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## LOCAL GOVERNMENT Community Greenspace Preservation: Enact the "Georgia Land Conservation Act"; Provide for State and Local Government Activities with Respect to Land Conservation; State Legislative Intent; Define Terms; Create the Georgia Land Conservation Council and Provide for its Membership, Powers, Duties, and Operations; Provide for a Land Conservation Program; Create the Georgia Land Conservation Trust Fund and the Georgia Land Conservation Revolving Loan Fund and Provide for Sources of Funding, Grants and Other Disbursements from Said Funds; Provide for

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## LOCAL GOVERNMENT

***Community Greenspace Preservation: Enact the “Georgia Land Conservation Act”; Provide for State and Local Government Activities with Respect to Land Conservation; State Legislative Intent; Define Terms; Create the Georgia Land Conservation Council and Provide for its Membership, Powers, Duties, and Operations; Provide for a Land Conservation Program; Create the Georgia Land Conservation Trust Fund and the Georgia Land Conservation Revolving Loan Fund and Provide for Sources of Funding, Grants and Other Disbursements from Said Funds; Provide for Eligibility for Award and Disbursement of Grants to Counties, Cities, and the Department of Natural Resources; Authorize the Department of Natural Resources to Provide for Management of Property so Acquired; Provide for Promulgation of Certain Rules and Regulations by the Georgia Environmental Facilities Authority; Encourage Partnerships with the Private Sector; Provide for the Transfer of Funds from the Georgia Greenspace Trust Fund to the Georgia Land Conservation Trust Fund; Amend the “Georgia Administrative Procedure Act,” so as to Redefine a Term; Provide for Related Matters; Provide an Effective Date; Repeal Conflicting Laws; and for Other Purposes***

CODE SECTIONS:	O.C.G.A. §§ 36-22-1 to -12 (amended), -13 to -15 (new), 50-13-2 (amended)
BILL NUMBER:	HB 98
ACT NUMBER:	32
GEORGIA LAWS:	2005 Ga. Laws 175
SUMMARY:	The Act replaces the Community Greenspace Program. Its purpose is to provide a mechanism to encourage cities, counties, and private partners to protect the state’s natural resources. The Act establishes a competitive grant and loan program for preservation of land or conservation easements on land. The Act establishes the Land Conservation Council, which reviews

and approves grant and loan applications based on the environmental value and conservation benefit of each proposal. The Act also establishes the State Land Geographic Information System to identify areas with high environmental value and conservation benefits and to track land protected under the Act.

EFFECTIVE DATE: April 14, 2005<sup>1</sup>

### *History*

Georgia is among the six most biologically diverse states in the United States.<sup>2</sup> However, it is also the fifth fastest growing state, experiencing a 26.4% increase in population between 1990 and 2000.<sup>3</sup> Without mechanisms to preserve land, rapid population growth and urban sprawl threaten not only Georgia's natural resources and diversity but also its quality of life and competitive economy.<sup>4</sup> Georgia has already experienced the third largest loss of farmland in the nation and ranks only 12th out of 16 Southeastern states in terms of greenspace preservation efforts.<sup>5</sup>

In 1999, Governor Roy Barnes, recognizing the need to preserve greenspace in Georgia, proposed legislation leading to the adoption of the Georgia Community Greenspace Program.<sup>6</sup> This legislation created a voluntary program where eligible counties with approved greenspace programs would receive grants to purchase and preserve greenspace.<sup>7</sup> The program focused on large and rapidly growing

1. See 2005 Ga. Laws 175, § 4, at 184. The Act became effective upon approval by the Governor. *See id.*

2. ADVISORY COUNCIL FOR THE GEORGIA LAND CONSERVATION PARTNERSHIP, GEORGIA LAND CONSERVATION PARTNERSHIP PLAN: A REPORT TO GOVERNOR SONNY PERDUE 11 (Aug. 2004), [http://www.gadnr.org/glcp/Assets/Documents/GLCP\\_Final\\_Report\\_for\\_web.pdf](http://www.gadnr.org/glcp/Assets/Documents/GLCP_Final_Report_for_web.pdf) [hereinafter GEORGIA LAND CONSERVATION PARTNERSHIP PLAN].

3. *Id.* at 12.

4. *See id.* at 15.

5. Editorial, *Our Opinions: A Partial Green Light; Land Conservation Plan on Right Track but Needs More Accessibility for Public, Smaller Communities*, ATLANTA J. CONST., Feb. 7, 2005, at A10, available at 2005 WLNR 2912379 [hereinafter *Partial Green Light*].

