

APA-1

Transmittal Sheet For Notice Of Intended Action

Control: 810

Department or Agency: Revenue

Rule Nos: 810-6-3-.36

Rule Title: Liquefied Petroleum Gas, Liquefied Natural Gas and Compressed Natural Gas

New; Amended; Repealed; Adopt by Reference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 result from the absence of the proposed rule? N/A


Are all the 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 

Date 06/16/2017

APA-6
10/96

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

Control No. 810 Department or Agency REVENUE

Rule No: 810-6-3-.36

Rule Title: Liquefied Petroleum Gas, Liquefied Natural Gas and Compressed Natural Gas

 New X Amend Repeal Adopt by Reference

NO

This rule has no economic impact.

YES

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
Sales and Use Tax

NOTICE OF INTENDED ACTION

RULE NO. & TITLE

810-6-3-.65 Sales Tax Holiday for "Back-to-School"

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule in order to change the date of the sales tax holiday from the first full weekend in August to the third full weekend in July, as provided for in Act 2017 -120.

RULE NO. & TITLE

810-6-5-.13 Persons, Firms, and Corporations Subject to Lodgings Tax

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to clarify that meeting rooms, ball rooms, etc., that are not intended for overnight sleeping purposes are exempt from lodgings tax and to clarify that admission fees for events open to the public, sales of tangible personal property, and rentals of equipment in such meeting rooms are taxable under the applicable taxing statutes.

RULE NO. & TITLE

810-6-3-.28 Gas, Motor Fuels and Lubricants.

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule in order to update how liquefied natural gas and compressed natural gas used as motor fuels are treated and provide that these fuels are subject to sales and use tax when not otherwise subject to motor fuels tax in accordance with Act 2017-229.

RULE NO. & TITLE

810-6-3-.36 Liquefied Petroleum Gas, Liquefied Natural Gas, and Compressed Natural Gas

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule in order to correct code reference and clarify the exemption of liquefied natural gas and compressed natural gas when used as a motor fuel for agricultural purposes in accordance with Act 2017-229.

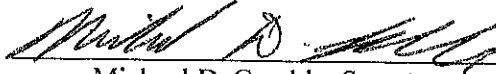
TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at **2:00 p.m. on Thursday, August 10, 2017, Room 1203, First Floor**, Gordon Persons Building, located at 50 N Ripley Street, Montgomery, Alabama. Copies of the rule(s) can be obtained at <http://www.revenue.alabama.gov/analysis/rules.cfm>.

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 following publication of the notice up until the conclusion of the hearing. Interested parties may also appear at the hearing to present their views.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Thursday, August 10, 2017

CONTACT PERSON AT AGENCY:

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


Michael D. Gamble, Secretary
Alabama Department of Revenue

810-6-3-.36 Liquefied Petroleum Gas, Liquefied Natural Gas and Compressed Natural Gas.

(1) Liquefied petroleum gas, liquefied natural gas and compressed natural gas sold to be used for agricultural purposes ~~is~~ are exempt from sales tax.

(2) Liquefied petroleum gas, liquefied natural gas and compressed natural gas sold to hatcheries for use as fuel for heaters used to maintain a constant temperature in incubators ~~qualifies~~ for the exemption outlined in (1) above. This exemption applies to a hatchery whose sole function is the hatching and raising of poultry even if the hatchery is not located on a traditional farm.

(3) Liquefied petroleum gas, liquefied natural gas and compressed natural gas sold for use in the commercial production of greenhouse and nursery products ~~qualifies~~ for the exemption outlined in (1) above. (AGO Graddick February 6, 1979) Noncommercial greenhouses or hothouses when not being operated as part of a farming operation are not entitled to this exemption.

(4) The ginning of cotton occurs after harvesting is completed and, since the agricultural aspect ends with harvesting, cotton gins are nonagricultural processing operations and do not qualify for the exemption outlined in (1) above. Sales of liquefied petroleum gas, liquefied natural gas and compressed natural gas to cotton gins located on traditional farms and operated by the farmer do not qualify for this exemption.

(5) The drying of grain by grain dealers not located on traditional farms occurs after the harvesting is completed and, since the agricultural aspect ends with harvesting, such operations are nonagricultural processing in nature and do not qualify for the exemption outlined in (1) above.

Author: Dan DeVaughn and Michele Mayberry

Authority: ~~Code of Ala. 1975, §§ Sections~~ 40-2A-7(a)(5), 40-23-4(33), 40-23-31, and 40-23-83, Code of Alabama 1975.

History: Filed September 28, 1982.

Amended: Effective July 7, 1989.