

House Bill 1146 (AS PASSED HOUSE AND SENATE)

By: Representatives Stephens of the 164th, Hitchens of the 161st, and Petrea of the 166th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia
2 Annotated, relating to ground-water use generally, so as to require the Environmental
3 Protection Division of the Department of Natural Resources to issue water permits to private
4 companies in areas where no public service can be provided within a period of 18 months;
5 to provide for related matters; to provide for an effective date; to provide for automatic
6 repeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 2 of Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,
10 relating to ground-water use generally, is amended by adding a new Code section to read as
11 follows:

12 "12-5-108.

13 (a) Notwithstanding any other provision of law to the contrary, a person to whom the
14 division has delegated authority to provide water for consumptive use within the coastal
15 aquifers of the state may obtain a permit from the division for consumptive use of water
16 or expansion of existing services and facilities for consumptive use of water without a letter

17 of concurrence from any local government or other public entity which has the power to
18 provide water for consumptive use, provided that the following conditions are met:

19 (1) Said local government or other public entity lacks the capability or permitted capacity
20 to provide the water service requested in writing by a person seeking such service within
21 a period of 18 months from the date of such request; and

22 (2) Said person with delegated authority has the capability and permitted ground water
23 capacity to provide water service as requested by such person seeking such service within
24 a period of 18 months from the date of such request.

25 (b) This Code section shall stand repealed on January 1, 2029."

26 **SECTION 2.**

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

29 **SECTION 3.**

30 All laws and parts of laws in conflict with this Act are repealed.