

House Bill 1421

By: Representatives Buckner of the 137th, Watson of the 172nd, Nix of the 69th, Smith of the 133rd, and Frye of the 118th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 3 of Chapter 8 of Title 12 of the Official Code of Georgia
2 Annotated, relating to hazardous site response, so as to dedicate the proceeds of certain
3 hazardous waste fees to the Hazardous Waste Trust Fund as authorized and subject to the
4 conditions imposed by Article III, Section IX, Paragraph VI(r) of the Constitution of
5 Georgia; to provide for related matters; to provide for a contingent effective date; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 2 of Article 3 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
10 relating to hazardous site response, is amended in Code Section 12-8-95, relating to the
11 Hazardous Waste Trust Fund, as amended by Section 7 of an Act approved May 21, 2021
12 (Ga. L. 2021, p. 761), and effective July 1, 2022, by revising subsection (a.1) to read as
13 follows:

14 "(a.1) Under the authority granted and subject to the conditions imposed by Article III,
15 Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on
16 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 2.

Said part 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~~ Hazardous Waste Trust Fund pursuant to 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 Amendments and Reauthorization Act of 1986 at such time as the director receives notice that the unencumbered principal balance of the fund equals or exceeds \$25 million or is equal to or less than \$12.5 million."

SECTION 3.

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

SECTION 4.

Except as provided for in Section 3 of this Act, this Act shall become effective on July 1, 2022.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.