

IN THE SENATE

SENATE BILL NO. 1313

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO HAZARDOUS WASTE; AMENDING SECTION 39-4432, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISTRIBUTION OF CERTAIN REVENUES, TO ESTABLISH PROVISIONS RELATING TO REMITTANCE TO THE TREASURER OF A HIGHWAY DISTRICT, TO PROVIDE FOR USE OF MONEYS, TO ESTABLISH PROVISIONS RELATING TO REMITTANCE TO THE STATE HIGHWAY ACCOUNT AND TO PROVIDE FOR USE OF MONEYS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-4432, Idaho Code, be, and the same is hereby amended to read as follows:

39-4432. DISTRIBUTION OF COMMERCIAL DISPOSAL FEE REVENUES. The revenues received from the commercial disposal fees imposed by this chapter and any penalties, interest, or deficiency additions, shall be paid over to the state treasurer by the department to be distributed periodically but no less frequently than quarterly as follows:

(1) An amount equal to ninety-five percent (95%) shall be remitted to the general fund of the state, which percentage shall be reduced to ninety-three percent (93%) in fiscal year 2013, to ninety-one percent (91%) in fiscal year 2014, to eighty-five percent (85%) in fiscal year 2015, and shall remain at eighty-five percent (85%) for each fiscal year thereafter; and

(2) An amount equal to ~~the remaining~~ five percent (5%) shall be remitted to the county treasurer of the county ~~or counties~~ where the activity occurred which caused the fees to be assessed pursuant to this chapter. ~~Moneys shall be apportioned to the counties in the same proportional manner in which they were collected.~~ Moneys returned to ~~counties~~ the county shall be utilized by the county to respond to health and environmental problems which may be caused by hazardous waste emergencies or spills, or improperly handled or packaged hazardous waste; and

(3) An amount equal to one percent (1%) in fiscal year 2013, an amount equal to two percent (2%) in fiscal year 2014, and an amount equal to five percent (5%) in fiscal year 2015, and an amount equal to five percent (5%) for each fiscal year thereafter shall be remitted to the treasurer of a county highway district created pursuant to chapter 13, title 40, Idaho Code, to maintain a road under the jurisdiction of such district that connects a rail transfer facility to a commercial hazardous waste facility affiliated with such rail transfer facility. The use of the moneys provided for in this subsection shall be used only for the maintenance, construction and repair of the road described in this subsection; and

(4) An amount equal to one percent (1%) in fiscal year 2013, an amount equal to two percent (2%) in fiscal year 2014, and an amount equal to five percent (5%) in fiscal year 2015, and an amount equal to five percent (5%) for each fiscal year thereafter shall be remitted to the state highway ac-

1    count established in section 40-702, Idaho Code, such amount to be utilized  
2    by the Idaho transportation department to maintain a road or roads under the  
3    state board of transportation's jurisdiction that connects a rail transfer  
4    facility to a commercial hazardous waste facility affiliated with such rail  
5    transfer facility. The use of the moneys provided for in this subsection  
6    shall be used only for the maintenance, construction and repair of the road  
7    described in this subsection.