

1 HB142
2 135886-1
3 By Representative Collins
4 RFD: Economic Development and Tourism
5 First Read: 07-FEB-12
6 PFD: 02/02/2012

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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, or Class 5 municipality.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to Class 1, Class 2, Class 3, Class 4, and
21 Class 5 municipalities; to provide a sales tax exemption in a
22 cultural district and to authorize the Alabama State Council
23 on the Arts to develop criterion for the establishment of the
24 district.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. The provisions of this act shall only
2 apply to Class 1, Class 2, Class 3, Class 4, and Class 5
3 municipalities.

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

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

15 (2) WORKS OF ART. An original and creative work,
16 whether written, composed or executed for "one of a kind
17 limited" production by an artist living in a cultural
18 district. The work may be:

- 19 a. A book or other writing.
- 20 b. A play or the performance of the play.
- 21 c. A musical composition or the performance of the
22 composition.
- 23 d. A painting or other rendering.
- 24 e. A sculpture.
- 25 f. Traditional and fine crafts.
- 26 g. The creation of a film or the acting within the
27 film.

1 h. The creation of a dance or the performance of the
2 dance.

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

5 Section 3. The sales of original works of art as
6 defined in this act in a cultural district in a Class 1, Class
7 2, Class 3, Class 4, or Class 5 municipality shall be exempt
8 from sales tax levied, assessed, or payable under the
9 provisions of Chapter 23 of Title 40, Code of Alabama 1975.

10 Section 4. The provisions of this act are severable.
11 If any part of this act is declared invalid or
12 unconstitutional, that declaration shall not affect the part
13 which remains.

14 Section 5. All laws or parts of laws which conflict
15 with this act are repealed.

16 Section 6. This act shall become effective for the
17 fiscal year beginning October 1, 2012, and continuing
18 thereafter, following its passage and approval by the
19 Governor, or its otherwise becoming law.