

Senators Pearson of the 51st, Harp of the 29th and Meyer von Bremen of the 12th offered the following substitute to SB 420:

ADOPTED

**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 exempt the Department of Transportation from civil penalties levied for
3 violations; to amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated,
4 relating to control of soil erosion and sedimentation, so as to exempt the Department of
5 Transportation from civil penalties levied for violations; to provide for applicability and an
6 effective date; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

SECTION 1.

8 Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources,
9 is amended by revising subsection (a) of Code Section 12-5-52, relating to civil penalties for
10 violating provisions regarding water resources, as follows:
11

12 "(a) Any person violating any provision of this article or any permit condition or limitation
13 established pursuant to this article or, negligently or intentionally, failing or refusing to
14 comply with any final or emergency order of the director issued as provided in this article,
15 shall be liable to a civil penalty not to exceed \$50,000.00 per day for each day during
16 which such violation continues; provided, however, that a separate and later incident
17 creating a violation within a 12 month period shall be liable for a civil penalty not to
18 exceed \$100,000.00 per day for each day during which such violation continues. The
19 Department of Transportation shall not be assessed any civil penalties under the provisions
20 of this Code section; provided, however, nothing in this Code section shall diminish the
21 property rights of any landowner adversely affected by construction activity of the
22 Department of Transportation."

1 development or sale under the state general permit, in which case a copy of a notice of
2 intent under the state general permit shall be submitted to the local issuing authority, the
3 local issuing authority shall enforce compliance with the minimum requirements set forth
4 in Code Section 12-7-6 as if a permit had been issued, and violations shall be subject to
5 the same penalties as violations by permit holders; provided, further, that the Department
6 of Transportation shall not be assessed civil penalties under Code Section 12-7-15; and
7 provided, further, that nothing in this Code section shall prevent the Department of
8 Transportation from enforcing the provisions of its contracts, particularly with regards
9 to penalties, for noncompliance by contractors"

10 **SECTION 4.**

11 This Act shall become effective on July 1, 2008, and apply to any proceeding initiated on or
12 after that date.

13 **SECTION 5.**

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