

_____ offers the following
substitute to HB 279:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding public property, so as to require the state and
3 authorities and instrumentalities of the state which engage in certain development activities
4 to make reasonable efforts to save specimen trees threatened by such activities or to replace
5 such trees with other hardwood trees; to provide for determinations, certifications, and
6 enforcement; to provide for landscape plans to retain or replace other trees; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to
11 general provisions regarding public property, is amended by adding at the end a new Code
12 section to read as follows:

13 "50-16-19.

14 (a) As used in this Code section, the term:

15 (1) 'Building footprint' means the area occupied and defined by the exterior of the
16 building proper.

17 (2) 'Caliper' means the diameter of a tree trunk measured at 12 inches in height above the
18 soil line.

19 (3) 'Conifer tree' means any tree with needle leaves and a woody cone fruit including, but
20 not limited to, pine, juniper, and cedar species.

21 (4) 'Development activity' means the construction of a structure having a building
22 footprint of at least 1,000 square feet or of a parking lot, other than roadway, street, or
23 bridge construction.

24 (5) 'Diameter breast-height' means the measure of a tree trunk at a height of four and
25 one-half feet above the ground. If the tree trunk splits into multiple trunks below four
26 and one-half feet, the measure of the trunk is at its most narrow point beneath the split.

1 (6) 'Hardwood tree' means any tree that is not a conifer tree.

2 (7) 'Parking lot' means an impervious or semipervious surface dedicated to the temporary
3 or long-term parking of vehicles on site.

4 (8) 'Specimen tree' means a hardwood tree having a trunk diameter breast-height of at
5 least 30 inches.

6 (9) 'State' means this state or any authority or instrumentality thereof.

7 (b) If the state engages in any development activity on land containing any specimen tree,
8 reasonable efforts shall be made to save each such tree from removal or destruction by
9 measures including, but not limited to, alternate building design, building location, parking
10 lot layout, parking lot location, and water retention location. If, despite such reasonable
11 efforts, any specimen tree cannot be saved, prior to its removal the state shall obtain from
12 the State Forestry Commission a written determination of the number of specimen trees on
13 the development activity site which cannot be saved; provided, however, that if the State
14 Forestry Commission fails to provide its determination within 30 days after written request
15 then removal may proceed without such determination. Before the building or parking lot
16 may be occupied for its intended purpose, the state must replace each specimen tree which
17 cannot be saved with at least 15 hardwood trees on land adjoining the development activity
18 site, each of which tree has a minimum four-inch caliper and have such replacement
19 certified in writing by the State Forestry Commission; provided, however, that if the State
20 Forestry Commission fails to provide a written certification or written denial of
21 certification within 30 days after written request then occupancy may proceed without such
22 certification.

23 (c) A resident of any county in which the state engages in development activity in violation
24 of subsection (b) of this Code section may bring an action to enjoin any such violation in
25 the superior court of Fulton County or of the county in which the alleged violation occurs.

26 (d) Any project for development activity by the state on or after December 31, 2001, shall
27 be designed in such a manner so as to minimize the loss or destruction of trees on the site
28 of such construction and shall include a landscape plan providing, to the greatest extent
29 practicable, for the retention of trees located on the site, for the replacement of trees lost
30 with trees indigenous to the region, and for the planting of new indigenous trees. This
31 subsection is intended to provide protection for those trees which are not specimen trees
32 protected under subsection (b) of this Code section."

33 SECTION 2.

34 All laws and parts of laws in conflict with this Act are repealed.