

House Bill 522

By: Representatives Rutledge of the 109th, Douglas of the 78th, Scott of the 76th, Stephenson of the 90th, and Knight of the 130th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Henry County Water and Sewerage Authority, approved
2 March 28, 1961 (Ga. L. 1961, p. 2588), as amended, so as to change the name of the
3 authority; to change the provisions relating to powers of the authority; to establish the power
4 of the authority to implement programs and regulations for water quality protection,
5 watershed protection, and water conservation; to establish the power of the authority to enter
6 into intergovernmental agreements with respect to water and sewer services; to provide for
7 related matters; to provide for severability; to provide an effective date; to repeal conflicting
8 laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 An Act creating the Henry County Water and Sewerage Authority, approved March 28, 1961
12 (Ga. L. 1961, p. 2588), as amended, is hereby amended by revising Section 1 as follows:

13 "SECTION 1.

14 (a) The Henry County Water Authority is hereby authorized to acquire, construct, install,
15 equip, operate, and maintain a water system in Henry County; to collect rates, fees, and
16 charges for the services provided by such water system; to borrow money for such purpose
17 by the issuance of revenue bonds or otherwise and to pledge to the payment thereof the
18 revenues of such undertaking and to join with the county in the issuance of revenue bonds
19 for that purpose. As used in this Act, the term 'water system' means and is deemed to
20 include facilities and services used or useful in connection with the obtaining of a water
21 supply and the conservation, treatment, and disposal of water for public and private uses
22 in the authority's area of operation, whether within or without the boundaries of Henry
23 County.

24 (b) The authority is hereby authorized in connection with the operation of such water
25 system:

- 26 (1) To acquire, construct, own, operate, and maintain a water system, together with the
 27 right to acquire property and interests in property in connection therewith, including
 28 projects embracing sources of water supply and related facilities;
- 29 (2) To sell water and its related facilities to individuals, private concerns, governmental
 30 agencies, and municipalities and counties in the State of Georgia, and to accept franchises
 31 for that purpose granted by other municipalities and by counties of the State of Georgia;
- 32 (3) To prescribe, fix, charge, impose, assess, and collect rates, fees, tolls, assessments,
 33 and charges and to revise from time to time and collect such rates, fees, tolls,
 34 assessments, or charges for the services, facilities, or commodities furnished by such
 35 water system; to classify and differentiate such rates, fees, tolls, assessments, or charges
 36 in any reasonable manner, taking into account such factors the authority deems
 37 reasonable under the circumstances; to issue executions for amounts past due; and to
 38 comply with any state or federal laws and regulations applicable thereto; which rates,
 39 fees, tolls, assessments, and charges shall be sufficient to retire any revenue bonds or
 40 other indebtedness incurred in the construction, maintenance, operation, and expansion
 41 of such water system, and to provide for any reserves and funds required to be maintained
 42 in connection with the issuance of any such revenue bonds, together with sufficient
 43 amounts to pay the current operating costs of such water system;
- 44 (4) To adopt and establish by resolution or otherwise standards, rules, and regulations
 45 with respect to the operation of such water system and to enforce same and to enforce any
 46 other laws or ordinances of this state or Henry County or any other political subdivision
 47 thereof applicable to the water system; and
- 48 (5) To take such other action as may be required to discharge all duties imposed by any
 49 law or regulation on Henry County or on the authority, or on any other county,
 50 municipality, or other political subdivision contracting with the authority for such
 51 purpose, in connection with the operation of a water system in the authority's area of
 52 operation."

53 SECTION 2.

54 Said Act is further amended by revising subsection (a) of Section 4 as follows:

55 "(a) The water system and any other facilities, systems, and utilities authorized to be
 56 acquired, constructed, and operated under this Act shall be acquired, constructed,
 57 maintained, owned, and operated for and on behalf of Henry County by the 'Henry County
 58 Water Authority.' For all purposes, the Henry County Water Authority shall be and shall
 59 be deemed to have and possess all rights, obligations, powers, authority, and privileges as
 60 the 'Henry County Water Authority' originally created pursuant to an Act of the General
 61 Assembly approved March 28, 1961 (Ga. L. 1961, p. 2588), and renamed the 'Henry

62 County Water and Sewerage Authority' pursuant to an Act of the General Assembly
63 approved April 3, 1972 (Ga. L. 1972, p. 3567)."

