

SENATE SUBSTITUTE TO HB 1102

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia
 2 Annotated, relating to solid waste management generally, so as to extend a compliance date;
 3 to amend Code Section 31-2A-12 of the Official Code of Georgia Annotated, relating to
 4 regulation of land disposal sites, so as to provide for uniformity; to amend Article 9 of
 5 Chapter 8 of Title 12 of the Official Code of Georgia
 6 property; to amend Part 5 of Article 3 of Chapter 5 of Title 12, relating to public water
 7 systems, so as to require private water suppliers utilizing a waste-water sewer system owned
 8 or operated by a county, municipality, or local authority to transmit customer water
 9 consumption data to such county, municipality, or local authority; to require private water
 10 suppliers to suspend water supply to customers who have failed to pay charges for use of the
 11 waste-water sewer system; to provide for exemptions; to amend Article 9 of Chapter 8 of
 12 Title 12 of the Official Code of Georgia Annotated, relating to Georgia hazardous site reuse
 13 and redevelopment, so as to provide a 30 day grace period for buyers of qualifying property
 14 to seek a limitation of liability; to provide for automatic liability limitations to future
 15 recipients of qualified properties; to amend Article 1 of Chapter 5 of Title 48 of the Official
 16 Code of Georgia Annotated, relating to general provisions regarding ad valorem taxation of
 17 property, so as to extend the preferential assessment of brownfield property under certain
 18 circumstances; to provide for related matters; to provide for an effective date; to repeal
 19 conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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 22 Part 5 of Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,
 23 relating to public water systems, is amended in Code Section 12-5-179, relating to permits
 24 and performance bonds for operation of public water systems, by adding a new subsection
 25 to read as follows:

26 "(h)(1) Any privately owned public water supplier within this state supplying water to
 27 customers who, incidental to the purchase of such water, utilize a waste-water sewer

28 system owned or operated by a county, municipality, or local authority to dispose of or
 29 discharge the water purchased shall furnish to such political subdivision the amount of
 30 water consumed by each individually metered customer account during each billing
 31 period.

32 (2) Upon receiving notice from a county, municipality, or local authority described in
 33 paragraph (1) of this subsection that a customer has failed to timely pay any charges for
 34 the use of the waste-water sewer system, the private water supplier shall, within five
 35 business days of such notice, suspend water supply to that customer. The water supply
 36 to such customer shall remain suspended until such political subdivision notifies the
 37 water supplier to resume water service. The private water supplier shall be authorized
 38 to charge a reasonable fee to the customer for the cost of suspension or resumption of
 39 water service.

40 (3) Nothing in this subsection shall abrogate the provisions of Code Section 36-60-17.

41 (4) The requirements of this subsection shall not apply to submetered multifamily,
 42 multi-industrial, or multicommercial properties."

43 **SECTION 1A.**

44 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
 45 relating to solid waste management generally, is amended in Code Section 12-8-41, relating
 46 to permitting of land disposal sites, by replacing "2012" with "2014" wherever the former
 47 occurs.

48 **SECTION 1B.**

49 Code Section 31-2A-12 of the Official Code of Georgia Annotated, relating to regulation of
 50 land disposal sites, is amended by replacing "2012" with "2014" wherever the former occurs.

51 **SECTION 1C.**

52 Article 9 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to
 53 Georgia hazardous site reuse and redevelopment, is amended by revising paragraph (6) of
 54 subsection (b) of Code Section 12-8-202, relating to definitions, as follows:

55 "(6) 'Prospective purchaser' means a person who intends to purchase a property where
 56 there is a preexisting release or a person who has applied for a limitation of liability
 57 pursuant to this article within 30 days of acquiring title to a property where there is a
 58 preexisting release."

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SECTION 2.

Said article is further amended by revising subsection (c) of Code Section 12-8-208, relating to exceptions to limitation of liability, as follows:

"(c) The limitation of liability provided by this article shall ~~be fully transferable automatically inure~~ to the benefit of heirs, assigns, successors in title, and designees of the person to whom such limitation of liability is granted; provided, however, that in no event shall the director's approval of a corrective action plan or concurrence with a certification of compliance operate to absolve from liability any party deemed to be a person who has contributed or is contributing to a release at the qualifying property; and provided, further, that a transfer of the title to the qualifying property or any portion thereof from the prospective purchaser ~~back to the owner of the property from which the subject property was purchased~~, to any other party deemed to be a person who has contributed or is contributing to a release at the property, or to any person disqualified from obtaining a limitation of liability under Code Section 12-8-206, or back to the owner of the property from which the subject property was purchased shall terminate any limitation of liability applicable to the transferor under this article."

