

ENVIRONMENTAL ISSUES IN THE 2005 GEORGIA LEGISLATURE

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Abstract. The 2005 session of the Georgia General Assembly was historic in a number of ways, including a “New Georgia” Republican leadership of both chambers and in the office of the Governor. For the first time since 1877, the Party of Lincoln now controls two branches of our state government. In addition, legislators were elected in brand-new districts, drawn by a federal court, which resulted in a record number of new members.

Top environmental issues in 2005 related to funding, protection of property values, and open government. The Governor and the legislature did restore some of the solid waste and hazardous waste trust funds to the programs under which they were collected, but the problem of collections exceeding appropriations for those activities persists.

An alternative funding source to support the permitting programs of the state Environmental Protection Division (EPD) through wastewater discharge permit fees (HB 550) was introduced by an impressive bi-partisan list of legislators, but it was not allowed to come to a vote in committee because of resistance from the “regulated community”.

STATE WATER PLANNING

A priority for the Georgia Water Coalition (GWC) in 2005 was to increase funding for the state water plan, authorized in 2004, to a level sufficient to create a comprehensive guide for the management of the state’s vital water resource starting in each river basin. Now 117 member organizations strong, the GWC represents more than 200,000 Georgians.

EPD Director Dr. Carol Couch originally estimated that it would take \$20 million to fund a three-year process and the development of a thorough and comprehensive water plan, based on early input from the people who live and work in Georgia’s river basins. It became evident by late fall 2004 that Governor Perdue and others were not inclined to fund the planning process at that level. Instead, the Governor’s FY05 and 06 budgets included \$540,000 for the plan, which added to last year’s appropriation (\$300,000) represents only \$840,000 of state money to come up with a management plan for Georgia’s 70,000 miles of rivers, lakes, aquifers and estuaries.

ENVIRONMENTAL AND PROPERTY PROTECTION

A growing sensitivity on the part of the general public to abuses of property rights by both governmental and influential private interests has emerged in Georgia and throughout the country. Examples include: a US Supreme Court case to determine if a local government can condemn property and convey it to another private party; a growing number of state legislators from both parties concerned about protecting homes and businesses against developers and corporations; and increasing calls for reform of the use of eminent domain power by utilities and governments.

Three bills in the 2005 session focused attention on property rights issues. Representing a Georgia version of the US Supreme Court case mentioned above, SB 5 resulted in intense public outcry that killed the bill before it was heard in full committee. While HB 218 passed the House, growing public objection to its cloaking all “programs of economic development” in secrecy resulted in its death on the Senate floor.

SB 190 would have removed the rights of citizens to meaningfully appeal environmental permits for facilities and activities that could adversely affect their communities and the value of their property. This bill passed the Senate, amended to give the appearance of fairness by preventing (staying) the permitted work from proceeding for a period of 30 days. The House Natural Resources Committee extended that time to almost 90 days—still too short a time period for complicated environmental cases to be heard.

The GWC won a major legislative victory with the compromise on SB 190 that allows sufficient time for a solid record to be made in an environmental permit appeal—as long as permittees, such as businesses, developers and local governments, do not unnecessarily delay the legal process.

CONCLUSION

The “historic” changes at the General Assembly in 2005 proved to be less significant for environmental issues than perhaps for other areas. A solid bi-partisan, pro-environmental coalition of legislators continues to grow in Georgia, alongside economic and population growth—a

relationship that is not a coincidence. The “historic” change for Georgia’s environment may be in the fact that initiative on these issues is passing from the regulated community to a coalition of homeowners, conservationists, and forward-looking businesses.

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