and agencies, local governments, universities, regional commissions, or any entity EPD determines to be a stakeholder active in the development or consumption of reliable geospatial resources.

Senator Carter further explained the Council must audit Georgia's geospatial capabilities at county, regional, and state levels. Any reports generated by the Council must be available on an annual basis by the Department of Natural Resources (DNR) to General Assembly members, all state agencies and departments, and all county or municipal governments, as well as posted on DNR's internet website. The sunset on this Council would be June 30, 2017.

Senator Carter stated that he had a passion for this legislation because he had found that in the past properties were placed in or out of flood plains without property owners being notified.

Senator Ginn made a motion that **SB 361, “do pass”**. Senator Sims seconded the motion. **SB 361 passed** by unanimous vote.

SB 93 (Heath, 31st) Suppressors on Hunting Firearms

Senator Heath introduced and spoke to SB 93. He stated that this bill authorizes the use of suppressors on hunting firearms under certain circumstances and suspends hunting privileges of a person convicted of violating certain hunting regulations. Senator Heath said that current law prohibits the use of suppressors for hunting. 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. However, the hunting privileges of any person who has been convicted of violating a hunting law or rules and regulations 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 suppressor will be suspended for three years.

Senator Heath stated that to obtain a license for a legal suppressor, application must be made to the federal government and a \$200 non-transferrable fee must be paid.

Senator Harper made a motion that **SB 93, “do pass”**. Senator Sims seconded the motion. **SB 93 passed** by unanimous vote.

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

Respectfully submitted,

/s/ Senator Tolleson, 20th, Chairman

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on Tuesday, February 25, 2014, in room 450 of the State Capitol at 10:00 a.m.

The following Senators were present:

Tolleson of the 20th, Chairman

Jeffares of the 17th, Vice Chairman

Cowsert of the 46th, Secretary

Ginn of the 47th

Gooch of the 51st

Harper of the 7th

Hill of the 4th

NOTE: Henson of the 41st, Sims of the 12th, Thompson of the 5th, and Williams of the 19th were absent.

Chairman Tolleson called the meeting to order at 10:05a.m.

SR 896 (Tolleson, 20th) Joint Study Committee on GA Legacy Program

Senator Tolleson introduced and spoke to SR 896. He stated the legislation creates the Joint Study Committee on the Georgia Legacy Program to examine funding options for the protection and conservation of the state's natural resources and land. He stated that it is incumbent upon the State of Georgia to provide stewardship of state lands to protect our natural resources and cultural heritage. It is necessary to provide funding options to acquire critical areas for clean water, game, wildlife, fisheries and natural resource based outdoor recreation.

Senator Tolleson stated this resolution creates the Joint Study Committee on the Georgia Legacy Program to examine funding options through various sources and ensure the most effective use of such funds for the protection and conservation of the state's natural resources and land.

Senator Jack Hill made a motion that **SR 896 “do pass”**. Senator Ginn seconded the motion. **SR 896 passed** by unanimous vote.

NOTE: Senator Williams came into the meeting.

SB 333 (Tolleson, 20th) Hazardous Site Inventory

Senator Tolleson introduced SB 333. He stated that this would establish that persons are not prosecuted by listings in the hazardous site inventory that occur prior to July 1, 2014. This bill is clarification that persons are not adversely affected by the listing of property in the hazardous site inventory of the Environmental Protection Division (EPD) if the property was listed prior to July 1, 2014. Any person aggrieved or adversely affected by a listing occurring after this date, or by property designated by the Director as needing corrective action, is entitled to an administrative hearing or appeal process.

Neill Herring, Sierra Club, stated that they are opposed to the bill. He also stated that they want notice of the provision for adjacent land owners.

Rudy Underwood, Senior Director, State Affairs, Georgia Chemistry Council, spoke in favor of the bill. He stated that this gives the landowner rights of appeal that have not been in the law before.

Senator Ginn made a motion that **SB 333, “do pass”**. Senator Gooch seconded the motion. **SB 333 passed** by unanimous vote.

