

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

1 SB283

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To amend Sections 22-30B-2.1, as amended by Act  
12 2014-418, 2014 Regular Session, and 22-30B-4, Code of Alabama  
13 1975, relating to the distribution of the proceeds of  
14 hazardous waste disposal facility fees; to provide further for  
15 the distribution of fee proceeds to counties having a  
16 commercial site for hazardous waste disposal, the Alabama  
17 Department of Environmental Management, and the State General  
18 Fund; and to provide further for the distribution of certain  
19 state fees by local law.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 22-30B-2.1, as amended by Act  
22 2014-418, 2014 Regular Session, and 22-30B-4, Code of Alabama  
23 1975, are amended to read as follows:

24 "§22-30B-2.1.

25 "(a) There is hereby provided to all counties having  
26 less than 25,000 population and wherein on April 17, 1990, a  
27 commercial site for the disposal of hazardous waste or

1 hazardous substances is located, an annual payment of two and  
2 one-half percent of the gross receipts generated by Section  
3 22-30B-2 as provided herein over those fees in existence on  
4 October 1, 1989.

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

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

23 "(d) In the event the guarantee provided in  
24 subsection (b) is required to be exercised, the Department of  
25 Revenue shall, within 10 days of notification from the  
26 Governor or his or her designee, certify to the State Finance  
27 Director that an appropriate amount as determined in

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

14 "(e) In the event that, receipts to any county do  
15 not reach \$4,200,000.00 and such receipts are supplemented by  
16 revenue which would have accrued to the State General Fund in  
17 order to reach the guaranteed level of \$4,200,000.00, the  
18 county, beginning October 1, 1992, shall reimburse the State  
19 General Fund for any such revenue received by the county in  
20 those fiscal years in which the receipts to that county exceed  
21 \$4,200,000.00 by the amount that such receipts exceed  
22 \$4,200,000.00 until the State General Fund shall have been  
23 reimbursed in full.

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

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

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

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

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

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

1                   "b. Fifty percent to the county.

2                   "\$22-30B-4.

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

8                   "~~(b) It is further provided that all provisions~~  
9 ~~relating to the state fee including date of payment, required~~  
10 ~~reporting, penalties, interest, property liens, record~~  
11 ~~keeping, recovery of overpayment, and prosecution for~~  
12 ~~violations shall also apply to the county fees levied by this~~  
13 ~~section."~~

14                   Section 2. This act shall become effective upon its  
15 passage and approval by the Governor, or its otherwise  
16 becoming a law, and shall be applied retroactively to April 1,  
17 2015.

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2  
3 Senate  
  
4 Read for the first time and referred to the Senate  
5 committee on Finance and Taxation General Fund ... 18-MAR-15  
6  
7 Read for the second time and placed on the calen-  
8 dar 1 amendment..... 09-APR-15  
9  
10 Read for the third time and passed as amended .... 14-APR-15

11 Yeas 34  
12 Nays 0

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14  
15 Patrick Harris  
16 Secretary  
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