

House Bill 1281

By: Representatives England of the 108th, McCall of the 30th, Roberts of the 154th, Hanner of the 148th, Ehrhart of the 36th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water
2 resources, so as to prohibit local government restrictions on outdoor water use during periods
3 of drought that are more restrictive than those imposed by the state without certain approval;
4 to provide that political subdivisions may be exempted from outdoor watering restrictions
5 imposed by the state; to prohibit placing certain restrictions on use of surface water for
6 swimming pools; to prohibit placing certain restrictions on use of ground water for
7 swimming pools; to provide an effective date; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources,
11 is amended by adding a new Code section to read as follows:

12 "12-5-7.

13 (a) No political subdivision of this state or local government authority shall impose more
14 stringent restrictions on outdoor water use during periods of drought than those applicable
15 restrictions, if any, imposed by the state unless approved by the director of the
16 Environmental Protection Division of the department.

17 (b) Any political subdivision of this state or local government authority may, upon
18 application to and approval by the director of the Environmental Protection Division of the
19 department for good cause shown, be exempted from outdoor watering restrictions imposed
20 by the state."
21

SECTION 2.

22 Said chapter is further amended in subsection (l) of Code Section 12-5-31, relating to permits
23 for withdrawal, diversion, or impoundment of surface waters generally and for farm uses and
24

1 monitoring, recording, and reporting water withdrawals, by deleting "and" at the end of
2 paragraph (4) and adding a new paragraph to read as follows:

3 "(4.1) Except when necessary to provide sufficient water for uses listed in paragraphs (3)
4 and (4) of this subsection during an excessive drought or other emergency period of water
5 shortage, the director shall not restrict the use of surface water for public, private, or
6 community swimming pools solely due to drought or water shortage; and"

7 **SECTION 3.**

8 Said chapter is further amended in Code Section 12-5-102, relating to emergency orders,
9 hearing, and appeal, by adding a new subsection to read as follows:

10 "(e) Except when necessary to provide sufficient water for uses listed in subsections (c)
11 and (d) of this Code section during an excessive drought or other emergency period of
12 water shortage, the director shall not restrict the use of ground water for public, private, or
13 community swimming pools solely due to drought or water shortage."

14 **SECTION 4.**

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

17 **SECTION 5.**

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