

810-17-1-.02 Sweet Home Alabama Tourism Investment Act – General Guidelines

(1) Purpose. This rule sets forth guidelines and procedures to be used by the department in the administration of the Sweet Home Alabama Tourism Investment Act, as codified in Article 22A of Chapter 18 of Title 40, Code of Ala.1975, which provides for a tax rebate to qualifying approved companies.

(2) Definitions. For purposes of this rule, all terms except the terms explicitly provided below, are defined in §40-18-470.

(a) DEPARTMENT - The Alabama Department of Revenue.

(b) PROJECT – Certified Tourism Destination Project as defined in §40-18-470.

(c) TRANSACTIONAL TAXES – State and local sales tax, state and local lodgings tax, and state and local rental tax, generated by or arising within the approved tourism destination project.

(d) TOURISM FUND - Tourism Project Sales Tax Incentive Fund.

(3) Local Resolution. The municipality or taxing district issuing the resolution in support of the project within their jurisdiction must specify the percentage of municipal taxes committed to the project.

(a) Non-state administered localities must outline in their resolution the mechanism by which they intend to disburse the rebates within their jurisdiction to the approved company for those local transactional taxes not administered by the department.

(b) Within 30 days of receiving approval for the project from the Tourism Department, the approved company must submit a copy of the local resolution to the department.

(4) Tourism Project Tax Accounts. Once the project phases open for business, the approved company must provide the department with a list of all state and local transactional tax accounts associated with the project online through the

department's My Alabama Taxes. In the month following this notification from the approved company, the department shall begin making the required diversions into the Tourism Fund.

(a) The department shall divert 100% of the state transactional taxes generated by or arising within the project to the Tourism Fund until 80% of the state's maximum annual diversion is reached.

(b) (i) Unless otherwise specified in the local resolution, the department shall divert 100% of the state administered local transactional taxes generated by or arising within the project to the Tourism Fund until the 20% of the municipality's maximum annual diversion is reached.

(ii) The department shall make reports available to each state administered locality on the total monthly amounts diverted to the Tourism Fund and the tax accounts for which the diversions were made. The department shall notify each state administered locality on the total rebate amount and related tax accounts issued to the approved company 14 days after each rebate is issued.

(c) (i) If a local transactional tax is non-state administered, the locality must provide a mechanism to disburse the rebate, within their jurisdiction, generated by or arising within the project to the approved company no later than July 31 and December 31 of every year the rebate is valid.

(ii) The department shall make reports available to each non-state administered locality on any monthly amounts and accounts filed in One Spot that are identified as attributable to the project.

(d) The department shall only redirect transactional taxes from state and local sales tax accounts with permanent presence within the project. Taxes from temporary or passing vendors, such as those setting up booths for specific events, will not be diverted to the Tourism Fund.

(e) The approved company bears the responsibility of promptly notifying the department of any changes to the state and local transactional tax accounts associated with their project within 14 business days of the change.

(5) Rebate Disbursement. To initiate the rebate process, the department must receive the certification from The Alabama Tourism Department approving the project, a

copy of the corresponding resolution from the local municipality, and the list of state and local transactional tax accounts from the approved company. The certification must include the maximum rebate awarded to the approved company.

(a) The department shall issue two rebate payments each year on July 31 and December 31 over a period of 10 years commencing on the date the tourism attraction opens for business and begins collecting transactional taxes generated by or within the project, or until the full certified award has been rebated to the approved company. All tax rebates must be first applied to any outstanding tax obligations of the approved company that is due and payable to the state. An approved company may receive a total rebate up to the amount certified by the Tourism Department, with a maximum annual rebate in a calendar year of up to \$1,000,000.

(b) The approved company must provide any new or updated state and local transactional tax account numbers to ensure rebate payments are made from those accounts.

(c) Non-state administered localities must certify to the department, on or before the rebate due date, the amounts of local rebates to be issued and the scheduled date for rebate payments to the approved company.

(d) In no event will any rebates be issued until the project is certified by the Tourism Department and before the project commences business and begins to collect taxes generated by or within the tourism destination project.

(6) Examination of Records. The department may examine records, books, or other relevant information maintained by the taxpayer for the purpose of computing and determining the correct amount of the rebate.

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Authority: § 40-2A-7(a)(5), and Chapter 18 of Title 40, Code of Ala. 1975.

History: New Rule: Filed April 15, 2024; effective April 15, 2024.