

1 HB568
2 160618-3
3 By Representatives McCampbell, England and Melton
4 RFD: Ways and Means General Fund
5 First Read: 04-MAR-14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, An Act,

To amend Section 22-30B-2.1, Code of Alabama 1975, as amended by Act 2013-174, relating to the distribution to the State General Fund of certain hazardous waste disposal fees; to provide further for the distribution of certain fees between the county in which a commercial hazardous waste disposal site is located and the State General Fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 22-30B-2.1, Code of Alabama 1975, are amended to read as follows:

"§22-30B-2.1.

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

"(b) Any county identified in subsection (a) is hereby guaranteed an amount not to exceed the lesser of \$4,200,000.00 or 100 percent of the receipts to the state paid on wastes or substances disposed of in the county. In determining whether a county is entitled to receive benefit of all or any portion of the guarantee herein made, there shall

1 be charged against such county all receipts which it receives
2 pursuant to this chapter and Alabama Act 83-480, 1983 Regular
3 Session, as amended, or other applicable local act.

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

13 "(d) In the event the guarantee provided in
14 subsection (b) is required to be exercised, the Department of
15 Revenue shall, within 10 days of notification from the
16 Governor or his or her designee, certify to the State Finance
17 Director that an appropriate amount as determined in
18 subsection (c) from the first receipts generated by Act 90-326
19 in each quarter of the fiscal year shall be paid to the
20 appropriate county commission. The State Finance Director is
21 hereby authorized to cause to be paid from current state
22 revenues generated by Act 90-326, an amount which shall be
23 paid as a reduction of current fiscal year revenues to the
24 state, which payment shall not in any event exceed an amount
25 equal to the total current fiscal year revenues generated by

1 Act 90-326 and paid into the State Treasury. The county
2 commission shall, within 10 days of receipt of the funds,
3 disburse the funds according to Alabama Act 83-480, as
4 amended, or other applicable general or local laws.

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

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

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

21 "(2) Seventy-five percent to the State General Fund
22 with the first four hundred fifty thousand dollars ~~(\$400,000)~~
23 (\$450,000) each year earmarked for appropriation to the
24 Department of Environmental Management. It is the intent of
25 the Legislature that funding for the department provided in

1 this subsection be additional funding and shall not reduce any
2 other appropriations from the State General Fund."

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

