

Capitol Forestry Report

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“Abraham Lincoln did not go to Gettysburg having commissioned a poll to find out what would sell in Gettysburg. There were no people with percentages for him, cautioning him about this group or that group or what they found in exit polls a year earlier. When will we have the courage of Lincoln?” -Robert Coles

We heard much about the 16th President of the United States in the days leading up to the inauguration of our 44th. President Barack Obama has referred to Abraham Lincoln often as a particularly important role model for his own life, and punctuated that point by being sworn into office with the same Bible used by Lincoln more than a century and a half ago.

Closer to home, as we begin the 2009-2010 term of the Georgia General Assembly, we find ourselves much in need of men and women who demonstrate the virtues of President Lincoln – *courage, compassion, vision, sacrifice, selflessness*. This is so for many reasons: The legislature faces the toughest state spending decisions in recent memory. Too much of the focus of key elected officials is on elections still two years away. The desire to cooperate is too often outweighed by the desire to control. Partisanship and political gain too often hold sway over statesmanship and a respect for differing viewpoints and a focus on long term solutions.

This legislative session will seek genuine leaders as few others have. In fact, times like these really define true leaders far more than times of plenty. Consider another oft-used idiom of the English language – “The cream rises to the top”. Keep watch for those whom we have elected to see who will have “the courage of Lincoln”.

Georgia’s State Constitution imposes a maximum of 40 days per year for the regular session of the General Assembly. Five days are now in the books for the 2009 session, and this week lawmakers are in recess to conduct critical budget hearings. Below are listed brief descriptions of some of the more than 300 measures introduced as of Friday, January 16, along with brief summaries of key regulatory issues in which GFA is engaged.

House Resolution 1 (HR 1) by Rep. Ed Lindsey (R-Atlanta) would require property values to be set by sales prices on all types of property and would place a 3% cap on how much assessments could rise in any one year. The measure would require a Constitutional Amendment which could not be placed on the ballot until 2010 and will no doubt attract fierce opposition from local tax officials. More analysis to follow as the issue is debated.

House Resolution 10 by Rep. Billy Mitchell (D-Stone Mountain) would create a joint legislative study committee on the development of clean energy strategies. The resolution calls for Georgia to develop a ‘climate action plan’ and to identify the most cost effective means of reducing greenhouse gases.

House Bill 17 (HB 17) by Rep. Tim Bearden (R-Villa Rica) would abolish the state income tax for corporations after tax year 2010.

House Bill 18 by Rep. Tim Bearden proposes a Constitutional Amendment which, if approved by voters in 2010, would eliminate the property tax on inventories paid by Georgia businesses.

House Bill 46 by Rep. Jay Roberts (R-Ocilla) would ratify Governor Perdue's previous Executive Order exempting certain dyed fuels from state sales tax. The effect of the order would extend through May 31, 2009.

House Bill 75 by Rep. Gerald Greene (D-Cuthbert) would amend Georgia's existing Conservation Use Assessment Valuation (CUVA) statute to ease enrollment restrictions for family limited partnerships.

House Bill 96 by Rep. Austin Scott (R-Tifton) would create the "Georgia Free Enterprise and Antitrust Act of 2009" the purpose of which is stated to be "to maintain and promote economic competition in trade and commerce".

Senate Bill 39/Senate Resolution 44 by Senate Transportation Chairman Jeff Mullis (R-Chickamauga) would allow local governments to determine their transportation priorities and seek voter approval of a 1 percent local option sales tax (SPLOST) to fund them. SB 39 is the enabling legislation detailing how the tax would work. SR 44 is a Constitutional Amendment that would need statewide voter approval in 2010 before the SPLOST could be put into effect. Mullis' initiative is very similar to a transportation funding measure that failed in the waning minutes of the 2008 session. It will likely be opposed by some who would prefer a statewide sales tax increase to fund transportation, namely House Speaker **Glenn Richardson** and Governor **Sonny Perdue**. Some are also questioning the urgency of passage in 2009 when the Constitutional Amendment could not be placed on the ballot until 2010. Expect this to be among the most hotly debated topics of the session.

The following regulatory developments are also occupying GFA's time and attention:

Property Taxes – GFA continues to press the GA Department of Revenue to expedite the rulemaking process to set in place the administrative structure necessary to implement Amendment 1, approved in November by 68% of Georgia voters. Plans now are to adopt an 'emergency rule' which will make an enrollment form available to 'hold the place' of a landowner who may wish to take advantage of the new conservation use program for large forested properties in the 2009 year. The form will not obligate the landowner prior to the permanent rule's adoption but will eliminate the possibility of missing any deadline this year.

Green Building Standards – On January 13, GFA participated in a meeting of the Energy Efficiency and Sustainable Construction (EESC) Task Force established under the GA Department of Community Affairs following the passage last year of Senate Bill 130. SB 130 calls for the development of standards for energy efficient and 'green' construction for state buildings, but insists that such standards "increase the demand for construction materials and furnishings produced in Georgia". Leadership in Energy and Environmental Design" (LEED) standards developed by the U. S. Green Buildings Council have drawn criticism from GFA and others because they favor Forest Stewardship Council (FSC) certified wood over SFI and Tree Farm certified wood common in Georgia. The LEED standards have gained prominence in state construction over the past few years and the EESC Task Force may provide the opportunity for Georgia to adopt policies and procedures that are unique to Georgia and not discriminatory to Georgia products in any way.

Statewide Water Planning - Soon the members of Georgia's thirteen new Regional Water Councils will be named. Nominations from the forestry community were made for each of these Councils. Public comment is now being accepted on the implementation plan for Georgia's statewide water plan. To

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review and comment on the implementation plan and for details on the regional water planning process, log on to www.georgiawaterplanning.org .

EPD Anti-Idling Regulation – A regulation proposed by the Georgia Environmental Protection Division that would have established restrictions on idling times of trucks, including logging trucks, and would have imposed liability on property owners (mills, landowners, etc.) when those restrictions are violated, appears to have slowed from an agency driven ‘warp speed’ pace to a slow crawl after GFA and other stakeholders from various industries over a period of 6 months last year bombarded EPD staff with complaints and concerns about the effectiveness of the rule, the fairness of the liability provisions and even the question of whether the U. S. Environmental Protection Agency even requires such a rule, as EPD has insisted. The Association will continue its active role in the stakeholder process and report on any further developments.

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The focus of this legislative report is not to cover those issues that you are reading about in the general press, but rather to update you on legislation of particular interest to the forestry community.

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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