6. *See Review of Selected 2000 Georgia Legislation*, 17 GA. ST. U. L. REV. 239 (2000).

7. *See* 2000 Ga. Laws 392, § 1, at 394 (formerly found at O.C.G.A. § 36-22-4 (2000)).

cities and counties, defined as those with populations of at least 60,000 people or those increasing in size by an average of at least 800 people per year since the last census.<sup>8</sup> The program also required that each participating county develop a greenspace program setting aside 20% of the county's geographic area as "neighborhood accessible" greenspace.<sup>9</sup>

Over four years, the Greenspace Program successfully helped counties preserve and protect about 9,000 acres of land statewide.<sup>10</sup> However, counties failed to spend about one-fifth of the \$60 million allocated to the program between 2001 and 2002.<sup>11</sup> While several counties, including Gwinnett, Fulton, Chatham, Cherokee, and Hall, maximized their funds to acquire land, other counties did not spend their grant money in time and instead returned their entire grant to the state.<sup>12</sup> Many of these counties "blamed changes in government leadership, bungled negotiations, lack of expertise and rising land costs" for their failure to purchase any land under the program.<sup>13</sup>

In response to 2003 budget shortages, Governor Sonny Perdue halted the two-year-old Greenspace Program by cutting all its funding.<sup>14</sup> Governor Perdue then created the Advisory Council for the Georgia Land Conservation Partnership in December 2003 and charged it with developing a statewide land conservation plan for Georgia.<sup>15</sup> In particular, Governor Perdue wanted the conservation plan to include state land acquisition as well as grants and incentives for cities, counties, private landowners, and philanthropic organizations to acquire and preserve land.<sup>16</sup>

8. See *id.* at 398 (formerly found at O.C.G.A. § 36-22-10 (2000)).

9. See *id.* at 396 (formerly found at O.C.G.A. § 36-22-6 (2000)); Sherri Labovitz, *Protecting Easements to Protect Greenspace*, AM. CITY & COUNTY, June 2000, [http://americacityandcounty.com/mag/government\\_protecting\\_easements\\_protect/index.html](http://americacityandcounty.com/mag/government_protecting_easements_protect/index.html).

10. See Stacy Shelton, *Green Space Purchases: Governments Race Clock as Loss of Funding Nears*, ATLANTA J. CONST., Aug. 15, 2004, at C1, available at 2004 WLNR 6322111.

11. *Id.*

12. *Id.*; Stacy Shelton, *Green Space Funds in Play; Atlanta Expects to Use State Money by Oct. 31 Deadline*, ATLANTA J. CONST., Aug. 26, 2004, at JN1, available at 2004 WLNR 6328955.

13. Shelton, *supra* note 10; see *Partial Green Light*, *supra* note 5.

14. See Christopher Quinn, *Legislature 2003: Green Space Plans Cut as State Grants Dry Up*, ATLANTA J. CONST., Mar. 7, 2003, at C4, 2003 WLNR 6238782; Wes Hasden, *Opinion: Save Georgia's Greenspace*, CHATTAHOOGA TIMES FREE PRESS, May 12, 2003, at B6.

15. See GEORGIA LAND CONSERVATION PARTNERSHIP PLAN, *supra* note 2, at v, 1-2; Stacy Shelton, *Land Preservation Funds Tough to Find*, ATLANTA J. CONST., Aug. 4, 2004, at B1, available at 2004 WLNR 6352487.

16. See GEORGIA LAND CONSERVATION PARTNERSHIP PLAN, *supra* note 2, at 1-2.

The Advisory Council adopted a visionary goal of “a statewide network of natural, historic, and recreational areas and land and water corridors; a priceless legacy which enhances the health of ecosystems, encourages working landscapes, fosters natural resource stewardship, sustains a healthy economy, and promotes a sustainable high quality of life for current and future generations of Georgians.”<sup>17</sup>

Together with the Georgia Department of Natural Resources (DNR) and conservation organizations, the Advisory Council recommended that Governor Perdue propose legislation to amend Governor Barnes’ Community Greenspace Program.<sup>18</sup> In particular, the Advisory Council recommended that the new conservation program allow participation by all local governments, incorporate competitive grants based on each proposal’s conservation merits, promote public-private land conservation partnerships, provide a variety of land conservation tools, and reorganize the agency structure to provide better support for land conservation.<sup>19</sup> Based on the Advisory Council’s recommendations, Governor Perdue proposed an amended land conservation plan, which was introduced in the House of Representatives as HB 98.<sup>20</sup> Governor Perdue had already earmarked \$100 million for the program—\$75 million from existing federal loans and reprogrammed DNR funds and \$25 million from an unnamed private foundation.<sup>21</sup>

### *Bill Tracking of HB 98*

#### *Consideration and Passage by the House*

Representatives Golick, Roberts, Smith, and Jones of the 34th, 154th, 70th, and 46th districts, respectively, sponsored HB 98.<sup>22</sup> On January 25, 2005, the House first read HB 98 and the Speaker of the House, Glen Richardson, assigned it to the Committee on Natural

17. *Id.* at 2.

