

GEORGIA FORESTRY LAWS

GEORGIA FORESTRY
COMMISSION



GEORGIA FORESTRY LAWS – 2021

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**TITLE 12 - CHAPTER 6 - ARTICLE 1
FOREST RESOURCES**

**PART 1
STATE FORESTRY COMMISSION**

12-6-1. Definitions

As used in this part, the term:

1. "Commission" means the State Forestry Commission.
2. "Director" means the director of the State Forestry Commission.

12-6-2. Creation of State Forestry Commission; members; terms of office; ineligibility of Governor for membership; vacancies; effect of appointment when Senate not in session

- a. There is created and established a State Forestry Commission.
- b. The commission shall be composed of seven members. Four of the members shall be owners, or representatives of owners, of 50 acres or more of forest land within the State of Georgia. Two members shall be manufacturers or processors of forest products, or representatives thereof. One additional member shall be a person other than a member of either such identified group. The members of the commission shall be appointed by the Governor and confirmed by the Senate and shall hold office until their successors are appointed and qualified.
- c. The term of office of all members appointed to the commission shall be for seven years each and until their successors are duly appointed and qualified
- d. The Governor shall not be a member of the commission.
- e. Any vacancy on the commission shall be filled by appointment by the Governor for the unexpired term, subject to confirmation by the Senate. Any appointment, whether for a full term or to fill a vacancy, made when the Senate is not in session shall be effective until the appointment is acted upon by the Senate.

HISTORY: Ga. L. 1921, p. 192, § 1; Ga. L. 1925, p. 199, § 1; Ga. L. 1931, p. 7, § 21; Ga. L. 1937, p. 264, § 9; Ga. L. 1943, p. 180, §§ 1, 3; Ga. L. 1949, p. 1079, §§ 1, 2, 5; Ga. L. 1955, p. 309, §§ 12-14; Ga. L. 2002, p. 1082, § 1.

12-6-3. Chairman; reimbursement of members for expenses; meetings

- a. The commission shall elect a chairman annually.
- b. The members of the commission, including the chairman, shall receive such per diem subsistence allowances for each day of actual attendance at the meetings of the commission, as well as mileage to and from the place of meeting and their respective homes by the nearest practical route, as may be authorized by the commission. The per diem and mileage allowances received shall not exceed those authorized by law for other state commissions and boards. Such per diem and travel expense shall be paid from funds of the commission.

- c. The commission shall meet at such times at the state capitol or at other points as it may determine, and it shall convene in all sessions upon call by the chairman or by a majority of the members of the commission.

HISTORY: Ga. L. 1949, p. 1079, § 6; Ga. L. 1955, p. 309, § 15.

12-6-4. Dismissal of members for failure to attend meetings

If any member of the commission, for any cause, fails to attend three successive meetings of the commission without good and valid cause or excuse or without leave of absence from the chairman his office shall be declared vacant by the commission. The chairman shall notify the Governor of a vacancy on the commission, and the Governor shall fill the vacancy as provided by Code Section 12-6-2.

HISTORY: Ga. L. 1949, p. 1079, § 7; Ga. L. 1955, p. 309, § 16

12-6-5. Powers and duties of commission generally; volunteer services

- a. The commission shall have power and authority:
1. To take all action appropriate to foster, improve, and encourage reforestation;
 2. To engage in research and other projects for the ascertainment and promulgation of better forestry practices;
 3. To offer aid, assistance, and technical advice to landowners relative to the preservation and culture of forests;
 4. To receive gifts or donations made to it and to expend the same under the terms of such gifts or donations;
 5. To conduct and direct fire prevention work and maintain equipment, personnel, and installations for the detection, prevention, and combating thereof;
 6. To publish in print or electronically and distribute the results of its research and investigations;
 7. To cooperate and contract with other agencies and instrumentalities of government, either county, municipal, state, or national, and with private persons or concerns for the advancement of the forests of this state; and
 8. To engage in land conservation projects as provided by Chapter 6A of this title.
- b.
1. The director is authorized to accept the services of individuals without compensation as volunteers for or in aid of fire tower operation, urban tree planting and inventories, seedling deliveries, insect surveys and evaluations, tours and field days, staffing exhibits, facility maintenance, beautification projects, and any other activity in and related to the objectives, powers, duties, and responsibilities of the commission
 2. The director is authorized to provide for reimbursement of volunteers for incidental expenses such as transportation, uniforms, lodging, and subsistence. The director is also authorized to provide general liability coverage and fidelity bond coverage for such volunteers while they are rendering service to or on behalf of the commission.

3. Except as otherwise provided in this Code section, a volunteer shall not be deemed to be a state employee and shall not be subject to the provisions of law relating to state employment including, without limitation, those relating to hours of work, rates of compensation, leave, unemployment compensation, retirement, and state employee benefits.
 4. Volunteers performing work under the terms of this Code section may be authorized by the department to operate state owned vehicles. They may also be treated as employees of the state for the purposes of inclusion in any automobile liability insurance or self-insurance, general liability insurance or self-insurance, or fidelity bond coverage provided by the commission for its employees while operating state owned vehicles.
 5. No volunteer shall be authorized or allowed to enter privately owned or operated lands, facilities, or properties, except for emergency fire fighting purposes, without the express prior written permission of the owner or operator of such privately owned or operated lands, facilities, or properties; provided, however, that such prohibition shall not apply to lands, facilities, or properties leased to the State of Georgia.
- c. The commission shall have the power and authority to create, establish, and operate a program or programs to facilitate, amplify, or supplement the objectives and functions of the commission through the use of volunteer services including, but not limited to, the recruitment, training, and use of volunteers.
- d. The enumeration of specific powers in this Code section shall not be construed as a denial of others not specified in this Code section.

HISTORY: Ga. L. 1921, p. 192, § 4; Ga. L. 1925, p. 199, §§ 3, 5, 6; Ga. L. 1931, p. 7, § 21; Code 1933, §§ 43-201, 43-202, 43-205, 43-206; Ga. L. 1937, p. 264, § 9; Ga. L. 1943, p. 180, §§ 1, 3; Ga. L. 1949, p. 1079, §§ 1, 2, 5; Ga. L. 1955, p. 309, §§ 12, 17; Ga. L. 1993, p. 423, § 1; Ga. L. 2008, p. 90, § 2-2/HB 1176; Ga. L. 2009, p. 745, § 2/SB 97; Ga. L. 2010, p. 838, § 10/SB 388; Ga. L. 2012, p. 446, § 2-7/HB 642.

12-6-5.1. Legislative findings; reforestation incentives program authorized; powers of commission

- a. The General Assembly finds that 433,000 acres of trees were planted in Georgia in 1984, while 640,000 acres were harvested during that year for a net loss of over 200,000 planted acres. The General Assembly further finds that the forest industry is of fundamental importance to the economy of the State of Georgia and that increased reforestation is necessary to meet future demands for forest products and to promote economic development and additional employment opportunities within this state. The General Assembly further finds that many acres of farm land and other open land in Georgia are not currently being used to the best advantage and that a program to provide incentives to encourage reforestation on these lands would be of great benefit to the people of Georgia. The General Assembly further finds that increased reforestation would substantially reduce soil erosion, which continues to be a serious problem in Georgia, and would be of other value in preserving and protecting wildlife and other natural resources of this state. It is determined, therefore, that it is in the interest of the public health, safety,

and welfare and would serve an important public purpose for the State Forestry Commission to establish a reforestation incentives program for the State of Georgia.

- b. In accordance with the findings set forth in subsection (a) of this Code section, the State Forestry Commission is authorized to establish a reforestation incentives program to encourage the planting of trees on lands within this state which are suitable for that purpose but which are currently not being utilized or are not being properly utilized for that purpose. In establishing and maintaining the reforestation incentives program, the commission may:
 - 1. Provide technical advice and assistance on reforestation to landowners and encourage such landowners to participate in the reforestation incentives program;
 - 2. Provide seedlings or equipment to landowners for reforestation purposes pursuant to such terms, conditions, and requirements as the commission shall determine;
 - 3. Define the types of land eligible for participation in the reforestation incentives program and establish limitations on such participation;
 - 4. Define the class or classes of landowners who shall be eligible for participation in the reforestation incentives program; and
 - 5. Provide for any other matters reasonably necessary for the commission to establish and maintain an effective reforestation incentives program.
- c. The powers of the commission provided by this Code section are cumulative of other powers possessed by the commission pursuant to any other provisions of this part or pursuant to any other law and are not in lieu of such other powers.

HISTORY: Code 1981, § 12-6-5.1, enacted by Ga. L. 1986, p. 402, § 1; Ga. L. 2006, p. 72, § 12/SB 465.

12-6-6. Management, conservation, and protection of forest lands; sale of forest products from land managed by commission; production and sale of seedlings

- a. Any other provision of law to the contrary notwithstanding, the State Forestry Commission is authorized to manage, conserve, and protect any forest lands or forest properties belonging to or under the jurisdiction and control of any department, board, commission, bureau, agency, or authority of state government. The State Forestry Commission shall manage such forest lands or forest properties subject to the special needs of the department, board, commission, bureau, agency, or authority and the use of such lands or properties by such department, board, commission, bureau, agency, or authority. Such management shall conform to the principles of sound forest management where consistent with the use of such lands or properties. Management of forest lands or forest properties shall be undertaken by the State Forestry Commission only upon the written request of the department, board, commission, bureau, agency, or authority to which the lands or properties belong or which exercise control and jurisdiction over such lands or properties.

- b. The State Forestry Commission is authorized to sell, contract for the sale of, offer, and accept bids for the sale of timber and other forest products grown or produced on lands subject to the management of the commission under this Code section. Such actions may be taken by the State Forestry Commission without the prior approval of any other department, board, commission, bureau, agency, or authority. The sale of such timber or forest products shall be made in the same manner as the sale of timber or forest products grown or produced on lands belonging to or under the jurisdiction and control of the State Forestry Commission. Any funds derived from the sale of any such timber or forest products shall be paid into the general fund of the state or to the department, board, commission, bureau, agency, or authority to which the forest lands or forest properties belong or which has jurisdiction and control over such lands or properties in the same manner as if such timber or forest products had been sold directly by the department, board, commission, bureau, agency, or authority.
- c. In order to foster, improve, and encourage reforestation and in furtherance of its other duties and powers, the commission is authorized to contract for the production of seedlings, for the purchase of such seedlings for resale to Georgia forest owners or for fulfilling contractual obligations to Georgia forest owners, or for the sale of seedlings to other states and to the United States.
- d. In order to carry out the provisions of subsection (c) of this Code section, the commission is authorized to enter into contracts with other agencies and instrumentalities of the state and local governments of Georgia, with other states, with the United States, with private persons, with corporations, or with other entities. Such actions may be taken by the commission without the prior approval of any other department, board, commission, bureau, agency, or authority of the state. The purchase or sale of such seedlings shall be made in the same manner as the purchase or sale of such seedlings grown or produced on land belonging to or under the jurisdiction and control of the commission.

HISTORY: Ga. L. 1974, p. 458, § 1; Ga. L. 1980, p. 561, § 1; Ga. L. 1981, p. 1385, § 1.

12-6-7. Federal financial aid -- Participation in rural fire prevention and control program; contributions by counties and fire departments

- a. The commission may enter into agreements with the secretary of agriculture of the United States in order to participate in the rural fire prevention and control program authorized by the Cooperative Forestry Assistance Act of 1978, Public Law 95-313.
- b. With respect to the formulation of projects relating to fire protection of livestock, wildlife, crops, pastures, orchards, range land, woodland, farmsteads, or other improvements, and other values in rural areas, for which such federal matching funds are available, any participating county or fire department may contribute to the nonfederal matching share and may also contribute such other nonfederal cooperation as may be deemed necessary by the commission.

HISTORY: Ga. L. 1974, p. 559, § 1.

12-6-8. Federal financial aid -- Expenditure of funds for forest farming and marketing of forest products

The commission shall be the designated agency to expend through the department all federal-aid funds available under the Cooperative Forestry Assistance Act of 1978, Public Law 95-313, for fire prevention and nursery work and for farm forestry or forest farming and nursery work. The commission shall also be the designated agency to expend through the department all other federal funds now in existence or to be created for the purpose of assisting private timber landowners in Georgia in the planting, management, and protection of their forests, and in the marketing of their forest products. All such funds shall be expended through regular Office of Planning and Budget channels, provided that those federal funds that may be appropriated or allocated to the Georgia Cooperative Extension Service under the Cooperative Forestry Assistance Act of 1978, or any other act of Congress, or any other source or allocation of federal funds for the purpose of carrying on agricultural or forestry extension work shall be made available directly to the Georgia Cooperative Extension Service.

HISTORY: Ga. L. 1931, p. 7, § 24; Code 1933, § 43-104; Ga. L. 1937, p. 264, § 9; Ga. L. 1945, p. 390, § 1; Ga. L. 1946, p. 28, § 1; Ga. L. 1955, p. 309, § 27; Ga. L. 1982, p. 3, § 12; Ga. L. 2001, p. 4, § 12.

12-6-9. Acquisition of land; gifts of land for use as lookout tower sites; abandoned tower sites; improvements on land subject to reversionary clause

- a. The commission shall have the right to acquire, in the name of the state, by purchase, lease, agreement, or condemnation, such land within the state as may be deemed necessary and proper. Condemnation proceedings shall be subject to the applicable provisions of law relating to the condemnation of property by the State of Georgia. The acquisition by the commission of any land, either by purchase or by condemnation, shall be construed as transferring a fee simple interest, unless the instrument conveying such interest, or the condemnation petition, clearly indicates otherwise.
- b. The director, provided for in Code Section 12-6-11, is authorized to acquire in the name of the state, where the grantor makes a gift thereof to the state, small tracts of land not in excess of five acres, to be used as forest fire lookout tower sites. Title to such land may be conveyed by deeds containing reversionary clauses. Upon abandonment by the commission of such site after the site is no longer of use to it, the director is authorized to reconvey title by quitclaim deed to the grantor, his successors, or assigns, and the director is authorized to reconvey all tower sites subject to reversionary clauses which sites were acquired by the commission as gifts prior to March 3, 1955. However, in case of any abandonment or reconveyance under this subsection, the commission shall have the unqualified right to remove any improvements or fixtures, either temporary or permanent, placed on such property without regard to whether same would have, under general principles of law, become part of the realty, which right may be exercised any time before or a reasonable time after abandonment.

- c. The director is authorized to improve with funds appropriated to the commission any real estate under its control or management which may be held under a deed containing a reversionary clause conditioned on the discontinuation of use for the purpose for which conveyed.

HISTORY: Ga. L. 1925, p. 199, § 5; Ga. L. 1931, p. 7, § 21; Code 1933, § 43-205; Ga. L. 1937, p. 264, § 9; Ga. L. 1955, p. 309, § 18; Ga. L. 1956, p. 377, § 1; Ga. L. 1963, p. 615, § 1.

12-6-10. Reports to General Assembly

It shall be the duty of the commission, in cooperation with the director provided for in Code Section 12-6-11, to:

1. Annually submit reports to each regular session of the General Assembly together with such information as is necessary to show the condition of the forest resources of the state, with particular reference to the protection, preservation, and propagation of timber growth, and all other matters pertaining to the forest resources, and with recommendations for necessary legislation as to protection, reforestation, and management; and
2. Quinquennially submit reports to the General Assembly verifying the ability of forest resources in this state to meet the needs of the present without compromising the ability to meet the needs of future generations. The first such report shall be due not later than July 1, 2008. The director shall prescribe the manner, procedures, and data necessary to produce such report.

HISTORY: Ga. L. 1925, p. 199, § 3; Ga. L. 1931, p. 7, § 21; Code 1933, § 43-204; Ga. L. 1949, p. 1079, § 10; Ga. L. 1955, p. 309, § 19; Ga. L. 2007, p. 82, § 1/SB 176.

12-6-11. Director -- Appointment; qualifications; salary; reimbursement for expenses; term

The commission shall appoint, by and with the advice and consent of the Governor, a director, who shall be the executive secretary and administrative officer of the commission. When seeking candidates for the position of director, emphasis shall be placed on identifying individuals who hold a Bachelor of Science degree in forestry or who have significant experience in forest management. The director shall receive a salary fixed by the commission plus actual expenses as provided for other state officials and employees and shall hold office at the pleasure of the commission. The present director shall continue to serve until removed by the commission.

HISTORY: Ga. L. 1949, p. 1079, § 8; Ga. L. 1955, p. 309, § 20; Ga. L. 2007, p. 63, § 1/SB 116.

12-6-12. Director -- Duty of director to devote full time to office; power and duty of director to act for commission when commission not in session

The director shall devote his full time to the duties of his office; and when the commission is not in session, the director shall have power, and it shall be his

duty, to act in all matters as fully as the commission is authorized, except in such matters where the approval of the commission is specifically required by this part.

HISTORY: Ga. L. 1949, p. 1079, § 8; Ga. L. 1955, p. 309, § 21.

12-6-13. Director -- Oath; bond; location of office

The director shall take oath of office and give bond in the sum of \$10,000.00 in the usual form required of state officials. The director shall have offices at the site of the state capitol or at such other place as may be recommended by the commission and approved by the Governor. The office of the director shall be the office of the commission.

HISTORY: Ga. L. 1949, p. 1079, § 8; Ga. L. 1955, p. 309, § 22.

12-6-14. Director -- Eligibility of commission members for directorship or for employment under commission or director

No member of the commission during his tenure of office or within two years thereafter shall be eligible for appointment as director or for any employment under the commission or the director.

HISTORY: Ga. L. 1949, p. 1079, § 8; Ga. L. 1955, p. 309, § 23.

12-6-15. Director -- Adoption of rules, regulations, and methods of administration

The director, with the approval of the commission, shall have the power to adopt all rules, regulations, and methods of administration necessary for the efficient operation of the activities of the commission as created and established by this part.

HISTORY: Ga. L. 1949, p. 1079, § 9; Ga. L. 1955, p. 309, § 24.

12-6-16. Director -- Control of tree diseases and insect infestation

- a. Whenever the director or his agents determine that there exists an infestation of forest insect pests or an infection of forest tree diseases, injurious or potentially injurious to the timber or forest trees within the state, and that the infestation or infection is of such a character as to be a menace to the timber or forest growth of the state, the director shall declare the existence of a zone of infestation or infection and shall declare and fix boundaries so as to definitely describe and identify such zone of infestation or infection. The director or his agents shall give notice in writing by mail or otherwise to each forest landowner within the designated control zone advising him of the nature of the infestation or infection and the recommended control measures and offering him technical advice on methods of carrying out controls.
- b. The director shall have the power, by rule or regulation, to declare and define areas of quarantine and to prescribe all needful rules and regulations relating thereto. Any person violating any such rule or regulation shall be guilty of a misdemeanor. The director or any other person is empowered to institute action in his name to enjoin any practice in violation of such rules or regulations, without regard to whether such practices would under general law constitute a nuisance and without regard to whether an adequate remedy

exists at law. The commission or any of its duly authorized agents or anyone acting at their direction shall have authority at all times to enter upon any lands for the purposes of making investigations and otherwise carrying out this Code section, without incurring liability for trespassing.

