

House Bill 199 (COMMITTEE SUBSTITUTE)

By: Representatives Lindsey of the 54<sup>th</sup> and Smith of the 70<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia  
2 Annotated, relating to the water supply division of the Georgia Environmental Finance  
3 Authority, so as to expand the Georgia Reservoir Fund; to amend Article 6 of Chapter 5 of  
4 Title 12 of the Official Code of Georgia Annotated, relating to water supply, so as to revise  
5 a definition and correct a cross-reference; to amend Code Section 36-91-100 of the Official  
6 Code of Georgia Annotated, relating to definitions relative to local public works bidding, so  
7 as to revise a definition; to amend Part 1 of Article 1 of Chapter 23 of Title 50 of the Official  
8 Code of Georgia Annotated, relating to general provisions relative to the Georgia  
9 Environmental Finance Authority, so as to revise definitions and correct cross-references;  
10 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
11 for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Part 2 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia Annotated,  
15 relating to the water supply division of the Georgia Environmental Finance Authority, is  
16 amended in Code Section 50-23-28, relating to the establishment and operation of the  
17 Georgia Reservoir Fund, by revising subsection (a) as follows:

18 "(a) There shall be established the Georgia Reservoir and Water Supply Fund, to consist  
19 of proceeds of bonds issued under this article for purposes of this part, any moneys paid  
20 to the authority under intergovernmental contracts for purposes of this part, voluntary  
21 contributions to such fund, and any federal moneys deposited in such fund. Moneys which  
22 are restricted as to their usage, including, but not limited to, restrictions on the kinds of  
23 projects for which the moneys may be expended or loaned, on the entity that may receive  
24 grants or loans of such moneys, on the manner in which such moneys may be expended or  
25 loaned, and any other condition, limitation, or restriction, may nevertheless be deposited  
26 in the fund so long as any such restriction shall not prevent the moneys so deposited from

27 being expended, loaned, or otherwise used in a manner that is consistent with the purposes  
 28 of this part. All balances in the fund shall be deposited in interest-bearing accounts."

29 **SECTION 2.**

30 Said part is further amended in Code Section 50-23-28.1, relating to authority of the water  
 31 supply division to make loans and grants to local governments for reservoir expansion, by  
 32 revising subsection (a) as follows:

33 "(a) The division may make loans and grants to a local government to pay all or any part  
 34 of the cost of expanding and increasing the capacity of existing reservoirs; or assets  
 35 reasonable or necessary to develop any water supply system comprised of new or existing  
 36 reservoirs, or any means or combination of means of providing or enhancing water supply.

37 Such loans and grants shall be made as provided in Code Section 50-23-6. The criteria  
 38 used in consideration for requests for assistance shall include, but not be limited to:

- 39 (1) The effect of recurring drought on the region;  
 40 (2) Interconnectivity of the requesting entity's water supply system with one or more  
 41 surrounding local governments; ~~and~~  
 42 (3) The long-term cost-saving risk and benefit to taxpayers that may be associated with  
 43 full-scale project implementation; and  
 44 (4) Unique regional conditions."

45 **SECTION 3.**

46 Said part is further amended in Code Section 50-23-28.2, relating to participation in certain  
 47 water projects by the water supply division, by revising paragraph (4) of subsection (d) as  
 48 follows:

49 "(4) For any project for which participation or a lead local authority role is determined  
 50 by the division to be feasible and appropriate, the division may perform management,  
 51 technical, consultative, training, educational, and other project development and  
 52 promotion activities, subject to availability of funds from the Georgia Reservoir and  
 53 Water Supply Fund established by Code Section 50-23-28, approval by the executive  
 54 director of the authority, and the requirement that the fund be fully compensated by any  
 55 private owner of the project for such expenditures; and"

56 **SECTION 4.**

57 Article 6 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to  
 58 water supply, is amended in Code Section 12-5-471, relating to definitions relative to water  
 59 supply, by revising paragraph (10) as follows:

60 "(10) 'Project' means and includes the acquisition of real property for water reservoirs or  
 61 any water supply system; the construction and reconstruction or improvement of water  
 62 reservoirs or any water supply system; the acquisition of real or personal property  
 63 surrounding water reservoirs or any water supply system or portion thereof, including any  
 64 interest in such property; the acquisition of real or personal property or any interest  
 65 therein for mitigation of any alteration of environmental resources by the construction of  
 66 a water reservoir or water supply system; assets reasonable or necessary to develop any  
 67 water supply system comprised of new or existing reservoirs, or any means or  
 68 combination of means of providing or enhancing water supply; and all necessary and  
 69 usual water facilities useful for obtaining one or more sources of water supply, the  
 70 treatment of water, and the distribution and sale of water to users and consumers,  
 71 including counties and municipalities for the purpose of resale, inside and outside the  
 72 territorial boundaries of the users and consumers, and the operation, maintenance,  
 73 additions, improvements, and extensions of such facilities so as to assure an adequate  
 74 water utility system deemed to be necessary or convenient for the efficient operation of  
 75 such type of undertaking, including, but not limited to, the development or expansion of  
 76 water facilities or systems so as to facilitate transitioning households and businesses  
 77 served by private wells, septic tanks, and other nonreturning water systems to public  
 78 water or sewerage systems, thereby promoting water conservation, all for the essential  
 79 public purpose of providing water facilities and services to meet public health and  
 80 environmental standards and to aid the development of trade, commerce, industry,  
 81 agriculture, and employment opportunities."

82 **SECTION 5.**

83 Said article is further amended in Code Section 12-5-474, relating to deposit of funds  
 84 received for operation of water supply projects, by revising subsection (b) as follows:

85 "(b) All those funds generated by the operation of the projects and paid to the division shall  
 86 be deposited in the Georgia Reservoir and Water Supply Fund established by Code Section  
 87 50-23-28."

88 **SECTION 6.**

89 Code Section 36-91-100 of the Official Code of Georgia Annotated, relating to definitions  
 90 relative to local public works bidding, is amended by revising paragraph (1) as follows:

91 "(1) 'Affected local government' means any county, municipality, or consolidated  
 92 government in which water storage, supply, monitoring, distribution, conservation, or  
 93 maintenance facilities of a project are located or proposed to be located, which will  
 94 receive for local use water or services from such project, or which, under a service

95 delivery agreement entered into pursuant to Article 2 of Chapter 70 of this title, provides  
 96 or is authorized to provide within an area water facilities or services similar to water  
 97 facilities and services proposed to be provided by a project in such area."

98

### SECTION 7.

99 Part 1 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia Annotated,  
 100 relating to general provisions relative to the Georgia Environmental Finance Authority, is  
 101 amended in Code Section 50-23-4, relating to definitions relative to the Georgia  
 102 Environmental Finance Authority, by revising paragraph (5) as follows:

103 "(5) 'Environmental facilities' means any projects, structures, systems, and other real or  
 104 personal property acquired, rehabilitated, constructed, or planned:

105 (A) For the purposes of supplying, distributing, ~~and~~ monitoring, or treating water and  
 106 diverting, channeling, or controlling water flow and head, including, but not limited to,  
 107 surface or ground water, canals, reservoirs, channels, basins, dams, aqueducts,  
 108 standpipes, penstocks, conduits, pipelines, mains, pumping stations, water distribution  
 109 systems, compensating reservoirs, intake stations, waterworks or sources of water  
 110 supply, wells, purification or filtration plants or other treatment plants and works,  
 111 connections, water meters, mechanical equipment, electric generating equipment, rights  
 112 of flowage or division and other plant structures, equipment, conveyances, real or  
 113 personal property or rights therein and appurtenances, furnishings, accessories, and  
 114 devices thereto necessary or useful and convenient for the collection, conveyance,  
 115 distribution, pumping, treatment, storing, conservation, or disposing of water;