18. *Id.* at 3-4, 23-27.

19. *See id.* at 19-52.

20. *See* HB 98, as introduced, 2005 Ga. Gen. Assem.

21. *See* Stacy Shelton & Sonji Jacobs, *Lawmakers Vote to Save Green Space*, ATLANTA J. CONST., Feb. 15, 2005, at A1, available at 2005 WLNR 2914297; Audio Recording of House Proceedings, Jan. 31, 2005 (remarks by Rep. Rich Golick), [http://www.georgia.gov/00/article/0,2086,4802\\_6107103\\_33078458,00.html](http://www.georgia.gov/00/article/0,2086,4802_6107103_33078458,00.html) [hereinafter House Audio].

22. *See* HB 98, as introduced, 2005 Ga. Gen. Assem.

Resources and Environment.<sup>23</sup> Without any substantive changes, the House Committee on Natural Resources and Environment favorably reported the bill to the House floor on January 26, 2005.<sup>24</sup>

Representatives Golick and Roberts of the 34th and 154th districts, respectively, offered a floor amendment clarifying the scope of the bill's applicability.<sup>25</sup> The amendment changed the language "[a]pproval of a community land conservation project proposal or a state land conservation project proposal shall be accomplished as provided for in this Code section" to "[a]pproval of a community land conservation project proposal for purposes of this chapter or a state land conservation project proposal for purposes of this chapter shall be accomplished as provided for in this Code section."<sup>26</sup> Representatives Golick and Roberts offered this amendment "out of an abundance of caution" in response to House members' concerns that the state authority granted by this bill could threaten local conservation programs.<sup>27</sup>

Representatives Golick, Porter, Smith, and Buckner of the 34th, 143rd, 70th and 130th districts, respectively, offered a second floor amendment bringing the Georgia Environmental Facilities Authority, the agency charged with administering the bill, under the Georgia Administrative Procedure Act.<sup>28</sup>

The House unanimously adopted the Committee amendment and the two floor amendments, and passed HB 98, as amended, on January 31, 2005.<sup>29</sup>

23. See State of Georgia Final Composite Status Sheet, HB 98, Jan. 25, 2005 (May 11, 2005).

24. See State of Georgia Final Composite Status Sheet, HB 98, Jan. 26, 2005 (May 11, 2005). The House Committee on Natural Resources and Environment made technical changes to the bill including: adding "to provide for a land conservation program" to the listed purposes; replacing "appropriations" in two sections with language referring to grants, other disbursements, or money paid by intergovernmental contract; correcting a Code Section reference; and correcting an agency title. Compare HB 98, as introduced, 2005 Ga. Gen. Assem., with HB 98 (HCSFA), 2005 Ga. Gen. Assem.

25. Compare HB 98, as introduced, 2005 Ga. Gen. Assem., with HB 98 (HCSFA), 2005 Ga. Gen. Assem.

26. Compare HB 98, as introduced, 2005 Ga. Gen. Assem., with HB 98 (HCSFA), 2005 Ga. Gen. Assem.

27. See House Audio, *supra* note 21.

28. See *id.* Compare HB 98, as introduced, 2005 Ga. Gen. Assem., with HB 98 (HCSFA), 2005 Ga. Gen. Assem.

29. Georgia House of Representatives Voting Record, HB 98 (Jan. 31, 2005); State of Georgia Final Composite Status Sheet, HB 98, Jan. 31, 2005 (May 11, 2005).