HISTORY: Ga. L. 1955, p. 309, § 25.

12-6-17. Director -- Regulation of controlled burning where drought or other conditions exist

- a. Whenever in the judgment of the director, because of drought or other conditions, controlled burning of woods, lands, marshes, refuse, or other combustible materials in any county or counties or in any area within a county constitutes an unusual hazard to property, the director may by order, rule, or regulation prohibit the setting on fire of any woods, lands, marshes, refuse, or other combustible materials within any county or counties or within any area within a county, or may permit such burning only upon such conditions and under such regulations as in his judgment are necessary and proper to prevent the destruction of property. Where by rule or regulation the setting on fire of any woods, lands, marshes, refuse, or other combustible material has been prohibited, no person shall set or cause to be set any backfire, except under the direct supervision or permission of a state or federal forest officer, unless it can be established that the setting of such backfire was necessary for the purpose of saving life or valuable property, the burden of proving which shall rest on such person claiming same as a defense. Any order, rule, or regulation promulgated by the director under the authority of this Code section shall have the force and effect of law.
- b. Any person violating a lawful order or regulation promulgated under the authority of this Code section shall be guilty of a misdemeanor.

HISTORY: Ga. L. 1955, p. 309, § 26.

12-6-18. Director -- Expenditure of funds for benefit of lands under commission's control; sale and disposal of products from controlled lands

When lands are acquired or leased under this part, the director, with the approval of the commission, is authorized to make expenditures of funds, not otherwise obligated, for the management, development, and utilization of such areas and to sell and otherwise dispose of the products from such lands.

HISTORY: Ga. L. 1937, p. 264, § 9; Ga. L. 1955, p. 309, § 28.

12-6-19. Director -- Promulgation of rules and regulations as to lands under commission's control; sale, lease, or exchange of controlled lands

The director, with the approval of the commission, is authorized to establish and from time to time alter rules and regulations governing the use, occupancy, and protection of the land and property under the commission's control and to preserve the peace therein. The director, with the approval of the commission, shall have full power and authority to exchange, sell, or lease lands under its jurisdiction when in the judgment of the director and the commission it is advantageous to the state to do so in the highest orderly development and

management of state forests, provided that such lease, sale, or exchange shall not be contrary to the terms of any contract which the commission has entered into.

HISTORY: Ga. L. 1937, p. 264, § 9; Ga. L. 1955, p. 309, § 29.

12-6-20. Investigation and enforcement of forestry laws; powers of forestry investigators

- a. As used in this Code section, the term “forestry laws” means laws relating to forestry or timber resources and the protection, security, conservation, or sale of such resources.
 1. The director, with the approval of the commission, may appoint investigators to enforce the forestry laws of this state.
- b. The investigators so appointed and any fire-fighting crews under their direction may enter upon any land for the purpose of preventing and suppressing fires and enforcing the fire and other forestry laws of this state.
- c. Investigators who have been so appointed shall be certified by the Georgia Peace Officer Standards and Training Council after having successfully completed the course of training required by Chapter 8 of Title 35, the “Georgia Peace Officer Standards and Training Act,” and thereafter shall be authorized and empowered to:
 1. Make summary arrests for violations of the fire and other forestry laws of this state; and, in case of such arrests, the investigator shall as soon as possible deliver the arrested person or persons to the custody of the sheriff of the county wherein the offense was committed;
 2. Arrest persons accused of violating any law which such investigators are empowered to enforce by the issuance of a citation, provided that the offense is committed in the presence of the investigator or information concerning the offense constituting a basis for arrest was received by the arresting investigator from a law enforcement officer, commission firefighter, or forester who observed the offense being committed. The arresting investigator may issue to the accused person a citation which shall enumerate the specific charges against such person and the date upon which such person is to appear and answer such charges. Whenever an arrest is made by the arresting investigator on the basis of information received from another law enforcement officer, commission firefighter, or forester who observed the offense being committed, such citation shall list the name of each officer, firefighter, or forester and each officer, firefighter, or forester shall be present when the charges against the offender are heard;
 3. Execute search warrants and arrest warrants for criminal violations relating to the forestry laws of this state and to arrest, upon probable cause and without warrant, any person the investigator observes violating any criminal law of this state while carrying out his or her duties, provided that such person shall immediately be delivered to the sheriff of the county where the violation occurred; and
 4. Carry weapons in order to execute their enforcement authority under this Code section.

- d. 1. Upon initiating any investigation regarding the potential theft or conversion of timber, the investigator shall promptly notify the sheriff or other law enforcement agency exercising jurisdiction within the county or municipality in which the investigator is conducting such investigation. No investigator shall request any other state law enforcement agency to render assistance in any investigation relating to the theft or conversion of timber without the consent of the sheriff or other law enforcement agency exercising jurisdiction within the county or municipality in which the investigation is conducted.
 2. The director may, and in the case of a request by the Governor shall, authorize and direct investigators to cooperate with and render assistance to any law enforcement agency of this state or of any political subdivision of this state in any criminal case, in the prevention or detection of violations of any law, or in the apprehension or arrest of any person who violates the criminal laws of this state, any other state, or the United States, upon a request by the sheriff or chief law enforcement officer of any political subdivision of this state or by the Governor.
 3. Nothing in this Code section shall repeal, supersede, alter, affect, or otherwise usurp the power of any other law enforcement officer of this state or of any political subdivision of this state.
- e. If any person charged by citation as provided in paragraph (2) of subsection (c) of this Code section shall fail to appear in court as specified in the citation, the judge having jurisdiction of the offense may issue a warrant ordering the apprehension of such person and commanding that he or she be brought before the court to answer the charge contained within such citation and the charge of his or her failure to appear as required. Such person shall then be allowed to make a reasonable bond to appear on a given date before the court.

HISTORY: Ga. L. 1925, p. 199, § 8; Ga. L. 1931, p. 7, § 21; Code 1933, § 43-208; Ga. L. 1937, p. 264, § 9; Ga. L. 1952, p. 211, § 1; Ga. L. 1955, p. 309, § 30; Ga. L. 2008, p. 444, § 1/SB 400; Ga. L. 2009, p. 8, § 12/SB 46; Ga. L. 2014, p. 695, § 2/HB 790.

12-6-21. Uncontrolled fire as constituting a public nuisance; duties and liabilities of person or entity responsible

Any fire burning uncontrolled on any forested or cut-over brush land or grassland is declared to be a public nuisance by reason of its menace to life and property. Any person, firm, or corporation responsible either for the starting or for the existence of such fire is required to control or extinguish it immediately. If such person, firm, or corporation shall refuse or neglect to do so, any organized fire suppression force may suppress the nuisance thus constituted by controlling and extinguishing the fire; and the cost thereof may be recovered from the responsible person, firm, or corporation.

HISTORY: Ga. L. 1937, p. 264, § 9; Ga. L. 1955, p. 309, § 31.

12-6-22. Investigation of tree diseases or insect infestation; notification of landowner; recommendations; effect of landowner's failure to act; disposition of proceeds derived from sale of trees

- a. The commission shall have the authority to enter upon any land on which the commission believes the trees are suffering from an infestation or infection for the purpose of determining whether such infestation or infection exists, the location thereof, and the extent and cause thereof. If an infestation or infection is found to exist by the commission, it shall notify the landowner of such condition and recommend a course of action by the landowner to prevent the spreading of the infestation or disease. If the landowner, within a reasonable period of time following such notification, fails to take action to prevent the spreading of the infestation or disease, then the commission may:
1. Fell and remove infested or diseased trees;
 2. Fell and chemically treat infested or diseased trees;
 3. Chemically treat standing infested or diseased trees; or
 4. Take such other effective control methods as the commission deems appropriate.
- b. Any proceeds derived from any sale of such trees shall be paid to the landowner.

HISTORY: Ga. L. 1974, p. 426, §§ 1, 2.

12-6-22.1. Control of aviation; power of commission

- a. 1. The commission shall be authorized to acquire, operate, maintain, house, and dispose of all state aviation assets assigned to the commission, to provide aviation services and oversight of such state aircraft and aviation operations for the mission of the commission and legitimate state business purposes, to achieve policy objectives through aviation missions, and to provide for the efficient operation of such state aircraft.
2. All aircraft under the custody and control of the Georgia Aviation Authority as of June 30, 2012, which were previously transferred to the authority by the commission and associated parts and equipment and any budgeted operating funds associated with such aircraft shall be transferred on July 1, 2012, back to the custody and control of the commission.
3. Any persons who as of June 30, 2012, were employed by the Georgia Aviation Authority pursuant to previous transfer from the commission to the authority shall be transferred back to the commission on July 1, 2012, and shall no longer be under the administration or direction of the authority.
4. All airfields and appurtenances, including hangars, previously transferred to the Georgia Aviation Authority by the commission and all accounts receivable, budgeted operating funds, other funds, contracts, liabilities, and obligations associated with the aircraft being transferred back to the commission as of July 1, 2012, shall become the property, accounts receivable, budgeted operating funds, other funds, contracts, liabilities, and obligations of the commission on such date.

5. The commission shall be responsible for providing aviation services in support of the mission of the commission. The commission shall be authorized to dispose of any state aircraft assigned to the commission and apply the proceeds derived therefrom to the purchase of replacement aviation assets.
- b. The commission shall have the power to:
1. Hire, organize, and train personnel to operate, maintain, house, purchase, and dispose of aviation assets;
 2. Purchase, lease, maintain, develop, and modify facilities to support aviation assets and operations;
 3. Develop operating, maintenance, safety, security, training, education, and scheduling standards for commission aviation operations and conduct inspections, audits, and other similar oversight to determine practices and compliance with such standards;
 4. Develop an accountability system for commission aviation operations and activities;
 5. Identify the costs associated with training, education, and the purchase, operation, maintenance, and administration of state aircraft assigned to the commission and aviation operations and related facilities;
 6. In conjunction with the Georgia Aviation Authority, develop an appropriate joint billing structure for passenger transportation where the aircraft is designated and operated as a "civil aircraft" under Part 91 of the Federal Aviation Regulations and charge agencies and other state entities for the full variable hourly costs for the operation of each type of aircraft, evaluated annually and adjusted as necessary based upon the price of fuel, maintenance, and other fees that are a direct result of flying the aircraft on that specific trip; provided, however, that any billing to an agency by the commission shall be suspended whenever the Governor declares a state of emergency on any cost associated with aircraft used during and in response to such state of emergency;
 7. Retain appropriate external consulting and auditing expertise;
 8. Engage aviation industry representatives to ensure best practices for commission aviation assets;
 9. Delegate certain powers pursuant to this article to other state entities;
 10. Otherwise implement appropriate and efficient management practices for commission aviation operations; and
 11. Enter into agreements with the Georgia Aviation Authority for mutual use of state airfields and appurtenances, including aircraft hangars.

HISTORY: Code 1981, § 12-6-22.1, enacted by Ga. L. 2012, p. 1082, § 3/SB 339.

Part 1A
TIMBER HARVESTING AND REMOVAL REQUIREMENTS

12-6-23. Scale load ticket required for wood removal; form; exceptions

- a. Any person, company, corporation, or others purchasing timber from lands in Georgia shall, within 20 days of removal of such timber, furnish the seller of timber a scale ticket for each and every load of wood removed, when such load is sold by weight, cord, or measure of board feet. A scale ticket shall include information clearly understandable to the seller as follows:
1. Ticket number;
 2. Name and location of the person or company and its facility where the load of wood is received and weighed or measured;
 3. Date wood was received at such facility;
 4. Tract name;
 5. County and state of origin;
 6. Dealer name (if any);
 7. Producer or logging company name;
 8. Species of wood;
 9. Weight or scale information. If the load is measured by weight, the gross, tare, and net weights shall be shown. If the load is measured by scale, the total volume shall be shown;
 10. Weight, scale, or amount of wood deducted and the deduction classification (cull, undersize, metal, knots, etc.); and
 11. Name of the person receiving, weighing, or scaling the wood.
- b. Subsection (a) of this Code section shall not apply to the following:
1. The sale of wood for firewood only;
 2. Any landowner harvesting and processing his own timber; and
 3. Bulk or lump sum sales wherein the landowner and the purchaser agree on a total price for all of said timber purchased.
- c. Any person, company, or corporation which violates any provision of subsection (a) of this Code section shall be guilty of a misdemeanor

HISTORY: Code 1981, § 12-6-23, enacted by Ga. L. 1985, p. 1077, § 1; Ga. L. 1986, p. 402, § 2; Ga. L. 2002, p. 1126, § 1; Ga. L. 2014, p. 695, § 3/HB 790.

12-6-24. Notice of timber harvesting operations; standing timber notification website; rules and regulations; bonds and letters of credit

- a. 1. A county governing authority may by ordinance or resolution require all persons or firms harvesting standing timber in any unincorporated area of such county for delivery as pulpwood, logs, poles, posts, or wood

chips to any woodyard or processing plant located inside or outside this state to provide notice of such harvesting operations to the county governing authority of the designated agent thereof prior to entering onto the property if possible, but in no event later than 24 hours after entering onto the property. Further, such persons shall give notice of cessation of cutting within 24 hours after the job is completed.

2. A municipal governing authority may by ordinance or resolution require all persons or firms harvesting standing timber in any incorporated area of such municipality for delivery as pulpwood, logs, poles, or wood chips to any woodyard or processing plant located inside or outside this state to provide notice of such harvesting operations to the municipal governing authority or the designated agent thereof prior to entering onto the property if possible, but in no event later than 24 hours after entering onto the property. Further, such persons shall give notice of cessation of cutting within 24 hours after the job is completed.
- b. Any ordinance or resolution adopted pursuant to subsection (a) of this Code section shall conform to and shall not exceed the following requirements:
1. Prior written notice shall be required of any person or firm harvesting such timber for each separate tract to be harvested thereby, shall be made only in such form as prescribed by rule or regulation of the director, and shall be limited to the following:
 - A. A map of the area which identifies the location of the tract to be harvested and, as to those trucks which will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such tract from a public road and, if different, the main point of egress from such tract to a public road;
 - B. A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation under Code Section 48-5-7.5;
 - C. The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest; and
 - D. The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber;
 2. Notice may be submitted in person, by transmission of an electronic record via telefacsimile, email, or such other means as approved by the governing authority, or by mail;
 3.
 - A. Effective October 1, 2020, the State Forestry Commission shall commence construction of a website to provide a state-wide notification platform for persons or firms harvesting standing timber to utilize as a uniform system of notification to local governing authorities.
 - B. Following an initial notification by the State Forestry Commission that the website is operational, utilization of the website by local

governing authorities and persons or firms harvesting standing timber will be optional.

- C. No later than the first day of the nineteenth month following such initial notification, the State Forestry Commission shall provide a subsequent notification of a date upon which utilization of such website shall be mandatory for local governing authorities and persons or firms harvesting standing timber. On and after that date, notification procedures under paragraph (2) of this subsection shall cease and notification of harvesting of standing timber shall be conducted solely through such website.
 - D. The director of the State Forestry Commission shall promulgate such rules and regulations as are reasonable and necessary for purposes of designing, implementing, and enforcing utilization of such website;
4. A. The governing authority may require persons or firms subject to such notice requirement to deliver a bond or letter of credit as provided by this subparagraph, in which case notice shall not be or remain effective for such harvesting operations unless and until the person or firm providing such notice has delivered to the governing authority or its designated agent a valid surety bond, executed by a surety corporation authorized to transact business in this state, protecting the county or municipality, as applicable, against any damage caused by such person or firm in an amount specified by the governing authority not exceeding \$5,000.00 or, at the option of the person or firm harvesting timber, a valid irrevocable letter of credit issued by a bank or savings and loan association, as defined in Code Section 7-1-4, in the amount of and in lieu of such bond. Such bonds or letters of credit shall be subject to the conditions set forth in subparagraph (D) of this paragraph. Each county or municipality shall require no more than one bond from each person or firm harvesting timber regardless of the number of tracts harvested in such county or municipality by each such person or firm so long as the bond remains in effect. For purposes of this subparagraph, any such surety bond or letter of credit shall be valid only the calendar year in which delivered.
- B. Such bond or letter of credit shall protect the county or municipality against any damage requiring re-ditching or repair of existing ditch structure or the removal of any harvesting residue, including tree tops, debris logs, pulpwood, and other materials, placed in or around rights of way caused by such person or firm tendering the bond or letter of credit, and the proceeds of such bond or letter of credit shall be available to reimburse the county or municipality for any cost incurred to repair such damages in or around county or municipal rights of way. The proceeds of such bond or letter of credit shall also be available to reimburse the county or municipality for any cost incurred to maintain or repair county or municipal roads damaged by the ingress or egress of motor vehicles engaged in harvest operations located within 500 feet of any point of ingress or egress of the timber harvesting operation. The right of a county or municipality to call such bond or letter of credit in accordance with the provisions of this Code section

shall be in addition to any other remedies available to such county or municipality at law or in equity for damage to county or municipal roads or rights of way.

