

House Bill 1203

By: Representatives Benfield of the 85th, Willard of the 49th, Amerson of the 9th, Lindsey of the 54th, Buckner of the 130th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-7-7 of the Official Code of Georgia Annotated, relating to permit
2 or notice of intent required for land-disturbing activities, approval of application and issuance
3 of permit, denial of permit, and bond requirement, so as to require that certain land
4 disturbance fees paid to the Environmental Protection Division shall be deposited into a
5 newly created nonlapsing trust fund to be used for administration of certain provisions
6 relating to control of soil erosion and sedimentation; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Code Section 12-7-7 of the Official Code of Georgia Annotated, relating to permit or notice
11 of intent required for land-disturbing activities, approval of application and issuance of
12 permit, denial of permit, and bond requirement, is amended by striking subsection (d) and
13 inserting in lieu thereof the following:

14 "(d)(1) Fees assessed pursuant to paragraph (5) of subsection (a) of Code Section 12-5-23
15 shall be calculated and paid by the primary permittee as defined in the state general
16 permit for each acre of land-disturbing activity included in the planned development or
17 each phase of development.

18 (2) In a jurisdiction that is certified pursuant to subsection (a) of Code Section 12-7-8,
19 half of any such fees levied shall be submitted by the applicant to the local issuing
20 authority and half of such fees shall be submitted to the division; except that any and all
21 fees due from an entity which is required to give notice pursuant to paragraph (9) or (10)
22 of Code Section 12-7-17 shall be submitted in full to the division, regardless of the
23 existence of a local issuing authority in the jurisdiction. In a jurisdiction where there is
24 no local issuing authority, the full fee shall be submitted to the division.

25 (3) Fees assessed pursuant to paragraph (5) of subsection (a) of Code Section 12-5-23
26 and paid to the division under this subsection shall not be deposited into the general fund

1 of the state treasury but instead shall be deposited into a trust fund. The director shall
2 serve as trustee of such trust fund. The corpus of the trust fund and any earnings thereon
3 shall be expended by the director only for the purpose of administering this chapter. Any
4 funds remaining in the trust fund at the end of any fiscal year shall not lapse but shall be
5 retained for use in accordance with the purpose of the fund."

6 **SECTION 2.**

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