

ACT NO. 2012- 279

1 SB459
2 139490-5
3 By Senator Blackwell
4 RFD: Banking and Insurance
5 First Read: 03-APR-12



1 SB459

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4 ENROLLED, An Act,

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Relating to sales and use tax and leasing or rental tax; to require the Department of Revenue to develop and make available a system which allows any taxpayer required to file and remit a state, county, or municipal sales or use tax or a state, county, or municipal leasing or rental tax the ability to file and remit the sales and use tax or leasing or rental tax returns and payments through an electronic single point of filing program; to provide that there shall be no charge to utilize the local electronic single point of filing program by a taxpayer or local taxing jurisdiction; to allow the Department of Revenue to promulgate rules to implement the provisions of this act; and to create a State and Local Advisory Committee to provide input to the Commissioner of Revenue, and to provide for its membership, powers, and duties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. (a) No later than September 30, 2013, the Department of Revenue shall develop and make available a system which allows any taxpayer required to file and remit a state, county, or municipal sales or use tax or leasing a state, county, or municipal rental tax the ability to file and

1 remit such sales and use tax or leasing or rental tax returns
2 and payments through an electronic single point of filing
3 program. The system shall be known as the Optional Network
4 Election for Single Point Online Transactions or "ONE SPOT."
5 The system shall be available for use by any taxpayer for tax
6 periods after September 30, 2013, provided the taxpayer
7 complies with this act and any rules promulgated by the
8 department for the administration of the system. The ONE SPOT
9 system shall allow for sales and use tax or leasing or rental
10 tax return filing and tax remittance only and may not provide
11 for the administration or enforcement of local sales and use
12 taxes.

13 (b) There shall be no charge to local taxing
14 jurisdictions for utilization of the ONE SPOT system by
15 taxpayers or the local taxing jurisdiction or its designee.
16 Beginning no later than January 2013, the department shall
17 provide financial assistance of up to one million dollars
18 (\$1,000,000) for three years to assist local taxing
19 jurisdictions as necessary to ensure that their local system
20 is capable of effectively interfacing with the ONE SPOT
21 system.

22 (c) The system developed and implemented pursuant to
23 subsection (a) shall have the capability to allow a taxpayer
24 to file an electronic tax return for state sales and use taxes
25 and leasing or rental taxes and for each local taxing

1 jurisdiction in which the taxpayer is required to file and
2 remit a sales or use tax or leasing or rental tax. The
3 electronic tax return shall contain all information included
4 in the standard multiple jurisdictional tax returns developed
5 pursuant to Section 11-51-210, Code of Alabama 1975, and all
6 information included in the electronic tax return shall be
7 electronically available to each appropriate local taxing
8 jurisdiction without delay. The department shall consult with
9 the State and Local Advisory Committee established in Section
10 3 regarding development and implementation of the ONE SPOT
11 system.

12 (d) As required in Section 11-51-210, Code of
13 Alabama 1975, every local taxing jurisdiction levying or
14 administering a sales or use tax or leasing or rental tax
15 shall submit to the department a list of the sales and use
16 taxes and leasing or rental taxes levied or administered by
17 that local taxing jurisdiction including current rates and
18 shall submit to the department written notification of any new
19 or amended sales or use tax or leasing or rental tax at least
20 30 days prior to the effective date of the tax or amendment.
21 Failure to notify the department may not invalidate the levy
22 of the tax; except that the department may not be required to
23 program new sales or use taxes and leasing or rental taxes or
24 tax rates in the system until such time as notice is provided

1 as required in this act and pursuant to Section 11-51-210,
2 Code of Alabama 1975.

3 Section 2. (a) All Alabama taxing jurisdictions
4 shall authorize utilization of the ONE SPOT system for any
5 taxpayer required to file a state or local sales or use tax or
6 leasing or rental tax return or remit the tax payments;
7 provided, however, that any taxpayer utilizing the ONE SPOT
8 system for filing an electronic tax return for a local taxing
9 jurisdiction shall be required to simultaneously remit payment
10 through the system or through another electronic method of
11 payment accepted by the local taxing jurisdiction or its
12 designee for which payment is being made. A local taxing
13 jurisdiction may not accept a tax return from a taxpayer
14 without payment through the system unless the taxpayer has
15 prior approval from the local taxing jurisdiction to utilize a
16 different approved electronic method of payment.

17 (b) No later than June 30, 2013, each local taxing
18 jurisdiction shall provide the department with necessary
19 information to allow all sales and use tax or leasing or
20 rental tax payments to be remitted directly to the bank
21 account or other account designated by the local taxing
22 jurisdiction. Each non-state administered local taxing
23 jurisdiction shall set up their accounts to allow dishonored
24 payments to be reversed. All tax payments made through the ONE
25 SPOT system for non-state administered local taxing

1 jurisdictions shall be remitted directly from the taxpayer to
2 the designated bank account or other account of the local
3 taxing jurisdiction with the ONE SPOT system serving as a
4 conduit only.

