House Bill 511 (AS PASSED HOUSE AND SENATE)
By: Representatives Reeves of the 34th, England of the 116th, Blackmon of the 146th, Williamson of the 115th, Mitchell of the 88th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Titles 12, 19, 27, 28, 31, 40, 45, 48, and 49 of the Official Code of Georgia Annotated, relating to conservation and natural resources, domestic relations, game and fish, General Assembly, health, motor vehicles and traffic, public officers and employees, revenue and taxation, and social services, respectively, so as to provide for the establishment or revision of the Georgia Outdoor Stewardship Trust Fund, Solid Waste Trust Fund, Hazardous Waste Trust Fund, State Children's Trust Fund, Wildlife Endowment Trust Fund, Trauma Care Network Trust Fund, Transportation Trust Fund, Georgia Agricultural Trust Fund, Fireworks Trust Fund, and Georgia Transit Trust Fund as funds within the state treasury; to dedicate the proceeds of certain fees and taxes to such funds as authorized and subject to the conditions imposed by Article III, Section IX, Paragraph VI(r) of the Constitution of Georgia; to provide for annual appropriations and reporting; to provide for fiscal dedication analyses to be completed for each bill that dedicates funds pursuant to certain constitutional authority; to repeal and reserve certain provisions; to provide for compliance with constitutional requirements; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, is amended by revising Code Section 12-6A-5, relating to the establishment of the Georgia Outdoor Stewardship Trust Fund, as follows:

"12-6A-5.

(a) There is established the Georgia Outdoor Stewardship Trust Fund as a separate fund in the state treasury. Except as provided in subsections (c) and (d) of this Code section, the state treasurer shall credit General Assembly shall appropriate to the trust fund 40 percent of all moneys received by the state from the sales and use tax collected by establishments classified under the 2007 North American Industry Classification Code 451110, sporting goods stores, in the immediately preceding most recently completed fiscal year.

(b) Such funds shall not lapse to the general fund. Such funds shall be used to support the protection and conservation of land and shall be used to supplement, not supplant, department resources.

(c)(1) In the event that, in any current fiscal year, the immediately preceding most recently completed fiscal year's total moneys received from the levy of a sales and use tax fall at least 1 percent below the total moneys received from the levy of the tax in the year prior to the immediately preceding most recently completed fiscal year, then the amount that the state treasurer shall credit General Assembly shall appropriate to the trust fund during the current for the following fiscal year shall be reduced by 20 percent of the trust fund credit, which amount shall instead be paid into the state general fund.

(2) In the event that, in a fiscal year following the fiscal year of an initial trust fund credit appropriation reduction pursuant to paragraph (1) of this subsection, the immediately preceding most recently completed fiscal year's total moneys received from the levy of a sales and use tax fall at least 1 percent below the total moneys received from the levy of the tax in the year prior to the immediately preceding most recently completed fiscal year, then the amount that the state treasurer shall credit General Assembly shall...
appropriate to the trust fund during the current for the following fiscal year shall be reduced by 50 percent of the trust fund credit, which amount shall instead be paid into the state general fund.

(d) In any current fiscal year following a year for which the amount paid appropriated to the trust fund is reduced in accordance with subsection (c) of this Code section, the same percentage reduction shall continue be paid into the state general fund as in the immediately preceding year unless the total moneys received from the levy of the sales and use tax in the immediately preceding most recently completed fiscal year equal or exceed the total moneys received from the levy of the sales and use tax in the most recent fiscal year in which no reduction in the amount paid appropriated to the trust fund occurred pursuant to subsection (c) or (d) of this Code section."

SECTION 2.
Said title is further amended by revising Code Section 12-8-27.1, relating to the solid waste trust fund, as follows:

"12-8-27.1.
(a)(1) The state treasurer shall establish a separate trust fund in the state treasury that shall be known as the Solid Waste Trust Fund to which all funds within the solid waste trust fund previously established by this subsection shall be transferred. There shall be established the solid waste trust fund. The director shall serve as trustee of the solid waste trust fund Solid Waste Trust Fund. The moneys deposited in such fund pursuant to this Code section, Code Section 12-8-30.6, and Code Section 12-8-40.1 may be expended by the director, with the approval of the board, for the following purposes:
(2) The state treasurer shall invest the money held in the Solid Waste Trust Fund in the same manner in which state funds are invested as authorized by the State Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the money held
in the trust fund shall be accounted for separately and shall be credited to the trust fund
to be disbursed as other moneys in the trust fund.

(b) Under the authority granted and subject to the conditions imposed by Article III,
Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on
July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to
subsection (h) of Code Section 12-8-40.1 shall be annually appropriated to the Solid Waste
Trust Fund established by subsection (a) of this Code section and such funds shall not lapse
as otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of
Georgia. Each annual appropriation shall be made through the General Appropriations Act
and shall include all of the money collected from such source during the most recently
completed fiscal year.

