

1 HB251  
2 115870-3  
3 By Representative Mask  
4 RFD: Government Appropriations  
5 First Read: 14-JAN-10

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, funds remaining in the  
9 Alabama State Docks Bulk Handling Facility Trust  
10 Fund after the transfer is made to the Alabama  
11 State Docks Department are transferred to the  
12 Alabama Mining Academy, the Tuscaloosa County  
13 General Fund, the Jefferson County General Fund,  
14 the Walker County Economic and Industrial  
15 Development Authority, the Community Development  
16 Foundation, Inc., the Marion County Community  
17 Development Association, Inc., the West Alabama  
18 Development Association of Fayette County, the  
19 Jackson County Economic Development Association,  
20 the West Alabama Economic Development Association,  
21 and then to the State General Fund.

22 This bill would remove all transfers except  
23 the transfer to the State General Fund.

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

To amend Section 40-13-6, Code of Alabama 1975, relating to the Alabama State Docks Bulk Handling Facility Trust Fund, to remove all current transfers of excess funds except the transfer to the State General Fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-13-6, Code of Alabama 1975 is amended to read as follows:

"§40-13-6.

(a) In each fiscal year when the funds then on deposit in the special fund or funds created for retirement of the bonds equal the amount needed to pay all the principal and interest becoming payable on the bonds within the succeeding 12 months and the funds then on deposit in the reserve fund or funds created for the bonds equal the maximum principal and interest becoming due on the bonds in any one year, the severance tax proceeds remaining in the Alabama State Docks Bulk Handling Facility Trust Fund, shall be credited to the State General Fund; provided however, that if at the end of any fiscal year of the state, beginning with the fiscal year ending September 30, 1987, the Director of the Alabama State Docks Department shall have notified the Director of Finance in writing, at least five days prior to the close of the fiscal year, that the revenues to be derived by the Alabama State Docks Department from the operations of its coal handling facilities for the then current fiscal year are anticipated to be insufficient to pay the aggregate of (1) the

1 expenses (exclusive of depreciation) incurred in operating and  
2 maintaining the facilities during such fiscal year and (2)  
3 principal and interest that came due during such fiscal year  
4 on those bonds of the Alabama State Docks Department for  
5 payment of which the revenues have been pledged (which  
6 notification shall specify the amount of the expected  
7 deficiency), then the remaining severance tax proceeds shall  
8 remain in the Alabama State Docks Bulk Handling Facility Trust  
9 Fund and shall not be transferred to the State General Fund.  
10 Following the filing of such notification, a report shall be  
11 filed by the Director of the Alabama State Docks Department  
12 with the Director of Finance within 30 days after the close of  
13 such fiscal year, supported by such documentation as may be  
14 deemed appropriate by the Director of Finance and attesting to  
15 the amount of the actual deficiency, computed as described  
16 above, incurred in the operation of the facilities during the  
17 immediately preceding fiscal year. Upon receipt of the report  
18 and such other documentation from the department as the  
19 Director of Finance may specify, the Director of Finance, if  
20 satisfied as to the accuracy of the amount of the actual  
21 deficiency as reflected in the report and accompanying  
22 documentation, shall authorize to be transferred, and to the  
23 extent herein provided there is hereby in such event  
24 appropriated, to the Alabama State Docks Department an amount  
25 equal to the lesser of (i) the actual amount of any deficiency  
26 computed as described herein or (ii) the balance contained in  
27 the Alabama State Docks Bulk Handling Facility Trust Fund as

1 of the immediately preceding September 30. Beginning with the  
2 1992-93 fiscal year, the first three hundred thousand dollars  
3 (\$300,000) of any moneys remaining in the Alabama State Docks  
4 Bulk Handling Facility Trust Fund after such transfer to the  
5 Alabama State Docks Department shall be transferred directly  
6 to the Alabama Mining Academy. Five hundred thousand dollars  
7 (\$500,000) shall be transferred to the Tuscaloosa County  
8 General Fund; five hundred thousand dollars (\$500,000) to the  
9 Jefferson County General Fund; and two hundred thousand  
10 dollars (\$200,000) to the Walker County Economic and  
11 Industrial Development Authority and ~~a~~Any remaining moneys  
12 shall be credited to the State General Fund. The Tuscaloosa  
13 County General Fund allocation shall be distributed as  
14 follows: One hundred thousand dollars (\$100,000) to the Town  
15 of Vance; one hundred thousand dollars (\$100,000) to the Town  
16 of Brookwood; one hundred twenty-five thousand dollars  
17 (\$125,000) to the Tuscaloosa County Public Library; and one  
18 hundred seventy-five thousand dollars (\$175,000) to the  
19 Tuscaloosa County Board of Education. In any year in which the  
20 total amount allocated to the Tuscaloosa County General Fund,  
21 the Jefferson County General Fund, and the Walker County  
22 Economic and Industrial Development Authority is insufficient  
23 to provide the total allocations for the three, the amount  
24 that is available shall be prorated among the three in the  
25 same proportion as the designated allocations. In the event  
26 the Tuscaloosa County General Fund receives less than five  
27 hundred thousand dollars (\$500,000), the distributions to the

1 ~~Town of Vance, the Town of Brookwood, and the Tuscaloosa~~  
2 ~~County Public Library shall collectively have priority. In the~~  
3 ~~event the allocation to the Tuscaloosa County General Fund is~~  
4 ~~less than three hundred twenty-five thousand dollars~~  
5 ~~(\$325,000), the total amount available shall be prorated among~~  
6 ~~the Town of Vance, the Town of Brookwood, and the Tuscaloosa~~  
7 ~~County Public Library in the same proportion as the designated~~  
8 ~~allocations.~~

9 ~~(b) In addition to the above amounts, beginning with~~  
10 ~~the 2006-07 fiscal year, one hundred thousand dollars~~  
11 ~~(\$100,000) shall be transferred to the Community Development~~  
12 ~~Foundation, Inc., one hundred thousand dollars (\$100,000)~~  
13 ~~shall be transferred to the Marion County Community~~  
14 ~~Development Association, Inc., one hundred thousand dollars~~  
15 ~~(\$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.~~

21 ~~Any foundation or association receiving funds~~  
22 ~~pursuant to this amendatory act shall be annually audited by~~  
23 ~~the Examiners of Public Accounts and such audit shall be~~  
24 ~~submitted to the Legislature each legislative session.~~

25 ~~(c) Of the above amount to the Alabama Mining~~  
26 ~~Academy, a small portion of said sum shall be used to retrain~~

1 ~~Alabama coal miners, who have been terminated from their~~  
2 ~~employment, for other occupational opportunities.~~

3           Section 2. This act shall become effective  
4 immediately followings its passage and approval by the  
5 Governor, or its otherwise becoming law.