

House Bill 511 (AS PASSED HOUSE AND SENATE)

By: Representatives Reeves of the 34th, England of the 116th, Blackmon of the 146th, Williamson of the 115th, Mitchell of the 88th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 12, 19, 27, 28, 31, 40, 45, 48, and 49 of the Official Code of Georgia
2 Annotated, relating to conservation and natural resources, domestic relations, game and fish,
3 General Assembly, health, motor vehicles and traffic, public officers and employees,
4 revenue and taxation, and social services, respectively, so as to provide for the establishment
5 or revision of the Georgia Outdoor Stewardship Trust Fund, Solid Waste Trust Fund,
6 Hazardous Waste Trust Fund, State Children's Trust Fund, Wildlife Endowment Trust Fund,
7 Trauma Care Network Trust Fund, Transportation Trust Fund, Georgia Agricultural Trust
8 Fund, Fireworks Trust Fund, and Georgia Transit Trust Fund as funds within the state
9 treasury; to dedicate the proceeds of certain fees and taxes to such funds as authorized and
10 subject to the conditions imposed by Article III, Section IX, Paragraph VI(r) of the
11 Constitution of Georgia; to provide for annual appropriations and reporting; to provide for
12 fiscal dedication analyses to be completed for each bill that dedicates funds pursuant to
13 certain constitutional authority; to repeal and reserve certain provisions; to provide for
14 compliance with constitutional requirements; to provide for related matters; to provide for
15 an effective date; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 511

17 **SECTION 1.**

18 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
19 resources, is amended by revising Code Section 12-6A-5, relating to the establishment of the
20 Georgia Outdoor Stewardship Trust Fund, as follows:

21 "12-6A-5.

22 (a) There is established the Georgia Outdoor Stewardship Trust Fund as a separate fund
23 in the state treasury. Except as provided in subsections (c) and (d) of this Code section, the
24 ~~state treasurer shall credit~~ General Assembly shall appropriate to the trust fund 40 percent
25 of all moneys received by the state from the sales and use tax collected by establishments
26 classified under the 2007 North American Industry Classification Code 451110, sporting
27 goods stores, in the ~~immediately preceding~~ most recently completed fiscal year.

28 (b) Such funds shall not lapse to the general fund. Such funds shall be used to support the
29 protection and conservation of land and shall be used to supplement, not supplant,
30 department resources.

31 (c)(1) In the event that, in any current fiscal year, the ~~immediately preceding~~ most
32 recently completed fiscal year's total moneys received from the levy of a sales and use
33 tax fall at least 1 percent below the total moneys received from the levy of the tax in the
34 year prior to the ~~immediately preceding~~ most recently completed fiscal year, then the
35 amount that the ~~state treasurer shall credit~~ General Assembly shall appropriate to the trust
36 fund ~~during the current~~ for the following fiscal year shall be reduced by 20 percent of the
37 ~~trust fund credit, which amount shall instead be paid into the state general fund.~~

38 (2) In the event that, in a fiscal year following the fiscal year of an initial trust fund ~~credit~~
39 appropriation reduction pursuant to paragraph (1) of this subsection, the ~~immediately~~
40 ~~preceding~~ most recently completed fiscal year's total moneys received from the levy of
41 a sales and use tax fall at least 1 percent below the total moneys received from the levy
42 of the tax in the year prior to the ~~immediately preceding~~ most recently completed fiscal
43 year, then the amount that the ~~state treasurer shall credit~~ General Assembly shall

44 appropriate to the trust fund ~~during the current~~ for the following fiscal year shall be
 45 reduced by 50 percent of ~~the trust fund credit, which amount shall instead be paid into the~~
 46 ~~state general fund.~~

47 (d) In any current fiscal year following a year for which the amount ~~paid~~ appropriated to
 48 the trust fund is reduced in accordance with subsection (c) of this Code section, the same
 49 percentage reduction shall continue ~~be paid into the state general fund as in the~~
 50 ~~immediately preceding year~~ unless the total moneys received from the levy of the sales and
 51 use tax in the ~~immediately preceding~~ most recently completed fiscal year equal or exceed
 52 the total moneys received from the levy of the sales and use tax in the most recent fiscal
 53 year in which no reduction in the amount ~~paid~~ appropriated to the trust fund occurred
 54 pursuant to subsection (c) or (d) of this Code section."

55

SECTION 2.

56 Said title is further amended by revising Code Section 12-8-27.1, relating to the solid waste
 57 trust fund, as follows:

58 "12-8-27.1.

59 (a)(1) The state treasurer shall establish a separate trust fund in the state treasury that
 60 shall be known as the Solid Waste Trust Fund to which all funds within the solid waste
 61 trust fund previously established by this subsection shall be transferred. ~~There shall be~~
 62 ~~established the solid waste trust fund.~~ The director shall serve as trustee of the ~~solid~~
 63 ~~waste trust fund~~ Solid Waste Trust Fund. ~~The moneys deposited in such fund pursuant~~
 64 ~~to this Code section, Code Section 12-8-30.6, and Code Section 12-8-40.1 may be~~
 65 ~~expended by the director, with the approval of the board, for the following purposes:~~

66 (2) The state treasurer shall invest the money held in the Solid Waste Trust Fund in the
 67 same manner in which state funds are invested as authorized by the State Depository
 68 Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the money held

69 in the trust fund shall be accounted for separately and shall be credited to the trust fund
70 to be disbursed as other moneys in the trust fund.

71 (b) Under the authority granted and subject to the conditions imposed by Article III,
72 Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on
73 July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to
74 subsection (h) of Code Section 12-8-40.1 shall be annually appropriated to the Solid Waste
75 Trust Fund established by subsection (a) of this Code section and such funds shall not lapse
76 as otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of
77 Georgia. Each annual appropriation shall be made through the General Appropriations Act
78 and shall include all of the money collected from such source during the most recently
79 completed fiscal year.

