EXHIBIT A

TO STATE DEFENDANT'S MOTION TO SUBMIT ADDITIONAL EVIDENCE IN SUPPORT OF MOTION TO DISMISS (DOC. 85)

December 20, 2011 Memorandum of Commissioner Magee to local officials instructing that certain transactions are business transactions under Section 30 of Act No. 2011-535 and that certain other transactions are not

State of Alabama
Department of Revenue
(www.revenue.alabama.gov)
50 North Ripley Street
Montgomery, Alabama 36132

JULIE P. MAGEE
Commissioner

CYNTHIA UNDERWOOD
Assistant Commissioner
MICHAEL E. MASON
Deputy Commissioner

MEMORANDUM

December 20, 2011

TO: COUNTY PROBATE JUDGES, COUNTY REVENUE COMMISSIONERS, COUNTY TAX ASSESSORS, COUNTY TAX COLLECTORS, COUNTY LICENSE COMMISSIONERS, COUNTY LICENSING OFFICIALS, COUNTY LICENSING INSPECTORS, COUNTY DIRECTORS OF REVENUE

FROM: JULIE P. MAGEE, COMMISSIONER, ALABAMA DEPARTMENT OF REVENUE

RE: REVISED INSTRUCTIONS CONCERNING ACT NO. 2011-535, BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT

Concerning the interpretation of Act No. 2011-535, Beason-Hammon Alabama Taxpayer and Citizen Protection Act (hereinafter "Act"), the Attorney General issued Guidance Letter 2011-02 addressing the meaning of the phrase "business transaction" as used in Section 30 of the Act. The Attorney General concludes that "…a 'business transaction' is a transaction between a person and a state or a political subdivision of the state that involves the issuance of official government documents or like items of similar formality granting authorization to the person to engage in some activity."

Pursuant to this definition of "business transaction", the Alabama Department of Revenue has re-evaluated its position on the matter. The following transactions are no longer considered "business transactions" for the purposes of Section 30 of the Act nor are these transactions considered to be a "public benefit" for the purposes of Section 7 of the Act:

1. Registration of and issuance of decals on manufactured homes pursuant to Ala. Code, §40-12-255;

2. Application for a homestead exemption on property;

3. Application for current use valuation on property;

4. Application for any exemption on property or abatement on ad valorem tax;

5. Tax sale of property for failure to pay ad valorem tax;

6. Redemption of property sold for non-payment of ad valorem tax; and

7. Issuance of title on motor vehicles and manufactured homes pursuant to the procedures of Ala. Code, §32-8-1, et seq. and Ala. Code, §32-20-1, et seq.

In addition, the Act specifically excludes the application for a marriage license from the definition of "business transaction".

Even if your county is granted access to the federal government's SAVE program or your county can verify an alien's immigration status through some other verification method with the U.S. Department of Homeland Security pursuant to 8 U.S.C. §1373(c), it will not be necessary to require an individual to prove his or her U.S. citizenship or lawful immigration status prior to conducting one of the above-referenced transactions with your county.

The following transactions are still considered to be "business transactions" pursuant to Section 30 of the Act:

1. Applying for or renewing a motor vehicle license plate or motor vehicle disability license plate or placard. (If processed separately, the payment of ad valorem tax on a motor vehicle would not be a "business transaction". However, because the tax is paid with the registration of a motor vehicle, it is a part of the "business transaction.");

2. Applying for reinstatement of motor vehicle registration subsequent to suspension for failure to verify insurance;

3. Applying for or renewing a driver's license or non-driver identification card; and

4. Applying for or renewing a business license.

Once your county has successfully connected with the SAVE program or can verify an alien's immigration status through some other verification method with the U.S. Department of Homeland Security pursuant to 8 U.S.C. §1373(c), it will be necessary to require an individual to prove his or her U.S. citizenship or lawful immigration status prior to conducting one of these "business transactions" with your county.

If you have any questions concerning these revised instructions, please contact one of my staff.