

1 HB15  
2 207782-4  
3 By Representatives Reynolds and Whitt  
4 RFD: Ways and Means General Fund  
5 First Read: 02-FEB-21  
6 PFD: 10/22/2020

1  
2 ENROLLED, An Act,

3           Relating to the disbursement of certain license  
4 taxes and registration fees; to amend Section 40-12-270, Code  
5 of Alabama 1975, to provide for an annual distribution to the  
6 Alabama Law Enforcement Agency.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8           Section 1. Section 40-12-270, Code of Alabama 1975  
9 is hereby amended to read as follows:

10           "§40-12-270.

11           "(a) The moneys collected each month by the judge of  
12 probate from motor vehicle license taxes and registration  
13 fees, after deducting therefrom the amounts referred to in  
14 subdivisions (1) and (2) of subsection (a) of Section  
15 40-12-269, the moneys remaining after making the said  
16 deductions being referred to in this section as "the net  
17 proceeds," shall be disbursed by the judge of probate as  
18 follows:

19           "(1) That portion of the net proceeds that consists  
20 of additional amounts paid under the schedule of additional  
21 amounts set forth in subsection (b) of Section 40-12-248 shall  
22 be remitted by the judge of probate to the State Treasurer who  
23 shall distribute said amounts as follows:

24           "a. 64.75 percent of said amounts shall be  
25 distributed by the State Treasurer to the State of Alabama;

1            "b. 35.25 percent of said amounts shall be  
2 apporportioned and distributed by the State Treasurer among the  
3 67 counties as follows:

4            "1. A portion of the counties' share of the net tax  
5 proceeds that is equal to 42.16 percent of the total net tax  
6 proceeds distributed to counties under paragraph (a)(1)b of  
7 this section, shall be allocated equally among the 67 counties  
8 of the state.

9            "2. The entire residue of the counties' share of the  
10 net tax proceeds, being an amount equal to 57.84 percent of  
11 the total net tax proceeds distributed to counties under  
12 paragraph (a)(1)b of this section, shall be allocated among  
13 the 67 counties of the state on the basis of the ratio of the  
14 population of each county to the total population of the state  
15 according to the then next preceding federal decennial census,  
16 or any special federal census heretofore held in any county  
17 subsequent to the effective date of the 1980 federal decennial  
18 census.

19            "(2) The entire residue of the net proceeds  
20 remaining after compliance with subdivision (1) of this  
21 subsection shall be distributed as follows:

22            "a. Seventy-two percent of the said residue,  
23 referred to in this subdivision, shall be distributed to the  
24 State of Alabama and shall be remitted by the judge of probate  
25 to the State Treasurer;

1            "b. Twenty-one percent of the said residue, referred  
2 to in this subdivision, shall be remitted by the judge of  
3 probate to the municipality in which the owner of the motor  
4 vehicle resides or with respect to which it is registered as  
5 required by law, or, if the said owner does not reside in, or  
6 the motor vehicle is not required by law to be registered with  
7 respect to, an incorporated municipality, then to the county  
8 in which the license tax or registration fee with respect to  
9 the said motor vehicle is paid; and

10           "c. Seven percent of the said residue, referred to  
11 in this subdivision, shall be remitted by the judge of probate  
12 to the State Treasurer and shall be apportioned by the State  
13 Treasurer among the several counties of the state in an amount  
14 for each county that bears the same relation to, and  
15 constitutes the same proportion of, the total of the said  
16 seven percent that the total number of motor vehicles  
17 registered in such county bears to the total number of motor  
18 vehicles registered in the entire state. The amounts so  
19 apportioned to each county shall be distributed by the State  
20 Treasurer as follows:

21           "1. Ten percent of the amount so apportioned to each  
22 county shall be distributed among the municipalities in the  
23 county with respect to which the apportionment is made, each  
24 such distribution to be on the basis of the ratio of the  
25 population of each such municipality to the total population

1 of all municipalities in the applicable county according to  
2 the then next preceding federal decennial census; and

3 "2. The remaining portion of the amount so  
4 apportioned to each county shall be distributed to the county  
5 to which such apportionment is made.

