

Capitol Forestry Report

Georgia Forestry Association

March 3, 2006



2006 GFA Legislative Breakfast: House Speaker **Glenn Richardson (I)** addresses the gathering of GFA members and state lawmakers on February 15 in Atlanta. At right, GFA Executive Vice President Steve McWilliams poses as “King for a Day” with Little Miss Georgia Forestry **Crystal Mock (I)** and Tiny Miss Georgia Forestry **Caley Driggers** at the State Capitol.

With only 14 legislative days remaining in the 2006 legislative session, critical day 30 – *crossover day* - is fast approaching. Crossover day marks the deadline for a bill to clear its chamber of origin in order to be considered by the other legislative body. It appears at this time that the deadline for moving bills across will be March 13 or 14. The pace now becomes frantic as legislators, legislative leadership and the administration push to keep their proposals alive.

Several proposals have been introduced this year with the aim of promoting the utilization of bio-fuels and renewable energy sources in Georgia. One significant step in that direction is HB 1018, introduced by Representative **Jeff Lewis** (R-Cartersville) to exempt from sales tax “biomass” material used in the production of energy “which is subsequently sold”. The bill is intended to provide an inducement to a particular group of investors seeking to locate a biomass energy production facility in southwest Georgia. In other energy news, Governor **Sonny Perdue** on Wednesday, March 1 officially kicked off a process to develop a statewide energy strategy for Georgia. You may participate in and monitor this initiative by logging on to www.georgiaenergyplan.org.

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New CUA Bill Addresses Activity in Buffer Areas
CUVA ‘Clean Up’ Legislation Dropped
Manufacturers Energy Sales Tax Break Not Moving
Timber Buyer Bond Bill Appears Lost
Constitutional Amendment Proposed To Cap Property Taxes
Adoption of LEED Silver Standard Proposed

Below are some of the issues in which GFA is actively engaged.

CUVA BILL MAY THREATEN HARVESTING IN BUFFERS

A bill – **SB 604** - introduced earlier this week by State Senator **Seth Harp** (R-Midland) might jeopardize CUVA enrollment of property owners who allow 'land disturbing activity' in buffer zones 'established by law or local ordinance' and 'which....remain in their natural, undisturbed state of vegetation'. GFA will clarify the author's intent and seek to protect forestry activities such as harvesting and thinning and the utilization of land for plantations. A hearing on the bill is scheduled for 8:30am on Tuesday, March 7 in the Senate Natural Resources and Environment Committee chaired by Senator **Ross Tolleson** (R-Perry).

ACTION: *Contact your State Senators to express your concern about the potential impact of this legislation on traditional forestry activities. Here is the link to SB 604 for your review:*

http://www.legis.state.ga.us/legis/2005_06/fulltext/sb604.htm

BILL ATTEMPTS TO SIMPLIFY AND REMOVE OBSTACLES TO CUVA ENROLLMENT

Representative **Richard Royal** (D-Camilla) has introduced **HB 1502** aimed at improving the CUVA process for forest landowners by giving the Revenue Commissioner greater authority to direct the activity of local assessor offices by regulation. HB 1502 also strengthens the qualifications for tax assessors and enumerates requirements for training and certification of assessors.

ACTION: *Contact your members of the House of Representatives and seek their support for HB 1502. Link below:*

http://www.legis.state.ga.us/legis/2005_06/fulltext/hb1502.htm

SALES TAX RELIEF FOR MANUFACTURERS AGAINST THE WALL

HB 209 & HB 1110 – Next week is critical for these bills that would initially provide relief from the recent rise in energy prices (HB 1110) and long-term remove the sales tax altogether (HB 209). The Georgia Forestry Association is part of a manufacturers' coalition seeking to keep these bills moving, pointing out that the entire forestry economy in the state is dependent on strong, competitive forest product manufacturers. If the bills do not receive a hearing before the full House Ways & Means Committee next week they will die. A W & M subcommittee has already approved the bills unanimously.

HB 1110 would cap the sales tax on natural gas and other energy sources at the average rates in place December 31, 2004 until 2009 when HB 209 would kick in

removing the sales tax totally by phase-in over four years. Forty states currently exempt manufacturers from sales tax on energy purchases.

ACTION: *Contact House members now to ask their support in getting a hearing before the Ways & Means Committee as soon as possible. Particularly important contacts: Rep. Larry O'Neal (R-Warner Robins), Rep. Chuck Martin (R-Alpharetta), Rep. Ron Stephens (R-Savannah) and Rep. Jay Roberts (R-Ocilla).*

http://www.legis.state.ga.us/legis/2005_06/fulltext/hb209.htm
http://www.legis.state.ga.us/legis/2005_06/fulltext/hb1110.htm

TIMBER PURCHASE BONDING BILL LIKELY DEAD THIS YEAR

Introduced by State Senator **Bill Heath** (R-Bremen), **Senate Bill 329** would require that timber purchasers obtain a \$100,000 surety bond to cover instances of failure to pay for timber, fraudulent practices, etc. The Georgia Forestry Commission would be charged with the responsibility to administer this new bond program. It appears at this time that the legislation will not survive the full committee process in the Senate, but it will likely resurface in 2007.

