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3 By Representatives DeMarco and Hubbard (M)  
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ENROLLED, An Act,

To create an independent executive branch agency, the Alabama Tax Tribunal; to replace the Administrative Law Division with the tribunal and Administrative Law Judge within the Department of Revenue for hearing appeals of tax matters and other matters of the Department of Revenue as well as certain participating self-administered counties and cities; to provide for a judge or judges of the tribunal and for the functions of the tribunal; and for such purposes to amend Sections 40-2A-3, 40-2A-4, 40-2A-5, 40-2A-7, 40-2A-8, and 40-18-27, Code of Alabama 1975; repeal Section 40-2A-9, Code of Alabama 1975; and add a new Chapter 2B to Title 40, Code of Alabama 1975, providing for the creation and operation of the Alabama Tax Tribunal.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. To increase public confidence in the fairness of the state tax system, the state shall provide an independent agency to be known as the Alabama Tax Tribunal to hear appeals of tax and other matters administered by the Department of Revenue and certain self-administered counties and municipalities that choose to participate with the Alabama Tax Tribunal to hear appeals of taxes levied by or on behalf of self-administered counties or municipalities. Any judge of the Alabama Tax Tribunal shall have the requisite knowledge

1 and experience to hear and resolve disputes between taxpayers  
 2 and the Department of Revenue or taxpayers and any  
 3 self-administered county or municipality that has elected to  
 4 participate with the Alabama Tax Tribunal. Such hearing shall  
 5 take place only after the taxpayer has had a full opportunity  
 6 to settle any matter with the Department of Revenue or with a  
 7 self-administered county or municipality. There shall be no  
 8 requirement of the payment of the amounts in issue or the  
 9 posting of a bond. This independent Alabama Tax Tribunal shall  
 10 exist within the executive branch of the government.

11 Section 2. This act shall be known as the "Taxpayer  
 12 Fairness Act."

13 Section 3. Sections 40-2A-3, 40-2A-4, 40-2A-5,  
 14 40-2A-7, 40-2A-8, and 40-18-27, Code of Alabama 1975, are  
 15 amended to read as follows:

16 "§40-2A-3.

17 "For the purposes of this chapter and chapter 2B,  
 18 the following terms shall have the following meanings:

19 "~~(1) ADMINISTRATIVE LAW JUDGE. The chief~~  
 20 ~~administrative law judge of the department, or any other~~  
 21 ~~individual acting in that capacity as appointed by the~~  
 22 ~~commissioner.~~

23 "~~(2) ADMINISTRATIVE LAW DIVISION. The administrative~~  
 24 ~~law division of the department.~~

1           "(1) ASSOCIATE ALABAMA TAX TRIBUNAL JUDGE. An  
 2 associate judge as defined in Section 40-2B-1.

3           "~~(3)~~(2) AUTHORIZED REPRESENTATIVE. Any individual,  
 4 including, but not limited to, an attorney or certified public  
 5 accountant with written authority or power of attorney to  
 6 represent a taxpayer before the department or the Alabama Tax  
 7 Tribunal; provided however, that nothing herein shall be  
 8 construed as entitling any such individual who is not a  
 9 licensed attorney to engage in the practice of law.

10           "(3) CHIEF ALABAMA TAX TRIBUNAL JUDGE or CHIEF  
 11 JUDGE. The chief judge as defined in Section 40-2B-1.

12           "(4) COMMISSIONER. The commissioner of the  
 13 department or his or her delegate.

14           "(5) COMPTROLLER. The Comptroller of the State of  
 15 Alabama.

16           "(6) DELEGATE. When used with reference to the  
 17 commissioner means any officer or employee of the department  
 18 duly authorized by the commissioner, directly or indirectly,  
 19 by one or more redelegations of authority, to perform the  
 20 function described in the context.

21           "(7) DEPARTMENT or DEPARTMENT OF REVENUE. The  
 22 Alabama Department of Revenue.

23           "(8) GROSS RECEIPTS TAX IN THE NATURE OF A SALES  
 24 TAX. A privilege or license tax, imposed by a municipality or  
 25 county, measured by gross receipts or gross proceeds of sale

1 and which: (i) was in effect on or before February 25, 1997,  
 2 or is an amendment to a tax which was in effect on that date;  
 3 (ii) is levied against those selling tangible personal  
 4 property at retail, those operating places of amusement or  
 5 entertainment, those making street deliveries, and those  
 6 leasing or renting tangible personal property; and (iii) is  
 7 due and payable to a county or municipality monthly or  
 8 quarterly.

9 "(9) FINAL ASSESSMENT. The final notice of value,  
 10 underpayment, or nonpayment of any tax administered by the  
 11 department.

12 "(10) INTEREST. That amount computed under Section  
 13 40-1-44, on any overpayment or underpayment of tax or under  
 14 Section 40-2A-18 on a final assessment.

15 "(11) INTERNAL REVENUE SERVICE. The agency of the  
 16 United States principally responsible for the determination,  
 17 assessment, and collection of taxes established by Title 26 of  
 18 the United States Code.

19 "(12) NOTICE OF APPEAL. Any written notice  
 20 sufficient to identify the name of the taxpayer or other party  
 21 appealing, the specific matter appealed from, the basis for  
 22 that appeal, and the relief sought.

23 "(13) PERSON. Any individual, association, estate,  
 24 trust, partnership, corporation, or other entity of any kind.

1           "(14) PETITION FOR REFUND. Any written request for a  
 2 refund of any tax previously paid, including in the form of an  
 3 amended return. Unless otherwise provided by law, the request  
 4 shall include sufficient information to identify the type and  
 5 amount of tax overpaid, the taxpayer, the period included, and  
 6 the reasons for the refund.

7           "(15) PETITION FOR REVIEW. A written document filed  
 8 with the department in response to a preliminary assessment in  
 9 which the taxpayer sets forth reasonably specific objections  
 10 to the preliminary assessment.

11           "(16) PRELIMINARY ASSESSMENT. The preliminary notice  
 12 of value or underpayment of any tax administered by the  
 13 department.

14           "(17) PRIVATE AUDITING OR COLLECTING FIRM. Any  
 15 person in the business of collecting, through contract or  
 16 otherwise, local sales, use, rental, lodgings or other taxes  
 17 or license fees for any county or municipality, or auditing  
 18 any taxpayer, through the examination of books and records,  
 19 for any county or municipality. The term shall not include any  
 20 of the following:

21           "a. The Department of Revenue.

22           "b. A county or municipality that has entered into a  
 23 contract or other arrangement to collect local sales, use,  
 24 rental, lodgings or other taxes or license fees on behalf of  
 25 another county or municipality, or to audit a taxpayer,

1 through the examination of books and records, on behalf of  
 2 another county or municipality.

3 "c. A person or firm whose sole function and purpose  
 4 on behalf of a municipality or group of municipalities is to  
 5 collect delinquent insurance premium license fees levied by  
 6 that municipality or group of municipalities, and who has no  
 7 authority to determine the amount of license fee, interest,  
 8 court cost, or penalty owed to the municipality or group of  
 9 municipalities.

