



State of Alabama Department of Revenue

(www.revenue.alabama.gov)

50 North Ripley Street
Montgomery, Alabama 36132

June 20, 2017

TO: ALL PERSONS, FIRMS, AND CORPORATIONS making sales at retail and/or purchasing tangible personal property for use, storage, or other consumption in **Randolph County**

Sections 40-12-04, et seq., **Code of Alabama 1975**, authorize and empower counties to levy a true sales and use tax identical to the State Sales and Use Tax Laws except for the rates of tax and require the Alabama Department of Revenue upon request of the county to collect the tax.

On May 22, 2017, the governing body of Randolph County adopted Ordinance No. 052217 levying a sales and use tax **effective July 1, 2017**.

Sales & Use Tax Rates:

	<u>Old Rates</u>	<u>New Rates</u>
General Rate	2.00%	2.50%
Admissions to places of amusement and entertainment	2.00%	2.50%
Retail selling price of food for human consumption sold through vending machines	2.00%	2.50%
Net difference paid for machines, machinery, and equipment used in planting, cultivating, and harvesting farm products	2.00%	2.50%
Machines, parts, and attachments for machines used in manufacturing tangible personal property	2.00%	2.50%
Net difference paid for all automotive vehicles, truck trailers, semi-trailers, and house trailers	2.00%	2.50%
Withdrawal fee for automotive vehicle dealers only.....	\$2.50	\$2.50

The Law requires that Randolph County sales and use taxes be collected, reported and remitted in the same manner as the State sales and use taxes. Randolph County sales and use taxes are to be included on the electronic local tax return assigned to you (City and County Tax Return, form 9501). Enter the gross amounts and deductions, and all calculations will be done automatically for you. You may file these taxes online through the My Alabama Taxes system at <https://myalabamataxes.alabama.gov>.

Please direct all questions regarding Randolph County sales and use taxes to this office:

Alabama Department of Revenue
Sales and Use Tax Division
Post Office Box 327710
Montgomery, Alabama 36132-7710
334-242-1490 or 866-576-6531

**RESOLUTION LEVYING ADDITIONAL SALES AND USE TAXES
FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF JAIL**

Whereas, in order to meet the public safety needs of the people of Randolph County, Alabama (the "County"), Act No. 2016-288 ("Act No. 2016-288") was adopted during the 2016 Regular Session of the Alabama Legislature, as amended by Act No. 2017-254 ("Act No. 2017-254") adopted during the 2017 Regular Session of the Alabama Legislature (collectively referred to hereinafter as the "Jail Sales Tax Act");

Whereas, the Jail Sales Tax Act authorizes the County Commission (the "County Commission") of the County to levy sales and use taxes at the rate of one-half of one percent to provide funds to pay the costs of construction, maintenance and operation of jail facilities in the County;

Whereas, on November 8, 2016, the County conducted an advisory public referendum in connection with the proposed levy of the new sales and use tax to provide funds to pay the costs of jail facilities in the County and the proposed measure passed by favorable vote in the amount of approximately 4,122 votes in favor of said proposal and approximately 3,727 voting against said proposal;

Whereas, the County Commission has determined that it is necessary and appropriate to levy and collect such additional sales and use taxes authorized to be levied and collected pursuant to the Jail Sales Tax Act in order to provide additional funds for the construction, maintenance and operation of County jail facilities;

Now, therefore, BE IT RESOLVED by the Randolph County Commission as follows:

Section 1. (a) The following words, terms and phrases where used in this resolution shall have the following respective meanings except where the context clearly indicates a different meaning:

- (1) "Code" means the Code of Alabama 1975, as amended.
- (2) "Commissioner" means the Commissioner of Revenue of the State.
- (3) "State" means the State of Alabama.
- (4) "State Department of Revenue" means the Department of Revenue of the State.
- (5) "State sales tax" means the tax or taxes imposed by the State sales tax statutes.
- (6) "State sales tax statutes" means Division 1 of Article 1 of Chapter 23 of Title 40 of the Code, including all other statutes of the State which expressly set forth any exemptions from the computation of the taxes levied in Division 1 and all other statutes which expressly

apply to, or purport to affect, the administration of Division 1 and the incidence and collection of the taxes imposed therein.