80 (c) All of the money appropriated to the Solid Waste Trust Fund pursuant to subsection (b)
81 of this Code section shall be dedicated for use only for the following purposes:

82 (1) To take whatever emergency action is necessary or appropriate to assure that the
83 public health or safety is not threatened whenever there is a release or substantial threat
84 of a release of contaminants from a disposal facility;

85 (2) To take preventive or corrective actions where the release of contaminants presents
86 an actual or potential threat to human health or the environment and where the owner or
87 operator has not been identified or is unable or unwilling to perform corrective action,
88 including but not limited to closure and postclosure care of a disposal facility and
89 provisions for providing alternative water supplies;

90 (3) To take such actions as may be necessary to monitor and provide postclosure care of
91 any disposal facility, including preventive and corrective actions, without regard to the
92 identity or solvency of the owner thereof, commencing five years after the date of
93 completing closure; ~~and~~

94 (4) To take such actions as may be necessary to implement the provisions of a scrap tire
95 management program in this state, particularly as may be related to the cleanup of scrap

96 tire disposal piles and facilities, regulation of tire carriers and other handlers, and
97 disbursement of grants and loans to cities, counties, and other persons as may be
98 necessary to implement fully the provisions of this part; and

99 (5) To fulfill any purpose provided in subsection (c) of Code Section 12-8-37.1.

100 (d) The director shall prepare an accounting of the funds expended pursuant to this Code
101 section during the most recently completed fiscal year to be provided to the Office of
102 Planning and Budget, the House Budget and Research Office, and the Senate Budget and
103 Evaluation Office by January 1 of each year.

104 ~~(b)~~(e)(1) If the director determines that a solid waste or special solid waste handling
105 facility has been abandoned, that the owner or operator thereof has become insolvent, or
106 that for any other reason there is a demonstrated unwillingness or inability of the owner
107 or operator to maintain, operate, or close the facility, to carry out postclosure care of the
108 facility, or to carry out corrective action required as a condition of a permit to the
109 satisfaction of the director, the director may implement the applicable financial
110 responsibility mechanisms. The proceeds from any applicable financial responsibility
111 mechanisms shall be deposited ~~in the solid waste trust fund~~ into the Solid Waste Trust
112 fund.

113 ~~(e)~~(2) The determination of whether there has been an abandonment, default, or other
114 refusal or inability to perform and comply with closure, postclosure, or corrective action
115 requirements shall be made by the director.

116 ~~(d) Any interest earned upon the corpus of the solid waste trust fund shall not become a~~
117 ~~part thereof but shall be paid over to the division to be utilized by the division for~~
118 ~~administration of the state solid waste management program. Any funds not expended for~~
119 ~~this purpose in the fiscal year in which they are generated shall be deposited into the state~~
120 ~~treasury. Nothing in this Code section shall be construed so as to allow the division to~~
121 ~~retain any funds required by the Constitution of Georgia to be paid into the state treasury.~~
122 ~~The division shall comply with all provisions of Part 1 of Article 4 of Chapter 12 of Title~~

123 ~~45, known as the 'Budget Act'; provided, however, that the division shall be exempt from~~
124 ~~the provisions of Code Section 45-12-92, which requires payment into the state treasury~~
125 ~~of moneys collected by state agencies."~~

126

SECTION 3.

127 Said title is further amended by revising Code Section 12-8-37.1, relating to state grants
128 relative to solid waste management, as follows:

129 "12-8-37.1.

130 (a) The state is authorized to make grants, as funds are available, to any county,
131 municipality, or any combination of the same, or to any public authority, agency,
132 commission, or institution, to assist such governmental or public body in the construction
133 of solid waste handling systems which are consistent with local and regional solid waste
134 management plans prepared in accordance with the requirements of this part.

135 (b) The director shall administer all funds granted by the state pursuant to this Code
136 section.

137 (c) The corpus of the ~~solid waste trust fund~~ Solid Waste Trust Fund established in Code
138 Section 12-8-27.1 may be used to make grants and loans to cities and counties, any
139 combination of cities and counties, authorities, state agencies, or the Georgia Recycling
140 Market Development Council for the cleanup of solid waste disposal facilities, including
141 those used for the disposal of scrap tires; for the development and implementation of solid
142 waste enforcement programs for the prevention and abatement of illegal dumping of solid
143 waste, including without limitation the prevention and abatement of litter; for the funding
144 of grants or loans, in accordance with procedures developed by the division; for the
145 implementation of innovative technologies for the recycling and reuse of solid waste,
146 including without limitation scrap tires; and for educational and other efforts to promote
147 waste reduction, recycling, and recycling market development."

148 **SECTION 4.**

149 Said title is further amended by revising subsections (e), (f), and (g) of Code Section 12-8-39,
150 relating to cost reimbursement fees, surcharges, exempt contracts, and reporting, as follows:

151 "(e)(1) Owners or operators of any solid waste disposal facility other than an inert waste
152 landfill as defined in regulations promulgated by the board or a private industry solid waste
153 disposal facility shall assess and collect on behalf of the division from each disposer of
154 waste a surcharge of 75¢ per ton of solid waste disposed. Two percent of said surcharge
155 collected may be retained by the owner or operator of any solid waste disposal facility
156 collecting said surcharge to pay for costs associated with collecting said surcharge.
157 Surcharges assessed and collected on behalf of the division shall be paid to the division not
158 later than the first day of July of each year for the preceding calendar year. Any facility
159 permitted exclusively for the disposal of construction or demolition waste that conducts
160 recycling activities for construction or demolition materials shall receive a credit toward
161 the surcharge listed above per ton of material recycled at the facility.

