

# HB447 INTRODUCED



1 TDPR55-1  
2 By Representatives Ensler, Hassell, McClammy, Morris,  
3 Lawrence, Sells, Ingram  
4 RFD: Ways and Means Education  
5 First Read: 09-May-23  
6  
7 2023 Regular Session



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SYNOPSIS:

Under existing law, certain entities are exempt from payment of state, county, and municipal sales and use taxes.

This bill would exempt the Alabama State Missionary Baptist Convention, Incorporated, and each local Baptist association that is a member in good standing of the convention, from the payment of state, county, and municipal sales and use taxes.

A BILL  
TO BE ENACTED  
AN ACT

Relating to sales and use taxes; to amend Section 40-23-5, Code of Alabama 1975, to exempt the Alabama State Missionary Baptist Convention, Incorporated, and each local Baptist association that is a member in good standing of the convention, from payment of state, county, and municipal sales and use taxes.

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



## HB447 INTRODUCED

29 other than for pecuniary gain and not for individual profit,  
30 are exempted from paying any state, county, or municipal sales  
31 or use taxes.

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

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

41 (d) The Grand Chapter of all Orders of the Eastern  
42 Star and the South Alabama State Fair Association Southeastern  
43 Livestock Exposition of the State of Alabama and any of its  
44 agencies, heretofore or hereafter organized and existing in  
45 good faith in the State of Alabama for purposes other than for  
46 pecuniary gain and not for individual profit, are exempted  
47 from paying any state, county, or municipal sales and use  
48 taxes.

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

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

55 (g) The National Conference of State Legislatures and  
56 the Council of State Governments are exempted from paying any



## HB447 INTRODUCED

57 state, county, or municipal sales or use taxes.

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

62 (i) All vendors who are blind as defined by Section  
63 1-1-3, and who are certified by the Department of  
64 Rehabilitation Services, are exempted from paying any state,  
65 county, or municipal sales or use taxes.

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

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

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

79 (m) Any county public hospital association or any  
80 Alabama nonprofit membership corporation if one or more of its  
81 members is a county public hospital association, and any of  
82 its, or their, branches, agencies, lessees, or successors  
83 organized pursuant to Section 10-3A-1 et seq., and which  
84 operates or maintains hospitals for purposes other than for



## HB447 INTRODUCED

85 pecuniary gain and not for individual profit, is exempted from  
86 paying any state, county, or municipal sales and use tax of  
87 any nature whatsoever. Any of the taxes which were or may be  
88 assessed or collected subsequent to December 31, 1993, against  
89 any Alabama nonprofit membership corporation or any lessee of  
90 any county public hospital association organized as herein  
91 stated, pursuant to a lease in writing, will be remitted to  
92 the entity which paid them; and no action or proceeding  
93 against the association or nonprofit corporation may be  
94 instituted after the date by the State of Alabama or any  
95 county or municipality thereof or any agent or person acting  
96 on behalf thereof for the collection or enforcement of any  
97 sales or use tax of any nature whatsoever.

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

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

112 (p) Alabama Goodwill Industries, Inc., Goodwill



## HB447 INTRODUCED

113 Industries of Mobile Area, Inc., and Goodwill Industries of  
114 Central Alabama, Inc., are exempted from paying any state,  
115 county, and municipal sales or use taxes.

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

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

124 (s) (1) The Birmingham Zoo, Inc., is exempt from paying  
125 any state, county, and municipal sales and use taxes  
126 associated with any and all capital expenditures but shall  
127 continue to collect and remit all other taxes to the  
128 appropriate taxing authorities.

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

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

135 (t) (1) The Zoo Foundation, Inc., operating as the  
136 Alabama Gulf Coast Zoo, or any successor entity, is exempt  
137 from paying any state, county, and municipal sales and use  
138 taxes associated with any and all capital expenditures;  
139 provided, however, that any exemption of county sales and use  
140 taxes must first be authorized by resolution of the county



## HB447 INTRODUCED

141 commission. The Zoo Foundation, Inc., shall continue to  
142 collect and remit all other taxes to the appropriate taxing  
143 authorities.

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

146 (3) The Zoo Foundation, Inc., shall report annually to  
147 the Department of Revenue on the sales for which the exemption  
148 is granted. The Department of Revenue shall prescribe the  
149 format of the annual report.

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

152 (v) The Alabama Wildlife Center is exempt from paying  
153 any state, county, and municipal sales and use taxes until  
154 September 30, 2024.

155 (w) (1) The Alabama State Missionary Baptist  
156 Convention, Incorporated, and each local Baptist association  
157 that is a member in good standing of the convention, is  
158 exempted from paying any state, county, and municipal sales  
159 and use taxes.

160 (2) The Alabama State Missionary Baptist Convention,  
161 Incorporated, shall submit a list of each local Baptist  
162 association that is in good standing with the convention to  
163 the Department of Revenue as provided by rule of the  
164 department."

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