

Fees Addressed by HB 811

Association County Commissioners of Georgia, October 2011

Hazardous Waste Trust Fund - O.C.G.A. §12-8-95 and §12-8-39(e) and (f)

The Hazardous Waste Trust Fund (HWTF) is statutorily dedicated to fulfilling the Georgia State Superfund Law, which includes cleaning up hazardous waste sites (public and private; orphaned or not) and helping remediate old, unlined landfills that pose a threat to drinking water and the environment. Most of the fees come from the state's 75-cent per-ton tipping fee on solid waste going into Georgia's landfills – a fee counties pay if they own/operate landfills. Other monies are generated from the state's hazardous waste fee and hazardous substance fee. To remediate old landfills, local governments do the work then apply to the state to get reimbursed through the HWTF. **This fee brings in about \$16 million annually.**

Fees Appropriated in FY 2010:	\$1,970,000
Fees Appropriated in FY 2011:	\$2,980,000
Fees Recommended for FY 2012 Appropriation:	\$2,940,000
Fees Recommended for FY 2013 Appropriation:	\$3,400,000

Solid Waste Trust Fund - O.C.G.A. §12-8-27.1 and §12-8-40.1(h)(1-3)

The Solid Waste Trust Fund (SWTF) is funded from the \$1 per-tire charge on all new tires sold in the state. The SWTF is statutorily dedicated to clean up illegal scrap tire piles and dumps, abandoned landfills, fund recycling and waste reduction programs, eliminate the open dumps and litter that foul Georgia's roadsides and streams, and assist with other solid waste management programs. **This fee brings in about \$6 million annually.**

Fees Appropriated in FY 2010:	\$0
Fees Appropriated in FY 2011:	\$717,000
Fees Recommended for FY 2012 Appropriation	\$1,040,000
Fees Recommended for FY 2013 Appropriation	\$1,900,000

Peace Officer and Prosecutors Training Fund – O.C.G.A. §15-21-73(a)(1)(A)

This fund was created to provide training for peace officers and prosecutors in the State. These funds are generated by an add-on fee imposed as an additional penalty to any criminal or quasi-criminal offense by adding the lesser of \$50 or 10 percent of the original fine. The add-on also applies to bonds, equaling the lesser of \$100 or 10 percent original amount of the bail or bond. An estimated \$25 million was generated in FY 2011. While these fines are levied by local law enforcement, and prosecuted in county courts, virtually all of the funding goes to train state agency law enforcement officers. All local law enforcement training is financed by counties and cities. While about \$9 million was appropriated to the Georgia Public Safety Training Center in FY 2009 for state officer training, the remaining \$16 million was redirected to the state's General Fund to be used for unrelated purposes. No funding was appropriated for local officer training.

Indigent Defense – Public Defenders Program – O.C.G.A. §15-21-73(a)(1)(A); §15-21-73(a)(1)(B); §15-21-6(a)

This fund is composed of a 10-percent add-on to criminal and traffic fines and fees, a 10-percent add-on to bonds and bail fines (with a \$100 cap), a \$15 dollar add-on to civil filing fees, and a \$50 indigent defense application fee (which may be waived by a judge). These funds generated approximately \$42.6 million in FY 2011 with only \$33 million appropriated to the Public Defenders Standards Council. The remaining \$9 million was redirected to the state's General Fund to be used for unrelated purposes. Counties currently pay more than 60 percent of the cost of indigent defense for the superior and juvenile court. The redirection of criminal fines and fees to the state's General Fund proportionately increases the indigent defense costs paid by county taxpayers.

Joshua's Law – Driver's Ed Training – O.C.G.A. §15-21-179(a)

This fee is a 5-percent add-on to traffic fines and/or bond payments (all levels of court). Its purpose was to provide driver education and training through a grant program. In FY 2011, \$10.8 million was collected and remitted to the state general fund. None of this funding was appropriated for driver education and training; it was used for other purposes.