162 ~~(2) The surcharge amount provided for in this subsection shall be subject to revision~~
163 ~~pursuant to Code Section 45-12-92.2.~~

164 ~~(f) All surcharges required by subsection (e) of this Code section shall be paid to the~~
165 ~~division for transfer into the state treasury to the credit of the general fund. The division~~
166 ~~shall collect such fees until the unencumbered principal balance of the hazardous waste~~
167 ~~trust fund equals or exceeds \$25 million, at which time the division shall not collect any~~
168 ~~further such surcharges until the unencumbered balance in such fund equals or is less than~~
169 ~~\$12.5 million, at which time the division shall resume collection of such surcharges at the~~
170 ~~beginning of the next calendar year following the year in which such event occurs. The~~
171 ~~director shall provide written notice to all permitted solid waste disposal facilities at the~~
172 ~~time he receives notice that the unencumbered balance of such trust fund equals or~~
173 ~~exceeds \$25 million or equals or is less than \$12.5 million. Reserved.~~

174 (g) Unless the requirement for the surcharge required by subsection (e) of this Code
 175 section is reimposed by the General Assembly, no such surcharge shall be collected after
 176 ~~June 30, 2025~~ June 30, 2032. The director shall make an annual report to the House
 177 Committee on Natural Resources and Environment and the Senate Natural Resources and
 178 the Environment Committee regarding the status of the activities funded by the ~~hazardous~~
 179 ~~waste trust fund~~ Hazardous Waste Trust Fund."

180

SECTION 5.

181 Said title is further amended in Code Section 12-8-40.1, relating to tire disposal restrictions
 182 and fees, by revising subsection (h) as follows:

183 "(h)(1) A fee is imposed upon the retail sale of all new replacement tires in this state of
 184 \$1.00 per tire sold. The fee shall be collected by retail dealers at the time the retail dealer
 185 sells a new replacement tire to the ultimate consumer; provided, however, that a Georgia
 186 tire distributor who sells tires to retail dealers must collect such fees from any retail
 187 dealer who does not have a valid scrap tire generator identification number issued by the
 188 division. The fee and any required reports shall be remitted not less than quarterly on
 189 such forms as may be prescribed by the division. The division is authorized to contract
 190 with the Department of Revenue to, and the Department of Revenue is authorized to,
 191 collect such fees on behalf of the division. All fees received shall be deposited into the
 192 state treasury to the account of the general fund in accordance with the provisions of
 193 Code Section 45-12-92. ~~All moneys deposited into the solid waste trust fund shall be~~
 194 ~~deemed expended and contractually obligated and shall not lapse to the general fund.~~

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

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

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

202 (3) The tire fees authorized in this subsection shall cease to be collected on ~~June 30, 2025~~
203 June 30, 2032. The director shall make an annual report to the House Committee on
204 Natural Resources and Environment and the Senate Natural Resources and the
205 Environment Committee regarding the status of the activities funded by the ~~solid waste~~
206 ~~trust fund~~ Solid Waste Trust Fund.

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

209 **SECTION 6.**

210 Said title is further amended by revising subsection (b) of Code Section 12-8-91, relating to
211 declaration of policy and legislative intent, as follows:

212 "(b) The General Assembly declares its intent to fund the execution of the public policy
213 set forth in subsection (a) of this Code section by and through ~~the division with the fees~~
214 ~~established and collected by the division pursuant to subsection (e) of Code Section 12-2-2,~~
215 ~~subsection (e) of Code Section 12-8-39, subsection (d) of Code Section 12-8-68, and Code~~
216 ~~Section 12-8-95.1. The General Assembly further declares its intent to ensure that the~~
217 ~~funding provided by fees on hazardous waste management activities and hazardous~~
218 ~~substance reporting and by owners and operators of solid waste disposal facilities pursuant~~
219 ~~to those Code sections and through the collection of civil penalties will not be diverted for~~
220 ~~any purpose other than the administration of this article by the division, including~~
221 ~~reviewing and overseeing investigations, corrective action, and other actions by federal~~
222 ~~agencies required under this article and supporting the reduction of hazardous waste and~~
223 ~~pollution prevention activities by federal agencies, the prevention of pollution, including~~
224 ~~reduction of hazardous wastes generated; and the effectuation of corrective action at sites~~
225 ~~that may threaten human health or the environment where hazardous wastes, hazardous~~

226 ~~constituents, or hazardous substances have been disposed of or released. Appropriation of~~
227 ~~funds to the department for inclusion in the hazardous waste trust fund continued in~~
228 ~~existence by subsection (a) of Code Section 12-8-95 shall be deemed consistent with this~~
229 ~~declaration of legislative intent the Hazardous Waste Trust Fund established by Code~~
230 ~~Section 12-8-95.~~"

231 **SECTION 7.**

232 Said title is further amended by revising subsections (a) and (b) of Code Section 12-8-95,
233 relating to the hazardous waste trust fund, and adding a new subsection to read as follows:

234 "(a)(1) The state treasurer shall establish a separate trust fund in the state treasury that
235 shall be known as the Hazardous Waste Trust Fund to which all funds within the
236 hazardous waste trust fund previously established by this subsection shall be transferred.
237 ~~There shall continue in existence the hazardous waste trust fund. The hazardous waste~~
238 ~~trust fund shall be funded in accordance with subsection (b) of Code Section 12-8-91.~~
239 ~~All moneys deposited in the fund shall be deemed expended and contractually obligated~~
240 ~~and shall not lapse to the general fund. The director shall serve as trustee of the hazardous~~
241 ~~waste trust fund Hazardous Waste Trust Fund.~~

242 (2) The state treasurer shall invest the money held in the Hazardous Waste Trust Fund
243 in the same manner in which state funds are invested as authorized by the State
244 Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the
245 money held in the trust fund shall be accounted for separately and shall be credited to the
246 trust fund to be disbursed as other moneys in the trust fund.

