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3 HOUSE COMMERCE AND SMALL BUSINESS SUBSTITUTE FOR HB345  
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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 and the State General Fund, and would authorize  
16 certain local laws.

17  
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, 22-30B-4, and 22-30B-4.1, Code  
24 of Alabama 1975, relating to the distribution of the proceeds  
25 of hazardous waste disposal facility fees; to provide further  
26 for the distribution of fee proceeds to counties having a  
27 commercial site for hazardous waste disposal, and the State

1 General Fund; to provide further for the distribution of  
2 certain state fees by local law; and to provide for the  
3 authorization for certain local laws.

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, 22-30B-4, and 22-30B-4.1, Code  
7 of Alabama 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), beginning October 1, 2015, shall be distributed as  
11 follows:

12 ~~"(1) Twenty-five percent to each county having a  
13 commercial site for the disposal of hazardous waste or  
14 hazardous substances.~~

15 ~~"(2) Seventy-five percent to the State General Fund  
16 with the first four hundred fifty thousand dollars (\$450,000)  
17 each year earmarked for appropriation to the Department of  
18 Environmental Management. It is the intent of the Legislature  
19 that funding for the department provided in this subsection be  
20 additional funding and shall not reduce any other  
21 appropriations from the State General Fund~~

22 "(1) The first three hundred thousand dollars  
23 (\$300,000) annually to each county having a commercial site  
24 for the disposal of hazardous wastes, which amount shall be  
25 distributed by local law. At the end of each month, all  
26 receipts that are available shall be distributed to the county

1 until the three hundred thousand dollar (\$300,000) amount is  
2 fully distributed.

3 "(2) After the annual distribution in subdivision  
4 (1) is made, such amounts as are necessary to meet the annual  
5 guaranteed amount of four million two hundred thousand dollars  
6 (\$4,200,000) to the county as provided by this section.

7 "(3) After the distributions are made pursuant to  
8 subdivisions (1) and (2), any remaining amounts shall be  
9 distributed as follows:

10 "a. Fifty percent to the State General Fund.

11 "b. Fifty percent to the county.

12 "§22-30B-4.

13 ~~"(a) From the funds Funds guaranteed to any county~~  
14 ~~as set forth in Section 22-30B-2.1, \$.40 per ton shall be~~  
15 ~~expended for health purposes and the remainder for such~~  
16 ~~purposes as may shall be appropriated and expended for such~~  
17 ~~purposes as provided by local act.~~

18 ~~"(b) It is further provided that all provisions~~  
19 ~~relating to the state fee including date of payment, required~~  
20 ~~reporting, penalties, interest, property liens, record~~  
21 ~~keeping, recovery of overpayment, and prosecution for~~  
22 ~~violations shall also apply to the county fees levied by this~~  
23 ~~section.~~

24 "§22-30B-4.1.

25 ~~"No county benefitting from the funds set forth in~~  
26 ~~Section 22-30B-2.1 shall enact Nothing in this title or any~~  
27 ~~other law shall prevent any local law levying an additional~~

1 fee to be paid by the operators of commercial sites for the  
2 disposal of hazardous waste or hazardous substances."

3 Section 2. This act shall become effective upon its  
4 passage and approval by the Governor, or its otherwise  
5 becoming a law, and shall be applied retroactively to April 1,  
6 2015.