

1 HB346  
2 155600-3  
3 By Representative Chesteen (N & P)  
4 RFD: Local Legislation  
5 First Read: 22-JAN-14

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Geneva County; to authorize the county  
14 commission to levy a one percent sales tax, subject to a  
15 referendum, for constructing and maintaining a jail with any  
16 excess proceeds to be used for road and bridge projects.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. This act shall only apply to Geneva  
19 County.

20 Section 2. As used in this act, state sales tax  
21 means the tax imposed by the state sales and use tax statutes,  
22 including, but not limited to, Sections 40-23-1, 40-23-2,  
23 40-23-3, and 40-23-4, Code of Alabama 1975.

24 Section 3. (a) In addition to all other taxes  
25 authorized by law, the Geneva County Commission may levy a one  
26 percent sales tax.

1           (b) The proceeds of the tax shall be used for the  
2 construction and maintenance of a jail with any excess  
3 proceeds to be used for road and bridge projects.

4           (c) The proceeds of all sales which are presently  
5 exempt under the state sales and use tax statutes are exempt  
6 from the tax authorized by this act.

7           Section 4. The tax authorized by this act shall be  
8 collected by the State Department of Revenue or the county  
9 commission or other entity which the county commission has  
10 contracted with to collect the taxes at the same time and in  
11 the same manner as state sales taxes are collected. On or  
12 prior to the date the tax is due, each person subject to the  
13 tax shall file with the department or other entity a report in  
14 the form prescribed by the department. The report shall set  
15 forth, with respect to all sales and business transactions  
16 that are required to be used as a measure of the tax levied,  
17 items of information pertinent to the tax as the department  
18 may require. Any person subject to the tax authorized by this  
19 act may defer reporting credit sales until after their  
20 collection, and in the event the person defers reporting such  
21 sales, the person shall thereafter include in each monthly  
22 report all credit collections made during the preceding month  
23 and shall pay the tax due at the time of filing the report.  
24 All reports filed with the department or other entity under  
25 this section shall be available for inspection by the county  
26 commission, or its designee.

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

15           Section 6. The tax authorized by this act shall  
16 constitute a debt due Geneva County. If levied, the tax,  
17 together with any interest and penalties, shall constitute and  
18 be secured by a lien upon the property of any person from whom  
19 the tax is due or who is required to collect the tax. The  
20 department or other entity shall collect the tax, enforce this  
21 act, and have and exercise all rights and remedies that the  
22 state or the department has for collection of the state sales  
23 tax. The department or other entity may employ special counsel  
24 as is necessary to enforce collection of the tax authorized by  
25 this act and to enforce this act.

26           Section 7. All provisions of the state sales tax  
27 statutes with respect to the payment, assessment, and

1 collection of the state sales tax, making of reports, keeping  
2 and preserving records, penalties for failure to pay the tax,  
3 promulgating rules and regulations with respect to the state  
4 sales tax, and the administration and enforcement of the state  
5 sales tax statutes which are not inconsistent with this act  
6 shall apply to the tax authorized under this act. The  
7 Commissioner of Revenue and the department or other entity  
8 shall have and exercise the same powers, duties, and  
9 obligations with respect to any tax levied under this act that  
10 are imposed on the commissioner and department by the state  
11 sales tax statutes. All provisions of the state sales tax  
12 statutes that are made applicable by this act to any tax  
13 authorized under this act, and to the administration and  
14 enforcement of this act, are incorporated by reference and  
15 made a part of this act as if fully set forth herein.

16 Section 8. The department or other entity shall  
17 charge Geneva County for collecting any tax authorized under  
18 this act in an amount or percentage of total collections as  
19 may be agreed upon by the commissioner or the entity and the  
20 Geneva County Commission. The charge shall not exceed five  
21 percent of the total amount of the tax collected in the county  
22 or an amount as otherwise provided in the contract. The charge  
23 may be deducted each month from the gross revenues from the  
24 tax before certification of the amount of the proceeds due  
25 Geneva County for that month. The Commissioner of Revenue or  
26 other entity shall pay into the State Treasury all amounts  
27 collected under the authority of this act, as received by the

1 department or entity on or before the first day of each  
2 successive month. The commissioner or entity shall certify to  
3 the state Comptroller the amount collected and paid into the  
4 State Treasury or otherwise for the benefit of Geneva County  
5 during the month immediately preceding the certification. The  
6 state Comptroller shall issue a warrant each month payable to  
7 or the entity shall remit monthly or as otherwise agreed upon  
8 to the County Treasurer of Geneva County in an amount equal to  
9 the certified amount which shall be paid into the county  
10 general fund to be used for the construction of and for  
11 maintaining a new jail with any excess proceeds to be used for  
12 road and bridge projects.

13 Section 9. Sections 1 to 8, inclusive, shall become  
14 operative only if approved by a majority of the qualified  
15 electors of Geneva County. The election shall be held in  
16 conjunction with the November 2014 general election. The  
17 following language shall be included on the ballot: "Do you  
18 authorize the County Commission of Geneva County to levy an  
19 additional one percent sales tax for constructing and  
20 maintaining a jail with any excess proceeds to be used for  
21 road and bridge projects? Yes ( ) No ( )."

22 The county shall pay any costs and expenses not  
23 otherwise reimbursed by a governmental agency which are  
24 incidental to the election. If a majority of the votes cast in  
25 the election are "Yes," Sections 1 to 8, inclusive, shall  
26 become operative on the first day of the second month next  
27 following its passage. If the majority of the votes are "No,"

1 this act shall be repealed and shall have no further effect.

2 The Judge of Probate of Geneva County shall certify the

3 results of the election to the Secretary of State.

4 Section 10. This act shall become effective

5 immediately following its passage and approval by the

6 Governor, or its otherwise becoming law.