

House Bill 1084

By: Representatives Houston of the 170th, England of the 116th, Watson of the 172nd, Shaw of the 176th, and Efstration of the 104th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 2-6-27 of the Official Code of Georgia Annotated, relating to
2 additional duties and powers of the State Soil and Water Conservation Commission, so as
3 to eliminate certain powers and duties of such commission relative to measuring farm and
4 agricultural uses of water; to amend Title 12 of the Official Code of Georgia Annotated,
5 relating to conservation and natural resources, so as to substitute the State Forestry
6 Commission for the State Soil and Water Conservation Commission with regard to certain
7 powers and duties relative to measuring farm and agricultural uses of water; to change certain
8 provisions relating to the powers of the director of the State Forestry Commission concerning
9 the adoption of rules and regulations and methods of administration; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Code Section 2-6-27 of the Official Code of Georgia Annotated, relating to additional duties
14 and powers of the State Soil and Water Conservation Commission, is amended by revising
15 paragraph (7.2) as follows:

16 ~~"(7.2) To formulate such rules and regulations and to exercise such powers as are~~
17 ~~necessary to perform its duties under subsection (m.1) of Code Section 12-5-31 and~~
18 ~~subsection (b.1) of Code Section 12-5-105;"~~

19 style="text-align:center">**SECTION 2.**

20 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
21 resources, is amended by revising subsection (m.1) of Code Section 12-5-31, relating to
22 regulated riparian rights to surface waters for general or farm use, permits for withdrawal,
23 diversion, or impoundment, coordination with water plans, metering of farm use, interbasin
24 transfers, and appeal procedures, as follows:

25 "(m.1)(1) The ~~State Soil and Water Conservation Commission~~ State Forestry
 26 Commission shall have the duty of implementing a program of measuring farm uses of
 27 water in order to obtain clear and accurate information on the patterns and amounts of
 28 such use, which information is essential to proper management of water resources by the
 29 state and useful to farmers for improving the efficiency and effectiveness of their use of
 30 water, meeting the requirements of subsection (m) of this Code section, and improving
 31 water conservation. Accordingly, the ~~State Soil and Water Conservation Commission~~
 32 State Forestry Commission shall on behalf of the state purchase, install, operate, and
 33 maintain water-measuring devices for farm uses that are required by this Code section to
 34 have permits. As used in this paragraph, the term 'operate' shall include reading the
 35 water-measuring device, compiling data, and reporting findings.

36 (2) For purposes of this subsection, the ~~State Soil and Water Conservation Commission~~
 37 State Forestry Commission:

38 (A) May conduct its duties with commission staff and may contract with other persons
 39 to conduct any of its duties;

40 (B) May receive and use state appropriations, gifts, grants, or other sources of funding
 41 to carry out its duties;

42 (C) In consultation with the director, shall develop a priority system for installation of
 43 water-measuring devices for farm uses ~~that have permits as of July 1, 2003~~. The
 44 commission shall, provided that adequate funding is received, install and commence
 45 operation and maintenance of water-measuring devices for all such farm uses ~~by July~~
 46 ~~1, 2009~~; provided, however, that the commission shall not install a water-measuring
 47 device on any irrigation system for such a farm use if such irrigation system is equipped
 48 with a meter as of July 1, 2003, and such meter is determined by the commission to be
 49 properly installed and operable, but any subsequent replacement or maintenance of such
 50 an irrigation system that necessitates replacement of such meter shall necessitate
 51 installation of a water-measuring device by the commission;

52 (D) May charge any permittee the commission's reasonable costs for purchase and
 53 installation of a water-measuring device for any farm use permit issued by the director
 54 after July 1, 2003; ~~however, for permit applications submitted to the division prior to~~
 55 ~~December 31, 2002, no charge shall be made for such costs~~; and

56 (E) Shall issue an annual progress report on the status of water-measuring device
 57 installation.

58 (3) Any person who desires to commence a farm use for which a permit is issued after
 59 July 1, 2003, shall not commence such use prior to the installation of a water-measuring
 60 device by the commission.

61 (4) Subject to the provisions of subparagraph (C) of paragraph (2) of this subsection,
 62 after July 1, ~~2009~~ 2016, no one shall use water for a farm use required to have a permit
 63 under this Code section without having a water-measuring device in operation that has
 64 been installed by the commission or that was installed prior to such date by the State Soil
 65 and Water Conservation Commission.

