

1 HB491
2 211146-1
3 By Representative Shiver (N & P)
4 RFD: Local Legislation
5 First Read: 03-MAR-21

A BILL
TO BE ENTITLED
AN ACT

Relating to Monroe County; authorizing the county commission to levy an additional sales and use tax for a set period of time; providing for the collection, distribution, and use of the proceeds of the tax; to prescribe penalties and fixing punishment for violation of this act; to create the Monroe County Highway Repair and Maintenance Fund; and to require annual certification that the proceeds are used as directed by the act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply only to Monroe County.

Section 2. As used in this act, "sales and use tax" means a tax imposed by the state sales and use tax statutes and such other acts applicable to Monroe County, but not limited to, Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4,

1 40-23-37, 40-23-60, 40-23-61, 40-23-62, and Section 40-23-63,
2 Code of Alabama 1975.

3 Section 3. (a) (1) The Monroe County Commission, upon
4 a majority vote of the members and in addition to all other
5 taxes, may levy a sales and use tax, for a set period of time
6 as provided by the county commission, in an amount up to a one
7 percent sales and use tax on sales, use, storage, consumption,
8 or gross receipts in the county.

9 (2) The tax may be levied on the first day of the
10 month following 60 days from the effective date of this act.

11 (3) The county commission shall set the expiration
12 date of the tax authorized under subdivision (1). Upon
13 expiration of the tax, the authority of the county commission
14 to levy the tax authorized under subdivision (1) shall be
15 void.

16 (b) The gross receipts of any business and the gross
17 proceeds of all sales and use of products or services which
18 are presently exempt under the state sales and use tax
19 statutes are exempt from the tax authorized by this act.

20 (c) Any tax levied under this act may not be levied
21 at a rate proportionately higher than the proportional rate
22 for various types of sales and uses under the state sales and
23 use tax.

24 Section 4. The tax levied by this act shall be
25 collected at the same time and in the same manner as the state
26 sales and use taxes are collected in Monroe County and those
27 sales and use taxes applicable only to Monroe County.

1 Section 5. Each person engaging or continuing in a
2 business subject to the tax levied by this act, and each
3 casual sale that is subject to tax, shall add to the sales
4 price and collect from the purchaser the amount due by the
5 taxpayer because of such sale or use. It shall be unlawful for
6 any person subjected to the tax to fail to refuse to add to
7 the sales price and to collect from the purchaser the amount
8 required to be added to the sale pursuant to this act. It
9 shall be unlawful for any person subjected to the tax levied
10 by this act to refund or offer to refund all or any part of
11 the amount collected or to absorb or advertise directly or
12 indirectly the absorption or refund of any portion of the tax.

13 Section 6. The tax levied by this act shall
14 constitute a debt due Monroe County. The tax, together with
15 any interest and penalties, shall constitute and be secured by
16 a lien upon the property of any person from whom the tax is
17 due or who is required to collect the tax. Monroe County shall
18 collect the tax, enforce this act, and have and exercise all
19 rights and remedies otherwise currently applicable or which
20 may be provided for in the future for the collection of the
21 sales and use taxes in Monroe County.

22 Section 7. All existing provisions of the sales and
23 use tax statutes, whether imposed by state statutes or local
24 act applicable to Monroe County, with respect to the payment,
25 assessment, and collection of the sales and use tax, making of
26 reports, keeping and preserving records, penalties for failure
27 to pay the tax, adopting rules with respect to the sales and

1 use tax, and the administration and enforcement of the sales
2 and use taxes which are not inconsistent with this act shall
3 apply to the tax levied under this act. Monroe County shall
4 have and exercise the same powers, duties, and obligations
5 with respect to the tax levied under this act as imposed by
6 the existing sales and use tax statutes, whether imposed by
7 state statutes or local act applicable to Monroe County. All
8 provisions of the existing sales and use tax statutes that are
9 made applicable by this act to the tax levied under this act,
10 and the administration and enforcement of this act, are
11 incorporated by reference and made part of this act as if
12 fully set forth herein.

13 Section 8. There is created the Monroe County
14 Highway Repair and Maintenance Fund within the county treasury
15 for the deposit of tax proceeds collected under this act as
16 provided in Section 9. The county commission shall administer
17 the fund.

18 Section 9. (a) All taxes collected under this act
19 shall be remitted to Monroe County and deposited in the Monroe
20 County Highway Repair and Maintenance Fund created in Section
21 8 to be used for paving of existing unpaved roads and the
22 maintenance, repair, and replacement of existing public roads,
23 highways, and bridges in the county. The funds shall not be
24 used for any of the following:

25 (1) Salaries, benefits, or any other form of
26 compensation for state or contract employees, except as
27 included in direct project costs.

1 (2) The purchase or lease of new equipment, other
2 than equipment purchased and permanently installed as a part
3 of a road or bridge project authorized in this subsection.

4 (3) The purchase of herbicides.

5 (b) By December 1 of each year, the county
6 commission shall annually certify to the Department of
7 Examiners of Public Accounts that the proceeds from the tax
8 provided for in this act are used solely for paving of
9 existing unpaved roads and the maintenance, repair, and
10 replacement of existing public roads, highways, and bridges in
11 the county as provided in subsection (a).

12 Section 10. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.