

1 HB345
2 165766-2
3 By Representative McCampbell
4 RFD: Commerce and Small Business
5 First Read: 19-MAR-15

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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.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT

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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.