

1 HB568
2 156968-4
3 By Representatives McCampbell, England and Melton
4 RFD: Ways and Means General Fund
5 First Read: 04-MAR-14

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8 SYNOPSIS: Currently, certain hazardous waste disposal
9 fee revenues generated pursuant to Section
10 22-30B-2.1, Code of Alabama 1975, are distributed
11 to the state General Fund, but were distributed
12 equally between the county having a hazardous waste
13 facility and the state General Fund before the
14 enactment of Act 2013-174.

15 This bill would restore the distribution
16 between the county 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 Section 22-30B-2.1, Code of Alabama 1975,
23 as amended by Act 2013-174, relating to the distribution to
24 the State General Fund of certain hazardous waste disposal
25 fees; to restore the distribution of certain fees between the
26 county in which a commercial hazardous waste disposal site is
27 located and the State General Fund.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 22-30B-2.1, Code of Alabama
3 1975, are amended to read as follows:

4 "§22-30B-2.1.

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

12 "(b) Any county identified in subsection (a) is
13 hereby guaranteed an amount not to exceed the lesser of
14 \$4,200,000.00 or 100 percent of the receipts to the state paid
15 on wastes or substances disposed of in the county. In
16 determining whether a county is entitled to receive benefit of
17 all or any portion of the guarantee herein made, there shall
18 be charged against such county all receipts which it receives
19 pursuant to this chapter and Alabama Act 83-480, 1983 Regular
20 Session, or other applicable local act.

21 "(c) Determination of entitlement to the guarantee
22 shall be made quarterly by the Governor or his or her designee
23 not later than 45 days following the end of each quarter of
24 the state's fiscal year. Such a determination shall be the
25 difference in those fees payable to the county under this
26 chapter and Alabama Act 83-480 and any other applicable local
27 act for the three-month period ending the previous quarter as

1 compared to the applicable guarantee amount of \$1,050,000.00
2 per quarter.

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

20 "(e) In the event that, receipts to any county do
21 not reach \$4,200,000.00 and such receipts are supplemented by
22 revenue which would have accrued to the State General Fund in
23 order to reach the guaranteed level of \$4,200,000.00, the
24 county, beginning October 1, 1992, shall reimburse the State
25 General Fund for any such revenue received by the county in
26 those fiscal years in which the receipts to that county exceed
27 \$4,200,000.00 by the amount that such receipts exceed

1 \$4,200,000.00 until the State General Fund shall have been
2 reimbursed in full.

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

6 "(1) One-half to each county having a commercial
7 site for the disposal of hazardous waste or hazardous
8 substances.

9 "(2) One-half to the State General Fund with the
10 first four hundred thousand dollars (\$400,000) each year
11 earmarked for appropriation to the Department of Environmental
12 Management. It is the intent of the Legislature that funding
13 for the department provided in this subsection be additional
14 funding and shall not reduce any other appropriations from the
15 State General Fund."

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