116 (B) For the purposes of collecting, treating, or disposing of sewage, including, but not  
 117 limited to, main, trunk, intercepting, connecting, lateral, outlet, or other sewers, outfall,  
 118 pumping stations, treatment and disposal plants, ground water recharge basins,  
 119 backflow prevention devices, sludge dewatering or disposal equipment and facilities,  
 120 clarifiers, filters, phosphorus removal equipment and other plants, soil absorption  
 121 systems, innovative systems or equipment, structures, equipment, vehicles,  
 122 conveyances, real or personal property or rights therein, and appurtenances thereto  
 123 necessary or useful and convenient for the collection, conveyance, pumping, treatment,  
 124 neutralization, storing, and disposing of sewage;

125 (C) For the purposes of collecting, treating, recycling, composting, or disposing of  
 126 solid waste, including, but not limited to, trucks, dumpsters, intermediate reception  
 127 stations or facilities, transfer stations, incinerators, shredders, treatment plants, landfills,  
 128 landfill equipment, barrels, binders, barges, alternative technologies and other plant  
 129 structures, equipment, conveyances, improvements, real or personal property or rights

130 therein, and appurtenances, furnishings, accessories, and devices thereto necessary or  
 131 useful and convenient for the collection, treatment, or disposal of solid waste; or  
 132 (D) For the purposes of carrying out a community land conservation project or a state  
 133 land conservation project pursuant to Chapter 22 of Title 36."

134 **SECTION 8.**

135 Said part is further amended in Code Section 50-23-5, relating to the purpose, powers, and  
 136 duties of the Georgia Environmental Finance Authority, by revising paragraphs (30) and  
 137 (31.1) of subsection (b) as follows:

138 "(30) To administer funds granted to the state by the administrator of the federal  
 139 Environmental Protection Agency pursuant to Title VI of the Federal Water Pollution  
 140 Control Act and Title XIV of the federal Safe Drinking Water Act, as now or hereafter  
 141 amended, for the purpose of providing assistance to municipalities or counties or any  
 142 combination thereof or to any public authority or, if authorized by law, any private  
 143 agency, commission, or institution for construction of treatment works as that term is  
 144 defined in Section 212 of the federal Clean Water Act of 1977, P.L. 95-217, which are  
 145 publicly owned. The authority may also administer funds granted to the state by the  
 146 administrator of the federal Environmental Protection Agency pursuant to Title XIV of  
 147 the federal Safe Drinking Water Act, as now or hereafter amended, for the purpose of  
 148 providing assistance to municipalities or counties or any combination thereof or any  
 149 public or, if authorized by law, any private authority, agency, commission, or institution  
 150 for the construction of public drinking water works as such term is defined in Section  
 151 1401 of the federal Safe Drinking Water Act Amendments of 1986, P.L. 99-339. The  
 152 authority may also administer funds granted to the state by the administrator of the  
 153 federal Environmental Protection Agency pursuant to 33 U.S.C.A. Section 1381, et seq.,  
 154 for the purpose of providing financial assistance for any eligible water pollution control  
 155 project. The authority shall deposit any such funds received from the administrator of the  
 156 federal Environmental Protection Agency into a separate water pollution control  
 157 revolving fund or a drinking water revolving fund transferred to the authority from the  
 158 Environmental Protection Division of the Department of Natural Resources or hereafter  
 159 established; provided, however, that where appropriate, the authority may deposit funds  
 160 received from the administrator of the federal Environmental Protection Agency into the  
 161 Georgia Reservoir and Water Supply Fund established by Code Section 50-23-28. The  
 162 forms and administration of such funds shall be established by the authority in  
 163 accordance with federal requirements;"

164 "(31.1) To fund, or partially fund, the Georgia Reservoir and Water Supply Fund  
 165 established by Code Section 50-23-28. Proceeds of any bonds authorized by the General

166 Assembly for the purposes of said Code section, and any repayment of such proceeds  
167 after their expenditure, may be deposited in such fund;"

168 **SECTION 9.**

169 This Act shall become effective upon its approval by the Governor or upon its becoming law  
170 without such approval.

171 **SECTION 10.**

172 All laws and parts of laws in conflict with this Act are repealed.