

1 HB474
2 183130-4
3 By Representative Rowe (N & P)
4 RFD: Local Legislation
5 First Read: 06-APR-17

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Walker County; to authorize the county
14 commission to levy an additional sales and use tax in the
15 county; to provide for the collection, distribution, and use
16 of the proceeds of the tax; to provide for the enforcement of
17 the act; to repeal a certain issuance fee on motor vehicles
18 and boat registrations; and to provide that this act shall be
19 effective only upon approval at a referendum.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. This act shall only apply in Walker
22 County and is enacted pursuant to the request of the Walker
23 County Commission.

24 Section 2. As used in this act, state sales and use
25 tax means the tax imposed by the state sales and use tax
26 statutes, including, but not limited to, Sections 40-23-1,

1 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62, and
2 40-23-63 of the Code of Alabama 1975.

3 Section 3. Subject to the approval of the majority
4 of the electors voting in a referendum held for such purposes,
5 the Walker County Commission may levy up to a one percent
6 sales and use tax in the county against gross sales, use,
7 storage, or other consumption subject to the state sales or
8 use taxes levied by Section 40-23-2(1), Section 40-23-2(2),
9 and Section 40-23-61(a). The gross proceeds of all sales and
10 use of products or services which are presently exempt under
11 the state sales and use tax statutes are exempt from the tax
12 authorized by this act.

13 Section 4. The tax authorized to be levied by this
14 act shall be collected by the county commission at the same
15 time and in the same manner other sales and use taxes levied
16 by the state. On or prior to the date the tax is due, each
17 person subject to the tax shall file with the county a report
18 in the form prescribed by the county. The report shall set
19 forth, with respect to all sales and business transactions
20 that are required to be used as a measure of the tax levied, a
21 correct statement of the gross proceeds of all the sales and
22 gross receipts of all business transactions. The report shall
23 also include items of information pertinent to the tax as the
24 county may require.

25 Section 5. Each person engaging or continuing in a
26 business subject to any tax levied pursuant to the authority
27 of this act shall add to the sales price or admission fee and

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

12 Section 6. The tax authorized to be levied by this
13 act shall constitute a debt due Walker County. The tax,
14 together with any interest and penalties, shall constitute and
15 be secured by a lien upon the property of any person from whom
16 the tax is due or who is required to collect the tax. The
17 county shall collect the tax, enforce this act, and have and
18 exercise all rights and remedies that the state or county has
19 for collection of the state or any county sales and use tax.
20 The county may employ special counsel as is necessary to
21 enforce collection of the tax levied by this act and to
22 enforce this act. The county shall pay special counsel any
23 fees it deems necessary and proper from the proceeds of the
24 tax collected by it for Walker County.

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

1 keeping and preserving records, penalties for failure to pay
2 the tax, promulgating rules with respect to the state sales
3 and use tax, and the administration and enforcement of the
4 state sales and use tax statutes which are not inconsistent
5 with this act shall apply to the tax authorized under this
6 act. The Walker County Commission shall have and exercise the
7 same powers, duties, and obligations with respect to the tax
8 levied under this act that are imposed by the state sales and
9 use tax statutes. All provisions of the state sales and use
10 tax statutes that are made applicable by this act to the tax
11 levied under this act, and to the administration and
12 enforcement of this act, are incorporated by reference and
13 made a part of this act as if fully set forth herein.

14 Section 8. All amounts collected under this act as
15 the tax is received by the county shall be paid into the
16 county general fund to be used as provided in Section 9.

17 Section 9. The net proceeds from the collection of
18 the tax shall be used as follows:

19 (1) The amount needed each year in order to make
20 payments to pay off the general obligation warrants
21 outstanding and Public Buildings, Bridge, and Road Tax debts
22 outstanding for up to the next 15 years or until final
23 repayment.

24 (2) An amount of five hundred thousand dollars
25 (\$500,000) each year for public safety purposes as determined
26 by the county commission, including, but not limited to,

1 security of the courthouse, law enforcement, and other public
2 safety purposes.

3 (3) An amount of two hundred thousand dollars
4 (\$200,000) shall be distributed each year by the Walker County
5 Commission to be divided equally to each certified volunteer
6 fire department and certified volunteer rescue squad in the
7 county.

8 (4) An amount of one hundred thousand dollars
9 (\$100,000) shall be allocated each year for the promotion of
10 economic development in the county as determined by the county
11 commission.

12 (5) After the allocations provided above, the
13 remainder of the net proceeds shall be distributed as follows:

14 a. Ten percent of the remaining net proceeds shall
15 be distributed to the active municipalities in the county
16 based on the proportional population of each municipality to
17 the total population of the active municipalities to be used
18 for roads, bridges, and infrastructure in the municipalities.

19 b. The remainder of the net proceeds shall be
20 distributed to the Walker County General Fund to be used for
21 roads, bridges, and infrastructure in the county.

22 Section 10. The issuance fee in the amount of ten
23 dollars (\$10) for the issuance of each motor vehicle and boat
24 registration pursuant to Act 97-903 is repealed.

25 Section 11. Sections 1 through 10 of this act shall
26 become operative only if approved by a majority of the
27 qualified electors of Walker County who vote in an election to

1 be held on a date set by the Walker County Commission within
2 one year of the effective date of this act. The notice of the
3 election shall be given by the judge of probate and the
4 election shall be held, conducted, and the results canvassed
5 in the manner as other county elections. The question shall be
6 as follows:

7 "Do you favor authorizing the Walker County
8 Commission to levy a one cent sales and use tax and providing
9 for the use of the funds as provided in Act ___ of the 2017
10 Regular Session?

11 "Yes () No ()."

12 The county shall pay any costs and expenses not
13 otherwise reimbursed by a governmental agency which are
14 incidental to the election. If a majority of the votes cast in
15 the election are "Yes," Sections 1 through 10 shall become
16 operative immediately. If the majority of the votes are "No,"
17 this act shall be repealed and shall have no further effect.
18 The judge of probate shall certify the results of the election
19 to the Secretary of State.

20 Section 12. This act shall become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law.