

**SB346 INTRODUCED**



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



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A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§45-22-225

(a) The Cullman County Tourism Bureau shall be comprised as follows: (1) Two members appointed by the Cullman City Council, of which one shall be an elected city councilman and one shall be a representative of tourism relating to the restaurant industry; (2) two members appointed by the full board of the Cullman Area Chamber of Commerce, of which one shall be either the chair of the chamber or the president of the chamber and one shall be a representative of tourism relating to the Smith Lake Community; (3) two members



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29 appointed by the Cullman County Commission, of which one shall  
30 be an elected county commissioner and one shall be a  
31 representative of tourism relating to the agri-tourism  
32 industry or the faith-based tourism industry; (4) one member  
33 appointed by the hotel association; (5) one member appointed  
34 by the Wallace State Community College President; (6) one  
35 member who shall be the Cullman County Parks and Recreation  
36 Director; (7) one member appointed by the Cullman City Parks  
37 and Recreation Board Director or President; and (8) one member  
38 who shall be a representative of the tourism industry selected  
39 by a majority vote of the state delegation; provided however,  
40 that in the event the delegation vote is tied, the Senator  
41 representing Cullman shall make the deciding vote.

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

51 ~~(c) The Cullman County Treasurer shall open a separate~~  
52 ~~bank account for the Cullman County Tourism Bureau by June 1,~~  
53 ~~2021."~~

54 "§45-22-242

55 (a) There is levied in Cullman County, in addition to  
56 all other taxes now imposed by law, a privilege or license tax



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57 paralleling the state tax on businesses renting rooms,  
58 lodging, or accommodations to transients provided for in  
59 Sections 40-26-1 to 40-26-21, inclusive, hereinafter referred  
60 to as state lodging tax, in the manner and at the rate  
61 hereinafter prescribed.

62 (b) Upon every person, firm, or corporation engaging in  
63 Cullman County in the business of renting or furnishing any  
64 room or rooms, lodging, or accommodations to transients in any  
65 hotel, motel, inn, tourist camp, tourist cabin, or any other  
66 place in which rooms, lodgings, or accommodations are  
67 regularly furnished to transients for a consideration, in an  
68 amount to be determined by the application of the rate of five  
69 percent of the charge for the room, rooms, lodgings, or  
70 accommodations, including the charge for use or rental of  
71 personal property and services furnished in the room.

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



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85           "§45-22-242.11

86           (a) The State Department of Revenue shall charge  
87 Cullman County for collecting the county lodging taxes levied  
88 in this part the lessor of the actual amount of total  
89 collections, but the collection charge shall not in any event  
90 exceed 2.5 percent of the total amount of the special county  
91 taxes collected under this part. The charge for collecting the  
92 taxes for the county may be deducted each month from the taxes  
93 collected before certifying the amount of the proceeds from  
94 the taxes due to Cullman County each month. The State  
95 Commissioner of Revenue shall pay into the State Treasury all  
96 county taxes collected under this part as the taxes are  
97 received by the State Department of Revenue. On or before the  
98 first day of each successive month, commencing with the month  
99 following the month in which the department makes the first  
100 collections under this part, the commissioner shall certify to  
101 the Comptroller the amount of taxes collected under this part  
102 and paid into the State Treasury for the benefit of Cullman  
103 County during the month immediately preceding the making of  
104 the certification. Before certifying the amount of the taxes  
105 paid into the State Treasury for the benefit of Cullman County  
106 during each month, the commissioner may deduct from the taxes  
107 collected for the month the charges due the department for the  
108 collection of the taxes for the county. It shall be the duty  
109 of the Comptroller to issue a state warrant each month payable  
110 to the Cullman County ~~Commissioner~~, Tourism Bureau, in an amount  
111 equal to the amount so certified by the State Commissioner of  
112 Revenue as having been collected for the use of the county.



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113 (b) Upon receiving the tax proceeds, the ~~county~~  
114 treasurer of the Cullman County Tourism Bureau shall transmit  
115 the proceeds as follows:

116 (1) Two-fifths of the proceeds to the Cullman County  
117 Chamber of Commerce to be used at the discretion of the  
118 chamber of commerce to pay any operational expenses while  
119 promoting small businesses, ~~while promotion promoting the~~ of  
120 marketing ~~for~~ of Cullman ~~being as~~ a destination shopping  
121 location, working with and enhancing the City of Cullman's and  
122 Cullman County's Industrial Boards, ~~to~~ and working with the  
123 Cullman County Tourism Board.

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

133 (3) ~~The remaining two-fifths of the proceeds that are~~  
134 ~~sent to the Cullman County Commission from the Alabama~~  
135 ~~Department of Revenue shall continue to be sent to the Cullman~~  
136 ~~Area Chamber of Commerce for the sole purpose of paying off~~  
137 ~~the existing debt, which shall not be extended, of the Exit~~  
138 ~~305 Interchange, County Road 222. Once the existing debt of~~  
139 ~~the Exit 305, Interchange, County Road 222 debt is paid off,~~  
140 ~~then 100 percent of the two-fifths will transfer for the sole~~



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141 ~~purpose of paying off the remaining outstanding debt on the~~  
142 ~~building occupied by the Cullman Area Chamber of Commerce,~~  
143 ~~located at 301 2nd Ave SW, Cullman, AL 35055, which shall also~~  
144 ~~not be extended. Upon the retirement of the above-mentioned~~  
145 ~~debt, two-fifths of the proceeds shall be transmitted to the~~  
146 ~~Cullman County Tourism Bureau to be used at the discretion of~~  
147 ~~the bureau exclusively for the purposes stated in subdivision~~  
148 ~~(2). The remaining one-fifth of the proceeds shall expire on~~  
149 ~~December 31, 2024.~~

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

155 (d) Effective June 1, 2021, the City of Cullman shall  
156 transmit to the Cullman County Tourism Bureau, an amount equal  
157 to one-quarter percent of the privilege tax levied and  
158 collected, pursuant to Ordinance 2007-7, on persons, firms, or  
159 corporations renting accommodations to transients in the City  
160 of Cullman."

161 Section 2. This act shall become effective immediately  
162 following its passage and approval by the Governor, or its  
163 otherwise becoming law.

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