

LEGISLATIVE MONITOR

TRACKING ENVIRONMENTAL LEGISLATION IN GEORGIA

Week 6, Days 18-21

February 19, 2007

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1. HIGHLIGHTS

Transit a Hot Topic Last Week: As crowds rallied on the Capitol steps in support of the Brain Train, Rep. Chuck Martin and a bipartisan group of House members introduced House Bill 434 to let adjacent counties band together as a region to propose a special sales tax to their voters to pay for a specific list of transportation projects.

New Senate Committee: Urban Affairs. The Urban Affairs committee is responsible for addressing transportation, public safety, healthcare, recreation, infrastructure and economic development issues that uniquely impact the urban areas of metropolitan Atlanta.

Storm Water: Bill introduced by Senators Shafer, Balfour, Thompson and Weber to create the Gwinnett County Storm-Water Authority authorizing the storm-water authority to acquire, construct, add to, extend, improve, operate, and maintain storm-water management systems and facilities.

2. CALENDAR ITEMS

The week of Monday, February 12th, the Legislature was in session Monday through Thursday. Session convenes again on Tuesday, February 20, 2007.

Monday 2/19/07

1:00 House Ways & means Tax Reform Subcommittee 133 CAP

3:00 Senate Reg. Ind. & Utilities 125 CAP

Tuesday 2/20/07

8:00 House Appropriations Gen. Subcomm. Mtg. 515 CLOB

9:00 House Judiciary (Civil) Subcomm. (one) 132 CAP

9:00 House Sales Tax Subcomm. (W&M) Mtg. 133 CAP

9:00 House Appropriations Special Projects Subcomm. Mtg. 403 CAP
9:00 House Reapportionment Comm. Mtg. 606 CLOB
10:00 House Public Utilities & Telecommunications Reg. Ult. Aff. Subcomm. 606 CLOB
10:00 House Reg. Ind. Comm. Mtg. 415 CLOB
10:00 House Gov't Affairs Subcomm. Mtg. 514 CLOB
11:00 House Rules 341 CAP
1:00 Senate State Inst. & Property 310 CLOB
2:00 House Econ Dev. & Tourism Comm. Mtg. 506 CLOB
2:00 House St. Planning & Community Aff.
2:00 House Judiciary (Civil) 132 CAP (or 30 mins after adjournment)
2:00 Senate Science & Tech. 310 CLOB
2:00 Senate Special Judiciary 125 CAP
2:00 Senate Approp. Subcomm: Gen Gov't & Fiscal Mgmt. (Joint Mtg.) MEZZ CAP
4:00 House Reg. & Utilities Affairs Subcomm. 515 CLOB
5:00 Senate Rules 450 CAP

Wednesday 2/21/07

9:00 House Rules 341 CAP
9:00 House Budget & Fiscal Affairs Oversight Comm. Mtg. 415 CLOB
1:00 Senate Natural Resources & Environment 450 CAP
(SB 3, 116, 157)
2:00 House Appropriations Gen Subcomm. Mtg. 506 CLOB
(08 Budget: 2:00 Off. Gov., 2:30 Dept. Rev., 3:00 Dept. Natural Resources)
2:00 House Judiciary (Non Civil, Subcomm. 1) 132 CAP
2:00 House State Inst. & Property 406 CLOB
2:00 Senate Appropriations Standing Comm. 341 CAP
3:00 House State Transportation Comm. Mtg. 606 CLOB
3:00 Senate Reg. Industries & Utilities 450 CAP
3:00 Senate State & Local Gov't Operations 310 CLOB
5:00 Senate Rules 450 CAP

Thursday 2/22/07

8:00 House Science & Technology 506 CLOB
9:00 House Rules 341 CAP
1:00 Senate Transportation MEZZ CAP
2:00 Senate Appropriations Subcomm: Fiscal Mgmt, 123 CAP
3:00 Senate Science & Technology 310 CLOB
3:00 Senate Special Judiciary 450 CAP
4:00 House Energy Utilities & Telecommunications Comm. Mtg. 406 CLOB
4:00 Senate Judiciary 307 CLOB
5:00 Senate Rules 450 CAP
6:00 Economic Dev. Joint Mtg. 1230 P'tree St. Ste 1100

Friday 2/23/07

10:00 Senate Judiciary 307 CLOB

Please check <http://www.legis.state.ga.us/> for updates to the schedule of committee meetings this week.

3. CONTACTS

The environmental community provides many resources, (in addition to this Monitor) to help you stay up to date on legislative issues that affect the environment.

