

**HB491 ENROLLED**



1 AL8ISQ-2  
2 By Representative Faulkner  
3 RFD: County and Municipal Government  
4 First Read: 17-May-23  
5 2023 Regular Session



## HB491 Enrolled

1 Enrolled, An Act,

2

3

4 Relating to taxation; to amend Sections 40-2-18,  
5 40-3-21, 40-3-25, and 40-7-25, Code of Alabama 1975, to  
6 provide a date certain by which valuation notices must be  
7 mailed by county assessing officials; to provide notice  
8 requirements regarding certain decisions of the Board of  
9 Equalization; to extend the time to pay taxes and file an  
10 appeal regarding certain actions of the Board of Equalization;  
11 and to make nonsubstantive, technical revisions to update the  
12 existing code language to current style.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 40-2-18, 40-3-21, 40-3-25, and  
15 40-7-25, Code of Alabama 1975, are amended to read as follows:

16 "§40-2-18

17 (a) Whenever the work of revaluing and equalizing any  
18 class or classes of property has been completed by order of  
19 the Department of Revenue, as provided herein, and the revised  
20 valuation has been entered on the tax return list, the county  
21 board of equalization shall certify over their signatures to  
22 the correctness thereof and shall deliver the tax return list  
23 showing the assessment and revaluation to the assessing  
24 official of the county as their report, and the assessing  
25 official shall hold them in his or her office subject to  
26 public inspection. The assessing official shall then give  
27 notice by publication once a week for three consecutive weeks  
28 in a newspaper published in the county, if any are published



## HB491 Enrolled

29 in the county and, if no newspaper is published in the county,  
30 by posting notices in at least three public places in the  
31 county that the county board of equalization has returned its  
32 report and that the same is open to public inspection and that  
33 the board will convene at the courthouse in the county on a  
34 day to be named and fixed in the notice to correct any errors  
35 in the valuations.

36 (b) (1) In the event the property of any taxpayer is  
37 increased by the county board of equalization when revaluing  
38 and equalizing assessments as provided in this section over  
39 the assessed value as originally fixed by the board, the  
40 taxpayer shall be furnished by mail or in person, with a  
41 statement showing separately the revised value of his or her  
42 personal property and his or her real property no later than  
43 July 1, unless otherwise approved by the Department of  
44 Revenue, and also that the taxpayer may file in writing with  
45 the secretary of the county board of equalization, within 30  
46 calendar days from the date of the notice, objections, if any  
47 are made, to the revaluation made as herein provided, and that  
48 the county board of equalization will sit on a day to be named  
49 and fixed in the notice, when the complaining taxpayer, his or  
50 her agent or attorney may appear and produce evidence in  
51 support of any objection as filed.

52 (2) Notwithstanding the foregoing, failure to give or  
53 receive the notice shall not invalidate any assessment and the  
54 taxpayer shall have the right at any time before the taxes  
55 become delinquent to appear before the county board of  
56 equalization and have the assessment of his or her property



## HB491 Enrolled

57 reopened, if satisfactory proof is made that the taxpayer or  
58 his or her agent did not receive notice of the increase.

59 (c) (1) It shall be the duty of the county board of  
60 equalization to convene and sit at the courthouse in its  
61 respective county on the day named and fixed in the notices  
62 and to remain in session as long as may be necessary for the  
63 purpose of hearing objections, if any, that have been filed in  
64 writing against the revaluation or equalization so fixed by  
65 the board; ~~and at the sitting the.~~ The complaining property  
66 owner may appear before the board in person or by agent or  
67 attorney and produce evidence in support of objections to  
68 assessment valuations as fixed on his or her property.

69 ~~Furthermore, it~~

70 (2) It shall be the duty of the county board of  
71 equalization to examine the complainant under oath and to  
72 examine any other witnesses under oath, as to the fair and  
73 reasonable market value of the property of the owner, and, if  
74 it finds from the evidence the revaluation placed by it on the  
75 property was not the amount specified by law on the fair and  
76 reasonable market value of the property, then it shall correct  
77 the valuations and enter the corrected value upon the tax  
78 return on which the property is listed for taxation, so that  
79 the return will show the amount specified by law on the fair  
80 and reasonable market value, and the corrected amount so  
81 entered by the board shall constitute the taxable value of the  
82 property.