10 "(18) PUBLICATION 1A. A written pamphlet to be  
 11 distributed by the department to all taxpayers whose books and  
 12 records are being examined by the department, at or before the  
 13 commencement of an examination, explaining in simple and  
 14 nontechnical terms, the role of the department and the rights  
 15 of the taxpayer whose books and records are being examined by  
 16 the department during the examination and which shall be  
 17 promptly revised from time to time to reflect any changes in  
 18 the applicable law or rules.

19 "(19) RETURN. Any report, document, or other  
 20 statement required to be filed with the department for the  
 21 purpose of paying, reporting, or determining the proper amount  
 22 of value or tax due.

23 "(20) SECRETARY. The secretary of the department.

24 "(21) SELF-ADMINISTERED COUNTY OR MUNICIPALITY. A  
 25 county or municipality that administers its own sales and use

1 taxes or other local municipal or county taxes levied or  
2 authorized to be levied by a general or local act, or  
3 contracts out all or part of that function to a private  
4 auditing or collecting firm. The term does not include any of  
5 the following:

6 "a. A county or municipality that allows the  
7 department to administer a sales, use, rental, or lodgings tax  
8 which is levied by or on behalf of that county or  
9 municipality.

10 "b. A municipality or county that levies a gross  
11 receipts tax in the nature of a sales tax, as defined in  
12 subdivision (8). A county or municipality that both  
13 self-administers a sales, use, rental, or lodgings tax and  
14 allows the department to administer a sales, use, rental, or  
15 lodgings tax that is levied by or on behalf of the county or  
16 municipality is only a self-administered county or  
17 municipality with respect to those sales, use, rental, or  
18 lodgings taxes that the county or municipality administers  
19 itself or for those taxes that it contracts for the  
20 collection.

21 "(22) TAX. Any amount, including applicable penalty  
22 and interest, levied or assessed against a taxpayer and which  
23 the department or any county, municipality, or their designees  
24 are required or authorized to administer under the provisions  
25 of Alabama law.



1           "(23) ALABAMA TAX TRIBUNAL. The Alabama Tax Tribunal  
2           as described in Title 40, Chapter 2B.

3           "~~(23)~~(24) TAXPAYER. Any person subject to or liable  
4           for any state or local tax; any person required to file a  
5           return with respect to, or to pay, or withhold and remit any  
6           state or local tax or to report any information or value to  
7           the department, a county, municipality, or its designee; or  
8           any person required to obtain or holding any interest in any  
9           license, permit, or certificate of title issued by the  
10          department, a county, municipality, or its designee, or any  
11          person that may be affected by any act or refusal to act by  
12          the department, a county, municipality, or its designee, or to  
13          keep any records required by this chapter.

14          "~~(24)~~(25) TAXPAYER ADVOCATE. The person so  
15          designated from time to time by the commissioner to assist the  
16          taxpayers of the State of Alabama with regard to tax issues  
17          resulting from any taxes administered or collected by the  
18          department.

19          "~~(25)~~(26) TAXPAYER ASSISTANCE ORDER. A written order  
20          issued by the Taxpayer Advocate and approved by either the  
21          commissioner or assistant commissioner which, among other  
22          items, states the facts and grants relief to a taxpayer  
23          concerning an issue in dispute with the department with regard  
24          to tax issues resulting from any taxes administered or  
25          collected by the department.

1           "§40-2A-4.

2           "(a) Rights of the taxpayer.

3           "~~(1) For purposes of this section, the term~~  
4 ~~"taxpayer" shall only mean a taxpayer whose books and records~~  
5 ~~are subject to examination by the department, and shall not~~  
6 ~~include any taxpayer regarding taxes collected or examined by~~  
7 ~~a self-administered county or municipality.~~

8           "(1) For purposes of subsections (a), (c), and (d),  
9 the term "department" shall include the Department of Revenue,  
10 a self-administered county or municipality, or a private  
11 examining or collecting firm, depending on whether the  
12 Department of Revenue, a self-administered county or  
13 municipality, or private examining or collecting firm is  
14 conducting the examination of the taxpayer.

15           "(2) At or before the commencement of an examination  
16 of the books and records of a taxpayer, the department shall  
17 provide to the taxpayer the current version of Publication 1A.  
18 Publication 1A shall provide, in simple and non-technical  
19 terms, a statement of the taxpayer's rights. Those rights  
20 include the right to be represented during an examination, an  
21 explanation of their appeal rights, and the right to know the  
22 criteria and procedures used to select taxpayers for an  
23 examination.

1           "(3) At or before the issuance of a preliminary  
2 assessment, the department shall provide to the taxpayer in  
3 simple and non-technical terms:

4           "a. A written description of the basis for the  
5 assessment and any penalty asserted with respect to the  
6 assessment.

7           "b. A written description of the method by which the  
8 taxpayer may request an administrative review of the  
9 preliminary assessment.

10           "(4) At or before the issuance of a final  
11 assessment, the department shall inform the taxpayer by a  
12 written statement of his or her right to appeal to the  
13 ~~administrative law division~~ Alabama Tax Tribunal or to circuit  
14 court.

15           "(5) Except in cases involving suspected criminal  
16 violations of the tax law or other criminal activity, the  
17 department shall conduct an examination of a taxpayer during  
18 regular business hours after providing reasonable notice to  
19 the taxpayer. A taxpayer who refuses a proposed time for an  
20 examination on the grounds that the proposed examination would  
21 cause inconvenience or hardship must offer reasonable  
22 alternative times and dates for the examination.

23           "(6) At all stages of an examination or the  
24 administrative review of the examination, and in any appeal to  
25 the Alabama Tax Tribunal, a taxpayer is entitled to be

1 assisted or represented, at his own expense, by an authorized  
2 representative. The department shall prescribe a form by which  
3 the taxpayer may designate a person to represent him or her in  
4 the conduct of any proceedings, including collection  
5 proceedings, resulting from actions of the department. In the  
6 absence of this form, the department or the Alabama Tax  
7 Tribunal may accept such other evidence that a person is the  
8 authorized representative of a taxpayer as it considers  
9 appropriate. This provision shall not be construed as  
10 authorizing the practice of law before the department, Alabama  
11 Tax Tribunal, or any court in this state by a person who is  
12 not a licensed attorney.

13 "(7) A taxpayer shall be allowed to make an audio  
14 recording of any in-person interview with any officer or  
15 employee of the department relating to any examination or  
16 investigation by the department, provided, however, the  
17 taxpayer must give reasonable advance notice to the department  
18 of his or her intent to record and the recording shall be at  
19 the taxpayer's own expense and with the taxpayer's own  
20 equipment. The department shall also be allowed to record any  
21 interview if the taxpayer is recording the interview, or if  
22 the department gives the taxpayer reasonable advance notice of  
23 its intent to record the interview. The department shall  
24 provide the taxpayer with a copy of the recording, but only if  
25 the taxpayer provides reimbursement for the cost of the

1 transcript and reproduction of the copy. The cost shall be  
2 reasonable as prescribed by regulations issued by the  
3 department.

4 "(8) This section shall not apply to criminal  
5 investigations or investigations relating to the integrity of  
6 any officer or employee of the department.

7 "(b) Department responsibilities generally.