- ▶ To learn about the Georgia Water Coalition's agenda, find your legislators, and get tips on talking and writing to your elected officials, go to <http://www.gwf.org/gawater/legislator.html>
- ▶ To sign up for the Georgia Environmental Action Network to be alerted when environmental action is urgently needed go to <http://www.protectgeorgia.net>

Other helpful numbers that may you might want are House Information (404-656-0305 or 800-282-5800) and Senate Information (404-656-0028 or 800-282-5803). You may also want to look up information, including Committee assignments, or to view the Senate and House Chambers live at www.legis.state.ga.us.

4. ANIMALS

HB 105 Animals; poultry; revise certain provisions Read 1st 1/23/07,
Read 2nd 1/24/07, A&CA,
Comm. Fav. Rpt. (Sub)
1/30/07, Read 3rd 2/2/07,
House Passed 2/2/07, CS

HB 301 Dogfighting; prohibit; punishments; amend provisions Read 1st 2/8/07,
Read 2nd 2/9/07, Judy NC

[HB 418 Wild animal licenses; water buffalo; add exemption](#) by Reps. Maxwell, Maddox, Benton, England, and McCall to amend Code Section 27-5-5 of the Official Code of Georgia Annotated, relating to wild animals for which licenses or permits are required, so as to add an exemption for water buffalo; to repeal conflicting laws; and for other purposes.

Read 1st 2/14/07, Read 2nd 2/15/07, GF&P

SB 16 Animal Fighting Act; change certain provisions (PF) Read 1st 1/10/07,
Recommitted 1/22/07,
withdrawn from Judy,
committed to A&CA

5. AGRICULTURE

HB 248 State sales & use tax; certain fuels; dairy prod.; prov. exemption Read 1st 2/1/07,
Read 2nd 2/2/07, W&M

[HB 453 Farm owners; agritourism activities; provide limited liability](#) by Reps. Hill, England, Roberts, McCall, and Royal to amend Chapter 14 of Title 2 of the Official Code of Georgia Annotated, relating to sale of agricultural and forest products, so as to provide limited liability for owners and operators of farms offering agritourism activities under certain circumstances; to provide for legislative findings; to provide for definitions; to provide for warnings and notices; to amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, so as to provide for acts relating to agritourism which shall not constitute a breach of a conservation use covenant; to repeal

conflicting laws; and for other purposes.

*Read 1st 2/14/07, Read 2nd
2/15/07, W&M*

SB 101 Agricultural Facilities; redefine a term

Read 1st 2/2/07, AG&CA

[SB 165 Agricultural Commodity Commissions; ratification of commissions; change certain provisions](#)

by Senator Bulloch to amend Article 2 of Chapter 8 of Title 2 of the Official Code of Georgia Annotated, relating to agricultural commodity commissions generally, so as to change certain provisions relating to ratification of commissions, governance by said chapter, and balloting to determine continued existence; to provide an effective date; to repeal conflicting laws; and for other purposes.

Read 1st 2/14/07, AG&CA

[SB 176 State Forestry Commission; reports to General Assembly; change certain provisions](#)

By Sens. Tolleson, Hill, Grant, Bulloch and Williams to amend Part 1 of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating to the State Forestry Commission, so as to change certain provisions relating to reports to the General Assembly; to repeal conflicting laws; and for other purposes.

6. DEVELOPMENT, PLANNING & LAND USE

HB 2	Annexation of territory; establish state policy; prov.	<i>Read 1st 1/10/07, Read 2nd 1/11/07, GAff</i>
HB 33	Metropolitan area planning and dev. commissions	<i>Read 1st 1/9/07, Read 2nd 1/10/07, GAff</i>
HB 36	Landowners; annexation into adjoining co., change prov.	<i>Read 1st 1/10/07, Read 2nd 1/11/07, GAff</i>
HB 46	Annexation of prop.; rezoning; objections to land use; prov.	<i>Read 1st 1/11/07, Read 2nd 1/22/07, Judy</i>
HB 70	Metropolitan North Georgia Water Planning District Act	<i>Read 1st 1/22/07, Read 2nd 1/23/07, NR&E</i>
HB 78	Bona fide conservation use property; additional acts	<i>Read 1st 1/22/07, Read 2nd 1/23/07, W&M</i>
HB 109	County and municipality; consolidation; provisions	<i>Read 1st 1/23/07, Read 2nd 1/24/07, GAff</i>
HB 123	Municipal territory; deannexation; change certain prov.	<i>Read 1st 1/24/07, Read 2nd 1/25/07, Judy</i>
HB 177	Historic sites; initial inves; state archeologist; notice; req.	<i>Read 1st 1/26/07, Read 2nd 1/29/07, NR&E</i>
HB 198	Income tax credit; certain businesses; biotechnology; provide	<i>Read 1st 1/30/07, Read 2nd 1/31/07, W&M</i>
HB 214	Jekyll Island - State Park Auth.; renewal of prop. lease; prov.	<i>Read 1st 1/31/07, Read 2nd 2/1/07, SI&P</i>
HB 232	Georgia Dev. Impact Fee Act; change definitions; prov.	<i>Read 1st 1/31/07, Read 2nd 2/1/07, GAff</i>
HB 237	Sales & use tax; water poll. elim. mach. exempt...	<i>Read 1st 1/31/07, Read 2nd 2/1/07, W&M</i>
HB 258	DCA; planning procedures; public hearings; provide	<i>Read 1st 2/1/07 Read 2nd 2/2/07, SP&CA</i>

