

House Bill 279 (FLOOR SUBSTITUTE) (AM)

By: Representative Burkhalter of the 41<sup>st</sup>

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; to provide for landscape  
6 plans to retain or replace other trees; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "50-16-19.

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

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

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

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

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

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

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

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

3 (8) 'Specimen tree' means a hardwood tree having a trunk diameter breast-height of at  
4 least 40 inches.

5 (9) 'State' means State of Georgia.

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

13 (c) If the state engages in any development activity on land containing any specimen tree,  
14 reasonable efforts shall be made to save each such tree from removal or destruction by  
15 measures including, but not limited to, alternate building design, building location, parking  
16 lot layout, parking lot location, and water retention location. If, despite such reasonable  
17 efforts, any specimen tree cannot be saved, prior to its removal the state shall obtain from  
18 the State Forestry Commission a written determination of the number of specimen trees on  
19 the development activity site which cannot be saved; provided, however, that if the State  
20 Forestry Commission fails to provide its determination within 30 days after written request  
21 then removal may proceed without such determination. Before the building or parking lot  
22 may be occupied for its intended purpose, the state shall replace each specimen tree which  
23 cannot be saved with at least ten hardwood trees on land adjoining the development activity  
24 site, each of which tree has a minimum four-inch caliper if there is not enough land to  
25 support 10 trees. The State Forestry Commission will determine the amount of trees to  
26 plant that the site will support."

27 **SECTION 2.**

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