### *Consideration and Passage by the Senate*

The Senate read the bill for the first time on February 1, 2005 and the Senate President, Eric Johnson, assigned it to the Senate Natural Resources and Environment Committee.<sup>30</sup> With only minor changes, the Committee favorably reported the bill to the Senate floor on February 7, 2005.<sup>31</sup>

On February 14, 2005, after Senator Chip Pearson of the 51st district introduced the bill, Senator Steve Thompson of the 33rd district, who had sponsored Governor Barnes' Community Greenspace Program in 2000, spoke passionately against the bill's adoption.<sup>32</sup> His primary concern was that removal of the focus on urban counties would destroy the State's previous conservation efforts.<sup>33</sup> By not targeting urban counties, which experience the most water and air pollution, Senator Thompson expressed fear that Georgia may once again lose its federal highway funding due to noncompliance with the Federal Clean Air Act.<sup>34</sup> He also reasoned that while Georgia's rural communities are an important part of the state's culture, they have "no lack of greenspace."<sup>35</sup> Senator Thompson also expressed concern that removing the 20% conservation goal would eliminate any incentive for developers or counties to preserve greenspace.<sup>36</sup>

Senator Thompson suggested keeping the Community Greenspace Program intact, targeting urban communities, and adding the Georgia Land Conservation Act in another Code section.<sup>37</sup> Consistent with

30. See State of Georgia Final Composite Status Sheet, HB 98, Feb. 1, 2005 (May 11, 2005).

31. See State of Georgia Final Composite Status Sheet, HB 98, Feb. 7, 2005 (May 11, 2005). The Senate Resources and Environment Committee made technical changes to the bill including: clarifying the definition of "costs of acquisition" as not including "any costs for services provided in violation of Chapter 40 of Title 43"; removing a provision allowing grant and loan funds to be "carried forward each year so that no part thereof may be deposited in the general treasury"; clarifying the loan recipient from the "department having an approved state land conservation project" to the "state authorities specified by the department for purposes of approved state land conservation projects of the department"; and removing discretionary language from a date provision. Compare HB 98 (HCSFA), 2005 Ga. Gen. Assem., with HB 98 (SCA), 2005 Ga. Gen. Assem.

32. See Audio Recording of Senate Proceedings, Feb. 14, 2005 (remarks by Sen. Chip Pearson and Sen. Steve Thompson), [http://www.georgia.gov/00/article/0,2086,4802\\_6107103\\_33091490,00.html](http://www.georgia.gov/00/article/0,2086,4802_6107103_33091490,00.html) [hereinafter Senate Audio].

33. *Id.* (remarks by Sen. Steve Thompson).

34. *Id.*

35. *Id.*

36. *Id.*

37. *Id.*



that recommendation, Senator Thompson proposed a floor substitute amending the Community Greenspace Program to include cemeteries in calculating the amount of greenspace a greenspace program seeks to protect.<sup>38</sup> This substitute failed by a vote of 15 to 31.<sup>39</sup>

By a vote of 52 to 2, the Senate adopted the Committee amendment and passed HB 98, as amended, on February 14, 2005.<sup>40</sup> On February 16, 2005, the House adopted the Senate amendments by a vote of 158 to 1.<sup>41</sup> Governor Perdue signed the bill into law on April 14, 2005.<sup>42</sup>

### *The Act*

The Act amends Code section 36-22-1, relating to the chapter's purpose, to include protection of Georgia's natural resources, promotion of conservation partnerships, and provision of funding options.<sup>43</sup> The Act eliminates the focus on large and rapidly growing areas and the goal of preserving at least 20% of Georgia's land.<sup>44</sup>

The Act amends Code section 36-22-2 to include the following ten conservation goals for each proposed project: (1) water quality protection; (2) flood protection; (3) wetlands protection; (4) erosion reduction; (5) protection of riparian buffers; (6) protection of agricultural and forestry lands; (7) protection of cultural and historic sites; (8) scenic protection; (9) provision of recreational facilities; and (10) connection of areas contributing to these goals.<sup>45</sup>

The Act amends Code sections 36-22-3 and 36-22-4, creating the nine-member Land Conservation Council, the Georgia Land Conservation Trust Fund, and the Georgia Land Conservation

38. See Failed Senate Floor Substitute to HB 98, introduced by Sen. Steve Thompson, Feb. 14, 2005; Senate Audio, *supra* note 32 (remarks by Sen. Steve Thompson).

39. See Senate Audio, *supra* note 32.

40. Georgia Senate Voting Record, HB 98 (Feb. 14, 2005); State of Georgia Final Composite Status Sheet, HB 98, Feb. 14, 2005 (May 11, 2005).

41. Georgia House Voting Record, HB 98 (Feb. 16, 2005); State of Georgia Final Composite Status Sheet, HB 98, Feb. 16, 2005 (May 11, 2005).

