

1 171145-2 : n : 08/04/2015 : WMG / dbh

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3 HOUSE WAYS AND MEANS GENERAL FUND COMMITTEE AMENDMENT TO HB 46
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9 On page 1, line 9, on page 1, line 22, and on page
10 2, line 5, after "2-26-15," insert the following:
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12 "2-27-9, 2-27-10, 2-27-11, 2-27-53, 8-17-91"
13

14 On page 10, after line 24, insert the following:
15

16 §2-27-9

17 (a) Every pesticide or device which is distributed,
18 sold, or offered for sale within this state or delivered for
19 transportation or transported in intrastate commerce or
20 between points within this state through any point outside
21 this state shall be registered with the commissioner upon
22 application forms prescribed and furnished by the
23 commissioner, and such registration or registrations shall be
24 renewed during the registrant's renewal year, due January 1 of
25 the renewal year. The applicant shall pay a biennial
26 registration fee established by the Board of Agriculture and
27 Industries not to exceed six hundred dollars (\$600). The fee

1 shall be paid according to the schedule in subsection (i). The
2 fee shall accompany the application for registration and be
3 deposited to the credit of the ~~Agricultural Fund~~ State General
4 Fund of the State Treasury ~~for the exclusive benefit of the~~
5 ~~Pesticide Management Division of the Department of Agriculture~~
6 ~~and Industries~~. The fees shall be used by the department for
7 enforcement of Chapters 27 and 28. If the registration fee is
8 not paid by March 1, or within 60 days following its due date,
9 a delinquency penalty of one hundred fifty dollars (\$150) per
10 product to be registered shall be added to the amount thereof.

11 Pesticides may also be registered for special local
12 needs as provided under duly adopted regulations of the board
13 and pursuant to the requirements of the federal Insecticide,
14 Fungicide, and Rodenticide Act, as amended. Special local need
15 registration means registration of a pesticide for use under
16 conditions of special local need as defined by the federal
17 Insecticide, Fungicide, and Rodenticide Act, as amended. The
18 fee and other requirements for special local need pesticide
19 registration shall be the same as other pesticide registration
20 requirements. The application for registration shall contain a
21 statement containing all of the following information:

22 (1) The name and address of the applicant and the
23 name and address of the person whose name will appear on the
24 label, if other than the applicant.

25 (2) The name of the pesticide with an ingredient
26 statement.

1 (3) A complete copy of the labeling accompanying the
2 pesticide and a statement of all claims to be made for it
3 including directions for use.

4 (4) If requested by the commissioner, a full
5 description of the tests made, and the results thereof, upon
6 which the claims are based. In the case of renewal of
7 registration, a statement shall be required only with respect
8 to information which is different from that furnished when the
9 pesticide was registered or last reregistered.

10 (b) The commissioner, whenever deemed necessary in
11 the administration of this article, may require the submission
12 of the complete formula and method of analysis of any
13 pesticide. If it appears to the commissioner that the
14 composition of the article is such as to warrant the proposed
15 claims for it and if the article and its labeling and other
16 material required to be submitted comply with the requirements
17 of Section 2-27-14, he or she shall register the article.

18 (c) If it is determined as provided under subsection
19 (d) of Section 2-27-6 that a pesticide, based upon its
20 formulation and directions for use, warnings and cautions
21 contained in its registered labeling, may not, without
22 additional restrictions, be applied for its intended use
23 without substantial adverse effects on the environment,
24 including injury to the applicator, such a pesticide shall be
25 designated as a restricted-use pesticide.

26 (d) If it does not appear to the commissioner that
27 the article is such as to warrant the proposed claims for it

1 or if the article and its labeling and other material required
2 to be submitted do not comply with the provisions of this
3 article, he or she shall notify the applicant of the manner in
4 which the article, labeling, or other material required to be
5 submitted fail to comply with the article so as to afford the
6 applicant an opportunity to make the necessary corrections.

7 If, upon receipt of such notice, the applicant does
8 not make the corrections, the commissioner may refuse to
9 register the article. The commissioner, in accordance with the
10 procedures specified in this section, may suspend or cancel
11 the registration of a pesticide whenever it does not appear
12 that the article or its labeling complies with the provisions
13 of this article. Whenever an application for registration is
14 refused or the commissioner proposes to suspend or cancel a
15 registration as authorized under subsections (c), (d), and (e)
16 of this section, notice of such action shall be given to the
17 applicant or registrant who shall have 20 days from the date
18 of such notice to request a hearing on the proposed action of
19 the commissioner. The hearing shall be conducted by the
20 commissioner, or his or her designee, for the purpose of
21 receiving evidence relevant and material to the issues,
22 following the conclusion of which the commissioner shall issue
23 an order with findings of fact and notify the applicant or
24 registrant thereof. The commissioner's order shall be based
25 only on substantial evidence of record taken at the hearing.

