

Senate Bill 95

By: Senators Robertson of the 29th, Hatchett of the 50th, Hodges of the 3rd, Still of the 48th,
Moore of the 53rd and others

AS PASSED

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 add a
3 representative of the tire industry to the list of Governor's appointees to the Recycling Market
4 Development Council; to revise the point of imposition and collection of a fee on the sale of
5 new replacement tires; to define a term; to provide for constitutional requirements; to provide
6 for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
10 relating to general provisions of solid waste management, is amended by revising
11 subsection (a) of Code Section 12-8-33, relating to the Recycling Market Development
12 Council, as follows:

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

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

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- 18 (2) One member who is an elected or appointed municipal official to be appointed by the
 19 Governor;
- 20 (3) One member who is an elected or appointed member of a county governing authority
 21 to be appointed by the Governor;
- 22 (4) One member appointed by the Speaker of the House of Representatives;
- 23 (5) One member appointed by the President of the Senate; and
- 24 (6) One representative each from the Department of Administrative Services; the
 25 Department of Economic Development; the Department of Community Affairs; and the
 26 Department of Natural Resources."

27 **SECTION 2.**

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

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

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

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

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

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

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

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

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

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

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

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

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

61 **SECTION 3.**

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

67 **SECTION 4.**

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