

1 HB118  
2 189471-2  
3 By Representative McMillan  
4 RFD: Ways and Means Education  
5 First Read: 09-JAN-18

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 To amend Section 40-23-5 of the Code of Alabama  
9 1975, to exempt the Alabama Gulf Coast Zoo from payment of  
10 state, county, and municipal sales and use taxes under certain  
11 conditions.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 40-23-5 of the Code of Alabama  
14 1975, is amended to read as follows:

15 "§40-23-5.

16 "(a) The Diabetes Trust Fund, Inc., and any of its  
17 branches or agencies, heretofore or hereafter organized and  
18 existing in good faith in the State of Alabama for purposes  
19 other than for pecuniary gain and not for individual profit,  
20 are hereby exempted from paying any state, county, or  
21 municipal sales or use taxes.

22 "(b) The Chilton County Rescue Squad is hereby  
23 exempted from paying any sales or use taxes.

24 "(c) The state headquarters only of the American  
25 Legion, the American Veterans of World War II, Korea, and  
26 Vietnam, also known as AMVETS, the Disabled American Veterans,  
27 the Veterans of Foreign Wars, also known as VFW, Alabama

1 Goodwill Industries, and the Alabama Sight Conservation  
2 Association are hereby exempted from paying any state, county  
3 or municipal sales or use taxes.

4 "(d) The Grand Chapter of all Orders of the Eastern  
5 Star and the South Alabama State Fair Association Southeastern  
6 Livestock Exposition of the State of Alabama and any of its  
7 agencies, heretofore or hereafter organized and existing in  
8 good faith in the State of Alabama for purposes other than for  
9 pecuniary gain and not for individual profit, are hereby  
10 exempted from paying any state, county, or municipal sales and  
11 use taxes.

12 "(e) The Alabama Goodwill Industries, Inc., of  
13 Birmingham is hereby exempted from paying any state,  
14 municipal, or county sales and use taxes.

15 "(f) The Alabama Federation of Women's Clubs is  
16 hereby exempted from paying any state, county, or municipal  
17 sales or use taxes.

18 "(g) The National Conference of State Legislatures  
19 and the Council of State Governments are hereby exempted from  
20 paying any state, county, or municipal sales or use taxes.

21 "(h) All blind vendors associated with the Business  
22 Enterprise Program of the Department of Rehabilitation  
23 Services are hereby exempted from paying any state, county, or  
24 municipal sales or use taxes.

25 "(i) All vendors who are blind as defined by Section  
26 1-1-3, and who are certified by the Department of

1 Rehabilitation Services, are hereby exempted from paying any  
2 state, county, or municipal sales or use taxes.

3 "(j) The Elks Club, B.P.O.E., No. 1887, a  
4 corporation, is hereby exempted from paying any state, county,  
5 or municipal sales or use taxes. Provided, however, that the  
6 exemption provided by this subsection shall not extend to any  
7 bar or dining room operation conducted by said Elks Club.

8 "(k) The King's Ranch, Inc., is hereby exempted from  
9 paying any state, county, or municipal sales or use taxes.

10 "(l) The Eye Foundation, Inc., and any of its  
11 branches or agencies, heretofore, or hereafter organized and  
12 existing in good faith in the State of Alabama for purposes  
13 other than for pecuniary gain and not for individual profit,  
14 are hereby exempted from paying any state, county, or  
15 municipal sales or use taxes.

16 "(m) Any county public hospital association or any  
17 Alabama nonprofit membership corporation if one or more of its  
18 members is a county public hospital association, and any of  
19 its, or their, branches, agencies, lessees, or successors  
20 organized pursuant to Section 10-3A-1 et seq., and which  
21 operates or maintains hospitals for purposes other than for  
22 pecuniary gain and not for individual profit, is hereby  
23 exempted from paying any state, county, or municipal sales and  
24 use tax of any nature whatsoever. Any of the taxes which were  
25 or may be assessed or collected subsequent to December 31,  
26 1993, against any Alabama nonprofit membership corporation or  
27 any lessee of any county public hospital association organized

1 as herein stated, pursuant to a lease in writing, will be  
2 remitted to the entity which paid them; and no action or  
3 proceeding against the association or nonprofit corporation  
4 may be instituted after the date by the State of Alabama or  
5 any county or municipality thereof or any agent or person  
6 acting on behalf thereof for the collection or enforcement of  
7 any sales or use tax of any nature whatsoever.

