

1 SB211
2 145181-1
3 By Senators Figures, Glover, and Keahey
4 RFD: Finance and Taxation General Fund
5 First Read: 14-FEB-13

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8 SYNOPSIS: Under existing law, there is no sales tax
9 exemption in Alabama for the sale of original works
10 of art in a cultural district.

11 This bill would provide a sales tax
12 exemption for the sale of original works of art in
13 any cultural district in a Class 1, Class 2, Class
14 3, Class 4, and Class 5 municipality, and any
15 municipality with an incorporated arts council or
16 main street program.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Relating to Class 1, Class 2, Class 3, Class 4, and
23 Class 5 municipalities and municipalities with an incorporated
24 arts council or main street program; to provide a sales tax
25 exemption for an original work of art sold in a cultural
26 district and to authorize the Alabama State Council on the

1 Arts to develop criteria for the establishment of the
2 district.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The provisions of this act shall only
5 apply to Class 1, Class 2, Class 3, Class 4, and Class 5
6 municipalities and municipalities with an incorporated arts
7 council or main street program.

8 Section 2. As used in this act, the following terms
9 shall have the following meanings:

10 (1) CULTURAL DISTRICT. A district designated by a
11 local governing authority which is in an area being
12 revitalized by creating a hub of cultural activity and
13 affordable artist housing and workspace. The Alabama State
14 Council on the Arts shall develop standard criteria for the
15 establishment of a cultural district which shall include that
16 the district be geographically contiguous and distinguished by
17 cultural resources which play a vital role in the life and
18 cultural development of the community.

19 (2) ORIGINAL WORK OF ART. An original and creative
20 work, whether written, composed, performed, or executed for "a
21 one of a kind limited" production by an artist living in a
22 cultural district. The work may be:

- 23 a. A book or other writing.
- 24 b. A play or the performance of the play.
- 25 c. A musical composition or the performance of the
26 composition.
- 27 d. A painting or other rendering.

- 1 e. A sculpture.
- 2 f. Traditional and fine crafts.
- 3 g. The creation of a film or the acting within the
- 4 film.
- 5 h. The creation of a dance or the performance of the
- 6 dance.

7 A work of art does not include any performance
8 created or executed for industry or mass production.

9 Section 3. The sale of an original work of art as
10 defined in this act in a cultural district in a municipality
11 as described in Section 1 shall be exempt from sales tax
12 levied, assessed, or payable under the provisions of Chapter
13 23 of Title 40, Code of Alabama 1975.

14 Section 4. The provisions of this act are severable.
15 If any part of this act is declared invalid or
16 unconstitutional, that declaration shall not affect the part
17 which remains.

18 Section 5. All laws or parts of laws which conflict
19 with this act are repealed.

20 Section 6. This act shall become effective for the
21 fiscal year beginning October 1, 2013, and continuing
22 thereafter, following its passage and approval by the
23 Governor, or its otherwise becoming law.