- C. When damage results from a person or firm's harvesting activities, the governing authority shall make a written claim to the person or firm causing the damage within 30 business days after the governing authority becomes aware of the damage. Such claim may be given in person, by transmission of an electronic record via telefacsimile or email, or by mail. Such claim shall describe the damage in detail and give the person or firm the opportunity to repair such damage within 30 days of the notification. The county or municipality shall be authorized to repair the damage immediately if the governing authority determines the conditions present a threat to public safety, health, or welfare and, upon making such repairs, shall present to the person or firm an itemized list of expenses incurred as a claim against the responsible party and the issuer of its bond or letter of credit. If the damage in question has not been repaired by or on behalf of the person or firm, then the governing authority shall be authorized to call such bond or letter of credit for payment of any cost the county or municipality incurs or will incur to repair such damages, and additional remedies set forth in this paragraph shall remain available. Within 30 days of the receipt of the written notification from the county or municipality required by this subparagraph, the person or firm may:
- i. Repair such damage at their own expense with the approval and supervision of the governing authority. When repairs are completed to the satisfaction of the governing authority, the governing authority shall provide the person or firm with written notification of such satisfactory completion within five business days;
 - ii. In the event of inclement weather or other factors preventing repair of the damage, request a 30 day extension to repair the damage from the governing authority, provided that no such extension shall exceed 90 days. Approval of such extensions shall be in the discretion of the governing authority; or
 - iii. Appeal any adverse decision of the governing authority to the magistrate court of the county in which the damage occurred. The magistrate court will hear arguments within 30 days of the written appeal and render a ruling within ten days of such hearing. Any such appeal shall toll the 30 day period, or any extension thereof, provided for in subparagraph (C) of this paragraph. Should the person or firm receive a favorable ruling from the magistrate court, the governing authority shall have no claim against the bond or letter of credit. Should the person or firm in question receive an unfavorable ruling from the magistrate court, the governing authority shall be authorized to call the bond or letter of credit for reimbursement, not to exceed the bond or letter of credit amount, of costs incurred in repairing the damage.
- D. If a person or firm tendering the bond or letter of credit, or any agent, employee, or contractor of such person or firm, causes a bond or

letter of credit to be revoked, then a valid replacement bond or letter of credit shall be obtained by the person or firm and delivered to the governing authority, or the designated agent thereof, no later than the close of business five business days after the date of revocation of the prior bond or letter of credit. The governing authority shall be authorized to increase such bond or letter of credit by \$2,500.00 after each instance of revocation of a bond or letter of credit, provided that the total bond amount shall not exceed \$10,000.00 as to any original bond or letter of credit;

5. Notice shall be effective for such harvesting operation on such tract within such unincorporated area of the county or incorporated area of the municipality upon receipt of the same by the applicable governing authority or its designated agent and, if applicable, compliance with the requirements of paragraph (4) of this subsection and until such time as the person or firm giving such notice has completed the harvesting operation for such tract; provided, however, that any subsequent change in the facts required to be provided for purposes of such notice shall be reported to the governing authority or its designated agent within three business days after such change;
 6. Notice requirements shall be applicable to any such timber harvested on or after the effective date of the ordinance or resolution adopted pursuant to this Code section; and
 7. Violation of the notice requirements of any ordinance or resolution adopted pursuant to this Code section shall be punishable by a fine not exceeding \$1,500.00 for each violation.
- c. The director shall promulgate such rules and regulations as are reasonable and necessary for purposes of the standard form required by paragraph (1) of subsection (b) of this Code section.
 - d. Any municipal governing authority or designated agent thereof which receives a notice required by ordinance or resolution adopted pursuant to this Code section regarding timber harvesting operations to be conducted in whole or in part within the corporate limits of such municipality shall transmit a copy of such notice to the governing authority of the county or the designated agent thereof.
 - e.
 1. No county, municipality, or other political subdivision in this state shall require any person or firm harvesting standing timber therein for delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing plant located inside or outside this state to provide any notice of or plan or security for such harvesting or hauling of forest products except as provided by this Code section.
 2. No county, municipality, or other political subdivision in this state shall require any person or firm harvesting standing timber therein for delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing plant located inside or outside this state to obtain any permit for such harvesting or hauling of forest products, including without limitation any permit for any new driveway in connection with timber harvesting operations; provided, however, that this paragraph shall not

otherwise limit the authority of a county or municipality to regulate roads or streets under its jurisdiction in accordance with Title 32.

3. The provisions of paragraphs (1) and (2) of this subsection shall not preclude counties, municipalities, and other political subdivisions from enacting and enforcing tree ordinances, landscape ordinances, or streamside buffer ordinances; provided, however, such ordinances shall not apply to timber harvesting as described in subparagraph (A) of paragraph (4) of this subsection or in unzoned tracts as described in subparagraph (B) of paragraph (4) of this subsection.
4. A. The limitations on the regulatory authority of counties, municipalities, or other political subdivisions provided by paragraphs (1), (2), and (3) of this subsection shall apply only to timber harvesting operations which qualify as forestry land management practices or agricultural operations under Code Section 12-7-17, not incidental to development, on tracts which are zoned for or used for forestry, silvicultural, or agricultural purposes.

B. The limitations on the regulatory authority of counties, municipalities, or other political subdivisions provided by paragraphs (1), (2), and (3) of this subsection shall also apply to tracts which are unzoned.
5. No county or municipality shall require a fee of any kind for receiving a notification of a timber harvest.

HISTORY: Code 1981, § 12-6-24, enacted by Ga. L. 2002, p. 1126, § 1; Ga. L. 2003, p. 578, § 1; Ga. L. 2015, p. 879, § 1/ HB 199; Ga. L. 2020, p. 250, § 1/ HB 897.

PART 2 PRACTICE OF PROFESSIONAL FORESTRY

12-6-40. Legislative purpose

It is the purpose of this part to protect the public by improving the standards relative to the practice of professional forestry.

HISTORY: Ga. L. 1951, p. 581, § 1; Ga. L. 1959, p. 161, § 1.

12-6-41. Definitions

As used in this part, the term:

1. “Board” means the State Board of Registration for Foresters provided for by this part.
2. “Professional forestry” or “practice of professional forestry” means any professional service relating to forestry, such as investigation, evaluation, development of forest management plans or responsible supervision of forest management, forest protection, silviculture, forest utilization, forest economics, or other forestry activities in connection with any public or private lands, provided that forestry instructional and educational activities shall be exempted. The board shall issue licenses only to those applicants who meet the requirements of this Code section, provided that no person shall be eligible for registration

as a registered forester who is not of good character and reputation; provided, further, that employees of the state and federal governments assisting farmers in agricultural programs shall be exempt from this part.

3. "Registered forester" means a person who has registered and qualified under this part to engage in professional forestry practices as defined in this Code section.

HISTORY: Ga. L. 1951, p. 581, § 2; Ga. L. 1959, p. 161, § 2; Ga. L. 1988, p. 953, § 1.

12-6-42. State Board of Registration for Foresters -- Creation; appointment of members; certificate of appointment; oath; term of office

- a. A State Board of Registration for Foresters is created whose duty it shall be to administer this part.
- b. The board shall consist of five foresters who shall be selected and appointed by the Governor and who shall have the qualifications required by Code Section 12-6-43.
- c. In addition to the five members provided for in subsection (b) of this Code section, the board shall consist of a sixth member who shall be appointed by the Governor from the public at large and who shall have no connection whatsoever with the practice of professional forestry. The initial term of appointment for the additional member provided for by this subsection shall expire June 30, 1985; thereafter, the Governor shall appoint successors for terms of five years each.
- d. Every member of the board shall receive a certificate of his appointment from the Governor and before beginning his term of office shall file with the Secretary of State his written oath or affirmation for the faithful discharge of his official duty.
- e. The five members of the board shall be appointed for terms of five years. On the expiration of the term of any member of the board, the Governor shall in the manner provided in this Code section appoint for a term of five years a registered forester having the qualifications required by Code Section 12-6-43 to take the place of the member whose term on the board is expiring. Each member shall hold office until the expiration of the term for which that member is appointed or until a successor shall have been duly appointed and shall have qualified.

HISTORY: Ga. L. 1951, p. 581, § 3; Ga. L. 1980, p. 54, § 1; Ga. L. 1988, p. 953, § 2; Ga. L. 1992, p. 6, § 12.

12-6-43. State Board of Registration for Foresters -- Qualifications of members

Each member of the board shall be a citizen of the United States and a resident of Georgia and shall have been engaged in the practice of forestry for at least ten years, provided that only the citizenship and residency requirements of this Code section shall apply to the member appointed pursuant to subsection (c) of Code Section 12-6-42.

HISTORY: Ga. L. 1951, p. 581, § 4; Ga. L. 1988, p. 953, § 3.

12-6-44. State Board of Registration for Foresters -- Compensation of members

Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

HISTORY: Ga. L. 1951, p. 581, § 5.

12-6-45. State Board of Registration for Foresters -- Removal of members; vacancies

The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty. Vacancies in the membership of the board shall be filled for the unexpired term by appointment only as provided in this part.

HISTORY: Ga. L. 1951, p. 581, § 6.

12-6-46. State Board of Registration for Foresters -- Meetings; officers

The board shall hold meetings as necessary. The board shall elect or appoint annually a chairman and a vice-chairman. The division director of the professional licensing boards division, as provided in Chapter 1 of Title 43, shall serve as secretary of the board in the same manner as provided by Code Sections 43-1-1 and 43-1-2.

HISTORY: Ga. L. 1951, p. 581, § 7; Ga. L. 1988, p. 953, § 4; Ga. L. 2000, p. 1706, § 20; Ga. L. 2001, p. 4, § 12.

12-6-47. State Board of Registration for Foresters -- Rules and regulations; seal

- a. The board shall have the power to promulgate rules and regulations, not inconsistent with the Constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the regulation of the proceedings before it.
- b. The board shall adopt and have an official seal.

HISTORY: Ga. L. 1951, p. 581, § 8; Ga. L. 1959, p. 161, § 3; Ga. L. 1988, p. 953, § 5.

12-6-48. State Board of Registration for Foresters -- Record of proceedings

The board shall keep a record of its proceedings. The records of the board shall be prima-facie evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

HISTORY: Ga. L. 1951, p. 581, § 10; Ga. L. 1988, p. 953, § 6.

12-6-49. Qualifications and requirements for registered foresters

- a. The minimum qualifications and requirements for registration as a registered forester shall be as follows:
 1. Graduation with a baccalaureate degree from a school, college, or department of forestry approved by the board, passage of a board

approved examination after graduation, and a specific record of an additional two years' or more experience in forestry work of a character satisfactory to the board indicating that the applicant is competent to practice forestry. Such two years' experience need not be obtained on lands owned, leased, rented, or held by the applicant or by any person, corporation, agency, entity, or institution by which such applicant is employed, so long as the applicant works under supervision of a registered forester or under other supervision acceptable to the board; or

2. Graduation from a school of forestry not approved by the board or completion of a curriculum approved by the board in which the applicant has acquired a minimum of 40 quarter hours' credit, or its equivalent, in forestry subjects, provided that such applicant may be licensed only after acquiring two years' experience of a character satisfactory to the board and under the supervision of a registered forester or under other supervision acceptable to the board, and only after passing a board approved examination; provided, however, that an applicant who graduates on or after July 1, 1993, from a school of forestry not approved by the board or who, on or after July 1, 1993, completes a curriculum approved by the board in which the applicant has acquired a minimum of 40 quarter hours' credit, or its equivalent, in forestry subjects, may be licensed only after completing three years' experience of a character satisfactory to the board and under the supervision of a registered forester or under other supervision acceptable to the board and only after passing a board approved examination.
- b. The board shall issue licenses only to those applicants who meet the requirements of this Code section, provided that no person shall be eligible for registration as a registered forester who is not of good moral character and reputation.
- c. It shall be the duty of the board by rule or regulation to define "supervision" and "experience" as used in this part, and in so doing the board shall consider and give effect to the directness, immediacy, scope, extent, quality, and constancy of such supervision, and, as to experience, the nature, quality, and extent thereof.

HISTORY: Ga. L. 1951, p. 581, § 12; Ga. L. 1959, p. 161, § 4; Ga. L. 1989, p. 352, § 1; Ga. L. 1993, p. 481, § 1.

12-6-49.1. Denial or suspension of license for noncompliance with child support order

- a. As used in this Code section, the term:
 1. "Agency" means the agency within the Department of Human Services which is responsible for enforcing orders for child support pursuant to Article 1 of Chapter 11 of Title 19, the "Child Support Recovery Act."
 2. "Compliance with an order for child support" means, as set forth in a court order, administrative order, or contempt order for child support, the obligor is not more than 60 calendar days in arrears in making payments in full for current support, periodic payments on a support arrearage, or periodic payments on a reimbursement for public assistance.

3. “Proof of compliance” means the notice of release issued by the agency or a court of competent jurisdiction stating that the delinquent obligor is in compliance with an order for child support.
- b. The board shall suspend, as provided for in Code Sections 19-6-28.1 and 19-11-9.3, the license of any registered forester upon receipt of a record from the agency or a court of competent jurisdiction stating that such licensee is not in compliance with an order for child support.
- c. The board shall deny the application or renewal, as provided for in Code Sections 19-6-28.1 and 19-11-9.3, of any applicant or licensee upon receipt of a record that such applicant or licensee is not in compliance with an order for child support from the agency or court of competent jurisdiction.
- d. Notwithstanding any other provisions of law, the hearings and appeals procedures provided for in Code Section 19-6-28.1 or 19-11-9.3, where applicable, shall be the only such procedures required to suspend a license or deny the issuance or renewal of an application for a license under this part.

HISTORY: Code 1981, § 12-6-49.1, enacted by Ga. L. 1996, p. 453, § 4; Ga. L. 2009, p. 453, § 2-2/HB 228.

12-6-49.2. Suspension of registered forester license; borrowers in default

- a. As used in this Code section, the term:
 1. “Agency” means the Georgia Higher Education Assistance Corporation created in Code Section 20-3-263 which is responsible for administering a program of guaranteed educational loans to eligible students and eligible parents known as the Georgia Higher Education Loan Program.
 2. “Borrower” means an individual who borrowed a guaranteed educational loan under the Georgia Higher Education Loan Program.
 3. “Default” means default as defined by federal law under the Higher Education Act of 1965.
 4. “Satisfactory repayment status” means the borrower has agreed to repay the defaulted loan to the agency and has made a payment in the most recent prior 60 days.
- b. The board shall not suspend the license of any registered forester because he or she is a borrower in default who is not in satisfactory repayment status as determined by the agency or who has been certified by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program.
- c. The board shall not deny the application for renewal of any applicant or licensee because he or she is a borrower in default who is not in satisfactory repayment status as determined by the agency or who has been certified by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program.

HISTORY: Code 1981, § 12-6-49.2, enacted by Ga. L. 1998, p. 1094, § 5; Ga. L. 2019, p. 462, § 1-5/SB 214.

12-6-50. Applications for registration; fee

- a. Applications for registration shall be made on forms prescribed and furnished by the board; shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work; and shall contain not fewer than five references, of whom three or more shall be registered foresters having personal or professional knowledge of the applicant's forestry experience.
- b. The registration fee for a license as a registered forester shall be an amount established by the board. Should the board deny the issuance of a license to any applicant, the initial fee deposited shall be retained by the board as an application fee.

HISTORY: Ga. L. 1951, p. 581, § 13; Ga. L. 1993, p. 481, § 2.

12-6-51. Examinations

When written examinations are required, they shall be held at such time and place as the division director of the professional licensing boards division, as provided in Chapter 1 of Title 43, shall determine. The methods of procedure shall be prescribed by the division director of the professional licensing boards division, as provided in Chapter 1 of Title 43. A candidate failing on examination may apply for reexamination in the manner provided for by the division director of the professional licensing boards division, as provided in Chapter 1 of Title 43. Subsequent examination will be granted upon payment of a fee to be determined by the board.

HISTORY: Ga. L. 1951, p. 581, § 14; Ga. L. 2000, p. 1706, § 20; Ga. L. 2001, p. 4, § 12.

12-6-52. Licenses -- Issuance generally; endorsement by registrant of plans, maps, specifications, and reports issued by registrant

The board shall issue a license upon payment of a registration fee as provided for in this part to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this part. The issuance of a license by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered forester while the license remains unrevoked or unexpired. Plans, maps, specifications, and reports issued by a registrant shall be endorsed with his name and license number during the life of the registrant's license.

HISTORY: Ga. L. 1951, p. 581, § 15; Ga. L. 1988, p. 953, § 7.

12-6-53. Licenses -- Eligibility of foresters with 12 years' experience

Reserved. Repealed by Ga. L. 1988, p. 953, § 8, effective July 1, 1988

12-6-54. Licenses -- Reciprocity for nonresidents

- a. Any person who is licensed as a registered forester under the laws of another state may be licensed and registered under the laws of Georgia by

reciprocity without having to qualify under the other provisions of this part, subject to the following conditions:

1. That the requirements and qualifications for licensing and registration under the laws of the state in which such person is licensed are substantially equivalent to those of Georgia, such substantial equivalency to be determined by the board; and
 2. That such state permits licensing of foresters registered in Georgia on terms substantially equivalent to those of this Code section, such substantial equivalency to be determined by the board.
- b. Notwithstanding the foregoing provisions of this Code section, the board may decline to license by reciprocity any person on an individual basis where the board determines that such applicant does not possess good character or has been guilty of fraud in making application under the laws of Georgia or of any other state, or where the board determines by examination or otherwise that such applicant is not in fact qualified to become licensed as a registered forester.
- c. Any person desiring to become registered under this Code section shall make application under oath on blanks to be furnished by the board, shall accompany such application with the same fee required for licensing and registration under Code Section 12-6-50, and shall cause to be sent to the board a certificate from the proper authority of the state under which such person is already registered certifying thereto.
- d. Any license issued under this Code section shall be subject to all provisions of this part governing expiration, renewal, renewal fees, revocation, and any and all other provisions of law governing or relating to registered foresters.

HISTORY: Ga. L. 1951, p. 581, § 18; Ga. L. 1959, p. 161, § 6; Ga. L. 1982, p. 3, § 12; Ga. L. 1993, p. 481, § 3

12-6-55. Licenses -- Only individuals may be licensed

Registration shall be determined upon a basis of individual personal qualifications. No firm, company, partnership, or corporation can be licensed.

HISTORY: Ga. L. 1951, p. 581, § 17.

12-6-56. Licenses -- Expiration and renewal generally; continuing forestry education requirement

- a. Licenses shall be valid for up to two years and shall be renewable biennially on the renewal date established by the division director of the professional licensing boards division, as provided in Chapter 1 of Title 43.
- b. The board shall require persons who are licensed under this part to complete not less than six hours and not more than 20 hours of continuing forestry education as a condition of license renewal. The board shall be authorized to approve continuing forestry education courses offered by professional organizations, institutions of higher learning, qualified individuals, or specialty societies. In addition, the board shall be authorized to approve credit for meetings, presentations, or other activities considered by the board to be a form of continuing education.

- c. The board shall be authorized to waive the continuing forestry education requirement in cases of hardship or illness.
- d. The board shall be authorized to promulgate rules and regulations to ensure compliance with the requirements of this Code section.

HISTORY: Ga. L. 1951, p. 581, § 16; Ga. L. 1956, p. 691, § 2; Ga. L. 1957, p. 169, § 1; Ga. L. 1958, p. 656, § 1; Ga. L. 1989, p. 352, § 2; Ga. L. 2000, p. 1706, § 20.

12-6-57. State Board of Registration for Foresters -- Denial or revocation of license; discipline of licensee; code of ethics

The board shall have the authority to refuse to grant a license to an applicant, to revoke the license of a person licensed by the board, or to discipline a person licensed by the board upon a finding by a majority of the board that the licensee or applicant has violated the provisions of Code Section 43-1-19. The board shall have the authority to adopt, by regulation, a code of professional ethics for foresters and thereby define unethical conduct or practice by applicants or licensees of the board for purposes of Code Section 43-1-19.

HISTORY: Ga. L. 1951, p. 581, § 19; Ga. L. 1988, p. 953, § 9; Ga. L. 1998, p. 183, § 1.

12-6-58. State Board of Registration for Foresters -- Duplicate license for lost, destroyed, or mutilated license

A duplicate license to replace any lost, destroyed, or mutilated license may be issued, subject to the rules of the board, upon payment of a fee established by the board.

HISTORY: Ga. L. 1964, p. 409, § 1; Ga. L. 1988, p. 953, § 10.