SB 306 (Ligon, 3rd) Water Well Standards

Senator Ligon introduced and spoke on SB 306. He stated that this bill would permanently extend the moratorium on well or borehole construction for the purpose of injecting surface or ground water into the Floridian aquifer. Current law prohibits the drilling of any well or borehole for the purpose of injecting any surface or ground water into the Floridian aquifer in any county governed by the Georgia coastal zone management program before July 1, 2014. The Georgia coastal zone includes the state’s six coastal counties and five “inland tier” counties which include Chatham, Effingham, Bryan, Liberty, McIntosh, Long, Glynn, Wayne, Brantley, Camden and Charlton counties. This bill removes the sunset date, thereby permanently extending the moratorium. Further, this bill clarifies that no existing well or borehole may be converted for the purpose of injecting water into the aquifer.

NOTE: Senator Sims entered the meeting.

Senator Cowser questioned the differences in ground water and surface water and why this should be extended.

Gordon Rogers, Flint Riverkeeper, spoke on behalf of the Satilla Riverkeeper, in support of the bill. He urged the Committee to recognize the importance of continuing the current moratorium on the injection of surface and groundwater into our precious drinking water source, the Floridian Aquifer. It is crucial that Senate Bill 306 be passed this session in order to continue protecting our pristine aquifer resource, as the moratorium expires on July 1, 2014. He stated our drinking water is a precious human need that should not be tampered with. He said that since 1999, the General Assembly has repeated the coastal moratorium on Aquifer Storage and Recovery for the Floridian aquifer, allowing this fragile resource to be protected. Aquifer Storage and Recovery is a risky technique used to store water during high flow to then be used during low flow times or periods of high drinking water use. The process of injecting chemically treated surface or wastewater water into the Floridian aquifer jeopardizes the drinking water of hundreds of thousands of individuals who live in southeast Georgia. There are also other problems with Aquifer Storage and Recovery, such as the well clogging, issues with water recovery, and the risk of creating increased arsenic levels beyond drinking water quality standards in the aquifer water. These experimental techniques for water management should not be used on Southeast Georgia's only water source. Clean water is a precious and rare commodity, and one that should not be tampered with.

Mr. Rogers concluded by stating that the Satilla Riverkeeper group serves to protect and preserve the water resources of not only the Satilla River basin, but their fellow communities in coastal and southeast Georgia, and ask that the Committee protect our valuable natural resources and vote yes to SB 306.

Neill Herring, Sierra Club, spoke in favor of the bill. He passed out an article that was published in *The Press Sentinel* which promotes the needs for permanent protection of the aquifer system.

Emily Markesteyn, Ogeechee Riverkeeper, spoke in support of the bill, stating the dangers of the Aquifer Storage and Recovery plan.

Russ Pennington, Assistant Director, Environmental Protection Division, Georgia Department of Natural Resources, spoke in opposition to SB 306. He stated that Aquifer Storage and Recovery is used by many states and that this bill would take away the hard work of the Georgia Water Councils. This bill would take a tool out of the tool box when it comes to drought protection and that Aquifer Storage and Recovery is an option for

Senate Natural Resources and the Environment Committee
February 25, 2014
Page 4 of 4

water supply. He added that EPD strenuously governs the permits to prevent any contamination.

Bryan Tolar, President, Georgia Agribusiness Council, spoke in opposition to SB 306, stating that taking Aquifer Storage and Recovery away from use hurts the citizens of the State of Georgia. He said that this tool is imperative to the growth of Georgia.

Chairman Tolleson said that this issue was too important and needed to be studied more and would need to be put into a study committee. No vote was taken on the legislation.

There being no further business, Chairman Tolleson adjourned the meeting at 10:35 a.m.

Respectfully submitted,

/s/ Senator Cowsert, 46th, Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The **Senate Natural Resources & the Environment Committee** held a meeting on Tuesday, March 4, 2014, 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

Cowsert of the 46th, Secretary

Ginn of the 47th

Gooch of the 51st

Harper of the 7th

Thompson of the 5th

Williams of the 19th

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

Chairman Tolleson called the meeting to order at 1:05pm

[HB 783](#) (Hitchins, 161st) Implied Consent Warning for Hunting under the Influence

Representative Hitchins introduced and spoke to HB 783. He stated that this bill would clarify the implied consent warning that must be given by the arresting officer for the purpose of determining if a person is under the influence. The Governor's package last year addressed hunting under the influence and, inadvertently, the implied consent warning for hunting under the influence (HUI) was changed. Under current law, if an officer has probable cause of HUI, the person suspected of HUI may submit to tests. If the person refuses, the person's hunting license is suspended immediately. This bill addresses only the implied consent warning that the officer must give to the person – the language of the warning does not currently correctly reflect what the law provides. This bill makes the technical changes to the warning language itself to correspond to the law's provisions regarding testing and license suspension.