26 Any person adversely affected by such an order of
27 the commissioner may obtain judicial review thereof by filing

1 in the Circuit Court of Montgomery County, within 30 days
2 after the entry of the order, a complaint requesting that the
3 order be set aside in whole or in part. A copy of the petition
4 shall be forthwith served upon the commissioner, and within 20
5 days from the date of service of the complaint, the
6 commissioner shall file an answer accompanied by the record of
7 the proceedings on which the order was based. The court shall
8 have jurisdiction to affirm or set aside the order complained
9 of, in whole or in part, following a hearing upon the
10 complaint and answer. The findings of the commissioner with
11 respect to questions of fact shall be sustained if supported
12 by substantial evidence when considered on the record as a
13 whole. The court may sustain the order of the commissioner,
14 set aside or reverse the action of the commissioner, or it may
15 remand the matter to the commissioner to take further
16 testimony if there are reasonable grounds for the failure to
17 adduce such evidence in the prior hearing. The commissioner
18 may modify findings and the order by reason of the additional
19 evidence so taken and shall file the additional record and any
20 modification of the findings or order with the register or
21 clerk of the court.

22 (e) Upon the advice of the Pesticide Advisory
23 Committee and with the approval of the board, the commissioner
24 shall refuse the registration or cancel the registration of
25 any pesticide or device previously registered where it is
26 determined that the use of the pesticide according to
27 directions on the label poses a substantial adverse effect on

1 humans, animals, or the general environment. Any person upon
2 being notified of the refusal or cancellation of registration
3 of a pesticide shall be entitled to the review, hearing, and
4 appeal rights as provided under subsection (d).

5 (f) Experimental labels may be required to be
6 affixed to containers of pesticides if the pesticide is for
7 experimental use.

8 (g) Notwithstanding any other provisions of this
9 article, registration is not required in the case of a
10 pesticide shipped from one plant within this state to another
11 plant within this state operated by the same person.

12 (h) The registration fee as required under this
13 section, together with the dealer license fee required under
14 Section 2-27-10, shall be paid by cooperative marketing and
15 purchasing associations and any exemption allowed such
16 organizations pursuant to Section 2-10-105 or any other
17 exemption statute shall not relieve such associations from the
18 payment of such fees. Any amount improperly or illegally
19 collected under the provisions of this article as
20 overpayments, through mistake or otherwise, may be refunded to
21 the person entitled thereto in accordance with Section 2-1-6.

22 (i)(1) Except as provided in subdivision (2), all
23 registrations issued by the department pursuant to subsection
24 (a) shall be paid according to the following staggered
25 schedule:

26 a. All registrations issued to registrants whose
27 names begin with the letters A through M shall expire on

1 December 31, 2013. Upon expiration of registration on December
2 31, 2013, a registrant whose name begins with letters A
3 through M may renew a registration for a period of two years
4 upon payment of a fee of five hundred dollars (\$500) per
5 product. The registration shall be valid until December 31,
6 2015. The registrant may renew every two years thereafter upon
7 payment of the fee of six hundred dollars (\$600).

8 b. All registrations issued to registrants whose
9 names begin with the letters N through Z shall expire on
10 December 31, 2012. Upon expiration of the registration on
11 December 31, 2012, a registrant whose name begins with letters
12 N through Z may renew a registration for a period of two years
13 upon payment of a fee of five hundred dollars (\$500) per
14 product. The registration shall be valid until December 31,
15 2014. After December 31, 2014, the registrant may renew a
16 registration for a period of two years upon payment of a fee
17 of six hundred dollars (\$600) per product.

18 (2) All registrations issued by the department to a
19 registrant who is applying to register an additional pesticide
20 during the second year of the registrant's registration period
21 shall expire December 31 of that year.

22 (3) An application for registration shall be
23 accompanied by a fee of six hundred dollars (\$600) for each
24 pesticide except as provided in subdivisions (1) and (2).

25 §2-27-10

26 (a) Before any person sells or offers for sale any
27 restricted-use pesticide in this state for use therein or

1 before any person sells such restricted pesticide for
2 importation into this state where such sale is directly to the
3 user, custom applicator, aerial applicator, or pest-control
4 operator, the person shall apply for and obtain from the
5 commissioner an annual license which authorizes the sale of
6 restricted-use pesticides to persons who have been issued
7 certified pesticide-use permits as required by Section
8 2-27-11. The license required by this section shall be posted
9 in a conspicuous place in licensee's sales outlet. Application
10 forms for this purpose shall be furnished by the commissioner,
11 which shall be accompanied by a license fee established by the
12 Board of Agriculture and Industries. All such licenses shall
13 expire December 31 of each year and shall be renewed annually
14 as of January 1, upon payment of the required annual license
15 fee. Any person who has more than one sales outlet or
16 establishment in Alabama shall pay an additional license fee
17 established by the board for each such additional sales
18 outlet. If the license fee is not paid by February 15, or
19 within 45 days following its due date, a delinquent penalty of
20 10 percent shall be added to the license fee. License fees
21 collected under this section shall be deposited to the credit
22 of the ~~Agricultural Fund~~ State General Fund of the State
23 Treasury.

24 (b) Before any person is issued a license under this
25 section authorizing the sale of restricted-use pesticides, the
26 person shall comply with all requirements of this article and

1 rules and regulations as may be promulgated and approved for
2 the sale of such pesticides.

