

1 SB283  
2 165766-2  
3 By Senator Singleton  
4 RFD: Finance and Taxation General Fund  
5 First Read: 18-MAR-15

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Currently, operators of hazardous waste  
9 disposal facilities pay certain fees. The proceeds  
10 of the fees are distributed as provided by state  
11 and local law.

12 This bill would amend existing law to  
13 provide further for the distribution of proceeds  
14 between counties having a hazardous waste facility,  
15 the Alabama Department of Environmental Management,  
16 and the State General Fund.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT  
21

22 To amend Sections 22-30B-2.1, as amended by Act  
23 2014-418, 2014 Regular Session, and 22-30B-4, Code of Alabama  
24 1975, relating to the distribution of the proceeds of  
25 hazardous waste disposal facility fees; to provide further for  
26 the distribution of fee proceeds to counties having a  
27 commercial site for hazardous waste disposal, the Alabama

1 Department of Environmental Management, and the State General  
2 Fund; and to provide further for the distribution of certain  
3 state fees by local law.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 22-30B-2.1, as amended by Act  
6 2014-418, 2014 Regular Session, and 22-30B-4, Code of Alabama  
7 1975, are amended to read as follows:

8 "§22-30B-2.1.

9 "(a) There is hereby provided to all counties having  
10 less than 25,000 population and wherein on April 17, 1990, a  
11 commercial site for the disposal of hazardous waste or  
12 hazardous substances is located, an annual payment of two and  
13 one-half percent of the gross receipts generated by Section  
14 22-30B-2 as provided herein over those fees in existence on  
15 October 1, 1989.

16 "(b) Any county identified in subsection (a) is  
17 hereby guaranteed an amount not to exceed the lesser of  
18 \$4,200,000.00 or 100 percent of the receipts to the state paid  
19 on wastes or substances disposed of in the county. In  
20 determining whether a county is entitled to receive benefit of  
21 all or any portion of the guarantee herein made, there shall  
22 be charged against such county all receipts which it receives  
23 pursuant to this chapter and Alabama Act 83-480, 1983 Regular  
24 Session, as amended, or other applicable local act.

25 "(c) Determination of entitlement to the guarantee  
26 shall be made quarterly by the Governor or his or her designee  
27 not later than 45 days following the end of each quarter of

1 the state's fiscal year. Such a determination shall be the  
2 difference in those fees payable to the county under this  
3 chapter and Alabama Act 83-480, as amended, and any other  
4 applicable local act for the three-month period ending the  
5 previous quarter as compared to the applicable guarantee  
6 amount of \$1,050,000.00 per quarter.

7 "(d) In the event the guarantee provided in  
8 subsection (b) is required to be exercised, the Department of  
9 Revenue shall, within 10 days of notification from the  
10 Governor or his or her designee, certify to the State Finance  
11 Director that an appropriate amount as determined in  
12 subsection (c) from the first receipts generated by Act  
13 90-326, as amended, in each quarter of the fiscal year shall  
14 be paid to the appropriate county commission. The State  
15 Finance Director is hereby authorized to cause to be paid from  
16 current state revenues generated by Act 90-326, as amended, an  
17 amount which shall be paid as a reduction of current fiscal  
18 year revenues to the state, which payment shall not in any  
19 event exceed an amount equal to the total current fiscal year  
20 revenues generated by Act 90-326, as amended, and paid into  
21 the State Treasury. The county commission shall, within 10  
22 days of receipt of the funds, disburse the funds according to  
23 Alabama Act 83-480, as amended, or other applicable general or  
24 local laws.

25 "(e) In the event that, receipts to any county do  
26 not reach \$4,200,000.00 and such receipts are supplemented by  
27 revenue which would have accrued to the State General Fund in

1 order to reach the guaranteed level of \$4,200,000.00, the  
2 county, beginning October 1, 1992, shall reimburse the State  
3 General Fund for any such revenue received by the county in  
4 those fiscal years in which the receipts to that county exceed  
5 \$4,200,000.00 by the amount that such receipts exceed  
6 \$4,200,000.00 until the State General Fund shall have been  
7 reimbursed in full.

8 "(f) Notwithstanding any provision of law to the  
9 contrary, revenues generated pursuant to Section 22-30B-2(1)  
10 and (2) shall be distributed as follows:

11 ~~"(1) Twenty-five percent to each county having a~~  
12 ~~commercial site for the disposal of hazardous waste or~~  
13 ~~hazardous substances~~ The first one hundred fifty thousand  
14 dollars (\$150,000) annually to the Alabama Department of  
15 Environmental Management.

16 ~~"(2) Seventy-five percent to the State General Fund~~  
17 ~~with the first four hundred fifty thousand dollars (\$450,000)~~  
18 ~~each year earmarked for appropriation to the Department of~~  
19 ~~Environmental Management. It is the intent of the Legislature~~  
20 ~~that funding for the department provided in this subsection be~~  
21 ~~additional funding and shall not reduce any other~~  
22 ~~appropriations from the State General Fund~~ The next three  
23 hundred thousand dollars (\$300,000) annually to each county  
24 having a commercial site for the disposal of hazardous wastes,  
25 which amount shall be distributed by local law. At the end of  
26 each month, all receipts that are available shall be

1 distributed to the county until the three hundred thousand  
2 dollar (\$300,000) amount is fully distributed.

3 "(3) After the annual distributions in subdivisions  
4 (1) and (2) are made, such amounts as are necessary to meet  
5 the annual guaranteed amount of four million two hundred  
6 thousand dollars (\$4,200,000) to the county as provided by  
7 this section.

8 "(4) After the distributions are made pursuant to  
9 subdivisions (1), (2), and (3), any remaining amounts shall be  
10 distributed as follows:

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

12 "b. Fifty percent to the county.

13 "§22-30B-4.

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

19 ~~"(b) It is further provided that all provisions~~  
20 ~~relating to the state fee including date of payment, required~~  
21 ~~reporting, penalties, interest, property liens, record~~  
22 ~~keeping, recovery of overpayment, and prosecution for~~  
23 ~~violations shall also apply to the county fees levied by this~~  
24 ~~section."~~

25 Section 2. This act shall become effective on the  
26 first day of the month following its passage and approval by  
27 the Governor, or its otherwise becoming law.