(c) All of the money appropriated to the Solid Waste Trust Fund pursuant to subsection (b)
of this Code section shall be dedicated for use only for the following purposes:

(1) To take whatever emergency action is necessary or appropriate to assure that the
public health or safety is not threatened whenever there is a release or substantial threat
of a release of contaminants from a disposal facility;

(2) To take preventive or corrective actions where the release of contaminants presents
an actual or potential threat to human health or the environment and where the owner or
operator has not been identified or is unable or unwilling to perform corrective action,
including but not limited to closure and postclosure care of a disposal facility and
provisions for providing alternative water supplies;

(3) To take such actions as may be necessary to monitor and provide postclosure care of
any disposal facility, including preventive and corrective actions, without regard to the
identity or solvency of the owner thereof, commencing five years after the date of
completing closure; and

(4) To take such actions as may be necessary to implement the provisions of a scrap tire
management program in this state, particularly as may be related to the cleanup of scrap
tire disposal piles and facilities, regulation of tire carriers and other handlers, and
disbursement of grants and loans to cities, counties, and other persons as may be
necessary to implement fully the provisions of this part; and
(5) To fulfill any purpose provided in subsection (c) of Code Section 12-8-37.1.
(d) The director shall prepare an accounting of the funds expended pursuant to this Code
section during the most recently completed fiscal year to be provided to the Office of
Planning and Budget, the House Budget and Research Office, and the Senate Budget and
Evaluation Office by January 1 of each year.
(b)(e)(1) If the director determines that a solid waste or special solid waste handling
facility has been abandoned, that the owner or operator thereof has become insolvent, or
that for any other reason there is a demonstrated unwillingness or inability of the owner
or operator to maintain, operate, or close the facility, to carry out postclosure care of the
facility, or to carry out corrective action required as a condition of a permit to the
satisfaction of the director, the director may implement the applicable financial
responsibility mechanisms. The proceeds from any applicable financial responsibility
mechanisms shall be deposited into the Solid Waste Trust fund.
(e)(2) The determination of whether there has been an abandonment, default, or other
refusal or inability to perform and comply with closure, postclosure, or corrective action
requirements shall be made by the director.
(d) Any interest earned upon the corpus of the solid waste trust fund shall not become a
part thereof but shall be paid over to the division to be utilized by the division for
administration of the state solid waste management program. Any funds not expended for
this purpose in the fiscal year in which they are generated shall be deposited into the state
treasury. Nothing in this Code section shall be construed so as to allow the division to
retain any funds required by the Constitution of Georgia to be paid into the state treasury.
The division shall comply with all provisions of Part 1 of Article 4 of Chapter 12 of Title
45, known as the 'Budget Act'; provided, however, that the division shall be exempt from the provisions of Code Section 45-12-92, which requires payment into the state treasury of moneys collected by state agencies."

SECTION 3.
Said title is further amended by revising Code Section 12-8-37.1, relating to state grants relative to solid waste management, as follows:

"12-8-37.1.

(a) The state is authorized to make grants, as funds are available, to any county, municipality, or any combination of the same, or to any public authority, agency, commission, or institution, to assist such governmental or public body in the construction of solid waste handling systems which are consistent with local and regional solid waste management plans prepared in accordance with the requirements of this part.

(b) The director shall administer all funds granted by the state pursuant to this Code section.

(c) The corpus of the Solid Waste Trust Fund established in Code Section 12-8-27.1 may be used to make grants and loans to cities and counties, any combination of cities and counties, authorities, state agencies, or the Georgia Recycling Market Development Council for the cleanup of solid waste disposal facilities, including those used for the disposal of scrap tires; for the development and implementation of solid waste enforcement programs for the prevention and abatement of illegal dumping of solid waste, including without limitation the prevention and abatement of litter; for the funding of grants or loans, in accordance with procedures developed by the division; for the implementation of innovative technologies for the recycling and reuse of solid waste, including without limitation scrap tires; and for educational and other efforts to promote waste reduction, recycling, and recycling market development."
SECTION 4.

Said title is further amended by revising subsections (e), (f), and (g) of Code Section 12-8-39, relating to cost reimbursement fees, surcharges, exempt contracts, and reporting, as follows:

"(e) (1) Owners or operators of any solid waste disposal facility other than an inert waste landfill as defined in regulations promulgated by the board or a private industry solid waste disposal facility shall assess and collect on behalf of the division from each disposer of waste a surcharge of 75¢ per ton of solid waste disposed. Two percent of said surcharge collected may be retained by the owner or operator of any solid waste disposal facility collecting said surcharge to pay for costs associated with collecting said surcharge. Surcharges assessed and collected on behalf of the division shall be paid to the division not later than the first day of July of each year for the preceding calendar year. Any facility permitted exclusively for the disposal of construction or demolition waste that conducts recycling activities for construction or demolition materials shall receive a credit toward the surcharge listed above per ton of material recycled at the facility."