Senator Gooch asked if he can be arrested on his own private property.

Col. Eddie Henderson, Law Enforcement, Georgia Department of Natural Resources, stated yes that he can be arrested for HUI on private property if there is probable cause.

Senator Cowsert stated that in a driving under the influence (DUI) case, the officer has to have reasonable cause before asking for consent to a test. He asked does this apply in a HUI situation as well and Col. Henderson replied yes that a field sobriety test is used for hunting and boating to establish cause. He stated that it is a different test than DUI and is U.S. Coast Guard approved.

Senator Ginn made a motion that **HB 783, “do pass”**. Senator Harper seconded the motion. **HB 783 passed** by unanimous consent. Senator Harper will carry the bill in the Senate.

HB 786 (Knight, 130th) Infant Lifetime Sportsman License for Nonresidents

Representative Knight introduced and spoke on HB 786. He stated that this bill creates an infant nonresident lifetime sportsman’s license. The purpose of the bill is to encourage and recruit the younger generation to become sportsmen. This bill allows nonresident infants, under the age of two years old, to obtain a lifetime sportsman’s license without the additional requirement of being a grandchild of a resident license holder. Representative Knight said that a Georgia resident, aunt or uncle, can obtain a license for their nephew or niece that was just born and who moved to South Carolina. The fee for the nonresident infant license would be the same as for a resident. The bill also streamlines the license procedures to be more customer friendly by only requiring a driver’s license as identification.

NOTE: Senator Jack Hill came into the meeting.

Mark Whitney, Assistant Director, Wildlife Resources Division, Georgia Department of Natural Resources (DNR), spoke in favor of the bill. He said that DNR is in support of the bill.

Senator Gooch made a motion that **HB 786, “do pass”**. Senator Jeffares seconded the motion. **HB 786 passed** by unanimous consent. Senator Harper will carry the bill in the Senate.

Senate Natural Resources and the Environment Committee
March 4, 2014
Page 3 of 3

HB 740 (Tanner, 9th) Residency Requirements for Military Personnel Related to Hunting and Fishing Privileges

Representative Tanner introduced and spoke on HB 740. He stated that this bill allows active duty military personnel and their dependents to pay resident rates for a lifetime sportsman's license. The State of Georgia has a large military constituency that is on active duty. Under current law they would have to pay for a nonresident license if they claim a residence out of the State of Georgia while stationed on active duty in Georgia. Representative Tanner further stated that this bill allows all active duty personnel to pay resident rate. They will also be considered residents for honorary licenses and for exemption in current law which allows a resident to hunt or fish without a license on the resident's or resident's family's premises.

Senator Cowsert asked if the person has to be stationed in Georgia and the answer was no, it will apply to all active duty.

Mark Whitney, Assistant Director, Wildlife Resources Division, Georgia Department of Natural Resources (DNR), spoke in favor of the bill.

Senator Gooch made a motion that **HB 740, "do pass"**. Senator Williams seconded the motion. **HB 740 passed** by unanimous consent. Senator Dugan will carry the bill in the Senate.

There being no further business, Chairman Tolleson adjourned the meeting at 1:46 p.m.

Respectfully submitted,

/s/ Senator Cowsert, 46th, Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The **Senate Natural Resources & the Environment Committee** held a meeting on Thursday, March 6, 2014, 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
Cowsert of the 46th, Secretary
Ginn of the 47th
Henson of the 41st
Sims of the 12th
Gooch of the 51st
Williams of the 19th
Hill of the 4th
Thompson of the 5th

NOTE: Senator Harper of the 7th

Chairman Tolleson called the meeting to order at 2:37pm

HB 904 (McCall, 33rd) Listings on the Hazardous Site Inventory

Representative McCall spoke on HB 904. He explained that this bill gives a property owner the right to an administrative hearing if his or her property is listed in the Environmental Protection Division's (EPD) hazardous site inventory. He further explained that this only applies to property listed on or after July 1, 2014. He advised the committee that this is the exact same language as SB 333 that had passed out of the House Committee.

