

1 SB367  
2 201569-6  
3 By Senators Albritton and Elliott (N & P)  
4 RFD: Local Legislation  
5 First Read: 02-MAY-19



SB367

With Notice and Proof

ENROLLED, An Act,

Relating to Baldwin County; to amend Section 45-2-244.183, Code of Alabama 1975, to further provide for the distribution of the privilege license tax on the leasing or renting of tangible personal property; to amend Section 45-2-220.05, Code of Alabama 1975, relating to the distribution of certain additional recording fees; to provide that the portion of the additional recording fee distributed to the county legislative delegation office would be redistributed to the Baldwin County District Attorney's Office; and to provide retroactive effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-2-244.183, Code of Alabama 1975, is amended to read as follows:

"§45-2-244.183.

"(a) The privilege license tax levied hereunder, except where otherwise provided, shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the privilege license tax accrues. On or before such twentieth day, every person on

1       whom the amounts levied hereunder are imposed shall render to  
2       the county, on a form or forms prescribed by the county  
3       commission or State Department of Revenue, a true and correct  
4       statement showing the gross proceeds of his or her business  
5       for the next preceding month, the amount of gross proceeds  
6       which are not subject to the privilege license tax, or are not  
7       to be used as a measurement of the amounts due by such person  
8       and the nature thereof, together with such other information  
9       as the county commission may require, and at the time of  
10      making such monthly report such person shall compute the  
11      privilege license taxes due and shall pay the Baldwin County  
12      Commission the amounts shown to be due. All taxes of the  
13      county shall be deposited into the general fund of the county  
14      treasury to be distributed as follows:

15               "(1) Seventy-five percent shall be distributed to  
16      the county general fund to be expended, as approved by the  
17      Baldwin County Commission, for general purposes; however, and  
18      per fiscal year from the foregoing distribution, the Baldwin  
19      County Commission shall appropriate two hundred thousand  
20      dollars (\$200,000) into a separate county fund to be used for  
21      the operation of the Baldwin County Legislative Office,  
22      established by Section 45-2-190, including, but not limited  
23      to, office equipment, communication equipment, salary  
24      supplements for personnel of the legislative delegation  
25      office, training, and official public travel for House and

1 Senate members of the Baldwin County Legislative Delegation  
2 and personnel of the legislative delegation office and other  
3 expenses deemed appropriate only by written direction provided  
4 the Baldwin County Commission by the House and Senate members  
5 of the Baldwin County Legislative Delegation. The members and  
6 personnel of the office may be eligible for reimbursement  
7 where applicable under the same policies, procedures, and  
8 conditions as county elected officials as provided in County  
9 Commission Policy No. 8.6 and subsequent policies. All of the  
10 policies shall be subject to the same audit provisions as  
11 provided for the office. Notwithstanding the foregoing, the  
12 expenses for official travel by a member of the House of  
13 Representatives representing Baldwin County outside of his or  
14 her district shall not exceed two thousand dollars (\$2,000)  
15 per House of Representatives member per during a county fiscal  
16 year, shall be subject to a majority vote of the House  
17 delegation, and shall be subject to periodic audits by the  
18 Examiners of Public Accounts. Expenses for official travel by  
19 a member of the Senate representing Baldwin County outside of  
20 his or her district shall not exceed seven thousand five  
21 hundred dollars (\$7,500) per Senator during a county fiscal  
22 year and shall be subject to periodic audits by the Examiners  
23 of Public Accounts.

24 " (2) ~~Ten~~ Twelve percent shall be distributed into a  
25 separate county fund to be expended, ~~as approved by the~~

1 ~~Baldwin County Commission in a resolution spread upon its~~  
2 ~~minutes, for the Historic Blakeley Authority. Of the funds~~  
3 ~~distributed to the Historic Blakeley Authority annually,~~  
4 ~~twenty-five thousand dollars (\$25,000) shall be expended by~~  
5 ~~the authority for the preservation, restoration, and~~  
6 ~~interpretation of Fort Mims and of the remaining funds 50~~  
7 ~~percent shall be expended for capital improvement.~~

8 ~~Notwithstanding the foregoing earmarking of expenditures for~~  
9 ~~the Historic Blakeley Authority for capital outlay, in any~~  
10 ~~fiscal year that the authority adds to and supplements its~~  
11 ~~lease tax revenue with contributions of capital expansion~~  
12 ~~funds or other equivalent capital contributions of real or~~  
13 ~~personal property from other sources, an amount of funds from~~  
14 ~~this section earmarked for capital outlay equal to 50 percent~~  
15 ~~of the additional contributions for capital outlay or~~  
16 ~~equivalent capital contributions may be expended for~~  
17 ~~operations in lieu of expending for capital outlay.~~