6 "(b) Payment of the amounts herein provided to be  
7 distributed by the State Treasurer to counties and  
8 municipalities shall be made monthly by state warrant and  
9 shall be mailed, in the case of such distribution to a county,  
10 to the county treasurer (or other officer or entity having the  
11 functions of a county treasurer) of that county and, in the  
12 case of a distribution to a municipality, to the treasurer of  
13 that municipality.

14 "(c) Any municipality incorporated after September  
15 30, 1967, shall not participate in the distribution provided  
16 for in this section until the fiscal year next succeeding the  
17 fiscal year during which it is incorporated. The population of  
18 any municipality incorporated subsequent to the taking of the  
19 then next preceding federal decennial census shall, until the  
20 effective date of the then next succeeding federal decennial  
21 census, be deemed to be the population shown by the census for  
22 that municipality taken pursuant to the requirements of  
23 Section 11-41-4. For the purposes of this section, each  
24 federal decennial census shall be deemed to be effective on

1 October 1 next following the publication of the results of  
2 such decennial census.

3 "(d) The amounts remitted to the State Treasurer  
4 pursuant to subdivision (2) of subsection (a) of Section  
5 40-12-269 and all moneys provided in this section to be  
6 distributed to the State of Alabama shall be covered into the  
7 Treasury to the credit of the Public Road and Bridge Fund and  
8 disbursed as follows:

9 "~~(1)~~ (1) Paid out of the portion of the motor  
10 vehicle license taxes and registration fees that is remitted  
11 to the State Treasurer pursuant to subdivision (2) of  
12 subsection (a) of Section 40-12-269:

13 "a. One million two hundred thousand (\$1,200,000)  
14 shall be distributed to the Alabama Law Enforcement Agency  
15 (ALEA) each fiscal year to the credit of the Public Safety  
16 Fund to be used for the enforcement of state traffic and motor  
17 vehicle laws; and

18 "b. The remaining amounts appropriated by the  
19 Legislature out of the motor vehicle license taxes and  
20 registration fees for the payment of expenses of the state  
21 Department of Revenue in the collection of the said taxes and  
22 fees, including salaries, cost of tags and other costs of  
23 collection, shall be paid out of the portion of said taxes and  
24 fees that is remitted to the State Treasurer pursuant to  
25 subdivision (2) of subsection (a) of Section 40-12-269;

1           "(2) So much of the net proceeds distributed to the  
2 State of Alabama pursuant to the provisions of this section as  
3 shall be necessary for such purpose shall be used for the  
4 following purposes in the following order:

5           "a. Payment at their respective maturities of the  
6 principal of and interest on bonds, other than refunding  
7 bonds, issued by Alabama Highway Authority under the  
8 provisions of Acts 1967, Ex. Sess., No. 225, p. 302;

9           "b. Payment at their respective maturities of the  
10 principal of and interest on bonds, other than refunding  
11 bonds, issued by the said Alabama Highway Authority under the  
12 provisions of Acts 1969, No. 781, p. 1398;

13           "c. Payment at their respective maturities of the  
14 principal of and interest on bonds, other than refunding  
15 bonds, issued by the said Alabama Highway Authority under the  
16 provisions of Acts 1971, No. 1416, p. 2414; and

17           "d. Payment at their respective maturities of the  
18 principal of and interest on any bonds or other obligations,  
19 including refunding obligations, issued after December 1,  
20 1977, by a public corporation existing at the time of issuance  
21 under the laws of Alabama pursuant to then existing statutory  
22 or constitutional authorization, or by the State of Alabama  
23 pursuant to authorization, effective at the time of issuance,  
24 under the Constitution and laws of the said state, and for  
25 which the said net proceeds referred to in this subdivision

1 (2) shall have been appropriated and pledged in a then  
2 effective statute or constitutional provision (including any  
3 enabling act under a constitutional provision), all in the  
4 manner and to the extent and subject to such priorities in  
5 rank as may be provided in such statute or constitutional  
6 provision or in an authorizing resolution thereunder; and

7 "(3) The balance of the moneys referred to in  
8 subdivisions (1) and (2) of this subsection remaining after  
9 compliance with the said subdivisions shall be used by the  
10 state Department of Transportation for construction and  
11 maintenance of public roads and bridges in the state and for  
12 any other purpose for which moneys in the Public Road and  
13 Bridge Fund may be lawfully used.