8 "(1) The commissioner shall appoint a Taxpayer  
9 Advocate from among the employees of the department. This  
10 officer shall receive and review inquiries or complaints  
11 concerning matters that have been pending before the  
12 department for an unreasonable length of time, or matters  
13 where the taxpayer has been unable to obtain a reasonable  
14 response after several attempts to communicate with the  
15 department employee assigned to the taxpayer's case, or his or  
16 her immediate superiors. In addition, this officer shall  
17 review and have the authority to waive a penalty for  
18 reasonable cause as provided in subsection (h) of Section  
19 40-2A-11, shall promptly review inquiries concerning release  
20 of property levied upon, the erroneous filing of liens, the  
21 failure to release a lien for good cause, or other matters  
22 complained of by a taxpayer or other affected party. The  
23 Taxpayer Advocate shall have no authority nor issue any ruling  
24 with regard to any taxes collected by or on behalf of a  
25 self-administered county or municipality.

1           "a. The Taxpayer Advocate shall, subject to the  
2 approval of the commissioner or the assistant commissioner,  
3 issue taxpayer assistance orders in the form and manner  
4 prescribed herein and by department regulations.

5           "b. Notwithstanding any statute of limitation or  
6 other provision in this title, a taxpayer assistance order may  
7 declare that any tax, including a final assessment, was  
8 erroneously assessed or reported and is not a liability due  
9 the state, or that a petition for refund was erroneously  
10 denied by the department.

11           "c. A taxpayer assistance order shall grant relief  
12 as deemed appropriate, including the voiding of any  
13 erroneously issued final assessment for a tax which was not a  
14 debt due the state, granting of any refund due the taxpayer,  
15 or abating an assessment of interest that has accrued because  
16 of undue delay by department personnel.

17           "d. At the request of the Alabama Tax Tribunal, the  
18 taxpayer advocate shall review a final order issued by the  
19 Alabama Tax Tribunal that was not appealed pursuant to Section  
20 40-2B-1, if there is newly discovered evidence which by due  
21 diligence could not have been discovered in time to file an  
22 application for rehearing pursuant to Section 40-2B-1, and may  
23 propose relief as the taxpayer advocate deems appropriate and  
24 approved by the commissioner or the assistant commissioner.

1           "d.e. All taxpayer assistance orders shall be dated  
2 and signed by the Taxpayer Advocate and approved either by the  
3 commissioner or the assistant commissioner, and shall state  
4 the underlying facts, the reasons for granting relief, and the  
5 relief granted. Any taxpayer assistance order may, for good  
6 cause, be modified or rescinded in writing by the Taxpayer  
7 Advocate and either the commissioner or the assistant  
8 commissioner.

9           "e.f. The Taxpayer Advocate shall have full access  
10 to department personnel, books, and records subject, however,  
11 to the confidentiality restrictions imposed by this chapter.

12           "f.g. Taxpayer assistance orders shall not be  
13 subject to the confidentiality provisions of this title, and  
14 shall be maintained by the secretary of the department and  
15 shall be open to review upon written request. The Taxpayer  
16 Advocate shall have no authority nor issue any ruling with  
17 regard to any taxes collected by or on behalf of a  
18 self-administered county or municipality.

19           "g.h. The commissioner shall make an annual report  
20 to the Legislature of all taxpayer assistance orders approved  
21 in accordance with the provisions of this section and Sections  
22 40-2A-2 and 40-2A-3. Such report shall contain the total  
23 amount of relief granted and the types of taxes for which  
24 relief was granted.

1           "(2) The department shall maintain a continuing  
2 education program to train employees of the department and to  
3 provide them with a current knowledge of state and applicable  
4 federal tax laws.

5           "(3) In addition to any other information provided  
6 by law, the commissioner shall include in the department's  
7 annual report information about the number or kind of audits  
8 or assessments conducted in the year covered by the report.

9           "(4) The department shall not use the amounts of  
10 taxes assessed by an employee of the department as:

11           "a. The basis of a production quota system for  
12 employees; or

13           "b. The basis for evaluating an employee's  
14 performance.

15           "(5) The department shall establish procedures for  
16 monitoring the performance of department employees which may  
17 include the use of evaluations obtained from taxpayers.

18           "(6) INSTALLMENT PAYMENTS.

19           "a. The commissioner is authorized to enter into  
20 written agreements to allow any taxpayer to pay any tax in  
21 installment payments if the commissioner determines that such  
22 agreement will facilitate collection of such tax.

23 Notwithstanding the preceding sentence, such agreements shall  
24 be entered into only regarding a tax that has been finally  
25 assessed by the department and not appealed, and such



1 agreements shall not extend for a period exceeding 12 months,  
2 provided, that any such agreement may be renewed at the  
3 discretion of the commissioner for succeeding periods not to  
4 exceed 12 months. The commissioner shall only be authorized to  
5 enter such an agreement with regard to a tax administered or  
6 collected by the department.

7 "b. The commissioner may terminate, alter, or modify  
8 any agreement entered into hereunder if:

9 "1. Information provided by the taxpayer to the  
10 commissioner prior to the date of such agreement was  
11 inaccurate or incomplete;

12 "2. The taxpayer fails to pay any installment at the  
13 time such installment payment is due under such agreement;

14 "3. The taxpayer fails to pay any other tax  
15 liability due the department at the time such liability is  
16 due, unless the taxpayer has appealed such other liability  
17 pursuant to the terms of this chapter;

18 "4. The financial condition of the taxpayer has  
19 significantly changed;

20 "5. The taxpayer fails to provide a financial  
21 condition update as requested by the commissioner; or

22 "6. The commissioner believes that collection of any  
23 tax to which an agreement under this provision relates is in  
24 jeopardy.

1            "c. The commissioner shall have sole authority or  
2            discretion to enter into or amend, modify, or terminate any  
3            installment payment agreement provided for herein. The  
4            commissioner shall promulgate regulations necessary for the  
5            implementation of this provision.

6            "d. Any self-administered county or municipality  
7            shall have the same authority as provided to the commissioner  
8            by this subdivision relating to installment payments with  
9            respect to taxes administered or collected by the  
10           self-administered county or municipality.

11           "(c) Department failure to comply with this section.  
12           The failure of the department to comply with any provision of  
13           this section shall not prohibit the department from assessing  
14           any tax as provided in this chapter, nor excuse the taxpayer  
15           from timely complying with any time limitations under this  
16           chapter. However, if the department fails to substantially  
17           comply with the provisions of this section, the commissioner  
18           shall, upon application by the taxpayer or other good cause  
19           shown, abate any penalties otherwise arising from the  
20           examination or assessment.

21           "(d) Abatement of penalty. The department shall  
22           abate any penalty attributable to erroneous written advice  
23           furnished to a taxpayer by an employee of the department.  
24           However, this section shall apply only if the department  
25           employee provided the written advice in good faith while

1 acting in his official capacity, the written advice was  
2 reasonably relied on by the taxpayer and was in response to a  
3 specific written request of the taxpayer, and the penalty did  
4 not result from the taxpayer's failure to provide adequate or  
5 accurate information.

6 "§40-2A-5.