(2) The surcharge amount provided for in this subsection shall be subject to revision pursuant to Code Section 45-12-92.2.

(f) All surcharges required by subsection (e) of this Code section shall be paid to the division for transfer into the state treasury to the credit of the general fund. The division shall collect such fees until the unencumbered principal balance of the hazardous waste trust fund equals or exceeds $25 million, at which time the division shall not collect any further such surcharges until the unencumbered balance in such fund equals or is less than $12.5 million, at which time the division shall resume collection of such surcharges at the beginning of the next calendar year following the year in which such event occurs. The director shall provide written notice to all permitted solid waste disposal facilities at the time he receives notice that the unencumbered balance of such trust fund equals or exceeds $25 million or equals or is less than $12.5 million. Reserved.
(g) Unless the requirement for the surcharge required by subsection (e) of this Code section is reimposed by the General Assembly, no such surcharge shall be collected after June 30, 2025. The director shall make an annual report to the House Committee on Natural Resources and Environment and the Senate Natural Resources and the Environment Committee regarding the status of the activities funded by the hazardous waste trust fund Hazardous Waste Trust Fund.”

SECTION 5.

Said title is further amended in Code Section 12-8-40.1, relating to tire disposal restrictions and fees, by revising subsection (h) as follows:

"(h)(1) A fee is imposed upon the retail sale of all new replacement tires in this state of $1.00 per tire sold. The fee shall be collected by retail dealers at the time the retail dealer sells a new replacement tire to the ultimate consumer; provided, however, that a Georgia tire distributor who sells tires to retail dealers must collect such fees from any retail dealer who does not have a valid scrap tire generator identification number issued by the division. The fee and any required reports shall be remitted not less than quarterly on such forms as may be prescribed by the division. The division is authorized to contract with the Department of Revenue to, and the Department of Revenue is authorized to, collect such fees on behalf of the division. All fees received shall be deposited into the state treasury to the account of the general fund in accordance with the provisions of Code Section 45-12-92. All moneys deposited into the solid waste trust fund shall be deemed expended and contractually obligated and shall not lapse to the general fund.

(2) In collecting, reporting, and paying the fees due under this subsection, each distributor or retailer shall be allowed the following deductions, but only if the amount due was not delinquent at the time of payment:

(A) A deduction of 3 percent of the first $3,000.00 of the total amount of all fees reported due on such report; and

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(B) A deduction of one-half of 1 percent of that portion exceeding $3,000.00 of the total amount of all fees reported due on such report.

(3) The tire fees authorized in this subsection shall cease to be collected on June 30, 2025. The director shall make an annual report to the House Committee on Natural Resources and Environment and the Senate Natural Resources and the Environment Committee regarding the status of the activities funded by the solid waste trust fund Solid Waste Trust Fund.

(4) The fee amount provided for in this subsection shall be subject to revision pursuant to Code Section 45-12-92.2."

SECTION 6.

Said title is further amended by revising subsection (b) of Code Section 12-8-91, relating to declaration of policy and legislative intent, as follows:

"(b) The General Assembly declares its intent to fund the execution of the public policy set forth in subsection (a) of this Code section by and through the division with the fees established and collected by the division pursuant to subsection (e) of Code Section 12-2-2; subsection (e) of Code Section 12-8-39, subsection (d) of Code Section 12-8-68, and Code Section 12-8-95.1. The General Assembly further declares its intent to ensure that the funding provided by fees on hazardous waste management activities and hazardous substance reporting and by owners and operators of solid waste disposal facilities pursuant to those Code sections and through the collection of civil penalties will not be diverted for any purpose other than the administration of this article by the division, including reviewing and overseeing investigations, corrective action, and other actions by federal agencies required under this article and supporting the reduction of hazardous waste and pollution prevention activities by federal agencies; the prevention of pollution, including reduction of hazardous wastes generated; and the effectuation of corrective action at sites that may threaten human health or the environment where hazardous wastes, hazardous
constituents, or hazardous substances have been disposed of or released. Appropriation of funds to the department for inclusion in the hazardous waste trust fund continued in existence by subsection (a) of Code Section 12-8-95 shall be deemed consistent with this declaration of legislative intent the Hazardous Waste Trust Fund established by Code Section 12-8-95.”

SECTION 7.

Said title is further amended by revising subsections (a) and (b) of Code Section 12-8-95, relating to the hazardous waste trust fund, and adding a new subsection to read as follows:

“(a)(1) The state treasurer shall establish a separate trust fund in the state treasury that shall be known as the Hazardous Waste Trust Fund to which all funds within the hazardous waste trust fund previously established by this subsection shall be transferred. There shall continue in existence the hazardous waste trust fund. The hazardous waste trust fund shall be funded in accordance with subsection (b) of Code Section 12-8-91. All moneys deposited in the fund shall be deemed expended and contractually obligated and shall not lapse to the general fund. The director shall serve as trustee of the hazardous waste trust fund Hazardous Waste Trust Fund.

