March 21, 2005

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

Overview: Today marks the 35th day of the 2005 session of the Georgia General Assembly; there are 5 days remaining after today. The current plan is that they will be in session Monday, Tuesday and Thursday this week, and then Tuesday, Thursday, and Friday next week, at which time the session will end *sine die.* The Republican leadership still hopes to adjourn before Day 40, so all of this is subject to change. Remember, now that we have passed this year's "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. However, 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 22.

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 out of House Public Utilities and Telecommunications Committee by committee substitute 3/16.
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. 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: 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. Assigned to House Judicial Committee 3/12.
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 out of House Natural Resources Committee by committee substitute 3/16.
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: 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