7 "(a) The commissioner may, in addition to all other  
8 powers and authority now granted by law, issue "revenue  
9 rulings" describing the substantive application of any law or  
10 regulation administered by the department. Revenue rulings may  
11 also govern procedures applicable to the department, and in  
12 that event, shall be called "revenue procedures." Revenue  
13 rulings shall be binding on the department and the state, its  
14 political subdivisions, and taxing authorities only with  
15 respect to the taxpayer making the request and only with  
16 respect to the facts contained in the request. The department  
17 attorney assigned to review the request for a revenue ruling  
18 shall consult with the taxpayer or its authorized  
19 representative, if requested by the taxpayer or the authorized  
20 representative, prior to issuing the revenue ruling. A revenue  
21 ruling shall constitute the department's interpretation of the  
22 law or regulations as applied to the facts contained in the  
23 request, but only pertaining to the particular facts described  
24 in the request, and only to the taxpayer making the request.

1           "(b) Revenue rulings may be issued only if no taxes  
 2 have accrued with respect to the transactions, events, or  
 3 facts contained in the request at the time of the issuance of  
 4 the ruling.

5           "(c) Revenue rulings may be revoked or modified by  
 6 the commissioner at any time; but any revocation or  
 7 modification shall not be effective retroactively unless one  
 8 of the following has occurred:

9           "(1) The person making the request misstated or  
 10 omitted facts material to the ruling.

11           "(2) The ruling was issued with respect to a matter  
 12 involving the computation or payment of a tax that was due and  
 13 payable at the time the ruling was requested.

14           "(3) The law applied by the commissioner in the  
 15 revenue ruling is changed in a manner to alter the  
 16 commissioner's conclusions in the ruling and the change in the  
 17 law is made effective as of the date of the ruling.

18           "The taxpayer may petition for a hearing with the  
 19 ~~Administrative Law Division~~ Alabama Tax Tribunal to determine  
 20 the propriety, under subsections (a), (b), or (c), of any  
 21 retroactive revocation of a ruling.

22           "(d) All revenue rulings issued by the department  
 23 shall be published, maintained as a public record, and made  
 24 available by the department for public inspection and copying,  
 25 within a reasonable time following their issuance, at a

1 reasonable cost to be determined by the department. Prior to  
2 publication, the department shall delete from the text of the  
3 ruling all names, addresses, titles, figures, dates, and other  
4 information which may identify the particular taxpayer who  
5 requested the ruling. If a revenue ruling contains trade  
6 secrets or other confidential information, the department  
7 shall, upon written request of the taxpayer, delete that  
8 information prior to publication.

9 "(e) Requests for revenue rulings shall be submitted  
10 in writing to the secretary in the form and manner as  
11 prescribed by department regulations, accompanied by a fee of  
12 two hundred dollars (\$200). The commissioner shall either  
13 issue or refuse to issue a ruling within 120 days after  
14 receipt of the request unless the taxpayer consents to an  
15 extension of time. If the commissioner refuses to issue a  
16 ruling within the time prescribed, the two hundred dollar  
17 (\$200) fee shall be refunded to the taxpayer. A request may be  
18 withdrawn at any time prior to the issuance of the requested  
19 ruling, in which case there shall be no refund of the two  
20 hundred dollar (\$200) fee.

21 "(f) Revenue rulings shall be issued in the name of  
22 the commissioner.

23 "(g) Subject to the provisions of this section, the  
24 commissioner may also issue a revenue ruling in response to a  
25 written request by a governing body of a self-administered

1 county or municipality, or by a taxpayer, regarding the  
2 substantive application of a sales, use, rental, or lodgings  
3 tax levied by or on behalf of the self-administered  
4 municipality or county; provided, however, that the  
5 commissioner may not (i) issue a revenue ruling interpreting  
6 any tax levied by or on behalf of a self-administered  
7 municipality or county which levies a gross receipts tax in  
8 the nature of a sales tax, as defined in Section 40-2A-3(8),  
9 or (ii) issue a revenue ruling that would establish a rule of  
10 nexus determining the locality to which sales and use taxes,  
11 or gross receipts taxes in the nature of a sales tax as  
12 defined by Section 40-2A-3(8), are due if the locality is a  
13 self-administered county or municipality, as defined by  
14 Section 40-2A-3(20). Revenue rulings shall be binding on a  
15 self-administered county or municipality only with respect to  
16 the specific taxpayer making the request and only with respect  
17 to the specific facts contained in the request. Any ruling  
18 shall, if the other requirements of this section are met, be  
19 issued within 45 days of receipt of the request, and if the  
20 requesting party is a self-administered municipal or county  
21 governing body, the fee for issuance of the ruling shall be  
22 waived. If the requesting party is a taxpayer, the department  
23 shall, promptly upon receipt, forward a copy of the ruling  
24 request to the appropriate municipal or county governing body  
25 and shall consult with and accept written comments from

1 representatives of the municipality or county prior to  
2 issuance of the ruling.

3 "§40-2A-7.

4 "(a) Maintenance of records; audit and subpoena  
5 authority; authority to issue regulations.

6 "(1) In addition to all other recordkeeping  
7 requirements otherwise set out in this title, taxpayers shall  
8 keep and maintain an accurate and complete set of records,  
9 books, and other information sufficient to allow the  
10 department to determine the correct amount of value or correct  
11 amount of any tax, license, permit, or fee administered by the  
12 department, or other records or information as may be  
13 necessary for the proper administration of any matters under  
14 the jurisdiction of the department. The books, records, and  
15 other information shall be open and available for inspection  
16 by the department upon request at a reasonable time and  
17 location.

18 "(2) The department may examine and audit the  
19 records, books, or other relevant information maintained by  
20 any taxpayer or other person for the purpose of computing and  
21 determining the correct amount of value or correct amount of  
22 any tax, license, or fee administered by the department, or  
23 for any other purpose necessary for the proper administration  
24 of any matter under the jurisdiction of the department.

1           "(3) A taxpayer, or any officer of a corporation or  
2 association, or partner of a partnership, or fiduciary of a  
3 trust, or responsible individual of any entity under a duty to  
4 maintain books and records pursuant to this subsection who  
5 fails or refuses to maintain such records and books, or permit  
6 inspection, shall be subject to contempt proceedings in the  
7 circuit court of the judicial circuit in which the person  
8 resides or has a principal place of business, and upon proof  
9 of the fact to the court, may be punished for contempt as  
10 provided in cases of contempt in circuit court.

11           "(4) The department may summon any witness to appear  
12 and give testimony, and summon by subpoena duces tecum any  
13 records, books, or other information of any kind relating to  
14 any matter which the department has authority to administer.  
15 The witness may be summoned by subpoena issued by the  
16 secretary of the department, any circuit judge, any  
17 magistrate, or any district judge, in the name of the  
18 department, directed to any sheriff of Alabama and returnable  
19 to the department. The subpoena may be served in like manner  
20 as subpoenas issued out of any circuit court, or the subpoena  
21 may be served by an authorized employee of the department or  
22 by either U.S. mail with delivery confirmation or certified  
23 mail, return receipt requested. A fee shall be paid to banking  
24 institutions, other similar entities, or any other person  
25 except the taxpayer, for copying, searching for, reproducing,



1 and transporting any records, books, papers, or other  
2 documents requested or subpoenaed by the department and to  
3 persons who are required to appear as a witness equal to the  
4 fee authorized to be paid by the Internal Revenue Service for  
5 similar services or appearances pursuant to Section 7610 of  
6 the Internal Revenue Code of 1986, as amended. If any witness  
7 has been subpoenaed to appear and testify or appear and  
8 produce records, books, or other information, and fails or  
9 refuses to appear or testify or to produce the books, records,  
10 or other information, that witness shall be subject to  
11 contempt proceedings in the circuit court of the judicial  
12 circuit in which the witness resides, and upon proof of the  
13 fact to a circuit court may be punished for contempt as is  
14 provided in cases of contempt in circuit court.

