

1 HB127
2 129845-5
3 By Representatives Roberts, Rich, Merrill, Greer, Williams
4 (D), Johnson (W), Baughn, Beckman, Rogers, Collins, Wallace,
5 Nordgren, Weaver, Jones, Buttram, McCutcheon, Thomas, Hubbard
6 (J), Henry, McMillan, Robinson (J), Farley, Robinson (O),
7 Tuggle, Hammon, Long, Mitchell, Newton (D), Grimsley,
8 Treadaway, McAdory and McClendon
9 RFD: Commerce and Small Business
10 First Read: 03-MAR-11

1 any fiscal year of the state, beginning with the fiscal year
2 ending September 30, 1987, the Director of the Alabama State
3 Docks Department shall have notified the Director of Finance
4 in writing, at least five days prior to the close of the
5 fiscal year, that the revenues to be derived by the Alabama
6 State Docks Department from the operations of its coal
7 handling facilities for the then current fiscal year are
8 anticipated to be insufficient to pay the aggregate of (1) the
9 expenses (exclusive of depreciation) incurred in operating and
10 maintaining the facilities during such fiscal year and (2)
11 principal and interest that came due during such fiscal year
12 on those bonds of the Alabama State Docks Department for
13 payment of which the revenues have been pledged (which
14 notification shall specify the amount of the expected
15 deficiency), then the remaining severance tax proceeds shall
16 remain in the Alabama State Docks Bulk Handling Facility Trust
17 Fund and shall not be transferred to the State General Fund.
18 Following the filing of such notification, a report shall be
19 filed by the Director of the Alabama State Docks Department
20 with the Director of Finance within 30 days after the close of
21 such fiscal year, supported by such documentation as may be
22 deemed appropriate by the Director of Finance and attesting to
23 the amount of the actual deficiency, computed as described
24 above, incurred in the operation of the facilities during the
25 immediately preceding fiscal year. Upon receipt of the report
26 and such other documentation from the department as the

1 Director of Finance may specify, the Director of Finance, if
2 satisfied as to the accuracy of the amount of the actual
3 deficiency as reflected in the report and accompanying
4 documentation, shall authorize to be transferred, and to the
5 extent herein provided there is hereby in such event
6 appropriated, to the Alabama State Docks Department an amount
7 equal to the lesser of (i) the actual amount of any deficiency
8 computed as described herein or (ii) the balance contained in
9 the Alabama State Docks Bulk Handling Facility Trust Fund as
10 of the immediately preceding September 30. Beginning with the
11 1992-93 fiscal year, the first three hundred thousand dollars
12 (\$300,000) of any moneys remaining in the Alabama State Docks
13 Bulk Handling Facility Trust Fund after such transfer to the
14 Alabama State Docks Department shall be transferred directly
15 to the Alabama Mining Academy. ~~Five hundred thousand dollars~~
16 ~~(\$500,000)~~ Five hundred ninety-four thousand dollars
17 (\$594,000) shall be transferred to the Tuscaloosa County
18 ~~General Fund; five hundred thousand dollars (\$500,000)~~ four
19 ~~General Fund; five hundred thousand dollars (\$500,000)~~ hundred
20 ~~twelve thousand four hundred dollars (\$412,400)~~ to the to the
21 Jefferson County General Fund; and two hundred thousand
22 dollars (\$200,000) to the Walker County Economic and
23 Industrial Development Authority and any remaining moneys
24 shall be credited to the State General Fund. The Tuscaloosa
25 County General Fund allocation shall be distributed as
26 follows: One hundred thousand dollars (\$100,000) to the Town

