

**ADOPTED**

Representative Meadows of the 5<sup>th</sup> offers the following amendment:

1 *Amend the substitute to HB 792 (LC 44 0878S) by inserting after "waste" on line 4 the*  
 2 *following:*

3 , inert waste, and coal ash; to change the uses of such surcharge funds; to provide effective  
 4 dates for such surcharges; to provide for the use of funds collected from such surcharges; to  
 5 provide for contractual negotiation of such surcharges

6 *By replacing lines 12 through 23 with the following:*

7 "(d)(1)(A) Effective January 1, 1992 Until June 30, 2019, when a municipal solid waste  
 8 disposal facility is operated by private enterprise, the host local government is  
 9 authorized and required to impose a surcharge of \$1.00 per ton or volume equivalent,  
 10 in addition to any other negotiated charges or fees which shall be imposed by and paid  
 11 to the host local government for the facility, and shall be used to offset the impact of  
 12 the facility, public education efforts for solid waste management, the cost of solid waste  
 13 management, and the administration of the local or regional solid waste management  
 14 plan; provided, however, that such Except as otherwise provided in subparagraphs (B)  
 15 and (C) of this paragraph, effective July 1, 2019, when a municipal solid waste disposal  
 16 facility is owned by private enterprise, the host local government is authorized and  
 17 required to impose a surcharge of \$2.50 per ton or volume equivalent, in addition to any  
 18 other negotiated charges or fees which shall be imposed by and paid to the host local  
 19 government for the facility.

20 (B) When a municipal solid waste disposal facility is operated by private enterprise,  
 21 the host local government is authorized and required to impose a surcharge of \$1.00 per  
 22 ton or volume equivalent until June 30, 2025, and a surcharge of \$2.00 per ton or  
 23 volume equivalent effective July 1, 2025, for fly ash, bottom ash, boiler slag, or flue gas  
 24 desulfurization materials generated from burning coal for the purpose of generating  
 25 electricity by electric utilities and independent power producers, in addition to any other  
 26 negotiated charges or fees which shall be imposed by and paid to the host local  
 27 government for the facility.

28 (C) When a municipal solid waste disposal facility is operated by private enterprise,  
 29 the host local government is authorized and required to impose a surcharge of \$1.00 per  
 30 ton or volume equivalent for construction or demolition waste or inert waste, in  
 31 addition to any other negotiated charges or fees which shall be imposed by and paid to  
 32 the host local government for the facility.

33 (2)(A) At least 50 percent of the surcharges collected pursuant to this subsection shall  
34 be expended for the following purposes:

35 (i) To offset the impact of the facility;

36 (ii) Public education efforts for solid waste management, hazardous waste  
37 management, and litter control;

38 (iii) The cost of solid waste management;

39 (iv) Administration of the local or regional solid waste management plan;

40 (v) Repair of damage to roads and highways associated with the facility;

41 (vi) Enhancement of litter control programs;

42 (vii) Ground-water and air monitoring and protection associated with the location of  
43 the facility;

44 (viii) Remediation and monitoring of closed or abandoned facilities within the  
45 jurisdiction of the host local government;

46 (ix) Infrastructure improvements associated with the facility;

47 (x) Allocation of such funds in any fiscal year to a reserve fund designated for use  
48 for the above purposes in future fiscal years; and

49 (xi) For the acquisition of property and interests in property adjacent to or in  
50 reasonable proximity to the facility upon a determination by the host local  
51 government that such acquisition will serve beautification, environmental, buffering,  
52 or recreational purposes such as will ameliorate the impact of the facility.

53 (B) Those surcharges not expended or allocated as provided for in subparagraph (A)  
54 of this paragraph may be used for other governmental expenses to the extent not  
55 required to meet the above or other solid waste management needs.

56 (3) Host local governments may negotiate for and obtain by contract surcharges higher  
57 than those set forth in this subsection; furthermore, nothing in this subsection shall reduce  
58 any such surcharge in existence on July 1, 2019."