Senator Henson asked Representative McCall to explain how the process works and he replied that the owner is given a 30 day grace period to file for a hearing after the property is listed.

Senator Ginn asked if notice is given to adjacent property owners and it was replied that EPD rules require public notice in the newspaper in the county of the property.

Senator Ginn made a motion that **HB 904, "do pass"**. Senator Cowsert seconded the motion. **HB 904 passed** by unanimous consent. Chairman Tolleson will carry the bill in the Senate.

HB 549 (Burns, 159th) Water Emergency Response Procedures

Representative Burns spoke on HB 549. He stated that this bill establishes the water emergency response procedures. The bill requires any person in charge of a substance that is discharged into the water which would endanger the health or property of downstream users must notify the Georgia Environmental Protection Division (EPD). If EPD determines a threat, EPD must notify the Georgia Emergency Management Agency (GEMA) and local emergency officials. The purpose of the bill is to eliminate duplicate steps by coordinating responses which will improve communication and response times. This happened in the case of the Ogeechee River spill, which caused a lack of immediacy in the response time and effectiveness. This bill would apply statewide and not be limited to just permit holders but also any member of the public.

Senator Ginn and Senator Williams both expressed concern over the size and the lack of definition distinguishing the spill. Representative Burns replied that it would apply to all reasonable spills.

Senator Gooch pointed out that the bill requires EPD to promulgate the rules and regulations implementing the bill and these issues would be addressed in the rules and regulations.

Senator Henson asked if there is a penalty for non-notification and was told yes that there is a penalty provision that applies to violations throughout the Article in Code.

Senator Cowsert also had a concern about the language referencing “the person in charge” because sometimes that can be someone in public safety such as the fire department.

Senator Hill asked if there was a difference from permit holder or personal property owner.

Jeremy Arey, Legislative Counsel, stated that the law did not limit it to the permit holder.

Roy Bowen, Georgia Association of Manufacturers, spoke in favor of the bill because it establishes protocols.

NOTE: Senator Hill left the meeting.

John Poole, Georgia Paper and Forest Products, spoke in favor of the bill because it establishes coordinated responses in an emergency.

Chris Manganiello, Georgia Rivers Network, spoke in favor of the bill expressing his concern with a previous fire in a chemical plant. He stated that this will help EPD be better prepared, improve response time, allow EPD to use more resources and will allow local agencies to work with state agencies.

Juliet Cohen, Chattahoochee Riverkeeper, stated that she had worked with the author and supports the legislation. This would require EPD to coordinate, prepare and notify.

Senator Cowser made a motion that **HB 549, “do pass”**. Senator Gooch seconded the motion. **HB 549 passed** by unanimous consent. Senator Jack Hill will carry the bill in the Senate.

HB 908 (Riley, 50th) Tire Fees; Extends Sunset Date

Representative Riley spoke on HB 908. This bill extends the \$1 tire fee collection for 5 years. A customer pays a \$1 fee for every new tire bought, collected by the retailer. Funds go to the Solid Waste Trust Fund which pays for scrap tire management, cleanup, preventative measures, education and administration.

Senator Williams asked about the appropriation to the Fund. The answer was that in the FY 2015 budget there will be \$2.7 million appropriated to the Fund. The annual amount of collection is estimated to be about \$6 million. The rest of the amount goes into the general fund. Half of the current appropriation goes to actual scrap tire management, the rest into administration.

Senator Williams further express concern that the general public believes that the fee is going entirely to cleanup. He would like to have a place to bring scrap tires also.

Representative Riley commented that there has been an increase in funding to the Fund for the purpose the fee was originally assessed.

Sarah Visser, Keep Georgia Beautiful Foundation, spoke in favor of the bill. She stated that she would like to see more of the funds designated to the Solid Waste Trust Fund. She went on to add that littering had decreased by 75% due to more stringent laws and public participation.

