

HB160 ENROLLED



1 G35S6C-2
2 By Representative Faulkner
3 RFD: Ways and Means Education
4 First Read: 21-Mar-23
5 2023 Regular Session



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1 Enrolled, An Act,

2

3 Under existing law, the state, county, and municipal
4 taxes.

5 This bill would rename the National Foundation
6 in the Code of Alabama 1975, to reflect its current
7 name, the March of Dimes Inc.

8 Relating to tax exemptions, to amend Section
9 40-9-12, Code of Alabama 1975, to change the name of the
10 National Foundation to reflect its current name, the March of
11 Dimes Inc.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 40-9-12, Code of Alabama 1975, is
14 amended to read as follows:

15 "§40-9-12

16 (a) The ~~National Foundation's Alabama Field Offices~~
17 March of Dimes Inc., all Young Men's Hebrew Associations
18 (Y.M.H.A.) also known as Jewish Community Centers (J.C.C.),
19 and all real and personal property of all Young Men's Hebrew
20 Associations (Y.M.H.A.) also known as Jewish Community Centers
21 (J.C.C.), the Seamen's Home of Mobile, incorporated under Act
22 No. 145, Acts of Alabama 1844-45, the Girl Scouts of America
23 and the Boy Scouts of America, and any council, troop or other
24 subdivision thereof now existing or hereafter created and all
25 real and personal property of the Girl Scouts of America and
26 the Boy Scouts of America, and any council, troop or other
27 subdivision thereof now existing or hereafter created, the
28 Catholic Maritime Club of Mobile, Inc., the Knights of Pythias



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29 Lodges, the Salvation Army, Inc., the Elks Memorial Center,
30 and all real and personal property of the Salvation Army,
31 Inc., and the Elks Memorial Center, all United Way
32 organizations and United Way member agencies in Alabama, other
33 qualifying united appeal funds and their recipients as
34 provided in subsection (d), and the real and personal property
35 of all United Way organizations and United Way member agencies
36 in Alabama, other qualifying united appeal funds and their
37 recipients as provided in subsection (d), and the Alabama
38 Masonic Home, the American Cancer Society, and all real and
39 personal property of American Cancer Society, the New Hope
40 Industries of Dothan, and all real and personal property of
41 the New Hope Industries of Dothan, the Helping Hand Club of
42 Anniston, and all real and personal property of the Helping
43 Hand Club of Anniston, Childhaven, Inc., and all real and
44 personal property of Childhaven, Inc., Presbyterian Home for
45 Children and all real and personal property of Presbyterian
46 Home for Children, Freewill Baptist Children's Home and all
47 real and personal property of Freewill Baptist Children's
48 Home, Methodist Homes for the Aging and all real and personal
49 property of Methodist Homes for the Aging, and United
50 Methodist Children's Home and all real and personal property
51 of United Methodist Children's Home, Birmingham Building
52 Trades Towers of Birmingham, Alabama, a nonprofit corporation,
53 the Holy Comforter House, Inc., of Gadsden, Alabama, a
54 nonprofit corporation, the University of Alabama Huntsville
55 Foundation and all real and personal property of the
56 University of Alabama Huntsville Foundation, the Birmingham



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57 Football Foundation, Inc., a nonprofit corporation, and all
58 real and personal property of the Birmingham Football
59 Foundation, Inc., and of any branch or department of any of
60 same heretofore or hereafter organized and existing in good
61 faith in the State of Alabama, for other than pecuniary gain
62 and not for individual profit, when such real or personal
63 property shall be used by such associations or nonprofit
64 corporations, their branches or departments in and about the
65 conducting, maintaining, operating and carrying out of the
66 program, work, principles, objectives, and policies of such
67 associations or nonprofit corporations, their branches or
68 departments, in any city or county of the State of Alabama,
69 are exempt from the payment of any and all state, county, and
70 municipal taxes, licenses, fees, and charges of any nature
71 whatsoever, including any privilege or excise tax heretofore
72 or hereafter levied by the State of Alabama or any county or
73 municipality thereof. The receipt, assessment or collection of
74 any fee, admission, service charge, rent, dues, or any other
75 item or charge by any such association or nonprofit
76 corporation, its branches or departments from any person,
77 firm, or corporation for any services rendered by any such
78 association or nonprofit corporation, its branches or
79 departments or for the use or occupancy of any real or
80 personal property of any such association or nonprofit
81 corporation, its branches or departments in or about the
82 conducting, maintaining, operating, and carrying out of the
83 program, work, principles, objectives, and policies of any
84 such association or nonprofit corporation, its branches, or



