

House Bill 199

By: Representatives Lindsey of the 54th and Smith of the 70th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia
2 Annotated, relating to the water supply division of the Georgia Environmental Finance
3 Authority, so as to expand the Georgia Reservoir Fund; to amend Article 6 of Chapter 5 of
4 Title 12 of the Official Code of Georgia Annotated, relating to water supply, so as to revise
5 a definition and correct a cross-reference; to amend Code Section 36-91-100 of the Official
6 Code of Georgia Annotated, relating to definitions relative to local public works bidding, so
7 as to revise a definition; to amend Part 1 of Article 1 of Chapter 23 of Title 50 of the Official
8 Code of Georgia Annotated, relating to general provisions relative to the Georgia
9 Environmental Finance Authority, so as to revise definitions and correct cross-references;
10 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
11 for other purposes.

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

13 **SECTION 1.**

14 Part 2 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia Annotated,
15 relating to the water supply division of the Georgia Environmental Finance Authority, is
16 amended in Code Section 50-23-28, relating to the establishment and operation of the
17 Georgia Reservoir Fund, by revising subsection (a) as follows:

18 "(a) There shall be established the Georgia Reservoir and Water Supply Fund, to consist
19 of proceeds of bonds issued under this article for purposes of this part, any moneys paid
20 to the authority under intergovernmental contracts for purposes of this part, voluntary
21 contributions to such fund, and any federal moneys deposited in such fund. Moneys which
22 are restricted as to their usage, including, but not limited to, restrictions on the kinds of
23 projects for which the moneys may be expended or loaned, on the entity that may receive
24 grants or loans of such moneys, on the manner in which such moneys may be expended or
25 loaned, and any other condition, limitation, or restriction, may nevertheless be deposited
26 in the fund so long as any such restriction shall not prevent the moneys so deposited from

27 being expended, loaned, or otherwise used in a manner that is consistent with the purposes
28 of this part. All balances in the fund shall be deposited in interest-bearing accounts."

29 **SECTION 2.**

30 Said part is further amended in Code Section 50-23-28.1, relating to authority of the water
31 supply division to make loans and grants to local governments for reservoir expansion, by
32 revising subsection (a) as follows:

33 "(a) The division may make loans and grants to a local government to pay all or any part
34 of the cost of expanding and increasing the capacity of existing reservoirs; of planning,
35 constructing, acquiring, operating, evaluating, monitoring, or maintaining any part of any
36 water supply system comprised of a new or existing reservoir; or of any project providing
37 or enhancing water supply, water use efficiency, or water sufficiency. Such loans and
38 grants shall be made as provided in Code Section 50-23-6. The criteria used in
39 consideration for requests for assistance shall include, but not be limited to:

- 40 (1) The effect of recurring drought on the region;
41 (2) Interconnectivity of the requesting entity's water supply system with one or more
42 surrounding local governments; and
43 (3) Unique regional conditions."

44 **SECTION 3.**

45 Said part is further amended in Code Section 50-23-28.2, relating to participation in certain
46 water projects by the water supply division, by revising paragraph (4) of subsection (d) as
47 follows:

48 "(4) For any project for which participation or a lead local authority role is determined
49 by the division to be feasible and appropriate, the division may perform management,
50 technical, consultative, training, educational, and other project development and
51 promotion activities, subject to availability of funds from the Georgia Reservoir and
52 Water Supply Fund established by Code Section 50-23-28, approval by the executive
53 director of the authority, and the requirement that the fund be fully compensated by any
54 private owner of the project for such expenditures; and"

55 **SECTION 4.**

56 Article 6 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to
57 water supply, is amended in Code Section 12-5-471, relating to definitions relative to water
58 supply, by revising paragraph (10) as follows:

59 "(10) 'Project' means and includes the acquisition of real property for water reservoirs or
60 any water supply system; the construction and reconstruction or improvement of water

