

March 7, 2005

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

Overview: Friday marked the 28th day of the 2005 session of the Georgia General Assembly; there are 12 days remaining. They will be in recess until Thursday, but there will be several committee and subcommittee meetings earlier in the week. According to the Senate's rules, any bill which has not passed out of the chamber in which it was introduced by Day 33 cannot be considered by the other chamber, so it is essentially dead until next year, though its contents could still be amended into a still-active "vehicle" bill. In an unusual twist, the House and Senate leadership have declared that Day 30 will be this year's unofficial "cross-over day", so Thursday and Friday promise to be long, hectic, and interesting days. 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. The updates reported in this "Exclusive" will be posted on our web site by Tuesday afternoon, March 8.

New Bills and Hot Issues

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. In a hearing of the Senate Regulated Industries and Utilities Committee last week, there appeared to be little interest among committee members to protect the exemption. The current version of 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 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. As you may recall, though, local governments were only brought under GUFPA five years ago, and already the legislature is attempting to remove the penalty exemption provision that induced local governments at that time, so we caution you not to take too much comfort in these restrictions on the penalty issue.

Status: Passed out of Senate Regulated Industries and Utilities Committee 3/1.

GW&PCA Position: GW&PCA opposes SB 274, and specifically opposes the removal of the exemption from civil penalties for local government. We encourage you to contact your Senators, and ask them to oppose SB 274 unless the exemption from civil penalties for local government is reinstated.

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

HB 550: Permit Fees

Status: Assigned to House Natural Resources Committee 2/17. The Environmental Quality Subcommittee will conduct a hearing on the bill on Friday morning, 3/11 at 8:30 a.m. in Room 216 of the Capitol.

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

Other Bills We Are Tracking

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 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 352: Hauling of Septic Tank Waste

Status: Assigned to House Natural Resources Committee 2/9. The Resource Management Subcommittee will conduct a hearing on the bill on Wednesday morning, 3/9 at 9:00 a.m. in Room 230 of the Capitol, followed by a meeting of the full committee at noon that same day in Room 216.

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

HB 444: EIT/PE Pre-requisite Requirements

Status: Passed House 3/2; assigned to Senate Regulated Industries and Utilities Committee 3/3.

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

HR 87 and SB 86: Restrictions on Condemnation

Status: HR 87 was assigned to the House Judicial Committee 1/28; SB 86 passed out of Senate Judicial Committee 2/7.

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

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

SB 163: Disposal of Septic Tank Wastes

Status: Assigned to Senate Natural Resources 2/10, and that committee considered the bill 2/16 and referred it to a subcommittee. It appears unlikely that the bill will move out of subcommittee.

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

SB 190: No Stay for Permit Appeals

Status: Passed out of Senate Natural Resources Committee 2/23.

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