5 (c) No taxpayer shall be required to use the ONE
6 SPOT system for tax return filing and remittance of local
7 sales and use taxes and leasing or rental taxes; provided,
8 however, that any taxpayer utilizing the system shall comply
9 with this act and any rules promulgated by the department for
10 the administration of this act. Additionally, any taxpayer
11 utilizing the system shall comply with any rules of the local
12 taxing jurisdiction regarding the administration of the local
13 sales or use tax or leasing or rental tax.

14 (d) All penalties and interest shall be assessed
15 according to state law and the rules of the department, except
16 that a local taxing jurisdiction may elect to apply the
17 interest at the rate of one percent per month, if it notifies
18 the department of the election in a manner prescribed by the
19 department. Additionally, the state discount rate shall be
20 applied except that a local taxing jurisdiction discount rate
21 shall be applied if the local taxing jurisdiction notifies the
22 department of such election in a manner prescribed by the
23 department. A taxpayer who desires a waiver of any penalty
24 assessed in relation to a return filed for a local taxing

1 jurisdiction shall apply directly to that local taxing
2 jurisdiction for the waiver.

3 Section 3. (a)(1) To ensure that local taxing
4 jurisdictions have meaningful input into the development and
5 operation of ONE SPOT, a State and Local Advisory Committee is
6 hereby established to review the design and operation of the
7 system and to make recommendations regarding system
8 requirements and functionality to the Commissioner of Revenue.

9 (2) The committee shall consist of the following
10 individuals:

11 a. Three representatives of county government,
12 appointed by the Association of County Commissions of Alabama.

13 b. Three representatives of municipal government,
14 appointed by the Alabama League of Municipalities.

15 c. One representative of the business community,
16 appointed by the Business Council of Alabama.

17 d. One representative of the retail community,
18 appointed by the Alabama Retail Association.

19 e. One representative of a county or municipality
20 which levies a lease or rental tax appointed by the Speaker of
21 the House of Representatives who shall be a nonvoting member.

22 f. One representative of the business community
23 appointed by the President Pro Tempore of the Senate who shall
24 be a nonvoting member.

1 (3) The committee members shall receive no
2 compensation or reimbursement of expenses from the state for
3 serving on the committee.

4 (b) The committee shall meet with the Commissioner
5 of Revenue and with other employees of the department as the
6 commissioner deems appropriate. The initial meeting shall be
7 at a time and place to be determined by the commissioner and
8 shall be held no later than September 30, 2012. At the initial
9 meeting, the committee shall organize itself and shall
10 determine the timing and frequency of subsequent meetings.

11 (c) The role of the committee shall be limited to
12 providing input and recommendations on the development and
13 functionality of the ONE SPOT system with relation to the
14 filing of sales and use tax or leasing or rental tax returns
15 and remittance of payments utilizing the ONE SPOT system. The
16 committee shall make no review of the department's
17 administration of state taxes, of state-administered local
18 taxes, nor of any other department matter beyond the ONE SPOT
19 system.

20 (d) If the commissioner fails to act on
21 recommendations made by the committee regarding ONE SPOT, the
22 committee, by majority vote, may appeal to the Legislative
23 Council for a determination on whether the committee's
24 recommendations shall be implemented. The determination of the
25 Legislative Council shall be final.

1 Section 4. Nothing in this act shall be construed to
2 authorize the Department of Revenue to impose fees on the
3 local taxing jurisdictions or their designees for the
4 maintenance or operation of the ONE SPOT system.

5 Section 5. The provisions of this act are severable.
6 If any part of this act is declared invalid or
7 unconstitutional, that declaration shall not affect the part
8 which remains.

9 Section 6. All laws or parts of laws which conflict
10 with this act are repealed.

11 Section 7. This act shall become effective on the
12 first day of the second month following its passage and
13 approval by the Governor, or upon its otherwise becoming law,
14 for returns and payments for tax periods beginning after
15 September 30, 2013.

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Kay Ivey

President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB459

Senate 10-APR-12

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Amended and passed 24-APR-12

Senate concurred in House amendment 26-APR-12

By: Senator Blackwell

Alabama Secretary Of State

Act Num....: 2012-279
Bill Num....: S-459

Recv'd 05/03/12 01:17pmSLF

APPROVED *May 3, 2012*

TIME *9:10 am*

Robert Bentley

GOVERNOR

NSOR

Blackwell

SPONSORS

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SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No 81-889 was adopted and is attached to the Bill, SB 459

years 27 nays 0 abstain

PATRICK HARRIS, Secretary

I hereby certify that the notice & proof is attached to the Bill, SB _____ as required in the General Acts of Alabama, 1975 Act No. 919.

PATRICK HARRIS, Secretary

CONFERENCE COMMITTEE

Senate Conferrees

HOUSE ACTION

DATE:

4-10

2012

RD 1 RFD

CSB

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on _____ was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be

Passed w/amend(s) 1 w/sub _____ This _____ day of _____, 2012

[Signature] Chairperson

DATE:

4-12

2012

RF

CSB

RD 2 CAL

DATE:

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RE-REFERRED

RE-COMMITTED

Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 459

YEAS 54 NAYS 0

GREG PAPPAS, Clerk

FURTHER HOUSE ACTION (OVER)

DATE: 13/04/19
BY: [Signature]
[Signature]