247 (a.1) Under the authority granted and subject to the conditions imposed by Article III,
248 Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on
249 July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to
250 subsection (e) of Code Section 12-8-39 shall be annually appropriated to the Hazardous
251 Waste Trust Fund established by subsection (a) of this Code section and such funds shall

252 not lapse as otherwise required by Article III, Section IX, Paragraph IV(c) of the
253 Constitution of Georgia. Each annual appropriation shall be made through the General
254 Appropriations Act and shall include all of the money collected from such source during
255 the most recently completed fiscal year.

256 (b) All of the money appropriated to the Hazardous Waste Trust Fund pursuant to
257 subsection (a.1) of this Code section shall be dedicated for use only for the following
258 purposes ~~The moneys deposited in the hazardous waste trust fund may be expended by the~~
259 director as follows:

260 (1) For activities associated with the investigation, detoxification, removal, and disposal
261 of any hazardous wastes, hazardous constituents, or hazardous substances at sites where
262 corrective action is necessary to mitigate a present or future danger to human health or
263 the environment;

264 (2) For emergency actions the director considers necessary to protect public health,
265 safety, or the environment whenever there is a release of hazardous wastes, hazardous
266 constituents, or hazardous substances;

267 (3) For activities of the division associated with the administration of this part, including
268 reviewing and overseeing investigations, corrective action, and other actions by federal
269 agencies required under this article and supporting the reduction of hazardous waste and
270 pollution prevention activities by federal agencies;

271 (4) In accordance with rules promulgated by the board, for financing of the state and
272 local share of the costs associated with the investigation, remediation, and postclosure
273 care and maintenance of sites placed on the National Priority List pursuant to the federal
274 Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as
275 amended, or sites placed on the hazardous site inventory pursuant to Code Section
276 12-8-97; provided, however, that the director shall ensure that beginning July 1, 2003,
277 and annually in each following year, an amount equal to at least one-half of the sum of
278 annual collections made pursuant to subsection (e) of Code Section 12-8-39 ~~and~~

279 ~~appropriated to the department in accordance with subsection (b) of Code Section~~
 280 ~~12-8-91~~ shall be available to be used for the purposes of this paragraph; provided, further,
 281 that if a county or municipal corporation has been or is the owner of or operator of such
 282 site, not less than ~~\$500,000~~ \$500,000.00 of such costs shall be paid from the ~~hazardous~~
 283 ~~waste trust fund~~ Hazardous Waste Trust Fund; and

284 (5) For activities administered by the director associated with pollution prevention,
 285 including reduction of hazardous wastes generated in this state.

286 (b.1) The director shall prepare an accounting of the funds expended pursuant to this Code
 287 section during the most recently completed fiscal year to be provided to the Office of
 288 Planning and Budget, the House Budget and Research Office, and the Senate Budget and
 289 Evaluation Office by January 1 of each year."

290

SECTION 8.

291 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
 292 amended by revising Code Section 19-14-20, relating to the creation of the State Children's
 293 Trust Fund, as follows:

294 "19-14-20.

295 (a)(1) The State Children's Trust Fund is created as a separate fund in the state treasury.
 296 ~~The fund shall be expended only as provided in this chapter and in Part 1 of Article 6 of~~
 297 ~~Chapter 5 of Title 49, and the State Children's Trust Fund shall continue in existence until~~
 298 ~~repealed by the legislature.~~ The director of the Division of Family and Children Services
 299 of the Department of Human Services shall be the trustee of the fund.

300 (2) The state treasurer shall invest the money held in the State Children's Trust Fund in
 301 the same manner in which state funds are invested as authorized by the State Depository
 302 Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the money held
 303 in the trust fund shall be accounted for separately and shall be credited to the trust fund
 304 to be disbursed as other moneys in the trust fund.

305 (b) Under the authority granted and subject to the conditions imposed by Article III,
306 Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on
307 July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to Code
308 Sections 15-6-77.4 and 15-9-60 shall be annually appropriated to the State Children's Trust
309 Fund established by subsection (a) of this Code section and such funds shall not lapse as
310 otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of
311 Georgia. Each annual appropriation shall be made through the General Appropriations Act
312 and shall include all of the money collected from such sources during the most recently
313 completed fiscal year.

314 (c) The State Children's Trust Fund may accept federal funds granted by Congress or
315 executive order for the purposes of the fund as well as gifts and donations from individuals,
316 private organizations, or foundations. The acceptance and use of federal funds does not
317 commit state funds and does not place an obligation upon the General Assembly to
318 continue the purposes for which the federal funds are made available. All funds received
319 in the manner described in this subsection shall be transmitted to the state treasurer for
320 deposit in the fund to be disbursed as other moneys in such fund.

321 (d) All of the money appropriated to the State Children's Trust Fund pursuant to
322 subsection (b) of this Code section shall be dedicated for use and expended by the director
323 of the Division of Family and Children Services of the Department of Human Services
324 only for the following purposes:

325 (1) To carry out the prevention and community based service programs as provided for
326 in Part 2 of Article 6 of Chapter 5 of Title 49;

327 (2) To carry out the duties relating to mentoring as provided for in Part 3 of Article 6 of
328 Chapter 5 of Title 49;

329 (3) To cooperate with and secure cooperation of every department, agency, or
330 instrumentality in the state government or its political subdivisions in the furtherance of
331 the purposes of this article;

