A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

“(a) There shall be established the Georgia Reservoir and Water Supply Fund, to consist of proceeds of bonds issued under this article for purposes of this part, any moneys paid to the authority under intergovernmental contracts for purposes of this part, voluntary contributions to such fund, and any federal moneys deposited in such fund. Moneys which are restricted as to their usage, including, but not limited to, restrictions on the kinds of projects for which the moneys may be expended or loaned, on the entity that may receive grants or loans of such moneys, on the manner in which such moneys may be expended or loaned, and any other condition, limitation, or restriction, may nevertheless be deposited in the fund so long as any such restriction shall not prevent the moneys so deposited from...
being expended, loaned, or otherwise used in a manner that is consistent with the purposes of this part. All balances in the fund shall be deposited in interest-bearing accounts."

SECTION 2.
Said part is further amended in Code Section 50-23-28.1, relating to authority of the water supply division to make loans and grants to local governments for reservoir expansion, by revising subsection (a) as follows:

“(a) The division may make loans and grants to a local government to pay all or any part of the cost of expanding and increasing the capacity of existing reservoirs; or assets reasonable or necessary to develop any water supply system comprised of new or existing reservoirs, or any means or combination of means of providing or enhancing water supply. Such loans and grants shall be made as provided in Code Section 50-23-6. The criteria used in consideration for requests for assistance shall include, but not be limited to:

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

SECTION 3.
Said part is further amended in Code Section 50-23-28.2, relating to participation in certain water projects by the water supply division, by revising paragraph (4) of subsection (d) as follows:

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

SECTION 4.
Article 6 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water supply, is amended in Code Section 12-5-471, relating to definitions relative to water supply, by revising paragraph (10) as follows:
"(10) 'Project' means and includes the acquisition of real property for water reservoirs or any water supply system; the construction and reconstruction or improvement of water reservoirs or any water supply system; the acquisition of real or personal property surrounding water reservoirs or any water supply system or portion thereof, including any interest in such property; the acquisition of real or personal property or any interest therein for mitigation of any alteration of environmental resources by the construction of a water reservoir or water supply system; assets reasonable or necessary to develop any water supply system comprised of new or existing reservoirs, or any means or combination of means of providing or enhancing water supply; and all necessary and usual water facilities useful for obtaining one or more sources of water supply, the treatment of water, and the distribution and sale of water to users and consumers, including counties and municipalities for the purpose of resale, inside and outside the territorial boundaries of the users and consumers, and the operation, maintenance, additions, improvements, and extensions of such facilities so as to assure an adequate water utility system deemed to be necessary or convenient for the efficient operation of such type of undertaking, including, but not limited to, the development or expansion of water facilities or systems so as to facilitate transitioning households and businesses served by private wells, septic tanks, and other nonreturning water systems to public water or sewerage systems, thereby promoting water conservation, all for the essential public purpose of providing water facilities and services to meet public health and environmental standards and to aid the development of trade, commerce, industry, agriculture, and employment opportunities."

SECTION 5.

Said article is further amended in Code Section 12-5-474, relating to deposit of funds received for operation of water supply projects, by revising subsection (b) as follows: "(b) All those funds generated by the operation of the projects and paid to the division shall be deposited in the Georgia Reservoir and Water Supply Fund established by Code Section 50-23-28." 

SECTION 6.

Code Section 36-91-100 of the Official Code of Georgia Annotated, relating to definitions relative to local public works bidding, is amended by revising paragraph (1) as follows: "(1) 'Affected local government' means any county, municipality, or consolidated government in which water storage, supply, monitoring, distribution, conservation, or maintenance facilities of a project are located or proposed to be located, which will receive for local use water or services from such project, or which, under a service

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

SECTION 7.

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

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

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

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

(C) For the purposes of collecting, treating, recycling, composting, or disposing of solid waste, including, but not limited to, trucks, dumpsters, intermediate reception stations or facilities, transfer stations, incinerators, shredders, treatment plants, landfills, landfill equipment, barrels, binders, barges, alternative technologies and other plant structures, equipment, conveyances, improvements, real or personal property or rights
therein, and appurtenances, furnishings, accessories, and devices thereto necessary or
useful and convenient for the collection, treatment, or disposal of solid waste; or
(D) For the purposes of carrying out a community land conservation project or a state
land conservation project pursuant to Chapter 22 of Title 36."

SECTION 8.

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

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

"(31.1) To fund, or partially fund, the Georgia Reservoir and Water Supply Fund
established by Code Section 50-23-28. Proceeds of any bonds authorized by the General
Assembly for the purposes of said Code section, and any repayment of such proceeds
after their expenditure, may be deposited in such fund;”

SECTION 9.

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

SECTION 10.

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