64 **SECTION 3.**

65 Said Act is further amended by revising Section 5.1 as follows:

66 "SECTION 5.1.

67 The Henry County Water Authority shall be and is hereby created and constituted a public
68 corporation and a public authority. The authority shall enjoy the same immunity from suit
69 as that enjoyed by Henry County. In addition to these and any other powers of the
70 authority provided under this Act, the Henry County Water Authority shall be authorized:

71 (1) To sue and be sued, implead and be impleaded, and complain and defend in all courts
72 of law and equity;

73 (2) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve,
74 equip, operate, and manage water projects and sewer projects, whether wholly within or
75 wholly outside Henry County or partially within and partially outside Henry County;

76 (3) To acquire by purchase, lease, gift, condemnation, or otherwise, and to own, hold,
77 operate, maintain, lease, and dispose of real and personal property or rights therein of
78 every kind and character for its corporate purposes. Without limiting the generality of
79 the foregoing, the authority shall be further authorized:

80 (A) To dispose of its real property in its discretion at public sale after advertising
81 notice of such sale in the official legal organ of Henry County once each week for four
82 successive weeks preceding the date of sale. Any such public sale shall be conducted
83 on the courthouse steps at the Henry County Courthouse in McDonough, Georgia, and
84 shall be on such terms and subject to such conditions as the authority deems to be in its
85 best interests;

86 (B) To dispose of its real property by accepting sealed bids for same after advertising
87 notice of such sale in the official legal organ of Henry County once each week for two
88 successive weeks preceding the date of sale; provided, however, nothing in this
89 subparagraph shall preclude the authority from additionally advertising such sale at
90 such times, in such media, and in such manner as the authority shall determine. Any
91 such sale by sealed bids shall be sufficient for the purposes of this paragraph if the price
92 to be received is not less than the value of such property. For the purpose of this
93 subsection, 'value' shall be determined in the following manner: The authority shall
94 obtain at least two certified appraisals, as defined in Code Section 43-39A-2 of the
95 O.C.G.A., of the subject property, and the 'value' of such property shall be the average
96 of the appraisal prices for such property; and

97 (C) To dispose of its personal property at public sale after advertising notice of such
98 sale in the official legal organ of Henry County once each week for two successive
99 weeks preceding the date of sale; provided, however, nothing in this subparagraph shall
100 preclude the authority from additionally advertising such sale at such times, in such
101 media, and in such manner as the authority shall determine. Any such public sale shall
102 be conducted at such location, within or without Henry County, as may be designated
103 by the authority and shall otherwise be on such terms and subject to such conditions as
104 the authority deems to be in its best interest;

105 (D) To exchange its property for other property, whether real or personal, if the
106 property to be received by the authority is of equal or greater value than that to be
107 exchanged. For the purpose of this subsection, 'value' shall be determined as provided
108 in subparagraph(B) of this paragraph;

109 (E) To acquire property by executing nonrecourse purchase money installment notes
110 for the purchase of real property, secured solely by a purchase money security interest
111 in the property being purchased. The interest on such instruments shall be exempt from
112 all income taxation within the State of Georgia;

113 (F) To acquire in its own name by purchase, on such terms and conditions and in such
114 manner as it may deem proper, or by condemnation in accordance with the provisions
115 of any and all existing laws applicable to the condemnation of property for public use,
116 real property or rights or easements therein or franchises necessary or convenient for
117 its corporate purposes, and to use the same so long as its corporate existence shall
118 continue, and to lease or make contracts with respect to the use of or dispose of the
119 same in any manner it deems to the best advantage of the authority, the authority being
120 under no obligation to accept and pay for any property condemned under this Act
121 except from the funds provided under the authority of this Act; and