- 332 (4) To prepare, publish in print or electronically, and disseminate fundamental child
333 related information of a descriptive and analytical nature to all components of the
334 children's service system of this state, including, but not limited to, the juvenile justice
335 system;
- 336 (5) To serve as a state-wide clearing-house for child related information and research;
- 337 (6) In coordination and cooperation with all components of the children's service systems
338 of this state, to develop legislative proposals and executive policy proposals reflective of
339 the priorities of the entire child related systems of this state, including, but not limited to,
340 child abuse injury prevention, treatment, and juvenile justice systems;
- 341 (7) To serve in an advisory capacity to the Governor on issues impacting the children's
342 service systems of this state;
- 343 (8) To coordinate high visibility child related research projects and studies with a
344 state-wide impact when those studies and projects cross traditional system component
345 lines;
- 346 (9) To provide for the interaction, communication, and coordination of all components
347 of the children's service systems of this state and to provide assistance in establishing
348 state-wide goals and standards in the system;
- 349 (10) To provide for the effective coordination and communication between providers of
350 children and youth services, including pediatrics, health, mental health, business and
351 industry, and all components of social services, education, and educational services;
- 352 (11) To encourage and facilitate the establishment of local commissions or coalitions on
353 children and youth and to facilitate the involvement of communities in providing services
354 for children and youth;
- 355 (12) To review and develop an integrated state plan for services provided to children and
356 youth in this state through state programs;
- 357 (13) To provide technical assistance and consultation to local governments, particularly
358 those involved in providing services to children and youth;

359 (14) To facilitate elimination of unnecessary or duplicative efforts, programs, and
 360 services; and

361 (15) To do any and all things necessary and proper to enable it to perform wholly and
 362 adequately its duties and to exercise the authority granted to it.

363 (e) The director of the Division of Family and Children Services of the Department of
 364 Human Services shall prepare an accounting of the funds expended pursuant to this Code
 365 section during the most recently completed fiscal year to be provided to the Office of
 366 Planning and Budget, the House Budget and Research Office, and the Senate Budget and
 367 Evaluation Office by January 1 of each year."

368 **SECTION 9.**

369 Said article is further amended by repealing Code Sections 19-14-21, 19-14-22, and
 370 19-14-23, relating to source of funds, investments and interest, and issuance of warrants,
 371 respectively.

372 **SECTION 10.**

373 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended
 374 by revising Code Section 27-2-30, relating to establishment of the Wildlife Endowment Fund
 375 and limitations on expenditures from the fund, by revising subsections (b) and (c) and adding
 376 new subsections to read as follows:

377 "(b)(1) In recognition of its obligations to lifetime sportsman's license purchasers, the
 378 General Assembly directs the ~~department~~ state treasurer to establish a ~~fund known as the~~
 379 Wildlife Endowment Trust Fund as a separate fund in the state treasury and all funds held
 380 in the Wildlife Endowment Fund previously established by this Code section shall be
 381 transferred to the Wildlife Endowment Trust Fund for receipt of funds of an amount equal
 382 to that generated by the sale of lifetime sportsman's licenses listed in subsection (d) of
 383 Code Section 27-2-3.1. Further, the General Assembly declares its intent to appropriate

384 ~~to the Wildlife Endowment Fund each fiscal year an amount equal to that generated by~~
385 ~~the prior year's sales of lifetime licenses. The fund is also authorized to accept~~
386 ~~contributions from private individuals and entities. All funds appropriated and those~~
387 ~~contributed to the Wildlife Endowment Fund shall be deemed expended and contractually~~
388 ~~obligated and shall not lapse to the general fund.~~

389 (2) The state treasurer shall invest the money held in the Wildlife Endowment Trust
390 Fund in the same manner in which state funds are invested as authorized by the State
391 Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the
392 money held in the trust fund shall be accounted for separately and shall be credited to the
393 trust fund to be disbursed as other moneys in the trust fund. The fund is authorized to
394 accept donations from private individuals and entities.

395 (c) Under the authority granted and subject to the conditions imposed by Article III,
396 Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on
397 July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to
398 subsection (d) of Code Section 27-2-3.1 shall be annually appropriated to the Wildlife
399 Endowment Trust Fund established by subsection (b) of this Code section and such funds
400 shall not lapse as otherwise required by Article III, Section IX, Paragraph IV(c) of the
401 Constitution of Georgia. Each annual appropriation shall be made through the General
402 Appropriations Act and shall include all of the money collected from such source during
403 the most recently completed fiscal year.

404 (c.1) The commissioner of natural resources shall be the trustee of the Wildlife
405 Endowment Trust Fund with full authority over the administration of the fund. The state
406 treasurer shall be the custodian of the Wildlife Endowment Fund and shall invest its assets
407 in accordance with Georgia laws and shall report to the department the annual income and
408 contributions to the fund. The intent of the General Assembly is that such income from the
409 fund be appropriated annually to the department for the purposes stated in subsection (d)
410 of this Code section.

411 (c.2) All of the money appropriated to the Wildlife Endowment Trust Fund pursuant to
412 subsection (c) of this Code section shall be dedicated for use and expended by the
413 commissioner of natural resources for the purposes provided in subsection (d) of this Code
414 section.

415 (c.3) The commissioner of natural resources shall prepare an accounting of the funds
416 expended pursuant to this Code section during the most recently completed fiscal year to
417 be provided to the Office of Planning and Budget, the House Budget and Research Office,
418 and the Senate Budget and Evaluation Office by January 1 of each year."

419 **SECTION 11.**

420 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
421 amended in Article 3 of Chapter 5, relating to fiscal bills generally, by adding a new Code
422 section to read as follows:

423 "28-5-45.

424 (a) Any bill that provides for the dedication of funds pursuant to Article III, Section IX,
425 Paragraph VI(r) of the Constitution of Georgia shall not be considered by the General
426 Assembly without a fiscal dedication analysis attached to the bill, and in the case of a
427 regular session, such a bill shall be introduced not later than the twentieth day of such
428 regular session. Any such bill shall not carry over from one regular session to the next, but
429 must be reintroduced with a new or revised fiscal dedication analysis.