15 "(5) The department may issue forms and make  
16 reasonable regulations concerning any matter administered by  
17 the department. Regulations promulgated by the department  
18 shall be issued in accordance with the procedures set forth in  
19 the Alabama Administrative Procedure Act, Chapter 22 of Title  
20 41.

21 "(b) Procedures governing entry of preliminary and  
22 final assessments; appeals therefrom.

23 "(1) ENTRY OF PRELIMINARY ASSESSMENT; FINAL  
24 ASSESSMENT OF UNCONTESTED TAX; EXECUTION OF PRELIMINARY AND  
25 FINAL ASSESSMENTS.

1           "a. If the department determines that the amount of  
2 any tax as reported on a return is incorrect, or if no return  
3 is filed, or if the department is required to determine value,  
4 the department may calculate the correct tax or value based on  
5 the most accurate and complete information reasonably  
6 obtainable by the department. The department may thereafter  
7 enter a preliminary assessment for the correct tax or value,  
8 including any applicable penalty and interest.

9           "b. Where the amount of tax or value reported on a  
10 return is undisputed by the department, or the taxpayer  
11 consents to the amount of any deficiency, determination of  
12 value, or preliminary assessment in writing as provided by  
13 regulation, the department may immediately enter a final  
14 assessment for the amount of the tax or value, plus applicable  
15 penalty and interest; provided, the department may at any time  
16 enter a final jeopardy assessment pursuant to Sections  
17 40-17A-12, 40-29-90, and 40-29-91.

18           "c. All preliminary and final assessments issued by  
19 the department shall be executed as provided by regulations  
20 promulgated by the department.

21           "(2) TIME LIMITATION FOR ENTERING PRELIMINARY  
22 ASSESSMENT. Any preliminary assessment shall be entered within  
23 three years from the due date of the return, or three years  
24 from the date the return is filed with the department,  
25 whichever is later, or if no return is required to be filed,

1 within three years of the due date of the tax, except as  
 2 follows:

3 "a. A preliminary assessment may be entered at any  
 4 time if no return is filed as required, or if a false or  
 5 fraudulent return is filed with the intent to evade tax.

6 "b. A preliminary assessment may be entered within  
 7 six years from the due date of the return or six years from  
 8 the date the return is filed with the department, whichever is  
 9 later, if the taxpayer omits from the taxable base an amount  
 10 properly includable therein which is in excess of 25 percent  
 11 of the amount of the taxable base stated in the return.

12 "For purposes of this paragraph:

13 "1. The term taxable base means the gross income,  
 14 gross proceeds from sales, gross receipts, ~~capital employed~~  
 15 net worth, or other amounts on which the tax paid with the  
 16 return is computed; and

17 "2. In determining the amount omitted from the  
 18 taxable base, there shall not be taken into account any amount  
 19 which is omitted from the taxable base stated in the return if  
 20 the amount is disclosed in the return, or in a statement  
 21 attached to the return, in a manner adequate to apprise the  
 22 department of the nature and amount of the item.

23 "c. A preliminary assessment entered pursuant to  
 24 Sections 40-29-72 and 40-29-73, may be entered within five  
 25 years from the due date of the return on which the underlying

1 tax is required to be reported or within five years of the  
2 date the return is filed, whichever is later.

3 "d.1. In the case of income received during the  
4 lifetime of a decedent, or by his or her estate during the  
5 period of administration, the preliminary assessment of any  
6 income tax shall be entered within 18 months after written  
7 request therefor, filed after the return is made, by the  
8 executor, administrator, or other fiduciary representing the  
9 estate of the decedent, but not after the expiration of three  
10 years from the due date of the return or three years from the  
11 date the return is filed with the department, whichever is  
12 later.

13 "2. In the case of income received by a corporation  
14 contemplating dissolution, a preliminary assessment of any  
15 income tax shall be entered within 18 months after written  
16 request, by the corporation, filed after the return is made,  
17 but not after the expiration of three years from the due date  
18 of the return or three years from the date the return is filed  
19 with the department, whichever is later. This subparagraph  
20 shall not apply to any corporation unless dissolution is  
21 completed within 18 months of the date of the written notice.

22 "e. If a taxpayer has made the election provided in  
23 subsection (d) or (e) of Section 40-18-8, a preliminary  
24 assessment based on the gain realized as a result of the  
25 involuntary conversion [in the case of subsection (d) of

1 Section 40-18-8] or a rollover of gain on the sale of a  
2 personal residence [as provided in subsection (e) of Section  
3 40-18-8] may be entered within three years from the date the  
4 taxpayer notified the department of the replacement of the  
5 property in accordance with subsection (d) or (e) of Section  
6 40-18-8, as the case may be, or of his or her intention not to  
7 replace the property.

8 "f. If a taxpayer has validly elected to have the  
9 provisions of subdivision (a) (7) of Section 40-18-6 and  
10 subsection (1) of Section 40-18-8 apply to an acquisition of  
11 stock before January 1, 1985, any liability of the taxpayer  
12 under this title, solely from amendment of its returns to be  
13 consistent with that election may be assessed at any time  
14 within five years from the date on which the taxpayer filed  
15 the amended returns with the department.

16 "g.1. When the Internal Revenue Service changes the  
17 amount of federal income tax or federal estate tax in any  
18 manner and the change results in an increase in additional  
19 income tax or estate tax owed under this title, the department  
20 may, at any time within one year after the department is  
21 notified or otherwise learns that the change has become final,  
22 enter a preliminary assessment for additional tax due. The  
23 department shall be allowed to assess the tax within the time  
24 period otherwise allowed by this section. Any tax assessed  
25 within the additional one year period allowed shall be limited

1 to those items changed on the federal income tax return or  
2 federal estate tax return that affect the income tax liability  
3 or the estate tax liability imposed by this title.

4 "2. When a federal income tax return or federal  
5 estate tax return is changed in any manner after it has been  
6 filed with the Internal Revenue Service, other than by an  
7 amended return, and the change results in an overpayment of  
8 taxes imposed by this title, a petition for refund of the  
9 overpayment may be filed within the later of one year after  
10 the federal changes become final, or within the time allowed  
11 for the filing of a petition for refund as provided in this  
12 chapter. The refund shall be limited to those items changed on  
13 the federal income tax return or federal estate tax return  
14 that affect the income tax liability or estate tax liability  
15 imposed by this title.

16 "3. For purposes of this subdivision, the date that  
17 a federal change becomes final is the date on which the  
18 taxpayer and the Internal Revenue Service formally agree to  
19 the changes, or the date of any administrative or judicial  
20 order, judgment, or decree from which no further appeal was or  
21 may be taken.

22 "h. The running of the period of limitations  
23 provided herein for entering a preliminary assessment shall be  
24 suspended for the period that:

1           "1. The taxpayer or the assets of the taxpayer are  
2 involved in a case under Title 11 of the United States Code,  
3 Bankruptcy, and for a period of six months thereafter; or

4           "2. The assets of the taxpayer are in the control or  
5 custody of a court in any proceeding, and for a period of six  
6 months thereafter.

