

March 28, 2005

EXCLUSIVE BY E-MAIL
GW&PCA's Legislative Update

Overview: The General Assembly's 2005 session is in the home stretch, and plans to wrap up this week. Last Thursday marked the 37th day of the session, and there are officially 3 days remaining. The current plan is that they will be in session tomorrow for the final day in which they will address a rules calendar, and then Thursday for agree/disagree votes only, and will adjourn at the conclusion of Thursday's session, finishing a symbolic one day early. As a point of information, "agree/disagree" votes are required if a bill is passed in one chamber and then subsequently amended in the other; it must then go back to the chamber of origin for a vote to agree or disagree on the amended version. If the vote is to disagree, a conference committee with representatives from each chamber is appointed to try to reach a compromise, on which both chambers must agree in order for the bill to be sent forward to the Governor for signature. For complete descriptions of bills we are tracking and links to actual copies of the bills, simply go to our web site at www.gwpca.org and click on "Legislative Updates". The bills and regulatory issues we are tracking are identified individually, so you can quickly find information on those issues of interest to you.

Still Alive and Kicking...

SB 274: Dig Law: Senate Bill 274 would amend the Georgia Utility Facility Protection Act (GUFPA). The most onerous provision of the bill is that it would remove the exemption from civil penalties for local government. The bill would limit the amount the Public Service Commission could fine a local government for noncompliance to \$50,000 in a single year. Such fines could only be levied against local governing authorities for refusal to comply with GUFPA or in the event of a severe excavation violation or a demonstrated pattern of willful noncompliance, and the PSC could not levy fines if their investigators determined that the local governing authority had made a good-faith effort to comply. The House Committee substitute adds a definition of "refusal to comply" to clarify that this term "means that a utility facility owner or operator does not respond in PRIS to a locate request, does not respond to a direct telephone call to locate their facilities, or other such direct refusal. Refusal to comply does not mean a case where the volume of requests or some other mitigating circumstance prevents the utility owner or operator from locating..."

Status: Passed Senate 3/11. Passed House by committee substitute 3/22. Must go back to Senate for agree/disagree.

GW&PCA Position: GW&PCA opposes SB 274, and specifically opposes the removal of the exemption from civil penalties for local government. It should be noted, however, that the bill is dramatically improved from the bill which was originally introduced. With these changes, we are no longer actively working to defeat the bill.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/sb274.htm

HB 98: Land Conservation Trust Fund/Revolving Loan Fund

Status: Passed House 1/31. Passed Senate 2/14 with minor amendments, to which the House agreed 2/16. Awaiting Governor's signature.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb98.htm

HB 444: EIT/PE Pre-requisite Requirements

Status: Passed House 3/2. Passed out of Senate Regulated Industries and Utilities Committee 3/21.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb444.htm

SB 86: Restrictions on Condemnation: The intent of SB 86 is to protect private property rights over the interests of private developers and corporations. According to the Georgia Municipal Association, which opposes the bill, SB 86 as currently written would totally curtail city and county revitalization efforts statewide and could allow a single property owner to stop a vital redevelopment effort.

Status: Passed Senate 3/10. Tabled for further study by House Judicial Committee 3/21.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/sb86.htm

SB 190: Limited Stay for Permit Appeals: Senate Bill 190, as amended by the House Natural Resources Committee, would provide an automatic 90-day stay if an environmental permit issued by EPD is appealed. According to the Georgia Chamber of Commerce, which supports SB 190, this would be an improvement over current law, which provides for an indefinite stay that could easily delay projects for several months or years until all appeals are exhausted. SB 190 also calls for the involvement of the superior court, which would aid the Environmental Protection Division in expediting the appeal process. The legislation further allows for any person seeking to file a stay to have the right to seek a temporary restraining order, which, in most cases, runs a period of 30 days. Supporters of this bill believe this would diminish the number of frivolous stay requests that are currently filed by the general public

Status: Passed Senate 3/11. Passed House committee substitute 3/24. Must go back to Senate for agree/disagree.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/sb190.htm

Dead Until Next Year

HB 53 and HB 55: Interbasin/Intrabasin Transfer Restrictions:

Status: Assigned to House Natural Resources Committee 1/12.

GW&PCA Position: It has been GW&PCA's consistent position that decisions on specific issues such as interbasin/intrabasin transfer restrictions as proposed in HB 53 and HB 55 should come out of the comprehensive statewide water management planning process rather than driving the process. GW&PCA opposes HB 53 and HB 55.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb53.htm

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb55.htm

HB 352: Hauling of Septic Tank Waste

Status: Assigned to House Natural Resources Committee 2/9. The Resource Management Subcommittee will recommend that this issue be put into a study committee. HB 352 was held in committee.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb352.htm

HB 510: Service to Satellite Areas

Status: Assigned to House Government Affairs Committee 2/17.

GW&PCA Position: GW&PCA opposes HB 510.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb510.htm

HB 547: Impact Fees

Status: Assigned to House Government Affairs Committee 2/18.

GW&PCA Position: The existing law requires that these fees not exceed actual costs of providing the covered infrastructure and these costs are not necessarily dependent on the value of the house. In some cases, these costs may be significantly more than 2% of the selling price. Impact fees are an important and legitimate cost recovery tool. GW&PCA opposes HB 547.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb547.htm

HB 550: Permit Fees

Status: Assigned to House Natural Resources Committee 2/17. Held in committee.

GW&PCA Position: GW&PCA supports a strong EPD, with strong permitting, regulation, and enforcement programs. These should be fully supported through direct appropriations in the State budget. Unless Constitutional and/or legislative guarantees can be provided that any fees collected would result in direct increases in funding in the program area where such fees are generated, with no reduction in funding for such program area from other sources, GW&PCA opposes any permit fee system proposal.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb550.htm

HB 640: Liens for Defaults on Stormwater Utility Bills

Status: Assigned to House Public Utilities and Telecommunications Committee 3/2.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb640.htm

HR 87: Restrictions on Condemnation

Status: Tabled for further study by House Judicial Committee 3/21.

GW&PCA Position: HR 87 would have severe adverse impacts on many of our water and sewer authorities by eliminating their right to exercise their power of eminent domain. GW&PCA opposes HR 87.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hr87.htm

SB 163: Disposal of Septic Tank Wastes

Status: Assigned to Senate Natural Resources Committee 2/10.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/sb163.htm

SB 191: Contract Assistance for Expedited EPD Review

Status: Assigned to Senate Natural Resources Committee 2/15.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/sb191.htm

SR 469: Senate Environmental Program Privatization Study Committee

Status: Assigned to Senate Natural Resources Committee 3/21.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/sr469.htm