

The Senate Committee on Appropriations offered the following substitute to HR 164:

**AS PASSED SENATE**

**A RESOLUTION**

1 Proposing an amendment to the Constitution so as to authorize the General Assembly to  
 2 provide by general law for the dedication of revenues derived from certain fees or taxes to  
 3 the public purpose for which such fees or taxes were imposed; to provide for procedures,  
 4 conditions, and limitations; to provide for temporary suspension of such dedication of  
 5 revenues; to provide for the redesignation of a current subparagraph of the Constitution; to  
 6 provide for the submission of this amendment for ratification or rejection; and for other  
 7 purposes.

8 **BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article III, Section IX, Paragraph VI of the Constitution is amended by redesignating the  
 11 second subparagraph (o), relating to the dedication of the excise tax on the sale of fireworks,  
 12 as subparagraph (p) and by adding a new subparagraph to read as follows:

13 "(q)(1) Subject to the limitations in this subparagraph, the General Assembly may  
 14 provide by general law for the dedication of revenues derived from fees or taxes  
 15 regarding hazardous wastes and solid wastes, including fees related to the disposal of  
 16 scrap automobile tires, to the public purpose for which such fees or taxes were imposed.

17 (2) Fees or taxes regarding hazardous wastes shall be dedicated funding grants and  
 18 loans for the following public purposes:

19 (A) Activities associated with the investigation, detoxification, removal, and disposal  
 20 of any hazardous wastes, hazardous constituents, or hazardous substances at sites where  
 21 corrective action is necessary to mitigate a present or future danger to human health or  
 22 the environment;

23 (B) For emergency actions necessary to protect public health, safety, or the  
 24 environment whenever there is release of hazardous wastes, hazardous constituents, or  
 25 hazardous substances;

26 (C) For financing of the state and local share of the costs associated with the  
 27 investigation, remediation, and postclosure care and maintenance of sites placed on the

28 National Priority List pursuant to the federal Comprehensive Environmental Response,  
29 Compensation, and Liability Act of 1980, as amended, or sites placed on the hazardous  
30 site inventory of the Environmental Protection Division of the Department of Natural  
31 Resources;

32 (D) For activities administered by the Environmental Protection Division of the  
33 Department of Natural Resources associated with pollution prevention, including the  
34 reduction of hazardous wastes generated in this state; and

35 (E) For activities associated with the administration of such matters, including  
36 reviewing and overseeing investigations, corrective action, and other actions by federal  
37 agencies and supporting the reduction of hazardous waste and pollution prevention  
38 activities by federal agencies.

39 (3) Fees or taxes regarding solid wastes shall be dedicated to:

40 (A) Grants to counties, municipalities, or a combination thereof or to any public  
41 authority, agency, commission, or institution to assist such government or public body  
42 in the construction of solid waste handling systems which are consistent with local and  
43 regional solid waste management plans prepared in accordance with law; and

44 (B) Grants and loans to counties, municipalities, or any combination thereof or to any  
45 authority, agency, or council for the cleanup of solid waste disposal facilities, including  
46 those used for the disposal of scrap tires; for the development and implementation of  
47 solid waste enforcement programs for the prevention and abatement of illegal dumping  
48 of solid waste, including without limitation, the prevention and abatement of litter; for  
49 the implementation of innovative technologies for the recycling and reuse of solid  
50 waste, including without limitation, scrap tires; and for educational and other efforts to  
51 promote waste reduction, recycling, and recycling market development.

52 (4) The General Assembly shall not be authorized to dedicate state revenues pursuant  
53 to this subparagraph when the total revenues dedicated hereunder, including any  
54 nonlapsed funds, are equal to or exceed 1 percent of the total state revenues based on the  
55 previous fiscal year's state revenues subject to appropriation.

56 (5) Any funds dedicated pursuant to this subparagraph shall not be subject to the  
57 limitations of Article III, Section IX, Paragraph IV(c), relating to the lapsing of funds;  
58 subparagraph (a) of this Paragraph, relating to allocation of proceeds; or Article VII,  
59 Section III, Paragraph II(a), relating to payment into the general fund of the state treasury.

60 (6) Any revenues remaining after funding the grants and loans provided for in this  
61 Paragraph shall be dedicated to funding the operational costs of the Environmental  
62 Protection Division of the Department of Natural Resources.

63 (7) No revenues which are dedicated pursuant to this subparagraph shall be subject to  
64 any further dedication, any rededication to another purpose, or any alteration whatsoever

65 through the general appropriations Act, or any amendment thereto, or any supplementary  
 66 appropriations Act, or any amendment thereto, and any such further dedication,  
 67 rededication to another purpose, or alteration shall be void and of no force and effect.

68 (8) In the event that there is a state revenue decline for three consecutive months from  
 69 the revenues collected for the corresponding months in the immediately preceding fiscal  
 70 year, the Governor may by executive order temporarily suspend the dedication of  
 71 revenues pursuant to general law enacted pursuant to this subparagraph. Upon such  
 72 executive order being issued by the Governor, the dedication of revenues pursuant to  
 73 general law enacted pursuant to this subparagraph shall be temporarily suspended and  
 74 previously dedicated revenues which remain unspent shall be made subject to  
 75 appropriation. Such suspension shall continue in effect until either the Governor  
 76 withdraws such suspension by executive order or there is a state revenue increase for  
 77 three consecutive months from the revenues collected for the corresponding months in  
 78 the immediately preceding fiscal year, whichever occurs first."

79 **SECTION 2.**

80 The above proposed amendment to the Constitution shall be published and submitted as  
 81 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the  
 82 above proposed amendment shall have written or printed thereon the following:

83 "( ) YES Shall the Constitution of Georgia be amended so as to authorize the General  
 84 Assembly to dedicate revenues derived from hazardous wastes and solid  
 85 ( ) NO wastes, including fees related to the disposal of scrap automobile tires, fees  
 86 or taxes to the public purpose for which such fees or taxes were imposed?"

87 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

88 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If  
 89 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall  
 90 become a part of the Constitution of this state.