430 (b)(1) A fiscal dedication analysis shall include a reliable estimate in dollars of the
431 amount of revenue dedicated pursuant to the provisions of the bill, as well as a statement
432 as to the immediate effect and, if determinable or reasonably foreseeable, the long-range
433 effect of the measure. The fiscal dedication analysis shall also contain the total amount
434 of funds presently dedicated pursuant to the authority granted by Article III, Section IX,
435 Paragraph VI(r) of the Constitution of Georgia, the proportion of the total 1 percent
436 imposed by such constitutional provision that the measure at issue would constitute, and

437 the amount and proportion of the total 1 percent cap that would remain if the bill
438 becomes law. The fiscal dedication analysis shall also contain a warning regarding any
439 probable or immediately foreseeable conditions by which the bill may cause the 1 percent
440 cap to be exceeded at any time during the period for which the bill is effective.

441 (2) If, after careful investigation, it is determined that no dollar estimate is possible, the
442 fiscal dedication analysis shall contain a statement to that effect, setting forth the reasons
443 why no dollar estimate can be given. In this event, the fiscal dedication analysis shall
444 contain an example based on a specific situation or reflecting the average group of
445 persons possibly affected by the bill so as to provide an indication of the cost of such bill
446 to the General Assembly. Assumptions used to develop these averages shall be noted in
447 the fiscal dedication analysis and the criteria included herein shall constitute a fiscal
448 dedication analysis.

449 (3) No comment or opinion regarding the merits of the measure for which the statement
450 is prepared shall be included in the fiscal dedication analysis; however, technical or
451 mechanical defects may be noted.

452 (4) The state auditor and the director of the Office of Planning and Budget shall jointly
453 prepare their fiscal dedication analysis; and, if there is a difference of opinion between
454 such officials, it shall be noted in the fiscal dedication analysis.

455 (c)(1) A member who intends to introduce a bill that requires a fiscal dedication analysis
456 shall request a fiscal dedication analysis from the Office of Planning and Budget and the
457 Department of Audits and Accounts by December 1 of the year preceding the annual
458 convening of the General Assembly in which the bill is to be introduced, but subsequent
459 to the preparation of such bill by the Office of Legislative Counsel. The director of the
460 Office of Planning and Budget and the state auditor shall prepare and submit each such
461 timely requested fiscal dedication analysis not later than the day of convening of the
462 General Assembly.

463 (2) During any regular or special session of the General Assembly, only the chairperson
 464 of a committee to which a particular bill is assigned may request a new or revised fiscal
 465 dedication analysis for a bill. In such cases, the director of the Office of Planning and
 466 Budget and the state auditor shall prepare and submit the fiscal dedication analysis within
 467 five days after receipt of the request or within ten days if the director of the Office of
 468 Planning and Budget and the state auditor submit a jointly signed notice of a necessary
 469 extension of time so informing the requester in writing and shall be allowed to submit
 470 said analysis not later than ten days after the request for it is made.

471 (d) Each fiscal dedication analysis required by this Code section shall be attached to the
 472 bill by the chairperson of the committee to which the bill is assigned and shall be read to
 473 the members of each respective house of the General Assembly at the third reading of the
 474 bill. In addition, a copy of each fiscal dedication analysis or revision thereto required by
 475 this Code section shall be distributed to each member of the respective house of the
 476 General Assembly before which the bill is pending prior to any such bill being voted upon
 477 by such house of the General Assembly."

478 **SECTION 12.**

479 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising
 480 Code Section 31-11-103, relating to the Georgia Trauma Trust Fund, as follows:

481 "31-11-103.

482 (a)(1) There shall be established a Trauma Care Network Trust Fund as a separate fund
 483 in the state treasury and all funds held in the Georgia Trauma Trust Fund previously
 484 established by this Code section shall be transferred to the Trauma Care Network Trust
 485 Fund. ~~There is established the Georgia Trauma Trust Fund.~~ The executive director of
 486 the Georgia Trauma Care Network Commission shall serve as the trustee of the fund
 487 ~~Georgia Trauma Trust Fund.~~ The moneys deposited into such fund pursuant to this
 488 article may be expended by the executive director with the approval of the Georgia

489 Trauma Care Network Commission for those purposes specified in Code Section
490 31-11-102.

491 (2) The state treasurer shall invest the money held in the Trauma Care Network Trust
492 Fund in the same manner in which state funds are invested as authorized by the State
493 Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the
494 money held in the trust fund shall be accounted for separately and shall be credited to the
495 trust fund to be disbursed as other moneys in the trust fund.

496 (b)(1) Under the authority granted and subject to the conditions imposed by Article III,
497 Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on
498 July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to Code
499 Section 40-6-189 shall be annually appropriated to the Trauma Care Network Trust Fund,
500 and such funds shall not lapse as otherwise required by Article III, Section IX, Paragraph
501 IV(c) of the Constitution of Georgia. Each annual appropriation shall be made through
502 the General Appropriations Act and shall include all of the money collected from such
503 source during the most recently completed fiscal year.

504 (2) All of the money appropriated to the Trauma Care Network Trust Fund pursuant to
505 this subsection shall be dedicated for use and expended in accordance with the purposes
506 specified in Code Section 31-11-102.

507 (3) The executive director of the Georgia Trauma Care Network Commission shall
508 prepare an accounting of the funds expended pursuant to this subsection during the most
509 recently completed fiscal year to be provided to the Office of Planning and Budget, the
510 House Budget and Research Office, and the Senate Budget and Evaluation Office by
511 January 1 of each year.

512 ~~(b)~~(c) The Georgia Trauma Care Network Commission shall report annually no later than
513 October 1 to the Office of Health Strategy and Coordination. Such report shall provide an
514 update on state-wide trauma system development and the impact of fund distribution on
515 trauma patient care and outcomes."