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85 departments shall not be held or construed by any court,
86 agency, officer, or commission of the State of Alabama, or any
87 county or municipality thereof, to constitute pecuniary gain
88 or individual profit by any such association or nonprofit
89 corporation, its branches or departments, or the doing of
90 business in such a manner as to prejudice or defeat, in any
91 manner, the right and privilege of any such association or
92 nonprofit corporation, its branches or departments to claim or
93 rely upon or receive the exemption of such association or
94 nonprofit corporation, its branches or departments and of all
95 real and personal property thereof from taxation, as herein
96 provided.

97 (b) With respect to gasoline, tobacco, playing card tax
98 or any other tax required by law to be prepaid by the
99 retailer, the associations, nonprofit corporations, or
100 organizations exempt under this section shall pay the
101 appropriate tax at the time purchases are made, and the amount
102 of such tax shall be refunded to such associations, nonprofit
103 corporations, or organizations by the Department of Revenue
104 pursuant to the procedures for refunds provided in Chapter 2A
105 of this title.

106 (c) For purposes of this section, the following words
107 and phrases shall have the following meanings:

108 (1) SUPPORTED CHARITY. Any charitable, civic, or
109 eleemosynary institution for which a united appeal fund
110 solicits funds.

111 (2) UNITED APPEAL FUND. Any nonprofit entity that
112 demonstrates to the reasonable satisfaction of the Department



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113 of Revenue that it has all of the following characteristics:

114 a. Is an Alabama nonprofit corporation, or another type
115 of legal entity, whether formed in Alabama or in another
116 jurisdiction, which is required by its principal governing
117 documents to be operated as a charity.

118 b. Is one of a class, donations to which are deductible
119 for federal and Alabama income tax purposes under Section
120 170(c) of the Internal Revenue Code.

121 c. Has as its principal purpose, as stated by its
122 principal governing documents, the raising of funds or the
123 aggregation or consolidation of fund raising efforts, to
124 support other charities which are not themselves united appeal
125 funds, known as supported charities.

126 d. Has been issued a Certificate of Exemption from
127 Alabama sales, use, and lodgings tax prior to July 1, 2017,
128 and has continually maintained the Certificate of Exemption as
129 required by Section 40-9-60.

130 e. With respect to the distribution of funds raised by
131 the united appeal fund, the entity's principle governing
132 documents must require that no supported charity, as defined
133 in this subsection, will receive de minimis support.

134 (3) UNITED WAY MEMBER AGENCY. Any nonprofit
135 organization that receives funding through the approval of the
136 board of a United Way organization, but only if the nonprofit
137 organization is:

138 a. Accountable to the granting United Way organization
139 for the expenditure of any funds received from such United Way
140 organization.



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141 b. Included on a list of such nonprofit organizations
142 to be submitted to the Department of Revenue under subsection
143 (e) by all United Way organizations on or before a date
144 provided for in a rule of the Department of Revenue.

145 (4) UNITED WAY ORGANIZATION. Any nonprofit corporation
146 legally authorized and licensed to operate under the name
147 United Way and use the name United Way and the associated logo
148 and trademarks.

149 (d) (1) Each supported charity must be separately
150 identified by name in the principal governing documents of the
151 united appeal fund entity, and by name and federal employer
152 identification number at the request of the Department of
153 Revenue. Each supported charity must agree, in its own
154 principal governing documents, to become or remain a member of
155 the united appeal fund that funded the supported charity.

156 (2) The special rules provided in this subsection shall
157 not apply to any United Way organization or any United Way
158 member agency.

159 (e) (1) Each United Way organization shall provide the
160 Department of Revenue with a list of its constituent United
161 Way member agencies on an annual basis.

162 (2) The Department of Revenue, by rule, shall provide
163 the date on which United Way organizations shall submit the
164 list required by this subsection."

165 Section 2. This act shall become effective immediately
166 following its passage and approval by the Governor, or its
167 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 27-Apr-23.

John Treadwell
Clerk

Senate

31-May-23

Passed