House Bill 220 (AS PASSED HOUSE AND SENATE)
By: Representatives Rogers of the 10th, LaRiccia of the 169th, Reeves of the 34th, and Lott of the 122nd

A BILL TO BE ENTITLED
AN ACT

To amend Title 12 and Title 45 of the Official Code of Georgia Annotated, relating to conservation and natural resources and public officers and employees, respectively, so as to reduce the amount of and extend the sunset date for certain solid waste disposal surcharges; to reduce the amount of and extend the sunset date for certain tire disposal fees; to extend the sunset date for certain hazardous waste management fees and hazardous substance reporting fees; to revise provisions concerning procedures for recalculating the amounts of certain surcharges and fees; 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:

SECTION 1.

Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, is amended in Chapter 8, relating to waste management, by revising paragraph (1) of subsection (e) and subsection (g) of Code Section 12-8-39, relating to cost reimbursement fees and surcharges, as follows:

"(e)(1) Effective until June 30, 2020, 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. Effective from July 1, 2020, until June 30, 2022, 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 51¢ per ton of solid waste disposed. Two percent of said surcharges 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 towards such the surcharges
of 75¢ listed above per ton of material recycled at the facility.

"(g) Unless the requirement for the surcharge surcharges required by subsection (e) of this
Code section is are reimposed by the General Assembly, no such surcharge shall be
collected after July 1, 2019 2022."

SECTION 2.

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

"(h)(1) Beginning July 1, 1992, and ending June 30, 2020, a fee is imposed upon the retail
sale of all new replacement tires in this state of $1.00 per tire sold. Effective from July
1, 2020, until June 30, 2022, a fee is imposed upon the retail sale of all new replacement
tires in this state of 38¢ per tire sold. The fee fees 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 fees 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

(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, 2019
2022. 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.
(4) The fee amount provided for in this subsection shall be subject to revision pursuant
to Code Section 45-12-92.2."

SECTION 3.

Said title is further amended in said chapter by revising subsection (h) of Code
Section 12-8-95.1, relating to hazardous waste management fees and hazardous substance
reporting fees, as follows:

"(h) Unless fee requirements established in this Code section are reimposed by the General
Assembly, no such fees shall be levied after July 1, 2019 2022."

SECTION 4.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
is amended by revising subsection (b) of Code Section 45-12-92.2, relating to definitions,
procedures involving solid waste disposal surcharge and tire disposal fees, conditions, and
appropriation, as follows:

"(b) Effective for the fiscal year beginning July 1, 2014 2020, and each fiscal year
thereafter, for paragraph (3) of subsection (a) of this Code section:

(1) The Office of Planning and Budget shall determine the base amount for the purpose
or function as described under a subparagraph of paragraph (3) of subsection (a) of this
Code section;
(2) The Office of Planning and Budget shall determine the new appropriation amount;
(3) If the new appropriation amount is equal to or greater than the base amount, then the
amount of the fee shall not be reduced under this Code section;
(4) (A) If the new appropriation amount is less than the base amount, then the amount
of the fee shall be reduced automatically by 25 percent for the fiscal year beginning on
July 1; provided, however, that in no event shall the reduction ever be less than an
amount which would be equal to the new appropriation amount;
(B) Immediately following the date the General Appropriations Act for the newly
commencing fiscal year is approved by the Governor or becomes law without such
approval, the Office of Planning and Budget shall notify the collecting agency of the
adjusted fee amount; and
(5) (A) Except as otherwise provided in subparagraph (B) of this paragraph, for any
fiscal year following a fee reduction under paragraph (4) of this subsection, if the new
appropriation amount is equal to or greater than the base amount, then the fee amount
shall be increased back to the fee amount in place immediately prior to the most recent
such reduction.

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(B) If the new appropriation amount is equal to or greater than the base amount as determined in the fiscal year in which such fee amount was first reduced under this subsection, then such fee amount shall be increased back to the amount in place immediately prior to such first reduction."

SECTION 5.
This Act shall become effective on June 30, 2019.

SECTION 6.
All laws and parts of laws in conflict with this Act are repealed.