122 (G) To acquire property of all kinds, real and personal, through the execution of
123 lease-purchase contracts with any entity, public or private, in accordance with Code
124 Section 36-60-13 of the O.C.G.A., to the same extent as if the authority were a county
125 or a municipality; and any such entity from whom the authority leases property shall
126 be authorized to assign, pledge, mortgage, hypothecate, and otherwise grant a security
127 title or interest in and to any such property and any such lease with the authority as
128 security for the repayment of notes, bonds, certificates of participation, or other
129 obligations incurred by such entity. It is expressly provided, however, that the authority
130 shall not, without the county's prior written approval in each instance, be authorized to
131 undertake any transaction that would limit the county's ability to execute any such
132 transactions for county purposes, including without limitation by way of reducing or

133 counting against the limitation provided for in subsection (h)(1)(B) of Code
134 Section 36-60-13 of the O.C.G.A., as amended;

135 (4) To enter into agreements with any person or entity, public or private, in furtherance
136 of the efficient and economical ownership and operation of its water and sewer utility
137 systems, including without limitation agreements with respect to acquiring a source of
138 water supply, providing sewer service, water quality and conservation services, preparing
139 engineering data, plans, and specifications for water or sewer utility systems, providing
140 for the testing and inspection of facilities constructed, providing for rates, tolls, fees,
141 charges, and assessments to be charged, imposed, assessed, and collected for water and
142 sewer services furnished to users and those benefiting from such systems, providing for
143 the reading of meters and keeping of pertinent records, and apportioning or designating
144 the responsibility for any functions normally maintained by water or sewer utility systems
145 at the most reasonable cost possible;

146 (5) To make contracts or leases with any entity, whether public or private, within or
147 without the State of Georgia, and including the federal government or any department,
148 agency, or subsidiary corporation thereof, and to execute all instruments necessary or
149 convenient to the efficient exercise by the authority of its powers and duties under this
150 Act, including contracts for construction of water projects and sewer projects as defined
151 in Section 9 of this Act, and leases of such projects or contracts with respect to the use
152 of such projects which it causes to be erected or acquired, and any and all persons, firms,
153 and corporations and any and all counties, municipalities, special districts, and other
154 political subdivisions, wherever located, and the State of Georgia and all departments,
155 institutions, or agencies of the State of Georgia and the federal government and all
156 departments, agencies, and subsidiary corporations of the federal government are
157 authorized to enter into contracts, leases, or agreements with the authority upon such
158 terms and for such purposes as they deem advisable. In addition, the authority and all
159 municipal corporations, special districts, counties, and other political subdivisions of the
160 State of Georgia are specifically authorized to enter contracts, lease agreements, or other
161 undertakings relative to the furnishing of water and sewer services and facilities by the
162 authority to such municipal corporations, special districts, counties, or other political
163 subdivisions for a term not exceeding 50 years and in the case of any county,
164 municipality, special district, or other political subdivision of the State of Georgia, or the
165 State of Georgia itself, the full faith, credit, and taxing power of such entity may be
166 pledged thereto;

167 (6) To exercise within, throughout, and outside the territorial boundaries of Henry
168 County the following governmental functions: the right to regulate, monitor, inspect, and
169 repair water or sewer utility systems and related appurtenances and facilities, pump

170 stations, on-site sanitary sewerage facilities, septic tanks, grease traps, pretreatment
 171 facilities, retention and detention facilities, and any and all other related equipment,
 172 facilities, and systems, and to determine whether any property or user has complied with
 173 the ordinances, rules, regulations, and permits applicable to such person or user. The
 174 authority shall have the right, power, and authority to enforce such ordinances, rules,
 175 regulations, and permits on its own behalf and in its own name by levy of fines and
 176 administrative or civil penalties, issuance of stop-work orders, suspension or revocation
 177 of permits, or any other means determined by the authority to be appropriate and
 178 necessary and otherwise as authorized by law. Without limiting the foregoing, the
 179 authority shall be further authorized to contract with any other county, municipality,
 180 special district, or other political subdivision, or the State of Georgia, or any department,
 181 agency, or instrumentality of the State of Georgia, or the federal government or any
 182 department, agency, or subsidiary corporation of the federal government, with respect to
 183 such governmental functions, and in such case shall be fully authorized to exercise such
 184 functions on behalf of any such entity throughout the territory contemplated by such
 185 contract;