3 (c) It is hereby intended that every person who
4 sells or offers for sale restricted-use pesticides directly to
5 farmer users, custom applicators, aerial applicators,
6 pest-control operators, or other users of restricted-use
7 pesticides shall be subject to licensing requirements of this
8 section except as exempt under Section 2-27-5. The
9 Commissioner of Agriculture and Industries, with approval of
10 the board, may promulgate rules and regulations for the
11 purpose of determining whether dealers who apply for a license
12 as required in this section are qualified and equipped to
13 safely handle, keep, store, deliver, transport, and sell or
14 offer for sale restricted-use pesticides, to the end that such
15 pesticides will be sold, stored, and otherwise handled by such
16 dealers in a manner that will not endanger or be hazardous or
17 cause injury or damage to human health, nontarget animals,
18 wildlife, crops, water, or be detrimental to the general
19 environment. Any person denied a license as required in this
20 section shall be entitled to the review, hearing, and appeal
21 rights provided under subsection (d) of Section 2-27-9.

22 §2-27-11

23 (a) Each person shall obtain a pesticide-use permit
24 from the commissioner before the person is eligible to
25 purchase and use a restricted-use pesticide. Application forms
26 for such permits shall be furnished by the commissioner, and
27 the permit shall be valid and effective for a period of time

1 to be established by rules and regulations of the State Board
2 of Agriculture and Industries unless sooner revoked by the
3 commissioner for cause as specified in rules and regulations
4 promulgated by the commissioner with approval of the board.

5 (b) Before any person is authorized to purchase and
6 use restricted-use pesticides for application or use thereof,
7 the person shall meet certain qualifications to be prescribed
8 pursuant to rules and regulations of the commissioner approved
9 by the board. The regulations shall be designed to satisfy the
10 requirements of the federal Insecticide, Fungicide, and
11 Rodenticide Act, as amended, and to determine whether the user
12 or applicator of restricted-use pesticides can use and apply
13 such products in a manner that will not endanger or be
14 injurious to human health and nontarget animals, wildlife,
15 vegetation, crops, and water or be detrimental to the general
16 environment and whether such user is familiar with methods of
17 safe storage, handling, use, applications, and disposal of
18 such pesticides and pesticide containers so as to avoid
19 hazardous effects that may result from any improper use,
20 handling, or application of such products.

21 c) In addition to any other requirement, the
22 applicant, for initial issuance or any reissuance of a permit
23 to purchase and use restricted-use pesticides, shall pay to
24 the commissioner a permit fee of not less than \$15 nor more
25 than \$60 per category of certification for a commercial
26 pesticide applicator permit, nor more than \$40 for
27 certification as a private pesticide applicator to be

1 determined by the board through the adoption of rules and
2 regulations. In determining the exact amount of the fee, the
3 board shall take into consideration whether the permit holder
4 is purchasing and using restricted-use pesticides for private
5 or commercial purposes. Pending the adoption of rules, the
6 permit fee shall be \$15. All moneys collected under this
7 section shall be deposited in the State Treasury to the credit
8 of the ~~Agricultural Fund~~ State General Fund.

9 §2-27-53

10 (a) No person may engage in the custom application
11 of pesticides within this state at any time without first
12 procuring an annual license from the commissioner. The fee for
13 such license which shall accompany the application for a
14 license shall be established by the Board of Agriculture and
15 Industries for the custom application of pesticides by the use
16 of ground equipment. The fee for a license where the applicant
17 will perform the custom application of pesticides by the use
18 of a single aircraft shall be established by the Board of
19 Agriculture and Industries. An applicant planning to use more
20 than one aircraft for the custom application of pesticides,
21 shall pay a fee established by the board for each additional
22 aircraft used in such work; provided, that the total amount
23 required to be paid for a license issued under this section
24 shall not exceed \$120.00, regardless of the number of planes
25 to be used by the applicant. Any person who engages in the
26 custom application of pesticides by the use of both ground
27 equipment and aircraft shall pay an annual license fee

1 established by the board to engage in such work where the
2 applicant will use only one aircraft. If the applicant will
3 use more than one aircraft, then a fee established by the
4 board for each additional aircraft so used shall be paid as
5 provided in this section, subject to the maximum amount
6 therein specified. The license required under this section
7 shall expire on December 31 of the year for which it is
8 issued, and shall be renewable as of January 1 of the
9 following year by payment of the annual license fee as
10 prescribed in this section and upon compliance with the other
11 requirements of this article. If the license fee is not paid
12 by February 15, or within 45 days from the due date, a
13 delinquent penalty of 10 percent shall be added to the amount
14 thereof. The application for a license shall be on forms
15 furnished by the commissioner and accompanied by the required
16 license fee. The application shall give all of the following
17 information:

18 (1) The name and address of applicant.

19 (2) The type of equipment he or she proposes to use,
20 including the number of aircraft, if such equipment is to be
21 used.

22 (3) Information regarding the applicant's
23 qualifications and proposed operation.

24 (4) Such other information as may be necessary for
25 the commissioner to determine whether or not he or she
26 qualifies for a license.

1 Any amount improperly or illegally collected under
2 this section as an overpayment may be refunded to the person
3 entitled thereto in accordance with Section 2-1-6.

