

1 SB297
2 116162-1
3 By Senator Bedford
4 RFD: Finance and Taxation General Fund
5 First Read: 19-JAN-10

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8 SYNOPSIS: Existing law provides that for three years
9 following September 1, 2007, a secondary metals
10 recycler shall not enter into any cash transaction
11 in excess of \$100 for copper and \$1,000 for other
12 metals. Effective September 2, 2010, a secondary
13 metals recycler may not enter into a cash
14 transaction for any metals in excess of \$1,000.

15 This bill would delete the change in the law
16 effective September 2, 2010, so that cash
17 transactions for copper in excess of \$100 would
18 continue to be prohibited.

19 Amendment 621 of the Constitution of Alabama
20 of 1901, now appearing as Section 111.05 of the
21 Official Recompilation of the Constitution of
22 Alabama of 1901, as amended, prohibits a general
23 law whose purpose or effect would be to require a
24 new or increased expenditure of local funds from
25 becoming effective with regard to a local
26 governmental entity without enactment by a 2/3 vote
27 unless: it comes within one of a number of

1 specified exceptions; it is approved by the
2 affected entity; or the Legislature appropriates
3 funds, or provides a local source of revenue, to
4 the entity for the purpose.

5 The purpose or effect of this bill would be
6 to require a new or increased expenditure of local
7 funds within the meaning of the amendment. However,
8 the bill does not require approval of a local
9 governmental entity or enactment by a 2/3 vote to
10 become effective because it comes within one of the
11 specified exceptions contained in the amendment.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 To amend Section 13A-8-31, Code of Alabama 1975,
18 relating to the sale of metal property to secondary metal
19 recyclers; to prohibit a secondary metals recycler from
20 entering into any cash transactions in excess of \$100 for
21 copper purchases regardless of when the transaction occurred;
22 and in connection therewith would have as its purpose or
23 effect the requirement of a new or increased expenditure of
24 local funds within the meaning of Amendment 621 of the
25 Constitution of Alabama of 1901, now appearing as Section
26 111.05 of the Official ReCompilation of the Constitution of
27 Alabama of 1901, as amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 13A-8-31, Code of Alabama 1975,
3 is amended to read as follows:

4 "§13A-8-31.

5 "(a) A secondary metals recycler shall maintain a
6 legible record of all purchase transactions to which the
7 secondary metals recycler is a party. The record shall include
8 all of the following information:

9 "(1) The name and address of the secondary metals
10 recycler.

11 "(2) The date of the transaction.

12 "(3) The weight, quantity, or volume and a
13 description of the type of metal property purchased in a
14 purchase transaction. For purposes of this subdivision, the
15 term "type of metal property" shall include a general physical
16 description, such as wire, tubing, extrusions, or casting.

17 "(4) The amount of consideration given in a purchase
18 transaction for the metal property.

19 "(5) A signed statement from the person receiving
20 consideration in the purchase transaction stating that he or
21 she is the rightful owner of the metal property or is entitled
22 to sell the metal property being sold.

23 "(6) The name and address of the person delivering
24 the metal property to the secondary metals recycler.

25 "(7) The distinctive number from, and type of, the
26 personal identification card of the person delivering the
27 metal property to the secondary metals recycler.

1 "(8) The vehicle license tag number, state of issue,
2 and the type of vehicle, if available, used to deliver the
3 metal property to the secondary metals recycler. For purposes
4 of this subdivision, the term "type of vehicle" shall mean an
5 automobile, pickup truck, van, or truck.

6 "~~(1) For three years following September 1, 2007,~~
7 ~~the~~ The secondary metal recycler shall not enter into any cash
8 transactions in excess of one hundred dollars (\$100) for
9 copper or in excess of one thousand dollars (\$1,000) for all
10 other metals in payment for the purchase of the metal
11 property. Payment shall be made by check issued to the seller
12 of the metal. The check shall be payable to the name and
13 address of the seller of the metal and mailed to the recorded
14 address of the seller or picked up in person by the seller. ~~At~~
15 ~~the end of three years, this subdivision shall be repealed and~~
16 ~~subdivision (2) shall apply.~~

17 "~~(2) Commencing three years and one day following~~
18 ~~September 1, 2007, the secondary metal recycler shall not~~
19 ~~enter into any cash transactions in excess of one thousand~~
20 ~~dollars (\$1,000) for any metals in payment for the purchase of~~
21 ~~the metal property. Payment shall be made by check issued to~~
22 ~~the seller of the metal. The check shall be payable to the~~
23 ~~name and address of the seller or picked up in person by the~~
24 ~~seller.~~

25 "(c) A secondary metals recycler shall maintain or
26 cause to be maintained the information required by subsection

1 (a) for not less than two years from the date of the purchase
2 transaction."

3 Section 2. Although this bill would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds, the bill is excluded from further
6 requirements and application under Amendment 621, now
7 appearing as Section 111.05 of the Official Recompilation of
8 the Constitution of Alabama of 1901, as amended, because the
9 bill defines a new crime or amends the definition of an
10 existing crime.

11 Section 3. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.