12-6-59. Receipts and disbursements

Reserved. Repealed by Ga. L. 1988, p. 953, § 11, effective July 1, 1988.

12-6-60. Injunctive relief

In addition to any other remedy or criminal prosecution, whenever it shall appear to the board that any person, firm, company, partnership, association, or corporation, or their agents, officers, or directors, is or has been holding himself, itself, or themselves out to the public as a registered forester when not so registered, the board may, on its own motion or on the verified complaint in writing of any person, file an equitable petition in its own name in the superior court in any county of this state having jurisdiction of the parties, alleging the facts and praying for a temporary restraining order, a temporary injunction, or a permanent injunction against such person, firm, company, partnership, association, or corporation, or their agents, officers, and directors, restraining him, it, or them from violating such law. Upon proof of the facts as alleged, the court shall issue such restraining order, temporary injunction, or permanent injunction without requiring allegation or proof that the petitioner therefor has no adequate remedy at law.

HISTORY: Ga. L. 1964, p. 409, § 3.

12-6-61. Prohibited acts

- a. No person shall use in connection with his name or otherwise assume, use, or advertise any title or description tending directly or indirectly to convey the impression that he is a registered forester without first having been licensed and registered as a registered forester as provided in this part.
- b. Except as specifically authorized under this part, no person shall engage in the practice of professional forestry, as defined in this part, or in any manner advertise or hold himself out as engaged in such practice without first being licensed as a registered forester under this part.
- c. Notwithstanding subsection (b) of this Code section or any other provisions of this part, nothing in this part shall be construed as preventing or prohibiting any person from managing or otherwise conducting forestry practices on land owned, leased, rented, or held by such person; nor shall anything in this part prohibit any regular employee or official of any person, corporation, agency, institution, or other entity from engaging in professional or other forestry practices on lands owned, leased, rented, or held by such person, corporation, agency, or other entity; nor shall anything in this part prohibit any graduate of a school of forestry from practicing forestry under supervision as authorized in Code Section 12-6-49 so as to qualify for licensing as provided in that Code section.

HISTORY: Ga. L. 1951, p. 581, § 1; Ga. L. 1959, p. 161, § 1.

12-6-62. Penalty; authority to prefer charges; immunity of person bringing charges from liability; duty to enforce part; legal assistance by Attorney General

- a. Any person, firm, or partnership violating any provision of this part shall be guilty of a misdemeanor.
- b. Any person who:
 - 1. Refuses upon request to surrender to the board or any duly authorized agent thereof any license held by such person;
 - 2. Presents or attempts to use as his own the license of another;
 - 3. Gives any false or forged evidence of any kind to the board or any member thereof in obtaining a license;
 - 4. Attempts to use an expired or revoked license; or
 - 5. Endorses any documents with his name and license number as provided in Code Section 12-6-52 after the license of the registrant named thereon has expired or has been revoked, unless the license has been renewed or reissued, shall be guilty of a misdemeanor.
- c. Any registered forester who endorses any plan, specification, estimate, or map without having actually prepared such plan, specification, estimate, or map or without having been in the actual charge of the preparation thereof shall be guilty of a misdemeanor.
- d. The board or such person or persons as may be designated by the board to act in its stead is empowered to prefer charges for any of the violations of this

part in any court of competent jurisdiction. Where reasonable ground existed to believe or suspect the guilt of the accused, such person bringing charges shall be immune from liability in damages or otherwise, notwithstanding that the accused was acquitted thereof.

- e. It shall be the duty of all duly constituted officers of the law of this state or of any political subdivision thereof to enforce the provisions of this part and to prosecute any persons, firms, or partnerships violating the same. The Attorney General of the state and his assistants shall act as legal advisor to the board and render such legal assistance as may be necessary in carrying out this part.

HISTORY: Ga. L. 1951, p. 581, §§ 15, 20; Ga. L. 1959, p. 161, § 5.

12-6-63. Termination

Repealed by Ga. L. 1992, p. 3137, § 41, effective July 1, 1992.

PART 3 FOREST FIRE PREVENTION AND CONTROL

12-6-80. Short title

This part shall be known and may be cited as the “Georgia Forest Fire Protection Act.”

HISTORY: Ga. L. 1949, p. 937, § 1; Ga. L. 1996, p. 6, § 12.

12-6-81. Legislative purpose

The General Assembly, recognizing that the forest lands and resources of the state are a natural resource of great economic value to the citizens of the state, comprising two-thirds of the state’s area, or 24 million acres, and giving employment to over 177,000 Georgia citizens and bringing to the state a \$19.5 billion economic impact; that uncontrolled forest fires threaten not only lands on which they occur, but also the health of the lands and the citizens of the state; that the present and potential production of forest products are materially menaced and reduced through recurring uncontrolled forest fires, thereby resulting in loss to owners of forest lands, industries, workers, and communities; that it is of vital importance to the state to protect and develop forest lands for the continuous production of forest products; and that this cannot be accomplished without organized and coordinated state-wide protection, declares that protection against uncontrolled fire and preservation of the forest lands and forest resources of the state are essential for the economic welfare of the state and its people and further declares that prescribed burning is an effective method of reducing fuel loads and the potential hazards and impact associated with uncontrolled fires.

HISTORY: Ga. L. 1949, p. 937, § 2; Ga. L. 2000, p. 1285, § 1.

12-6-82. Definitions

As used in this part, the term:

1. “Forest fire” means any fire burning uncontrolled on any forest land covered

wholly or in part by timber, brush, grass, or other flammable material.

2. "Forest lands" means all lands which are situated outside of corporate limits and which have enough forest growth, either standing or down, or have sufficient flammable debris or grass, to constitute, in the judgment of the State Forestry Commission, a menace to such lands or adjoining lands

HISTORY: Ga. L. 1949, p. 937, §§ 7, 8.

12-6-83. Direction and supervision by State Forestry Commission of forest fire protection work; making and enforcing rules and regulations

All forest fire protection work shall be under the direction and supervision of the State Forestry Commission, through the director of the commission, subject to this part and the laws of this state relative to forestry and forest fire prevention and suppression. The commission shall have power to make and enforce all rules and regulations necessary for the administration of forest fire protection.

HISTORY: Ga. L. 1925, p. 199, § 3; Ga. L. 1931, p. 7, § 21; Code 1933, § 43-206; Ga. L. 1949, p. 937, § 4.

12-6-84. Entry upon land for fire-prevention purposes or investigations

The members of the State Forestry Commission and any of its authorized agents or anyone acting at their direction shall have the right at any or all times to go upon any land for the purpose of preventing, controlling, or suppressing forest fires, as defined in Code Section 12-6-82, or for the purpose of making investigations, without incurring liability for trespassing.

HISTORY: Ga. L. 1949, p. 937, § 13; Ga. L. 1955, p. 309, § 33.

12-6-85. Fire protection units

The State Forestry Commission shall divide the state into fire protection units which will provide efficient and economical fire protection within the unit area. Such units will comprise one or more counties or portions of counties.

HISTORY: Ga. L. 1949, p. 937, § 9.

12-6-86. Unit forestry boards -- Creation; appointment; qualifications; terms of office; vacancies; service by members without compensation

- a. In the discretion of the State Forestry Commission, there may be set up in each fire protection unit a board to be known as the unit forestry board, consisting of five members who shall be appointed by the State Forestry Commission.
- b. The State Forestry Commission shall determine the number of members from each county within the fire protection unit to be appointed to the board in accordance with the percentage of forest land acreage for each county within the unit.
- c. The members of the board shall be residents of the county from which they are appointed and shall be owners of forest land or representatives of such owners. Change of residence from the county shall terminate the

appointment.

- d. The initial term of the members of all of the unit forestry boards shall be one member for one year, one member for two years, one member for three years, one member for four years, and one member for five years, each member holding office until his successor is appointed. After the expiration of the first term, one member shall be appointed annually for a term of five years.
- e. In case of a vacancy on the unit forestry board by reason of death, resignation, or otherwise, such vacancy shall be filled for the unexpired term in the same manner as provided for the appointment of members thereof.
- f. The members of the unit forestry boards shall serve without compensation

HISTORY: Ga. L. 1949, p. 937, § 10; Ga. L. 1955, p. 309, § 36.

12-6-87. Unit forestry boards -- Duties

The duties of the unit forestry board shall be to assist in the efficient performance of this part and in the general conduct of the forestry program in the fire protection unit.

HISTORY: Ga. L. 1949, p. 937, § 11.

12-6-88. Unit forestry boards -- Annual forest fire protection plans appropriation of funds for public information campaign

The State Forestry Commission shall prepare for each unit forestry board a plan for forest fire protection for the fiscal year and shall present such plan at a meeting of the board prior to July 1 of each year. It is the intent of the General Assembly that funds be appropriated to the State Forestry Commission each year to provide a public information campaign as provided in Code Section 12-6-149 and for prescribed fire training throughout the state.

HISTORY: Ga. L. 1949, p. 937, § 12; Ga. L. 2000, p. 1285, § 2.

12-6-89. "Extreme forest fire emergency" defined; authority of Governor, forestry investigators, and peace officers in emergency; advice by director to Governor as to existence of emergency

- a. As used in this Code section, "extreme forest fire emergency" means a condition whereby forest fires within the state are of such number, size, severity, and intensity that they cannot be controlled by the existing facilities of the State Forestry Commission and are endangering life and property.
- b. The Governor shall have authority to declare and determine the existence and termination of such emergency and, by order, rule, or regulation, to prohibit hunting, fishing, camping, or picnicking in any woods or lands of the state, or to prohibit the entering of such woods or lands for any other purposes which might cause a fire hazard or endanger the life or property of any person within such area. The Governor may direct and commandeer all state agencies and personnel to assist the State Forestry Commission in such emergency by executive order.

- c. Forestry investigators and any and all other peace officers of this state, or of any county or municipality thereof, shall have authority to make arrests for violation of any order, rule, or regulation made pursuant to a declaration of extreme forest fire emergency. Any person who violates any such order, rule, or regulation shall be guilty of a misdemeanor.
- d. The director of the State Forestry Commission will notify the Governor from time to time what situation, in his judgment, constitutes an extreme forest fire emergency.

HISTORY: Ga. L. 1949, p. 968; Ga. L. 1955, p. 309, §§ 37, 38; Ga. L. 1959, p. 72, § 2.

12-6-90. Permit required for burning woods, lands, marshes, or other flammable vegetation; exceptions

- a. Except as provided in subsections (b) and (c) of this Code section, any person, firm, corporation, or association lawfully entitled to burn any woods, lands, marshes, or any other flammable vegetation, whether in cultivated or uncultivated areas, shall prior to such burning obtain a permit therefor from the forest ranger of the county wherein such burning is to be made or from another employee of the forestry unit serving such county who is authorized by the chief forester of such unit to grant such permits. An applicant for a permit shall provide the county forest ranger or other authorized employee of the forestry unit serving the county with the location and the recommended time of the proposed burn. Such information may be provided and the permit may be obtained by a telephone call to the county forest ranger or to another authorized employee of the forestry unit serving the county. The permit shall be given by providing the applicant therefor with a permit number which will grant permission for a controlled burn to take place at the location specified by the applicant at a time approved by the county forest ranger or by the other authorized employee of the forestry unit serving the county.
- b. It shall not be necessary to obtain a permit otherwise required by subsection (a) of this Code section if a sudden emergency requires a firing in order to render one's premises safe. In any prosecution under this Code section, a necessary firing in a sudden emergency shall constitute an affirmative defense, but the burden of proving such necessity shall rest upon the person asserting it as a defense.
- c.
 - 1. It shall not be necessary to obtain a permit otherwise required by subsection (a) of this Code section to burn improved pastures, residue on cultivated crop land if the person, firm, corporation, or association intending to burn such residue shall, prior to such burning, give notice of the approximate time and location thereof to the forest ranger of the county wherein such burning is to be made or to an employee of the forestry unit serving such county who is authorized to grant permits under subsection (a) of this Code section.
 - 2. Unless otherwise provided by local ordinance, or where prohibited by general law or regulation, it shall not be necessary to obtain a permit otherwise required by subsection (a) of this Code section to burn leaf piles, yard debris, or hand-piled natural vegetation on the premises at which they occur, provided that the:

- A. Burning takes place between the official sunrise and the official sunset for the location where the burning is taking place;
 - B. Location of the burning is no less than 25 feet from any woodlands, forestland, and/or open field that contains brush, grass, or other flammable material;
 - C. Location of the burning is no less than 50 feet from any structure, including outbuildings, sheds, barns, and homes;
 - D. Person responsible shall attend the burning at all times until completely extinguished and there is no risk for the burning to escape control;
 - E. Person responsible shall take necessary precautions to prevent escape or spread from the original location; and
 - F. Person responsible shall be liable for any resulting damage to adjacent properties.
- d. The notice or permit required by this Code section shall be in addition to any other notice or permit or other requirement for burning provided for by law or by ordinance, resolution, or regulation of any county or municipality of this state; provided, however, that no additional restrictions provided by local ordinance shall prohibit burning the understory for the health of the forest and wildlife or prohibit the landowner's ability to reduce fuel loads on the forest floor for the safety of the community; provided, further, that the foregoing exception shall not apply to the burning of leaf or brush piles not necessary to accomplish the purposes of prescribed burning.
- e. Any person who fails to give any notice required by subsection (c) of this Code section or who makes a burn described by subsection (a) of this Code section without obtaining the permit required by said subsection shall be guilty of a misdemeanor.

HISTORY: Ga. L. 1956, p. 382, §§ 1-3; Ga. L. 1981, p. 895, § 1; Ga. L. 1988, p. 477, § 1; Ga. L. 2000, p. 1285, § 3; Ga. L. 2001, p. 4, § 12.

12-6-91. Controlled burning by owners over own forest land

Unless prohibited by the director of the State Forestry Commission pursuant to the provisions of Code Section 12-6-17, the owners of any forest land may accomplish controlled burning over their own land when a permit therefor is obtained pursuant to the requirements of Code Section 12-6-90 and the fire is not allowed to spread onto or over the land of another or others.

HISTORY: Ga. L. 1949, p. 937, § 15; Ga. L. 1988, p. 477, § 2.

12-6-92. Vesting of title to property in State Forestry Commission

The title to all property already acquired or which may be acquired incidental to carrying out this part shall be vested in the State Forestry Commission.

HISTORY: Ga. L. 1949, p. 937, § 14.

12-6-93. Appropriations; agreements between State Forestry Commission and counties; taxation by counties for fire protection

- a. The funds required to carry out this part and provide for the coordinated protection of uncontrolled fire on all forest lands in the State of Georgia may be provided from annual appropriations made by the General Assembly for this purpose.
- b. In the event any county desires forest fire protection, the county shall enter into an agreement with the State Forestry Commission, and such agreement shall provide for the payment to the commission of an amount reasonably related to the actual cost of providing forest fire protection. Such amount shall be calculated per forest acre of privately owned forest land. Forest acres of privately owned land shall be based upon the most recent United States Forest Service survey for Georgia.
- c. Any agreement in existence on July 1, 2010, between a county and the commission providing for a different percentage or amount of payment shall be changed so as to provide for the payment of an amount reasonably related to the actual cost of providing forest fire protection. Such amount shall be calculated per forest acre.
- d. Any county may levy a tax to provide the additional funds required for fire protection under this part.

HISTORY: Ga. L. 1949, p. 937, § 3; Ga. L. 1950, p. 101, § 1; Ga. L. 1955, p. 309, § 34; Ga. L. 1967, p. 29, § 1; Ga. L. 2010, p. 9, § 1-33/HB 1055.

**PART 4
FORESTRY RESEARCH**

12-6-110. Powers and duties of State Forestry Commission as to forestry research

The State Forestry Commission shall have the following duties and powers:

1. To investigate subjects or methods, means, and ways of carrying out such forestry research as it may determine most desirable or necessary in any phase of forestry, or any research which would benefit the promotion of forestry in the State of Georgia, or which would be for the benefit of any industry either privately owned or owned by federal or state governments, or any subdivision thereof;
2. To promote and assist in the publicizing of the result of any research connected with any phase of forestry. The commission shall cooperate with, and is specifically authorized to counsel and advise, any entity having duties, powers, or objectives similar to or related to those of the commission, including but not limited to any private industry, any agency or agencies of the federal government, this state, other states, and any local governments;

3. To coordinate all forestry research in the State of Georgia and to see that there is no duplication of research by any agency of the state with any research by the federal government, any county, municipality, or local government, any board, bureau, commission, or any other organization, public or private. The commission shall investigate and determine what forestry research is being carried on by any of the entities listed in this paragraph and shall use the results of this investigation to advise and furnish information to any other entity engaged in forestry research; and
4. To designate any agency of the state or federal government, or any subdivision thereof, or any other organization which is organized for the purpose of and engaged in forestry research, to carry out any research or experiment in connection with forestry which the commission deems to have the best facilities or to be otherwise best suited for carrying out the particular research or experiment. The commission may, from its funds provided for in this part, allocate to such agency or organization such amount as it deems necessary for such particular research or experiment.

HISTORY: Ga. L. 1953, Nov.-Dec. Sess., p. 45, §§ 9, 10; Ga. L. 1978, p. 2056, § 1.

12-6-111. Employment by State Forestry Commission of assistants and other employees

The State Forestry Commission shall have the power to employ such assistants, technical, clerical, or otherwise, and such other employees as the commission in the exercise of its discretion shall deem necessary or proper to the effectual discharge of the duties and the exercise of the powers of the commission enumerated in this part. The commission shall have the power to fix, prescribe, and change the compensation and duties of any such employees.

HISTORY: Ga. L. 1953, Nov.-Dec. Sess., p. 45, § 8; Ga. L. 1978, p. 2056, § 1.

12-6-112. Appropriations, grants, or gifts to State Forestry Commission for forestry research

- a. For carrying out any of the objectives stated in Code Section 12-6-110, the State Forestry Commission may accept appropriations, grants, or gifts from the federal government; the state government; any county, municipal, or local government; any board, bureau, commission, agency, or establishment of any such government; any other organizations, public or private; and any individual or groups of individuals or corporations. Such grants or gifts shall be held and administered subject to this part.
- b. Appropriations for research conducted by or through the State Forestry Commission for the purposes stated in this part shall be specified in the "General Appropriations Act" as a separate line item appropriation under the State Forestry Commission. Any funds in such line item appropriation shall be allocated to research projects selected by the State Forestry Commission and the director of the State Forestry Commission.

HISTORY: Ga. L. 1953, Nov.-Dec. Sess., p. 45, § 11; Ga. L. 1978, p. 2056, § 1.

PART 6
PRESCRIBED BURNING

12-6-145. Short title

This part shall be known and may be cited as the “Georgia Prescribed Burning Act.”

HISTORY: Code 1981, § 12-6-145, enacted by Ga. L. 1992, p. 2405, § 1.

