

OFFICE OF THE ATTORNEY GENERAL



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APR 26 1995

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Honorable Frank C. Ellis, Jr.
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Counties - Taxes -
Reciprocity - Municipalities

Pursuant to Code of Alabama 1975, § 11-51-204, Shelby County and/or Shelby County municipalities may enter into reciprocal written agreements providing for the exchange of local tax returns and information similar to that authorized and entered into by the State of Alabama Department of Revenue, pursuant to Code of Alabama 1975, § 40-2A-10.

Dear Mr. Ellis:

This opinion is issued in response to the request of the Shelby County Commission for an opinion from the Attorney General.

QUESTION

May Shelby County and/or other Shelby County municipalities enter into reciprocal written agreements providing for the exchange of tax returns and information similar to that authorized and entered

into by the State of Alabama Department of Revenue, pursuant to Section 40-2A-10, Code of Alabama 1975?

Such agreements, if allowed, would be used for the cities and/or county in the collecting of taxes due, ascertaining the amount of taxes due, and/or determining whether a person is liable for, or might be liable for, the payment of such taxes.

FACTS AND ANALYSIS

Sections 11-51-200, 11-51-202 and 11-51-204 of the Code of Alabama specifically provides respectively that:

Section 11-51-200:

"The council or other governing body of all incorporated cities and towns within the State of Alabama is hereby authorized and empowered to provide by ordinance for the levy and assessment of sales taxes, parallel to the state levy of sales taxes as levied by Sections 40-23-1, 40-23-2, 40-23-4, 40-23-6 through 40-23-32 and 40-23-24 through 40-23-36, except where inapplicable or where otherwise provided in this Article; provided that no city or town shall be authorized to levy any such tax against the Alcoholic Beverage Control Board of the State of Alabama in the sale of alcoholic beverages."

Section 11-51-202:

"The council or other governing body of all incorporated cities and towns within the State of Alabama is hereby authorized and empowered to provide by ordinance or the levy and assessment of an excise tax or use tax parallel to the state levy and assessment of excise or use taxes as levied by Article 2 of Chapter 23 of

Title 40, except where inapplicable or
where otherwise provided in this article."

Section 11-51-204:

"The council or other governing body making a levy or assessment of taxes under the provisions of this article shall from time to time adopt by ordinance such rules and regulations for making returns and for ascertainment, assessment and collection of any taxes levied as it may deem necessary to enforce its provisions and, upon request, shall furnish any taxpayer with a copy of such rules and regulations.

"The council or other governing body may adopt in whole or in part any rules and regulations which may be promulgated by the State Department of Revenue or may modify and amend the same at the discretion of said council or other governing body." (Emphasis added.)

In view of the above statutory provisions, counties and/or municipalities within the State may enter into similar reciprocal written agreements as authorized under Section 40-2A-10 of the Alabama Code.

CONCLUSION

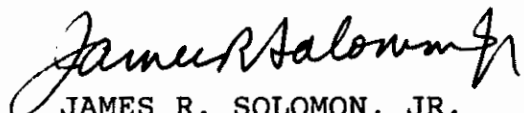
It is the opinion of this office that Shelby County and/or Shelby County municipalities may enter into reciprocal written agreements providing for the exchange of local tax returns and information similar to that authorized and entered into by the State of Alabama Department of Revenue pursuant to Code of Alabama 1975, § 40-2A-10.

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I hope this sufficiently answers your question. If our office can be of further assistance, please contact Antoinette Jones, Revenue Department, Legal Division.

Sincerely,

JEFF SESSIONS
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

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