83 (3) If the board ~~shall find~~ finds from all the evidence  
84 that the revaluations placed by it on the property were the



## HB491 Enrolled

85 amount specified by law on the fair and reasonable market  
86 value, then the valuation thus made shall remain and stand as  
87 the assessable value for taxation of the property. The revised  
88 and corrected property valuation thus made shall be fixed as  
89 the legal valuation of the property for the payment of the  
90 taxes, and it shall be the duty of the taxpayer to pay his or  
91 her taxes thereon accordingly.

92 (d) (1) In the event the revaluation and equalization  
93 provided for herein is made by the Department of Revenue, the  
94 Department of Revenue shall certify to the correctness of the  
95 revised tax assessments, and the newspaper publication shall  
96 be made and notices given as when the board of equalization  
97 revalues and equalizes property, that the Department of  
98 Revenue will sit on the date fixed in the notices to hear  
99 evidence in support of objections, if any, filed in writing  
100 with the assessing official to revaluations and equalizations  
101 made by it. ~~At the sitting, the~~

102 (2) The complaining property owner may appear in person  
103 or by agent or attorney and produce evidence in support of  
104 objections filed by him or her in writing to any revaluation  
105 of his or her property. ~~And it shall be the duty of the~~The  
106 Department of Revenue ~~to~~ shall examine any other witnesses  
107 under oath as to the fair and reasonable market value of the  
108 property of the owner. ~~and if it~~ If the department finds from  
109 the evidence that the readjusted value placed by it on the  
110 property was not the amount specified by law on the fair and  
111 reasonable market value of the property, then it shall correct  
112 the valuations and enter the corrected value upon the tax



## HB491 Enrolled

113 return on which the property is listed, so that the return  
114 will show the amount specified by law on the fair and  
115 reasonable market value, and the corrected amount so entered  
116 by the Department of Revenue shall constitute the taxable  
117 value of the property.

118 (3) Notwithstanding the foregoing, if the Department of  
119 Revenue finds from all the evidence that the valuation placed  
120 by it on the property was the amount specified by law on the  
121 reasonable market value, then the valuations thus made shall  
122 remain and stand as the assessable value for taxation of the  
123 property.

124 (e) From the revaluation and equalization made as  
125 herein provided, the taxpayer may appeal to the circuit court  
126 in the manner as provided for appeal from the county board of  
127 equalization."

128 "§40-3-21

129 When the work of hearing objections against values  
130 fixed on taxable property ~~shall have~~ has been completed by the  
131 board of equalization, the ~~tax assessor~~ secretary of the board  
132 shall immediately send notice by mail to each taxpayer with a  
133 notification of the board's decision. The secretary of the  
134 board shall enter upon the tax return lists the corrected  
135 values, if any changes have been made therein, which changed  
136 or altered value shall be the taxable value of the property or  
137 properties, unless an appeal is taken as herein provided or  
138 unless otherwise ordered by the Department of Revenue."

139 "§40-3-25

140 (a) All appeals from the rulings of the board of



## HB491 Enrolled

141 equalization fixing the value of property shall be taken  
142 within 30 calendar days ~~after the final decision of said board~~  
143 ~~fixing the assessed valuation as provided in this chapter~~ of  
144 the date of the notice required under Section 40-3-21. The  
145 taxpayer shall file notice of ~~said~~ the appeal with the  
146 secretary of the board of equalization and with the clerk of  
147 the circuit court and shall file bond to be filed with and  
148 approved by the clerk of the circuit court, conditioned to pay  
149 all costs, and the taxpayer or the state shall have the right  
150 to demand a trial by jury by filing a written demand therefor  
151 within 10 days after the appeal is taken.