66 (5) Employees or agents of the commission are authorized to enter upon private property
 67 at reasonable times to conduct the duties of the commission under this subsection.

68 (6) Any reports of amounts of use for recreational purposes under this Code section shall
 69 be compiled separately from amounts reported for all other farm uses."

70

SECTION 3.

71 Said title is further amended by revising subsection (b.1) of Code Section 12-5-105, relating
 72 to regulated reasonable use of ground water for farm use, permits to withdraw, obtain, or
 73 utilize, metering, and related procedures, as follows:

74 "(b.1)(1) ~~The State Soil and Water Conservation Commission~~ State Forestry Commission
 75 shall have the duty of implementing a program of measuring farm uses of water in order
 76 to obtain clear and accurate information on the patterns and amounts of such use, which
 77 information is essential to proper management of water resources by the state and useful
 78 to farmers for improving the efficiency and effectiveness of their use of water, meeting
 79 the requirements of paragraph (1) of subsection (b) of this Code section, and improving
 80 water conservation. Accordingly, the ~~State Soil and Water Conservation Commission~~
 81 State Forestry Commission shall on behalf of the state purchase, install, operate, and
 82 maintain water-measuring devices for farm uses that are required by this Code section to
 83 have permits. As used in this paragraph, the term 'operate' shall include reading the
 84 water-measuring device, compiling data, and reporting findings.

85 (2) For purposes of this subsection, the ~~State Soil and Water Conservation Commission~~
 86 State Forestry Commission:

87 (A) May conduct its duties with commission staff and may contract with other persons
 88 to conduct any of its duties;

89 (B) May receive and use state appropriations, gifts, grants, or other sources of funding
 90 to carry out its duties;

91 (C) In consultation with the director, shall develop a priority system for installation of
 92 water-measuring devices for farm uses ~~that have permits as of July 1, 2003~~. The
 93 commission shall, provided that adequate funding is received, install and commence
 94 operation and maintenance of water-measuring devices for all such farm uses ~~by July~~
 95 ~~1, 2009~~; provided, however, that the commission shall not install a water-measuring
 96 device on any irrigation system for such a farm use if such irrigation system is equipped

97 with a meter as of July 1, 2003, and such meter is determined by the commission to be
 98 properly installed and operable, but any subsequent replacement or maintenance of such
 99 an irrigation system that necessitates replacement of such meter shall necessitate
 100 installation of a water-measuring device by the commission;

101 (D) May charge any permittee the commission's reasonable costs for purchase and
 102 installation of a water-measuring device for any farm use permit issued by the director
 103 after July 1, 2003; ~~however, for permit applications submitted to the division prior to~~
 104 ~~December 31, 2002, no charge shall be made for such costs; and~~

105 (E) Shall issue an annual progress report on the status of water-measuring device
 106 installation.

107 (3) Any person who desires to commence a farm use for which a permit is issued after
 108 July 1, 2003, shall not commence such use prior to the installation of a water-measuring
 109 device by the commission.

110 (4) Subject to the provisions of subparagraph (C) of paragraph (2) of this subsection,
 111 after July 1, ~~2009~~ 2016, no one shall use water for a farm use required to have a permit
 112 under this Code section without having a water-measuring device in operation that has
 113 been installed by the commission or that was installed prior to such date by the State Soil
 114 and Water Conservation Commission.

115 (5) Employees or agents of the commission are authorized to enter upon private property
 116 at reasonable times to conduct the duties of the commission under this subsection.

117 (6) Any reports of amounts of use for recreational purposes under this part shall be
 118 compiled separately from amounts reported for all other farm uses."

119 SECTION 4.

120 Said title is further amended by revising Code Section 12-5-546.1, relating to Flint River
 121 drought protection, enhancement of programming and incentives, scheduling irrigation
 122 efficiencies, modifying water withdrawal permits, and coordination of efforts, as follows:

123 "12-5-546.1.