4 (b) The commissioner shall require the applicant to
5 show upon written examination, given by the examining board
6 created and existing under the provisions of Section 2-28-2,
7 that he or she possesses adequate knowledge concerning the
8 proper use and application of pesticides and the dangers
9 involved and the precautions to be taken in connection with
10 their safe use, handling and application, together with other
11 factors related thereto. An applicant may also be required to
12 demonstrate knowledge and ability of the effective use of
13 pesticides for control, prevention, or eradication of diseases
14 and insects as authorized under authority of Chapter 28 of
15 this title. The examining board as presently constituted may
16 consult others on the scientific staff of Auburn University
17 for advice and assistance relating to requirements and
18 qualifications for persons to engage in custom application of
19 pesticides. An examination fee established by the Board of
20 Agriculture and Industries shall be paid and shall accompany
21 each application for an examination before any applicant for a
22 license is entitled to take the examination for a license as
23 required under this section. Before a license is issued to any
24 applicant, the applicant must be certified by the examining
25 board as qualified to perform the custom application of
26 pesticides. A full-time employee of the applicant, who has
27 been certified by the examining board as qualified to perform

1 the custom application of pesticides, may be designated by the
2 applicant as supervisor to be in charge of and responsible for
3 applicant's custom application of pesticides, and the license
4 may be issued designating the employee as supervisor, provided
5 the applicant otherwise qualifies for a license. License fees
6 and examination fees collected under this section, together
7 with the amount of any fines levied under Section 2-27-62,
8 shall be deposited in the State Treasury to the credit of the
9 ~~Agricultural Fund for use and expenditure for the~~
10 ~~administration and enforcement of this article~~ State General
11 Fund.

12 (c) If the commissioner finds the applicant
13 qualified, he or she shall issue an annual license to perform
14 custom application of pesticides within this state. The
15 license may restrict the applicant to the use of a certain
16 type or types of equipment or pesticide, material, substance,
17 or mixture thereof if the commissioner finds that the
18 applicant is qualified to use only such equipment or
19 pesticides. If the license is not issued as applied for, the
20 commissioner shall inform the applicant in writing of the
21 reasons therefor. In the event a license is refused or revoked
22 by the commissioner, the applicant may appeal the action of
23 the commissioner as provided in subsection (b) of Section
24 2-27-54.

25 §8-17-91

26 (a) The proceeds from the permit fees, inspection
27 fees, and penalties, if any, collected by the Commissioner of

1 Agriculture and Industries and the Revenue Commissioner
2 pursuant to Section 8-17-87 together with one-third of the
3 proceeds of the six cent (\$.06) additional motor fuel excise
4 tax levied on gasoline under subdivision (1) of subsection (a)
5 of Section 40-17-325, shall be paid into the State Treasury
6 and distributed by the State Treasurer as follows:

7 (1) An amount equal to five percent or no less than
8 \$175,000, whichever is greater, of the combined proceeds
9 received each month shall accrue to the credit of, and be
10 deposited in, the ~~Agricultural Fund~~ State General Fund; and

11 (2) The balance of the proceeds shall be distributed
12 as follows:

13 a. 13.87 percent of the balance of the proceeds
14 shall be distributed equally among each of the 67 counties of
15 the state monthly. The county shall deposit the proceeds into
16 the county's special RRR Fund as provided for in Section
17 40-17-362, and may use the proceeds so deposited for any
18 purpose authorized under that section.

19 b. \$408,981 shall be allocated to the State
20 Department of Transportation monthly and deposited in the
21 State Treasury to the credit of the Public Road and Bridge
22 Fund. Such funds are hereby appropriated to the State
23 Department of Transportation to be used to match federal aid
24 discretionary funds that may from time to time become
25 available to the State Department of Transportation. In the
26 event that in any fiscal year other State Department of
27 Transportation funds are insufficient to match the

1 department's regular federal aid apportionment, then at the
2 Director of the State Department of Transportation's
3 recommendation, and approval by the Governor, funds
4 appropriated under this subsection may be used to match the
5 federal aid apportionment.

6 c. 2.76 percent of the balance of the proceeds shall
7 be allocated among the incorporated municipalities of the
8 state as follows:

9 1. A portion of the municipalities' share of the
10 balance of the proceeds that is equal to 45.45 percent of the
11 municipalities' share of the balance of the proceeds shall be
12 allocated equally among the 67 counties of the state.

13 2. The entire residue of the municipalities' share
14 of the balance of the proceeds being an amount equal to 54.55
15 percent of the municipalities' share of the balance of the
16 proceeds shall be allocated among the 67 counties of the state
17 on the basis of the ratio of the population of each such
18 county to the total population of the state according to the
19 then next preceding federal decennial census, or any special
20 federal census heretofore held in any county subsequent to the
21 effective date of the 1980 federal decennial census.

22 3. The amount so allocated or apportioned to each
23 county shall be distributed among the municipalities in the
24 county with respect to which the allocation or apportionment
25 is made, each such distribution among the municipalities to be
26 on the basis of the ratio of the population of each such
27 municipality to the total population of all municipalities in

1 the applicable county according to the then next preceding
2 federal decennial census.

3 4. The population of any municipality incorporated
4 subsequent to the taking of the then next preceding federal
5 decennial census shall be deemed to be the population shown by
6 the census for that municipality taken pursuant to the
7 requirements of Section 11-41-4. Any municipality incorporated
8 after September 1983, shall not participate in the
9 distribution provided for in this section until the fiscal
10 year next succeeding the fiscal year during which it is
11 incorporated, the first distribution to such municipality to
12 be made in respect of receipts of the inspection fee by the
13 state during October of the fiscal year next succeeding the
14 incorporation.