Senator Jeffares made a motion that **HB 908, “do pass”**. Senator Williams seconded the motion. **HB 908 passed** by unanimous consent. Senator Jeffares will carry the bill in the Senate.

HB 777 (Powell, 32nd) Suspension of Boating Privileges; Interstate Boating Violator Compact

Representative Powell spoke to HB 777. This bill enacts the Interstate Boating Violator Compact. It allows the home state to treat a boating conviction of one of its residents in another state as if the conviction had occurred in the home state. It also would allow a person to sign on their own personal recognizance that he or she will show up in court. If there is a failure to appear, the citation would be sent to Georgia and DNR would suspend the person’s license. The Savannah River Caucus and the South Carolina Caucus were created for water issues. These issues are now expanded to cover both Georgia and South Carolina. This was done because the two states share Lake Hartwell. Georgia and South Carolina DNR brought this idea forward for a compact based on the federal wildlife compact, but this boating compact would be the first of its kind in the nation. Representative Powell noted that the South Carolina legislature would be passing identical legislation. The compact would leave openings for other states to enter.

Senator Cowsert asked if DNR can currently suspend a person’s license.

Col. Eddie Henderson, Georgia Department of Natural Resources Law Enforcement, stated that yes, licenses can be suspended for boating under the influence. Col. Henderson stated that the Department was in full support of the legislation.

Senator Ginn made a motion that **HB 777, “do pass”**. Senator Thompson seconded the motion. **HB 777 passed** by unanimous consent. Senator Bill Jackson will carry the bill in the Senate.

Senate Natural Resources and the Environment Committee
March 6, 2014
Page 5 of 5

There being no further business, Chairman Tolleson adjourned the meeting at 3:15 p.m.

Respectfully submitted,

/s/ Senator Cowsert, 46th, Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The **Senate Natural Resources & the Environment Committee** held a meeting on Tuesday, March 11, 2014, 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

Cowsert of the 46th, Secretary

Ginn of the 47th

Gooch of the 51st

Harper of the 7th

Henson of the 41st

Sims of the 12th

NOTE: Senator Thompson of the 5th, Senator Williams of the 19th, and Senator Hill of the 4th were absent.

Chairman Tolleson called the meeting to order at 1:25 pm

HB 741 (Tanner, 9th) Sludge Land Application Permits

Representative Tanner spoke on HB 741. He stated that this bill requires the sludge application system to permit applicants to provide written verification of compliance with local zoning laws to the Environmental Protection Division (EPD). All public hearings on approval of the systems must be conducted by EPD and the applicant for the permit within the jurisdiction of the local governing authority where the proposed sludge land application site is located. The committee substitute would amend line 37 and change the word “subsection” to “section”.

Representative Tanner stated that the Association of County Commissioners of Georgia (ACCG), Georgia Municipal Association (GMA) and the Environmental Protection Division (EPD) were all in support of the bill.

Senator Ginn asked if septage is included in the definition of sludge and Representative Tanner stated that this bill does not change current law.

Russ Pennington, Assistant Director, Georgia Environmental Protection Division, stated that septage is not included.

Senator Gooch made a motion that **HB 741, do pass by substitute (LC 40 0630ERS)**. Senator Cowsert seconded the motion. **HB 741 by substitute passed** by unanimous consent. Senator Gooch will carry the bill in the Senate.

HB 715 (Hamilton, 24th) Jekyll Island Authority

Rep. Hamilton spoke on HB 715. He stated that this legislation sets a maximum acreage limit of developable land on Jekyll Island. Current law authorizes development on 35 percent of the land. This percentage has been difficult to determine over the years due to tidal changes. Acreage limit is set at 1,675 acres (1,597 acres are already deemed to be converted to developed land). The bill delineates that of the remaining acreage: 12 acres will be used to expand the existing campground, 46 acres will be for public health (such as water supply), safety and recreation, and 20 acres is for unrestricted use. This bill is identical to SB 296 that passed the House.

Senator Jeffares made a motion that **HB 715, “do pass”**. Senator Henson seconded the motion. **HB 715 passed** by unanimous consent. Senator Tolleson will carry the bill in the Senate.

