

Senate Bill 516

By: Senators Robertson of the 29th, Mullis of the 53rd, Anderson of the 24th, Kirkpatrick of the 32nd, Jackson of the 2nd and others

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia
2 Annotated, relating to general provisions of solid waste management, so as to provide for the
3 manner in which a portion of funds appropriated to the Solid Waste Trust Fund are intended
4 to be used; to provide for the annual reporting of expenditures from such trust fund by
5 category; to add a representative of the tire industry to the list of Governor's appointees to
6 the Recycling Market Development Council; to revise the point of imposition and collection
7 of a fee on the sale of new replacement tires; to define a term; to provide for an effective
8 date; to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
12 relating to general provisions of solid waste management, is amended by adding a new
13 subsection to Code Section 12-8-27.1, relating to the Solid Waste Trust Fund, to read as
14 follows:

15 "(f)(1) It is the intent of the General Assembly that 10 percent of all funds transferred or
16 appropriated to the Solid Waste Trust Fund, except funds deposited in accordance with

17 paragraph (1) of subsection (e) of this Code section, should be used to make grants and
18 loans to counties, municipalities, and public schools that apply for tire related projects
19 pursuant to Code Section 12-8-37.1 for the implementation of innovative technologies
20 for the recycling and reuse of scrap tires. To the greatest extent practicable, scrap tire
21 related activity expenditures should be directed toward scrap tire generation from the
22 State of Georgia; and
23 (2) The director shall calculate the total expenditures of all funds from the Solid Waste
24 Trust Fund beginning with Fiscal Year 2023, except funds deposited in accordance with
25 paragraph (1) of subsection (e) of this Code section, divided by category of expenditure,
26 as enumerated in subsection (a) of this Code section and subsection (c) of Code Section
27 12-8-37.1, to determine the portion each category of expenditure represents of such total.
28 The director shall annually report such proportions to the Speaker of the House of
29 Representatives and the President of the Senate."

30

SECTION 2.

31 Said part is further amended by revising subsection (a) of Code Section 12-8-33, relating to
32 the Recycling Market Development Council, as follows:

33 "(a) Effective July 1, 1990, there is created a 15 member Recycling Market Development
34 Council to be appointed as follows:

35 (1) Seven members appointed by the Governor representing the paper, glass, aluminum,
36 plastic, tire, and ferrous and nonferrous metals industries and trade associations which are
37 active in recycling;

38 (2) One member who is an elected or appointed municipal official to be appointed by the
39 Governor;

40 (3) One member who is an elected or appointed member of a county governing authority
41 to be appointed by the Governor;

42 (4) One member appointed by the Speaker of the House of Representatives;

- 43 (5) One member appointed by the President of the Senate; and
 44 (6) One representative each from the Department of Administrative Services; the
 45 Department of Economic Development; the Department of Community Affairs; and the
 46 Department of Natural Resources."

47 **SECTION 3.**

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

50 "(h)(1)(A) A fee is imposed upon the ~~retail~~ sale of all new replacement tires in this state
 51 at a rate of \$1.00 per tire sold. The fee shall be imposed on and collected by retail
 52 dealers distributors at the time the ~~retail dealer~~ distributor sells a new replacement tire
 53 to the ultimate consumer any person; ~~provided, however, that a Georgia tire distributor~~
 54 ~~who sells tires to retail dealers must collect such fees from any retail dealer who does~~
 55 ~~not have a valid scrap tire generator identification number issued by the division.~~

56 (B) Each distributor shall remit the fees ~~The fee~~ and any required reports ~~shall be~~
 57 ~~remitted~~ not less than quarterly on such forms as may be prescribed by the division.

58 (C) The division is authorized to contract with the Department of Revenue to, and the
 59 Department of Revenue is authorized to, collect such fees on behalf of the division.

60 (D) All fees received shall be deposited into the state treasury to the account of the
 61 general fund in accordance with the provisions of Code Section 45-12-92.

62 (E) As used in this subsection, the term 'distributor' means any person that:

63 (i) Produces or manufactures new replacement tires in this state;

64 (ii) Imports a new replacement tire into this state for sale, use, or consumption in this
 65 state; or

66 (iii) Makes the first sale in this state of any new replacement tire imported into this
 67 state before the new replacement tire has been received by any other person in this
 68 state.

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

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

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

76 (3) The tire fees authorized in this subsection shall cease to be collected on
77 June 30, 2032. The director shall make an annual report to the House Committee on
78 Natural Resources and Environment and the Senate Natural Resources and the
79 Environment Committee regarding the status of the activities funded by the Solid Waste
80 Trust Fund."

81 **SECTION 4.**

82 This Act shall become effective on July 1, 2023.

83 **SECTION 5.**

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