61 reservoirs or any water supply system; the acquisition of real or personal property
 62 surrounding water reservoirs or any water supply system or portion thereof, including any
 63 interest in such property; the acquisition of real or personal property or any interest
 64 therein for mitigation of any alteration of environmental resources by the construction of
 65 a water reservoir or water supply system; the planning, construction, acquiring, operating,
 66 evaluating, monitoring, or maintaining of any water supply system comprised of new or
 67 existing reservoirs, or any means or combination of means of providing or enhancing
 68 water supply; and all necessary and usual water facilities useful for obtaining one or more
 69 sources of water supply, the treatment of water, and the distribution and sale of water to
 70 users and consumers, including counties and municipalities for the purpose of resale,
 71 inside and outside the territorial boundaries of the users and consumers, and the
 72 operation, maintenance, additions, improvements, and extensions of such facilities so as
 73 to assure an adequate water utility system deemed to be necessary or convenient for the
 74 efficient operation of such type of undertaking, including, but not limited to, the
 75 development or expansion of water facilities or systems so as to facilitate transitioning
 76 households and businesses served by private wells, septic tanks, and other nonreturning
 77 water systems to public water or sewerage systems, thereby promoting water
 78 conservation, all for the essential public purpose of providing water facilities and services
 79 to meet public health and environmental standards and to aid the development of trade,
 80 commerce, industry, agriculture, and employment opportunities."

81 **SECTION 5.**

82 Said article is further amended in Code Section 12-5-474, relating to deposit of funds
 83 received for operation of water supply projects, by revising subsection (b) as follows:

84 "(b) All those funds generated by the operation of the projects and paid to the division shall
 85 be deposited in the Georgia Reservoir and Water Supply Fund established by Code Section
 86 50-23-28."

87 **SECTION 6.**

88 Code Section 36-91-100 of the Official Code of Georgia Annotated, relating to definitions
 89 relative to local public works bidding, is amended by revising paragraph (1) as follows:

90 "(1) 'Affected local government' means any county, municipality, or consolidated
 91 government in which water storage, supply, monitoring, distribution, conservation, or
 92 maintenance facilities of a project are located or proposed to be located, which will
 93 receive for local use water or services from such project, or which, under a service
 94 delivery agreement entered into pursuant to Article 2 of Chapter 70 of this title, provides

95 or is authorized to provide within an area water facilities or services similar to water
 96 facilities and services proposed to be provided by a project in such area."

97 **SECTION 7.**

98 Part 1 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia Annotated,
 99 relating to general provisions relative to the Georgia Environmental Finance Authority, is
 100 amended in Code Section 50-23-4, relating to definitions relative to the Georgia
 101 Environmental Finance Authority, by revising paragraphs (5) and (8) as follows:

102 "(5) 'Environmental facilities' means any projects, structures, systems, and other real or
 103 personal property acquired, rehabilitated, constructed, or planned:

104 (A) For the purposes of supplying, distributing, ~~and~~ monitoring, or treating water and
 105 diverting, channeling, or controlling water flow and head, including, but not limited to,
 106 surface or ground water, canals, reservoirs, channels, basins, dams, aqueducts,
 107 standpipes, penstocks, conduits, pipelines, mains, pumping stations, water distribution
 108 systems, compensating reservoirs, intake stations, waterworks or sources of water
 109 supply, wells, purification or filtration plants or other treatment plants and works,
 110 connections, water meters, mechanical equipment, electric generating equipment, rights
 111 of flowage or division and other plant structures, equipment, conveyances, real or
 112 personal property or rights therein and appurtenances, furnishings, accessories, and
 113 devices thereto necessary or useful and convenient for the collection, conveyance,
 114 distribution, pumping, treatment, storing, conservation, or disposing of water;

115 (B) For the purposes of collecting, treating, or disposing of sewage, including, but not
 116 limited to, main, trunk, intercepting, connecting, lateral, outlet, or other sewers, outfall,
 117 pumping stations, treatment and disposal plants, ground water recharge basins,
 118 backflow prevention devices, sludge dewatering or disposal equipment and facilities,
 119 clarifiers, filters, phosphorus removal equipment and other plants, soil absorption
 120 systems, innovative systems or equipment, structures, equipment, vehicles,
 121 conveyances, real or personal property or rights therein, and appurtenances thereto
 122 necessary or useful and convenient for the collection, conveyance, pumping, treatment,
 123 neutralization, storing, and disposing of sewage;