HB 275	Municip. incorp; Gen. Assembly local Acts; prov. reqs.	Read 1st 2/2/07, Read 2nd 2/8/07, GAff
HB 306	Municipal corporations; annexations of territory; provisions	Read 1st 2/8/07, Read 2nd 2/9/07, Judy
HB 321	Bona fide conservation use property; assessment; change certain eligibility requirements	Read 1st 2/9/07, Read 2nd 2/10/07, W&M

[HB 346 Joint authorities; members; successor nominations; provisions](#) by Rep. Jenkins to amend Code Section 36-62-5.1 of the Official Code of Georgia Annotated, relating to joint authorities, so as to provide that no resolution creating and activating a joint authority shall authorize authority members or directors to nominate or appoint their successors in office; to repeal conflicting laws; and for other purposes.

*Read 1st 2/10/07, Read 2nd
2/12/07, SP&CA*

[HB 421 Ad valorem tax; bona fide conservation use property; change certain provisions](#) by Reps. Buckner, Crawford, Benfield, Epps, and Jamieson to amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to ad valorem tax treatment of bona fide conservation use property, so as to change certain provisions relating to acreage limits; to change certain provisions relating to eligible property owners; to provide for certain conditions that shall not constitute a breach of covenant; to provide for a contingent effective date; to provide for contingent automatic repeal; to repeal conflicting laws; and for other purposes.

*Read 1st 2/14/07, Read 2nd
2/15/07, W&M*

[HB 430 Property; railroads; provisions](#) by Reps. Ralston, Roberts, Hatfield, and Crawford to amend Title 44 of the Official Code of Georgia Annotated, relating to property, so as to clarify the scope of the provisions applicable to the acquisition of title to land by adverse possession, the acquisition of easements and private ways through prescription, and the acquisition of land by railroad corporations or railroad companies; to exclude property of a railroad corporation or railroad company from the type of property by which these methods of acquiring property are applicable; to provide for legislative findings and purpose; to provide for statutory construction; to amend Article 2 of Chapter 4 of Title 24 of the Official Code of Georgia Annotated, relating to presumptions and estoppel, so as to provide that occupancy of a railroad right of way is by permission; to amend Code Section 46-8-100 of the Official Code of Georgia Annotated, relating to the general powers of railroad companies, so as to provide that issues arising as to the dimensions of property acquired by a railroad corporation or railroad company prior to 1913 shall be determined by reference to the official map filed with the Interstate Commerce Commission pursuant to the Railroad Valuation Act of March 1, 1913; to provide for each railroad corporation and railroad company to record such official map in the superior court in which the land is situated; to provide for courts to take judicial notice of the information on such official map that has been properly filed and recorded; to provide for related matters; to repeal conflicting laws; and for other purposes.

*Read 1st 2/14/07, Read 2nd
2/15/07, Judy*

[HB 445 Bona fide conservation use property; buffers adjacent to rivers; change certain provisions](#) by Rep. Royal to amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to current use assessment for bona fide conservation use property, residential transitional property, application procedures, penalties for breach of covenant, classification on tax digest, and annual report,

[HB 471 Local government; privately constructed water systems; requiring ownership transfer; prohibit](#) by Reps. Stephens, McCall, and Rynders to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, municipal corporations, and other government entities, so as to prohibit local governments from requiring transfer of the ownership of privately constructed water or sewage systems under certain conditions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HR 48 Motor fuel taxes; jet fuel; funds from sales & use; prov. Read 1st 1/23/07,
Read 2nd 1/24/07, W&M

[SB 179 Campaign Contributions; persons acting on behalf of a public utility; Public Service Commission; repeal the prohibition](#) by Sens. Staton, Powell, Unterman, Hudgens, Murphy and others to amend Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to campaign contributions, so as to repeal the prohibition against persons acting on behalf of a public utility regulated by the Public Service Commission contributing to political campaigns; to prohibit public utilities regulated by the Public Service Commission from contributing to Public Service Commission candidates or campaign committees for such candidates; to prohibit electric membership corporations from contributing to political campaigns; to provide for related matters; to repeal conflicting laws; and for other purposes.