8 "(n) There is hereby exempted from all state,  
9 county, and municipal sales taxes the sale of food pursuant to  
10 the food distribution program conducted by Christian Service  
11 Mission, Inc., an Alabama not-for-profit corporation, in  
12 cooperation with World Share, Inc., to enable needy persons to  
13 purchase food at substantially discounted prices and in  
14 consideration of the performance of charitable or community  
15 work by such persons.

16 "(o) Rescue service organizations operating within  
17 the State of Alabama which are exempt from federal income  
18 taxes under the Internal Revenue Code of 1986, §501(c)(3) and  
19 which are members of the Alabama Rescue Services Association,  
20 Incorporated, are hereby exempted from any state, county, and  
21 municipal sales and use taxes.

22 "(p) Alabama Goodwill Industries, Inc., Goodwill  
23 Industries of Mobile Area, Inc., and Goodwill Industries of  
24 Central Alabama, Inc., are exempted from paying any state,  
25 county, and municipal sales or use taxes.

26 "(q) The gross receipts from the sale of admissions  
27 to a sporting event conducted by the Senior Professional

1 Golfers Association are exempted from any state, county, and  
2 municipal sales taxes.

3 "(r) Volunteer, non-profit rescue units operating  
4 within the state which do not meet the criteria in subsection  
5 (o) but are licensed by the State Board of Health are exempt  
6 from any state, county, and municipal sales and use taxes.

7 "(s) (1) The Birmingham Zoo, Inc., is exempt from  
8 paying any state, county, and municipal sales and use taxes  
9 associated with any and all capital expenditures but shall  
10 continue to collect and remit all other taxes to the  
11 appropriate taxing authorities.

12 "(2) The exemption provided pursuant to  
13 ~~subsection(s) of Section 40-23-5 subdivision (1) of this~~  
14 ~~subsection~~ shall ~~no longer~~ be available ~~four years after the~~  
15 ~~effective date of this bill~~ until September 1, 2019 September  
16 30, 2022.

17 "(3) The Birmingham Zoo, Inc., shall report annually  
18 to the Department of Revenue on the sales for which the  
19 exemption is granted. The Department of Revenue shall  
20 prescribe the format of such annual report.

21 "(t) (1) The Zoo Foundation, Inc., operating as the  
22 Alabama Gulf Coast Zoo, or any successor entity, is exempt  
23 from paying any state, county, and municipal sales and use  
24 taxes associated with any and all capital expenditures, but  
25 shall continue to collect and remit all other taxes to the  
26 appropriate taxing authorities. and all capital expenditures;  
27 provided, however, that any exemption of county sales and use

1 taxes must first be authorized by resolution of the county  
2 commission. The Zoo Foundation, Inc., shall continue to  
3 collect and remit all other taxes to the appropriate taxing  
4 authorities.

5 "(2) The exemption provided pursuant to subdivision  
6 (1) of this subsection shall be available for four years after  
7 until September 30, 2022. the effective date of the act  
8 adding this subsection.

9 "(3) The Zoo Foundation, Inc., shall report annually  
10 to the Department of Revenue on the sales for which the  
11 exemption is granted. The Department of Revenue shall  
12 prescribe the format of the annual report."

13 Section 2. This act shall become effective on the  
14 first day of the third month following its passage and  
15 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Ways and Means  
Education..... 09-JAN-18

Read for the second time and placed  
on the calendar 2 amendments ..... 08-MAR-18

Read for the third time and passed  
as amended..... 15-MAR-18

Yeas 92, Nays 0, Abstains 5

Jeff Woodard  
Clerk