152 (b) When an appeal is taken, the taxpayer shall pay the  
153 taxes due as fixed for assessment for the preceding tax year  
154 before the same becomes delinquent; ~~and, upon failure to de~~  
155 ~~se.~~ In cases where the board of equalization has not issued  
156 its final ruling fixing the assessed value of the property on  
157 or before November 30, the taxpayer shall be granted 30  
158 calendar days from the final decision to either pay the taxes  
159 due without penalty or to file an appeal with the circuit  
160 court and pay the taxes due as fixed for assessment for the  
161 preceding tax year without penalty. Upon failure to pay the  
162 taxes due as fixed for assessment for the preceding tax year,  
163 the court upon motion ex mero motu must dismiss the appeal,  
164 unless at the time of taking the appeal the taxpayer has  
165 executed a supersedeas bond with sufficient sureties to be  
166 approved by the clerk of the circuit court in double the  
167 amount of taxes, payable to the State of Alabama, conditioned  
168 to pay all taxes, interest, and costs due the state, county,



## HB491 Enrolled

169 or any agency or subdivision thereof. ~~Such appeals~~  
170 (c) Appeals under this section shall be preferred  
171 cases. If from all the evidence the court is of the opinion  
172 that the valuation is either too high or too low, it shall  
173 render a judgment fixing ~~such the~~ valuation as it may deem  
174 fit. The circuit court shall so far as practicable hear ~~such~~  
175 the appeals according to the general rules and procedure of  
176 courts, but, when acting under this chapter or acquiring  
177 jurisdiction as provided herein, it shall have no power to  
178 enjoin or suspend the collection of any taxes due. It shall  
179 decide all questions as to the legality of the assessment and  
180 the valuation of the property. The original assessment sheet  
181 or a certified copy, showing the assessment by the board of  
182 equalization, shall be sufficient appearance by the state and  
183 shall make out a prima facie case.

184 (d) From the judgment of the circuit court, either the  
185 state or the taxpayer may appeal directly to the Supreme Court  
186 of Alabama within 42 days of the entry of ~~such the~~ judgment.  
187 Upon ~~such the filing of the~~ appeal to the circuit court or to  
188 the Supreme Court, the court shall ascertain and determine by  
189 its judgment the amount of tax which was invalid or which was  
190 excessive both as to the amount paid to the state, counties,  
191 county boards of education, municipalities, or other  
192 governmental agencies receiving any part of ~~such the~~ taxes,  
193 ~~and thereupon, upon.~~ Upon presentation of a certified copy of  
194 the judgment to the Comptroller, ~~it shall be the duty of~~ the  
195 Comptroller ~~to shall~~ draw ~~his a~~ warrant on the State Treasurer  
196 in favor of ~~such the~~ taxpayer for ~~such an~~ the amount ~~as~~





## HB491 Enrolled

197 determined by the judgment of the court ~~shall ascertain and~~  
198 ~~declare has~~ to have been erroneously paid to the state  
199 together with interest from the date of payment, and ~~such a~~  
200 warrant of the Comptroller shall be paid out of any funds in  
201 the State Treasury as a current obligation of the year in  
202 which ~~said the~~ refund is ordered.

203 (e) Upon presentation of a certified copy of ~~such the~~  
204 judgment to the county commission, or upon presentation of a  
205 certified copy of ~~such the~~ judgment to a county board of  
206 education or to the city council or other governing body of  
207 any municipality, or upon presentation of a certified copy to  
208 the governing body of any other agency of the state which may  
209 have received any part of ~~said the~~ tax erroneously paid as  
210 determined by the judgment, it shall be the duty of the county  
211 commission or the county board of education or of the city  
212 council or other governmental body of a municipality or of the  
213 governmental body of any other agency receiving any part of  
214 ~~such the~~ taxes to draw its warrants on the treasurer of ~~such~~  
215 the county, school board, municipality, or other agency in  
216 favor of the taxpayer for ~~such the~~ amount of ~~said the~~ tax as  
217 may have been erroneously paid to ~~such the~~ county, school  
218 board, municipality, or other agency, together with interest  
219 from the date of payment, and ~~such the~~ amount shall constitute  
220 a preferred claim of the current year in which ~~said the~~ refund  
221 is ordered, and the respective treasurers ~~are hereby required~~  
222 ~~to~~ shall refund ~~such the~~ amounts received by ~~said the~~ county,  
223 school board, municipality, or other agency, with interest as  
224 herein provided.



