

SB346 ENROLLED



1 RSPUMM-2
2 By Senator Gudger (N & P)
3 RFD: Local Legislation
4 First Read: 23-May-23
5 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to Cullman County, to amend Section 45-22-225
5 of the Code of Alabama 1975, to change the composition of the
6 Cullman County Tourism Bureau; and to amend Sections 45-22-242
7 and 45-22-242.11 of the Code of Alabama 1975, to provide for
8 the rate of taxation and for the use of the proceeds of the
9 tax.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 45-22-225, 45-22-242, and 45-22-242.11,
12 Code of Alabama 1975, are amended to read as follows:

13 "§45-22-225

14 (a) The Cullman County Tourism Bureau shall be
15 comprised as follows: (1) Two members appointed by the Cullman
16 City Council, of which one shall be an elected city councilman
17 and one shall be a representative of tourism relating to the
18 restaurant industry; (2) two members appointed by the full
19 board of the Cullman Area Chamber of Commerce, of which one
20 shall be either the chair of the chamber or the president of
21 the chamber and one shall be a representative of tourism
22 relating to the Smith Lake Community; (3) two members
23 appointed by the Cullman County Commission, of which one shall
24 be an elected county commissioner and one shall be a
25 representative of tourism relating to the agri-tourism
26 industry or the faith-based tourism industry; (4) one member
27 appointed by the hotel association; (5) one member appointed
28 by the Wallace State Community College President; (6) one



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29 member who shall be the Cullman County Parks and Recreation
30 Director; (7) one member appointed by the Cullman City Parks
31 and Recreation Board Director or President; and (8) one member
32 who shall be a representative of the tourism industry selected
33 by a majority vote of the state delegation; provided however,
34 that in the event the delegation vote is tied, the Senator
35 representing Cullman shall make the deciding vote.

36 (b) Members of the bureau shall serve staggered,
37 four-year terms as follows: (1) appointees of the hotel
38 association, Wallace State Community College, the Cullman
39 County Parks and Recreation Board, and the Cullman City Parks
40 and Recreation Board shall serve six--year terms; (2) one
41 appointee each for the Cullman City Council, the Cullman Area
42 Chamber of Commerce, and the Cullman County Commission shall
43 serve four--year terms; and (3) all other appointees shall
44 serve two-year terms.

45 ~~(c) The Cullman County Treasurer shall open a separate~~
46 ~~bank account for the Cullman County Tourism Bureau by June 1,~~
47 ~~2021."~~

48 "§45-22-242

49 (a) There is levied in Cullman County, in addition to
50 all other taxes now imposed by law, a privilege or license tax
51 paralleling the state tax on businesses renting rooms,
52 lodging, or accommodations to transients provided for in
53 Sections 40-26-1 to 40-26-21, inclusive, hereinafter referred
54 to as state lodging tax, in the manner and at the rate
55 hereinafter prescribed.

56 (b) Upon every person, firm, or corporation engaging in



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57 Cullman County in the business of renting or furnishing any
58 room or rooms, lodging, or accommodations to transients in any
59 hotel, motel, inn, tourist camp, tourist cabin, or any other
60 place in which rooms, lodgings, or accommodations are
61 regularly furnished to transients for a consideration, in an
62 amount to be determined by the application of the rate of five
63 percent of the charge for the room, rooms, lodgings, or
64 accommodations, including the charge for use or rental of
65 personal property and services furnished in the room.

66 ~~Notwithstanding the foregoing, upon the retirement of existing~~
67 ~~debt for the Exit 305 Interchange, County Road 222 and~~
68 ~~outstanding debt on the building occupied by the Cullman Area~~
69 ~~Chamber of Commerce, located at 301 2nd Ave SW, Cullman, AL~~
70 ~~35055, the application of the rate to be charged for the room,~~
71 ~~rooms, lodgings, or accommodations, including the charge for~~
72 ~~use or rental of personal property and services furnished in~~
73 ~~the room shall be four percent.~~ There is exempted from the tax
74 levied under this part any rentals or services taxed under the
75 state sales tax provided for in Chapter 23 of Title 40. The
76 tax shall not apply to rooms, lodgings, or accommodations
77 supplied for a period of ~~30~~90 continuous days or more in any
78 place."