http://www.legis.state.ga.us/legis/2005_06/fulltext/sb329.htm

CONSTITUTIONAL AMENDMENT WOULD CAP PROPERTY TAX INCREASES AT 3%

HR 162, sponsored by several urban Republicans in the House, proposes a constitutional amendment (in an election year!) that would give voters the opportunity to say whether they would like the rate of increase in their property taxes capped at no more than 3% per year or 9% over any three year period. The controversial proposal seems to be picking up steam and many believe it has a good chance of passage.

http://www.legis.state.ga.us/legis/2005_06/fulltext/hr162.htm

EMINENT DOMAIN BILL WOULD ESTABLISH MORATORIUM

Though negotiations continue to find just the right combination of proposals for an omnibus eminent domain bill, few doubt that before they leave Atlanta legislators will place significant restrictions on the use of eminent domain. Numerous bills have been introduced with everyone, and especially Governor Sonny Perdue, wanting to claim some credit for protecting the property rights of Georgia citizens. A substitute to HB 1313, the Governor's bill, cleared the House Judiciary Committee on March 1. The link is provided below:

http://www.legis.state.ga.us/legis/2005_06/fulltext/hb1313.htm

LEED STANDARD PROPOSED FOR CERTAIN STATE BUILDINGS

State Representative **Brian Thomas** (D-Lilburn) has introduced **HB 1402**, a bill that would require that the LEED Silver Standard be required in certain local school buildings and University System of Georgia buildings. LEED, the acronym for Leadership in Energy and Environmental Design, is promoted by the U S Green Building Council and discriminates against wood in its qualification of materials in several ways, not the least of which is the specification of Forest Stewardship Council (FSC) wood. Wood grown in forests that comply with the Sustainable Forestry Initiative or the American Tree Farm System are not favored by LEED.

http://www.legis.state.ga.us/legis/2005_06/fulltext/hb1402.htm

OTHER LEGISLATION OF INTEREST

HB 998 – State Representative **Tom Graves** (R-Ranger) introduced the NRA-backed HB 998 which would allow those who are legally registered to possess firearms to park in any parking area when the firearm is “lawfully transported or stored” in the owner’s vehicle. The bill, which flies in the face of company policies that for safety purposes prohibit firearms on company property, has been amended such that a company may prohibit firearms on company property as long as the business provides a system for “checking, storing and securing” firearms. The amended bill has been approved by the House Public Safety Committee and awaits action by the full House.

http://www.legis.state.ga.us/legis/2005_06/fulltext/hb998.htm

HB 1107 – Governor Perdue’s conservation initiative to grant income tax credits of up to \$250,000 (individuals) or \$500,000 (corporations) to those who conserve qualified land by selling it to the state or by selling the development rights to it has passed the House and Senate and awaits the Governor’s signature.

http://www.legis.state.ga.us/legis/2005_06/fulltext/hb1107.htm

HB 1135 – This bill introduced by State Representative **Tom McCall** (R-Elberton) would provide a sales tax exemption for “any fuel, when such...is for purposes of powering machinery or equipment used on any farm or forest in the production” of agricultural products.

ACTION: *Contact House members to urge a hearing early next week to increase the chance for this legislation to pass out of the House before ‘crossover day’.*

http://www.legis.state.ga.us/legis/2005_06/fulltext/hb1135.htm

HR 1054 – State Representative **Burke Day** (R-Savannah) is the principal sponsor of this House Resolution 1054 which calls for a constitutional amendment to compensate landowners when their exercise of private property rights has been restricted by government regulations or policies (inverse condemnation). *House Judiciary Committee*

http://www.legis.state.ga.us/legis/2005_06/fulltext/hr1054.htm

HR 1049 – State Representative **Ron Stephens** (R-Savannah) is the main sponsor of House Resolution 1049 which proposes a constitutional amendment that would clear the way for legislation to authorize the same classes of ownership for agricultural preference enrollment as exists now with conservation use. *House Ways & Means Committee*
http://www.legis.state.ga.us/legis/2005_06/fulltext/hr1049.htm

Thanks to State Senator **Ross Tolleson** (R-Perry) and State Representative **Lynn Smith** (R-Newnan) for introducing resolutions in their respective chambers on February 15 declaring the day ***Forestry Day at the Capitol***. I hope as many of you as can will take a moment to drop a note thanking them for this recognition before their colleagues in the Georgia General Assembly. Write them at Georgia State Capitol, Atlanta, GA 30334.

As the session nears and end, the process of moving and stopping legislation gets more dicey and more susceptible to stealth activity that must be monitored closely. While it is not possible to report daily on legislative developments, members are encouraged to contact GFA Executive VP Steve McWilliams through the GFA office with any questions. Meanwhile, follow-up on the action items in this bulletin and stay in touch with your House and Senate delegations, if for no other reason than to let them know you are paying attention to activity at the legislature.

For more information on the Georgia General Assembly, including contact information for your Representative and Senator, visit the Georgia Forestry Association website at www.gfagrow.org and click on Georgia General Assembly under the Links tab, or under the Government Affairs tab you may go to Contact Your Legislator, a particularly helpful resource if you are uncertain of the members in your local legislative delegation.

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