124 (a) The Department of Agriculture and the ~~State Soil and Water Conservation Commission~~
 125 State Forestry Commission shall coordinate with the division in examining current
 126 practices, programs, policies, rules, and regulations to identify opportunities to enhance
 127 programming and incentives that will:

128 (1) Support implementation of the agricultural water efficiency measures in water
 129 conservation or management plans prepared in accordance with Code Sections 12-5-31,
 130 12-5-96, and 12-5-522;

131 (2) Support implementation of pilot projects demonstrating the efficacy of emerging
 132 innovative irrigation technologies where appropriate and affordable;

133 (3) Identify ways the ~~State Soil and Water Conservation Commission's~~ State Forestry
134 Commission's program for measuring agricultural uses of water as authorized under Code
135 Section 12-5-105 can further enhance efforts to improve agricultural water use efficiency;
136 and

137 (4) Encourage a scheduled program for the voluntary retirement of unused surface-water
138 and ground-water farm use permits in accordance with Code Sections 12-5-31 and
139 12-5-105.

140 (b) The director may modify all active surface-water and ground-water withdrawal permits
141 for farm use in the affected areas to require all irrigation systems applying water withdrawn
142 pursuant to such permits to achieve irrigation efficiencies of 80 percent or greater by the
143 year 2020. The schedule for achieving the irrigation efficiencies provided in this
144 subsection shall be as follows:

145 (1) Irrigation systems applying water withdrawn pursuant to all active permits issued
146 after 2005 shall achieve a minimum irrigation efficiency of 80 percent by January 1,
147 2016;

148 (2) Irrigation systems applying water withdrawn pursuant to all active permits issued
149 from 1991 through 2005 shall achieve a minimum irrigation efficiency of 80 percent by
150 January 1, 2018; and

151 (3) Irrigation systems applying water withdrawn pursuant to all active permits issued
152 before 1991 shall achieve a minimum irrigation efficiency of 80 percent by January 1,
153 2020.

154 (c) Notwithstanding subsection (b) of this Code section, the director may modify specified
155 active surface-water and ground-water withdrawal permits for farm use in the affected
156 areas to require all mobile irrigation systems and solid-set irrigation sprinklers operating
157 under such permits to achieve irrigation efficiencies of 60 percent or greater by the year
158 2020. The schedule for achieving such efficiencies shall be as follows:

159 (1) Irrigation systems applying water withdrawn pursuant to all active permits issued
160 after 2005 shall achieve a minimum irrigation efficiency of 60 percent by January 1,
161 2016;

162 (2) Irrigation systems applying water withdrawn pursuant to all active permits issued
163 from 1991 through 2005 shall achieve a minimum irrigation efficiency of 60 percent by
164 January 1, 2018; and

165 (3) Irrigation systems applying water withdrawn pursuant to all active permits issued
166 before 1991 shall achieve a minimum irrigation efficiency of 60 percent by January 1,
167 2020.

168 (d) Notwithstanding the irrigation efficiency rates required in subsection (c) of this Code
169 section or any other provision of this Code section to the contrary, the minimum irrigation

170 efficiency rate for mobile irrigation systems and solid-set irrigation sprinklers applying
171 water withdrawn pursuant to new permits shall be 60 percent.

172 (e) When issuing any permit application for a new surface-water or ground-water
173 withdrawal for farm use in the affected areas, the division shall require that the irrigation
174 system applying water withdrawn pursuant to any such permit has an irrigation efficiency
175 of at least 80 percent.

176 (f) The division shall, in cooperation with other state and federal agencies, universities, the
177 Georgia Water Planning and Policy Center, the Lower Flint-Ochlockonee Regional Water
178 Council, and other appropriate entities, provide to the board for consideration for adoption
179 in its rules requirements pertaining to methods an applicant may utilize to demonstrate that
180 the required irrigation efficiency has been achieved. Requirements shall consider current
181 technologies, best management practices, and the effects of soil type and topography,
182 among other factors deemed necessary.

183 (g) The division shall coordinate with any federal or state agencies offering incentive
184 programs that support the purposes of this article, to identify opportunities to refine and
185 target relevant programs as practicable and to assist permittees with achieving irrigation
186 efficiency requirements."

187 **SECTION 5.**

188 Said title is further amended by revising Code Section 12-6-15, relating to the powers of the
189 director of the State Forestry Commission concerning the adoption of rules and regulations
190 and methods of administration, as follows:

191 "12-6-15.

192 The director, with the approval of the commission, shall have the power to adopt all rules,
193 regulations, and methods of administration necessary for the efficient operation of the
194 activities of the commission as created and established by this part and by Chapter 5 of this
195 title."

196 **SECTION 6.**

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