(2) The state treasurer shall invest the money held in the Hazardous Waste Trust Fund in the same manner in which state funds are invested as authorized by the State Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the money held in the trust fund shall be accounted for separately and shall be credited to the trust fund to be disbursed as other moneys in the trust fund.

(a.1) Under the authority granted and subject to the conditions imposed by Article III, Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to subsection (e) of Code Section 12-8-39 shall be annually appropriated to the Hazardous Waste Trust Fund established by subsection (a) of this Code section and such funds shall
not lapse as otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of Georgia. Each annual appropriation shall be made through the General Appropriations Act and shall include all of the money collected from such source during the most recently completed fiscal year.

(b) All of the money appropriated to the Hazardous Waste Trust Fund pursuant to subsection (a.1) of this Code section shall be dedicated for use only for the following purposes: The moneys deposited in the hazardous waste trust fund may be expended by the director as follows:

(1) For activities associated with the investigation, detoxification, removal, and disposal of any hazardous wastes, hazardous constituents, or hazardous substances at sites where corrective action is necessary to mitigate a present or future danger to human health or the environment;

(2) For emergency actions the director considers necessary to protect public health, safety, or the environment whenever there is a release of hazardous wastes, hazardous constituents, or hazardous substances;

(3) For activities of the division associated with the administration of this part, including reviewing and overseeing investigations, corrective action, and other actions by federal agencies required under this article and supporting the reduction of hazardous waste and pollution prevention activities by federal agencies;

(4) In accordance with rules promulgated by the board, for financing of the state and local share of the costs associated with the investigation, remediation, and postclosure care and maintenance of sites placed on the National Priority List pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, or sites placed on the hazardous site inventory pursuant to Code Section 12-8-97; provided, however, that the director shall ensure that beginning July 1, 2003, and annually in each following year, an amount equal to at least one-half of the sum of annual collections made pursuant to subsection (e) of Code Section 12-8-39 and
appropriated to the department in accordance with subsection (b) of Code Section 279-8-91 shall be available to be used for the purposes of this paragraph; provided, further, that if a county or municipal corporation has been or is the owner of or operator of such site, not less than $500,000 $500,000.00 of such costs shall be paid from the hazardous waste trust fund Hazardous Waste Trust Fund; and

(5) For activities administered by the director associated with pollution prevention, including reduction of hazardous wastes generated in this state.

(b.1) The director shall prepare an accounting of the funds expended pursuant to this Code section during the most recently completed fiscal year to be provided to the Office of Planning and Budget, the House Budget and Research Office, and the Senate Budget and Evaluation Office by January 1 of each year."

SECTION 8.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended by revising Code Section 19-14-20, relating to the creation of the State Children's Trust Fund, as follows:

"19-14-20.

(a)(1) The State Children's Trust Fund is created as a separate fund in the state treasury. The fund shall be expended only as provided in this chapter and in Part 1 of Article 6 of Chapter 5 of Title 49, and the State Children's Trust Fund shall continue in existence until repealed by the legislature. The director of the Division of Family and Children Services of the Department of Human Services shall be the trustee of the fund.

(2) The state treasurer shall invest the money held in the State Children's Trust Fund in the same manner in which state funds are invested as authorized by the State Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the money held in the trust fund shall be accounted for separately and shall be credited to the trust fund to be disbursed as other moneys in the trust fund.
(b) Under the authority granted and subject to the conditions imposed by Article III, Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to Code Sections 15-6-77.4 and 15-9-60 shall be annually appropriated to the State Children's Trust Fund established by subsection (a) of this Code section and such funds shall not lapse as otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of Georgia. Each annual appropriation shall be made through the General Appropriations Act and shall include all of the money collected from such sources during the most recently completed fiscal year.

(c) The State Children's Trust Fund may accept federal funds granted by Congress or executive order for the purposes of the fund as well as gifts and donations from individuals, private organizations, or foundations. The acceptance and use of federal funds does not commit state funds and does not place an obligation upon the General Assembly to continue the purposes for which the federal funds are made available. All funds received in the manner described in this subsection shall be transmitted to the state treasurer for deposit in the fund to be disbursed as other moneys in such fund.

(d) All of the money appropriated to the State Children's Trust Fund pursuant to subsection (b) of this Code section shall be dedicated for use and expended by the director of the Division of Family and Children Services of the Department of Human Services only for the following purposes:

1. To carry out the prevention and community based service programs as provided for in Part 2 of Article 6 of Chapter 5 of Title 49;
2. To carry out the duties relating to mentoring as provided for in Part 3 of Article 6 of Chapter 5 of Title 49;
3. To cooperate with and secure cooperation of every department, agency, or instrumentality in the state government or its political subdivisions in the furtherance of the purposes of this article;
(4) To prepare, publish in print or electronically, and disseminate fundamental child-related information of a descriptive and analytical nature to all components of the children's service system of this state, including, but not limited to, the juvenile justice system;

