

House Bill 1102 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 70<sup>th</sup>, Stephens of the 164<sup>th</sup>, Knight of the 126<sup>th</sup>, Manning of the 32<sup>nd</sup>, McCall of the 30<sup>th</sup>, and others

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

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

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

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

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

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

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

42 **SECTION 1A.**

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

47 **SECTION 1B.**

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

50 **SECTION 1C.**

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

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

58 **SECTION 2.**

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

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

74 **SECTION 3.**

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

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

81 (i) Unless sooner disqualified pursuant to subsection (e) of Code Section 48-5-7.6,  
82 for the first ten years in which the property is classified as 'brownfield property,' or  
83 as this period of preferential assessment may be extended pursuant to subsection (o)  
84 of Code Section 48-5-7.6, the value equal to the lesser of the acquisition cost of the  
85 property or the appraised fair market value of the property as recorded in the county  
86 tax digest at the time application was made to the Environmental Protection Division  
87 of the Department of Natural Resources for participation under Article 9 of Chapter  
88 8 of Title 12, the 'Georgia Hazardous Sites Site Reuse and Redevelopment Act,' as  
89 amended; and

90 (ii) Unless sooner disqualified pursuant to subsection (e) of Code Section 48-5-7.6,  
91 for the eleventh and following years, or at the end of any extension of this period of  
92 preferential assessment pursuant to subsection (o) of Code Section 48-5-7.6, the fair

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

95 **SECTION 4.**

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

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

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

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

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

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

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

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

133 **SECTION 5.**

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

136 **SECTION 6.**

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