

House Bill 51 (COMMITTEE SUBSTITUTE)

By: Representatives Burchett of the 176th, Corbett of the 174th, Greene of the 154th, O'Steen of the 169th, and Ford of the 170th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 23 of Title 50 of the Official Code of Georgia Annotated, relating to the
2 Georgia Environmental Finance Authority, so as to authorize the authority to finance and
3 perform certain duties in connection with projects relating to natural gas facilities; to revise
4 definitions; to provide for rules and regulations; to provide for limited liability; to provide
5 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

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

15 (A) For the purposes of supplying, distributing, and treating water and diverting,
16 channeling, or controlling water flow and head including, but not limited to, surface or

H. B. 51 (SUB)

17 ground water, canals, reservoirs, channels, basins, dams, aqueducts, standpipes,
18 penstocks, conduits, pipelines, mains, pumping stations, water distribution systems,
19 compensating reservoirs, intake stations, waterworks or sources of water supply, wells,
20 purification or filtration plants or other treatment plants and works, connections, water
21 meters, mechanical equipment, electric generating equipment, rights of flowage or
22 division and other plant structures, equipment, conveyances, real or personal property
23 or rights therein and appurtenances, furnishings, accessories, and devices thereto
24 necessary or useful and convenient for the collection, conveyance, distribution,
25 pumping, treatment, storing, or disposing of water;

26 (B) For the purposes of collecting, treating, or disposing of sewage including, but not
27 limited to, main, trunk, intercepting, connecting, lateral, outlet, or other sewers, outfall,
28 pumping stations, treatment and disposal plants, ground water recharge basins,
29 backflow prevention devices, sludge dewatering or disposal equipment and facilities,
30 clarifiers, filters, phosphorus removal equipment and other plants, soil absorption
31 systems, innovative systems or equipment, structures, equipment, vehicles,
32 conveyances, real or personal property or rights therein, and appurtenances thereto
33 necessary or useful and convenient for the collection, conveyance, pumping, treatment,
34 neutralization, storing, and disposing of sewage;

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

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

44 (E) For the purposes of storing, supplying, and distributing natural gas outside any
45 certified area of a nonmunicipal gas company, as such term is defined in paragraph (5)
46 of Code Section 46-1-1, including, but not limited to, pipelines, storage tanks and
47 facilities, natural gas distribution systems, equipment, vehicles, conveyances, real or
48 personal property or rights therein and appurtenances, furnishings, accessories, and
49 devices thereto necessary or useful and convenient for the storage, supply, and
50 distribution of natural gas.

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

55 "(10.1) 'Natural gas facility' means any environmental facility described in subparagraph
56 (E) of paragraph (5) of this Code section.

57 (10.2) 'Nongovernmental entity' means a nonprofit organization the primary purposes of
58 which are the permanent protection and conservation of land and natural resources.

59 ~~(10.2)~~(10.3) 'Nonprofit corporation' means any corporation qualified as a not for profit
60 corporation by the Internal Revenue Service under Section 501(c)(3) or Section 501(c)(4)
61 of the Internal Revenue Code."

62 **SECTION 2.**

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

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

69 **SECTION 3.**

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

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

75 **SECTION 4.**

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

78 **SECTION 5.**

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