(7) "State use tax" means the tax or taxes imposed by the State use tax statutes.

(8) "State use tax statutes" means Article 2 of Chapter 23 of Title 40 of the Code, including all other statutes of the State which expressly set forth any exemptions from the computation of the tax levied in Article 2 and all other statutes of the State which expressly apply to, or purport to affect, the administration of Article 2 and the incidence and collection of the taxes imposed therein.

(b) Except where another meaning is clearly indicated by the context, all definitions set forth in the State sales tax statutes and the State use tax statutes shall be effective as definitions of the words, terms, and phrases used in this resolution. All words, terms, and phrases used herein, other than those hereinabove specifically defined, shall have the respective meanings ascribed to them in the State sales tax statutes and the State use tax statutes and shall have the same scope and effect that the same words, terms, and phrases have where used in the State sales tax statutes and the State use tax statutes.

Section 2. Pursuant to the authority granted in the Jail Sales Tax Act, there is hereby levied and imposed in the County, in addition to all other taxes of every kind now imposed by law, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm, or corporation (and in the amount to be determined by the application of the rate against gross sales, or gross receipts, as the case may be) (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the State, whether such institutions be denominational, state, county, or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged, or continuing within the County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships, and other watercraft, and commercial fishing vessels of over five tons displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources), an amount equal to one half percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein and/or the Jail Sales Tax Act. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of the business at the rates specified, when his or her books are kept so as to show separately the gross proceeds of sales of each business, and when his or her books are not so kept he or she shall pay the tax as retailer on the gross sales of the business.

Where any used part including tires of an automotive vehicle or a truck trailer, semitrailer, or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part or tire, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part or tire sold less the credit for the used part or tire taken in trade, provided, however, this provision shall not be construed to include batteries.

(b) Upon every person, firm, or corporation engaged, or continuing within the County, in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within the County, or any athletic association thereof, or other association whether the institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the County, an amount equal to one half of one percent of the gross receipts of any such business. Provided, however, notwithstanding any language to the contrary in the prior portion of this subdivision, the tax provisions so specified shall not apply to any athletic event conducted by a public or nonpublic primary or secondary school or any athletic event conducted by or under the auspices of the Alabama High School Athletic Association. The tax amount which would have been collected pursuant to this subdivision shall continue to be collected by the public or nonpublic primary or secondary school, but shall be retained by the school which collected it and shall be used by the school for school purposes.

(c) Upon every person, firm, or corporation engaged or continuing within the County in the business of selling at retail machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property, an amount equal to one-half percent of the gross proceeds of the sale of such machines. The term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of the machines, attachments, and replacements therefor, which are made or manufactured for use on or in the operation of the machines and which are necessary to the operation of such machines and are customarily so used.

(d) Upon every person, firm, or corporation engaged or continuing within the County in the business of selling at retail any automotive vehicle or truck trailer, semitrailer, or house trailer, or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes, and any other materials pertaining thereto an amount equal to one-half percent of the gross proceeds of sale of the automotive vehicle or truck trailer, semitrailer, or house trailer, or mobile home set-up materials and supplies.

Where any used automotive vehicle or truck trailer, semitrailer, or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(e) Upon every person, firm, or corporation engaged or continuing within the County in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products, and substitutes therefor, there is levied a tax equal to one half of percent of the cost of the food, food products, and beverages sold through the machines, which cost for the purpose of this subdivision shall be the gross proceeds of sales of the business.

(f) Upon every person, firm or corporation engaged or continuing within the County in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one-half percent of the gross proceeds of the sale thereof; provided, that the one-half percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(c) There are exempted, however, from this section and from the computation of the amount of the tax levied and imposed or continued in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State sales tax statutes from the computation of the amount of the State sales tax.

Section 3. (a) Pursuant to the authority granted in the Jail Sales Tax Act, there is hereby levied and imposed in the County excise taxes on the storage, use or other consumption of property in the County as hereinafter provided:

(1) On the storage, use or other consumption in the County of tangible personal property, not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships, other watercraft and commercial fishing vessels of over five tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of

Conservation and Natural Resources, purchased at retail on or after the effective date of this resolution, for storage, use or other consumption in the County at the rate of one half percent of the sales price of such property or the amount of tax collected by the seller, whichever is greater, except as provided in Section 3(b), (c) and (d) hereof.