124 (C) For the purposes of collecting, treating, recycling, composting, or disposing of
 125 solid waste, including, but not limited to, trucks, dumpsters, intermediate reception
 126 stations or facilities, transfer stations, incinerators, shredders, treatment plants, landfills,
 127 landfill equipment, barrels, binders, barges, alternative technologies and other plant
 128 structures, equipment, conveyances, improvements, real or personal property or rights
 129 therein, and appurtenances, furnishings, accessories, and devices thereto necessary or
 130 useful and convenient for the collection, treatment, or disposal of solid waste; or

131 (D) For the purposes of carrying out a community land conservation project or a state
 132 land conservation project pursuant to Chapter 22 of Title 36."

133 "(8) 'Management services' means technical, administrative, instructional, legal, or
 134 informational services provided to any current or potential loan recipient in, but not
 135 limited to, the areas of service charge structure; accounting, capital improvements
 136 budgeting, or financing; financial reporting, treasury management, debt structure or
 137 administration, or related fields of financial management; contract or grant
 138 administration; management of water, sewer, or solid waste systems; and economic
 139 development administration or strategies. Management services may be furnished either
 140 directly, on-site, or through other written or oral means of communication and may
 141 consist of reports, studies, presentations, or other analyses of a written or oral nature."

142 **SECTION 8.**

143 Said part is further amended in Code Section 50-23-5, relating to the purpose, powers, and
 144 duties of the Georgia Environmental Finance Authority, by revising paragraphs (30) and
 145 (31.1) of subsection (b) as follows:

146 "(30) To administer funds granted to the state by the administrator of the federal
 147 Environmental Protection Agency pursuant to Title VI of the Federal Water Pollution
 148 Control Act and Title XIV of the federal Safe Drinking Water Act, as now or hereafter
 149 amended, for the purpose of providing assistance to municipalities or counties or any
 150 combination thereof or to any public authority or, if authorized by law, any private
 151 agency, commission, or institution for construction of treatment works as that term is
 152 defined in Section 212 of the federal Clean Water Act of 1977, P.L. 95-217, which are
 153 publicly owned. The authority may also administer funds granted to the state by the
 154 administrator of the federal Environmental Protection Agency pursuant to Title XIV of
 155 the federal Safe Drinking Water Act, as now or hereafter amended, for the purpose of
 156 providing assistance to municipalities or counties or any combination thereof or any
 157 public or, if authorized by law, any private authority, agency, commission, or institution
 158 for the construction of public drinking water works as such term is defined in Section
 159 1401 of the federal Safe Drinking Water Act Amendments of 1986, P.L. 99-339. The
 160 authority may also administer funds granted to the state by the administrator of the
 161 federal Environmental Protection Agency pursuant to 33 U.S.C.A. Section 1381, et seq.,
 162 for the purpose of providing financial assistance for any eligible water pollution control
 163 project. The authority shall deposit any such funds received from the administrator of the
 164 federal Environmental Protection Agency into a separate water pollution control
 165 revolving fund or a drinking water revolving fund transferred to the authority from the
 166 Environmental Protection Division of the Department of Natural Resources or hereafter

167 established; provided, however, that where appropriate, the authority may deposit funds
168 received from the administrator of the federal Environmental Protection Agency into the
169 Georgia Reservoir and Water Supply Fund established by Code Section 50-23-28. The
170 forms and administration of such funds shall be established by the authority in
171 accordance with federal requirements;"

172 "(31.1) To fund, or partially fund, the Georgia Reservoir and Water Supply Fund
173 established by Code Section 50-23-28. Proceeds of any bonds authorized by the General
174 Assembly for the purposes of said Code section, and any repayment of such proceeds
175 after their expenditure, may be deposited in such fund;"

176 **SECTION 9.**

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

179 **SECTION 10.**

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