42. State of Georgia Final Composite Status Sheet, HB 98, Apr. 14, 2005 (May 11, 2005).

43. O.C.G.A. § 36-22-1 (Supp. 2005).

44. *Id.*

45. *Id.* § 36-22-2.

Revolving Loan Fund.<sup>46</sup> The Act also requires all land purchased with the grants or loans to be recorded with the DNR.<sup>47</sup>

The Act amends Code section 36-22-8, setting forth the procedures for review and approval of land conservation project proposals.<sup>48</sup> The Act authorizes the Georgia Environmental Facilities Authority to review the fiscal merit of each proposal and the DNR to review the environmental merit of each proposal.<sup>49</sup> The Georgia Land Conservation Council will determine what proposals receive funding based on the recommendations of both departments and the purposes of the Act.<sup>50</sup>

The Act amends Code section 36-22-10 to make all cities and counties eligible to apply to the program, rather than only counties with more than 60,000 people and those growing by at least 800 people per year.<sup>51</sup>

The Act amends Code sections 36-22-12 and 50-13-2, making the Georgia Environmental Facilities Authority subject to the Georgia Administrative Procedure Act.<sup>52</sup>

The Act adds Code section 36-22-13, requiring the DNR to establish the State Land Conservation Geographic Information System and to make it available to cities and counties to assist them in selecting candidates for conservation proposals.<sup>53</sup>

The Act adds Code section 36-22-14, which recognizes the importance of nonprofit conservation organizations partnering with cities, counties, and the state in land conservation projects.<sup>54</sup>

### *Analysis*

The Act amends the Georgia Community Greenspace Program in four major ways.<sup>55</sup> First, the Act extends the conservation program

46. *Id.* §§ 36-22-3 to -4.

47. *Id.* § 36-22-4.

48. *Id.* § 36-22-8.

49. O.C.G.A. § 36-22-8 (Supp. 2005).

50. *Id.*

51. *Id.* § 36-22-10.

52. *Id.* § 36-22-12; O.C.G.A. § 50-13-2 (Supp. 2005).

53. O.C.G.A. § 36-22-13 (Supp. 2005).

54. *Id.* § 36-22-14 (Supp. 2005).

55. See House Audio, *supra* note 21; see also *Green Space: Perdue, Barnes Differ on How to Preserve Land*, ATLANTA J. CONST., Aug. 15, 2004, at C5, available at 2004 WLNR 6322036.

statewide to all counties, regardless of population or growth rate.<sup>56</sup> The reasoning behind this extension is that since Georgia is one of the fastest growing states in the nation, even counties that are not rapidly growing now will be growing in a few years, and it is necessary to give communities mechanisms to protect their land for the future.<sup>57</sup> But some, including Governor Barnes and Senator Steve Thompson, have criticized this expansion as taking away emphasis on the areas that need the most protection—urban and rapidly growing areas.<sup>58</sup> As a result, urban areas that have the least amount of time to protect greenspace and have the biggest negative impact on air quality and run-off control will no longer be a priority for conservation.<sup>59</sup> There is also a concern that smaller communities may lack the expertise necessary to successfully engage in complicated land deals, a factor that inhibited the success of the Community Greenspace Program.<sup>60</sup>

Second, the Act extends the conservation program to include local governments, public institutions, and private individuals, rather than just cities and counties.<sup>61</sup> It emphasizes partnerships between local governments and private non-profit conservation organizations and land trusts.<sup>62</sup> Supporters hope these partnerships with organizations experienced in negotiating land purchases will help resolve the lack of expertise issue that plagued the Community Greenspace Program.<sup>63</sup> Also, instead of bringing land into public ownership, the Act will focus more on creating conservation easements on privately owned land.<sup>64</sup> Conservatives are pleased with this solution because it places more responsibility on private land owners rather than on taxpayers and does not “involve regulatory taking, hidden taxes and

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56. O.C.G.A. § 36-22-10 (Supp. 2005).

57. See House Audio, *supra* note 21; Telephone Interview with Rep. Rich Golick, House District No. 34 (Apr. 25, 2005) [hereinafter Golick Interview]; Telephone Interview with Rep. Lynn Smith, House District No. 70 (Apr. 25, 2005) [hereinafter Smith Interview].

58. See Senate Audio, *supra* note 32 (remarks by Sen. Steve Thompson); Telephone Interview with Sen. Steve Thompson, Senate District No. 33 (Apr. 21, 2005) [hereinafter Thompson Interview]; Shelton, *supra* note 10.

