

1 SB250
2 126161-1
3 By Senators Sanford, Beason, Blackwell, Whatley, McGill,
4 Scofield, Bussman, Dial and Holtzclaw
5 RFD: Finance and Taxation General Fund
6 First Read: 22-MAR-11

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8 SYNOPSIS: This bill amends Section 37-4-23, Code of
9 Alabama 1975, to change the distribution of the
10 Inspection and Supervision Fees of the Public
11 Service Commission.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 To amend Section 37-4-23, Code of Alabama 1975, to
18 change the distribution of the Inspection and Supervision Fees
19 of the Public Service Commission.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 37-4-23, Code of Alabama 1975, is
22 amended to read as follows:

23 "§37-4-23.

24 Each utility, as defined in this chapter, doing
25 business in this state and subject to the control and
26 jurisdiction of the commission with respect to its rates and
27 service regulations, shall pay quarterly to the commission

1 beginning November 1, 1985 and on each quarter thereafter
2 February 1, May 1, August 1, and November 1 of each year, a
3 fee for the inspection and supervision of such business. Such
4 inspection and supervision fees shall be paid by such
5 utilities in addition to any and all property, franchise,
6 licence, intangible and other taxes, fees and charges now or
7 hereafter provided by law. No similar inspection and
8 supervision fees shall be levied or assessed by any county or
9 municipality of the state, and no part of such inspection and
10 supervision fees shall be allowed to any county or
11 municipality of this state. Such inspection and supervision
12 fee shall be measured by the amount of the gross receipts of
13 each such utility for the fiscal year next preceding the dates
14 fixed in this article for the payment of the same, except that
15 in case of such utilities engaged in interstate business, the
16 fees shall be measured by the gross receipts of such utilities
17 from intrastate business only, for such preceding fiscal year,
18 and not in any respect upon receipts derived wholly or in part
19 from interstate business. Such fees shall be ascertained as
20 follows: A fee of \$2.85 per \$1,000.00 for the first
21 \$100,000.00 or less of such gross receipts; a fee of \$2.35 per
22 \$1,000.00 for each additional \$1,000.00 of such gross receipts
23 up to and including \$1,000,000.00 thereof; and a fee of \$1.85
24 per \$1,000.00 for each additional \$1,000.00 of such gross
25 receipts over \$1,000,000.00 thereof; but in no case shall said
26 fee be less than \$25.00, which shall be the minimum inspection
27 and supervision fee to be paid by any utility. However, all

1 utilities with gross intrastate receipts in excess of
2 \$60,000,000.00 per calendar year will continue to submit the
3 quarterly payment of fees, as due on the intrastate gross
4 receipts of the fiscal year ended September 30, 1984, through
5 August 1, 1985. On September 1, 1985 such utilities shall pay
6 fees due based on gross receipts for the calendar quarter
7 ended December 31, 1984. Beginning November 1, 1985 such
8 companies shall pay over on a quarterly basis fees based on
9 gross receipts for the calendar quarter ended March 31, 1985
10 and henceforth for the calendar quarters ending June 30,
11 September 30, December 31 and March 31 of each year on the
12 following February 1, May 1, August 1 and November 1 of each
13 year respectively. The commission shall keep a true record of
14 all such amounts so paid to it, but said amounts when received
15 by the commission shall be promptly paid over to the treasurer
16 and fifty percent (50%) shall be transferred to the State
17 General Fund and fifty percent (50%) shall be held in the
18 commission's operating fund by him except those funds
19 identified in Section 37-4-88 which are designated for the
20 "gas pipeline safety fund," and shall be paid out by the
21 treasurer in payment of expenses incurred by the commission
22 under this title upon warrants drawn by the comptroller on the
23 treasurer, and approved by said commission or a majority
24 thereof. Subject to the provisions of the merit system, the
25 commission shall have power to employ such assistants as may
26 be found necessary to aid the commission in such regulation,
27 and to make payment for any necessary traveling or incidental

1 expenses incurred in connection with such regulation, which
2 shall be paid out of said fund as aforesaid, so far as it may
3 be available. Payment of the supervision and inspection fees
4 provided for under this section shall in all respects be
5 governed by the provisions of Section 37-4-24.

6 Section 2. This act shall become effective on
7 October 1, 2011 following its passage and approval by the
8 Governor or its otherwise becoming law.