186 (7) To make loans with, and accept grants or loans of money or materials or property of
 187 any kind from, the United States of America or the State of Georgia or any department,
 188 agency, or instrumentality thereof, upon such terms and conditions as the United States
 189 of America, the State of Georgia, or such department, agency, or instrumentality may
 190 impose;

191 (8) To implement programs and regulations to protect water quality;

192 (9) To implement programs and regulations for water conservation purposes;

193 (10) To borrow money for its corporate purposes; to evidence such borrowings by the
 194 issuance of notes, bonds, bond anticipation notes, or similar instruments; and to pledge
 195 all or any part of its revenues to the repayment thereof;

196 (11) To have and to exercise all rights and powers inuring to any 'governmental body'
 197 under Article 3 of Chapter 60 of Title 36 of the O.C.G.A., the 'Revenue Bond Law,' as
 198 amended, including without limitation each of the powers enumerated in Code
 199 Section 36-82-62 of the O.C.G.A., as in effect and as the same may hereafter be
 200 amended; and

201 (12) To do all things necessary or convenient to carry out the powers expressly given in
 202 this Act.

203 The powers conferred this section shall be cumulative and any such powers may be
 204 exercised independently of the exercise of any other such powers. In no event shall the
 205 specific grant of any power conferred herein be construed so as to limit the generality of
 206 any other paragraph."

207 **SECTION 4.**

208 Said Act is further amended by inserting a new section to read as follows:

209 **"SECTION 5.2.**

210 The Henry County Water Authority shall have the right, power, and authority to exercise
211 enforcement powers over its water system and sewer system. The authority, through its
212 agents and employees, shall have the right of entry onto public or private property for the
213 purposes of surveying, testing, evaluating, and appraising for suitability for water and
214 sewer services and facilities, or for determining compliance with the ordinances, rules, and
215 regulations adopted by the authority pursuant to the power granted by this Act or by Henry
216 County or by any other county, municipality, or other political subdivision contracting with
217 the authority as provided by this Act, or for determining compliance with any permits
218 issued by or to the authority or by or to Henry County or any other county, municipality,
219 or other political subdivision contracting with the authority. The authority shall have the
220 right, power, and authority to adopt and to enforce ordinances, standards, rules, and
221 regulations; to require permits; and to perform all other acts which are necessary, proper,
222 or incidental to the efficient ownership, operation, and development of the authority's water
223 and sewer systems; and this Act shall be construed liberally to that end. The authority shall
224 have the right, power, and authority to issue stop-work orders, to deny, suspend, or revoke
225 permits, and to provide by ordinance, rule, or regulation for the assessment, imposition, and
226 collection of assessments, fees, charges, tolls, and other amounts in connection with water
227 and sewer services and facilities and the cost of collection, including without limitation all
228 reasonable attorneys' fees and out-of-pocket expenses incurred in connection therewith."

229 **SECTION 5.**

230 Said Act is further amended by revising Section 7 as follows:

231 **"SECTION 7.**

- 232 (a) The authority shall have the power to employ or discharge its employees at its pleasure.
233 (b) The authority shall have the further power to appoint and employ a general manager
234 to manage the authority's water and sewerage system. The authority is authorized to
235 delegate to such general manager such duties and responsibilities as the authority
236 determines to be in its best interest, including the appointment, selection, employment, and
237 engagement, as applicable, of such other employees, agents, and professionals as shall be
238 necessary in the judgment of the authority to accomplish its purposes.

239 (c) The authority shall make annual reports to the county governing authority of all
 240 moneys it has received and expenditures made in the operation of its water and sewerage
 241 systems, which requirement shall be satisfied by the annual audit report prepared by the
 242 auditors engaged by the authority for such purpose."

