TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVEN	IUE	
Rule Nos. 810-6-1133		
Rule Title: Pump Installed for a County or Municipa	ality by a Contractor	
New;XX _Amend;Repeal;Adopt	by Reference	
Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?	No	
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?	Yes	
Is there another, less restrictive method of regulation available that could adequately protect the public?	No	
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?	No	
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?	N/A	
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?	Yes	
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Does the proposed rule have any economic mpact?	No	
f the proposed rule has an economic impact, the propoy a fiscal note prepared in accordance with subsection 1975.	osed rule is required to be a (f) of Section 41-22-23, Code	accompanied of Alabama
********************************	**********	*****
Certification of Authorized Official		
certify that the attached proposed rule has been equirements of Chapter 22, Title 41, Code of Alabama iling requirements of the Administrative Procedure Divis	1975 and that it conforms to a	all applicable
Signature of certifying officer	0.2	
Date 9/23/13		

FOR APA RULE (Section 41-22-23(f))

Cont	rol No. <u>810</u> Department or Agency <u>REVENUE</u>
Rule	No: 810-6-1133
Rule	Title: Pump Installed for a County or Municipality by a Contractor
***************************************	New _X_AmendRepealAdopt by Reference
\times	This rule has no economic impact.
	This rule has an economic impact, as explained below:
1.	NEED/EXPECTED BENEFIT OF RULE:
2.	COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
3.	EFFECT OF THIS RULE ON COMPETITION:
4.	EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
5.	EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
6.	SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
7.	THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
8.	UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND

BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE

BENEFITS AND BURDEN COMPARISON:

- 9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:
- 10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:
- 11. OTHER COMMENTS:

ALABAMA DEPARTMENT OF REVENUE Sales & Use Tax Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE

810-6-377	Exemption for Certain Purchases by Contractors and Subcontractors in
	Conjunction with Construction Contracts with Certain Governmental
	Entities Public Corporations, and Educational Institutions
810-6-145	Contractors Furnishing and Erecting Building Materials Under Contract
	With the United States
810-6-146	Contractor's Liability
810-6-146.01	Bleacher Systems, Lockers, Backstops, and Other Fixtures Installed in Gymnasiums
810-6-197	Materials Used on Road and Bridge Projects

INTENDED ACTION: Amend above rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rules to comply with the provisions of Act 2013-205 which exempts the sale to, or the storage, use or consumption by, any contractor or subcontractor of any tangible personal property to be incorporated into realty pursuant to a contract awarded on or after January 1, 2014 with certain qualifying governmental entities who are exempt from all state, county, and municipal sales and use taxes. In addition, the department proposes to amend the title of Rule 810-6-3-.77.

RULE NO. & TITLE

810-6-1133	Pump Installed for a County or Municipality by a Contractor
	Historical Preservation Authorities

INTENDED ACTION: Amend above rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to delete references to earlier laws passed in 2000 which are no longer in effect.

RULE NO. & TITLE

810-6-5-.36 Prepaid Wireless 9-1-1 Charge

INTENDED ACTION: Amend above rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule due to the fact that the CMRS Board set a statewide emergency 9-1-1 charge of \$1.60. This new rate is effective 10/1/2013 and will include prepaid wireless transactions changing the rate per transaction from \$.70 to \$1.60.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:00 a.m. on Thursday, November 7, 2013, Room 1203, First Floor, Gordon Persons Building, located at 50 N Ripley Street, Montgomery, Alabama. Copies of the rule(s) can be obtained at www.revenue.alabama.gov/rulehear.html.

All interested parties may present their views in writing to the Secretary of the Alabama Department of Revenue, Room 4131, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132 at any time during the thirty-five (35) day period following publication of the notice or by appearing at the hearing.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, November 7, 2013

CONTACT PERSON AT AGENCY:

Patricia Toles Alabama Department of Revenue 4131 Gordon Persons Building Montgomery, Alabama 36132 (334) 242-1380

> Michael D. Gamble, Secretary Alabama Department of Revenue

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810-6-1-.133 Pump Installed for a County or Municipality by a Contractor.

- (1) A contractor who installs a pump for a county or incorporated municipality of the State of Alabama is required to pay tax on his or her purchase of the pump. The pump is in the same category as any other building materials which become affixed to realty. When title to a pump installed under contract passes from the contractor to the landowner, it has ceased to be personal property and has become real property. (Sections 40-23-1(a)(10) and 40-23-60(5))
- (2) On and after October 1, 2000 January 1, 2014, the sale of a pump to, or the storage, use, or consumption of a pump by, any contractor or subcontractor to be incorporated into realty pursuant to a contract with any county or incorporated municipality of the State of Alabama awarded prior to July 1, 2004 on or after January 1, 2014, is exempt from state, county, and municipal sales and use taxes provided the contractor or subcontractor has complied with Rule 810-6-3-.77 entitled Exemption of Certain Purchases by Contractors and Subcontractors in conjunction with Construction Contracts with Certain Governmental Entities, Public Corporations, and Educational Institutions. (Section 40-9-33, Code of Alabama 1975Act No. 2013-205)

Author:

Traci Floyd, Ginger L. Buchanan

Authority:

Sections 40-2A-7(a)(5), 40-23-1(a)(10), 40-23-31, 40-23-60(5), 40-23-83,

and 40-9-33, Code of Alabama 1975

History:

Readopted through APA effective October 1, 1982, amended March 27,

2001.

Amended: Filed May 6, 2005, effective June 10, 2005.