HB 957 (Williams, 119th) Brownfields; Limitation of Liability

Representative Williams spoke on HB 957. He stated that this bill expands the limitation of liability for purchasers of contaminated property to include tenants and broadens the available sites to include federally-listed sites. The bill clarifies that the purchaser protection applies before EPD approval of a corrective action plan. The purchaser can apply for protection within 30 days after taking title and must subsequently receive EPD approval of a correction action plan. This bill ensures that the protection will apply before EPD approval.

Senator Cowsert asked why the language of the bill states that the limitation of liability applies to purchasers that applied for the protection after May 1, 2012. EPD stated that the legislature passed a bill in 2012 that allowed purchasers a 30-day grace period for when they take the title to apply for protection; however it was unclear what protection the purchaser had during the 30-day period because legislation requires EPD approval of a corrective action plan before receiving the limitation of liability. This bill ensures that once the purchaser applies for the protection and receives approval of a correction plan, the protection will apply for the entire time period before receiving approval.

Chairman Tolleson stated that this is a good program for Georgia.

Jason Rooks, representing the Georgia Conservancy and Greenlaw, stated that they are very much in support of the Brownfield Program but they have concerns over expanding the sites. He said this legislation would specifically include Georgia legacy sites that have serious groundwater contamination. He felt these sites should stay under federal purview.

Senator Ginn made a motion that **HB 957, “do pass”**. Senator Gooch seconded the motion. **HB 957 passed** by unanimous consent. Senator Jeffares will carry the bill in the Senate.

HB 348 (Parsons, 44th) Alternative Fuel Vehicle Tax Credit

Representative Parsons spoke on HB 348. He stated that this legislation provides a new tax credit for purchases of alternative fuel heavy-duty and medium-duty vehicles. He stated that he had worked on this legislation along with Chairman Tolleson for over three years and that a much broader version passed out of the Senate three years ago but did not pass the House. He said that taxpayers can receive \$20,000 tax credit for a heavy-duty vehicle and \$12,000 for a medium-duty vehicle, however, no one company or person can receive more than \$250,000 in credits. Tax credits are capped at \$2.5 million for each fiscal year in 2016 and 2017. Applications with the Department of Revenue must include certification from the Department of Natural Resources that the vehicle is an alternative fuel vehicle, a sworn affidavit that the vehicle will accumulate at least 75% of its mileage in Georgia in a 5-year period, and must remain registered in the State of Georgia for 5 years after purchase.

Senator Cowsert asked why this bill is needed and why do we not let the free market system determine which cars and trucks will be bought.

Representative Parsons replied that this gives smaller companies an opportunity to purchase these vehicles and will ultimately reduce our dependence on foreign oil and create a cleaner atmosphere.

Senator Cowsert also inquired how the preference will be made to who receives the tax credit if the \$2.5 million cap per year is reached and was informed it was on a first come first serve basis.

Senator Henson made a motion that **HB 348, “do pass”**. Senator Ginn seconded the motion. **HB 348 passed** by a vote of 7-1. Senator Cowsert casting the nay vote. Senator Jeffares will carry the bill in the Senate.

Senate Natural Resources and the Environment Committee
March 11, 2014
Page 4 of 4

There being no further business, Chairman Tolleson adjourned the meeting at 2:57 p.m.

Respectfully submitted,

/s/ Senator Cowsert, 46th, Secretary

SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on Thursday, March 13, 2014, in room 450 of the State Capitol at 9:00 a.m.

The following Senators were present:

Tolleson of the 20th, Chairman

Ginn of the 47th

Harper of the 7th

Hill of the 4th

Sims of the 12th

Williams of the 19th

NOTE: Senator Jeffares of the 17th, Senator Gooch of the 51st, Senator Cowsert of the 46th, Senator Henson of the 41st, and Senator Thompson of the 5th were absent.

Chairman Tolleson called the meeting to order at 9:15 a.m.

