

February 25, 2005

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

**Overview:** Today marks the 25th day of the 2005 session of the Georgia General Assembly; there are 15 days remaining. They will be in recess until next Wednesday, but there will be some committee meetings on Tuesday. 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](http://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 Monday afternoon, February 28.

**New Bills and Hot Issues**

**SB 274: Dig Law:** A great deal of time and energy has been spent over the past year, and particularly over the past two months, trying to reach an acceptable compromise on amendments to the Georgia Utility Facility Protection Act (GUFPA). GW&PCA has taken the Advisory Committee's final draft, which we expect to see introduced by Senator Seabaugh as SB 274, and marked it up to reflect the changes we need to see in order to be able to support the bill. Our position is that, without these changes, we will aggressively oppose the bill, and ask our membership to do likewise. We have received numerous e-mails recommending other minor changes, but inserting those at this point would give the impression that we are insisting on much more than these key issues, and could weaken our position. Depending on how this proposal is received, we can offer those in the spirit of helping to clean up the bill.

**Status:** Senator Seabaugh has introduced a "skeleton" bill (SB 274) as a place-holder, and will apparently present something closely resembling the Advisory Committee's final draft at the meeting of the Senate Regulated Industries and Utilities Committee next Tuesday, 3/1 at 2:30 p.m.

**GW&PCA Position:** GW&PCA has identified a few major concerns with this bill (click on [www.gwpca.org](http://www.gwpca.org) and follow the link to Legislative Updates. This mark-up is easy to follow; the sponsor's version features proposed additions as underscore and deletions as strike-through, and our proposed changes to the sponsor's version are in red.). We will oppose any effort to remove the exemption from civil penalties for local government. We encourage you to contact your Senators, especially those on the Senate Regulated Industries and Utilities Committee ([http://www.legis.state.ga.us/cgi-bin/org\\_detail.pl?Com=gasregutl](http://www.legis.state.ga.us/cgi-bin/org_detail.pl?Com=gasregutl)), and urge that they support the GW&PCA amendments; if those amendments are not incorporated into the bill, ask them to oppose the bill.

**HB 547: Impact Fees:** House Bill 547 would limit the total impact fee which could be imposed by a local government on a new single family residence to no more than 2% of its original sale price.

**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. The Legislative Committee has recommended that GW&PCA oppose HB 547; this recommendation is under consideration by our Executive Committee.

**Link:** [http://www.legis.state.ga.us/legis/2005\\_06/sum/hb547.htm](http://www.legis.state.ga.us/legis/2005_06/sum/hb547.htm)

#### **HB 510: Service to Satellite Areas**

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

**GW&PCA Position:** This bill is very similar to a bill which we opposed in the 2004 session, but slightly more onerous thanks to the addition of the 30-day grace period for fixing problems. GW&PCA believes that this bill would allow private systems to undermine the public utility's ability to serve outlying areas by picking off developments which might be profitable for the private operation, which could lead to gaps in service area, and be an impediment to areawide planning. HB 510 may also jeopardize a local government's ability to pay bond indebtedness which had assumed revenue from these availability fees. GW&PCA opposes HB 510.

**Link:** [http://www.legis.state.ga.us/legis/2005\\_06/sum/hb510.htm](http://www.legis.state.ga.us/legis/2005_06/sum/hb510.htm)

#### **HB 550: Permit Fees**

**Status:** Assigned to House Natural Resources Committee 2/17. The Chair of the Water Resources Committee has indicated that he will conduct a hearing on the bill, probably the week of 3/7.

**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](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](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](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](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.

**Link:** [http://www.legis.state.ga.us/legis/2005\\_06/sum/hb510.htm](http://www.legis.state.ga.us/legis/2005_06/sum/hb510.htm)

**HB 444: EIT/PE Pre-requisite Requirements**

**Status:** Passed out of House Regulated Industries Committee 2/16.

**Link:** [http://www.legis.state.ga.us/legis/2005\\_06/sum/hb444.htm](http://www.legis.state.ga.us/legis/2005_06/sum/hb444.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](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](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](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](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](http://www.legis.state.ga.us/legis/2005_06/sum/sb191.htm)