516 **SECTION 13.**

517 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
518 amended by repealing subsection (d) of Code Section 40-2-151.1, relating to highway impact
519 fees for heavy vehicles and use of funds.

520 **SECTION 14.**

521 Said title is further amended by adding a new Code section to read as follows:

522 "40-2-151.2.

523 (a)(1) There shall be established a Transportation Trust Fund as a separate fund in the
524 state treasury. The commissioner of transportation shall be the trustee of the fund.

525 (2) The state treasurer shall invest the money held in the Transportation Trust Fund in
526 the same manner in which state funds are invested as authorized by the State Depository
527 Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the money held
528 in the trust fund shall be accounted for separately and shall be credited to the trust fund
529 to be disbursed as other moneys in the trust fund.

530 (b) Under the authority granted and subject to the conditions imposed by Article III,
531 Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on
532 July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to
533 paragraph (19) of subsection (a) of Code Section 40-2-151, Code Section 40-2-151.1, and
534 subsection (b) of Code Section 48-13-50.3 shall be annually appropriated to the
535 Transportation Trust Fund established by this Code section and such funds shall not lapse
536 as otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of
537 Georgia. Each annual appropriation shall be made through the General Appropriations Act
538 and shall include all of the money collected from such sources during the most recently
539 completed fiscal year.

540 (c) All of the money appropriated to the Transportation Trust Fund pursuant to
541 subsection (b) of this Code section shall be dedicated for use and expended by the

542 commissioner of transportation for transportation purposes and transit projects as such
543 terms are defined in Code Section 40-2-151.1. Not more than ten percent of the funds
544 shall be expended on transit projects.

545 (d) The commissioner of transportation shall prepare an accounting of the funds expended
546 pursuant to this subsection during the most recently completed fiscal year to be provided
547 to the Office of Planning and Budget, the House Budget and Research Office, and the
548 Senate Budget and Evaluation Office by January 1 of each year."

549 **SECTION 15.**

550 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
551 is amended by repealing Code Section 45-12-92.2, relating to definitions, procedures
552 involving solid waste disposal surcharge and tire disposal fees, conditions, and appropriation.

553 **SECTION 16.**

554 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
555 amended in subsection (d) of Code Section 48-8-3.3, relating to definitions, applicability,
556 criteria for eligibility, rules and regulations, dealer performing both manufacturing and
557 agricultural operations, exemption, audits, and annual report, by adding a new paragraph to
558 read as follows:

559 "(5)(A) There shall be established a Georgia Agricultural Trust Fund as a separate fund
560 in the state treasury. The Commissioner of Agriculture shall be the trustee of the fund.
561 (B) The state treasurer shall invest the money held in the Georgia Agricultural Trust
562 Fund in the same manner in which state funds are invested as authorized by the State
563 Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by
564 the money held in the trust fund shall be accounted for separately and shall be credited
565 to the trust fund to be disbursed as other moneys in the trust fund. The fund is
566 authorized to accept donations from private individuals and entities.

567 (C) Under the authority granted and subject to the conditions imposed by Article III,
568 Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on
569 July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to
570 paragraph (4) of this subsection shall be annually appropriated to the Georgia
571 Agricultural Trust Fund established by subparagraph (A) of this paragraph and such
572 funds shall not lapse as otherwise required by Article III, Section IX, Paragraph IV(c)
573 of the Constitution of Georgia. Each annual appropriation shall be made through the
574 General Appropriations Act and shall include all of the money collected from such
575 source during the most recently completed fiscal year.
576 (D) All of the money appropriated to the Georgia Agricultural Trust Fund pursuant to
577 subparagraph (C) of this paragraph shall be dedicated for use and expended by the
578 Commissioner of Agriculture for the purposes of marketing and promotion activities
579 conducted by the Department of Agriculture in support of Georgia agricultural products
580 and supporting the maintenance and operations of state farmers' markets.
581 (E) The Commissioner of Agriculture shall prepare an accounting of the funds
582 expended pursuant to this paragraph during the most recently completed fiscal year to
583 be provided to the Office of Planning and Budget, the House Budget and Research
584 Office, and the Senate Budget and Evaluation Office by January 1 of each year."

585 **SECTION 17.**

586 Said title is further amended by repealing subsection (e) of Code Section 48-13-50.3, relating
587 to additional tax imposed by innkeepers, forms for reporting, use of funds from additional
588 taxes, and provisions for termination.

589 **SECTION 18.**

590 Said title is further amended by revising subsection (b) of Code Section 48-13-131, relating
591 to excise tax imposed, rate of taxation, allocation of moneys collected from tax on consumer
592 fireworks to various purposes, and payment, as follows:

593 "(b)(1)(A) There shall be established a Fireworks Trust Fund as a separate fund in the
594 state treasury. The commissioner shall be the trustee of the fund.

595 (B) The state treasurer shall invest the money held in the Fireworks Trust Fund in the
596 same manner in which state funds are invested as authorized by the State Depository
597 Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by the money
598 held in the trust fund shall be accounted for separately and shall be credited to the trust
599 fund to be disbursed as other moneys in the trust fund.

600 (2) Under the authority granted and subject to the conditions imposed by Article III,
601 Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on
602 July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to
603 subsection (a) of this Code section shall be annually appropriated to the Fireworks Trust
604 Fund established by paragraph (1) of this subsection and such funds shall not lapse as
605 otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of
606 Georgia. Each annual appropriation shall be made through the General Appropriations
607 Act and shall include all of the money collected from such source during the most
608 recently completed fiscal year.

