

The House Committee on Ways and Means offers the following substitute to SB 516:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
2 management, so as to dedicate the proceeds of certain hazardous waste fees to the Hazardous
3 Waste Trust Fund as authorized and subject to the conditions imposed by Article III,
4 Section IX, Paragraph VI(r) of the Constitution of Georgia; to add a representative of the tire
5 industry to the list of Governor's appointees to the Recycling Market Development Council;
6 to revise the imposition, collection, and remittance of a fee on the sale of new replacement
7 tires; to provide for related matters; to provide for contingent effective dates; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **PART I**
11 **SECTION 1-1.**

12 Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
13 management, is amended in Code Section 12-8-95, relating to the Hazardous Waste Trust
14 Fund, as amended by Section 7 of an Act approved May 21, 2021 (Ga. L. 2021, p. 761), and
15 effective July 1, 2022, by revising subsection (a.1) to read as follows:

S. B. 516 (SUB)

"(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 and all of the money collected pursuant to subsection (a) of Code Section 12-8-95.1 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."

SECTION 1-2.

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

"(b) All hazardous waste and hazardous substance fees required by subsection (a) of this Code section shall be paid to the division for transfer into the state treasury ~~to the credit of the general fund~~ for appropriation to the Hazardous Waste Trust Fund in accordance with subsection (a.1) of Code Section 12-8-95. The division shall collect such fees until the unencumbered principal balance of ~~the hazardous waste~~ such trust fund equals or exceeds \$25 million, at which time no hazardous waste or hazardous substance fees shall be levied until the balance in that fund is less than or equal to an unencumbered balance of \$12.5 million, in which case the levy and collection of hazardous waste fees shall resume at the beginning of the next calendar year following the year in which such unencumbered balance occurs. The director shall provide written notice to all large quantity generators and hazardous waste treatment, storage, and disposal facilities and all persons who are required to report pursuant to Section 313 of Title III of the federal Superfund

42 Amendments and Reauthorization Act of 1986 at such time as the director receives notice
43 that the unencumbered principal balance of the fund equals or exceeds \$25 million or is
44 equal to or less than \$12.5 million."

45 **PART II**

46 **SECTION 2-1.**

47 Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
48 management, is amended by revising subsection (a) of Code Section 12-8-33, relating to the
49 Recycling Market Development Council, as follows:

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

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

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

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

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

60 (5) One member appointed by the President of the Senate; and

61 (6) One representative each from the Department of Administrative Services; the
62 Department of Economic Development; the Department of Community Affairs; and the
63 Department of Natural Resources."

SECTION 2-2.

Said chapter is further amended by revising paragraph (1) of subsection (h) of Code Section 12-8-40.1, relating to tire disposal restrictions and fees, as follows:

"(h)(1)(A) In addition to any other tax or fee, a fee is imposed upon the retail sale of all new replacement tires in this state at a rate of \$1.00 per tire sold, provided that such retail sale is subject to the state sales and use tax imposed under Article 1 of Chapter 8 of Title 48. The fee shall be collected by the seller from the purchaser at the time of the retail sale and then remitted by the seller to the Department of Revenue at the time and in the manner prescribed by the state revenue commissioner. Except as provided otherwise in this subsection, the imposition, collection, and remittance of such fees shall be subject to the same conditions and penalties established for the state sales and use tax imposed under Article 1 of Chapter 8 of Title 48. ~~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.~~

(B) 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."

PART III**SECTION 3-1.**

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

89 two-thirds' majority vote in both the Senate and the House of Representatives and the amount
90 of the funds dedicated by this Act does not equal or exceed 1 percent of the previous fiscal
91 year's state revenues subject to appropriations.

92 **SECTION 3-2.**

93 Except as provided for in Section 3-1 of this Act, this Act shall become effective on July 1,
94 2022; provided, however, that Part II of this Act shall become effective on July 1, 2023.

95 **PART IV**

96 **SECTION 4-1.**

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