

House Bill 942

By: Representatives Smith of the 91st and McCall of the 90th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 16 of Title 12 of the Official Code of Georgia Annotated, known as the
2 "Environmental Policy Act," so as to create the Environmental Protection Division
3 Agricultural Advisory Committee; to provide for the purpose, membership, chairperson,
4 expenses, powers, and duties of the committee; to amend Code Section 50-13-4 of the
5 Official Code of Georgia Annotated, relating to procedural requirements for adoption,
6 amendment, or repeal of rules and legislative consideration or override of rules, so as to
7 change the provisions relating to rules of the Environmental Protection Division of the
8 Department of Natural Resources and the review thereof; to provide an effective date; to
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 16 of Title 12 of the Official Code of Georgia Annotated, known as the
13 "Environmental Policy Act," is amended by adding at the end thereof a new Code Section
14 12-16-9 to read as follows:

15 "12-16-9.

16 (a) The Environmental Protection Division Agricultural Advisory Committee is created
17 to advise the Environmental Protection Division of the Department of Natural Resources
18 as to the effects that proposed changes in environmental rules and regulations might have
19 on family farms and agriculture in this state. The Environmental Protection Division shall
20 submit all changes in Georgia's water quality rules and regulations to the committee and
21 provide no less than 90 days for committee review and comment prior to the rule adoption.

22 (b) The Environmental Protection Division Agricultural Advisory Committee shall consist
23 of 12 members. Six members shall be appointed by the President of the Senate and
24 approved by the Senate Agriculture Committee and six members shall be appointed by the
25 Speaker of the House and approved by the House Committee on Agriculture and Consumer
26 Affairs. The members appointed by the President of the Senate shall include the

1 chairperson and two other members of the Senate Agriculture Committee, two farmers who
 2 are actively engaged in agriculture, and one additional appointee. The members appointed
 3 by the Speaker of the House shall include the chairperson and two other members of the
 4 House Committee on Agriculture and Consumer Affairs, two farmers who are actively
 5 engaged in agriculture, and one additional appointee. All members shall be appointed for
 6 terms beginning on the first day of the regular session of the General Assembly held in
 7 odd-numbered years, provided that the initial members of the advisory committee shall be
 8 appointed immediately upon the effective date of this Code section and shall serve until the
 9 first day of the regular session of the General Assembly held in 2001.

10 (c) At the first meeting in each odd-numbered year, the members of the advisory
 11 committee shall select a chairperson from among the members of the committee. The
 12 chairperson shall designate the times and places at which the committee shall meet. Seven
 13 members of the committee shall constitute a quorum for the transaction of business.

14 (d) The members of the advisory committee shall not receive compensation for their
 15 services but shall be reimbursed from funds of the Environmental Protection Division of
 16 the Department of Natural Resources for actual expenses incurred in the performance of
 17 their duties."

18 SECTION 2.

19 Code Section 50-13-4 of the Official Code of Georgia Annotated, relating to procedural
 20 requirements for adoption, amendment, or repeal of rules and legislative consideration or
 21 override of rules, is amended by striking subsection (g) of said Code section and inserting
 22 in its place the following:

23 ~~"(g)(1) Subsection (f) of this Code section shall not apply to the Environmental Protection~~
 24 ~~Division of the Department of Natural Resources, but paragraph (2) of this subsection shall~~
 25 ~~apply to the Environmental Protection Division of the Department of Natural Resources.~~
 26 (2) The following provisions shall apply to rules and regulations of the Environmental
 27 Protection Division and rules and regulations of the Board of Natural Resources relating
 28 to matters within the jurisdiction of the Environmental Protection Division:

29 (1) Water quality rules and regulations that directly affect livestock, dairy, poultry, crops,
 30 or swine and that are not required by federal law shall be subject to subsection (f) of this
 31 Code section. If such rules and regulations which relate to water quality and which
 32 directly affect livestock, dairy, poultry, crops, or swine are required by federal law or
 33 regulation and such rules or regulations impose no greater or different regulatory burden
 34 than the minimum burden required by federal law or regulation, then such rules and
 35 regulations shall not be subject to subsection (f) of this Code section. If rules and
 36 regulations which relate to water quality and which directly affect livestock, dairy,

1 poultry, crops, or swine are required by federal law or regulation and such rules or
 2 regulations impose a greater or different regulatory burden than the minimum burden
 3 required by federal law or regulation, then such rules and regulations shall be subject to
 4 subsection (f) of this Code section. For purposes of this paragraph a rule or regulation
 5 shall be considered to be required by federal law or regulation if such rule or regulation
 6 is required to avoid the loss of federal funds which would otherwise be received by the
 7 state; and

8 (2) Such rules and regulations which are not described in paragraph (1) of this subsection
 9 shall not be subject to subsection (f) of this Code section but shall be subject to this
 10 paragraph (2). In the event the chairman of any standing committee to which a proposed
 11 rule ~~relative to the Environmental Protection Division of the Department of Natural~~
 12 ~~Resources~~ proposed rule or regulation subject to this paragraph (2) is assigned notifies
 13 the agency that the committee objects to the adoption of the rule or regulation or has
 14 questions concerning the purpose, nature, or necessity of the rule or regulation, it shall
 15 be the duty of the agency to consult with the committee prior to the adoption of the rule
 16 or regulation.

17 In promulgating a rule or regulation subject to this subsection, the agency shall state its
 18 position with respect to whether the rule or regulation is subject to subsection (f) of this
 19 Code section and shall articulate the reasons for its determination."

20 SECTION 3.

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

23 SECTION 4.

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