59. See Thompson Interview, *supra* note 58.

60. See *Partial Green Light*, *supra* note 5.

61. O.C.G.A. § 36-22-1 (Supp. 2005).

62. See House Audio, *supra* note 21.

63. See Shelton, *supra* note 10.

64. See Shelton & Jacobs, *supra* note 21.

artificial limits on growth.”<sup>65</sup> On the other hand, because of the focus on privately owned land, public access is not a requirement for participation in the program, and many have criticized the fact that the public will not enjoy the benefit of the preserved greenspace.<sup>66</sup>

Third, the Act creates a competitive grant program forcing local governments to compete with private foundations and each other for conservation grants.<sup>67</sup> Rather than focusing on preserving greenspace, the Act prioritizes proposals based on the environmental and conservation value of the land to be protected.<sup>68</sup> The DNR will compile geographic data and make it available to local communities to help identify areas with high conservation value.<sup>69</sup> Further, conservation organizations such as the Nature Conservancy, the Georgia Conservancy, the Trust for Public Land, the Georgia Wildlife Federation, and the Conservation Fund will help local governments identify target areas for conservation.<sup>70</sup> Some previously ineligible counties have already targeted property to preserve under the program and expect to benefit from its competitive nature.<sup>71</sup> However, Governor Barnes opposes this competitive component, stating that forcing local governments to compete with one another in this way will destroy the program.<sup>72</sup>

Finally, the Act eliminates the 20% land conservation goal required by the Community Greenspace Program.<sup>73</sup> Representative Golick said that while 20% was a laudable goal, it was not based on any empirical data.<sup>74</sup> Environmental organizations are disappointed with this change, and there are concerns that without this 20%

65. Jim Wooten, Editorial, *Our Opinion: Don't Panic on Environment*, ATLANTA J. CONST., Apr. 17, 2005, at E6, available at 2005 WLNR 5983452.

66. See *id.*; *Partial Green Light*, *supra* note 5; Stacy Shelton, *Legislature 2005: House to Vote on Land Preservation: Bill Offers \$100 Million for Projects*, ATLANTA J. CONST., Jan. 31, 2005, at B5, available at 2005 WLNR 1309525.

67. See O.C.G.A. § 36-22-8 (Supp. 2005); House Audio, *supra* note 21; Rob Pavey, *Augusta Could Reap From Plan*, AUGUSTA CHRON., Feb. 8, 2005, at B05, available at 2005 WLNR 1796914.

68. O.C.G.A. § 36-22-8 (Supp. 2005); House Audio, *supra* note 21; Golick Interview, *supra* note 57; Smith Interview, *supra* note 57.

69. O.C.G.A. § 36-22-8 (Supp. 2005); House Audio, *supra* note 21; Smith Interview, *supra* note 57.

70. Press Release, Office of Communications, Governor Perdue Announces Georgia Land Conservation Act Including \$100 Million in Funds: Act Will Encourage the Protection of Georgia's Natural and Cultural Resources, (Jan. 25, 2005), <http://www.gov.state.ga.us/press/2005/press674.shtml>.

71. See Pavey, *supra* note 67.

72. Shelton, *supra* note 10.

73. Compare O.C.G.A. § 36-22-6 (Supp. 2005), with 2000 Ga. Laws 392, § 1, at 396 (formerly found at O.C.G.A. § 36-22-6 (2000)).

74. Golick Interview, *supra* note 57; House Audio, *supra* note 21.

requirement developers will no longer have an incentive to preserve greenspace and will return to clear-cutting practices.<sup>75</sup>

Senator David Adelman of the 42nd district made clear during the Senate floor debate that “this bill will not increase the greenspace in metropolitan Atlanta” and “does not do anything for the most densely, overdeveloped parts of this state.”<sup>76</sup> While this Act marks a setback in conservation efforts for Atlanta and other urban areas, the hope is that the Act’s statewide focus will help slow Atlanta’s sprawl and prevent overdevelopment in other parts of the state.<sup>77</sup>

*Sarah A. Whalin*

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75. Thompson Interview, *supra* note 58; Shelton, *supra* note 21; Stacy Shelton, *Keeping Acreage Pristine Will Pay; Governor Wants to Reward Owners Who Decide Not to Develop Land*, ATLANTA J. CONST., Jan. 26, 2005, at A1, available at 2005 WLNR 1070278.

76. Senate Audio, *supra* note 32 (remarks by Sen. David Adelman).

77. See House Audio, *supra* note 21 (remarks by Rep. Rich Golick).