(5) To serve as a state-wide clearing-house for child related information and research;

(6) In coordination and cooperation with all components of the children's service systems of this state, to develop legislative proposals and executive policy proposals reflective of the priorities of the entire child related systems of this state, including, but not limited to, child abuse injury prevention, treatment, and juvenile justice systems;

(7) To serve in an advisory capacity to the Governor on issues impacting the children's service systems of this state;

(8) To coordinate high visibility child related research projects and studies with a state-wide impact when those studies and projects cross traditional system component lines;

(9) To provide for the interaction, communication, and coordination of all components of the children's service systems of this state and to provide assistance in establishing state-wide goals and standards in the system;

(10) To provide for the effective coordination and communication between providers of children and youth services, including pediatrics, health, mental health, business and industry, and all components of social services, education, and educational services;

(11) To encourage and facilitate the establishment of local commissions or coalitions on children and youth and to facilitate the involvement of communities in providing services for children and youth;

(12) To review and develop an integrated state plan for services provided to children and youth in this state through state programs;

(13) To provide technical assistance and consultation to local governments, particularly those involved in providing services to children and youth;
(14) To facilitate elimination of unnecessary or duplicative efforts, programs, and services; and
(15) To do any and all things necessary and proper to enable it to perform wholly and adequately its duties and to exercise the authority granted to it.

(e) The director of the Division of Family and Children Services of the Department of Human Services shall prepare an accounting of the funds expended pursuant to this Code section during the most recently completed fiscal year to be provided to the Office of Planning and Budget, the House Budget and Research Office, and the Senate Budget and Evaluation Office by January 1 of each year."

SECTION 9.
Said article is further amended by repealing Code Sections 19-14-21, 19-14-22, and 19-14-23, relating to source of funds, investments and interest, and issuance of warrants, respectively.

SECTION 10.
Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by revising Code Section 27-2-30, relating to establishment of the Wildlife Endowment Fund and limitations on expenditures from the fund, by revising subsections (b) and (c) and adding new subsections to read as follows:

"(b)(1) In recognition of its obligations to lifetime sportsman's license purchasers, the General Assembly directs the state treasurer to establish a fund known as the Wildlife Endowment Trust Fund as a separate fund in the state treasury and all funds held in the Wildlife Endowment Fund previously established by this Code section shall be transferred to the Wildlife Endowment Trust Fund for receipt of funds of an amount equal to that generated by the sale of lifetime sportsman's licenses listed in subsection (d) of Code Section 27-2-3.1. Further, the General Assembly declares its intent to appropriate
to the Wildlife Endowment Fund each fiscal year an amount equal to that generated by
the prior year's sales of lifetime licenses. The fund is also authorized to accept
contributions from private individuals and entities. All funds appropriated and those
contributed to the Wildlife Endowment Fund shall be deemed expended and contractually
obligated and shall not lapse to the general fund.

(2) The state treasurer shall invest the money held in the Wildlife Endowment Trust
Fund in the same manner in which state funds are invested as authorized by the State
Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the
money held in the trust fund shall be accounted for separately and shall be credited to the
trust fund to be disbursed as other moneys in the trust fund. The fund is authorized to
accept donations from private individuals and entities.

(c) Under the authority granted and subject to the conditions imposed by Article III,
Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on
July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to
subsection (d) of Code Section 27-2-3.1 shall be annually appropriated to the Wildlife
Endowment Trust Fund established by subsection (b) of this Code section and such funds
shall not lapse as otherwise required by Article III, Section IX, Paragraph IV(c) of the
Constitution of Georgia. Each annual appropriation shall be made through the General
Appropriations Act and shall include all of the money collected from such source during
the most recently completed fiscal year.

(c.1) The commissioner of natural resources shall be the trustee of the Wildlife
Endowment Trust Fund with full authority over the administration of the fund. The state
treasurer shall be the custodian of the Wildlife Endowment Fund and shall invest its assets
in accordance with Georgia laws and shall report to the department the annual income and
contributions to the fund. The intent of the General Assembly is that such income from the
fund be appropriated annually to the department for the purposes stated in subsection (d)
of this Code section.
(c.2) All of the money appropriated to the Wildlife Endowment Trust Fund pursuant to subsection (c) of this Code section shall be dedicated for use and expended by the commissioner of natural resources for the purposes provided in subsection (d) of this Code section.

(c.3) The commissioner of natural resources shall prepare an accounting of the funds expended pursuant to this Code section during the most recently completed fiscal year to be provided to the Office of Planning and Budget, the House Budget and Research Office, and the Senate Budget and Evaluation Office by January 1 of each year.”

**SECTION 11.**

Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is amended in Article 3 of Chapter 5, relating to fiscal bills generally, by adding a new Code section to read as follows:

”28-5-45.