14 "(e) (1) All moneys received by a municipality or  
15 county under this section, except that portion of the said  
16 moneys that constitute collections from additional amounts  
17 paid under the schedule of additional amounts set forth in  
18 subsection (b) of Section 40-12-248 and distributed under  
19 subdivision (a) (1) of this section, shall be used by such  
20 municipality or county exclusively for the construction,  
21 improvement, and maintenance of public highways or public  
22 streets, including administrative expenses in connection  
23 therewith and retirement of securities evidencing obligations  
24 incurred for payment of costs of such construction,  
25 improvement and maintenance.



1           "(2) All moneys received by a county under this  
2 section which constitute collections from additional amounts  
3 paid under the schedule of additional amounts set forth in  
4 subsection (b) of Section 40-12-248 and distributed under  
5 subdivision (a)(1) of this section shall be used by such  
6 county for the construction, including draining, grading,  
7 basing, paving, signing, and erosion items, of certain high  
8 density unpaved roads as herein provided and for the  
9 construction or reconstruction of bridges on such high density  
10 roads. The use may also be for the reconstruction,  
11 resurfacing, restoration, and rehabilitation of the paved  
12 county roads and bridges or bridge replacement on the county  
13 road system. The use may also be for the construction,  
14 including draining, grading, basing, and paving of certain  
15 unpaved roads, and reconstruction of certain paved roads  
16 accessing certain public and private recreational facilities  
17 and areas.

18           "There is hereby created a committee to be referred  
19 to as the Secondary Road Committee comprised of the Chief of  
20 the Bureau of Secondary Roads of the state Department of  
21 Transportation, two county engineers appointed by the state  
22 Director of Transportation and two county commission members  
23 appointed by the Governor. The committee members shall serve  
24 at the pleasure of the appointing authority. The committee  
25 shall elect one of its members to serve as chairman. A quorum

1 of the committee shall consist of no less than three members.  
2 Committee members shall serve without compensation.

3 "The Secondary Road Committee shall develop and  
4 publish criteria for the designation of high density roads and  
5 bridges and for the designation of eligible recreational  
6 access roads. The committee may in its discretion provide  
7 different criteria for counties according to population,  
8 topography, and road mileage. The committee shall also develop  
9 and publish minimum design standards, including allowable cost  
10 items, for the construction, reconstruction, surfacing,  
11 resurfacing, restoration, and rehabilitation of such high  
12 density roads and bridges and recreational access roads.  
13 Criteria and standards developed by the committee shall be  
14 published by distributing printed copies thereof to the  
15 chairman of each county commission in Alabama no later than 90  
16 days after June 1, 1984. The committee may from time to time  
17 amend the criteria and standards developed provided that at  
18 least 60 days' notice is provided in writing to the chairman  
19 of each county commission before the effective date of such  
20 amendment. The state Department of Transportation shall  
21 provide all supplies and clerical help necessary for the  
22 committee to execute its responsibilities.

23 "County commissions are hereby required to submit  
24 all plans for the use of such proceeds to the Director of  
25 Transportation or his designee for approval. The Director of

1 Transportation or his designee shall review all plans and  
2 approve them or disapprove them, based on the criteria and  
3 standards developed by the committee.

4 "The funds distributed to the counties under this  
5 subsection shall not be commingled with other funds of the  
6 county except the counties' portion of the inspection fee  
7 distributed under Section 8-17-91, and shall be kept and  
8 disbursed by such county from a special fund only for the  
9 purposes hereinabove provided.

10 "The provisions of this section notwithstanding, any  
11 county may at any time deposit all or any portion of such  
12 proceeds into the county's special RRR fund as provided for in  
13 Section 40-17-224 and may use the proceeds so deposited for  
14 any purpose authorized under said section."

15 Section 2. This act shall become effective beginning  
16 with the fiscal year ending September 30, ~~2021~~ 2022, following  
17 its passage and approval by the Governor, or upon its  
18 otherwise becoming law.

