

# HB369 INTRODUCED



1 HB369  
2 PUUNRRE-1  
3 By Representatives Stubbs, Starnes, Ingram (N & P)  
4 RFD: Local Legislation  
5 First Read: 27-Feb-25



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to Elmore County; to levy a county sales and use tax and provide for the calculation of the rate; to provide for the distribution of the proceeds collected from the tax; to create the Enhance Elmore Fund; and to provide for the allocation of monies deposited into the fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall only apply to Elmore County.

Section 2. (a) In addition to all other taxes, beginning September 1, 2025, there is levied a county sales and use tax as provided by this section.

(b) The Revenue Commissioner of Elmore Coounty shall calculate the rates for the tax levied by this section using the formulas in subsection (c) rounded to the nearest tenth percent and shall publish notice of the rates by August 1, 2025.

(c) (1) a. The rate for each incorporated area of the county, including any police jurisdictions, shall be equal to the difference of the following:

- 1. Nine and one-half percent;
- LESS



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29           2. The lesser of the following:

30           (i) The general retail state sales tax rate levied  
31 pursuant to Section 40-23-2(1), Code of Alabama 1975; or

32           (ii) Four percent;

33           LESS

34           3. The lesser of the following:

35           (i) The general county sales tax rate levied pursuant  
36 to Section 40-12-4, Code of Alabama 1975; or

37           (ii) One percent;

38           LESS

39           4. The general retail sales tax rate levied by a  
40 municipality in the incorporated area or police jurisdiction.

41           b. If the calculation from paragraph a. results in a  
42 negative number, no county sales or use tax shall be levied by  
43 this section in that area.

44           (2) The rate for unincorporated areas of the county,  
45 not to include any police jurisdictions, shall be an amount  
46 equal to the greater of:

47           a. Four and one-half percent; or

48           b. The difference of the following:

49           1. Nine and one-half percent;

50           LESS

51           2. The lesser of the following:

52           (i) The general retail state sales tax rate levied  
53 pursuant to Section 40-23-2(1), Code of Alabama 1975; or

54           (ii) Four percent;

55           LESS

56           3. The lesser of the following:



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57 (i) The general county sales tax rate levied pursuant  
58 to Section 40-12-4, Code of Alabama 1975; or

59 (ii) One percent.

60 (d) Upon any change in rates referenced in subsection  
61 (c) that are used to calculate the county sales and use tax  
62 rate, the revenue commissioner shall recalculate the county  
63 sales and use tax rates in subsection (c) and publish notice  
64 of the new rate adjustment.

65 (e) The county commission shall certify by resolution  
66 the county sales and use tax rates levied by this section,  
67 including any recalculations provided by subsection (d).

68 (f) As used in this bill, "sales and use tax" means the  
69 same type of tax imposed by Section 40-23-2(1), Code of  
70 Alabama 1975. This tax shall apply to the same persons and  
71 sales to which that subdivision applies.

72 (g) Machinery and equipment subject to the sales tax  
73 levied by Section 40-23-37, Code of Alabama 1975, shall be  
74 exempt from the tax levied by this section.

75 (h) (1) The proceeds of this tax shall be deposited into  
76 the Enhance Elmore Fund.

77 (2) The county commission shall appropriate the  
78 proceeds of this tax as follows:

79 a. Ninety percent for infrastructure.

80 b. Ten percent for economic development.

81 Section 3. (a) There is created the Enhance Elmore  
82 Fund in the county treasury. The proceeds deposited into this  
83 fund shall be appropriated as provided by law.

84 (b) The commission shall produce an annual report that



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85 includes a detailed listing of all monies deposited into the  
86 fund and all expenditures from the fund during the previous  
87 fiscal year. This report shall be published by January 31 of  
88 each year on the commission's website.

89 (c) (1) By January 15 each year, the Elmore County  
90 Firefighter's Association shall provide a report to the  
91 commission on any expenditures from the fund to the  
92 association or fire departments. The commission shall adopt  
93 the reporting requirements by resolution.

94 (2) Notwithstanding any other provision of law, the  
95 commission may withhold the allocation of monies from the fund  
96 to a fire department for failure to report as provided in  
97 subdivision (1). The commission shall reallocate any funds  
98 withheld for use for public safety purposes.

99 Section 4. This act shall become effective on June 1,  
100 2025.