7           "i. The department and the taxpayer may, prior to  
8 the expiration of the period for entering a preliminary  
9 assessment or the filing of a petition for refund, agree in  
10 writing to extend the time provided for entering the  
11 assessment or filing the petition in this chapter. The tax may  
12 be assessed, or the petition for refund may be filed, at any  
13 time prior to the expiration of the period agreed upon. The  
14 period agreed upon may be extended by subsequent agreements in  
15 writing made before the expiration of the period previously  
16 agreed upon.

17           "j. Additional tax may be assessed by the department  
18 within any applicable period allowed above, even though a  
19 preliminary or final assessment has been previously entered by  
20 the department against the same taxpayer for the same or a  
21 portion of the same tax period. No taxpayer, however, shall be  
22 subject to unnecessary examination or investigation, and only  
23 one inspection of a taxpayer's books and records relating to  
24 each type of tax administered by the department shall be made  
25 for each taxable year, unless the taxpayer requests otherwise

1 or unless the commissioner after investigation, notifies the  
2 taxpayer in writing that an additional inspection is  
3 necessary. The commissioner shall promulgate regulations  
4 consistent with those followed by the Internal Revenue Service  
5 with respect to second inspection of a taxpayer's books and  
6 records.

7 "k. The three-year statute of limitations provided  
8 by this subdivision for entering a preliminary assessment  
9 shall be extended as provided in the following sentence, for  
10 the benefit of a self-administered county or municipality, in  
11 cases where: 1. the department has audited a taxpayer and has  
12 entered a final assessment against the taxpayer for additional  
13 sales, use, rental, or lodgings tax; 2. the taxpayer owes the  
14 same type of tax to the self-administered county or  
15 municipality for the same tax period or periods; and 3. the  
16 taxpayer or its authorized representative has not contacted  
17 the county or municipality or its private auditing firm,  
18 pursuant to its voluntary disclosure program, prior to the  
19 date of entry of the final assessment. In such cases, the  
20 statute of limitations shall not expire until the earlier of  
21 six months from the date of entry of the final assessment or  
22 60 days following the date of mailing or transmittal by  
23 electronic mail by the department to the self-administered  
24 county or municipality or its private auditing firm of a copy  
25 of the notice of final assessment and any attachments thereto.



1 Any tax assessed by the self-administered county or  
2 municipality within the additional time period allowed by this  
3 subdivision shall be limited to those items changed or  
4 adjustments included in the final assessment entered by the  
5 department. The Alabama Tax Tribunal, during the months of  
6 January and July of each year, shall publish a list of pending  
7 appeals and the tax or taxes at issue.

8 "(3) SERVICE OF PRELIMINARY ASSESSMENT UPON  
9 TAXPAYER. The preliminary assessment entered by the  
10 department, or a copy thereof, shall be promptly mailed by the  
11 department to the taxpayer's last known address by either  
12 first class U.S. mail or certified mail with return receipt  
13 requested, but at the option of the department, the  
14 preliminary assessment may be delivered to the taxpayer by  
15 personal ~~delivery~~ service.

16 "(4) PROCEDURE FOR REVIEW OF DISPUTED PRELIMINARY  
17 ASSESSMENTS; ENTRY AND NOTICE OF FINAL ASSESSMENT.

18 "a. If a taxpayer disagrees with a preliminary  
19 assessment as entered by the department, the taxpayer may file  
20 a written petition for review with the department within 30  
21 days from the date of ~~entry~~ mailing or personal service,  
22 whichever occurs earlier, of the preliminary assessment  
23 setting out the specific objections to the preliminary  
24 assessment. If a petition for review is timely filed, or if  
25 the department otherwise deems it necessary, the department

1 shall schedule a conference with the taxpayer for the purpose  
 2 of allowing the taxpayer and the department to present their  
 3 respective positions, discuss any omissions or errors, and to  
 4 attempt to agree upon any changes or modifications to their  
 5 respective positions.

6 "b. If a written petition for review:

7 "1. Is not timely filed, or

8 "2. Is properly filed, and upon further review the  
 9 department determines the preliminary assessment is due to be  
 10 upheld in whole or in part, the department may make the  
 11 assessment final in the amount of tax due as computed by the  
 12 department, with applicable interest and penalty computed to  
 13 the date of entry of the final assessment.

14 "c. If a preliminary assessment is not withdrawn or  
 15 made final by the department within five years from the date  
 16 of entry, the taxpayer may appeal the preliminary assessment  
 17 to the Alabama Tax Tribunal or to the appropriate circuit  
 18 court as provided by subsection (b) (5) for an appeal of a  
 19 final assessment.

20 "c.d. The final assessment entered by the  
 21 department, or a copy thereof, shall be mailed by the  
 22 department to the taxpayer's last known address (i) by either  
 23 first class U.S. mail or certified mail with return receipt  
 24 requested in the case of assessments of tax of five hundred  
 25 dollars (\$500) or less or (ii) by certified mail with return

1 receipt requested in the case of assessments of tax of more  
2 than five hundred dollars (\$500). In either case and at the  
3 option of the department, the final assessment, or a copy  
4 thereof, may be delivered to the taxpayer by personal ~~delivery~~  
5 service.

6 "(5) PROCEDURE FOR APPEAL FROM FINAL ASSESSMENT.

7 "a. A taxpayer may appeal to the Alabama Tax  
8 Tribunal from any final assessment entered by the department  
9 by filing a notice of appeal with the ~~Administrative Law~~  
10 ~~Division~~ Alabama Tax Tribunal within 30 days from the date of  
11 entry mailing or personal service, whichever occurred earlier,  
12 of the final assessment, and the appeal, if timely filed,  
13 shall proceed as herein provided in Chapter 2B for appeals to  
14 the ~~Administrative Law Division~~ Alabama Tax Tribunal.

15 "b.1. In lieu of the appeal under paragraph a., at  
16 the option of the taxpayer, the taxpayer may appeal from any  
17 final assessment to the Circuit Court of Montgomery County,  
18 Alabama, or to the circuit court of the county in which the  
19 taxpayer resides or has a principal place of business in  
20 Alabama, as appropriate, by filing notice of appeal within 30  
21 days from the date of ~~entry~~ mailing or personal service,  
22 whichever occurs earlier, of the final assessment with both  
23 the secretary of the department and the clerk of the circuit  
24 court in which the appeal is filed.

1           "2. If the appeal is to circuit court, the taxpayer,  
 2 also within the 30-day period allowed for appeal, shall do one  
 3 of the following:

4           "(i) Pay the tax, interest, and any penalty shown on  
 5 the final assessment.

6           "(ii) File a supersedeas bond with the court for 125  
 7 percent of the amount of the tax, interest, and any penalty  
 8 shown on the final assessment. The supersedeas bond shall be  
 9 executed by a surety company licensed and authorized to do  
 10 business in Alabama and shall be conditioned to pay the amount  
 11 of tax, interest, and any penalties shown on the final  
 12 assessment, plus applicable interest and any court costs  
 13 relating to the appeal, payable to the department, or the  
 14 self-administered county or municipality, if applicable.