15 5. Use of the inspection fee by a municipality shall
16 be for transportation planning, the construction,
17 reconstruction, maintenance, widening, alteration, and
18 improvement of public roads, bridges, streets, and other
19 public ways, including payment of the principal of and
20 interest on any securities at any time issued by the
21 municipality pursuant to law for the payment of which any part
22 of the net tax proceeds were or may be lawfully pledged;
23 provided, that no part of the balance of the proceeds referred
24 to in this section shall be expended contrary to the
25 provisions of the Constitution; and provided further, that
26 funds distributed to municipalities under the provisions of
27 this division shall not be commingled with other funds of the

1 municipality, except the municipalities' portion of the
2 highway gasoline tax, and shall be kept and disbursed by such
3 municipality from a special fund only for the purposes
4 hereinabove provided.

5 d. An additional five percent of the balance each
6 month computed after deducting the distributions in paragraphs
7 a. and c. shall accrue to the credit of, and be deposited in,
8 the ~~Agricultural Fund~~ State General Fund.

9 e. In addition to any and all other funds heretofore
10 or hereafter appropriated, for the fiscal year beginning
11 October 1, 2015, there is appropriated to the Department of
12 Revenue as a first charge against the fees collected pursuant
13 to this article, the sum of five hundred thousand dollars
14 (\$500,000) to offset the Revenue Department's costs to
15 implement and administer this article. Beginning October 1,
16 2016, and every year thereafter an amount equal to two and
17 one-half percent of the balance of the proceeds received each
18 month after deducting the distributions in paragraphs a., b.,
19 c., and d. or no less than eighty-seven thousand five hundred
20 dollars (\$87,500), whichever is greater, is appropriated and
21 shall accrue to the credit of, and be deposited to, the
22 Department of Revenue to offset its costs of collection.

23 f. The balance of the proceeds after a., b., c., d.,
24 and e. above have been distributed monthly shall accrue to the
25 credit of and be deposited in the Public Road and Bridge Fund.

1 (b) In the event of the collection hereunder from
2 any person of an amount in excess of the amount of all
3 inspection fees, interest, or penalties properly and lawfully
4 required to be paid by such person, such person may apply to
5 the Revenue Commissioner in the case of the inspection fees,
6 interest, and penalties paid to the Revenue Commissioner. In
7 the case of overpayment of the permit fees or penalties paid
8 to the Commissioner of Agriculture and Industries, the person
9 may apply to the Commissioner of Agriculture and Industries
10 for a refund of the amount of such overpayment. If such
11 application for refund is approved in whole or in part by the
12 commissioner, the commissioner shall submit to the state
13 Comptroller a statement, approved by the state Attorney
14 General, setting forth the amount determined to have been
15 overpaid and the date of the overpayment. If an application
16 for refund submitted to the Revenue Commissioner is approved
17 in whole or in part by the Revenue Commissioner, he or she
18 shall submit to the state Comptroller a statement, setting
19 forth the amount determined to have been overpaid and the date
20 of the overpayment. In each case, the state Comptroller shall
21 then draw his or her warrant in favor of the person making
22 such overpayment upon the State Treasurer for the amount
23 specified in the statement, and such amount shall be paid out
24 of current months' collections before any distribution is made
25 under subsection (a) of this section.

26 (c) The application for refund of the permit fees
27 provided for in this article shall be filed with the

1 Commissioner of Agriculture and Industries within 12 calendar
2 months from the date upon which the overpayment was made, and
3 no amount shall be refunded unless the application therefor is
4 filed within the time prescribed herein.

5 For any period prior to October 1, 2016, the
6 application for refund of the inspection fee provided for in
7 this article shall be filed with the Revenue Commissioner
8 within 12 calendar months from the date upon which the
9 overpayment was made, and no amount shall be refunded unless
10 the application therefor is filed within the time prescribed
11 herein. For the period beginning October 1, 2016, the
12 application for refund of the inspection fee provided for in
13 this article must be filed with the Revenue Commissioner
14 within the time limits provided by the Taxpayer Bill of Rights
15 in Chapter 2A of Title 40. No amount shall be approved for
16 refund by the Revenue Commissioner unless the application
17 therefor is filed within the time prescribed therein.

18 (d) The Department of Agriculture and Industries or
19 the Department of Revenue shall have authority to make and
20 issue rules and regulations relating to the procedure to be
21 followed in filing an application for a refund and for payment
22 of any refund made under this article.

23 (e) In the event of the collection from any person
24 by the Revenue Commissioner of an amount in excess of the
25 amount lawfully required for the six cent (\$.06) additional
26 motor fuel excise tax levied on gasoline under subdivision (1)
27 of subsection (a) of Section 40-17-325, when one-third of the

1 amounts so collected have been deposited in the State Treasury
2 and distributed as provided herein, any refund properly
3 approved by the Revenue Commissioner shall be paid out of
4 current months' collections before any distribution of the
5 current months' collections is made under subsection (a) of
6 this section.

7
8 On page 1, line 11, on page 1, line 24, and on page
9 2, line 6, after "28-3-184," insert the following:

10
11 "28-3-200,"

12
13 On page 50, after line 20, insert the following:

14
15 §28-3-200

16 In addition to all other taxes of every kind now
17 imposed by law and in addition to any marked-up price
18 authorized or required by law, there is hereby levied and
19 shall be collected a tax at the rate of 10 percent upon the
20 selling price of all spirituous or vinous liquors sold by the
21 Alabama Alcoholic Beverage Control Board.

