

1 HB747
2 141647-1
3 By Representative Wren
4 RFD: Ways and Means General Fund
5 First Read: 24-APR-12

2
3
4
5
6
7
8 SYNOPSIS: Currently, after Department of Revenue
9 expenditures, the disposition of funds derived from
10 use tax remain in the State Treasury to the credit
11 of the Education Trust Fund and are withdrawn as
12 other moneys in said fund. This bill realigns the
13 distribution of said use tax to allow for
14 additional funding to the General Fund.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 To amend Section 40-23-85, Code of Alabama 1975 to
21 provide further distribution of use tax funds.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 40-23-85, Code of Alabama 1975,
24 is amended to read as follows:

25 "§40-23-85.

26 "All taxes, fees, interest or penalties imposed and
27 all amounts of tax herein required to be paid to the state

1 under this article must be paid to the Department of Revenue
2 at Montgomery, Alabama, with remittance payable to the
3 Treasurer of Alabama. Such amount of money as shall be
4 appropriated for each fiscal year by the Legislature to the
5 Department of Revenue with which to pay the salaries, the cost
6 of operation and the management of the said department shall
7 be deducted, as a first charge thereon, from the taxes
8 collected under and pursuant to Section 40-23-61; provided,
9 that the expenditure of said sum so appropriated shall be
10 budgeted and allotted pursuant to Article 4 of Chapter 4 of
11 Title 41, and limited to the amount appropriated to defray the
12 expenses of operating said department for each fiscal year.
13 After the distributions provided herein and the distributions
14 of use tax on automobiles to the General Fund as provided in
15 Section 40-23-61(c), ~~the~~ the balance of the tax collected under
16 and pursuant to said Section 40-23-61 shall ~~remain in the~~
17 State Treasury to the credit of the Education Trust Fund and
18 shall be withdrawn as other moneys in said fund ~~be~~ distributed
19 as follows: (1) the first two hundred million dollars
20 (\$200,000,000) to the Educational Trust Fund, and (2) any
21 remaining amounts, seventy-five percent (75%) to the General
22 Fund and twenty-five percent (25%) to the Educational Trust
23 Fund."

24 Section 2. The provisions of this act are severable.
25 If any part of this act is declared invalid or
26 unconstitutional, that declaration shall not affect the part
27 which remains.

1 Section 3. All laws or parts of laws which conflict
2 with this act are repealed.

3 Section 4. This act shall become effective on the
4 first day of the first month following its approval by the
5 Governor, or its otherwise becoming law.