March 14, 2005

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

Overview: Today marks the 32nd day of the 2005 session of the Georgia General Assembly; there are 8 days remaining. They will be in session Tuesday and Thursday this week, and then in recess until next Monday. Last Friday was Day 30, and was even more hectic than anticipated because of the shooting at the Fulton County Courthouse. Now that we have passed this year's unofficial "cross-over day", any bill which has not passed out of the chamber in which it was introduced 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. Remember that any bill introduced during the 2005 session will still be available for consideration next year. 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 15.

The Hot Issue

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 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 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.
Status: Passed Senate 3/11. Assigned to House Public Utilities and Telecommunications Committee 3/12.
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. Our Legislative Committee is reviewing the as-passed version of the bill to determine if a change in our position is warranted.
Link: http://www.legis.state.ga.us/legis/2005_06/sum/sb274.htm

Other Bills That Received Attention Last Week

HB 550: Permit Fees

Status: Assigned to House Natural Resources Committee 2/17. The Environmental Quality Subcommittee conducted a hearing on the bill last Friday morning, 3/11. All of the speakers agreed that we need to find more funding for EPD, though it was certainly not agreed that a permit fee system was the proper approach. The bill's sponsor, Rep. Wendell Willard, committed to further investigate the issue and bring forth another proposal next session. The bill was 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 352: Hauling of Septic Tank Waste
Status: Assigned to House Natural Resources Committee 2/9. The Resource Management Subcommittee conducted a hearing on the bill last Wednesday morning, 3/9. The 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

Other Bills That Are Still Active

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. Assigned to Senate Regulated Industries and Utilities Committee 3/3.
Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb444.htm

SB 86: Restrictions on Condemnation
Status: Passed Senate 3/10. Assigned to House Judicial Committee 3/12.
Link: http://www.legis.state.ga.us/legis/2005_06/sum/sb86.htm

SB 190: No Stay for Permit Appeals
Status: Passed Senate 3/11. Assigned to House Natural Resources Committee 3/12.
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 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 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: Assigned to the House Judicial Committee 1/28.
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 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