15           "(iii) File an irrevocable letter of credit with the  
 16 circuit court in an amount equal to 125 percent of the amount  
 17 of the tax, interest, and any penalty shown on the final  
 18 assessment. The irrevocable letter of credit shall be issued  
 19 by a financial institution designated as a qualified public  
 20 depository by the Board of Directors of the Security for  
 21 Alabama Funds Enhancement (SAFE) Program pursuant to Chapter  
 22 14A, Title 41. ~~The State of Alabama~~ department or the  
 23 self-administered county or municipality, if applicable, shall  
 24 be named the beneficiary of the irrevocable letter of credit.  
 25 The irrevocable letter of credit shall be conditioned to pay

1 the assessment plus applicable interest and any court costs  
2 relating to the appeal. The taxpayer may not issue an  
3 irrevocable letter of credit as to a final assessment entered  
4 against the same taxpayer.

5 "(iv) File a pledge or collateral assignment of  
6 securities with the circuit court that constitute eligible  
7 collateral under Chapter 14A, Title 41, in an amount equal to  
8 200 percent of the amount of the tax, interest, and penalty  
9 shown on the final assessment. The pledge or collateral  
10 assignment shall be in favor of the department or the  
11 self-administered county or municipality, if applicable, and  
12 conditioned to pay the assessment plus applicable interest and  
13 any court costs relating to the appeal.

14 "(v) Show to the satisfaction of the clerk of the  
15 circuit court to which the appeal is taken that the taxpayer  
16 has a net worth, on the basis of fair market value, of ~~one~~  
17 ~~hundred~~ two hundred fifty thousand dollars ~~(\$100,000)~~  
18 (\$250,000) or less, including his or her homestead.

19 "3. A taxpayer may appeal a final assessment to  
20 either the ~~Administrative Law Division~~ Alabama Tax Tribunal or  
21 to circuit court as provided herein, even though the taxpayer  
22 has paid the tax in issue prior to taking the appeal.

23 "c.1. The filing of the notice of appeal with the  
24 ~~Administrative Law Division~~ Alabama Tax Tribunal or, in the  
25 case of appeals to the circuit court, the filing of the notice

1 of appeal with both the secretary of the department and the  
2 clerk of the circuit court in which the appeal is filed and  
3 also the payment of the assessment in full and applicable  
4 interest or the filing of a supersedeas bond, an irrevocable  
5 letter of credit, or a pledge or collateral assignment of  
6 securities as provided herein, are jurisdictional. Except as  
7 set forth in subparagraph 2., if such prerequisites are not  
8 satisfied within the time provided for appeal, the appeal  
9 shall be dismissed for lack of jurisdiction.

10 "2. Notwithstanding subparagraph 1., should the  
11 circuit court determine that the taxpayer has not satisfied  
12 the requirements of subparagraph b.2., the circuit court shall  
13 order that the taxpayer satisfy such requirements. The  
14 taxpayer may satisfy such requirements at any time within 30  
15 days after service of the court order. No order of dismissal  
16 for lack of jurisdiction shall be entered within 30 days after  
17 service of the court order, and no order of dismissal shall  
18 thereafter be entered if such requirement is satisfied within  
19 such 30-day period.

20 "3. On appeal to the circuit court or to the  
21 ~~Administrative Law Division~~ Alabama Tax Tribunal, the final  
22 assessment shall be prima facie correct, and the burden of  
23 proof shall be on the taxpayer to prove the assessment is  
24 incorrect.

1            "d.1. The ~~Administrative Law Division~~ Alabama Tax  
 2 Tribunal, circuit court, or the appellate court on appeal may  
 3 increase or decrease the assessment to reflect the correct  
 4 amount due.

5            "2. If a final assessment is reduced on appeal, any  
 6 overpayment of tax paid by the taxpayer shall immediately be  
 7 refunded to the taxpayer by the state, county, municipality,  
 8 or other entity to which the overpayment was distributed.

9            "3. No court shall have the power to enjoin the  
 10 collection of any taxes due on an assessment so appealed or to  
 11 suspend the payment thereof.

12            "(c) Procedure governing petitions for refund;  
 13 appeals therefrom.

14            "(1) PETITION FOR REFUND ALLOWED, GENERALLY. Any  
 15 taxpayer may file a petition for refund with the department  
 16 for any overpayment of tax or other amount erroneously paid to  
 17 the department or concerning any refund which the department  
 18 is required to administer. If a final assessment for the tax  
 19 has been entered by the department, a petition for refund of  
 20 all or a portion of the tax may be filed only if the final  
 21 assessment plus applicable interest has been paid in full  
 22 prior to or with the filing of the petition for refund. The  
 23 department may also issue automatic refunds pursuant to  
 24 Section 40-29-71. In the case of a petition for refund of  
 25 sales or use taxes pursuant to Chapter 23, public utilities

1 taxes pursuant to Chapter 21, and any transient occupancy tax  
2 pursuant to Chapter 26, the petition shall be filed jointly by  
3 the taxpayer who collected and paid over the tax to the  
4 department and the consumer/purchaser who paid the tax to the  
5 taxpayer. A direct petition may be filed by the taxpayer if  
6 the taxpayer never collected the tax from the  
7 consumer/purchaser, or if the tax has been credited or repaid  
8 to the consumer/purchaser by the taxpayer.

9 "(2) TIME LIMITATION FOR FILING PETITION FOR REFUND;  
10 AUTOMATIC REFUND.

11 "a. Generally. A petition for refund shall be filed  
12 with the department or an automatic refund issued pursuant to  
13 Section 40-29-71, or a credit allowed, within (i) three years  
14 from the date that the return was filed, or (ii) two years  
15 from the date of payment of the tax, whichever is later, or,  
16 if no return was timely filed, two years from the date of  
17 payment of the tax. For purposes of this paragraph, taxes paid  
18 through withholding or by estimated payment shall be deemed  
19 paid on the original due date of the return.

20 "b. Net operating loss carryback. In lieu of the  
21 periods provided in paragraph a., in the case of a net  
22 operating loss carryback, the period for filing a petition for  
23 refund, the department making an automatic refund or allowing  
24 a credit shall be the period prescribed in 26 U.S.C. Section  
25 6511(d)(2) for the claiming of a credit or refund.



1           "(3) DEPARTMENT REQUIRED TO GRANT OR DENY REFUNDS;  
2 TIME LIMITATIONS. The department shall either grant or deny a  
3 petition for refund within six months from the date the  
4 petition is filed, unless the period is extended by written  
5 agreement of the taxpayer and the department. The taxpayer  
6 shall be notified of the department's decision concerning the  
7 petition for refund by first class mail, or by either United  
8 States mail with delivery confirmation or by certified mail,  
9 return receipt requested, sent to the taxpayer's last known  
10 address. If the department fails to grant a refund within the  
11 time provided herein, the petition for refund shall be deemed  
12 to be denied.