243 **SECTION 6.**

244 Said Act is further amended by revising Section 9 as follows:

245 "SECTION 9.

246 (a) The Henry County Water Authority is hereby authorized to acquire, construct, install,
 247 equip, operate, and maintain a sewerage system in Henry County; to collect rates, fees, and
 248 charges for the services provided by such sewerage system; to borrow money for such
 249 purpose by the issuance of revenue bonds or otherwise and to pledge to the payment
 250 thereof the revenues of such undertaking and to join with the county in the issuance of
 251 revenue bonds for that purpose. As used in this Act, the terms 'sewer' and 'sewerage' shall,
 252 unless the context requires otherwise, mean and be deemed to include facilities and
 253 services for the collection, conveyance, treatment, pretreatment, retention, discharge, and
 254 disposal of waste water, and any other facilities and services determined by the authority
 255 to be necessary and efficient for the acquisition, construction, operation, and maintenance
 256 of a sewerage system in the authority's area of operation.

257 (b) The sewerage system acquired, constructed, operated, and maintained by the authority
 258 for and on behalf of Henry County shall be held and operated with the water system as a
 259 combined, revenue-producing undertaking.

260 (c) The authority is hereby authorized in connection with the operation of such sewerage
 261 system:

262 (1) To prescribe, fix, charge, impose, assess, and collect rates, fees, tolls, assessments,
 263 and charges and to revise from time to time and collect such rates, fees, tolls,
 264 assessments, or charges for the services, facilities, or commodities furnished by such
 265 sewerage system; to classify and differentiate such rates, fees, tolls, assessments, or
 266 charges in any reasonable manner, taking into account such factors the authority deems
 267 reasonable under the circumstances; to issue executions for amounts past due; and to
 268 comply with any state or federal laws and regulations applicable thereto;

269 (2) To adopt and establish by resolution or otherwise standards, rules, and regulations
 270 with respect to the operation of such sewerage system and to enforce same and to enforce
 271 any other laws or ordinances of this state or Henry County or any other political
 272 subdivision thereof applicable to the sewerage system;

273 (3) To provide for the adoption, promulgation, establishment, and administration by
 274 resolution, regulation, rule, or otherwise of standards and provisions for regulating,
 275 enforcing, amending, monitoring, and compelling compliance with the terms, conditions,
 276 and provisions of a pretreatment program pertaining to the pretreatment of industrial
 277 waste-water effluent that is to be delivered into the authority's sewerage system and is to
 278 be treated by the waste-water treatment facilities of the authority;

279 (4) To take such action as may be necessary to enable the authority to comply with the
 280 requirements and provisions of the Federal Water Pollution Control Act, as amended
 281 (33 U.S.C. Section 1251 et seq.), and Article 2 of Chapter 5 of Title 12 of the O.C.G.A.,
 282 the 'Georgia Water Quality Control Act,' as amended, and the respective regulations
 283 promulgated thereunder, and any additional restrictions that are required in order to allow
 284 the authority to comply with its discharge and treatment permits;

285 (5) To make application to the Superior Court of Henry County, Georgia, for injunctive
 286 relief against any person who has engaged in or is about to engage in any act or practice
 287 which constitutes or will constitute a violation of any provision of such pretreatment
 288 ordinances or regulations by seeking an order enjoining and restraining such act or
 289 practice; and upon a showing by the authority that such person has engaged in or is about
 290 to engage in any such act or practice, a permanent or temporary injunction, restraining
 291 order, or other order shall be granted without the necessity of showing a lack of adequate
 292 remedy at law;

293 (6) To provide that any person, firm, or corporation that fails to comply with any of the
 294 pretreatment standards or requirements set forth in such pretreatment regulations or
 295 ordinances shall be liable to civil penalty not to exceed \$1,000.00 per day for each day
 296 during which such noncompliance continues; and

297 (7) To take such other action as may be required to discharge all duties imposed by any
 298 law or regulation on Henry County or on the authority, or on any other county,
 299 municipality, or other political subdivision contracting with the authority for such
 300 purpose, in connection with the collection, conveyance, treatment, pretreatment,
 301 retention, discharge, and disposal of waste water in the authority's area of operation."

