

House Bill 31 (AS PASSED HOUSE AND SENATE)

By: Representatives Buckner of the 137th, Frye of the 122nd, Leverett of the 123rd, Smith of the 138th, Smith of the 70th, and others

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 compliance with constitutional requirements; to provide for an
6 effective date and automatic repeal; to provide for related matters; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 2 of Article 3 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
11 relating to hazardous site response, is amended in Code Section 12-8-95, relating to the
12 Hazardous Waste Trust Fund, appropriations, and accounting, by revising subsection (a.1)
13 as 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~~

16 (1) For the period beginning on July 1, 2022, and ending on June 30, 2032, all of the
17 money collected pursuant to subsection (e) of Code Section 12-8-39; and
18 (2) For the period beginning on July 1, 2023, and ending on June 30, 2032, all of the
19 money collected pursuant to subsection (a) of Code Section 12-8-95.1
20 shall be annually appropriated to the Hazardous Waste Trust Fund established by
21 subsection (a) of this Code section and such funds shall not lapse as otherwise required by
22 Article III, Section IX, Paragraph IV(c) of the Constitution of Georgia. Each annual
23 appropriation shall be made through the General Appropriations Act and shall include all
24 of the money collected from such source during the most recently completed fiscal year."

25

SECTION 2.

26 Said part is further amended in Code Section 12-8-95.1, relating to hazardous waste
27 management fees and hazardous substance reporting fees, by revising subsection (b) as
28 follows:

29 "(b) All hazardous waste and hazardous substance fees required by subsection (a) of this
30 Code section shall be paid to the division for transfer into the state treasury ~~to the credit of~~
31 ~~the general fund~~ for appropriation thereafter to the Hazardous Waste Trust Fund in
32 accordance with subsection (a.1) of Code Section 12-8-95. The division shall collect such
33 fees until the unencumbered principal balance of ~~the hazardous waste~~ such trust fund
34 equals or exceeds \$25 million, at which time no hazardous waste or hazardous substance
35 fees shall be levied until the balance in that fund is less than or equal to an unencumbered
36 balance of \$12.5 million, in which case the levy and collection of hazardous waste fees
37 shall resume at the beginning of the next calendar year following the year in which such
38 unencumbered balance occurs. The director shall provide written notice to all large
39 quantity generators and hazardous waste treatment, storage, and disposal facilities and all
40 persons who are required to report pursuant to Section 313 of Title III of the federal
41 Superfund Amendments and Reauthorization Act of 1986 at such time as the director

42 receives notice that the unencumbered principal balance of the fund equals or exceeds \$25
43 million or is equal to or less than \$12.5 million.”

44 **SECTION 3.**

45 In accordance with the requirements of Article III, Section IX, Paragraph VI(r) of the
46 Constitution of Georgia, this Act shall not become law and shall stand automatically repealed
47 if it does not receive the requisite two-thirds' majority vote in both the Senate and the House
48 of Representatives or the amount of the funds dedicated by this Act would cause the total
49 amount appropriated pursuant to such constitutional provision to equal or exceed 1 percent
50 of the previous fiscal year's state revenues subject to appropriations.

51 **SECTION 4.**

52 Except as provided for in Section 3 of this Act, this Act shall become effective on July 1,
53 2023.

54 **SECTION 5.**

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