12-6-146. Legislative findings and purpose

- a. It is declared by the General Assembly that prescribed burning is a resource protection and land management tool which benefits the safety of the public, Georgia’s forest resources, the environment, and the economy of the state. The General Assembly finds that:
1. Prescribed burning reduces naturally occurring vegetative fuels within forested areas. Reduction of such fuels by burning reduces the risk and severity of major wildfire, thereby lessening the threat of fire and the resulting loss of life and property;
 2. Georgia’s ever-increasing population situates urban development directly adjacent to fire prone forest lands. The use of prescribed fire to manage fuels in interface areas would substantially reduce the threat of damaging wildfire in urban communities;
 3. Forest land constitutes significant economic, biological, and aesthetic resources of state-wide importance. Prescribed burning on forest land serves to reduce hazardous accumulations of fuels, prepare sites for both natural and artificial forest regeneration, improve wildlife habitat, control insects and disease, and perpetuate fire dependent ecosystems;
 4. State and federally owned public use lands such as state parks, state and national forests, and wildlife refuges receive resource enhancement through use of prescribed burning;
 5. As Georgia’s population continues to grow, pressures from liability issues and smoke nuisance complaints cause prescribed burn practitioners to limit prescribed burn activity, thus reducing the above-mentioned benefits to the state;
 6. Public misunderstanding of the benefit of prescribed burning to the ecological and economic welfare of the state exerts unusual pressures that prevent uninhibited use of this valuable forest resource management tool; and
 7. Fire benefits rare, threatened, and endangered plants, deer, turkey, quail, dove, and other game as well as numerous songbirds and other nongame species by the increased growth and yields of herbs and legumes. It also allows openings for feeding and travel.
- b. It is the purpose of this part to authorize and promote the continued use of prescribed burning for community protection, silvicultural, environmental, and wildlife management purposes.

HISTORY: Code 1981, § 12-6-146, enacted by Ga. L. 1992, p. 2405, § 1; Ga. L. 2000, p. 1285, § 4.

12-6-147. Definitions

As used in this part, the term:

1. “Commission” means the State Forestry Commission.
2. “Prescribed burning” means the controlled application of fire to existing vegetative fuels under specified environmental conditions and following appropriate precautionary measures, which causes the fire to be confined to a predetermined area and accomplishes one or more planned land management objectives or to mitigate catastrophic wildfires.

HISTORY: Code 1981, § 12-6-147, enacted by Ga. L. 1992, p. 2405, § 1; Ga. L. 2000, p. 1285, § 5.

12-6-148. Requirements for prescribed burning; limitation on liability

- a. Prescribed burning conducted under the requirements of this part shall:
 1. Be accomplished only when an individual with previous prescribed burning experience or training is in charge of the burn and is present on site until the fire is adequately confined to reasonably prevent escape of the fire from the area intended to be burned;
 2. Be considered in the public interest and shall not create a public or private nuisance;
 3. Be considered a property right of the landowner; and
 4. Be conducted in accordance with a permit issued under Part 3 of this article.
- b. No property owner or owner’s agent conducting an authorized prescribed burn under this part shall be liable for damages or injury caused by fire or resulting smoke unless it is proven that there was gross negligence in starting, controlling, or completing the burn.

HISTORY: Code 1981, § 12-6-148, enacted by Ga. L. 1992, p. 2405, § 1; Ga. L. 2000, p. 1285, § 6.

12-6-149. Fire manager program authorized; record-keeping requirements; public information campaign

- a. The commission may promulgate a certified prescribed fire manager program whereby practitioners may become qualified and registered under this part.
- b. The commission shall utilize the same or similar record-keeping requirements of Part 3 of this article, the “Georgia Forest Fire Protection Act,” to reflect the use of prescribed burning under this part.
- c. The commission shall, subject to sufficient funding, institute a public information campaign in an effort to reveal the benefits of prescribed burning to the general public.

HISTORY: Code 1981, § 12-6-149, enacted by Ga. L. 1992, p. 2405, § 1; Ga. L. 2000, p. 1285, § 7.

ARTICLE 4 HARVEST AND SALE OF PINE STRAW

12-6-200. Definitions

As used in this article, the term:

1. "Director" means the director of the State Forestry Commission.
2. "Harvesting" means the various methods or processes of gathering pine straw for preservation, storage, use, or sale.
3. "Landowner" means the person who owns land on which pine straw is harvested or the person having possession, control, or use of such land who has lawful authority to grant permission to harvest pine straw from the land.
4. "Person" means an individual, partnership, corporation, association, or any other legal entity.
5. "Pine straw" means the dead needles of coniferous evergreen trees which have separated from the trees to which they were originally attached.
6. "Pine straw dealer" means a person who purchases or otherwise obtains pine straw from a seller for the purpose of selling such pine straw at retail or for the purpose of selling such pine straw to another pine straw dealer or for both such purposes. "Pine straw dealer" also includes any person who purchases pine straw directly from a landowner for the purpose of selling such pine straw at retail.
7. "Seller" means a person who exchanges pine straw for money or for any other valuable consideration.

HISTORY: Code 1981, § 12-6-200, enacted by Ga. L. 1989, p. 386, § 1.

12-6-201. Legislative findings

The General Assembly finds that:

1. The natural occurrence of pine straw constitutes a significant economic resource for owners of timbered property;
2. Such owners have been victimized by continuous and repeated trespasses onto their lands by persons engaged in harvesting pine straw and have been deprived of the economic benefit of such resources; and
3. The repeated trespasses onto private property by certain persons engaged in the harvesting and baling of pine straw constitute an organized and methodical deprivation of the rights of others, necessitating the enactment of this article.

HISTORY: Code 1981, § 12-6-201, enacted by Ga. L. 1989, p. 386, § 1.

12-6-202. Certificate of harvest

- a. As a condition of selling pine straw to a pine straw dealer within the State of Georgia, the seller shall obtain and present to the pine straw dealer a

certificate of harvest. A certificate of harvest shall be a written or printed document signed by the landowner where the pine straw was harvested granting permission for the harvest of the pine straw. A certificate of harvest shall be valid for one year. In addition to the permission of the landowner to harvest pine straw, a certificate of harvest shall include the following information:

1. The name, address, and telephone number of the landowner who granted permission to harvest the load of pine straw;
 2. The name, address, and telephone number of the person who was authorized to harvest the load of pine straw; and
 3. The date and location of the harvest, which shall include the state and county where harvested.
- b. A pine straw dealer who purchases pine straw directly from a landowner shall obtain a landowner's certificate of harvest. A landowner's certificate of harvest shall show the name, address, and telephone number of the landowner and the date and location of the harvest, including the state and county where harvested. A landowner's certificate of harvest shall be signed by the landowner.

HISTORY: Code 1981, § 12-6-202, enacted by Ga. L. 1989, p. 386, § 1.
Title Note

12-6-203. Prohibited acts

- a. It shall be unlawful for any person to sell or offer to sell pine straw to a pine straw dealer or seller within the State of Georgia without presenting to the pine straw dealer or seller a certificate of harvest or landowner's certificate of harvest.
- b. It shall be unlawful for any pine straw dealer or seller within the State of Georgia to purchase pine straw without first obtaining a certificate of harvest or landowner's certificate of harvest from the seller.

HISTORY: Code 1981, § 12-6-203, enacted by Ga. L. 1989, p. 386, § 1.

12-6-204. Stop sale, stop use, or removal orders to owners or custodians of pine straw

The director may issue and enforce written or printed stop sale, stop use, or removal orders to the owners or custodians of any pine straw ordering them to hold the same at a designated place, when the director finds that such pine straw is being offered or exposed for sale in violation of this article, until the law has been complied with and such pine straw has been released, in writing, by the director, or until such violations have been otherwise legally disposed of by written authority. The director shall release pine straw products when the requirements of this article have been complied with.

HISTORY: Code 1981, § 12-6-204, enacted by Ga. L. 1989, p. 386, § 1.

12-6-205. Seizure of pine straw obtained or offered for sale in violation of article

Any pine straw obtained or offered for sale in violation of this article shall be subject to seizure on the complaint of the director to the superior court of the county in which the pine straw is found. If the court finds the pine straw to be in violation of this article, and orders its condemnation, the pine straw shall be disposed of in any manner consistent with its quantity, the interests of the parties, and the laws of this state, provided that in no instance shall the pine straw be ordered by the court to be disposed of without first giving the person claiming the pine straw an opportunity to apply to the court for release of the pine straw in such manner as to bring it into compliance with this article.

HISTORY: Code 1981, § 12-6-205, enacted by Ga. L. 1989, p. 386, § 1.

12-6-206. Harvesting or handling pine straw for home or personal use

This article shall not be construed so as to affect any farmer or other person harvesting or handling pine straw for home or personal use.

HISTORY: Code 1981, § 12-6-206, enacted by Ga. L. 1989, p. 386, § 1.

12-6-207. Penalty

Any person violating any provisions of this article shall be guilty of a misdemeanor.

HISTORY: Code 1981, § 12-6-207, enacted by Ga. L. 1989, p. 386, § 1.

**ARTICLE 5
CARBON SEQUESTRATION**

12-6-220. Short title

This article shall be known and may be cited as the “Georgia Carbon Sequestration Registry Act.”

HISTORY: Code 1981, § 12-6-220, enacted by Ga. L. 2004, p. 343, § 1.

12-6-221. Definitions

As used in this article, the term:

1. “Building embodied carbon” means the global warming potential results from a whole-building life cycle assessment covering all life cycle stages, such as extraction, transportation, manufacturing, construction, and end-of-life, except operational, as further explained in International Standards Organization 21930: 2017: Sustainability in buildings and civil engineering works- Core rules for environmental product declarations of construction products and services as in existence on January 1, 2021.

2. “Carbon sequestration results” means the participant’s applicable data on the removal of carbon dioxide from the atmosphere by sinks resulting from:
 - A. Direct human induced land use change or forestry activities in this state;
 - B. Additional human induced activities in this state related to removal by sinks in land use change and forestry categories;
 - C. Additional human induced activities in this state related to removal by sinks in agricultural soils;
 - D. Additional human induced activities in this state related to removals by sinks in products in use from harvested timber or agricultural crops; and
 - E. Other human-induced activities in this state related to removals by sinks.
 - F. Construction of buildings in this state that store additional carbon dioxide in building products relative to the building baseline established by the Sustainable Building Material Technical Advisory Committee pursuant to Code Section 12-6-224.1
3. “Certification” means the determination of whether a given participant’s carbon sequestration result or embodied carbon result has met a minimum quality standard and complied with an appropriate set of approved procedures and protocols for submitting carbon sequestration or embodied carbon information.
4. “Commission” means the State Forestry Commission.
5. “Director” means the director of the State Forestry Commission.
6. “Embodied carbon results” means the participant’s applicable data on the reduction in building embodied carbon emissions resulting from the construction of buildings in this state that have less with lower building embodied carbon relative to the building baseline established by the Sustainable Building Material Technical Advisory Committee pursuant to Code Section 12-6-224.1.
7. “Forest” means lands that support, or can support, at least 10 percent tree canopy cover and that allow for management of one or more forest resources including but not limited to timber, fish and wildlife, biodiversity, water quality, air quality, soil conservation, recreation, aesthetics, or other benefits.
8. “Global warming potential” means a factor describing the radiative forcing impact of one mass-based unit of a given greenhouse gas relative to an equivalent unit of carbon dioxide over a given period of time, as described in International Standards Organization 14064-1:2006 Greenhouse gases- Part 1: Specification with guidance at the organization level for quantification and reporting of greenhouse gas emissions and removals in effect on January 1, 2021.
9. “Greenhouse gases” means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride.
10. “Native forest” means a forest type, natural or artificially regenerated, composed of any one or more tree species identified as native to this state in G. Norman Bishop, Native Trees of Georgia (State Forestry Commission

2000 revised edition), including without limitation improved stock of such tree species developed through breeding programs.

11. "Participant" or "registry participant" means a registrant of carbon sequestration results with the registry.
12. "Registry" means the Georgia Carbon Sequestration Registry provided for by this article.
13. "Sink" means an ecosystem or crop or product including building materials, that absorbs or has absorbed carbon, thereby removing it from the atmosphere and offsetting emissions of carbon dioxide.

HISTORY: Code 1981, § 12-6-221, enacted by Ga. L. 2004, p. 343, § 1, Ga. L. 2021/HB 355.

12-6-222. Establishment of Carbon Sequestration Registry; uniform automated electronic information system

- a.
 1. The commission shall establish a Georgia Carbon Sequestration Registry, which shall be in operation not later than one year after the effective date of this article.
 2. The commission may contract with the Georgia Superior Court Clerks' Cooperative Authority to develop and implement a state-wide uniform automated electronic information system for purposes of the registry.
- b. After its establishment, the state-wide uniform automated electronic information system for purposes of the registry shall be maintained by the Georgia Superior Court Clerks' Cooperative Authority or its designated agent in accordance with Code Section 15-6-97.2.

HISTORY:Code 1981, § 12-6-222, enacted by Ga. L. 2004, p. 343, § 1.

12-6-223. Purpose of registry

The purpose of the Georgia Carbon Sequestration Registry shall be to do all of the following:

1. Encourage voluntary actions to reduce greenhouse gas emissions, including, but not limited to, the construction of buildings made out of materials that sequester carbon dioxide
2. Enable participants to voluntarily record carbon sequestrations made after January 1, 1990, or such other beginning date as may be established by rule or regulation of the commission, in a consistent format that is certified;
3. Ensure that sources in the state receive appropriate consideration for certified carbon sequestration results under any future federal or international regulatory regime relating to greenhouse gas emissions;
4. Recognize, publicize, and promote participants in the registry; and
5. Recruit broad participation in the process from all economic sectors and regions of the state.

HISTORY: Code 1981, § 12-6-223, enacted by Ga. L. 2004, p. 343, § 1, Ga. L. 2021/HB 355.

12-6-224. Role of the commission

For purposes of the registry, the commission shall:

1.
 - A. Adopt rules or regulations specifying acceptable types of carbon sequestration results consistent with paragraph (1) of Code Section 12-6-221 and this paragraph and providing procedures and protocols for the monitoring, estimating, calculating, reporting, and certification of carbon sequestration results for purposes of participation in the registry.
 - B. Procedures and protocols relative to forestry activities that are reported as a participant's carbon sequestration results under subparagraph (A) of paragraph (1) of Code Section 12-6-221 shall require, at a minimum, that those forestry activities meet the following criteria in order to be reported as any part of a participant's carbon sequestration results:
 - i. Forestry activities shall be based on forest management practices within a defined project area that meet or exceed Georgia's Best Management Practices for Forestry as published by the commission and that are not the subject of any ongoing remediation or penalty pursuant to judicial or administrative judgment or order for violation of any applicable requirements of federal, state, or local land use laws, regulations, or ordinances. Best management practices and federal, state, or local land use laws, regulations, or ordinances shall be those in effect each time a participant registers a defined project area in the registry;
 - ii. Forestry activities reported as carbon sequestration results shall reflect the amount of time that net carbon gains are stored; and
 - iii. Forestry activities shall maintain and promote native forests.
 - C. Procedures and protocols relative to sinks in agricultural soils that are reported as a participant's carbon sequestration results under subparagraph (C) of paragraph (1) of Code Section 12-6-221 shall be adopted by the commission in accordance with the recommendation of the Commissioner of Agriculture.
 - D. The commission shall consider the availability and suitability of simplified techniques and tools when adopting procedures and protocols for the certification of carbon sequestration results.
 - E. The procedures and protocols adopted by the commission shall include a uniform format for reporting carbon sequestration results to facilitate their recognition in any future regulatory regime;
 - F. Qualify third-party organizations that have the capability to certify reported baseline carbon sequestration results and that are capable of certifying the participant reported results as provided in this article; and
2. Encourage organizations and individuals from various sectors of the state's economy, and those from various geographic regions of the state, to report carbon sequestration results.

HISTORY: Code 1981, § 12-6-224, enacted by Ga. L. 2004, p. 343, § 1; Ga. L. 2012, p. 775, § 12/HB 942.

12-6-224.1

- a. The director shall establish the Sustainable Building Material Technical Advisory Committee. The advisory committee shall consist of:
 1. One representative from the Georgia Institute of Technology with expertise in engineering and architecture;
 2. One representative with extensive knowledge of and expertise in the Georgia State Minimum Standard Codes;
 3. One representative who is a real estate developer or builder;
 4. One representative who works in the field of or has expertise in carbon offset protocol development, including carbon accounting rules such as additionality, baseline, leakage, and permanence, and requirements for monitoring and reporting;
 5. One representative who has whole building life cycle assessment expertise; and
 6. Up to three at-large representatives.
- b. The director shall determine the chairperson of the committee.
- c. Prior to the first meeting of the advisory committee, the director shall hold a listening session open to members of the public for the purpose of seeking external input on the rules for the Georgia Carbon Sequestration Registry for building materials.
- d. The advisory committee shall serve the director in an advisory capacity in the rule-making process for the establishment of two baselines: 1) one from which carbon sequestration of building materials shall be measured; and 2) one from which the building embodied carbon shall be measured. The committee shall use the United States Department of Energy's Commercial Prototype Building Models in effect on January 1, 2021, to establish baseline categories using prototype building occupancies and structural systems.
- e. A primary objective of the advisory committee shall be to ensure the interoperability, general alignment, and compatibility of credits derived from the carbon sequestration results of building materials and embodied carbon results with global carbon credit and offset markets, including establishing guidelines for establishing a carbon baseline, additionally, validation, verification, permanence, and co-benefits.
- f. The chairperson shall be responsible for calling all meetings of the advisory committee. The committee may conduct such meetings at such places and at such times as it may deem necessary and convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this article.
- g. A majority of the voting members of the advisory committee shall constitute a quorum. The committee shall take no action except by affirmative vote of the majority of those present and voting.
- h. Any vacancies on the advisory committee shall be filled in the same manner as the original appointment.

- i. Any member of the committee who, during his or her term of appointment, ceases to meet the qualifications required for the original appointment shall be immediately removed from his or her office.
- j. The advisory committee shall stand abolished no later than one year from the date upon which the first meeting of the committee takes place. The committee may be reestablished, at the calling of the director, within five years of its creation in order to make recommendations to the director for updating or amending the rules and regulations of the commission. The director shall appoint new members to the reestablished committee in accordance with subsection (a) of this Code section.
- k. Appointed members of the advisory committee shall receive a daily expense allowance in an amount the same as that specified in subsection (b) of Code Section 45-7-21, as well as the mileage or transportation allowance authorized for state employees.

HISTORY: Enacted Ga. L. 2021/HB 355.

12-6-225. Procedures and protocols

The procedures and protocols for monitoring, estimating, calculating, reporting, and certifying carbon sequestration results established by, or approved pursuant to, this article shall be the only procedures and protocols recognized by the state for the purposes of the registry as described in Code Section 12-6-223.

HISTORY: Code 1981, § 12-6-225, enacted by Ga. L. 2004, p. 343, § 1.