302 **SECTION 7.**

303 Said Act is further amended by inserting a new section to read as follows:

304 "SECTION 9.1.

305 For the public purpose of ensuring water quality in Henry County for the public health and
 306 welfare of the inhabitants of Henry County and to ensure the quality of the water provided
 307 by the authority's water system:

308 (1) The authority shall be and is hereby authorized to inspect all on-site sewage disposal
309 systems which have been installed on property for which the authority provides water
310 service for the purpose of ensuring the proper operation of such systems; to have the right
311 of entry to go onto such property for the purposes of inspecting on-site sewage disposal
312 systems and repairing such systems under the authority granted by this section; to
313 recommend repairs to such systems as are necessary, in the opinion of the authority, to
314 make such systems operate properly; to perform such repairs as the authority considers
315 necessary to make such systems operate properly in the event that the property owner
316 fails or refuses to perform the repairs recommended by the authority; or to discontinue
317 water service if determined appropriate in the discretion of the authority; to assess the
318 cost of any repairs performed by the authority or its agents against the owner of the
319 property on which such repairs were performed and to impose a lien for the costs of such
320 repairs upon the real estate records of the clerk of the Superior Court of Henry County
321 or to proceed with any other action to collect such sums; and to take any action in any
322 court to enforce the provisions of this section;

323 (2) The authority shall be further authorized to adopt ordinances, rules, and regulations
324 for the purposes of ensuring water quality and watershed protection in Henry County and
325 to enforce the same throughout the area of its operation. In the event that the authority
326 determines noncompliance with any such watershed protection or water quality
327 ordinances, rules, or regulations, the authority may redress any such noncompliance as
328 provided elsewhere in this Act, subject to the appeals procedures also provided for by this
329 Act. Without limiting the generality of the foregoing, the authority is hereby authorized
330 to refuse to provide water or sewer service, or in areas where it is already providing water
331 or sewer service, to discontinue such service, within any portion of the area of its
332 operation if the authority determines in its sole discretion that the ordinances, rules, and
333 regulations of the authority or of Henry County adopted to assure adequate water quality
334 in Henry County are not being complied with in such areas. Furthermore, if any other
335 political subdivision with zoning authority in such area of the authority's operations shall
336 adopt zoning ordinances that fail to meet the standards of the authority's water protection
337 ordinances or shall fail to enforce or shall by variance or otherwise waive the
338 requirements of such zoning ordinances so that the authority's water protection
339 ordinances are not being complied with in such areas, then in addition to and not in lieu
340 of any other enforcement powers granted to the authority by this Act or by any other
341 provision of law, in any and all such cases the authority is hereby authorized to refuse to
342 provide water or sewer service, or in areas where it is already providing water or sewer
343 service, to discontinue such service in such area."

344 **SECTION 8.**

345 Said Act is further amended by revising Section 10 as follows:

346 "SECTION 10.

347 Notwithstanding that the water or sewerage systems that may be constructed under the
348 provisions of this Act or under the supervision of the authority as provided in this Act shall
349 be owned by the authority and acquired in its name, such systems shall be held by the
350 authority for and on behalf of Henry County solely and expressly for the purposes
351 authorized by this Act. Nothing in this Act shall be construed to limit Henry County in
352 issuing bonds, revenue bonds, or any other means of financing as are now or hereafter
353 recognized by law for the development of such water or sewerage facilities. The powers
354 and rights conferred by this Act shall be cumulative to the powers and rights that now
355 exist."

