

House Bill 926

By: Representatives Rogers of the 10th, Lott of the 122nd, LaRiccia of the 169th, Corbett of the 174th, and Reeves of the 34th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-8-39 of the Official Code of Georgia Annotated, relating to waste
2 management cost reimbursement fees and surcharges, so as to increase certain solid waste
3 disposal surcharges; to amend Code Section 12-8-40.1 of the Official Code of Georgia
4 Annotated, relating to waste management tire disposal restrictions and fees, so as to increase
5 certain tire disposal fees; to provide for an effective date; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 12-8-39 of the Official Code of Georgia Annotated, relating to waste
10 management cost reimbursement fees and surcharges, is amended by revising paragraph (1)
11 of subsection (e) and subsection (g) as follows:

12 ~~"(e)(1) Effective until June 30, 2020, owners~~ Owners or operators of any solid waste
13 disposal facility other than an inert waste landfill as defined in regulations promulgated
14 by the board or a private industry solid waste disposal facility shall assess and collect on
15 behalf of the division from each disposer of waste a surcharge of 75¢ per ton of solid
16 waste disposed. ~~Effective from July 1, 2020, until June 30, 2022, owners or operators of~~
17 ~~any solid waste disposal facility other than an inert waste landfill as defined in regulations~~
18 ~~promulgated by the board or a private industry solid waste disposal facility shall assess~~
19 ~~and collect on behalf of the division from each disposer of waste a surcharge of 51¢ per~~
20 ~~ton of solid waste disposed.~~ Two percent of said surcharges collected may be retained
21 by the owner or operator of any solid waste disposal facility collecting said surcharge to
22 pay for costs associated with collecting said surcharge. Surcharges assessed and
23 collected on behalf of the division shall be paid to the division not later than the first day
24 of July of each year for the preceding calendar year. Any facility permitted exclusively
25 for the disposal of construction or demolition waste that conducts recycling activities for

26 construction or demolition materials shall receive a credit towards the ~~surcharges~~
 27 surcharge listed above per ton of material recycled at the facility."

28 "(g) Unless the requirement for the ~~surcharges~~ surcharge required by subsection (e) of this
 29 Code section ~~are~~ is reimposed by the General Assembly, no such surcharge shall be
 30 collected after July 1, 2022."

31 **SECTION 2.**

32 Code Section 12-8-40.1 of the Official Code of Georgia Annotated, relating to waste
 33 management tire disposal restrictions and fees, is amended by revising subsection (h) as
 34 follows:

35 "~~(h)(1) Beginning July 1, 1992, and ending June 30, 2020, a~~ A fee is imposed upon the
 36 retail sale of all new replacement tires in this state of \$1.00 per tire sold. ~~Effective from~~
 37 ~~July 1, 2020, until June 30, 2022, a fee is imposed upon the retail sale of all new~~
 38 ~~replacement tires in this state of 38¢ per tire sold.~~ The ~~fees~~ fee shall be collected by retail
 39 dealers at the time the retail dealer sells a new replacement tire to the ultimate consumer;
 40 provided, however, that a Georgia tire distributor who sells tires to retail dealers must
 41 collect such fees from any retail dealer who does not have a valid scrap tire generator
 42 identification number issued by the division. The ~~fees~~ fee and any required reports shall
 43 be remitted not less than quarterly on such forms as may be prescribed by the division.
 44 The division is authorized to contract with the Department of Revenue to, and the
 45 Department of Revenue is authorized to, collect such fees on behalf of the division. All
 46 fees received shall be deposited into the state treasury to the account of the general fund
 47 in accordance with the provisions of Code Section 45-12-92. All moneys deposited into
 48 the solid waste trust fund shall be deemed expended and contractually obligated and shall
 49 not lapse to the general fund.

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

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

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

57 (3) The tire fees authorized in this subsection shall cease to be collected on June 30,
 58 2022. The director shall make an annual report to the House Committee on Natural
 59 Resources and Environment and the Senate Natural Resources and the Environment
 60 Committee regarding the status of the activities funded by the solid waste trust fund.

61 (4) The fee amount provided for in this subsection shall be subject to revision pursuant
62 to Code Section 45-12-92.2."

63 **SECTION 3.**

64 This Act shall become effective on June 30, 2020.

65 **SECTION 4.**

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