SECTION 3.

Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding ad valorem taxation of property, is amended by revising subparagraph (F) of paragraph (3) of Code Section 48-5-2, relating to definitions regarding ad valorem taxation of property, as follows:

"(F) Fair market value of 'brownfield property' as such term is defined in subsection (a) of Code Section 48-5-7.6 means:

- (i) Unless sooner disqualified pursuant to subsection (e) of Code Section 48-5-7.6, for the first ten years in which the property is classified as 'brownfield property,' or as this period of preferential assessment may be extended pursuant to subsection (o) of Code Section 48-5-7.6, the value equal to the lesser of the acquisition cost of the property or the appraised fair market value of the property as recorded in the county tax digest at the time application was made to the Environmental Protection Division of the Department of Natural Resources for participation under Article 9 of Chapter 8 of Title 12, the 'Georgia Hazardous Sites Site Reuse and Redevelopment Act,' as amended; and
- (ii) Unless sooner disqualified pursuant to subsection (e) of Code Section 48-5-7.6, for the eleventh and following years, or at the end of any extension of this period of preferential assessment pursuant to subsection (o) of Code Section 48-5-7.6, the fair

94 market value of such property as determined by the provisions of this paragraph,
 95 excluding the provisions of this subparagraph."

96 **SECTION 4.**

97 Said article is further amended by revising paragraph (3) of subsection (d) of, subparagraph
 98 (e)(1)(D) of, and adding a new subsection to Code Section 48-5-7.6, relating to preferential
 99 assessment of brownfield property, to read as follows:

100 "(3) The local taxing authority shall enter upon the tax digest as the basis or value of a
 101 parcel of brownfield property a value equal to the lesser of the acquisition cost of the
 102 property or the assessment of the fair market value of the property as recorded in the
 103 county tax digest at the time application for participation in the Hazardous Site Reuse and
 104 Redevelopment Program was submitted to the Environmental Protection Division of the
 105 Department of Natural Resources under Article 9 of Chapter 8 of Title 12, the 'Georgia
 106 Hazardous Site Reuse and Redevelopment Act,' as amended. Property classified as
 107 brownfield property shall be recorded upon the tax digest as provided in this Code section
 108 for ten consecutive assessment years, or as extended pursuant to subsection (o) of this
 109 Code section, unless sooner disqualified pursuant to subsection (e) of this Code section,
 110 and the notation 'brownfield property' shall be entered on the tax digest adjacent to the
 111 valuation of such property to indicate that the property is being preferentially assessed.
 112 The local taxing authority shall also enter upon the tax digest an assessment of the fair
 113 market value of the property each year, excluding the provisions of subparagraph (F) of
 114 paragraph (3) of Code Section 48-5-2."

115 "(D) The later of the expiration of ten years during which the property was classified
 116 and assessed as brownfield property or the expiration of this preferential assessment
 117 period as extended pursuant to subsection (o) of this Code section; or"

118 "(o)(1) Notwithstanding anything to the contrary in subsections (a) through (n) of this
 119 Code section, a qualified brownfield property may be eligible for preferential assessment
 120 in accordance with the provisions of subsection (c.4) of Code Section 48-5-7 for a period
 121 not to exceed 15 years under the following circumstances:

122 (A) Construction of improvements on the property commenced but thereafter ceased
 123 for a period in excess of 180 days;

124 (B) After a delay in excess of 180 days, construction of improvements on the property
 125 resumed; and

126 (C) The owner of the qualified brownfield property submits a sworn certification to the
 127 county board of tax assessors stating the date on which construction first commenced,
 128 the date on which construction ceased, and the date on which construction resumed.

129 (2) Upon receipt of the certification required by subparagraph (C) of paragraph (1) of
130 this subsection, the county board of tax assessors shall extend the period of preferential
131 assessment for one year for each 365 days of construction inactivity for up to a maximum
132 of five consecutive years. Under no circumstances shall the period of preferential
133 assessment exceed 15 consecutive years."

134 **SECTION 5.**

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

137 **SECTION 6.**

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