22 The tax imposed by this section shall be computed at
23 the time the sale is made to the purchaser and shall be
24 collected by the board from said purchaser at the time the
25 purchase price is paid; provided, however, that if said tax
26 shall not be \$.05 or a multiple of \$.05 it shall be adjusted
27 up or down to the nearest multiple of \$.05.

1 Said tax, when collected, shall be paid to the State
2 Treasurer by the Alabama Alcoholic Beverage Control Board and
3 shall be by said treasurer credited to the ~~Alabama Alcoholic~~
4 ~~Beverage Control Board Store Fund to be distributed as~~
5 ~~provided by law~~ State General Fund.

6
7 On page 1, line 12, on page 1, line 25, and on page
8 2, line 7, after "28-3-202," insert the following:

9
10 "28-3-203,"

11
12 On page 52, after line 13, insert the following:

13
14 §28-3-203

15 (a) Repealed by Acts 1986, No. 86-212, p. 264, §3.

16 (b) Levy and collection. In addition to all other
17 taxes of every kind now imposed by law and in addition to any
18 marked-up price authorized or required by law, there is hereby
19 levied and shall be collected a tax at the rate of 13 percent
20 upon the selling price of all spirituous or vinous liquors
21 sold by the board. The tax imposed by this subsection shall be
22 collected by the board from the purchaser at the time the
23 purchase price is paid.

24 The markup as currently established by the board on
25 spirituous or vinous liquors shall not be reduced by the board
26 for the purpose of absorbing the tax levied by this

1 subsection, it being the intention of this provision that the
2 said tax shall be passed on to the purchaser.

3 ~~(c) Disposition of proceeds.~~

4 ~~(1) 38.5 percent of the~~ (c) All revenues collected
5 under the provisions of subsection (b) of this section shall
6 be paid into the State Treasury to the credit of the General
7 Fund.

8 ~~(2) 61.5 percent of the revenues collected under the~~
9 ~~provisions of subsection (b) of this section are hereby~~
10 ~~irrevocably pledged and hereby appropriated for the purposes~~
11 ~~of providing for payment of the principal of, premium, if any,~~
12 ~~and interest on, all bonds issued by the Alabama Mental Health~~
13 ~~Finance Authority, as authorized by Title 41, Chapter 10,~~
14 ~~Article 11, in the amount that may be necessary for such~~
15 ~~purposes to the extent and only to the extent that the~~
16 ~~revenues appropriated for such purposes under Section 40-25-23~~
17 ~~are not sufficient to pay at their respective maturities the~~
18 ~~principal of, premium, if any, and interest on, such bonds.~~

19 ~~(d)~~ (c) Any portion of the aforesaid 61.5 percent of
20 the revenues pledged and appropriated in subdivision (c) (2),
21 above, not needed in any fiscal year shall be deposited in the
22 State Treasury to the credit of the State General Fund.

23
24 On page 1, line 12, on page 1, line 25, and on page
25 2, line 7, after "28-7-16," insert the following:
26

1 "32-2-8, 32-6-5, 32-6-6.1, 32-6-49.19, 32-8-6,
2 33-5-10,"

3
4 On page 60, after line 8, insert the following:

5
6 §32-2-8

7 Whenever the Director of Public Safety is required
8 or allowed by law to furnish a copy of any record or report in
9 the department's files, the director shall set and collect a
10 fee not to exceed the sum of fifteen dollars (\$15) for each
11 record or report, unless a different fee is otherwise
12 prescribed by law. ~~Ten dollars (\$10) of the~~ The fee shall be
13 paid into the State Treasury and credited to the State General
14 Fund ~~and five dollars (\$5) shall be credited to the Department~~
15 ~~of Public Safety Highway Traffic Safety Fund.~~

16 §32-6-5

17 At the close of business on Monday of each week when
18 any application has been received or temporary instruction
19 permit provided for in this article has been issued, the judge
20 of probate or Department of Public Safety receiving the
21 application or issuing the permit shall prepare a report of
22 the same upon a form which shall be provided by the Director
23 of Public Safety. One copy of the report, together with all
24 applications received and copies of all permits issued, shall
25 be forwarded to the Director of Public Safety and one copy
26 shall be retained by the judge of probate. On the tenth day of
27 every month except October, November, and December, the judge

1 of probate and the Department of Public Safety shall prepare a
2 report showing the number of applications received and permits
3 issued and the amount of fees received during the previous
4 calendar month. In the months of October, November, and
5 December, the report shall be prepared on the twentieth day of
6 the month. One copy of a report shall be forwarded to the
7 Director of Public Safety, one to the Comptroller, and one to
8 the Treasurer, and the judge of probate shall retain a copy.
9 The judge of probate shall also at that time deliver to the
10 Treasurer the amount of all the fees collected, less one
11 dollar fifty cents (\$1.50) for each driver license or
12 identification card issued, which sum shall be retained by him
13 or her. Except in counties where the judge of probate is
14 compensated by fees, each one dollar fifty cents (\$1.50)
15 retained by the judge of probate shall be paid into the public
16 highway and traffic fund of the county. In counties where the
17 judge of probate is compensated by fees, two-fifths of each
18 one dollar fifty cents (\$1.50) retained by the judge of
19 probate shall be for his or her own use, and no other or
20 further charge shall be made by him or her for services
21 rendered in taking or receiving applications or issuing
22 permits, and the remaining three-fifths shall be paid into the
23 public highway and traffic fund of the county. This section,
24 providing for the allocation of the one dollar fifty cents
25 (\$1.50) retained by the judge of probate in counties where the
26 judge of probate is compensated by fees, shall not repeal any
27 local statutes or general statutes of local application

