

1 HB256
2 208931-2
3 By Representative South (N & P)
4 RFD: Local Legislation
5 First Read: 02-FEB-21

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ENROLLED, An Act,

Relating to Fayette County, to further provide for the distributions of the proceeds of the privilege license tax; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-29-242.20, Code of Alabama 1975, is amended to read as follows:

"§45-29-242.20.

"(a) This section shall only apply to Fayette County.

"(b) As used in this section, state sales and use tax means the tax imposed by the state sales and use tax statutes, including, but not limited to, Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62, and 40-23-63.

"(c) (1) The County Commission of Fayette County may levy, in addition to all other taxes, including, but not limited to, municipal gross receipts license taxes, a one cent privilege license tax against gross sales or gross receipts which shall become effective on September 1, 2000.

"(2) The gross receipts of any business and the gross proceeds of all sales which are presently exempt under

1 the state sales and use tax statutes are exempt from the tax
2 authorized by this section.

3 "(d) The tax levied by this section shall be
4 collected by the State Department of Revenue at the same time
5 and in the same manner as state sales and use taxes are
6 collected. On or prior to the date the tax is due, each person
7 subject to the tax shall file with the department a report in
8 the form prescribed by the department. The report shall set
9 forth, with respect to all sales and business transactions
10 that are required to be used as a measure of the tax levied, a
11 correct statement of the gross proceeds of all the sales and
12 gross receipts of all business transactions. The report shall
13 also include items of information pertinent to the tax as the
14 department may require. Any person subject to the tax levied
15 by this section may defer reporting credit sales until after
16 their collection, and in the event the person defers reporting
17 them, the person shall thereafter include in each monthly
18 report all credit collections made during the preceding month,
19 and shall pay the tax due at the time of filing the report.
20 All reports filed with the department under this subsection
21 shall be available for inspection by the county commission, or
22 its designee.

23 "(e) Each person engaging or continuing in a
24 business subject to the tax levied by this section, shall add
25 to the sales price or admission fee and collect from the

1 purchaser or the person paying the admission fee the amount
2 due by the taxpayer because of the sale or admission. It shall
3 be unlawful for any person subject to the tax to fail or
4 refuse to add to the sales price or admission fee and to
5 collect from the purchaser or person paying the admission fee
6 the amount required to be added to the sale or admission
7 price. It shall be unlawful for any person subject to the tax
8 levied by this section to refund or offer to refund all or any
9 part of the amount collected or to absorb or advertise
10 directly or indirectly the absorption or refund of any portion
11 of the tax.

12 "(f) The tax levied by this section shall constitute
13 a debt due Fayette County. The tax, together with any interest
14 and penalties, shall constitute and be secured by a lien upon
15 the property of any person from whom the tax is due or who is
16 required to collect the tax. The department shall collect the
17 tax, enforce this section, and have and exercise all rights
18 and remedies that the state or the department has for
19 collection of the state sales and use tax. The department may
20 employ special counsel as is necessary to enforce collection
21 of the tax levied by this section and to enforce this section.
22 The department shall pay the special counsel any fees it deems
23 necessary and proper from the proceeds of the tax collected by
24 it for Fayette County.

1 "(g) All provisions of the state sales and use tax
2 ~~statutes~~ laws with respect to the payment, assessment, and
3 collection of the state sales and use tax, making of reports,
4 keeping and preserving records, penalties for failure to pay
5 the tax, ~~promulgating~~ adopting rules ~~and regulations~~ with
6 respect to the state sales and use tax, and the administration
7 and enforcement of the state sales and use tax ~~statutes~~ laws
8 which are not inconsistent with this section shall apply to
9 the tax levied under this section. The State Commissioner of
10 Revenue and the department shall have and exercise the same
11 powers, duties, and obligations with respect to the tax levied
12 under this section that are imposed on the commissioner and
13 department by the state sales and use tax ~~statutes~~ laws. All
14 provisions of the state sales and use tax ~~statutes~~ laws that
15 are made applicable by this section to the tax levied under
16 this section, and to the administration and enforcement of
17 this section, are incorporated by reference and made a part of
18 this section as if fully set forth herein.

19 "(h) The department shall charge Fayette County for
20 collecting the tax levied under this section in an amount or
21 percentage of total collections as may be agreed upon by the
22 commissioner and the Fayette County Commission. The charge
23 shall not exceed five percent of the total amount of the tax
24 collected in the county. The charge may be deducted each month
25 from the gross revenues from the tax before certification of

1 the amount of the proceeds due Fayette County for that month.
2 The Commissioner of Revenue shall pay into the State Treasury
3 all amounts collected under this section, as the tax is
4 received by the department on or before the first day of each
5 successive month. The commissioner shall certify to the
6 Comptroller the amount collected and paid into the State
7 Treasury for the benefit of Fayette County during the month
8 immediately preceding the certification. The Comptroller shall
9 issue a warrant each month payable to the County Treasurer of
10 Fayette County in an amount equal to the certified amount
11 which shall be paid into the county general fund.

12 "(i) The proceeds of the additional sales and use
13 tax levied by this section shall be distributed annually as
14 follows: ~~In the event that the Park Bond Issue before the~~
15 ~~Legislature passes and the Tom Bevill Reservoir receives funds~~
16 ~~therefrom sufficient to construct same when used in~~
17 ~~conjunction with the following proceeds: 40 percent to the~~
18 ~~Fayette County Board of Education ; 40 percent for debt~~
19 ~~service and retirement of principal bonds issued for~~
20 ~~construction of the Tom Bevill Reservoir; and 20 60 percent to~~
21 ~~the Fayette County General Fund for debt reduction and not to~~
22 ~~hire new employees; and upon retirement of the Tom Bevill~~
23 ~~Reservoir bond issue, 40 percent to the Fayette County Board~~
24 ~~of Education and 60 percent to the Fayette County General Fund~~
25 ~~for debt reduction and not to hire new employees."~~

1 Section 2. Any proceeds of the sales and use tax
2 levied by Section 45-29-242.20, Code of Alabama 1975, received
3 by Fayette County or the Fayette County Board of Education
4 prior to the effective date of this act are hereby ratified
5 and confirmed.

6 Section 3. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.

