

HB156 ENROLLED



1 LV6PWA-2
2 By Representatives Faulkner, Treadaway, DuBose, Rafferty,
3 Plump, Carns, Hollis, Shaw, Hulsey, Rogers, Sellers
4 RFD: Ways and Means Education
5 First Read: 21-Mar-23
6 2023 Regular Session



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Enrolled, An Act,

Relating to state, county, and municipal sales and use taxes; to amend Section 40-23-5, Code of Alabama 1975, to exempt capital expenditures of the Birmingham Zoo from state, county, and municipal sales and use taxes through September 30, 2027.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§40-23-5

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

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

(c) The state headquarters only of the American Legion, the American Veterans of World War II, Korea, and Vietnam, also known as AMVETS, the Disabled American Veterans, the Veterans of Foreign Wars, also known as VFW, Alabama Goodwill Industries, and the Alabama Sight Conservation Association are exempted from paying any state, county, or municipal sales or use taxes.

(d) The Grand Chapter of all Orders of the Eastern Star



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and the South Alabama State Fair Association Southeastern Livestock Exposition of the State of Alabama and any of its agencies, heretofore or hereafter organized and existing in good faith in the State of Alabama for purposes other than for pecuniary gain and not for individual profit, are exempted from paying any state, county, or municipal sales and use taxes.

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

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

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

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

(i) All vendors who are blind as defined by Section 1-1-3, and who are certified by the Department of Rehabilitation Services, are exempted from paying any state, county, or municipal sales or use taxes.

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



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operation conducted by the Elks Club.

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

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

(m) Any county public hospital association or any Alabama nonprofit membership corporation if one or more of its members is a county public hospital association, and any of its, or their, branches, agencies, lessees, or successors organized pursuant to Section 10-3A-1 et seq., and which operates or maintains hospitals for purposes other than for pecuniary gain and not for individual profit, is exempted from paying any state, county, or municipal sales and use tax of any nature whatsoever. Any of the taxes which were or may be assessed or collected subsequent to December 31, 1993, against any Alabama nonprofit membership corporation or any lessee of any county public hospital association organized as herein stated, pursuant to a lease in writing, will be remitted to the entity which paid them; and no action or proceeding against the association or nonprofit corporation may be instituted after the date by the State of Alabama or any county or municipality thereof or any agent or person acting on behalf thereof for the collection or enforcement of any sales or use tax of any nature whatsoever.



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

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

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

(q) The gross receipts from the sale of admissions to a sporting event conducted by the Senior Professional Golfers Association are exempted from any state, county, and municipal sales taxes.

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

(s) (1) The Birmingham Zoo, Inc., is exempt from paying any state, county, and municipal sales and use taxes



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113 associated with any and all capital expenditures but shall
114 continue to collect and remit all other taxes to the
115 appropriate taxing authorities.

116 (2) The exemption provided pursuant to subdivision (1)
117 shall be available until September 30, ~~2022~~2027.

118 (3) The Birmingham Zoo, Inc., shall report annually to
119 the Department of Revenue on the sales for which the exemption
120 is granted. The Department of Revenue shall prescribe the
121 format of such annual report.

122 (t)(1) The Zoo Foundation, Inc., operating as the
123 Alabama Gulf Coast Zoo, or any successor entity, is exempt
124 from paying any state, county, and municipal sales and use
125 taxes associated with any and all capital expenditures;
126 provided, however, that any exemption of county sales and use
127 taxes must first be authorized by resolution of the county
128 commission. The Zoo Foundation, Inc., shall continue to
129 collect and remit all other taxes to the appropriate taxing
130 authorities.

131 (2) The exemption provided pursuant to subdivision (1)
132 shall be available until September 30, 2022.

133 (3) The Zoo Foundation, Inc., shall report annually to
134 the Department of Revenue on the sales for which the exemption
135 is granted. The Department of Revenue shall prescribe the
136 format of the annual report.

137 (u) The Josh Willingham Foundation is exempted from
138 paying any state, county, and municipal sales and use taxes.

139 (v) The Alabama Wildlife Center is exempt from paying
140 any state, county, and municipal sales and use taxes until



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141 September 30, 2024."

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



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and
was passed by the House 02-May-23.

John Treadwell
Clerk

Senate

25-May-23

Passed