

Senate Bill 351

By: Senators Cowser of the 46th, Tolleson of the 20th, Bulloch of the 11th, Williams of the 19th, Smith of the 52nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 8 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,
2 relating to comprehensive state-wide water management planning, so as to provide for a joint
3 State-wide Water Planning Oversight Committee and the members, powers, and duties
4 thereof; to amend Code Section 50-13-4 of the Official Code of Georgia Annotated, relating
5 to procedural requirements for adoption, amendment, or repeal of rules, emergency rules,
6 limitation on action to contest rules, and legislative override, so as to change certain
7 provisions relating to exceptions from legislative override; to provide an effective date; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Article 8 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to
12 comprehensive state-wide water management planning, is amended by adding a new Code
13 section to read as follows:

14 "12-5-526.

15 (a)(1) There is created as a joint committee of the General Assembly the State-wide
16 Water Planning Oversight Committee, to be composed of three members of the Senate
17 appointed by the President of the Senate, the chairperson of the Senate Natural Resources
18 and the Environment Committee, three members of the House of Representatives
19 appointed by the Speaker of the House, and the chairperson of the House Committee on
20 Natural Resources and Environment. The members of the oversight committee shall
21 serve two-year terms concurrent with their terms as members of the General Assembly.
22 During even-numbered years, the chairperson of the Senate Natural Resources and the
23 Environment Committee shall serve as chairperson of the oversight committee, and the
24 chairperson of the House Committee on Natural Resources and Environment shall serve
25 as vice chairperson of the oversight committee. During odd-numbered years, the
26 chairperson of the House Committee on Natural Resources and Environment shall serve

1 as chairperson of the oversight committee, and the chairperson of the Senate Natural
2 Resources and the Environment Committee shall serve as vice chairperson of the
3 oversight committee. Any vacancy in an appointed member's position shall be filled for
4 the unexpired term in the same manner as the original appointment. Initial appointments
5 shall be made not later than July 1, 2008.

6 (2) The oversight committee shall advise the General Assembly regarding the
7 implementation of any state-wide water management plan under this article. The
8 committee shall meet upon the call of the chairperson.

9 (b) For purposes of subsection (e) of Code Section 50-13-4, the oversight committee shall
10 serve as the appropriate standing committee for both the Senate and the House of
11 Representatives in regard to any rules or regulations to implement any state-wide water
12 management plan under this article or otherwise pertaining to water quantity management,
13 water demand management, water return management, water supply management, water
14 quality management, enhanced water quality standards and monitoring practices, enhanced
15 water pollution control management practices, regional water planning, or drought
16 management.

17 (c) Subsection (f) of Code Section 50-13-4 shall not apply to any rules or regulations that
18 are subject to this Code section.

19 (d) In the event the oversight committee files an objection to a proposed rule or regulation
20 with the chairperson of the Board of Natural Resources prior to the board's taking action
21 on the proposed rule or regulation, then the same shall be stayed. Thereafter, by
22 introduction of a resolution in either the Senate or the House of Representatives within the
23 first 30 days of the next regular session of the General Assembly, the objection may be
24 considered for ratification by joint resolution of the General Assembly. In the event such
25 a resolution is adopted by the requisite constitutional majority in either body of the General
26 Assembly, it shall be immediately transmitted to the other body of the General Assembly.
27 It shall be the duty of the presiding officer of the other body of the General Assembly to
28 have such body, within five days after the receipt of the resolution, consider the resolution
29 for the purpose of ratifying the objection to the proposed rule. If a resolution ratifying the
30 objection is adopted by the requisite constitutional majority in the House of
31 Representatives and the Senate, the resolution shall be submitted to the Governor for his
32 or her approval or veto. If such a resolution ratifying the objection becomes law with or
33 without the Governor's approval on or before July 1 next following the regular session of
34 the General Assembly, the proposed rule shall not become effective."

SECTION 2.

Code Section 50-13-4 of the Official Code of Georgia Annotated, relating to procedural requirements for adoption, amendment, or repeal of rules, emergency rules, limitation on action to contest rules, and legislative override, is amended by revising subsection (g) as follows:

"(g)(1) Subsection (f) of this Code section shall not apply to the Environmental Protection Division of the Department of Natural Resources, but paragraph (2) of this subsection shall apply to the Environmental Protection Division of the Department of Natural Resources.

(2)(A) In the event the ~~chairman~~ chairperson of any standing committee to which a proposed rule relative to the Environmental Protection Division of the Department of Natural Resources is assigned notifies the agency that the committee objects to the adoption of the rule or has questions concerning the purpose, nature, or necessity of the rule, it shall be the duty of the agency to consult with the committee prior to the adoption of the rule; provided, however, that this subparagraph shall not apply to any rules or regulations that are subject to subparagraph (B) of this paragraph.

(B) Any rules or regulations to implement any state-wide water management plan under Article 8 of Chapter 5 of Title 12 or otherwise pertaining to water quantity management, water demand management, water return management, water supply management, water quality management, enhanced water quality standards and monitoring practices, enhanced water pollution control management practices, regional water planning, or drought management shall be subject to legislative objection and override as provided by Code Section 12-5-526."

SECTION 3.

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

SECTION 4.

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