

House Bill 300

By: Representatives Smith of the 138th, Kelley of the 16th, Williamson of the 112th, Stephens of the 164th, and Blackmon of the 146th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 4 of Article 1 of Chapter 3 of Title 46 of the Official Code of Georgia
2 Annotated, relating to solar power free-market financing, so as to provide for the
3 establishment of the Solar Technology Trust Fund as a fund within the state treasury; to
4 impose a fee on the retail sale of new solar technology and to dedicate such fees to such fund
5 as authorized and subject to the conditions imposed by Article III, Section IX, Paragraph
6 VI(r) of the Constitution of Georgia; to provide for reports and forms; to provide for
7 authorization; to provide for annual appropriations and reporting; to provide for compliance
8 with constitutional requirements; to provide for related matters; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 4 of Article 1 of Chapter 3 of Title 46 of the Official Code of Georgia Annotated,
13 relating to solar power free-market financing, is amended by adding a new Code section to
14 read as follows:

15 "46-3-64.1.

16 (a) A fee is imposed on the retail sale of all new solar technology in this state at a rate of
17 \$15.00 per kilowatt of capacity. Such fee shall be collected by solar financing agents at the
18 time the solar financing agent sells new solar technology to the retail electric customer.
19 The fee and any required reports shall be remitted to the Solar Technology Trust Fund not
20 less than quarterly on such forms as may be prescribed by the commission. The
21 commission is authorized to contract with the Department of Revenue to, and the
22 Department of Revenue is authorized to, collect such fees on behalf of the commission.

23 (b)(1) The state treasurer shall establish a separate trust fund in the state treasury that
24 shall be known as the Solar Technology Trust Fund.

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

30 (c) Under the authority granted and subject to the conditions imposed by Article III,
31 Section IX, Paragraph VI(r) of the Constitution of Georgia for the period beginning on July
32 1, 2023, and ending on June 30, 2033, all of the money collected pursuant to this Code
33 section shall be annually appropriated to the Solar Technology Trust Fund established by
34 subsection (b) of this Code section and such funds shall not lapse as otherwise required by
35 Article III, Section IX, Paragraph IV(c) of the Constitution of Georgia. Each annual
36 appropriation shall be made through the General Appropriations Act and shall include all
37 of the money collected from such source during the most recently completed fiscal year.

38 (d) All of the money appropriated to the Solar Technology Trust Fund pursuant to
39 subsection (c) of this Code section shall be dedicated for use and expended by the
40 commission for the purposes of remediation, decommissioning, and disposal of solar
41 technology conducted by the commission.

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

46 **SECTION 2.**

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

52 **SECTION 3.**

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