

House Bill 71

By: Representatives Sims of the 167<sup>th</sup>, Coleman of the 142<sup>nd</sup>, Walker of the 141<sup>st</sup>, Mosley of the 171<sup>st</sup>, Bulloch of the 180<sup>th</sup> and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,  
2 so as to authorize loans from certain funds granted to the state by the administrator of the  
3 federal Environmental Protection Agency for purposes of financing water pollution control  
4 projects; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
8 by striking paragraph (1) of subsection (a) of Code Section 50-10-5, relating to powers and  
9 duties of the Georgia Development Authority, and inserting in lieu thereof the following:

10 "(a)(1) In addition to, and not in limitation of, the powers granted in this chapter, the  
11 Georgia Development Authority shall have and may exercise the power and authority to:

12 (A) Guarantee ~~guarantee~~ or insure loans made for rural rehabilitation purposes or for  
13 agricultural and industrial development, provided that, with respect to any such  
14 guarantee or contract of insurance made by the authority involving an asset provided  
15 to the authority under Public Law 499, Eighty-first Congress, Second Session, the  
16 authority shall maintain a reserve or insurance fund out of such assets in an amount not  
17 less than 15 percent of the contingent liability existing by reason of any such contracts  
18 of insurance or guarantee. The reserve or insurance fund of the authority may be  
19 invested; and

20 (B) Borrow money from funds granted to the state by the administrator of the federal  
21 Environmental Protection Agency pursuant to 33 U.S.C.A. Section 1381, et seq., and  
22 administered by the Georgia Environmental Facilities Authority pursuant to paragraph  
23 (30) of subsection (b) of Code Section 50-23-5 and to use the same to make loans to  
24 finance eligible water pollution control projects which are designed to mitigate  
25 pollution from agricultural operations. The borrowing of such moneys and  
26 administration of such loans made by the Georgia Development Authority shall be in

1 accordance with federal requirements."

2 **SECTION 2.**

3 Said title is further amended by striking subsections (b) and (c) of Code Section 50-23-2,  
4 relating to legislative intent and assumption of rights, duties, and assets of the Georgia  
5 Development Authority, and inserting in lieu thereof the following:

6 "(b) It is the purpose and intent of this article to provide an instrumentality ~~to provide~~  
7 ~~environmental facilities~~ to assist ~~local governments~~ in constructing, extending,  
8 rehabilitating, repairing, and renewing environmental facilities and to assist in the financing  
9 of such needs by providing grants, loans, bonds, and other assistance to local governments  
10 and instrumentalities of the state.

11 (c) The authority shall receive all assets of the Georgia Development Authority held  
12 immediately prior to the creation of the Georgia Environmental Facilities Authority except  
13 those assets received under the provisions of Public Law 499, Eighty-first Congress,  
14 Second Session, or funds or assets derived from such funds or assets. The authority shall  
15 be responsible for any contracts, leases, agreements, or other obligations entered into  
16 regarding the environmental facilities projects of the Georgia Development Authority prior  
17 to the creation of the Georgia Environmental Facilities Authority and the Georgia  
18 Environmental Facilities Authority is substituted as party to any such contract, agreement,  
19 lease, or other obligation and shall be responsible for performance thereon as if it had been  
20 the original party and shall be entitled to all benefits and rights of enforcement by any other  
21 parties to such contracts, agreements, leases, or other obligations."

22 **SECTION 3.**

23 Said title is further amended by striking subsection (a) and paragraph (30) of subsection (b)  
24 of Code Section 50-23-5, relating to the purpose, powers, and duties of the Georgia  
25 Environmental Facilities Authority, and inserting in lieu thereof the following:

26 "(a) The corporate purpose and the general nature of the business of the Georgia  
27 Environmental Facilities Authority shall be assistance ~~to local governments~~ in constructing,  
28 extending, rehabilitating, repairing, replacing, and renewing environmental facilities  
29 necessary for public purposes and commercial, residential, and industrial development  
30 purposes or necessary or incidental to such purposes by providing grants, loans, bonds, and  
31 other forms of financial and technical assistance to local governments and instrumentalities  
32 of the state to finance any project or pay the cost of any project."

33 "(30) To administer funds granted to the state by the administrator of the federal  
34 Environmental Protection Agency pursuant to Title VI of the Federal Water Pollution  
35 Control Act and Title XIV of the federal Safe Drinking Water Act, as now or hereafter

1 amended, for the purpose of providing assistance to municipalities or counties or any  
2 combination thereof or to any public authority or, if authorized by law, any private  
3 agency, commission, or institution for construction of treatment works as that term is  
4 defined in Section 212 of the federal Clean Water Act of 1977, P.L. 95-217, which are  
5 publicly owned. The authority is further authorized to administer funds granted to the  
6 state by the administrator of the federal Environmental Protection Agency pursuant to  
7 Title XIV of the federal Safe Drinking Water Act, as now or hereafter amended, for the  
8 purpose of providing assistance to municipalities or counties or any combination thereof  
9 or any public or, if authorized by law, any private authority, agency, commission, or  
10 institution for the construction of public drinking water works as such term is defined in  
11 Section 1401 of the federal Safe Drinking Water Act Amendments of 1986, P.L. 99-339.  
12 The authority is further authorized to administer funds granted to the state by the  
13 administrator of the federal Environmental Protection Agency pursuant to 33 U.S.C.A.  
14 Section 1381, et seq., for the purpose of providing financial assistance for any eligible  
15 water pollution control project. The authority shall deposit any such funds received from  
16 the administrator of the federal Environmental Protection Agency into a separate water  
17 pollution control revolving fund or a drinking water revolving fund transferred to the  
18 authority from the Environmental Protection Division of the Department of Natural  
19 Resources or hereafter established. The forms and administration of such funds shall be  
20 established by the authority in accordance with federal requirements; and"

21 **SECTION 4.**

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