12-6-226. Procedures and protocols are not condition for ongoing use of forest land

Procedures and protocols adopted pursuant to subparagraph (B) of paragraph (1) of Code Section 12-6-224 shall not be interpreted or construed as a condition for any lease, permit, license, certificate, or other entitlement for an ongoing use of forest land.

HISTORY: Code 1981, § 12-6-226, enacted by Ga. L. 2004, p. 343, § 1.

12-6-227. Voluntary participation; right of withdrawal

Participation in the registry shall be voluntary, and participants may withdraw at any time.

HISTORY: Code 1981, § 12-6-227, enacted by Ga. L. 2004, p. 343, § 1.

12-6-228. Reporting of results; basic unit of participation in registry; filing of reports

- a. 1. Participants shall initially report their certified carbon sequestration results for the most recent year for which they have complete data as specified in this article. This shall include sequestration of carbon dioxide from standing trees. After establishing baseline results, participants shall report their certified carbon sequestration results in each subsequent year in order to show changes with respect to their baseline year. Participants may report carbon sequestration results without establishing a baseline for such results or for emissions. Certified carbon sequestration results reported to the registry by a participant

shall be credited in carbon mass units to an account established for the participant in the registry.

2. For the reporting of embodied carbon results arising from construction of buildings in this state, upon completion of the project, developers shall seek the review of a certified third-party organization that will verify the building embodied carbon from a baseline of standard buildings established by the advisory committee. The commission shall publish and maintain a list of approved certified third-party organizations. Only projects that have been completed after January 1, 2019, shall be considered. After such projects have been verified and validated by a certified third-party organization, the director shall be authorized to determine, charge, and retain an administrative fee from developers for awarding carbon credits to provide for the cost of administering the provisions of this article.
- b. 1. Registry credits for certified carbon sequestration results may be sold, purchased, or otherwise transferred in whole or in part without any regard to or effect on or being affected by ownership of other personal property or any real property, and such credits may be retained in whole or in part without any regard to or effect on or being affected by any sale, purchase, or other transfer of other personal property or any real property.
 2. In addition to annual reports submitted pursuant to subsection (a) of this Code section, participants shall report to the registry any sales, purchases, or other transfers of registry credits for certified carbon sequestration results, in whole or in part, within ten days after the completion of such transaction, and participants' registry accounts shall be updated to reflect such transfers.
- c. The basic unit of participation in the registry shall be a natural person or a legal entity in its entirety such as a corporation or other legally constituted body, a city or county, or a state government agency.
 - d. Reports to the registry by participants may be filed in the office of the clerk of the superior court in any county of this state.

HISTORY: Code 1981, § 12-6-228, enacted by Ga. L. 2004, p. 343, § 1, Ga. L. 2021/HB 355.

12-6-229. Adoption of standardized forms

To support the estimation, calculation, reporting, and certification of carbon sequestration results in a consistent format, the commission, in consultation with the Georgia Superior Court Clerks' Cooperative Authority, shall adopt standardized forms that all participants shall use to calculate, report, and certify emissions results.

HISTORY: Code 1981, § 12-6-229, enacted by Ga. L. 2004, p. 343, § 1.

12-6-230. Certification of methodologies and results; approval of competent third-party organizations for certifying results; requirements of organizations; review, evaluation and reporting to Governor

- a. Participants registering baseline carbon sequestration results in the registry shall provide certification of their methodologies and results. The commission may, upon recommendation of the director, following a public process, adopt simplified procedures to certify carbon sequestration results as appropriate. Participants shall follow commission approved procedures and protocols in determining carbon sequestration results and supply the quantity and quality of information necessary to allow an independent ex post certification of the baseline results reported under this program.
- b. The commission shall provide a list of approved third-party organizations recognized as competent to certify carbon sequestration results as provided in this article. The commission shall reopen the qualification process periodically in order for new organizations to be added to the approved list.
- c. Where required for certification, organizations approved pursuant to subsection (b) of this Code section shall do all of the following:
 1. Evaluate whether the participant has a program, consistent with commission approved procedures and protocols, in place for preparation and submittal of the information reported under this article;
 2. Check, during certification, the reasonableness of the carbon sequestration information being reported for a random sample of estimates or calculations; and
 3. Summarize its review in a report to the board of directors, or equivalent governing body, of the participating legal entity or to the participating natural person, attesting to the existence of a program that is consistent with commission approved procedures and protocols and the reasonableness of the reported carbon sequestration results and noting any exceptions, omissions, limitations, or other qualifications to their representations.
- d. In conducting certification for a participant under this program, the approved organization shall schedule any meeting or meetings with the participant with a minimum of one week's notice at one or more representative locations and allow the participant to control property access. The meetings shall be conducted in accordance with a protocol that is agreed upon in advance by the participant and the approved organization. The approved organization shall not perform property inspection, direct measurement, monitoring, or testing unless authorized by the participant.
- e. To ensure the integrity and constant improvement of the registry program and for the sequestration of carbon dioxide from standing trees, the commission shall perform on a random basis an occasional review and evaluation of participants' carbon sequestration reporting, certifications, and the reasonableness of the information being reported for analysis of estimates or calculations. The director shall report any findings in writing. The director shall include a summary of these findings in the biennial report to the Governor and the General Assembly required by Code Section 12-6-231.
- f. As it relates to the registry program for building products that sequester carbon dioxide, the commission shall engage in a review of the standards two years and five years after such registry is established.

- g. As is related to the registry program for building embodied carbon, the commission shall engage in a review of the standards two years and five years after such registry is established.

HISTORY: Code 1981, § 12-6-230, enacted by Ga. L. 2004, p. 343, § 1; Ga. L. 2012, p. 775, § 12/HB 942, Ga. L. 2021/HB 355.

12-6-231. Reporting to Governor by director

Not later than two years after the effective date of this article and biennially thereafter, the director shall report to the Governor and the General Assembly on the number of participants in the registry, the amounts of carbon sequestered by those participants, and ways to make the registry more workable for participants that are consistent with the goals and intent of this article.

HISTORY: Code 1981, § 12-6-231, enacted by Ga. L. 2004, p. 343, § 1.

12-6-232. Obligation of commission

The commission shall do all of the following:

1. Develop a process for qualifying third-party organizations recognized by the state as competent to certify the carbon sequestration results of the types of natural persons or legal entities that may choose to participate in this registry, by doing all of the following:
 - A. Developing a list of the minimum technical and organizational capabilities and other qualification standards that approved third-party organizations shall meet. Those qualifications shall include the ability to sign an opinion letter, for which they may be held financially at risk, and certifying the participant-reported carbon sequestration results as provided in this article. Such capabilities and standards for third-party organizations related to certification of carbon sequestration results achieved by sinks in agricultural soils under subparagraph (C) of paragraph (1) of Code Section 12-6-221 shall be adopted by the commission in accordance with the recommendation of the Commissioner of Agriculture;
 - B. Publicizing an applications process or otherwise encouraging interested organizations to submit their qualifications for review;
 - C. Evaluating applicant organizations according to the list of qualifications described in subparagraph (A) of this paragraph;
 - D. Determining specific third-party organizations as qualified to certify participants' actual carbon sequestration results in accordance with this article; and
 - E. Periodically updating the list of approved third-party organizations by doing any of the following:
 - i. Reviewing the capabilities of approved organizations;
 - ii. Reviewing applications of organizations seeking to become approved; and

- iii. Determining specific organizations to be added to the approved list and specific organizations no longer qualified to perform the duties of this article;
2. Occasionally, and on a random basis, provide for commission employees to accompany third-party organizations on scheduled visits to observe and evaluate, during any certification visit, both the following:
 - A. Whether the participant has a program, consistent with commission approved procedures and protocols, in place for the preparation and submittal of the information required under this article; and
 - B. The reasonableness of the carbon sequestration information being reported for a sample of estimates or calculations; and
 3. Review future international or federal programs related to greenhouse gas emissions and make reasonable efforts to promote consistency between the state program and these programs and to reduce the reporting burden on participants.

HISTORY: Code 1981, § 12-6-232, enacted by Ga. L. 2004, p. 343, § 1; Ga. L. 2012, p. 775, § 12/HB 942.

ARTICLE 6 FOREST HERITAGE TRUST

12-6-240. Short title

This article shall be known and may be cited as the “Forest Heritage Trust Act of 2004.”

12-6-241. Legislative findings

- a. The General Assembly finds that certain real property in Georgia, because it exhibits unique natural characteristics, special historical significance, or particular recreational value, constitutes a valuable heritage which should be protected to provide benefits to all Georgians, now and in the future. The General Assembly specifically recognizes that the forest lands and resources of the state are a natural resource of great economic value to the citizens of the state, not only for the potential production of forest products which they can provide, but also for the enormously valuable natural benefits they impart to the citizens of Georgia, such as air and water quality improvements, water storage, control of erosion, temperature moderation, habitat for native plants and wildlife, and opportunities for recreation in a natural, historic Georgia environment. Natural forested lands also allow present and future citizens to gain an understanding of the prehistoric and early culture of this region. Commercial forests provide traditional jobs, support our economy, and reflect the importance this industry has had in the development of Georgia. The General Assembly further finds that many of the forest resources of the state are under pressure to be converted to other uses because of Georgia’s rapid progress and increased population over the past decades. As forest lands are converted to other uses and

irreparably altered, a valuable part of our cultural heritage is lost as well as the natural benefits those forest lands provide.

- b. The General Assembly declares, therefore, that there is a compelling public need to preserve forest lands as an element of Georgia's heritage. The General Assembly asserts the public interest in the state's heritage by creating the Forest Heritage Trust Program, which shall be the responsibility of the Governor and the State Forestry Commission and which shall seek to protect this heritage through the acquisition of fee simple title or lesser interests in valuable properties and by utilization of other available methods.

HISTORY: Code 1981, § 12-6-241, enacted by Ga. L. 2004, p. 354, § 1; Ga. L. 2006, p. 72, § 12/SB 465.

12-6-242. Definitions

As used in this article, the term:

1. "Commission" means the State Forestry Commission.
2. "Forest heritage area" means an area of land, marsh, or water which has been identified by the commission as having significant historical, natural, or cultural value.
3. "Forest heritage preserve" means a heritage area to which the state holds fee simple title or some lesser estate and which has been dedicated under this article.

HISTORY: Code 1981, § 12-6-242, enacted by Ga. L. 2004, p. 354, § 1; Ga. L. 2005, p. 60, § 12/HB 95.

12-6-243. Role of the commission

The commission shall serve as an advisory body to the Governor on all matters concerning the Forest Heritage Trust Program and shall make recommendations to the Governor concerning the identification, designation, and acquisition of forest heritage areas; the dedication of forest heritage preserves; and the annual budget for the Forest Heritage Trust Program. The commission shall consider recommendations from the director of the State Forestry Commission before making its recommendations on these matters.

HISTORY: Code 1981, § 12-6-243, enacted by Ga. L. 2004, p. 354, § 1; Ga. L. 2006, p. 72, § 12/SB 465.

12-6-244. Powers and duties of commission

The commission shall have the following powers and duties with regard to the Forest Heritage Trust Program:

1. To adopt and promulgate all policies, rules, and regulations necessary for the identification and acquisition of forest heritage areas and for the selection, dedication, management, and use of forest heritage preserves;
2. To acquire forest heritage areas in the name of the State of Georgia as otherwise provided by law;

3. To advocate and approve the dedication of forest heritage preserves; and
4. To provide general supervision and direction in the protection, management, operation, and use of forest heritage preserves.

HISTORY: Code 1981, § 12-6-244, enacted by Ga. L. 2004, p. 354, § 1.

12-6-245. Dedication as forest heritage preserve

A forest heritage area which has been acquired by the commission for the Forest Heritage Trust Program may become dedicated as a forest heritage preserve after written recommendation of the commission and approval by Executive Order of the Governor. Any other real property owned by the State of Georgia and under the custody of the commission may be similarly dedicated. The written recommendation shall contain a provision that designates the best and most important use or uses to which the land is to be put. The dedication as a forest heritage preserve shall become effective when the written recommendation and the approval of the Governor are filed with the office of the Secretary of State. The written recommendation and the approval of the Governor shall be filed in the office of the clerk of the superior court of the county or counties in which the forest heritage preserve is located.

HISTORY: Code 1981, § 12-6-245, enacted by Ga. L. 2004, p. 354, § 1.

12-6-246. Use of forest heritage preserves

Forest heritage preserves shall be held by the state in trust for the benefit of present and future generations of people of the State of Georgia. Each forest heritage preserve shall be put to the designated use or uses that confer the best and most important benefit to the public. Forest heritage preserves shall not be put to any use other than the dedicated use or uses except pursuant to the following procedure:

1. A state agency, department, or authority with a direct interest in the use of a forest heritage preserve must submit in writing a petition to the commission that an imperative and unavoidable necessity for such other use exists;
2. Upon receipt of such petition, the commission shall give public hearing thereon in the county or counties in which the forest heritage preserve is located;
3. The commission shall consider fully all testimony relative to the proposed use and submit a recommendation to the General Assembly; and
4. The General Assembly shall then determine if such use is in the public interest and may by statute approve such other use of the forest heritage preserve.

HISTORY: Code 1981, § 12-6-246, enacted by Ga. L. 2004, p. 354, § 1; Ga. L. 2005, p. 60, § 12/HB 95.

12-6-247. Impact of dedication as forest heritage preserve on other protected status

Neither the dedication of a piece of property as a forest heritage preserve nor any action taken by the commission pursuant to this article shall operate to void, preempt, or dilute any protected status which that property had or would have had but for its dedication as a forest heritage preserve.

HISTORY: Code 1981, § 12-6-247, enacted by Ga. L. 2004, p. 354, § 1.

ARTICLE 7 PALMETTO BERRIES

12-6-250. Definitions

As used in this article, the term:

1. “Director” means the director of the State Forestry Commission.
2. “Harvest” or “harvesting” means the various methods or processes of gathering saw palmetto berries for preservation, storage, use, or sale.
3. “Landowner” means the person that owns land from which saw palmetto berries are harvested or the person having possession, control, or use of such land that has lawful authority to grant permission to harvest saw palmetto berries from the land.
4. “Person” means an individual, partnership, corporation, association, or any other legal entity.
5. “Saw palmetto berries” means the fruit of the plant species *Serenoa repens*, commonly known as the saw palmetto.
6. “Saw palmetto berry dealer” means a person that purchases or otherwise obtains saw palmetto berries from a seller for the purpose of selling such saw palmetto berries at retail or for the purpose of selling such saw palmetto berries to another saw palmetto berry dealer or for both such purposes. This term also includes any person that purchases saw palmetto berries directly from a landowner for the purpose of selling such saw palmetto berries at retail.
7. “Seller” means a person that exchanges or offers to exchange saw palmetto berries for money or for any other valuable consideration.

HISTORY: Code 1981, § 12-6-250, enacted by Ga. L. 2020, p. 680, § 1/HB 966.

12-6-251. Legislative findings

1. The General Assembly finds that: The natural occurrence of saw palmetto berries constitutes a significant economic resource for landowners;
2. Such landowners have been victimized by continuous and repeated trespasses onto their lands by persons engaged in harvesting saw palmetto berries and have thus been deprived of the economic benefit of such resources; and
3. The repeated trespasses onto private property by certain persons engaged in the harvesting of saw palmetto berries constitute an organized and methodical deprivation of the rights of others, necessitating the addition of this article.

HISTORY: Code 1981, § 12-6-251, enacted by Ga. L. 2020, p. 680, § 1/HB 966.

12-6-252. Certificates of harvest

- a. As a condition of selling saw palmetto berries to a saw palmetto berry dealer within this state, the seller shall obtain and present to the saw palmetto berry dealer a certificate of harvest. A certificate of harvest shall be a written or

printed document signed by the landowner from which the saw palmetto berries were harvested granting permission for the harvest of the saw palmetto berries and shall include a harvest start date and end date, which harvest period shall not exceed one year. A certificate of harvest shall be valid for one year. In addition to the permission of the landowner to harvest saw palmetto berries, a certificate of harvest shall include:

1. The name, address, and telephone number of the landowner that granted permission to harvest the saw palmetto berries;
 2. The name, address, and telephone number of the person authorized to harvest the saw palmetto berries; and
 3. The start date, end date, and location, including county, of the harvest.
- b. A saw palmetto berry dealer that purchases saw palmetto berries directly from a landowner or a person harvesting saw palmetto berries from another's property shall obtain a landowner's certificate of harvest. A landowner's certificate of harvest shall include:
1. The name, address, and telephone number of the landowner;
 2. The start date, end date, and location, including county, of the harvest; and
 3. The landowner's signature.

HISTORY: Code 1981, § 12-6-252, enacted by Ga. L. 2020, p. 680, § 1/HB 966.

12-6-253. Required recordkeeping and retention

- a. A person who participates in the procurement of palmetto berries shall maintain a legible record of all activities and purchase transactions of saw palmetto berries. Such record shall include the following information:
1. The names and addresses of such person and of the landowner;
 2. The date or dates of harvesting;
 3. The weight, quantity, or volume and a description of the type of saw palmetto berries harvested;
 4. The amount of consideration given for the harvested saw palmetto berries and a copy of the check or voucher or documentation evidencing the electronic funds transfer given as consideration for such harvesting;
 5. A signed statement from such person that he or she has the landowner's permission to harvest saw palmetto berries; and
 6. A scanned or photocopied copy of a valid personal identification card of such person and of the landowner.
- b. A person required to record information as set forth in subsection (a) of this Code section shall maintain such records for not less than two years from the date of harvest.

HISTORY: Code 1981, § 12-6-253, enacted by Ga. L. 2020, p. 680, § 1/HB 966.

12-6-254. Penalty for violations

When the director or law enforcement finds that any saw palmetto berries are being harvested or offered or exposed for sale in violation of this article, the director or law enforcement may issue and enforce written or printed stop harvest, stop sale, stop use, or removal orders to the owners or custodians of such saw palmetto berries, ordering such individuals to hold the same at a designated location until a certificate of harvest or a landowner's certificate of harvest has been provided and such saw palmetto berries have been released, in writing, by the director or law enforcement, or until such saw palmetto berries have been otherwise legally disposed of by written authority. The director or law enforcement or both shall release saw palmetto berries when the requirements of this article are met.

HISTORY: Code 1981, § 12-6-254, enacted by Ga. L. 2020, p. 680, § 1/HB 966.

12-6-255. Seizure of berries for noncompliance

Any saw palmetto berries obtained or offered for sale in violation of this article shall be subject to seizure on the complaint of the director or law enforcement to the superior court of the county in which the saw palmetto berries are found. If the court finds the status of the saw palmetto berries to be in violation of this article, and orders condemnation of such saw palmetto berries, the saw palmetto berries shall be disposed of in any manner consistent with their quantity, the interests of the parties, and the laws of this state; provided, however, that in no instance shall the saw palmetto berries be ordered by the court to be disposed of without first giving the person claiming to own the saw palmetto berries an opportunity to apply to the court for release of the saw palmetto berries in such manner as to bring the matter into compliance with this article.

