

IN THE SENATE

SENATE BILL NO. 1313

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO HAZARDOUS WASTE; AMENDING SECTION 39-4432, IDAHO CODE, TO REVISE  
2 PROVISIONS RELATING TO THE DISTRIBUTION OF CERTAIN REVENUES, TO ESTAB-  
3 LISH PROVISIONS RELATING TO REMITTANCE TO THE TREASURER OF A HIGHWAY  
4 DISTRICT, TO PROVIDE FOR USE OF MONEYS, TO ESTABLISH PROVISIONS RELAT-  
5 ING TO REMITTANCE TO THE STATE HIGHWAY ACCOUNT AND TO PROVIDE FOR USE OF  
6 MONEYS.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 39-4432, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 39-4432. DISTRIBUTION OF COMMERCIAL DISPOSAL FEE REVENUES. The rev-  
12 enues received from the commercial disposal fees imposed by this chapter and  
13 any penalties, interest, or deficiency additions, shall be paid over to the  
14 state treasurer by the department to be distributed periodically but no less  
15 frequently than quarterly as follows:

16 (1) An amount equal to ninety-five percent (95%) shall be remitted to  
17 the general fund of the state, which percentage shall be reduced to ninety-  
18 three percent (93%) in fiscal year 2013, to ninety-one percent (91%) in fis-  
19 cal year 2014, to eighty-five percent (85%) in fiscal year 2015, and shall  
20 remain at eighty-five percent (85%) for each fiscal year thereafter; and

21 (2) An amount equal to ~~the remaining~~ five percent (5%) shall be remit-  
22 ted to the county treasurer of the county ~~or counties~~ where the activity oc-  
23 curred which caused the fees to be assessed pursuant to this chapter. ~~Moneys~~  
24 ~~shall be apportioned to the counties in the same proportional manner in which~~  
25 ~~they were collected.~~ Moneys returned to ~~counties~~ the county shall be uti-  
26 lized by the county to respond to health and environmental problems which may  
27 be caused by hazardous waste emergencies or spills, or improperly handled or  
28 packaged hazardous waste; and

29 (3) An amount equal to one percent (1%) in fiscal year 2013, an amount  
30 equal to two percent (2%) in fiscal year 2014, and an amount equal to five  
31 percent (5%) in fiscal year 2015, and an amount equal to five percent (5%) for  
32 each fiscal year thereafter shall be remitted to the treasurer of a county  
33 highway district created pursuant to chapter 13, title 40, Idaho Code, to  
34 maintain a road under the jurisdiction of such district that connects a rail  
35 transfer facility to a commercial hazardous waste facility affiliated with  
36 such rail transfer facility. The use of the moneys provided for in this sub-  
37 section shall be used only for the maintenance, construction and repair of  
38 the road described in this subsection; and

39 (4) An amount equal to one percent (1%) in fiscal year 2013, an amount  
40 equal to two percent (2%) in fiscal year 2014, and an amount equal to five  
41 percent (5%) in fiscal year 2015, and an amount equal to five percent (5%)  
42 for each fiscal year thereafter shall be remitted to the state highway ac-

1 count established in section 40-702, Idaho Code, such amount to be utilized  
2 by the Idaho transportation department to maintain a road or roads under the  
3 state board of transportation's jurisdiction that connects a rail transfer  
4 facility to a commercial hazardous waste facility affiliated with such rail  
5 transfer facility. The use of the moneys provided for in this subsection  
6 shall be used only for the maintenance, construction and repair of the road  
7 described in this subsection.