[SB 180 Guaranteed Energy Cost Savings Act; to authorize governmental units to enter into guaranteed energy cost savings contracts](#) by Senator Carter to amend Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to contracts for public works, so as to enact the "Guaranteed Energy Cost Savings Act"; to define certain terms; to authorize governmental units to enter into guaranteed energy cost savings contracts; to provide for bid proposal procedures; to establish standards and procedures for awarding of guaranteed energy cost savings contracts; to impose certain requirements on qualified providers of energy cost saving measures; to provide for related matters; to repeal conflicting laws; and for other purposes.

8. ENVIRONMENTAL HEALTH, POLLUTION & POLICY

HB 42	Coastal Marshlands Protection Act; exempt...private docks	Read 1st 1/11/07, Read 2nd 1/22/07, NR&E
HB 54	Water resources; surface & ground water; permits; chg prov.	Read 1st 1/11/07, Read 2nd 1/22/07, NR&E
HB 55	Water resources; river basins; protection; provisions	Read 1st 1/11/07, Read 2nd 1/22/07, NR&E
HB 68	Coastal Marshlands Protection Act; exempt certain private docks	Read 1st 1/22/07, Read 2nd 1/23/07, NR&E
HB 217	County boards of health; soil reports; modify standards	Read 1st 1/31/07, Read 2nd 2/1/07, NR&E

[HB 392 Special license plates; The Garden Club of Georgia, Inc.; provide](#) by Reps. Powell, Burkhalter, Harbin, Porter, , and others to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige and special license plates, so as to provide a special license plate honoring The Garden Club of Georgia, Inc.; to provide that a portion of the funds generated by the sale of such special license plate be disbursed to The Garden Club of Georgia, Inc.; to repeal conflicting

laws; and for other purposes.

*Read 1st 2/13/07, Read 2nd
2/14/07, MotV*

[HB 399 Natural Resources, Department of; qualified soil scientists; reports; provide](#) by Reps. Davis and Lunsford to amend Article 1 of Chapter 2 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to the Department of Natural Resources, so as to provide that evaluations and reports of qualified soil scientists shall be accepted by the Department of Natural Resources for certain purposes; to define certain terms; to amend Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Human Resources, so as to provide that evaluations and reports of qualified soil scientists shall be accepted by the Department of Human Resources for certain purposes; to define certain terms; to repeal conflicting laws; and for other purposes.

*Read 1st 2/13/07, Read 2nd
2/14/07, NR&E*

[HB 463 Soil erosion and sedimentation; exemptions; change certain provisions](#) by Reps. McCall, Powell, Burns, Roberts, Lunsford, and others to amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to control of soil erosion and sedimentation, so as to change certain provisions relating to exemptions from said chapter; to change certain provisions relating to education and training requirements relative to said chapter, required programs, instructor qualifications, and expiration of certification; to provide an effective date; to repeal conflicting laws; and for other purposes.

Read 1st 2/15/07, NR&E

HR 51	Coastal salt marshlands; urge Bd of Nat. Res. to protect	Read 1st 1/23/07, Read 2nd 1/24/07, NR&E
HR 56	U.S. A.C.O.E.; raising full pool for Lake Lanier; urge to study	Read 1st 1/24/07, Read 2nd 1/25/07, NR&E, Comm. Fav. Rpt. 2/2/07, CS, Third Read 2/9/07, Passed/Adopted 2/9/07, CS
SB 69	River Basin Protection Act; reg. interbasin trans. of water; in-stream flow policy	Read 1st 1/29/07
SB 116	State Forestry Comm.; qual. of the dir.; change prov.	Read 1st 2/9/07, NR&E