## HB491 Enrolled

225           (f) In the event the judgment of the court shall fix an  
226 assessment greater than that upon which the taxes have been  
227 paid on the assessment appealed from, the court shall fix and  
228 determine the amount of ~~such~~ excess, and the taxpayer and the  
229 sureties on ~~his~~ the taxpayer's appeal bond shall be adjudged  
230 to pay taxes due by reason of ~~such~~ the increased assessment  
231 with interest from the date of judgment, and the lien and  
232 priorities of the state and counties or other agencies shall  
233 apply to ~~such~~ the additional amount as in other cases. The  
234 court, in fixing the assessment, shall order the assessing  
235 authorities to apportion the same and the collecting  
236 authorities to collect taxes thereon for the several taxing  
237 subdivisions in the manner provided by law."

238           "§40-7-25

239           (a) (1) Except as provided in subdivision (2) or as  
240 otherwise provided by law, the assessing official ~~shall~~, from  
241 information entered on the tax return list and from all other  
242 information known to him or her, ~~or~~ which he or she may  
243 procure, shall proceed to ascertain what, in his or her best  
244 judgment, is a fair and reasonable market value of each item  
245 of property returned by or listed to any taxpayer; ~~provided,~~  
246 ~~that the.~~

247           (2) The assessed value of any real estate or  
248 improvements as fixed for taxation for the year next preceding  
249 the then current tax year shall be prima facie the basis of  
250 the value of the property for assessment for the current tax  
251 year, and the property shall not be assessed for taxation at a  
252 less valuation unless, upon evidence submitted to the county



## HB491 Enrolled

253 board of equalization, as provided for herein, it is found  
254 that the assessed valuation of the property reviewed should be  
255 reduced.

256 (b) The assessing official shall in separate columns  
257 enter on the list the amount and value and the deduction for  
258 exemption to which the taxpayer is entitled. The assessing  
259 official shall also add to the list any item of property  
260 subject to taxation owned by the taxpayer, or in which he or  
261 she has any interest whatever and which he or she had failed  
262 or omitted to place on the list; and the taxpayer shall be  
263 given notice by the assessing official, by mail or in person,  
264 of the items of property added to his or her assessment list  
265 or items claimed as exempt which are disallowed by the  
266 assessing official after the list has been filed and before  
267 the assessing official has completed his or her assessment,  
268 and the assessing official shall, upon demand, furnish the  
269 taxpayer with a certified copy of his or her assessment list  
270 so amended.

271 (c) In the event the value of real or personal property  
272 of any taxpayer is increased by the county board of  
273 equalization, herein created, over the assessed value thereof  
274 for the next preceding year, the taxpayer shall be furnished  
275 by mail or in person, by the secretary of the county board of  
276 equalization, with a statement showing separately the value of  
277 his or her personal property and his or her real property, and  
278 improvements thereon, no later than July 1, unless otherwise  
279 provided by the Department of Revenue. The statement shall be  
280 signed by the chair of the county board of equalization ~~and~~



## HB491 Enrolled

281 ~~the.~~

282           (d) The taxpayer may file in writing, with the  
283 secretary of the county board of equalization, within 30  
284 calendar days of the date of the statement, objections to any  
285 assessed valuation fixed as herein provided. Failure to give  
286 or receive the notices required in this section shall not  
287 invalidate the assessment. The taxpayer shall have the right  
288 any time before the taxes become delinquent to appear before  
289 the county board of equalization and have the assessment of  
290 his or her property reopened, if satisfactory proof is made  
291 that the taxpayer or his or her agent did not receive notice  
292 of the increase.

293           (e) The expense of postage incurred in carrying out the  
294 provisions of this section shall be paid in equal proportions  
295 by the county and state, upon a certified statement thereof by  
296 the secretary of the county board of equalization, filed with  
297 the court of county commissioners, or the board or court of  
298 like jurisdiction and with the Department of Finance."

299           Section 2. The Department of Revenue may adopt rules  
300 for the implementation and administration of this act.

301           Section 3. This act shall become effective immediately  
302 following its passage and approval by the Governor, or its  
303 otherwise becoming law.



**HB491 Enrolled**

304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329

---

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 24-May-23.

John Treadwell  
Clerk

Senate

---

**01-Jun-23**

Passed