HB 257 (Martin, 49th)

Low-Emission Vehicle Tax Credit

Representative Martin opened and spoke on **HB 257**. He explained that this bill limits the aggregate amount of the income tax credits for low-emission or zero emission vehicles to \$10 million in each fiscal year. Current law allows a taxpayer to claim an income tax credit for the purchase or lease of a new low-emission vehicle. Currently the tax credit is 10 percent of the cost of a new low-emission vehicle or \$2,500, whichever is less, or 20 percent of the cost of a zero-emission vehicle or \$5,000, whichever is less.

Representative Martin stated that the bill was brought about as a result of the annual tax expenditure report presented to him as a member of the House Budget Fiscal Affairs Committee. He wanted to address three policy areas: 1) The uncapped situation that allows for an unlimited potential for liability to taxpayers; 2) this it is a targeted tax credit and only affects or applies to two manufacturers; 3) It is a very rich tax credit. This bill addresses the first policy area and Representative Martin stated that he looks forward to addressing the other issues at a later time.

NOTE: Senator Cowsert came into the meeting.

Senator Williams expressed great concern that there is no sunset on this tax credit. Representative Martin stated that he was very much for a sunset.

Senator Ginn made a motion that **HB 257, “do pass by substitute (LC 40 0629S)”**. Senator Sims seconded the motion. **HB 257** passed by a vote of 5-1, with Senator Cowsert casting the nay vote. Senator Tolleson will carry the bill in the Senate.

NOTE: Senator Jeffares came into the meeting.

HB 423 (Allison, 8th) Use of Live Raccoons in Field Trial Competitions

Rep. Allison introduced and spoke on **HB 423**. He stated that this legislation authorizes Georgia Department of Natural Resources (DNR) to issue a permit for use of live raccoons in organized and sanctioned field trial events. Current law requires a person to have a game-holding permit to have a game animal or bird as a pet or for the purpose of propagation. This bill would allow DNR to issue this permit for live raccoons. The bill also prohibits a person who has an animal or bird with a permit from releasing the animal from captivity.

Representative Allison informed the Committee that this is allowed in Virginia, Tennessee, and South Carolina. He said that this has to be a sanctioned event. In these trials, the raccoon is put in a protected cage and put in the woods. The dogs try to get the scent and find the raccoon. If the dog hits the cage in any way, the owner is penalized.

Senator Williams asked Representative Allison to explain how the dogs are currently trained and can the dogs kill the raccoon.

Senator Harper remarked that currently raccoons are killed and the skin is used as a scent for the dogs. He stated that this bill is a more humane approach; it just allows the use of live raccoons.

Senator Williams pointed out that live quails and foxes are now being used to train dogs.

Senator Sims expressed concern for this type of sport and questioned how the raccoon will actually be captured.

Representative Allison stated that this would be regulated by DNR under the permit requirements.

Senate Natural Resources and the Environment Committee
March 13, 2014
Page 3 of 3

David Drolet, Private Citizen, stated that this bill will allow for animal cruelty. He said the raccoons are deprived of food and water, are exhausted and will die after they are released. He also pointed out to the Committee that raccoons are carriers of many types of diseases.

Julie Robertson, Georgia Animal Rights and Protection, stated that this legislation exemplifies barbaric cruelty and can be compared to dog fighting. She also stressed the possibility of humans contracting diseases. She said that this goes against every moral fiber that humans should have and that the raccoons that are used would have capture myopathy. Capture myopathy is stress after capture and the animals would die within 3 to 6 weeks of release.

Senator Harper made a motion that **HB 423, "do pass"**. Senator Williams seconded the motion. **HB 423** passed by a vote of 6-1, with Senator Sims casting the nay vote. Senator Harper will carry the bill in the Senate.

There being no further business, Chairman Tolleson adjourned the meeting at 9:55 a.m.

Respectfully submitted,

/s/ Senator Cowsert, 46th, Secretary

March 20, 2014

Mr. David Cook
Secretary of the Senate
353 State Capitol
Atlanta, GA 30334

Dear Secretary Cook:

The following bills remained in the Senate Natural Resources and the Environment Committee at the close of the 2014 session:

SR 11
SR 342
SR 506
SB 75
SB 176
SB 230
SB 306
SB 380
HB 199

Respectfully submitted,

Vicki Gibbs
Recording Secretary