



Georgia's Tree Cutting Statute

What Is House Bill 179?

On May 12, 2011, Governor Deal signed into law House Bill 179, which significantly expands billboard companies' authority to remove trees and other vegetation from publicly owned land and thereby to assure a clear view of billboards along Georgia's 18,000 miles of highways. Among other things, House Bill 179:

- Allows billboard companies to **clear-cut** any state-owned, roadside trees (for nominal fees) to assure an unobstructed view of their signs -- regardless of the tree's size -- except for the small number of trees designated by the State as historic or part of a permitted beautification program.
- **Prevents beautification projects** that might impede the view of a billboard.
- Gives billboard owners what amounts to a **taxpayer-financed subsidy for the cost of doing business** in the form of a credit for removing useless or abandoned signs that the billboard owners can then offset against the price to be paid for tree removal.
- **Expands the law** to allow owners of recently erected billboards (who under the prior version of the law were excluded) to apply for a permit to clear-cut trees in public rights of way.

What Is Wrong with House Bill 179?

Georgia's Constitution prohibits the General Assembly from giving away public property for the sole benefit of a private concern. But House Bill 179 does just that -- it gives away Georgia's trees and its scenic views to the billboard companies without receiving a substantial benefit in return. In a lawsuit described below, the constitutionality of the legislation is being challenged.

What Is Trees Atlanta Doing?

Trees Atlanta and Scenic Georgia filed "friend of the court" briefs in a lawsuit filed in the Superior Court of Muscogee County by the City of Columbus, Georgia, the Gateways Foundation, and Trees Columbus challenging the constitutionality of House Bill 179. The court recently held a hearing in the case to determine whether the case should go to trial, and Trees Atlanta attended the hearing and argued against the law. Although the court has not yet ruled whether the law is unconstitutional, it issued an injunction that temporarily prohibits tree cutting by billboard owners on public rights of way in Georgia at least until he has made a final ruling.

What Can I Do?

Stay educated and informed about the law and the case filed in Columbus. If the tree cutting statute is declared unconstitutional, the billboard companies will not go away. They are well-funded (having reportedly spent some \$200,000 last year in lobbying for House Bill 179) and can be expected to push the General Assembly to pass new billboard-friendly laws. If and when that happens, you should be prepared to make your views known to your Georgia state representative.