

**ADOPTED**

1 Senators Seabaugh of the 28th, Johnson of the 1st and Stoner of the 6th offered the following  
2 amendment:

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4 Amend the Senate Committee Substitute to SB 274 by striking lines 12 through 16 of page  
5 9 and inserting in lieu thereof the following:

6 "~~exceed \$1,000.00~~ \$100.00 or for actual costs, whichever is greater, for each repeated  
7 request for re-marking."

8 By striking line 16 of page 11 and inserting in lieu thereof the following:

9 "(B) Providing electronic copies of or delivering the records through facsimile or"

10 By striking line 20 of page 11 and inserting in lieu thereof the following:

11 "days; provided, however, that for local governing authorities that receive fewer than  
12 50 locate requests annually, the local governing authority may designate the agreed  
13 upon location and communicate such designation to the excavator;"

14 By striking the word "or" at the end of line 22 of page 11.

15 By striking line 23 of page 11 and inserting in lieu thereof the following:

16 "(D) Providing the records through other processes and to other locations approved by  
17 documented agreement between the excavator and the facility owner or operator; or  
18 (E) Any other reasonable means of conveyance approved by the commission after  
19 receiving recommendations from the advisory committee."

20 By striking "\$500.00" on line 25 of page 12 and inserting in lieu thereof "\$100.00"

21 By striking lines 19 and 20 of page 14 and inserting in lieu thereof the following:

22 "committee may recommend to the commission more stringent criteria as it deems  
23 necessary to define additional care and the commission is authorized to adopt additional  
24 criteria to define additional care."

25 By striking line 27 of page 16 and inserting in lieu thereof the following:

26 "~~(f)(g)(1) The commission shall create an advisory committee~~ The Governor shall  
27 appoint an advisory committee consisting of persons who are employees or officials of  
28 or who represent the interests of:"

1 By striking lines 36 and 37 of page 16 and lines 1 through 15 of page 17 and inserting in lieu  
2 thereof the following:

3 "(A) One member to represent the Georgia Department of Transportation;

4 (B) One member to represent water systems or water and sewer systems owned or  
5 operated by local governing authorities;

6 (C) One member to represent the utilities protection center;

7 (D) One member to represent water systems or water and sewer systems owned or  
8 operated by counties;

9 (E) One member to represent water systems or water and sewer systems owned or  
10 operated by municipalities;

11 (F) One member to represent the nonmunicipal electric industry;

12 (G) Three members to represent excavators;

13 (H) One member to represent locators;

14 (I) One member to represent the nonmunicipal telecommunications industry;

15 (J) One member to represent the nonmunicipal natural gas industry;

16 (K) One member to represent municipal gas, electric, or telecommunications  
17 providers; and"

18 By striking lines 21 through 25 of page 17 and inserting in lieu thereof the following:

19 "chapter. The"

20 By striking lines 21 through 23 of page 18 and inserting in lieu thereof the following:

21 "or imposed on any local governing authority for refusal to comply with the requirements  
22 of Code Section 25-9-7 or for other violations of Code Section 25-9-7 that result in injury  
23 to people, damage to property, or the interruption of utility service in the event that  
24 investigators find that a local governing authority has demonstrated a pattern of willful  
25 noncompliance. Civil penalties may be recommended or imposed on or after January 1,  
26 2006, for violations of provisions of this chapter other than Code Section 25-9-7 in the  
27 event that investigators find that the severity of an excavation violation warrants civil  
28 penalties or that a local governing authority has demonstrated a pattern of willful  
29 noncompliance. Any such civil penalty"

30 By striking line 32 of page 18 and inserting in lieu thereof the following:

31 "authority. Such penalty structure shall also take into account the number of locate requests  
32 received annually by the local governing authority from the UPC, the number of utility  
33 customers whose service may have been interrupted by violations of this chapter, and the

1 duration of such interruptions. Such penalty structure shall also consider the cost of  
2 compliance. The penalty structure shall establish for each tier the maximum penalty"

3 By striking line 24 of page 19 and inserting in lieu thereof the following:

4 "(6) The commission is authorized to adopt the recommendation of the advisory  
5 committee regarding a civil penalty, or to reject such a recommendation. The  
6 commission is not authorized to impose a civil penalty greater than the civil penalty  
7 recommended by the advisory committee or to impose any civil penalty if the advisory  
8 committee does not recommend a civil penalty.

9 (7) The commission may, by judgment entered after a hearing on notice duly served on"