(a) Any bill that provides for the dedication of funds pursuant to Article III, Section IX, Paragraph VI(r) of the Constitution of Georgia shall not be considered by the General Assembly without a fiscal dedication analysis attached to the bill, and in the case of a regular session, such a bill shall be introduced not later than the twentieth day of such regular session. Any such bill shall not carry over from one regular session to the next, but must be reintroduced with a new or revised fiscal dedication analysis.

(b)(1) A fiscal dedication analysis shall include a reliable estimate in dollars of the amount of revenue dedicated pursuant to the provisions of the bill, as well as a statement as to the immediate effect and, if determinable or reasonably foreseeable, the long-range effect of the measure. The fiscal dedication analysis shall also contain the total amount of funds presently dedicated pursuant to the authority granted by Article III, Section IX, Paragraph VI(r) of the Constitution of Georgia, the proportion of the total 1 percent imposed by such constitutional provision that the measure at issue would constitute, and
the amount and proportion of the total 1 percent cap that would remain if the bill becomes law. The fiscal dedication analysis shall also contain a warning regarding any probable or immediately foreseeable conditions by which the bill may cause the 1 percent cap to be exceeded at any time during the period for which the bill is effective.

(2) If, after careful investigation, it is determined that no dollar estimate is possible, the fiscal dedication analysis shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. In this event, the fiscal dedication analysis shall contain an example based on a specific situation or reflecting the average group of persons possibly affected by the bill so as to provide an indication of the cost of such bill to the General Assembly. Assumptions used to develop these averages shall be noted in the fiscal dedication analysis and the criteria included herein shall constitute a fiscal dedication analysis.

(3) No comment or opinion regarding the merits of the measure for which the statement is prepared shall be included in the fiscal dedication analysis; however, technical or mechanical defects may be noted.

(4) The state auditor and the director of the Office of Planning and Budget shall jointly prepare their fiscal dedication analysis; and, if there is a difference of opinion between such officials, it shall be noted in the fiscal dedication analysis.

(c)(1) A member who intends to introduce a bill that requires a fiscal dedication analysis shall request a fiscal dedication analysis from the Office of Planning and Budget and the Department of Audits and Accounts by December 1 of the year preceding the annual convening of the General Assembly in which the bill is to be introduced, but subsequent to the preparation of such bill by the Office of Legislative Counsel. The director of the Office of Planning and Budget and the state auditor shall prepare and submit each such timely requested fiscal dedication analysis not later than the day of convening of the General Assembly.
(2) During any regular or special session of the General Assembly, only the chairperson of a committee to which a particular bill is assigned may request a new or revised fiscal dedication analysis for a bill. In such cases, the director of the Office of Planning and Budget and the state auditor shall prepare and submit the fiscal dedication analysis within five days after receipt of the request or within ten days if the director of the Office of Planning and Budget and the state auditor submit a jointly signed notice of a necessary extension of time so informing the requester in writing and shall be allowed to submit said analysis not later than ten days after the request for it is made.

(d) Each fiscal dedication analysis required by this Code section shall be attached to the bill by the chairperson of the committee to which the bill is assigned and shall be read to the members of each respective house of the General Assembly at the third reading of the bill. In addition, a copy of each fiscal dedication analysis or revision thereto required by this Code section shall be distributed to each member of the respective house of the General Assembly before which the bill is pending prior to any such bill being voted upon by such house of the General Assembly.

SECTION 12.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising Code Section 31-11-103, relating to the Georgia Trauma Trust Fund, as follows:

"31-11-103.

(a)(1) There shall be established a Trauma Care Network Trust Fund as a separate fund in the state treasury and all funds held in the Georgia Trauma Trust Fund previously established by this Code section shall be transferred to the Trauma Care Network Trust Fund. There is established the Georgia Trauma Trust Fund. The executive director of the Georgia Trauma Care Network Commission shall serve as the trustee of the fund. The moneys deposited into such fund pursuant to this article may be expended by the executive director with the approval of the Georgia..."
Trauma Care Network Commission for those purposes specified in Code Section 31-11-102.

(2) The state treasurer shall invest the money held in the Trauma Care Network Trust Fund in the same manner in which state funds are invested as authorized by the State Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the money held in the trust fund shall be accounted for separately and shall be credited to the trust fund to be disbursed as other moneys in the trust fund.

(b)(1) Under the authority granted and subject to the conditions imposed by Article III, Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to Code Section 40-6-189 shall be annually appropriated to the Trauma Care Network Trust Fund, and such funds shall not lapse as otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of Georgia. Each annual appropriation shall be made through the General Appropriations Act and shall include all of the money collected from such source during the most recently completed fiscal year.

(2) All of the money appropriated to the Trauma Care Network Trust Fund pursuant to this subsection shall be dedicated for use and expended in accordance with the purposes specified in Code Section 31-11-102.

(3) The executive director of the Georgia Trauma Care Network Commission shall prepare an accounting of the funds expended pursuant to this subsection during the most recently completed fiscal year to be provided to the Office of Planning and Budget, the House Budget and Research Office, and the Senate Budget and Evaluation Office by January 1 of each year.