79 "§45-22-242.11

80 (a) The State Department of Revenue shall charge
81 Cullman County for collecting the county lodging taxes levied
82 in this part the lessor of the actual amount of total
83 collections, but the collection charge shall not in any event
84 exceed 2.5 percent of the total amount of the special county



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85 taxes collected under this part. The charge for collecting the
86 taxes for the county may be deducted each month from the taxes
87 collected before certifying the amount of the proceeds from
88 the taxes due to Cullman County each month. The State
89 Commissioner of Revenue shall pay into the State Treasury all
90 county taxes collected under this part as the taxes are
91 received by the State Department of Revenue. On or before the
92 first day of each successive month, commencing with the month
93 following the month in which the department makes the first
94 collections under this part, the commissioner shall certify to
95 the Comptroller the amount of taxes collected under this part
96 and paid into the State Treasury for the benefit of Cullman
97 County during the month immediately preceding the making of
98 the certification. Before certifying the amount of the taxes
99 paid into the State Treasury for the benefit of Cullman County
100 during each month, the commissioner may deduct from the taxes
101 collected for the month the charges due the department for the
102 collection of the taxes for the county. It shall be the duty
103 of the Comptroller to issue a state warrant each month payable
104 to the Cullman County ~~Commission~~, Tourism Bureau, in an amount
105 equal to the amount so certified by the State Commissioner of
106 Revenue as having been collected for the use of the county.

107 (b) Upon receiving the tax proceeds, the ~~county~~
108 treasurer of the Cullman County Tourism Bureau shall transmit
109 the proceeds as follows:

110 (1) Two-fifths of the proceeds to the Cullman County
111 Chamber of Commerce to be used at the discretion of the
112 chamber of commerce to pay any operational expenses while



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113 promoting small businesses, ~~while promotion~~ promoting the ~~of~~
114 marketing ~~for~~ of Cullman ~~being as~~ a destination shopping
115 location, working with and enhancing the City of Cullman's and
116 Cullman County's Industrial Boards, ~~to~~ and working with the
117 Cullman County Tourism Board.

118 (2) ~~One-fifth of the~~ The remaining three-fifths of the
119 proceeds ~~to~~ shall remain with the Cullman County Tourism Bureau
120 to be used at the discretion of the bureau exclusively for the
121 purpose of promoting tourism through festivals, community
122 events, arts projects and tournaments that benefit ~~throughout~~
123 ~~the City of Cullman and Cullman County for the benefit of~~ all
124 of the residents of Cullman County. Also, these funds may be
125 used to pay the operational expenses, salaries and benefits of
126 the Bureau's director and staff.

127 (3) ~~The remaining two-fifths of the proceeds that are~~
128 ~~sent to the Cullman County Commission from the Alabama~~
129 ~~Department of Revenue shall continue to be sent to the Cullman~~
130 ~~Area Chamber of Commerce for the sole purpose of paying off~~
131 ~~the existing debt, which shall not be extended, of the Exit~~
132 ~~305 Interchange, County Road 222. Once the existing debt of~~
133 ~~the Exit 305, Interchange, County Road 222 debt is paid off,~~
134 ~~then 100 percent of the two-fifths will transfer for the sole~~
135 ~~purpose of paying off the remaining outstanding debt on the~~
136 ~~building occupied by the Cullman Area Chamber of Commerce,~~
137 ~~located at 301 2nd Ave SW, Cullman, AL 35055, which shall also~~
138 ~~not be extended. Upon the retirement of the above-mentioned~~
139 ~~debt, two-fifths of the proceeds shall be transmitted to the~~
140 ~~Cullman County Tourism Bureau to be used at the discretion of~~



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141 ~~the bureau exclusively for the purposes stated in subdivision~~
142 ~~(2). The remaining one-fifth of the proceeds shall expire on~~
143 ~~December 31, 2024.~~

144 (c) Effective June 1, 2021, the balance of the proceeds
145 remaining to be distributed to Cullman County after the cost
146 of collection and distribution to the Alabama Mountain Lakes
147 Association have been deducted pursuant to Section 40-26-20,
148 shall be controlled by the Cullman County Tourism Bureau.

149 (d) Effective June 1, 2021, the City of Cullman shall
150 transmit to the Cullman County Tourism Bureau, an amount equal
151 to one-quarter percent of the privilege tax levied and
152 collected, pursuant to Ordinance 2007-7, on persons, firms, or
153 corporations renting accommodations to transients in the City
154 of Cullman."

155 Section 2. This act shall become effective immediately
156 following its passage and approval by the Governor, or its
157 otherwise becoming law.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB346
Senate 25-May-23
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 01-Jun-23

By: Senator Gudger