(2) On the storage, use or other consumption in the County of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after the effective date provided in Section 9 hereof, at the rate of one-half percent of the sales price of any such machine or the amount of tax collected by the seller, whichever is greater; provided, that the term "machine," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(3) On the storage, use or other consumption in the County of any automotive vehicle or truck trailer, semitrailer or house trailer, and mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto, purchased at retail on or after the effective date provided in Section 9 hereof, for storage, use or other consumption in the County at the rate of one-half percent of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer, and mobile home set-up materials and supplies as specified above, or the amount of tax collected by the seller, whichever is greater. Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(4) On the storage, use or other consumption in the County of any machine, machinery, or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry, or farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, which is purchased at retail after the effective date provided in Section __ hereof, for storage, use or other consumption in the County, at the rate of one-half percent of the sales price of such property or the amount of tax collected by the seller, whichever is greater. Provided, however, that the one-half percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities.

(b) There are exempted from the provisions of this section, and from the taxes levied and imposed or continued by this section, the storage, use, or other consumption of property the storage, use, or other consumption of which is presently exempted under the State

use tax statutes from the State use tax. Subject to those exemptions, every person storing or using or otherwise consuming in the County tangible personal property purchased at retail on or after the effective dates of the taxes levied and imposed or continued in this section shall be liable for the taxes so levied and imposed or continued, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a retailer maintaining a place of business in the County given to the purchaser or other receipt or documentation regarding payment of tax permitted under applicable rules and regulations, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt or documentation may refer.

Section 4. Each person engaging or continuing within the County in a business subject to the sales taxes levied or continued to be levied in Section 2 shall add to the sales price and collect from the purchaser the amount due by the taxpayer on account of the tax. It shall be unlawful for any person subject to the sales taxes levied or continued to be levied in Section 2 to fail or refuse to add to the sales price and to collect from the purchaser the amount herein required to be so added to the sales price and collected from the purchaser, and it shall likewise be unlawful for any person subject to the tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of the tax or any portion thereof.

Section 5. (a) The County Commission has determined that the taxes herein levied or continued to be levied and collected shall initially be administered and collected by a private collection agency on behalf of the County. The County Commission has appointed Alabama Department of Revenue as the initial collection agent, subject to the right of the County Commission to appoint a different private collection agency or to appoint the State Department of Revenue to administer and collect the taxes in the future or to determine to self-administer the taxes. Such taxes shall be administered and collected at the same time and in the same manner as the State sales tax and State use tax are collected, pursuant to, and in accordance with, the applicable provisions of Sections 11-3-11.2 and 11-3-11.3 of the Code. Without limiting the generality of the foregoing, the County Commission or other collection agency shall have the same rights, remedies, power, and authority, including the right to adopt and implement the same procedures, as would be available to the State Department of Revenue if the taxes herein levied were being administered, enforced, and collected by the State Department of Revenue.

(b) With respect to the taxes herein levied or continued to be levied and imposed by it, the County shall be deemed to be a self-administered county, as that term is defined in Section 40-2A-3 of the Code.

Section 6. The taxes levied or continued to be levied and collected pursuant to this resolution shall constitute a debt due the County and may be collected by civil suit, in addition to all other methods provided by law and in this resolution and Jail Sales Tax Act. The taxes, together with any interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom the taxes are due or who is required to collect the taxes. All the provisions of the revenue laws of the State which apply to the enforcement of liens for license taxes due the State shall apply fully to the collection of the taxes herein levied or to continue to be levied. The County Commission, the State Department of Revenue or private collection agency, as determined by the County Commission, shall collect the

taxes, and enforce this resolution and Jail Sales Tax Act, and the County Commission or any private collection agency collecting such taxes shall have and exercise all rights and remedies that the State Department of Revenue would have if the taxes were being administered, enforced and collected by the State Department of Revenue. The County Commission, the State Department of Revenue or private collection agency may employ special counsel as it deems necessary from time to time to enforce collection of the taxes levied or continued to be levied pursuant to this resolution and otherwise to enforce the provisions of this resolution and Jail Sales Tax Act, including the institution, prosecution, and defense of any litigation involving this resolution or Jail Sales Tax Act. The governing body, the State Department of Revenue or private collection agency shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the tax collected by it hereunder.