(b)(c) The Georgia Trauma Care Network Commission shall report annually no later than October 1 to the Office of Health Strategy and Coordination. Such report shall provide an update on state-wide trauma system development and the impact of fund distribution on trauma patient care and outcomes.”
SECTION 13.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by repealing subsection (d) of Code Section 40-2-151.1, relating to highway impact fees for heavy vehicles and use of funds.

SECTION 14.

Said title is further amended by adding a new Code section to read as follows:

40-2-151.2.

(a)(1) There shall be established a Transportation Trust Fund as a separate fund in the state treasury. The commissioner of transportation shall be the trustee of the fund.

(2) The state treasurer shall invest the money held in the Transportation Trust Fund in the same manner in which state funds are invested as authorized by the State Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the money held in the trust fund shall be accounted for separately and shall be credited to the trust fund to be disbursed as other moneys in the trust fund.

(b) Under the authority granted and subject to the conditions imposed by Article III, Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to paragraph (19) of subsection (a) of Code Section 40-2-151, Code Section 40-2-151.1, and subsection (b) of Code Section 48-13-50.3 shall be annually appropriated to the Transportation Trust Fund established by this Code section and such funds shall not lapse as otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of Georgia. Each annual appropriation shall be made through the General Appropriations Act and shall include all of the money collected from such sources during the most recently completed fiscal year.

(c) All of the money appropriated to the Transportation Trust Fund pursuant to subsection (b) of this Code section shall be dedicated for use and expended by the
commissioner of transportation for transportation purposes and transit projects as such terms are defined in Code Section 40-2-151.1. Not more than ten percent of the funds shall be expended on transit projects.

d) The commissioner of transportation shall prepare an accounting of the funds expended pursuant to this subsection during the most recently completed fiscal year to be provided to the Office of Planning and Budget, the House Budget and Research Office, and the Senate Budget and Evaluation Office by January 1 of each year.”

SECTION 15.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by repealing Code Section 45-12-92.2, relating to definitions, procedures involving solid waste disposal surcharge and tire disposal fees, conditions, and appropriation.

SECTION 16.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended in subsection (d) of Code Section 48-8-3.3, relating to definitions, applicability, criteria for eligibility, rules and regulations, dealer performing both manufacturing and agricultural operations, exemption, audits, and annual report, by adding a new paragraph to read as follows:

“(5)(A) There shall be established a Georgia Agricultural Trust Fund as a separate fund in the state treasury. The Commissioner of Agriculture shall be the trustee of the fund.

(B) The state treasurer shall invest the money held in the Georgia Agricultural Trust Fund in the same manner in which state funds are invested as authorized by the State Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the money held in the trust fund shall be accounted for separately and shall be credited to the trust fund to be disbursed as other moneys in the trust fund. The fund is authorized to accept donations from private individuals and entities.”
(C) Under the authority granted and subject to the conditions imposed by Article III, Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to paragraph (4) of this subsection shall be annually appropriated to the Georgia Agricultural Trust Fund established by subparagraph (A) of this paragraph and such funds shall not lapse as otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of Georgia. Each annual appropriation shall be made through the General Appropriations Act and shall include all of the money collected from such source during the most recently completed fiscal year.

(D) All of the money appropriated to the Georgia Agricultural Trust Fund pursuant to subparagraph (C) of this paragraph shall be dedicated for use and expended by the Commissioner of Agriculture for the purposes of marketing and promotion activities conducted by the Department of Agriculture in support of Georgia agricultural products and supporting the maintenance and operations of state farmers' markets.

(E) The Commissioner of Agriculture shall prepare an accounting of the funds expended pursuant to this paragraph during the most recently completed fiscal year to be provided to the Office of Planning and Budget, the House Budget and Research Office, and the Senate Budget and Evaluation Office by January 1 of each year.

SECTION 17.

Said title is further amended by repealing subsection (e) of Code Section 48-13-50.3, relating to additional tax imposed by innkeepers, forms for reporting, use of funds from additional taxes, and provisions for termination.
SECTION 18.

Said title is further amended by revising subsection (b) of Code Section 48-13-131, relating to excise tax imposed, rate of taxation, allocation of moneys collected from tax on consumer fireworks to various purposes, and payment, as follows:

"(b)(1)(A) There shall be established a Fireworks Trust Fund as a separate fund in the state treasury. The commissioner shall be the trustee of the fund.

(B) The state treasurer shall invest the money held in the Fireworks Trust Fund in the same manner in which state funds are invested as authorized by the State Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the money held in the trust fund shall be accounted for separately and shall be credited to the trust fund to be disbursed as other moneys in the trust fund.

(2) Under the authority granted and subject to the conditions imposed by Article III, Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to subsection (a) of this Code section shall be annually appropriated to the Fireworks Trust Fund established by paragraph (1) of this subsection and such funds shall not lapse as otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of Georgia. Each annual appropriation shall be made through the General Appropriations Act and shall include all of the money collected from such source during the most recently completed fiscal year.

