

The Senate Agriculture and Consumer Affairs Committee offered the following substitute to HB 1281:

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 provide that local governments may impose additional restrictions on
3 outdoor water use for good cause shown; to provide for local emergency restrictions on
4 outdoor water use; to provide that political subdivisions may be exempted from outdoor
5 watering restrictions for good cause shown; to prohibit placing certain restrictions on use of
6 surface water for swimming pools; to prohibit placing certain restrictions on use of ground
7 water for swimming pools; to provide an effective date; to repeal conflicting laws; and for
8 other 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)(1) Any political subdivision of this state or local government authority may, upon
14 application to and approval by the director of the Environmental Protection Division of
15 the department for good cause shown, impose more stringent restrictions on outdoor
16 water use during periods of drought than those applicable restrictions, if any, imposed by
17 the state. For purposes of this subsection, 'good cause' means evidence sufficient to
18 support a reasonable conclusion, considering available relevant information, that such
19 additional restrictions are necessary and appropriate to avoid or relieve a local water
20 shortage. A variance granted pursuant to this subsection shall be valid for such period
21 as determined by the director.

22 (2) Paragraph (1) of this subsection shall not prohibit a political subdivision or local
23 government authority from imposing more stringent restrictions on outdoor water use in
24 case of an emergency which immediately threatens the public health, safety, or welfare;
25 provided, however, that such emergency restrictions shall be valid for a period not
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1 exceeding seven days unless a variance is granted by the director pursuant to
 2 paragraph (1) of this subsection. If the director determines that a political subdivision or
 3 local government authority is exercising emergency powers granted by this paragraph in
 4 a manner to circumvent the necessity of obtaining such a variance, he or she may suspend
 5 the emergency powers granted by this paragraph to such political subdivision or local
 6 government authority.

7 (b) Any political subdivision of this state or local government authority may apply for and,
 8 upon approval by the director of the Environmental Protection Division of the department
 9 for good cause shown, shall be granted an exemption from nonstatutory outdoor watering
 10 restrictions or water use reductions imposed by the state. For purposes of this subsection,
 11 'good cause' means evidence sufficient to support a reasonable conclusion, considering
 12 available relevant information, that such restrictions, reductions, or both are not necessary
 13 and appropriate to avoid or relieve a local water shortage. A variance granted pursuant to
 14 this subsection shall be valid for such period as determined by the director.

15 (c) The director shall render a decision on an application made by a political subdivision
 16 or local government authority under subsection (a) or (b) of this Code section within three
 17 business days after receipt thereof."

18 SECTION 2.

19 Said chapter is further amended in subsection (l) of Code Section 12-5-31, relating to permits
 20 for withdrawal, diversion, or impoundment of surface waters generally and for farm uses and
 21 monitoring, recording, and reporting water withdrawals, by deleting "and" at the end of
 22 paragraph (4) and adding a new paragraph to read as follows:

23 "(4.1) Except when necessary to provide sufficient water for uses listed in paragraphs (3)
 24 and (4) of this subsection during an emergency period of water shortage, the director shall
 25 not restrict the use of surface water for public, private, or community swimming pools
 26 solely due to drought or water shortage; and"

27 SECTION 3.

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

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

SECTION 4.

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

SECTION 5.

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