HISTORY: Code 1981, § 12-6-255, enacted by Ga. L. 2020, p. 680, § 1/HB 966.

12-6-256. Exemption for personal use

This article shall not be construed so as to affect any landowner that harvests or handles saw palmetto berries for home or personal use.

HISTORY: Code 1981, § 12-6-256, enacted by Ga. L. 2020, p. 680, § 1/HB 966.

12-6-257. Unlawful activities associated with saw palmetto berries; making of false statements; restitution

- a. Except as otherwise provided in subsection (b) of this Code section, the following individuals shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500.00:
 1. A person that exchanges or offers to exchange saw palmetto berries for money or any other valuable consideration with a saw palmetto berry dealer or seller without first obtaining and presenting to the saw palmetto dealer or seller a certificate of harvest as required by subsection (a) of Code Section 12-6-252;
 2. A person that harvests saw palmetto berries without first obtaining a landowner's certificate of harvest as required by subsection (b) of Code Section 12-6-252; and

3. A saw palmetto berry dealer or seller that purchases saw palmetto berries without first obtaining a landowner's certificate of harvest as required by subsection (b) of Code Section 12-6-252.
 4. A person who knowingly possesses saw palmetto berries harvested in violation of this article.
- b.
1. Except as otherwise provided in paragraph (2) of this subsection, when an individual knowingly engages in any of the activities prohibited in paragraphs (1) through (3) of subsection (a) of this Code section and the value of the saw palmetto berries exchanged, sold or offered for sale, harvested, or purchased is less than \$1,500.00, such individual shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not less than the value of the saw palmetto berries exchanged, sold or offered for sale, harvested, or purchased, but no more than \$1,000.00, or confinement for up to 12 months in jail, or both.
 2. When an individual knowingly engages in any of the activities prohibited in paragraphs (1) through (3) of subsection (a) of this Code section and the value of the saw palmetto berries exchanged, sold or offered for sale, harvested, or purchased is \$1,500.00 or more, such individual shall be guilty of a felony and, upon conviction thereof, shall be punished by not less than the greater of \$1,500.00 or the value of the saw palmetto berries exchanged, sold or offered for sale, harvested, or purchased, but neither less than \$1,500.00 nor more than \$5,000.00, or by imprisonment for not more than three years, or both.
- c. When a person who knowingly provides false information in executing the statement required by paragraph (5) of subsection (a) of Code Section 12-6-253, the person commits the offense of false swearing within the meaning of Code Section 16-10-71. Such person shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.
- d. A person convicted pursuant to this Code section may, in addition to any fines levied against such person, be ordered to make restitution to the landowner in an amount equal to the value of the saw palmetto berries unlawfully harvested.

HISTORY: Code 1981, § 12-6-257, enacted by Ga. L. 2020, p. 680, § 1/HB 966.

CHAPTER 6A

12-6A-1. Short title

This chapter shall be known and may be cited as the "Georgia Outdoor Stewardship Act."

HISTORY: Code 1981, § 12-6A-1, enacted by Ga. L. 2018, p. 541, § 1/HB 332.

12-6A-2. Purpose of funding protection of conservation land

This chapter is enacted pursuant to Article III, Section IX, Paragraph VI(p) of the Constitution, which authorizes up to 80 percent of all moneys received by

the state from the sales and use tax collected by outdoor recreation equipment establishments classified under the 2007 North American Industry Classification Code 451110, sporting goods stores in the immediately preceding fiscal year to be dedicated to the Georgia Outdoor Stewardship Trust Fund for the purpose of funding the protection of conservation land.

HISTORY: Code 1981, § 12-6A-2, enacted by Ga. L. 2018, p. 541, § 1/HB 332.

12-6A-3. Legislative intent

The intent of this chapter is to provide stewardship for state parks, state lands, and wildlife management areas; support local parks and trails; and protect critical conservation land.

HISTORY: Code 1981, § 12-6A-3, enacted by Ga. L. 2018, p. 541, § 1/HB 332.

12-6A-4. Definitions

As used in this chapter, the term:

1. “Conservation land” means land and water, or interests therein, that are in their undeveloped, natural states or that have been developed only to the extent consistent with, or are restored to be consistent with, at least one of the following environmental values or conservation benefits:
 - A. Water quality protection for wetlands, rivers, streams, or lakes;
 - B. Protection of wildlife habitats;
 - C. Protection of cultural sites, heritage corridors, and archeological and historic resources;
 - D. Protection of land around Georgia’s military installations to ensure that missions are compatible with surrounding communities and that encroachment on military installations does not impair future missions;
 - E. Support of economic development through conservation projects; or
 - F. Provision for recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, or similar outdoor activities.
2. “Costs of acquisition” means all direct costs of activities which are required by applicable state laws and local ordinances or policies in order to convey a conservation easement, or to obtain fee simple or other lesser interests in real property, to a holder who will ensure the permanent protection of the property as conservation land; provided, however, that such costs shall not include any costs for services provided in violation of Chapter 40 of Title 43.
3. “Nongovernmental entity” means a nonprofit organization primarily concerned with the protection and conservation of land and natural resources, as evidenced by its organizational documents.
4. “Outdoor recreation equipment establishments” means places of business classified under the 2007 North American Industry Classification Code 451110, sporting goods stores.

5. “Permanently protected conservation areas” means those resources:
- A. Owned by the federal government and dedicated for recreation or conservation or as a natural resource;
 - B. Owned by the State of Georgia and dedicated for recreation or conservation or as a natural resource;
 - C. Owned by a state or local unit of government or authority and subject to:
 - i. A conservation easement ensuring that the property will be maintained in a manner consistent with conservation land;
 - ii. Contractual arrangements ensuring that, if the protected status is discontinued on a parcel, such property will be replaced by other conservation land which at the time of such replacement is of equal or greater monetary and resource protection value; or
 - iii. A permanent restrictive covenant as provided in subsection (c) of Code Section 44-5-60; or
 - D. Owned by any person or entity and subject to a conservation easement ensuring that the property will be maintained in a manner consistent with conservation land.
6. “Project proposal” means any application seeking moneys from the Georgia Outdoor Stewardship Trust Fund.

HISTORY: Code 1981, § 12-6A-4, enacted by Ga. L. 2018, p. 541, § 1/HB 332; Ga. L. 2020, p. 493, § 12/SB 429.

12-6A-5. Establishment of the Georgia Outdoor Stewardship Trust Fund

- a. There is established the Georgia Outdoor Stewardship Trust Fund as a separate fund in the state treasury. Except as provided in subsections (c) and (d) of this Code section, the General Assembly shall appropriate to the trust fund 40 percent of all moneys received by the state from the sales and use tax collected by establishments classified under the 2007 North American Industry Classification Code 451110, sporting goods stores, in the most recently completed fiscal year.
- b. Such funds shall not lapse to the general fund. Such funds shall be used to support the protection and conservation of land and shall be used to supplement, not supplant, department resources.
- c.
 - 1. In the event that, in any current fiscal year, the most recently completed fiscal year’s total moneys received from the levy of a sales and use tax fall at least 1 percent below the total moneys received from the levy of the tax in the year prior to the most recently completed fiscal year, then the amount that the General Assembly shall appropriate to the trust fund during the following fiscal year shall be reduced by 20 percent.
 - 2. In the event that, in a fiscal year following the fiscal year of an initial trust fund appropriation reduction pursuant to paragraph (1) of this subsection, the most recently completed fiscal year’s total moneys received from the levy of a sales and use tax fall at least 1 percent

below the total moneys received from the levy of the tax in the year prior to the immediately preceding year, then the amount that the General Assembly shall appropriate to the trust fund for the following fiscal year shall be reduced by 50 percent.

- d. In any current fiscal year following a year for which the amount appropriated to the trust fund is reduced in accordance with subsection (c) of this Code section, the same percentage reduction shall continue unless the total moneys received from the levy of the sales and use tax in the most recently completed fiscal year equal or exceed the total moneys received from the levy of the sales and use tax in the most recent fiscal year in which no reduction in the amount appropriated to the trust fund occurred pursuant to subsection (c) or (d) of this Code section.

HISTORY: Code 1981, § 12-6A-5, enacted by Ga. L. 2018, p. 541, § 1/ HB 332; Ga. L. 2021 HB 511.

12-6A-6. Grants; conditions of eligibility; loans; funds for administration

- a. From within the Georgia Outdoor Stewardship Trust Fund, moneys shall be made available in each fiscal year for grants to any qualified local government as defined in paragraph (18) of subsection (a) of Code Section 50-8-2, any constituted recreation authority registered with the Department of Community Affairs, any state agency, or any nongovernmental entity of this state having a project proposal which has been approved by the department. As a condition of eligibility for any such grant, a project proposal shall have as its primary purpose one of the following conservation objectives:
1. To support state parks and trails. Funds disbursed for the purposes of this paragraph shall be used to aid in the improvement and maintenance of currently owned state parks and trails;
 2. To support local parks and trails of state and regional significance. Funds disbursed for purposes of this paragraph shall be grants to such applicants to acquire and improve parks and trails;
 3. To provide stewardship of conservation land. Funds disbursed for purposes of this paragraph shall be used for maintenance or restoration projects of the department to enhance public access, use, or safe enjoyment of permanently protected conservation land; or
 4. A. To acquire critical areas for the provision or protection of clean water, wildlife, hunting, or fishing, for military installation buffering, or for natural resource-based outdoor recreation. Real property shall only be acquired pursuant to this chapter under the following circumstances:
 - i. Where such property is, at the time of acquisition, being leased by the state as a wildlife management area;
 - ii. Where such property adjoins state wildlife management areas, state parks, or would provide better public access to such areas;
 - iii. Lands identified in any wildlife action plan developed by any agency of the state;

- iv. Riparian lands so as to protect any drinking water supply; or
- v. Lands surrounding any military base or military installation

B. Acquisitions of real property or any interests therein pursuant to this chapter shall not be made through condemnation.

- b. From within the Georgia Outdoor Stewardship Trust Fund, moneys may also be made available in each fiscal year for loans to any city, county, or nongovernmental entity to defray the costs of conservation land or of conservation easements placed upon property that ensure its permanent protection as conservation land. Any such loan shall bear interest at a rate established by the Georgia Environmental Finance Authority.
- c. From within the Georgia Outdoor Stewardship Trust Fund, moneys shall also be made available in each fiscal year for grants as authorized by Code Section 12-6A-12.
- d. From within the Georgia Outdoor Stewardship Trust Fund, moneys shall also be made available in each fiscal year for costs incurred by the state in administering the program, but in an amount not to exceed 5 percent of the total moneys received by the state.

HISTORY: Code 1981, § 12-6A-6, enacted by Ga. L. 2018, p. 541, § 1/HB 332; Ga. L. 2019, p. 648, § 1/HB 382.

12-6A-7. Establishment of the Board of Trustees of the Georgia Outdoor Stewardship Trust Fund; membership; role; priorities

- a. There is hereby established the Board of Trustees of the Georgia Outdoor Stewardship Trust Fund, which shall consist of 11 members as follows:
 - 1. The commissioner of the Georgia Department of Natural Resources, who shall also serve as chairperson of the board;
 - 2. The director of the State Forestry Commission;
 - 3. The director of the Environmental Protection Division of the Department of Natural Resources;
 - 4. The commissioner of Transportation;
 - 5. The director of the Coastal Resources Division of the Department of Natural Resources, as an ex officio, nonvoting member;
 - 6. The director of the Wildlife Resources Division of the Department of Natural Resources, as an ex officio, nonvoting member;
 - 7. The director of state parks of the Department of Natural Resources, as an ex officio, nonvoting member; and
 - 8.
 - A. Two members appointed by the Speaker of the House of Representatives; and
 - B. Two members appointed by the President of the Senate. The members appointed pursuant to this paragraph may be selected from any of the following private and public sectors: forestry, conservation,

hunting, fishing, and local government. Such members shall serve four-year terms, provided that three of the initial appointees shall each serve an initial two-year term. Such members shall be and shall remain Georgia residents during their tenure on the board and shall possess a demonstrated knowledge of and commitment to land conservation and recreation.

- b. The board shall meet at least quarterly each year for the transaction of its business and to review the progress of the Georgia Outdoor Stewardship Trust Fund. Three-fifths of the members of the board present at any board meeting shall constitute a quorum in order to conduct business; provided, however, that in the absence of a quorum, a majority of the members present may adjourn the meeting from time to time until a quorum shall attend. Any board action or recommendation must be approved by a simple majority of the members of the entire board then in office, unless specified otherwise in this Code section.
- c. The board shall accept applications from qualified local governments as defined in paragraph (18) of subsection (a) of Code Section 50-8-2, constituted recreation authorities registered with the Department of Community Affairs, state agencies, or nongovernmental entities annually for project proposals eligible for funding. The board shall evaluate the proposals received pursuant to priorities established by the board.
- d. In reviewing applications, the board shall give increased priority to projects:
 - 1. For which matching funds are available;
 - 2. That support and promote hunting, fishing, and wildlife viewing;
 - 3. That contribute to improving the quality and quantity of surface water and ground water;
 - 4. That contribute to improving the water quality and flow of springs; and
 - 5. For which the state's land conservation plans overlap with the United States military's need to protect lands, water, and habitats so as to ensure the sustainability of military missions including:
 - A. Protecting habitats on nonmilitary land for any species found on United States military land that is designated as threatened or endangered, or is a candidate for such designation under the federal Endangered Species Act of 1973, as amended, 16 U.S.C. Section 1531, et seq. or state law;
 - B. Protecting areas underlying low-level United States military air corridors or operating areas; and
 - C. Protecting areas identified as clear zones, accident potential zones, and air installation compatible use buffer zones delineated by the United States military, and for which federal or other funding is available to assist with the project.

HISTORY: Code 1981, § 12-6A-10, enacted by Ga. L. 2018, p. 541, § 1/HB 332; Ga. L. 2019, p. 648, § 2/HB 382; Ga. L. 2019, p. 1056, § 12/SB 52.

12-6A-8. Applications and proposals for funding; quarterly review and approval of proposals; final approvals; disbursement of funds

- a. The Board of Trustees of the Georgia Outdoor Stewardship Trust Fund shall accept applications from qualified local governments as defined in paragraph (18) of subsection (a) of Code Section 50-8-2, constituted recreation authorities registered with the Department of Community Affairs, state agencies, or nongovernmental entities for project proposals eligible for funding. The board shall evaluate the proposals received in accordance with this chapter and pursuant to priorities established by the board.
- b.
 - 1. The board, at their first meeting of each calendar year and working in conjunction with the board of the Department of Natural Resources, shall prepare and approve a proposal containing approved conservation projects and shall revise said proposal at each subsequent quarterly meeting held during the year.
 - 2. The board shall not approve any proposal for which the total cost at the end of the year violates the estimated revenue available under this chapter.
- c. Upon approval of each quarterly proposal by the board, the board of the Department of Natural Resources shall review and approve the proposal of the Board of Trustees of the Georgia Outdoor Stewardship Trust Fund.
- d.
 - 1. Upon approval of each quarterly proposal by the board of the Department of Natural Resources, the proposal of the Board of Trustees of the Georgia Outdoor Stewardship Trust Fund shall be transmitted for final review and approval to the chairpersons of the appropriations subcommittees of the House of Representatives and the Senate maintaining oversight authority over the Department of Natural Resources and the Georgia Environmental Finance Authority.
 - 2. Each year's initial proposal shall be submitted by January 31 to the chairpersons of the appropriations subcommittees of the House of Representatives and the Senate maintaining oversight authority over the Department of Natural Resources and the Georgia Environmental Finance Authority.
 - 3. Proposals submitted to such subcommittees outside of a session of the General Assembly shall be reviewed at a public meeting called at the discretion of the chairpersons of the appropriations subcommittees of the House of Representatives and the Senate maintaining oversight authority over the Department of Natural Resources and the Georgia Environmental Finance Authority.
 - 4. Should projects included in a proposal be subject to time constraints for completion as determined by the Board of Trustees of the Georgia Outdoor Stewardship Trust Fund, such board shall immediately provide written notice of same to the chairpersons of the appropriations subcommittees of the House of Representatives and the Senate maintaining oversight authority over the Department of Natural Resources and the Georgia Environmental Finance Authority.

- e. Upon approval of a proposal of the Board of Trustees of the Georgia Outdoor Stewardship Trust Fund by the appropriations subcommittees of the House of Representatives and the Senate maintaining oversight authority over the Department of Natural Resources and the Georgia Environmental Finance Authority, the proposal and projects included therein shall be deemed approved.
- f. Such approved project shall become eligible for funding consistent with this chapter. The Georgia Environmental Finance Authority shall be responsible for the disbursement of funds following project approval.

HISTORY: Code 1981, § 12-6A-7, enacted by Ga. L. 2018, p. 541, § 1/HB 332; Ga. L. 2019, p. 648, § 3/HB 382; Ga. L. 2019, p. 1056, § 12/SB 52.

12-6A-9. Agreements as to acceptance, administration, ownership, and operation of properties

The department may, by agreement with a city, county, or nongovernmental entity, accept and administer property acquired by such city, county, or nongovernmental entity pursuant to this chapter or may make such other agreements for the ownership and operation of the property as are outlined in Code Sections 12-3-32 and 27-1-6.

HISTORY: Code 1981, § 12-6A-8, enacted by Ga. L. 2018, p. 541, § 1/HB 332.

12-6A-10. Annual report by department

Following the close of each state fiscal year, the department shall submit an annual report of its activities and program administration expenditures for the preceding year pursuant to this chapter to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the chairperson of the Ways and Means Committee of the House of Representatives, the chairperson of the Senate Finance Committee, the chairpersons of the Appropriations Committee of the House of Representatives and the Appropriations Committee of the Senate, and the chairpersons of the Natural Resources and Environment Committee of the House of Representatives and the Natural Resources and the Environment Committee of the Senate, and make such report available to the General Assembly.

HISTORY: Code 1981, § 12-6A-9, enacted by Ga. L. 2018, p. 541, § 1/HB 332; Ga. L. 2019, p. 648, § 4/HB 382.

12-6A-11. Authority to promulgate rules and regulations

The department shall promulgate rules and regulations as necessary to implement the provisions of this chapter.

HISTORY: Code 1981, § 12-6A-11, enacted by Ga. L. 2018, p. 541, § 1/HB 332.

12-6A-12. Annual grant when state owns property; calculations

- a. Each county in which is located 20,000 acres or more of unimproved real property belonging to the state and under the custody or control of the department, in which such state-owned property exceeds 10 percent of the taxable real property in the county, and in which such property represents

10 percent or more of the assessed tax digest of the county may receive from the department an annual grant as provided in this Code section.

