

House Bill 666

By: Representatives Drenner of the 85th and Buckner of the 137th

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 create the Coast Smart Water Commission; to provide for membership,
3 authority, and responsibilities of the commission; to provide that certain state capital projects
4 comply with siting and design criteria established by the commission to minimize the effects
5 of coastal flooding and rising sea levels; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources,
9 is amended by adding a new article to read as follows:

10 "ARTICLE 11

11 12-5-600.

12 As used in this article, the term:

13 (1) 'Coast smart practices' means construction practices in which preliminary planning,
14 siting, design, construction, operation, maintenance, and repair of a structure avoids or
15 minimizes future impacts associated with coastal flooding and sea level rise. Such term
16 shall include design criteria and siting criteria.

17 (2) 'Commission' means the Coast Smart Commission.

18 (3) 'Design criteria' means standard specifications related to the shape, size, or form of
19 construction.

20 (4) 'Siting criteria' means specifications related to the location or use of a structure.

21 12-5-601.

22 (a) There is established within the department a Coast Smart Commission. The
23 department shall provide staff support for the commission.

24 (b) The commission shall include:

25 (1) The commissioner of natural resources or his or her designee;

26 (2) The director of the Office of Planning and Budget or his or her designee;

27 (3) The director of the Environmental Protection Division or his or her designee;

28 (4) The commissioner of public safety or his or her designee;

29 (5) The commissioner of transportation or his or her designee;

30 (6) The commissioner of economic development or his or her designee;

31 (7) The director of the Georgia Emergency Management Agency or his or her designee;

32 and

33 (8) Five members appointed by the Governor to represent local government,
34 environmental, and business interests.

35 (c) The commissioner of natural resources or his or her designee shall serve as chairperson
36 of the commission.

37 (d) Members of the commission appointed by the Governor shall serve terms of two years;
38 provided, however, that the Governor shall stagger the terms of the initial appointed
39 members. At the end of a term, a member appointed by the Governor shall continue to
40 serve until a successor is appointed and qualified; provided, however, that a member who
41 is appointed after a term has begun shall serve only for the remainder of that term and until
42 a successor is appointed and qualified. The Governor may remove an appointed member
43 for incompetence, misconduct, or failure to perform the duties of the position.

44 (e)(1) Members of the commission who are not legislators, state officials, or state
45 employees shall receive a daily expense allowance in an amount the same as that
46 specified in subsection (b) of Code Section 45-7-21, as well as the mileage or
47 transportation allowance authorized for state employees.

48 (2) Members of the commission who are state officials or state employees shall receive
49 no compensation for their services on the commission, but they may be reimbursed for
50 expenses incurred by them in the performance of their duties as members of the
51 commission in the same manner as they are reimbursed for expenses in their capacities
52 as state officials or state employees.

53 12-5-602.

54 (a) The commission shall:

55 (1) Study and provide analysis regarding standards and factors relevant to the
56 establishment of coast smart practices;

57 (2) Establish and implement coast smart practices and associated requirements;

58 (3) Develop eligibility criteria, standards, and procedures for applying for and obtaining
59 a waiver from compliance with coast smart practices; and

60 (4) Establish procedures for evaluating applications for the waiver of coast smart
 61 practices that include the consideration of:

62 (A) The anticipated need to prepare for, respond to, and recover from extreme weather
 63 events, sea level rise inundation, coastal flooding, storm surges, and shoreline erosion;
 64 and

65 (B) The need to prevent danger to life and property and to avoid environmental,
 66 socioeconomic, and economic harm.

67 (b) The chairperson of the commission may establish task forces consisting of members
 68 of the commission, experts in fields related to climate change and sea level rise, and
 69 interested parties to address or study specific issues.

70 12-5-603.

71 (a) As used in this Code section, the term:

72 (1) '100 year base flood' means a flood having a 1 percent chance of being equaled or
 73 exceeded in any given year.

74 (2) 'Base flood elevation' means:

75 (A) The water surface elevation of the 100 year base flood as specified on flood
 76 insurance rate maps of the Federal Emergency Management Agency;

77 (B) In an area of shallow flooding, the highest adjacent natural grade added to the
 78 depth number specified in feet on such flood insurance rate map; or

79 (C) If the depth number is not specified on such flood insurance rate map, four feet.

80 (3) 'Replacement cost' means the cost of reconstructing a structure and its surrounding
 81 property to full use with materials of the same kind and quality as the original materials.

82 Such term shall not include the value of the land on which a structure is located.

83 (4) 'Special flood hazard area' means land in a tidally influenced flood plain that is:

84 (A) Subject to at least a 1 percent chance of flooding in any given year; and

85 (B) Designated by the Federal Emergency Management Agency in flood insurance
 86 studies and on flood insurance rate maps as Zone A, AE, AH, AO, A1-30, A99, VE,
 87 or V1-30.

88 (5) 'Structure' means:

89 (A) A walled or roofed building;

90 (B) A manufactured home; or

91 (C) A gas or liquid storage tank that is principally aboveground.

92 (6) 'Substantial damage' means damage caused by any source that is sustained by a
 93 structure such that the cost of restoration is at least half of the structure's replacement
 94 cost.

- 95 (b)(1) This subsection shall apply to state capital projects planned and built by the state
96 or any agency or department thereof that are partially or fully funded by state funds.
- 97 (2) Beginning July 1, 2015, if a state capital project includes the construction of a
98 structure or the restoration of a structure having substantial damage, the structure shall
99 be constructed or restored in compliance with coast smart practices established under
100 subsection (c) of this Code section.
- 101 (c)(1) In consultation with the department, the commission shall establish by rule or
102 regulation coast smart practices to address sea level rise and coastal flood impacts on
103 capital projects.
- 104 (2) The practices adopted under this subsection shall include:
- 105 (A) Guidelines and any other directives applicable to the preliminary planning and
106 construction of a proposed capital project that is located within a special flood hazard
107 area;
- 108 (B) A requirement that the lowest floor elevation of each structure located within a
109 special flood hazard area is built at an elevation of at least two feet above the base flood
110 elevation;
- 111 (C) Provisions establishing a process to allow a unit of state government to obtain a
112 waiver from complying with the requirements of subsection (b) of this Code section;
113 and
- 114 (D) Any additional measures which would reasonably and cost-effectively mitigate
115 flood impacts.
- 116 (d) The commission shall adopt initial coast smart practices in accordance with this Code
117 section on or before June 30, 2016."

118 **SECTION 2.**

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