Section 7. All provisions of the State sales tax statutes and related regulations with respect to payment, assessment, and collection of the State sales tax, making of reports, and keeping and preserving records with respect thereto, interest after the due date of the State sales tax, penalties for failure to pay the tax, make reports or otherwise comply with the State sales tax statutes, the promulgation of rules and regulations with respect to the State sales tax, and the administration and enforcement of the State sales tax statutes, which are not inconsistent with the provisions of this resolution and Jail Sales Tax Act, when applied to the sales taxes levied or continued to be levied herein, shall apply to the sales taxes levied or continued to be levied herein; and all provisions of the State use tax statutes and related regulations with respect to payment, assessment, and collection of the State use tax, making of reports, and keeping and preserving records with respect thereto, interest after the due date of the State use tax, penalties for failure to pay the tax, make reports or otherwise to comply with the State use tax statutes, the promulgation of rules and regulations with respect to the State use tax and the administration and enforcement of the State use tax statutes, which are not inconsistent with this resolution or Jail Sales Tax Act, when applied to the use taxes levied or continued to be levied herein, shall apply to the use taxes levied or continued to be levied herein. The governing body, the State Department of Revenue or private collection agency shall have and exercise the same powers, duties, and obligations with respect to the taxes levied or continued to be levied under this resolution and Jail Sales Tax Act that are imposed on the Commissioner and State Department of Revenue by the State sales tax statutes and State use tax statutes. All provisions of the State sales tax statutes and the State use tax statutes that are made applicable by this resolution and Jail Sales Tax Act to the taxes herein levied or continued to be levied and to the administration of this resolution and Jail Sales Tax Act are incorporated herein by reference and made a part hereof as if fully set forth herein. The County Commission hereby elects (i) to assess interest on any delinquency in the payment of the taxes and (ii) to pay interest on any refund of taxes erroneously paid in accordance with the provisions of Section 11-3-11.3(g) of the Code.

Section 8. The proceeds of the taxes levied or continued to be levied herein shall be used only for the purpose of providing funds to pay the costs of construction, maintenance and operation of jail facilities in the County. The County may anticipate the proceeds from said taxes so required to be paid to it by issuing, for any of the purposes for which the taxes are authorized to be levied, funding or refunding bonds, warrants, or certificates of indebtedness of the County, and may pledge for the payment of the principal thereof and interest thereon the proceeds from said taxes so paid to it.

Section 9. The levy of the taxes in Sections 2(b) and 3(b) hereof shall be made effective on July 1, 2017.

Section 10. The provisions of this resolution are severable. If any part of this resolution is declared invalid, that declaration shall not affect the part which remains.

Section 11. This resolution shall be effective immediately upon its adoption.

RESOLVED on this the 22nd day of May, 2017.

RANDOLPH COUNTY COMMISSION as the governing body of Randolph County, Alabama

By: *Lathonia J. Wright*
Chairman

ATTEST:

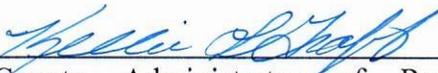
Bellie Stapp
Administrator



CERTIFICATE OF COUNTY ADMINISTRATOR

I, Kellie Graff, do hereby certify that I am the duly appointed, qualified and acting County Administrator of Randolph County, Alabama (the "County"). I do further certify that the attached pages constitute a complete, verbatim and compared copy of a resolution adopted on May 22, 2017, at duly noticed and held meeting of the County Commission of the County, at which a quorum was present and voting throughout, pertaining to the matters therein set out; and said resolution is in full force and effect and has not been repealed, amended or changed.

IN WITNESS WHEREOF, I have hereunto set my hand as County Administrator of the County and have affixed its official seal hereto, this __ day of May, 2017.



County Administrator of Randolph County,
Alabama

