

Senators Summers of the 13th and Tillery of the 19th offered the following amendment #2:

1 *Amend the House amendment to the Senate substitute to HB 273 (AM 44 0178) by replacing*
2 *lines 1 through the end with the following:*

3 *Amend the Senate substitute to HB 273 (HB 273/SCSFA) by replacing lines 1 through the*
4 *end with the following:*

5 To amend Titles 12 and 50 of the Official Code of Georgia Annotated, relating to
6 conservation and natural resources and state government, respectively, so as to revise
7 provisions concerning regulations and state authorities; to extend the date by which rules and
8 regulations prescribed by the Board of Natural Resources must be in effect for purposes of
9 establishing criminal violations of said rules and regulations; to revise the composition and
10 chairmanship of the Sapelo Island Heritage Authority; to authorize the authority to finance
11 and perform certain duties in connection with projects relating to natural gas facilities; to
12 revise definitions; to provide for rules and regulations; to provide for limited liability; to
13 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
14 other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
18 resources, is amended in Code Section 12-2-2, relating to the Environmental Protection
19 Division, Environmental Advisory Council, duties of council and its members and director,

20 appeal procedures generally, permit applications, and inspections, by revising paragraph (5)
21 of subsection (c) as follows:

22 "(5) Notwithstanding any other law to the contrary, for purposes of establishing criminal
23 violations of the standards, rules, and regulations promulgated by the Board of Natural
24 Resources as provided in this title, the term 'standards, rules, and regulations' shall mean
25 those standards, rules, and regulations of the Board of Natural Resources in force and
26 effect on January 1, ~~2022~~ 2023."

27 **SECTION 2.**

28 Said title is further amended in Code Section 12-3-444, relating to membership, officers,
29 compensation, quorum, and meetings of the Sapelo Island Heritage Authority, by revising
30 subsections (a) and (b) as follows:

31 "(a) The authority shall be composed of five members as follows:

32 (1) The Governor, or his or her designee;

33 (2) The commissioner of natural resources;

34 (3) The executive director of the State Properties Commission; and

35 (4) ~~A resident of the community of Hog Hammock described in paragraph (5) of~~
36 ~~subsection (a) of Code Section 12-3-444~~ Two residents of the community located on the
37 grounds of the former Spalding Plantation who are direct descendants of the slaves of
38 Thomas Spalding, a prior landowner on Greater Sapelo Island, to be appointed by the
39 Governor for a term of four years; ~~and~~

40 ~~(5) The Commissioner of Human Relations in the office of the Governor; provided,~~
41 ~~however, that if a vacancy exists in such office for longer than 60 consecutive days, the~~
42 ~~Governor shall appoint instead a second resident of the community of Hog Hammock for~~
43 ~~a term of four years, after which the Commissioner of Human Relations, if such office~~
44 ~~is then occupied, shall become a member.~~

Vacancies in the appointed positions shall be filled for the remainder of the term by appointment of the Governor.

(b) The ~~Governor~~ commissioner of natural resources shall be the chairperson of the authority, the ~~commissioner of natural resources~~ Governor shall be its vice chairperson, and the executive director of the State Properties Commission shall be its secretary-treasurer."

SECTION 3.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended in Code Section 50-23-4, relating to definitions relative to the Georgia Environmental Finance Authority, by revising paragraphs (5), (6), (10.1), and (10.2) and adding a new paragraph to read as follows:

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

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

(B) For the purposes of collecting, treating, or disposing of sewage including, but not limited to, main, trunk, intercepting, connecting, lateral, outlet, or other sewers, outfall, pumping stations, treatment and disposal plants, ground water recharge basins,

backflow prevention devices, sludge dewatering or disposal equipment and facilities, clarifiers, filters, phosphorus removal equipment and other plants, soil absorption systems, innovative systems or equipment, structures, equipment, vehicles, conveyances, real or personal property or rights therein, and appurtenances thereto necessary or useful and convenient for the collection, conveyance, pumping, treatment, neutralization, storing, and disposing of sewage;

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

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

(E) For the purposes of storing, supplying, and distributing natural gas, including, but not limited to, pipelines, storage tanks and facilities, natural gas distribution systems, equipment, vehicles, conveyances, real or personal property or rights therein and appurtenances, furnishings, accessories, and devices thereto necessary or useful and convenient for the storage, supply, and distribution of natural gas.

(6) 'Environmental services' means the provision, collectively or individually, of water facilities, sewerage facilities, solid waste facilities, natural gas facilities, community land conservation projects or state land conservation projects pursuant to Chapter 22 Title 36, or management services."

"(10.1) 'Natural gas facility' means any environmental facility described in subparagraph (E) of paragraph (5) of this Code section.

(10.2) 'Nongovernmental entity' means a nonprofit organization the primary purposes of which are the permanent protection and conservation of land and natural resources.

~~(10.2)~~(10.3) 'Nonprofit corporation' means any corporation qualified as a not for profit corporation by the Internal Revenue Service under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code."

SECTION 4.

Said title is further amended in subsection (b) of Code Section 50-23-5, relating to purpose, powers, and duties of the Georgia Environmental Finance Authority, by deleting "and" at the end of paragraph (33), by deleting the period and substituting in lieu thereof "; and" at the end of subparagraph (J) of paragraph (34), and by adding a new paragraph to read as follows:

"(35) To promulgate and adopt rules and regulations to carry out the purposes of this chapter."

SECTION 5.

Said title is further amended in Code Section 50-23-12, relating to personal liability of members, officers, and employees of the authority, by revising paragraph (2) as follows:

"(2) The construction, ownership, maintenance, or operation of any solid waste system, sewerage system, natural gas system, environmental facility, or water system owned by a local government; or"

SECTION 6.

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

SECTION 7.

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