356 **SECTION 9.**

357 Said Act is further amended by adding new sections to read as follows:

358 "SECTION 10.1

359 Any revenue bonds issued by the authority pursuant to this Act shall not be deemed to
360 constitute a debt of Henry County nor a pledge of the faith and credit of such county, nor
361 shall the county be subject to any pecuniary liability hereon. The revenue bonds authorized
362 to be issued pursuant to this Act shall not be payable from, nor a charge upon, any funds
363 other than the revenues pledged to the payment hereof. No owner of any such revenue
364 bonds shall ever have the right to compel the exercise of the taxing power of Henry County
365 to pay the same, or the interest thereon, or to enforce payment thereof against any other
366 property of Henry County, nor shall any such revenue bonds constitute a charge, lien, or
367 encumbrance, legal or equitable, upon any other property of Henry County; provided,
368 however, as authorized by an amendment to Article VII, Section IV, Paragraph II of the
369 Constitution of the State of Georgia of 1945 (Ga. L. 1968, p. 1739), the governing authority
370 of Henry County is authorized to levy a tax, in addition to any other tax authorized to be
371 levied, not to exceed two mills per dollar on all taxable property located in such county to
372 be appropriated and used for water or water and sewerage purposes and to guarantee
373 payment, in whole or in part, of water or water and sewerage revenue bonds issued, from
374 time to time, by the county and the authority and to otherwise support and maintain the
375 operations of a water or water and sewerage system of Henry County.

376 SECTION 10.2

377 (a) In the event the authority determines that a violation of any ordinance, rule, regulation,
 378 or standard adopted or promulgated by the authority pursuant to the authority granted by
 379 this Act may have occurred, the general manager of the authority, or such other agent or
 380 employee the authority designates as its hearing officer, after a hearing shall determine
 381 whether or not any such person is in noncompliance of any such standard or requirement
 382 and may, upon a proper finding, issue his or her order imposing such civil penalties as
 383 provided in this Act. Any person so penalized is entitled to judicial review. In this
 384 connection, all hearings and proceedings for judicial review shall be in accordance with
 385 Code Section 50-13-19 of the O.C.G.A. and venue shall be in the Superior Court of Henry
 386 County. All penalties recovered by the authority shall be paid into the authority's water and
 387 sewerage revenue fund, as the authority may determine based upon the nature of the
 388 violation. Upon the issuance of any order assessing a civil penalty and after the expiration
 389 of 30 days following the date of any such order, with no appeal taken as provided in
 390 Chapter 13 of Title 50 of the O.C.G.A., the 'Georgia Administrative Procedure Act,' the
 391 authority, by and through its general manager or such other employee as the authority
 392 designates, shall have the right and power to issue executions on any such order assessing
 393 a civil penalty, and in the amount thereof such execution shall be enforceable as provided
 394 in paragraph (b) of this section.

395 (b) Any such executions provided for by paragraph (a) of this section, and any other rates,
 396 fees, charges, tolls, assessments, or other amounts authorized by this Act or owing to the
 397 authority by virtue of the powers enumerated by this Act, the interest thereon and the
 398 expenses of collection, including without limitation reasonable attorney fees and
 399 out-of-pocket expenses, shall constitute a lien upon and against the land and other
 400 properties of the assessed party which lien shall be of equal priority, rank, and dignity and
 401 having the same attributes, rights, and powers as to collection and foreclosure thereof as
 402 an execution for unpaid ad valorem taxes of the State of Georgia or Henry County.

403 (c) Nothing in this Act is to be construed to authorize the authority to levy or assess fines
 404 or civil penalties against Henry County or its property."

405 SECTION 10.

406 Said Act is further amended by substituting the words "Henry County Water Authority" for
 407 the words "Henry County Water and Sewerage Authority" each place they appear.

408 SECTION 11.

409 This Act, being for the welfare of various political subdivisions of this state and its
 410 inhabitants, shall be liberally construed to effect the purposes of this Act.

411 **SECTION 12.**

412 If any section, portion, provision, sentence, paragraph, or part of this Act shall be held
413 invalid, the whole of this Act shall not become void, but only so much of the same as may
414 be declared void.

415 **SECTION 13.**

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

418 **SECTION 14.**

419 All laws or parts of laws in conflict with this Act are hereby repealed.