- b. For each county eligible to receive a grant pursuant to subsection (a) of this Code section, the department shall calculate the approximate value of public services which the county provides the department each year; provided, however, that such sum shall not exceed the amount the county would charge any other landowner for such services. The department shall request funds in its annual operating budget each year to reimburse all eligible counties for the provision of such services. In the event the amount appropriated in any year is less than the amount requested, each eligible county shall receive a pro rata share based on the estimated value of services provided.
- c. The department is directed to make an annual calculation of the amount of unimproved state-owned real property under its custody or control and determine which counties are eligible for a grant pursuant to subsection (a) of this Code section. The first such determination shall be completed not later than December 31, 2020, and each subsequent determination shall be made not later than December 31 of each year. The department is further directed to calculate the approximate value of public services provided by each eligible county as provided in subsection (a) of this Code section.
- d. Only land acquired with Outdoor Stewardship Trust Fund moneys shall be used in the calculation of this grant.
- e. No more than 10 percent of Outdoor Stewardship Trust Fund moneys shall be allocated to grants to offset local taxes during any fiscal year.
- f. No county shall be authorized to receive a grant of funds pursuant to both this Code section and Code Section 48-14-1.

HISTORY: Code 1981, § 12-6A-12, enacted by Ga. L. 2018, p. 541, § 1/ HB 332.

TITLE 16 - ARTICLE 2 CRIMINAL TRESPASS AND DAMAGE TO PROPERTY

16-7-21. Criminal trespass

- a. A person commits the offense of criminal trespass when he or she intentionally damages any property of another without consent of that other person and the damage thereto is \$500.00 or less or knowingly and maliciously interferes with the possession or use of the property of another person without consent of that person.
- b. A person commits the offense of criminal trespass when he or she knowingly and without authority:
 - 1. Enters upon the land or premises of another person or into any part of any vehicle, railroad car, aircraft, or watercraft of another person for an unlawful purpose;

2. Enters upon the land or premises of another person or into any part of any vehicle, railroad car, aircraft, or watercraft of another person after receiving, prior to such entry, notice from the owner, rightful occupant, or, upon proper identification, an authorized representative of the owner or rightful occupant that such entry is forbidden; or
 3. Remains upon the land or premises of another person or within the vehicle, railroad car, aircraft, or watercraft of another person after receiving notice from the owner, rightful occupant, or, upon proper identification, an authorized representative of the owner or rightful occupant to depart.
- c. For the purposes of subsection (b) of this Code section, permission to enter or invitation to enter given by a minor who is or is not present on or in the property of the minor's parent or guardian is not sufficient to allow lawful entry of another person upon the land, premises, vehicle, railroad car, aircraft, or watercraft owned or rightfully occupied by such minor's parent or guardian if such parent or guardian has previously given notice that such entry is forbidden or notice to depart.
- d. A person who commits the offense of criminal trespass shall be guilty of a misdemeanor.
- e. A person commits the offense of criminal trespass when he or she intentionally defaces, mutilates, or defiles any grave marker, monument, or memorial to one or more deceased persons who served in the military service of this state, the United States of America or any of the states thereof, or the Confederate States of America or any of the states thereof, or a monument, plaque, marker, or memorial which is dedicated to, honors, or recounts the military service of any past or present military personnel of this state, the United States of America or any of the states thereof, or the Confederate States of America or any of the states thereof if such grave marker, monument, memorial, plaque, or marker is privately owned or located on land which is privately owned.

HISTORY: Ga. L. 1882-83, p. 121, § 1; Penal Code 1895, § 220; Penal Code 1910, § 217; Code 1933, § 26-3002; Ga. L. 1959, p. 173, § 1; Ga. L. 1960, p. 142, § 1; Code 1933, § 26-1503, enacted by Ga. L. 1968, p. 1249, § 1; Ga. L. 1969, p. 857, § 5; Ga. L. 1979, p. 764, § 1; Ga. L. 1985, p. 484, § 1; Ga. L. 1985, p. 1491, § 1; Ga. L. 1997, p. 526, § 1; Ga. L. 2001, p. 1153, § 1.

16-7-22. Criminal damage to property in the first degree

- a. A person commits the offense of criminal damage to property in the first degree when he:
1. Knowingly and without authority interferes with any property in a manner so as to endanger human life; or
 2. Knowingly and without authority and by force or violence interferes with the operation of any system of public communication, public transportation, sewerage, drainage, water supply, gas, power, or other public utility service or with any constituent property thereof.
- b. A person convicted of the offense of criminal damage to property in the first degree shall be punished by imprisonment for not less than one nor more than ten years.

HISTORY: Code 1933, § 26-1501, enacted by Ga. L. 1968, p. 1249, § 1.

16-7-23. Criminal damage to property in the second degree

- a. A person commits the offense of criminal damage to property in the second degree when he:
 - 1. Intentionally damages any property of another person without his consent and the damage thereto exceeds \$500.00; or
 - 2. Recklessly or intentionally, by means of fire or explosive, damages property of another person.
- b. A person convicted of the offense of criminal damage to property in the second degree shall be punished by imprisonment for not less than one nor more than five years.

HISTORY: Code 1933, § 26-1502, enacted by Ga. L. 1968, p. 1249, § 1; Ga. L. 1985, p. 484, § 2; Ga. L. 1985, p. 1491, § 2; Ga. L. 2008, p. 444, § 2/SB 400.

**TITLE 16 - ARTICLE 3
ARSON AND EXPLOSIVES**

16-7-60. Arson in the first degree

- a. A person commits the offense of arson in the first degree when, by means of fire or explosive, he or she knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage:
 - 1. Any dwelling house of another without his or her consent or in which another has a security interest, including but not limited to a mortgage, a lien, or a conveyance to secure debt, without the consent of both, whether it is occupied, unoccupied, or vacant;
 - 2. Any building, vehicle, railroad car, watercraft, or other structure of another without his or her consent or in which another has a security interest, including but not limited to a mortgage, a lien, or a conveyance to secure debt, without the consent of both, if such structure is designed for use as a dwelling, whether it is occupied, unoccupied, or vacant;
 - 3. Any dwelling house, building, vehicle, railroad car, watercraft, aircraft, or other structure whether it is occupied, unoccupied, or vacant and when such is insured against loss or damage by fire or explosive and such loss or damage is accomplished without the consent of both the insurer and the insured;
 - 4. Any dwelling house, building, vehicle, railroad car, watercraft, aircraft, or other structure whether it is occupied, unoccupied, or vacant with the intent to defeat, prejudice, or defraud the rights of a spouse or co-owner; or
 - 5. Any building, vehicle, railroad car, watercraft, aircraft, or other structure under such circumstances that it is reasonably foreseeable that human life might be endangered.

- b. A person also commits the offense of arson in the first degree when, in the commission of a felony, by means of fire or explosive, he or she knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage anything included or described in subsection (a) of this Code section.
- c. A person convicted of the offense of arson in the first degree shall be punished by a fine of not more than \$50,000.00 or by imprisonment for not less than one nor more than 20 years, or both.

HISTORY: Ga. L. 1924, p. 192, § 1; Code 1933, § 26-2208; Ga. L. 1949, p. 1118, § 2; Code 1933, § 26-1401, enacted by Ga. L. 1968, p. 1249, § 1; Ga. L. 1976, p. 1497, § 1; Ga. L. 1979, p. 935, § 1; Ga. L. 2004, p. 734, § 1.

16-7-61. Arson in the second degree

- a. A person commits the offense of arson in the second degree as to any building, vehicle, railroad car, watercraft, aircraft, or other structure not included or described in Code Section 16-7-60 when, by means of fire or explosive, he or she knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage any building, vehicle, railroad car, watercraft, aircraft, or other structure of another without his or her consent or in which another has a security interest, including but not limited to a mortgage, a lien, or a conveyance to secure debt, without the consent of both.
- b. A person also commits the offense of arson in the second degree as to any building, vehicle, railroad car, watercraft, aircraft, or other structure not included or described in Code Section 16-7-60 when, in the commission of a felony, by means of fire or explosive, he or she knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage any building, vehicle, railroad car, watercraft, aircraft, or other structure of another without his or her consent or in which another has a security interest, including but not limited to a mortgage, a lien, or a conveyance to secure debt, without the consent of both.
- c. A person convicted of the offense of arson in the second degree shall be punished by a fine of not more than \$25,000.00 or by imprisonment for not less than one nor more than ten years, or both.

HISTORY: Ga. L. 1924, p. 192, § 2; Code 1933, § 26-2209; Ga. L. 1949, p. 1118, § 3; Code 1933, § 26-1402, enacted by Ga. L. 1968, p. 1249, § 1; Ga. L. 1976, p. 1497, § 2; Ga. L. 1979, p. 935, § 2; Ga. L. 1985, p. 149, § 16; Ga. L. 2004, p. 734, § 2.

16-7-62. Arson in the third degree

- a. A person commits the offense of arson in the third degree when, by means of fire or explosive, he or she knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage:
 - 1. Any personal property of another without his or her consent or in which another has a security interest, including but not limited to a lien, without the consent of both and the value of the property is \$25.00 or more;

2. Any personal property when such is insured against loss or damage by fire or explosive and the loss or damage is accomplished without the consent of both the insurer and insured and the value of the property is \$25.00 or more; or
 3. Any personal property with the intent to defeat, prejudice, or defraud the rights of a spouse or co-owner and the value of the property is \$25.00 or more.
- b. A person also commits the offense of arson in the third degree when, in the commission of a felony, by means of fire or explosive, he or she knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage anything included or described in subsection (a) of this Code section.
 - c. A person convicted of the offense of arson in the third degree shall be punished by a fine not to exceed \$10,000.00 or by imprisonment for not less than one nor more than five years, or both.

HISTORY: Ga. L. 1924, p. 192, §§ 3, 4; Code 1933, § 26-2210; Ga. L. 1949, p. 1118, § 4; Code 1933, § 26-1403, enacted by Ga. L. 1968, p. 1249, § 1; Ga. L. 1976, p. 1497, § 3; Ga. L. 1979, p. 935, § 3; Ga. L. 2004, p. 734, § 3.

16-7-63. Burning of woodlands, brush, fields, or other lands; arson of lands; destruction of or damage to material or device used in detection or suppression of wildfires; penalties for violations

- a. It shall be unlawful:
 1. To, with intent to damage, start, cause, or procure another to start or cause a fire in any woodlands, brush, field, or other lands that are not one's own and without the permission of the owner or the lessee having control of such property;
 2. To burn any brush, field, forest land, campfire, or debris, whether on one's own land or the lands of another, without taking the necessary precautions before, during, and after the fire to prevent the escape of such fire onto the lands of another. The escape of such fire shall be prima-facie evidence that necessary precautions were not taken;
 3. For any person to cause a fire by discarding any lighted cigarette, cigar, debris, or any other flaming or smoldering material that may cause a forest fire; or
 4. To destroy or damage any material or device used in the detection or suppression of wildfires.
- b. This Code section shall not apply to fire resulting from the operation of transportation machinery or equipment used in its normal or accustomed manner.
- c.
 1. Any person who violates paragraph (2), (3), or (4) of subsection (a) of this Code section shall be guilty of a misdemeanor.
 2. Any person who violates paragraph (1) of subsection (a) of this Code section shall be guilty of arson of lands in the third degree and shall be

punished the same as provided by subsection (c) of Code Section 16-7-62 for arson in the third degree.

3. Any person whose violation of paragraph (1) of subsection (a) of this Code section results in a fire that burns more than five acres that are not one's own shall be guilty of arson of lands in the second degree and shall be punished the same as provided by subsection (c) of Code Section 16-7-61 for arson in the second degree.
4. Any person who violates paragraph (1) of subsection (a) of this Code section under such circumstances that it was reasonably foreseeable that human life might be endangered shall be guilty of arson of lands in the first degree and shall be punished the same as provided by subsection (c) of Code Section 16-7-60 for arson in the first degree

HISTORY: Laws 1833, Cobb's 1851 Digest, p. 824; Code 1863, § 4473; Ga. L. 1865-66, p. 233, § 2; Code 1868, § 4519; Code 1873, § 4609; Code 1882, § 4609; Penal Code 1895, § 698; Ga. L. 1898, p. 60, § 1; Penal Code 1910, § 748; Code 1933, § 26-7704; Code 1933, § 26-2214, enacted by Ga. L. 1949, p. 1118, § 8; Code 1933, § 26-3601, enacted by Ga. L. 1956, p. 737, § 8; Ga. L. 1971, p. 577, §§ 1, 2; Code 1981, § 16-7-63, as redesignated by Ga. L. 2008, p. 444, § 3/SB 400.

ARTICLE 4 FRAUD AND RELATED OFFENSES

16-9-58. Failing to pay for natural products or chattels

Any person, either on his or her own account or for others, who with fraudulent intent shall buy cotton, corn, rice, crude turpentine, spirits of turpentine, rosin, pitch, tar, timber, pulpwood, Christmas trees, pine needles, horticultural crops, poultry and poultry products, cattle, hogs, sheep, goats, ratites, horses, mules, pecans, peaches, apples, watermelons, cantaloupes, or other products or chattels and fail or refuse to pay therefor within 20 days following receipt of such products or chattels or by such other payment due date explicitly stated in a written contract agreed to by the buyer and seller, whichever is later, shall be guilty of a misdemeanor; except that if the value of the products or chattels exceeded \$500.00 such person shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than five years.

HISTORY: Ga. L. 1884-5, pp. 45, 52; Code 1933 § 5-9914 enacted by Code 1981, § 16-9-58, enacted by Ga. L. 1983, p. 485, § 2; Ga. L. 1995, p. 244, § 11; Ga. L. 2003, p. 369, § 1.

16-9-61. Misrepresenting the origin or ownership of timber or agricultural commodities

- a. A person commits the crime of misrepresenting the origin or ownership of timber or agricultural commodities when, in the course of a sale, attempted sale, delivery, or other completed or attempted transaction regarding timber or agricultural commodities, he or she knowingly, willfully, and with criminal intent to defraud makes a false statement or knowingly, willfully, and with

criminal intent to defraud causes a false statement to be made with regard to any specific ownership of the timber or agricultural commodities or with regard to the location or ownership of the land where the timber was cut or the agricultural commodities were harvested.

- b. Misrepresenting the origin of timber or agricultural commodities shall be punished, upon conviction, as for a misdemeanor; except that if the property which was the subject of the misrepresentation exceeded \$500.00 in value, it shall be a felony offense punishable upon conviction by a sentence of imprisonment of not less than one year and not exceeding five years

HISTORY: Code 1981, § 16-9-61, enacted by Ga. L. 1996, p. 943, § 1.

TITLE 9 - CHAPTER 3 - ARTICLE 2 CIVIL PRACTICE - SPECIFIC PERIODS OF LIMITATION

9-3-32. Accrual of actions for recovery of personal property or loss of timber; damages for conversion or destruction

Actions for the recovery of personal property, or for damages for the conversion or destruction of the same, shall be brought within four years after the right of action accrues, and actions involving the unauthorized cutting or cutting and carrying away of timber from the property of another shall be brought within four years after the cutting or cutting and carrying away of timber.

HISTORY: Ga. L. 1855-56, p. 233, § 2; Code 1933, § 3-1003; Ga. L. 2014, p. 695, § 1/ HB 790.

TITLE 51 - CHAPTER 11 - ARTICLE 1 DEFENSES TO TORT ACTIONS

51-11-10. Property owner selling timber not liable for trespass or conversion of property caused by third party; establishment of property boundaries

There shall be a rebuttable presumption that a property owner selling timber from his or her land and acting in good faith shall not be liable to adjoining landowners for any trespass or conversion of property caused by a third party timber harvester who is not subject to the control and direction of the property owner selling timber if, prior to the harvesting of such timber:

1. A land surveyor possessing a certificate of registration issued by the State Board of Registration for Professional Engineers and Land Surveyors has surveyed the property from which the timber is to be harvested and plainly established and clearly marked the metes and bounds of the property such that a reasonable person would know or should have known of the existence of such markings when harvesting the timber and has provided a copy of that survey to the third-party timber harvester;
2. The boundaries of the property from which timber is sold have been completely and accurately indicated using physical markers that are clearly visible such that a reasonable person would know or should have known of the existence of such physical markers; or

3. The property owner has obtained a document indicating where the boundaries are and signed by adjoining landowners indicating that they agree on the location of such boundaries and has provided a copy of such document to the third-party timber harvester; provided, however, that such document shall only create a presumption in favor of the property owner with regard to those landowners who have signed such document.

HISTORY: Code 1981, § 51-11-10, enacted by Ga. L. 2014, p. 695, § 6/HB 790

TITLE 51 - CHAPTER 12 - ARTICLE 3 DAMAGES FOR CONVERSION OF TIMBER

51-12-50. Measure of damages for converted timber; presumption

- a. When a plaintiff, other than a plaintiff under Code Section 51-12-51, recovers for timber cut or cut and carried away, the measure of damages shall be:
 1. Treble the fair market value of the trees cut as they stood;
 2. Treble the diminished fair market value of any trees incidentally harmed;
 3. Costs of reasonable reforestation activities related to the plaintiff's injury; and
 4. Attorney fees and expenses of litigation.
- b. When the defendant is a willful trespasser, the plaintiff may also recover punitive damages.
- c. When the boundary lines of the property have been clearly and accurately marked, it shall be presumed that the defendant was a willful trespasser.

HISTORY: Civil Code 1895, § 3918; Civil Code 1910, § 4515; Code 1933, § 105-2013; Ga. L. 2014, p. 695, § 7/HB 790; Ga. L. 2021 HB90.

51-12-51. Recovery by person holding security interest in land for conversion of timber; use of converted timber by owner

- a. Every person, firm, or corporation who, without the written consent of the person holding legal title to land or to an interest in land as security for debt, as shown by the public records of the county where such land is located, buys, sells, cuts, removes, holds, disposes of, changes the form of, or otherwise converts to the use of such person, firm, corporation, or another any trees growing or grown on such land shall be liable to the holder of the legal title for such trees, in any form, bought, sold, cut, removed, held, disposed of, changed in form, or otherwise converted by such person, firm, or corporation, or for the value of such trees, provided that recovery may not be for more than the unpaid portion of the secured indebtedness, interest thereon, and a reasonable attorney's fee. Recovery may be had by action at law from one who purchases, without the consent of the holder of the legal title, such interest in the trees, mineral or other rights, or interest in the encumbered real estate, either jointly or severally, with the holder of the equitable title. Notwithstanding any other provision of law, any such person, firm, or corporation who is a buyer in the ordinary course of

business pursuant to Title 11, the 'Uniform Commercial Code,' including, but not limited to, CodeSection11-9-320, shall have no liability under this Code section.

- b. The equitable owner of the land shall be allowed to use the timber for such equitable owner's own use, such as for firewood or other necessary uses of timber in and around such equitable owner's farm.

HISTORY: Ga. L. 1939, p. 340, § 1; Ga. L. 2021 HB90.

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