1 providing for a different allocation of the one dollar fifty
2 cents (\$1.50). The funds remitted to the State Treasurer under
3 this section, ~~except for that portion representing five~~
4 ~~dollars (\$5) for each license or card issued,~~ shall be
5 deposited to the credit of the General Fund and shall be
6 appropriated for public safety use. The Department of Public
7 Safety shall deliver the amount of all the fees collected by
8 the department to the State Treasurer less one dollar fifty
9 cents (\$1.50) for each driver's license or identification card
10 issued, which shall be remitted to the county general fund in
11 the county of issuance on the tenth day of the following
12 month. ~~From the funds remitted to the State Treasurer, the~~
13 ~~portion representing five dollars (\$5) shall be deposited into~~
14 ~~the~~ The Highway Traffic Safety Fund for the Department of
15 Public Safety ~~which~~ is hereby created within the State
16 Treasury. All money deposited in the State Treasury to the
17 credit of the Highway Traffic Safety Fund for the Department
18 of Public Safety shall be expended for law enforcement
19 purposes. No money shall be withdrawn or expended from the
20 fund for any law enforcement purpose unless the money has been
21 allotted and budgeted in accordance with Article 4, commencing
22 with Section 41-4-80, of Chapter 4 of Title 41, and only in
23 the amounts and for the law enforcement purposes provided by
24 the Legislature in the general appropriations bill.

25 §32-6-6.1

26 In addition to any other fees imposed for issuance
27 of a driver's license and photo nondriver identification card,

1 the Department of Public Safety shall impose an additional fee
2 of fifty cents (\$.50) for each driver's license and photo
3 nondriver identification card issued. The fee collected under
4 this section shall be allocated ~~and appropriated to the~~
5 ~~Alabama Veterans Living Legacy Trust Fund created by the~~
6 ~~Alabama Veterans Living Legacy Act of 2008, Division 2,~~
7 ~~commencing with Section 16-44A-50, of Article 2 of Chapter~~
8 ~~44A, and expenditures of such fee pursuant to the master plan~~
9 ~~for facilities, programs, and outreach provided by that~~
10 ~~division and its related programs~~ to the State General Fund.

11 §32-6-49.19

12 (a) For the purpose of defraying the cost of issuing
13 commercial drivers' license, the judge of probate or license
14 commissioner shall collect for each Class A commercial driver
15 license the sum of fifty dollars (\$50); the sum of forty
16 dollars (\$40) for each Class B commercial driver license; and
17 the sum of twenty dollars (\$20) for each Class C commercial
18 driver license and commercial driver license learner's permit.
19 The fee for any school bus driver license shall be twenty
20 dollars (\$20) and the license shall be restricted to the
21 operation of a school bus and noncommercial vehicle. These
22 licenses shall be issued for a period of four years, except a
23 commercial driver license learner's permit which shall be
24 issued for a period of one year.

25 (b) The additional revenue from the additional fees
26 collected pursuant to this section, as amended by Act

1 2004-521, shall be deposited in the ~~Highway Traffic Safety~~
2 ~~Fund of the Department of Public Safety~~ State General Fund.

3 §32-8-6

4 (a) There shall be paid to the department for
5 issuing and processing documents required by this chapter a
6 fee of fifteen dollars (\$15) for each of the following
7 transactions:

8 (1) Each application for certificate of title;

9 (2) Each application for replacement or corrected
10 certificate of title;

11 (3) Each application for certificate of title after
12 transfer;

13 (4) Each notice of security interest;

14 (5) Each assignment by lienholder;

15 (6) Each application for ordinary certificate of
16 title upon surrender of a distinctive certificate; or

17 (7) Each application for the title history on a
18 vehicle.

19 (b) The designated agents shall add the sum of one
20 dollar fifty cents (\$1.50) for each transaction, as specified
21 in subsection (a), processed for which this fee is charged to
22 be retained as the agent's commission for services rendered,
23 and all other fees collected shall be remitted to the
24 department in a manner prescribed by the department.

25 (c) If more than one transaction is involved in any
26 application on a single vehicle and if supported by all
27 required documents, the fee charged by the department and by

1 the designated agent for processing and issuing shall be
2 considered as only one transaction for which the designated
3 agent shall receive and retain one dollar fifty cents (\$1.50)
4 and shall collect and remit to the department fifteen dollars
5 (\$15).

6 (d) Every transaction shall be accompanied by the
7 fee specified in this chapter, regardless of whether the title
8 is issued electronically or not, unless specifically exempted
9 by this chapter.

10 (e) Notwithstanding any other provisions of this
11 section, when any motor vehicle record, as prescribed by the
12 department, is requested, other than a title history as
13 provided in subdivision (7) of subsection (a), and the record
14 is provided electronically or in the form of a printout of an
15 electronic record, the fee shall be five dollars (\$5). The
16 five dollar (\$5) fee shall be distributed ~~as follows: Fifty~~
17 ~~percent shall be distributed to the State General Fund and the~~
18 ~~remaining 50 percent shall be retained by the department for~~
19 ~~use solely by the Motor Vehicle Division of the department for~~
20 ~~training and technological and processing improvements.~~

21 (f) The department may establish and charge a fee
22 not greater than the fee provided in subsection (e) for motor
23 vehicle records obtained through the national motor vehicle
24 title information system and provided to end users. The fee
25 shall be retained by the department for use solely by the
26 motor division of the department for costs associated with

1 providing the records, training, and technological and
2 processing improvements.