(3) All of the money appropriated to the Fireworks Trust Fund pursuant to paragraph (2) of this subsection shall be dedicated for use and expended as follows:

Moneys collected from the excise tax on the sale of consumer fireworks as provided for under subsection (a) of this Code section, and pursuant to Article III, Section IX, Paragraph VI of the Constitution of Georgia, shall be used as follows:

(A) The amount of 55 percent shall be provided to the Georgia Trauma Care Network Commission for purposes provided for under Code Section 31-11-102;
(2)(B) The amount of 40 percent shall be provided to the Georgia Firefighter Standards and Training Council to be exclusively used for the implementation of a grant program to improve the equipping and training of firefighters and to improve the rating of fire departments in this state by the Insurance Services Office; and

(3)(C) The amount of 5 percent shall be provided to local governments to be used solely for public safety purposes consisting of the operation of 9-1-1 systems under Part 4 of Article 2 of Chapter 5 of Title 46. The commissioner shall include such amount as a part of the 9-1-1 distribution made on or before October 15 of each year to such local governments.

(4) The commissioner shall prepare an accounting of the funds expended pursuant to this subsection during the most recently completed fiscal year to be provided to the Office of Planning and Budget, the House Budget and Research Office, and the Senate Budget and Evaluation Office by January 1 of each year."

SECTION 19.

Said title is further amended by repealing subsections (c) and (d) of Code Section 48-13-141, relating to excise tax on for-hire ground transport, annual adjustment, and appropriation of proceeds for transit projects, and adding a new subsection to read as follows:

"(a.1)(1)(A) There shall be established a Georgia Transit Trust Fund as a separate fund in the state treasury. The commissioner of transportation shall be the trustee of the fund.

(B) The state treasurer shall invest the money held in the Georgia Transit Trust Fund in the same manner in which state funds are invested as authorized by the State Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the money held in the trust fund shall be accounted for separately and shall be credited to the trust fund to be disbursed as other moneys in the trust fund."
(2) Under the authority granted and subject to the conditions imposed by Article III, Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to subsection (a) of this Code section shall be annually appropriated to the Georgia Transit Trust Fund established by paragraph (1) of this subsection and such funds shall not lapse as otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of Georgia. Each annual appropriation shall be made through the General Appropriations Act and shall include all of the money collected from such source during the most recently completed fiscal year.

(3) All of the money appropriated to the Georgia Transit Trust Fund pursuant to paragraph (2) of this subsection shall be dedicated for use by one or more transit providers on transit projects.

(3) The commissioner of transportation shall prepare an accounting of the funds expended pursuant to this subsection during the most recently completed fiscal year to be provided to the Office of Planning and Budget, the House Budget and Research Office, and the Senate Budget and Evaluation Office by January 1 of each year."

SECTION 20.

Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended by revising paragraph (4) of Code Section 49-5-131, relating to definitions relative to the Governor's Office for Children and Families, as follows:

"(4) 'Fund' means the State Children's Trust Fund created pursuant to Code Section 19-14-20."
SECTION 21.

Said title is further amended by revising subsection (a) of Code Section 49-5-132, relating to the Governor's Office for Children and Families established, funding, and duties and responsibilities, as follows:

"(a) There is established the Governor's Office for Children and Families which shall be assigned to the Department of Human Services for administrative purposes."

SECTION 22.

Said title is further amended by revising Code Section 49-5-135, relating to powers and duties of advisory board and the disbursement of appropriated moneys from fund, as follows:

"(b) The advisory board may authorize make timely recommendations to the director of the Division of Family and Children Services of the Department of Human Services regarding the disbursement of available money from the fund State Children's Trust Fund after appropriation thereof to an entity or program eligible pursuant to the criteria of the office exclusively to fund a private nonprofit or public organization in the development or operation of a prevention program if all of the following conditions are met:

(1) The organization demonstrates broad based community involvement emphasizing volunteer efforts and demonstrates expertise in child abuse prevention issues;
(2) The organization demonstrates a willingness and ability to provide program models and consultation to organizations and communities regarding program development and maintenance; and
(3) Other conditions that the board may deem appropriate.

(c) Funds shall not be disbursed from the trust fund to any organization or other entity or for any purpose authorized in subsection (a) of this Code section until approved by the Governor; provided, however, that the Governor may not authorize the disbursement of funds to an organization or other entity which the office has not recommended for a grant."
SECTION 23.

In accordance with the requirements of Article III, Section IX, Paragraph VI(r) of the Constitution of Georgia, this Act shall not become law unless it receives the requisite two-thirds' majority vote in both the Senate and the House of Representatives and the amount of the funds dedicated by this Act do not equal or exceed 1 percent of the previous fiscal year's state revenues subject to appropriations.

SECTION 24.

Except as provided for in Section 23 of this Act, this Act shall become effective on July 1, 2022.

SECTION 25.

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