1 of Vance; one hundred thousand dollars (\$100,000) to the Town
2 of Brookwood; ~~one hundred twenty-five thousand dollars~~
3 ~~(\$125,000)~~ fifteen thousand dollars (\$15,000) to the Town of
4 Coaling; fifteen thousand dollars (\$15,000) to the Town of
5 Lake View; one hundred thirty-five thousand dollars (\$135,000)
6 to the Tuscaloosa County Public Library; and ~~two hundred~~
7 ~~thousand dollars (\$200,000)~~ two hundred thirteen thousand
8 dollars (\$213,000) to the Tuscaloosa County Board of
9 Education, fifteen thousand dollars (\$15,000) to Tuscaloosa
10 County Courthouse Law Library Fund. In any year in which the
11 total amount allocated to the Tuscaloosa County General Fund,
12 the Jefferson County General Fund, and the Walker County
13 Economic and Industrial Development Authority is insufficient
14 to provide the total allocations for the three, the amount
15 that is available shall be prorated among the three in the
16 same proportion as the designated allocations. ~~In the event~~
17 ~~the Tuscaloosa County General Fund receives less than five~~
18 ~~hundred thousand dollars (\$500,000), the distributions to the~~
19 ~~Town of Vance, the Town of Brookwood, and the Tuscaloosa~~
20 ~~County Public Library shall collectively have priority. In the~~
21 ~~event the allocation to the Tuscaloosa County General Fund is~~
22 ~~less than three hundred twenty-five thousand dollars~~
23 ~~(\$325,000), the total amount available shall be prorated among~~
24 ~~the Town of Vance, the Town of Brookwood, and the Tuscaloosa~~
25 ~~County Public Library in the same proportion as the designated~~
26 ~~allocations.~~

1 "(b) In addition to the above amounts, beginning
2 with the ~~2006-07~~ 2011-2012 fiscal year, fifty thousand dollars
3 (\$50,000) to the Community Development Foundation, Inc., fifty
4 thousand dollars (\$50,000) to the Marion County Community
5 Development Association, Inc., fifty thousand dollars
6 (\$50,000) to the Jackson County Economic Development
7 Association, one hundred thousand dollars (\$100,000) to the
8 West Alabama Development Association of Fayette County, one
9 hundred thousand dollars (\$100,000) to the West Alabama
10 Economic Development Association, and ~~forty-nine one hundred~~
11 ~~thousand dollars (\$100,000) shall be transferred to the~~
12 ~~Community Development Foundation, Inc., one hundred thousand~~
13 ~~dollars (\$100,000) shall be transferred to the Marion County~~
14 ~~Community Development Association, Inc., one hundred thousand~~
15 ~~dollars (\$100,000) shall be transferred to the West Alabama~~
16 ~~Development Association of Fayette County, one hundred~~
17 ~~thousand dollars (\$100,000) shall be transferred to the~~
18 ~~Jackson County Economic Development Association, and one~~
19 ~~hundred thousand dollars (\$100,000) shall be transferred to~~
20 ~~the West Alabama Economic Development Association. one hundred~~
21 ~~eighty-four thousand eight hundred dollars (\$184,800) shall be~~
22 ~~transferred to the Fayette County General Fund and forty-nine~~
23 ~~and forty-nine thousand four hundred dollars (\$49,400) shall~~
24 ~~be transferred to the Winston County General Fund.~~

25 ~~"Any foundation or association receiving funds~~
26 ~~pursuant to this amendatory act shall be annually audited by~~

1 ~~the Examiners of Public Accounts and such audit shall be~~
2 ~~submitted to the Legislature each legislative session.~~

3 "(c) Of the above amount to the Alabama Mining
4 Academy, a small portion of said sum shall be used to retrain
5 Alabama coal miners, who have been terminated from their
6 employment, for other occupational opportunities.

7 "(d) Notwithstanding the provisions of this section,
8 one hundred fifty thousand dollars (\$150,000) annually shall
9 be distributed for the support of the Tennessee-Tombigbee
10 Waterway Development Compact.

11 "§40-13-8.

12 "The excise and privilege tax imposed by this
13 article shall terminate on October 1, ~~2011~~ 2016, unless
14 extended by an act of the Legislature of the State of
15 Alabama."

16 Section 2. If the coal excise and privilege tax
17 levied in Section 40-13-2 of the Code of Alabama 1975, does
18 not generate enough to distribute the amounts provided for to
19 the entities in Section 1 of this bill, then the amounts
20 distributed shall be prorated accordingly.

21 Section 3. All laws or parts of laws which conflict
22 with this act are repealed.

23 Section 4. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Commerce and
Small Business..... 03-MAR-11

Read for the second time and placed
on the calendar with 1 substitute
and..... 21-APR-11

Read for the third time and passed
as amended..... 04-MAY-11

Yeas 93, Nays 0, Abstains 3

Greg Pappas
Clerk