3 (g) All motor vehicle title records, registration
4 records, and any other motor vehicle records as designated by
5 the department containing personal information as defined
6 under state or federal law, rules, or regulations shall only
7 be released by the department in accordance with such laws,
8 rules, or regulations. The department may establish procedures
9 to insure that all motor vehicle record disclosures are
10 handled in a uniform manner.

11 (h) The department may prescribe the method of
12 payment of any fees required under this chapter.

13 §33-5-10

14 (a) The Department of Conservation and Natural
15 Resources will issue annual certificates of registration
16 directly and shall authorize all probate judges in the state
17 or any other official in the state who is presently authorized
18 to issue automobile license plates to issue annual
19 certificates of registration and numbers in connection
20 therewith. In conformity with this article and any rules and
21 regulations which may be validly issued by the Department of
22 Conservation and Natural Resources, the Department of
23 Conservation and Natural Resources shall assign to each
24 issuing officer in the county a block of numbers and
25 certificates therefor which upon issue the issuing officer
26 shall be allowed a fee of two dollars (\$2) for each
27 certificate issued by him or her. In counties where the

1 probate judge or issuing officer is on the fee system, the
2 issuing fee shall be retained by the probate judge, and, in
3 counties where the issuing officer or probate judge is on a
4 salary basis, the fee shall be paid to the county treasury.
5 The issuance fee provided for herein shall be in addition to
6 the amount of the boat registration fee.

7 (b) All registration money, except the two dollar
8 (\$2) fee allowed as aforesaid, shall be remitted monthly to
9 the Department of Conservation and Natural Resources not later
10 than 10 days after the first of each month. The Department of
11 Conservation and Natural Resources shall transmit all money
12 received by it to the State Treasurer, there to be deposited
13 in ~~a fund to be known as the "State Water Safety Fund."~~ the
14 State General Fund.

15 ~~(c) All moneys received out of the sale of licenses~~
16 ~~under the provisions of this article may be used by the~~
17 ~~Commissioner of the Department of Conservation and Natural~~
18 ~~Resources for all purposes reasonably necessary in the cost of~~
19 ~~administration of this article, including the printing of~~
20 ~~certificates of registration, postage and transportation~~
21 ~~charges, clerical, personnel, equipment purchases, salaries,~~
22 ~~and other expenses for each year; except, that no funds~~
23 ~~collected under the provisions of this article may be used to~~
24 ~~supplement or pay the salaries of any enforcement officers~~
25 ~~other than those hired specifically for the purposes of~~
26 ~~administering the provisions of this article. The Commissioner~~
27 ~~of the Department of Conservation and Natural Resources shall~~

1 ~~expend such moneys as may be appropriated to the Marine Police~~
2 ~~Division, in such manner as the Commissioner of Conservation~~
3 ~~and Natural Resources may deem necessary and appropriate;~~
4 ~~provided, however, that such appropriations may be expended~~
5 ~~only for the purposes designated by the Legislature and in the~~
6 ~~amounts provided therefor in the general appropriation bill~~
7 ~~and shall be budgeted and allotted in accordance with the~~
8 ~~provisions of Article 4 of Chapter 4 of Title 41. It is the~~
9 ~~intent of the Legislature that the Department of Conservation~~
10 ~~and Natural Resources utilize existing personnel and equipment~~
11 ~~of that department and of the sheriffs of this state to the~~
12 ~~maximum possible extent in enforcing and administering this~~
13 ~~article, to the end that there be no costly duplication of~~
14 ~~services.~~

15
16 On page 1, line 14, on page 2, line 1, and on page
17 2, line 9, delete "and".

18
19 On page 1, line 14, on page 2, line 1, and on page
20 2, line 9, after "40-25-23", insert the following:

21
22 ", and 40-26-20"

23
24 On page 80, after line 27, insert the following:

25
26 §40-26-20

1 One-fifth of the proceeds of the tax levied by this
2 chapter in counties which are members of the Alabama Mountain
3 Lakes Association, after deduction of an agreed upon cost of
4 collection between the counties involved and the state
5 Department of Revenue, such cost of collection not to exceed
6 five percent, shall be appropriated in the following manner:
7 Fifty percent of said portion shall be appropriated to the
8 Alabama Mountain Lakes Association to be used for promotion of
9 tourism and travel. The remaining fifty percent of said
10 portion shall be paid to the respective counties to be used
11 for the promotion of tourism, recreation and conventions. Said
12 money shall be controlled by the county commission unless
13 local law provides otherwise. The balance of all taxes or
14 other funds received or collected by the department under the
15 provisions of this chapter shall be without delay deposited in
16 the State Treasury. ~~Three-fourths of said balance of the~~
17 ~~revenue derived under this chapter and~~ and shall be deposited into
18 the State General Fund, ~~and the remaining one-fourth shall be~~
19 ~~used exclusively for state travel advertising and travel~~
20 ~~promotion by the State Bureau of Tourism and Travel from the~~
21 ~~appropriation made by the Legislature.~~