

ALABAMA DEPARTMENT OF REVENUE
Individual & Corporate Tax Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE:

810-3-14-.11 Severance Pay Exemption (REPEAL)
810-3-19.1-.01 Severance Pay Exemption (NEW)

INTENDED ACTION: Repeal and Replace

SUBSTANCE OF PROPOSED ACTION: Existing Rule 810-3-14-.11 is being repealed and being introduced as new Rule 810-3-19.1-.01. Rule 810-3-14-.11 indicates that the rule applies to Section 40-18-14; however, the law covering severance pay exemption is covered under Section 40-18-19.1. Therefore, the rule addressing severance pay exemption is being renumbered to comply with Section 40-18-19.1.

RULE NO. & TITLE:

810-3-15-.27 Net Operating Loss Carryback or Carryover (REPEAL)
810-3-15.2-.01 Net Operating Loss Carryback or Carryover (NEW)

INTENDED ACTION: Repeal and Replace

SUBSTANCE OF PROPOSED ACTION: Existing Rule 810-3-15-.27 is being repealed and introduced as new Rule 810-3-15.2-.01. The law covering net operating losses was removed from Section 40-18-15 and inserted as new Section 40-18-15.2 under Act 98-502. Therefore, the rule addressing net operating losses is being renumbered to comply with Section 40-18-15.2.

RULE NO. & TITLE:

810-3-176-.01 Composite Returns

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The Department proposes to amend the above rule to provide an automatic, six-month extension of time for filing Composite Returns for S Corporations. The current rule requires that an extension form be filed before the extension is granted. The proposed amendment will remove the requirement for documentation to be filed to request an extension of time to file the tax returns. In addition, the title of the rule will be amended in this proposed action.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:00 a.m. on Wednesday, January 7, 2009, in the Office of the Legal Division, Room 3114, 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 4112, 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, January 7, 2009

CONTACT PERSON AT AGENCY:

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



Lewis A. Easterly
Alabama Department of Revenue

0784APC.INT