

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVENUE

Rule Nos. 810-3-39-09

Rule Title: **Requirements for the Corporate Income Tax Declaration For Electronic Filing**

 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

Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Michael D. Gault

Date 9/22/14

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10/96

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 810 Department or Agency REVENUE

Rule No: 810-3-39-.09

Rule Title: Requirements for the Corporate Income Tax Declaration For Electronic Filing.

 New X Amend Repeal Adopt by Reference

- NO
 YES

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 HERE 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
Individual & Corporate Tax Division**

NOTICE OF INTENDED ACTION

RULE NO. & TITLE

810-3-75-.03 Annual Returns of Withholding Tax Information

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to further prevent fraud, this amendment will move forward the due date W2's are required to be submitted by employers to the Department of Revenue by one month from the last day of February to the last day of January. In doing so, the Department can verify refunds on efiled returns before rather than after the fact.

RULE NO. & TITLE

810-3-28-.04 Requirements for the Partnership/LLC Return of Income
 Declaration for Electronic Filing
810-3-39-.09 Requirements for the Corporate Income Tax Declaration For
 Electronic Filing

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION

The department proposes to amend the above rules to reflect the new AL8453 PTE which is for S-Corporations, Partnerships and LLCs.

RULE NO. & TITLE

810-3-29-.03 Requirements for Alabama Electronic Fiduciary Income Tax Return

INTENDED ACTION: Adopt new rule

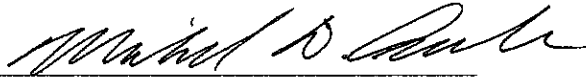
SUBSTANCE OF PROPOSED ACTION: The department proposes to adopt the above rule to provide requirements for filing electronic fiduciary income tax returns.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at **2:00 p.m. on Wednesday, November 5, 2014, Room 1203, First Floor, Gordon Persons Building**, located at 50 N Ripley Street, Montgomery, Alabama. Copies of the rule(s) can be obtained at ww.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:
Wednesday, November 5, 2014

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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810-3-39-.09 Requirements for the Corporate Income Tax Declaration for Electronic Filing.

(1) SCOPE – This **regulation rule** defines the information required for the Corporate Income Tax declaration for electronic filing.

(2) The Corporate Income Tax Declaration for Electronic Filing requires the following information for both Corporation and S-Corporation filers:

- (a) The corporation's name.
- (b) The corporation's Federal Employer Identification Number.
- (c) The corporation's address.
- (d) The Corporation's Phone Number.
- (e) The Alabama taxable income reported by the electronic return.
- (f) The total tax liability reported by the electronic return.
- (g) The total tax payments and credits reported by the electronic return.
- (h) The total reductions reported on the electronic return.
- (i) The amount of the refund reported by the electronic return.
- (j) The amount of the payment transmitted electronically.
- (k) If applicable, authorization for the ADOR and its designated financial agent to initiate an electronic funds withdrawal (direct debit) entry to the financial institution account indicated in the tax preparation software for payment of the corporation's Alabama taxes owed on this return, and the financial institution to debit the entry to this account.
- (l) If applicable, authorization for the amount of refund as reported on the return to be directly deposited to the account as indicated in the tax preparation software.
- (m) Authorization for the ADOR to discuss the return and attachments with the preparer.
- (n) The signature of an officer of the corporation, their title and date of the signature.

- (o) The signature of the electronic return originator and date of the signature.
- (p) An indication whether the electronic return originator is self-employed.
- (q) The firm name of the electronic return originator.
- (r) The address, including the zip code, of the electronic return originator.
- (s) The federal employer identification number of the electronic return originator.
- (t) If the paid preparer is different from the electronic return originator, the following information is required:

- 1. The signature of the paid preparer and date of the signature.
- 2. An indication whether the paid preparer is self-employed.
- 3. The firm name of the paid preparer.
- 4. The address, including the zip code, of the paid preparer.

(3) The signatures of the corporate officer, the electronic return originator, and the paid preparer (if the paid preparer is different from the electronic return originator) must be affixed to the Alabama Form AL8453-C - Corporate Income Tax Declaration for Electronic Filing **(C-Corporations) or AL8453-PTE - S-Corporation/Partnership Income Tax Declaration for Electronic Filing (S-Corporations)** before the return is electronically transmitted.

(a) Members of the firm or designated employees may sign for the electronic return originator.

(b) If the taxpayer is unable to obtain the paid preparer's signature on the Alabama Form AL8453-C/**AL8453-PTE**, in lieu of the paid preparer's signature the electronic return originator may attach to the Alabama Form AL8453-C/**AL8453-PTE** a copy of the appropriate pages of the paper return with the paid preparer's signature.

(c) Electronic return originators and electronic return preparers are prohibited from allowing taxpayers to sign blank Alabama Forms AL8453-C/**AL8453-PTE**.

(4) The completed and signed Alabama Form AL8453-C/**AL8453-PTE** will serve as the filing declaration for the electronic Alabama corporate income

tax return.

(5) The completed and signed Alabama Form AL8453-C/AL8453-PTE must be retained by the electronic return originator for a period of three years from the due date of the return or three years from the date the return was filed, whichever is later. The electronic return originator will provide the Department with the original Alabama Form AL8453-C/AL8453-PTE within five business days of receiving a written request for the documents from the Department.

Author: Neal Hearn, Kathleen C. Abrams, ~~Jo Ann Ledbetter~~, ~~Ann F.~~

Winborne, CPA Veronica Jennings and Melissa A. Gillis

Authority: Sections 40-2A-7(a)(5) and 40-30-5, Code of Alabama 1975

History: New Rule: Filed February 13, 2006, effective March 20, 2006.

Amended: Filed January 28, 2010, effective March 4, 2010.

Amended: Filed January 27, 2014, effective March 3, 2014.