10. PARKS & RECREATION

HB 29	Hunting and fishing licenses; exception for nonresidents 65+	Read 1st 1/10/07, Read 2nd 1/11/07, GF&P
HB 81	Salt water fishing; charter fishing guide and pier fishing licenses;	Read 1st 1/22/07, Read 2nd 1/23/07, GF&P, Comm. Fav. Rpt. 1/30/07, Read 3rd 2/2/07, House Passed 2/2/07
HB 100	Shrimp and shrimping; revise various provisions	Read 1st 1/23/07, Read 2nd 1/24/07, Comm Fav. Rpt. 1/30/07, GF&P, Read 3rd 2/8/07, House Passed 2/8/07

HB 142	Nongame species; taking of; add	Read 1st (Sen.) 2/8/07, NR&E Read 1st 1/24/07, Read 2nd 1/25/07, GF&P
HB 239	Bd of Nat. Res.; rules; game & fish crim. violations...	Read 1st 1/31/07, Read 2nd 2/1/07, GF&P, Fav. Rpt. 2/13/07

[HB 466 Game and fish; certain deer management programs; permits; provide](#) by Reps. Maddox, Morris, Roberts, Floyd, Shaw, and others to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to change certain provisions relating to license, permit, tag, and stamp fees; to provide for permits for quality deer management programs on privately owned tracts of land; to provide requirements for such programs; to change certain provisions relating to unlawful enticement of game; to repeal conflicting laws; and for other purposes. *Read 1st 2/15/07, GF&P*

SB 3	Hunting; provide for veterans' lifetime sportman's license; fees	Read 1st 1/10/07, NR&E
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11. TRANSPORTATION

HB 161	Right of way acq.; additional method; definitions; prov.	Read 1st 1/25/07, Read 2nd 1/26/07, W&M
HB 173	Sales & use tax; local option; trans.; special districts; prov.	Read 1st 1/25/07 Read 2nd 1/26/07, W&M
HB 192	Department of Transportation; contracts; provisions.	Read 1st 1/30/07 Read 2nd 1/31/07, Trans, Comm. Fav. Rpt. 2/8/07, Recom. to Trans 2/14/07, Fav Rpt. by Sub.
HB 268	Georgia Rail Passenger Authority; certain article; repeal	Read 1st 2/2/07, Read 2nd 2/8/07, Trans
HB 269	Commuter rail project; app. funding; provide referendum	Read 1st 2/2/07, Trans Read 2nd 2/8/07, Trans
HB 307	Income tax credit; personal mass trans. exp.; provide	Read 1st 2/8/07, Read 2nd 2/9/07, W&M

[HB 434 Regional sales and use tax; transportation; provisions](#) by Reps. Martin, Royal, Burns, Benfield, Fludd, and others to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for a regional sales and use tax for transportation; to provide for definitions; to provide for the levy and collection of such tax; to provide for procedures, conditions, and limitations; to provide for expenditure of proceeds; to provide for collection and administration; to provide for powers, duties, and authority of the state revenue commissioner; to amend Part 1 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to the Georgia State Road and Tollway Authority, so as to provide for a Georgia Regional Transportation Fund to finance transportation projects; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes. *Read 1st 2/14/07, Read 2nd 2/15/07, W&M*

[HB 442 Sales and use tax; transportation; state-wide 1 percent tax; provide](#) by Reps. Smith and Floyd to amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxation, so as to provide for a state-wide 1 percent sales tax for transportation purposes; to provide that the implementation of the tax shall be contingent upon referendum approval by the voters of the state; to provide for submission to the voters of the projects to be funded by the tax; to provide for imposition and administration of the tax if approved by the voters; to provide for all related matters; to repeal conflicting laws; and for other purposes.

Read 1st 2/14/07, Read 2nd 2/15/07, W&M

SB 19 Transportation, Department of; pay costs of removal, relocation, Read 1st 1/9/07,
adj. of utility facilities necessitated by construction of public roads TRANS Comm.
Fav. Rpt. 1/24/07, Read 2nd
1/25/07, Read 3rd 1/26/07
Senate Passed 1/26/07
House Read 1st 1/29/07,
Read 2nd 1/30/07, Trans

12. KEY

S or H – before a committee means Senate or House

A&CA – Agriculture & Consumer Affairs

ECD – Economic Development

EDU – Education

Gaff – Governmental Affairs

GF&P – Game, Fish & Parks

H&HS – Health & Human Services

JUDY – Judicial (Senate)

JudyC – Judicial Civil (House)

JudyNc – Judicial Non-Civil (House)

MotV – Motor Vehicles

NR&E – Natural Resources & Environment

RI&Util – Regulated Industries & Utilities

TRANS – Transportation

W&M – Ways & Means

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