



GEORGIA FORESTRY ASSOCIATION

# Capitol Forestry Report



## GFA Initiatives get 'thumbs up' from lawmakers

Georgia General Assembly | Week 10 | March 24, 2014

When the Capitol had cleared following the state legislature's midnight adjournment on Thursday, Feb. 20, the Georgia Forestry Association's three major objectives had been passed by both the House and the Senate and now need only the Governor's signature to become law.

The GFA lobbying team is grateful to organizational partners like the Georgia Paper & Forest Products Association, Georgia Farm Bureau, Georgia Association of Manufacturers, Georgia Mining Association, Construction Suppliers Association, Georgia Agribusiness Council and others who supported forestry on specific issues.

The Association also is indebted to a number of legislators who made our success possible, among them Rep. Chuck Williams, R-Watkinsville; Senator Fran Millar, R-Atlanta; Rep. Jay Powell, R-Camilla; Senator Bill Cowser, R-Athens; Rep. Mike Cheokas, R-American; Rep. Wendell Willard, R-Sandy Springs; and, Senator Judson Hill, R-Marietta.

The roles of forestry champions Senator Ross Tolleson, R-Perry, and Rep. Chad Nimmer, R-Blackshear cannot be overstated. Their advice, counsel and behind-the-scenes work was critical to GFA's success during the 2014 session.

Below are summaries of the legislation pursued by GFA, followed by a listing of other legislation of interest to Georgia's forestry community:

### WOOD IN SCHOOLS

**Senate Bill 301**, GFA's initiative to remove a Department of Education ban on the use of wood framing and ordinary wood construction in public school design was passed by the House and the Senate.

**Why this matters:** Removing any barrier to the use of wood grown by Georgia landowners and milled by Georgia manufacturers is good for the forestry economy and the continued sustainability of Georgia's timberland. GFA members should begin talking to local school officials about the new option for school design available to them that could save the local school system significant money while making use of a Georgia grown resource.

### TIMBER SECURITY LAWS STRENGTHENED

**House Bill 790**, GFA's initiative to give the Georgia Forestry Commission the law enforcement authority to investigate, serve warrants and make arrests in timber theft cases passed the House and the Senate. The legislation originated from the House Study Committee on Timber Security that held hearings last year aimed at developing recommendations to modernize state laws related to timber theft and trespass.

**Why this matters:** Many landowners whose timber has been taken without their permission have met with a less than satisfactory response from existing law enforcement processes. Georgia needed to follow the lead of surrounding states and assign a dedicated agency to the investigations involving timber loss. In addition, HB 790 increases the recovery available to victims from single to treble (or three-times) damages; gives landowners tools to shield themselves from liability when conducting timber harvests; requires that mill scale tickets are returned to the seller within 20 days; and, establishes a four-year statute of limitations for filing complaints related to the unauthorized taking of timber.

### PROPERTY TAX APPEAL EQUITY

**House Bill 755**, promoted by GFA and the Georgia Paper & Forest Products Association, makes a number of beneficial changes:

The Forest Land Protection Act (FLPA) passed in 2008 requires that the State reimburse counties for a portion of the revenue lost when property is enrolled in the FLPA property tax program. HB 755 sets up a mechanism wherein counties will reimburse the State when they have received a higher reimbursement from the State than they should.

**Why this matters:** There have been instances in which counties have used inflated property values to increase the reimbursement from the State beyond what they were due. This behavior threatens the integrity of this important tax program for Georgia landowners and could eventually affect the future of the program if allowed to continue.

The bill also puts 'non-homestead' property (manufacturers, commercial businesses, agricultural and other properties) on a more equitable footing with homestead taxpayers when they appeal their property taxes. Most notably it requires that the difference between a disputed tax bill and the previously paid tax bill be put in escrow to guarantee that it is there for the party that prevails in the appeal.

**Why this matters:** There have been instances where taxes have been paid on a current year tax bill that is appealed and when it is later found that the current bill was too high the county has not had the funds available to reimburse the overpayment to the taxpayer. HB 755 provides protection to taxpayers who appeal their valuations.

### STATE FORESTRY COMMISSION RECEIVES BOOST FROM LEGISLATORS

In February, the Georgia Forestry Commission received a much needed boost from the House Appropriations Committee which included \$1.8 million for pay parity. Unfortunately, a requested additional \$1.8 million was not granted by the Senate, but the funding granted was an important step to increase firefighter's salaries to be competitive with current job market rates.

Earlier in the session, GFC also presented information to the Governor's Office and both chambers regarding the \$19.7 million funding gap for fiscal year 2015 for the replacement of firefighting equipment. The House and Senate added \$2,280,000 to the Governor's recommendation of \$3,875,000 which brings the total to \$6,155,000. The additional funding for the replacement of firefighting dozers and tractors will help ensure that the Commission has dependable equipment to respond to wildfires and provide the proper safety to firefighters.

GFC also received \$1,250,000 in 20 year bonds for major repairs and maintenance. This funding allocation helps to address 88 capital repair projects at GFC county units, district offices, and state headquarters. These funding requests have passed both chambers and await the Governor's approval.

## OTHER LEGISLATION OF INTEREST

**Senate Bill 322** amends state law to include poisonous snakes in specific protections of wildlife habitat. Existing law makes it a crime to "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, provided that this Code section shall not apply to poisonous snakes." SB 322 removes this exception and places poisonous snakes under these same protections. **Passed the House and the Senate.**

**House Bill 823** would have exempted materials used in the construction of new pellet mills from sales tax for a limited period of time. HB 823 would have benefited a single company - Enova Energy Group - which has announced that it will construct as many as five pellet mills in south Georgia. The proposed sales tax exemption would extend from July 1, 2014 through June 30, 2016. **The bill passed the House but never received a hearing in the Senate Finance Committee and thus failed.**

**Senate Bill 125** provides that a lawful landowner has no duty of care to trespassers except in the case of willful or wanton (i.e. intentional or reckless) injury. **Passed by both chambers and awaits Governor Deal's signature.**

**House Bill 983** makes amendments to the Georgia Agricultural Tax Exemption (GATE) program, which clarifies eligibility requirements - mainly to attempt to curb alleged abuse of the program. While the bill removes CUVA and FLPA enrollment as a 'sole' qualifier for receiving a GATE card, the remaining qualifications are broad enough that most landowners should have no problem qualifying under another qualifying definition. **Passed both chambers and awaits Governor Deal's signature.**

**House Bill 959** would have called for a statewide referendum to exempt forestry equipment from ad valorem taxes. The bill was introduced too late in the session to be heard and considered by either chamber but will likely resurface in the 2015 session.

**House Bill 757** would have allowed property subject to covenant in CUVA or FLPA to be used for solar generation without constituting a breach to the covenants provided the underlying land is removed at the time of installation from the covenant. **The legislation passed the House but was voted down by the Senate on the final day of the session.**

**Senate Resolution 875** creates a joint House-Senate Property Tax Impact on Education Study Committee. Passed both chambers. **Governor's signature is not required.**

**House Resolution 1724** works toward certification to the Sustainable Forestry Initiative Standard. This is an internationally recognized assurance to the marketplace that timber sources are harvested in an environmentally responsible way. **Adopted by the House.**



## THE MISSION:

The Georgia Forestry Association is the leading advocate for a healthy business and political climate for Georgia's forest environment, forest landowners and forest-based businesses.

*Please join us in our advocacy efforts!*