18 ~~Disbursements shall be made quarterly to the Historic Blakeley~~  
19 ~~Authority. for historic sites in Baldwin County as follows: At~~  
20 ~~least ten percent shall be expended for the Historic Blakeley~~  
21 ~~Authority and up to two percent shall be expended for other~~  
22 ~~historic sites in Baldwin County. The Baldwin County~~  
23 ~~Commission shall produce a report annually for the House and~~  
24 ~~Senate members of the Baldwin County Legislative Delegation~~  
25 ~~detailing the disbursement of these funds.~~

~~"(3) Fifteen percent shall be distributed into the Baldwin County Community Capital Fund, which is hereby established, to be expended only upon the unanimous direction of the members of the Baldwin County Legislative Delegation and for public purposes, not otherwise provided for by law, that in their judgment are worthy, for the best interest of the county, and promote the economic well-being of the citizens of Baldwin County and may specifically include projects at the Fort Morgan State Historic Site. Any unexpended balance in the fund at the end of the county fiscal year shall remain in the fund and shall not revert to any other state or local fund.~~

"(3) Eight percent shall be distributed to the Baldwin County Economic Development Alliance for the purposes of growing and improving the county's economy.

"(4) The remaining balance in the fund at the end of the county fiscal year shall revert to the Baldwin County Legislative Delegation Office established by Section 45-2-190, to be expended as provided in subdivision (1) in addition to any other sums provided.

~~"(4)~~ (5) Privilege or license taxes collected and expended under authority of this subpart shall be audited by the Examiners of Public Accounts.

"(b) If any person subject hereto should fail to render any report, return, statement, or form required hereby

1 or should willfully make false statement of facts in the  
2 report, return, statement, or form required hereunder, he or  
3 she shall upon conviction be punished by a fine of not more  
4 than five hundred dollars (\$500) for each violation of this  
5 section."

6 Section 2. Section 45-2-220.05, Code of Alabama  
7 1975, is amended to read as follows:

8 "\$45-2-220.05.

9 "(a) In Baldwin County, there is levied an  
10 additional recording fee of three dollars (\$3), and the  
11 Baldwin County Commission may impose, by resolution of the  
12 county commission, an additional recording fee not to exceed  
13 two dollars (\$2), which shall be charged and collected on each  
14 instrument, unless the instrument is otherwise exempt from all  
15 fees filed for record in the office of the judge of probate.  
16 The office of the judge of probate shall not receive an  
17 instrument, unless the instrument is otherwise exempt from the  
18 payment of a filing fee, for filing unless the filing fee  
19 required by this part is paid. The fees required by this part  
20 shall be in addition to all other fees provided by law.

21 "(b) One dollar (\$1) from each three dollar (\$3)  
22 additional recording fee collected shall be ~~deposited by the~~  
23 ~~county commission in a special fund established in a bank~~  
24 ~~located in Baldwin County to be used for the purpose of~~  
25 ~~establishing, operating, and maintaining the county~~

~~legislative delegation office. Disbursements from the fund shall be made by the county commission only upon direction of a majority of the members of the county legislative delegation who reside in Baldwin County. Any unexpended balance in the fund at the end of the county fiscal year shall remain in the fund and shall not revert to any other state or local fund. Starting with the 2000 fiscal year budget, the county commission may make such appropriations as it deems necessary from time to time from the county general fund to the special fund for the county legislative delegation office distributed to the Baldwin County District Attorney's Office.~~

"(c) The operation of the act adding this amendatory language shall be retroactive to June 1, 2000, and all action taken and payments made pursuant to the act adding this amendatory language on and after that date are ratified and confirmed.

~~"(c)~~ (d) Fees collected under this part shall be audited by the Examiners of Public Accounts."

Section 3. This act shall be effective October 1, 2019, following its passage and approval by the Governor, or its otherwise becoming law.

\_\_\_\_\_  
President and Presiding Officer of the Senate

*Mac McCutchen*  
\_\_\_\_\_  
Speaker of the House of Representatives

SB367

Senate 08-MAY-19

I hereby certify that the within Act originated in and passed  
the Senate, as amended.

Patrick Harris,  
Secretary.

House of Representatives  
Amended and passed 23-MAY-19

Senate concurred in House amendment 23-MAY-19

**Became law without  
Governor's signature**

**APPROVED**

By: Senator Albritton

**TIME**

Alabama Secretary Of State

Gov. Num.: 2019-338

Bill Num.: SB367

Page 8 **GOVERNOR**

Revised: 05/31/19 11:00am/VW

**HOUSE ACTION**  
**(Continued)**

HOUSE OF REPRESENTATIVES

R. 3 at length and passed

Yeas 17 Nays 0 Abs 79

Date 5-23-19

as mv  
JEFF WOODARD, Clerk