609 (3) All of the money appropriated to the Fireworks Trust Fund pursuant to paragraph (2)
610 of this subsection shall be dedicated for use and expended as follows:

611 ~~Moneys collected from the excise tax on the sale of consumer fireworks as provided for~~
612 ~~under subsection (a) of this Code section, and pursuant to Article III, Section IX, Paragraph~~
613 ~~VI of the Constitution of Georgia, shall be used as follows:~~

614 (H)(A) The amount of 55 percent shall be provided to the Georgia Trauma Care
615 Network Commission for purposes provided for under Code Section 31-11-102;

616 ~~(2)~~(B) The amount of 40 percent shall be provided to the Georgia Firefighter Standards
617 and Training Council to be exclusively used for the implementation of a grant program
618 to improve the equipping and training of firefighters and to improve the rating of fire
619 departments in this state by the Insurance Services Office; and

620 ~~(3)~~(C) The amount of 5 percent shall be provided to local governments to be used
621 solely for public safety purposes consisting of the operation of 9-1-1 systems under Part
622 4 of Article 2 of Chapter 5 of Title 46. The commissioner shall include such amount
623 as a part of the 9-1-1 distribution made on or before October 15 of each year to such
624 local governments.

625 (4) The commissioner shall prepare an accounting of the funds expended pursuant to this
626 subsection during the most recently completed fiscal year to be provided to the Office of
627 Planning and Budget, the House Budget and Research Office, and the Senate Budget and
628 Evaluation Office by January 1 of each year."

629 **SECTION 19.**

630 Said title is further amended by repealing subsections (c) and (d) of Code Section 48-13-141,
631 relating to excise tax on for-hire ground transport, annual adjustment, and appropriation of
632 proceeds for transit projects, and adding a new subsection to read as follows:

633 "(a.1)(1)(A) There shall be established a Georgia Transit Trust Fund as a separate fund
634 in the state treasury. The commissioner of transportation shall be the trustee of the
635 fund.

636 (B) The state treasurer shall invest the money held in the Georgia Transit Trust Fund
637 in the same manner in which state funds are invested as authorized by the State
638 Depository Board pursuant to Article 3 of Chapter 17 of Title 50. Interest earned by
639 the money held in the trust fund shall be accounted for separately and shall be credited
640 to the trust fund to be disbursed as other moneys in the trust fund.

641 (2) Under the authority granted and subject to the conditions imposed by Article III,
642 Section IX, Paragraph VI(r) of the Constitution of Georgia, for the period beginning on
643 July 1, 2022, and ending on June 30, 2032, all of the money collected pursuant to
644 subsection (a) of this Code section shall be annually appropriated to the Georgia Transit
645 Trust Fund established by paragraph (1) of this subsection and such funds shall not lapse
646 as otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of
647 Georgia. Each annual appropriation shall be made through the General Appropriations
648 Act and shall include all of the money collected from such source during the most
649 recently completed fiscal year.

650 (3) All of the money appropriated to the Georgia Transit Trust Fund pursuant to
651 paragraph (2) of this subsection shall be dedicated for use by one or more transit
652 providers on transit projects.

653 (3) The commissioner of transportation shall prepare an accounting of the funds
654 expended pursuant to this subsection during the most recently completed fiscal year to
655 be provided to the Office of Planning and Budget, the House Budget and Research
656 Office, and the Senate Budget and Evaluation Office by January 1 of each year."

657 **SECTION 20.**

658 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
659 by revising paragraph (4) of Code Section 49-5-131, relating to definitions relative to the
660 Governor's Office for Children and Families, as follows:

661 "(4) 'Fund' means the State Children's Trust Fund created pursuant to Code Section
662 19-14-20."

663 **SECTION 21.**

664 Said title is further amended by revising subsection (a) of Code Section 49-5-132, relating
665 to the Governor's Office for Children and Families established, funding, and duties and
666 responsibilities, as follows:

667 "(a) There is established the Governor's Office for Children and Families which shall be
668 assigned to the ~~Office of Planning and Budget~~ Department of Human Services for
669 administrative purposes."

670 **SECTION 22.**

671 Said title is further amended by revising Code Section 49-5-135, relating to powers and
672 duties of advisory board and the disbursement of appropriated moneys from fund, as follows:

673 "(b) The advisory board may ~~authorize~~ make timely recommendations to the director of
674 the Division of Family and Children Services of the Department of Human Services
675 regarding the disbursement of available money from the ~~fund~~ State Children's Trust Fund
676 after appropriation thereof to an entity or program eligible pursuant to the criteria of the
677 office exclusively to fund a private nonprofit or public organization in the development or
678 operation of a prevention program if all of the following conditions are met:

- 679 (1) The organization demonstrates broad based community involvement emphasizing
680 volunteer efforts and demonstrates expertise in child abuse prevention issues;
- 681 (2) The organization demonstrates a willingness and ability to provide program models
682 and consultation to organizations and communities regarding program development and
683 maintenance; and
- 684 (3) Other conditions that the board may deem appropriate.

685 ~~(c) Funds shall not be disbursed from the trust fund to any organization or other entity or~~
686 ~~for any purpose authorized in subsection (a) of this Code section until approved by the~~
687 ~~Governor; provided, however, that the Governor may not authorize the disbursement of~~
688 ~~funds to an organization or other entity which the office has not recommended for a grant."~~

689 **SECTION 23.**

690 In accordance with the requirements of Article III, Section IX, Paragraph VI(r) of the
691 Constitution of Georgia, this Act shall not become law unless it receives the requisite
692 two-thirds' majority vote in both the Senate and the House of Representatives and the amount
693 of the funds dedicated by this Act do not equal or exceed 1 percent of the previous fiscal
694 year's state revenues subject to appropriations.

695 **SECTION 24.**

696 Except as provided for in Section 23 of this Act, this Act shall become effective on July 1,
697 2022.

698 **SECTION 25.**

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