

1 SB283  
2 168670-3  
3 By Senator Singleton  
4 RFD: Finance and Taxation General Fund  
5 First Read: 18-MAR-15

1 SB283

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4 ENROLLED, An Act,

5 To amend Sections 22-30B-2.1, as amended by Act  
6 2014-418, 2014 Regular Session, 22-30B-4, and 22-30B-4.1, Code  
7 of Alabama 1975, relating to the distribution of the proceeds  
8 of hazardous waste disposal facility fees; to provide further  
9 for the distribution of fee proceeds to counties having a  
10 commercial site for hazardous waste disposal, and the State  
11 General Fund; to provide further for the distribution of  
12 certain state fees by local law; and to provide for the  
13 authorization for certain local laws.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 22-30B-2.1, as amended by Act  
16 2014-418, 2014 Regular Session, 22-30B-4, and 22-30B-4.1, Code  
17 of Alabama 1975, are amended to read as follows:

18 "§22-30B-2.1.

19 "(a) There is hereby provided to all counties having  
20 less than 25,000 population and wherein on April 17, 1990, a  
21 commercial site for the disposal of hazardous waste or  
22 hazardous substances is located, an annual payment of two and  
23 one-half percent of the gross receipts generated by Section  
24 22-30B-2 as provided herein over those fees in existence on  
25 October 1, 1989.

1           "(b) Any county identified in subsection (a) is  
2 hereby guaranteed an amount not to exceed the lesser of  
3 \$4,200,000.00 or 100 percent of the receipts to the state paid  
4 on wastes or substances disposed of in the county. In  
5 determining whether a county is entitled to receive benefit of  
6 all or any portion of the guarantee herein made, there shall  
7 be charged against such county all receipts which it receives  
8 pursuant to this chapter and Alabama Act 83-480, 1983 Regular  
9 Session, as amended, or other applicable local act.

10           "(c) Determination of entitlement to the guarantee  
11 shall be made quarterly by the Governor or his or her designee  
12 not later than 45 days following the end of each quarter of  
13 the state's fiscal year. Such a determination shall be the  
14 difference in those fees payable to the county under this  
15 chapter and Alabama Act 83-480, as amended, and any other  
16 applicable local act for the three-month period ending the  
17 previous quarter as compared to the applicable guarantee  
18 amount of \$1,050,000.00 per quarter.

19           "(d) In the event the guarantee provided in  
20 subsection (b) is required to be exercised, the Department of  
21 Revenue shall, within 10 days of notification from the  
22 Governor or his or her designee, certify to the State Finance  
23 Director that an appropriate amount as determined in  
24 subsection (c) from the first receipts generated by Act  
25 90-326, as amended, in each quarter of the fiscal year shall

1 be paid to the appropriate county commission. The State  
2 Finance Director is hereby authorized to cause to be paid from  
3 current state revenues generated by Act 90-326, as amended, an  
4 amount which shall be paid as a reduction of current fiscal  
5 year revenues to the state, which payment shall not in any  
6 event exceed an amount equal to the total current fiscal year  
7 revenues generated by Act 90-326, as amended, and paid into  
8 the State Treasury. The county commission shall, within 10  
9 days of receipt of the funds, disburse the funds according to  
10 Alabama Act 83-480, as amended, or other applicable general or  
11 local laws.

12 "(e) In the event that, receipts to any county do  
13 not reach \$4,200,000.00 and such receipts are supplemented by  
14 revenue which would have accrued to the State General Fund in  
15 order to reach the guaranteed level of \$4,200,000.00, the  
16 county, beginning October 1, 1992, shall reimburse the State  
17 General Fund for any such revenue received by the county in  
18 those fiscal years in which the receipts to that county exceed  
19 \$4,200,000.00 by the amount that such receipts exceed  
20 \$4,200,000.00 until the State General Fund shall have been  
21 reimbursed in full.

22 "(f) Notwithstanding any provision of law to the  
23 contrary, revenues generated pursuant to Section 22-30B-2(1)  
24 and (2), beginning October 1, 2015, shall be distributed as  
25 follows:

1           ~~"(1) Twenty-five percent to each county having a~~  
2 ~~commercial site for the disposal of hazardous waste or~~  
3 ~~hazardous substances.~~

4           ~~"(2) Seventy-five percent to the State General Fund~~  
5 ~~with the first four hundred fifty thousand dollars (\$450,000)~~  
6 ~~each year earmarked for appropriation to the Department of~~  
7 ~~Environmental Management. It is the intent of the Legislature~~  
8 ~~that funding for the department provided in this subsection be~~  
9 ~~additional funding and shall not reduce any other~~  
10 ~~appropriations from the State General Fund~~

11           "(1) Such amounts as are necessary to meet the  
12 annual guaranteed amount of four million two hundred thousand  
13 dollars (\$4,200,000) to the county as provided by this  
14 section.

15           "(2) After the distribution is made pursuant to  
16 subdivision (1), any remaining amounts shall be distributed as  
17 follows:

18           "a. Fifty percent to the State General Fund.

19           "b. Fifty percent to the county.

20           "\$22-30B-4.

21           ~~"(a) From the funds Funds guaranteed to any county~~  
22 ~~as set forth in Section 22-30B-2.1, \$.40 per ton shall be~~  
23 ~~expended for health purposes and the remainder for such~~  
24 ~~purposes as may shall be appropriated and expended for such~~  
25 ~~purposes as provided by local act.~~

1           "~~(b) It is further provided that all provisions~~  
2 ~~relating to the state fee including date of payment, required~~  
3 ~~reporting, penalties, interest, property liens, record~~  
4 ~~keeping, recovery of overpayment, and prosecution for~~  
5 ~~violations shall also apply to the county fees levied by this~~  
6 ~~section.~~

7           "\$22-30B-4.1.

8           "~~No county benefitting from the funds set forth in~~  
9 ~~Section 22-30B-2.1 shall enact Nothing in this title or any~~  
10 ~~other law shall prevent any local law levying an additional~~  
11 ~~fee to be paid by the operators of commercial sites for the~~  
12 ~~disposal of hazardous waste or hazardous substances."~~

13           Section 2. This act shall become effective upon its  
14 passage and approval by the Governor, or its otherwise  
15 becoming a law, and shall be applied retroactively to April 1,  
16 2015.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB283

Senate 14-APR-15

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris  
Secretary

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House of Representatives  
Amended and passed 26-MAY-15

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Senate concurred in House amendment 26-MAY-15

By: Senator Singleton