

House Bill 220 (AS PASSED HOUSE AND SENATE)

By: Representatives Rogers of the 10<sup>th</sup>, LaRiccia of the 169<sup>th</sup>, Reeves of the 34<sup>th</sup>, and Lott of the 122<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 12 and Title 45 of the Official Code of Georgia Annotated, relating to  
2 conservation and natural resources and public officers and employees, respectively, so as to  
3 reduce the amount of and extend the sunset date for certain solid waste disposal surcharges;  
4 to reduce the amount of and extend the sunset date for certain tire disposal fees; to extend the  
5 sunset date for certain hazardous waste management fees and hazardous substance reporting  
6 fees; to revise provisions concerning procedures for recalculating the amounts of certain  
7 surcharges and fees; to provide for related matters; to provide for an effective date; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

15 “(e)(1) Effective until June 30, 2020, owners ~~Owners~~ or operators of any solid waste  
16 disposal facility other than an inert waste landfill as defined in regulations promulgated  
17 by the board or a private industry solid waste disposal facility shall assess and collect on  
18 behalf of the division from each disposer of waste a surcharge of 75¢ per ton of solid  
19 waste disposed. Effective from July 1, 2020, until June 30, 2022, owners or operators of  
20 any solid waste disposal facility other than an inert waste landfill as defined in regulations  
21 promulgated by the board or a private industry solid waste disposal facility shall assess  
22 and collect on behalf of the division from each disposer of waste a surcharge of 51¢ per  
23 ton of solid waste disposed. Two percent of said surcharges collected may be retained  
24 by the owner or operator of any solid waste disposal facility collecting said surcharge to  
25 pay for costs associated with collecting said surcharge. Surcharges assessed and  
26 collected on behalf of the division shall be paid to the division not later than the first day

27 of July of each year for the preceding calendar year. Any facility permitted exclusively  
 28 for the disposal of construction or demolition waste that conducts recycling activities for  
 29 construction or demolition materials shall receive a credit towards ~~such~~ the surcharges  
 30 ~~of 75¢ listed above~~ per ton of material recycled at the facility.

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

34 **SECTION 2.**

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

37 "(h)(1) Beginning July 1, 1992, ~~and ending June 30, 2020~~, a fee is imposed upon the retail  
 38 sale of all new replacement tires in this state of \$1.00 per tire sold. Effective from July  
 39 1, 2020, until June 30, 2022, a fee is imposed upon the retail sale of all new replacement  
 40 tires in this state of 38¢ per tire sold. The ~~fee~~ fees shall be collected by retail dealers at  
 41 the time the retail dealer sells a new replacement tire to the ultimate consumer; provided,  
 42 however, that a Georgia tire distributor who sells tires to retail dealers must collect such  
 43 fees from any retail dealer who does not have a valid scrap tire generator identification  
 44 number issued by the division. The ~~fee~~ fees and any required reports shall be remitted  
 45 not less than quarterly on such forms as may be prescribed by the division. The division  
 46 is authorized to contract with the Department of Revenue to, and the Department of  
 47 Revenue is authorized to, collect such fees on behalf of the division. All fees received  
 48 shall be deposited into the state treasury to the account of the general fund in accordance  
 49 with the provisions of Code Section 45-12-92. All moneys deposited into the solid waste  
 50 trust fund shall be deemed expended and contractually obligated and shall not lapse to the  
 51 general fund.

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

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

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

59 (3) The tire fees authorized in this subsection shall cease to be collected on June 30, ~~2019~~  
 60 2022. The director shall make an annual report to the House Committee on Natural  
 61 Resources and Environment and the Senate Natural Resources and the Environment  
 62 Committee regarding the status of the activities funded by the solid waste trust fund.

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

65 **SECTION 3.**

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

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

71 **SECTION 4.**

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

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

78 (1) The Office of Planning and Budget shall determine the base amount for the purpose  
79 or function as described under a subparagraph of paragraph (3) of subsection (a) of this  
80 Code section;

81 (2) The Office of Planning and Budget shall determine the new appropriation amount;

82 (3) If the new appropriation amount is equal to or greater than the base amount, then the  
83 amount of the fee shall not be reduced under this Code section;

84 (4)(A) If the new appropriation amount is less than the base amount, then the amount  
85 of the fee shall be reduced automatically by 25 percent for the fiscal year beginning on  
86 July 1; provided, however, that in no event shall the reduction ever be less than an  
87 amount which would be equal to the new appropriation amount;

88 (B) Immediately following the date the General Appropriations Act for the newly  
89 commencing fiscal year is approved by the Governor or becomes law without such  
90 approval, the Office of Planning and Budget shall notify the collecting agency of the  
91 adjusted fee amount; and

92 (5)(A) Except as otherwise provided in subparagraph (B) of this paragraph, for any  
93 fiscal year following a fee reduction under paragraph (4) of this subsection, if the new  
94 appropriation amount is equal to or greater than the base amount, then the fee amount  
95 shall be increased back to the fee amount in place immediately prior to the most recent  
96 such reduction.

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

101 **SECTION 5.**

102 This Act shall become effective on June 30, 2019.

103 **SECTION 6.**

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