

1 HB766
2 141021-3
3 By Representative Vance (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 01-MAY-12

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8 SYNOPSIS: This bill would propose a local
9 constitutional amendment relating to Russell
10 County, to amend the Constitution of Alabama of
11 1901, as amended; to levy an additional tax on
12 cigarettes and provide for the distribution of the
13 proceeds from the additional tax for the Russell
14 County Historical Association, for each certified
15 volunteer fire department in Russell County, for a
16 joint economic development agency serving Phenix
17 City and Russell County, for the General Fund of
18 Phenix City, and for the General Fund of Russell
19 County.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 To propose a local constitutional amendment relating
26 to Russell County, to amend the Constitution of Alabama of
27 1901, as amended; to levy an additional tax on cigarettes and

1 provide for the distribution of the proceeds from the
2 additional tax for the Russell County Historical Association,
3 for each certified volunteer fire department in Russell
4 County, for a joint economic development agency serving Phenix
5 City and Russell County, for the General Fund of Phenix City,
6 and for the General Fund of Russell County.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. The following amendment to the
9 Constitution of Alabama of 1901, is proposed and shall become
10 valid as a part of the Constitution when all requirements of
11 this act are fulfilled:

12 PROPOSED AMENDMENT

13 (a) In addition to all other taxes of every kind
14 imposed by law, there is hereby levied on every person, firm,
15 corporation, club, or association in Russell County, who sells
16 or stores or receives for the purpose of distribution to any
17 person, firm, corporation, club, or association within Russell
18 County, cigarettes or any substitute therefor, a license or
19 privilege tax in the amount of fifty cents (\$.50) on each pack
20 of 20 or less cigarettes.

21 (b) (1) It shall be unlawful for any dealer, storer,
22 or distributor engaged in or continuing in the business in
23 Russell County for which the tax is levied to fail or refuse
24 to add to the sales price and collect from the purchaser the
25 amount due on account of the tax herein provided, to refund or
26 offer to refund all or any part of the amount collected or
27 absorb, or advertise directly or indirectly the absorption of,

1 the tax or any portion thereof. Any person, firm, corporation,
2 club, or association violating this section shall be subject
3 to a civil penalty of not less than twenty-five dollars (\$25)
4 nor more than five hundred dollars (\$500). Each act in
5 violation of this section shall constitute a separate
6 violation.

7 (2) The State Department of Revenue or, as otherwise
8 provided by resolution of the county commission, the Russell
9 County Commission shall collect all taxes levied pursuant to
10 this subsection at the same time and in the same manner as
11 state tobacco taxes are collected.

12 (3) The tax levied herein shall be paid by affixing
13 stamps that are required for the payment of the tax imposed by
14 Sections 40-25-1 to 40-25-28, inclusive, of the Code of
15 Alabama 1975.

16 (4) The department shall have the same duties
17 relative to the preparation and sale of stamps to evidence the
18 payment of the tax that it has relative to the preparation and
19 sale of stamps under Sections 40-25-1 to 40-25-28, inclusive,
20 of the Code of Alabama 1975. The department may exercise the
21 same powers and perform the same duties in the same manner
22 relative to the collection of the tax levied herein that it
23 does relative to the collection of the state tax.

24 (5) In accordance with subsection (g) of Section
25 40-25-2 of the Code of Alabama 1975, in the event the
26 aforementioned tobacco stamps are not available for affixing
27 to tobacco product packages and containers, or by the

1 authority of a duly promulgated regulation eliminating the
2 requirement of affixing county tobacco stamps, the
3 Commissioner of the Department of Revenue or the Russell
4 County Commission may require a monthly report in lieu of
5 stamps to report the amount of tax due. The monthly report
6 shall be in a form approved by the commissioner and adopted by
7 the department under the Alabama Administrative Procedure Act,
8 Title 41, Chapter 22, of the Code of Alabama 1975.

9 (6) The department or the Russell County Commission
10 may promulgate and enforce rules and regulations to effectuate
11 the purposes of this act. All rules and regulations duly
12 promulgated shall have the same force and effect of law.

13 (c) All laws, rules, and regulations of the
14 department relating to the manner and time of payment of the
15 tax levied by Sections 40-25-1 to 40-25-28, inclusive, of the
16 Code of Alabama 1975, requiring reports from dealers shall
17 apply with equal force to the tax levied by this subsection as
18 provided for in this subsection.

19 (d) The proceeds from the tax authorized by this
20 amendment, less the amount or percentage of the actual cost of
21 collection as may be agreed upon by the Commissioner of the
22 Department of Revenue and the Russell County Commission, shall
23 be deposited each fiscal year on an annual basis as follows:

24 (1) The first two hundred fifty thousand dollars
25 (\$250,000) to the Russell County Historical Association for
26 the preservation and operation of the Fort Mitchell historical
27 site.

1 (2) Twenty-five thousand dollars (\$25,000) to each
2 certified volunteer fire department in Russell County.

3 (3) Five hundred thousand dollars (\$500,000) shall
4 be allocated for funding a joint economic development agency
5 to be established and operated jointly for Phenix City and
6 Russell County. The funds shall be held in trust in the
7 Treasury of Russell County until the joint economic
8 development agency is established. The City of Phenix City and
9 the Russell County Commission may by ordinance or resolution
10 of their respective governing bodies take steps necessary to
11 establish and provide for the operation of the joint economic
12 development agency provided for herein.

13 (4) The balance equally to the General Fund of
14 Phenix City and the General Fund of Russell County.

15 Section 2. An election upon the proposed amendment
16 shall be held in accordance with Amendment 555 to the
17 Constitution of Alabama of 1901, now appearing as Section
18 284.01 of the Official Recompilation of the Constitution of
19 Alabama of 1901, as amended, and the election laws of this
20 state.

21 Section 3. The appropriate election official shall
22 assign a ballot number for the proposed constitutional
23 amendment on the election ballot and shall set forth the
24 following description of the substance or subject matter of
25 the proposed constitutional amendment:

26 "Relating to Russell County, proposing an amendment
27 to the Constitution of Alabama of 1901, to levy an additional

1 tax of fifty cents (\$.50) per pack on cigarettes and provide
2 for the distribution of the proceeds from the additional tax
3 to the Russell County Historical Association, certified
4 volunteer fire departments in Russell County, a joint economic
5 development agency for Phenix City and Russell County, the
6 Phenix City General Fund, and the Russell County General Fund.

7 "Proposed by Act _____."

8 This description shall be followed by the following
9 language:

10 "Yes () No ()."