13           "(4) PROCEDURES IF REFUNDS GRANTED; CREDIT OF  
14 REFUND; PAYMENT OF OTHER TAXES; PAYMENT OF INTEREST. If a  
15 petition is granted, or the department, the ~~Administrative Law~~  
16 ~~Division~~ Alabama Tax Tribunal, or a court otherwise determines  
17 that a refund is due, the overpayment shall be refunded to the  
18 taxpayer by the state, county, municipality, or other entity  
19 to which the overpayment was distributed. If the department  
20 determines that a refund is due, the amount of overpayment  
21 plus accrued interest may first be credited by the department  
22 against any outstanding final tax liabilities due and owing by  
23 the taxpayer to the department, and the balance of any  
24 overpayment shall, subject to the setoff provisions of Article  
25 3 of Chapter 18, be refunded to the taxpayer. If any refund or

1 part thereof is credited to any other tax by the department,  
2 the department shall provide a written detailed statement to  
3 the taxpayer showing the amount of overpayment, the amount  
4 credited for payment to other taxes, and the amount refunded.

5 "(5) PROCEDURES IF REFUND DENIED; APPEAL.

6 "a. A taxpayer may appeal from the denial in whole  
7 or in part of a petition for refund by filing a notice of  
8 appeal with the ~~Administrative Law Division~~ Alabama Tax  
9 Tribunal within two years from the date the petition is  
10 denied, and the appeal, if timely filed, shall proceed as  
11 hereinafter provided for appeals to the ~~Administrative Law~~  
12 Division Alabama Tax Tribunal.

13 "b. In lieu of appealing to the ~~Administrative Law~~  
14 Division Alabama Tax Tribunal, the taxpayer may appeal from  
15 the denial of a petition for refund by filing a notice of  
16 appeal with the Circuit Court in Montgomery County, Alabama,  
17 or the circuit court of the county in which the taxpayer  
18 resides or has a principal place of business in Alabama, as  
19 appropriate, by filing the notice of appeal within two years  
20 from the date the petition is denied. The circuit court shall  
21 hear the appeal according to its own rules and procedures and  
22 shall determine the correct amount of refund due, if any.

23 "c. If an appeal is not filed with the  
24 ~~Administrative Law Division~~ Alabama Tax Tribunal or the  
25 circuit court within two years of the date the petition is

1 denied, then the appeal shall be dismissed for lack of  
2 jurisdiction.

3 "(d) The Department of Revenue shall revise existing  
4 regulations or administrative guidance, or issue new  
5 regulations or administrative guidance, as appropriate, in  
6 conformance with this section.

7 "(e) This section shall apply to all appeals filed  
8 after June 15, 2007. Notwithstanding the prior sentence, in  
9 any appeal to a circuit court which is pending on June 15,  
10 2007, and in which a supersedeas bond was filed pursuant to,  
11 and in compliance with, the requirements of this section, for  
12 double the amount of the tax, interest, and any penalty shown  
13 on the final assessment, or for double the amount of the final  
14 order of the administrative law judge, such bond may be  
15 reduced to 125 percent of such amount shown on the final  
16 assessment or in the final order of the administrative law  
17 judge.

18 "§40-2A-8.

19 "(a) The department shall notify a taxpayer in  
20 writing of any act or proposed act or refusal to act  
21 concerning the denial or revocation of a license, permit, or  
22 certificate of title concerning which the taxpayer has any  
23 interest. The notice must be mailed by either first-class U.S.  
24 mail, U.S. mail with delivery confirmation, or certified U.S.  
25 mail to the taxpayer's last known address. Any taxpayer

1 agrieved by any act or proposed act or refusal to act  
2 concerning the denial or revocation of a license, permit, or  
3 certificate of title by the department shall be entitled to  
4 file a notice of appeal from such act or proposed act or  
5 refusal to act with the ~~Administrative Law Division~~ Alabama  
6 Tax Tribunal. Such notice of appeal must be filed within 30  
7 days of the date notice of such act or refusal to act is  
8 mailed to the taxpayer, and such appeal, if timely filed,  
9 shall proceed as herein provided for appeals to the  
10 ~~Administrative Law Division~~ Alabama Tax Tribunal.

11 "(b) A taxpayer may elect, but is not required, to  
12 file a notice of appeal with the Alabama Tax Tribunal  
13 regarding a notice of proposed adjustment issued by the  
14 department affecting the taxpayer's net operating loss  
15 deductions or carryovers for purposes of the taxes imposed by  
16 Chapters 16 and 18 of this title. Such notice of appeal shall  
17 be filed within the time period prescribed in subsection (a),  
18 and the Alabama Tax Tribunal shall have jurisdiction to  
19 determine the amount of the taxpayer's net operating loss  
20 deductions or carryovers for the tax periods in question.

21 ~~"(b)(c)~~ (c) The department may proceed with the intended  
22 action if no appeal is filed by the taxpayer with the  
23 ~~Administrative Law Division~~ Alabama Tax Tribunal within 30  
24 days of the mailing of the notice by the department to the  
25 taxpayer. the time allowed under subsection (a). If a

1 designated agent has failed to provide the department with a  
2 bond and any qualifying license as provided in Section  
3 32-8-34, the revocation of designated agent status by the  
4 department shall be effective immediately upon electronic  
5 notice through the system the designated agent uses to process  
6 applications for certificates of title or receipt of written  
7 notice of revocation, whether by U.S. mail or hand delivery.  
8 Otherwise, the revocation of a designated agent status shall  
9 be effective after the time for appeal under this section has  
10 expired. If a new or used motor vehicle dealer, motor vehicle  
11 wholesaler, motor vehicle reconditioner, or motor vehicle  
12 rebuilder licensee has failed to provide the department with  
13 or maintain the required bond or insurance, the revocation of  
14 the regulatory license shall be effective immediately upon  
15 electronic notice through the system the licensee uses to  
16 apply for or renew the regulatory license or upon written  
17 notice or revocation, whether by U.S. mail or hand delivery.  
18 Otherwise, the revocation of the regulatory license shall be  
19 effective after the time for appeal under this section has  
20 expired. The revocation of any motor vehicle certificate of  
21 title or license by the department shall not be final until  
22 either the titled owner and lien holder, if any, consent to  
23 the revocation or the time for filing an appeal to the Alabama  
24 Tax Tribunal has expired. The department may obtain an  
25 injunction in the appropriate circuit court at any time

1 enjoining a licensee or designated agent from continuing to  
2 operate under a disputed license or designated agent  
3 authority, if the continued operation may cause substantial  
4 loss of revenue, would cause substantial harm to the state or  
5 public, or for such other good reason as determined by the  
6 circuit court. The department may suspend the designated  
7 agent's access to process new applications for certificate of  
8 title until such time as any outstanding title applications  
9 not properly filed by the designated agent are properly filed  
10 with the department.

11 ~~"(c)~~(d) This section shall not apply to the  
12 procedures governing assessments and refunds which are  
13 otherwise provided for by this chapter, or to  
14 intradepartmental personnel actions or any matter which is the  
15 subject of any action then pending in state or federal court,  
16 or to the collection of any liability due the department.

17 ~~"(d)~~(e) A taxpayer may appeal any matter governed by  
18 this section ~~to the circuit court~~ in accordance with Section  
19 40-2B-1(n) only after exhausting his appeal rights provided  
20 under this section. Any appeal ~~to the circuit court~~ must be  
21 from a final or appealable order issued by the ~~administrative~~  
22 ~~law judge~~ Alabama Tax Tribunal.

23 "§40-18-27.

24 "(a) Effective for tax years beginning after  
25 December 31, 1997, every taxpayer having an adjusted gross

1 income for the taxable year of more than one thousand eight  
2 hundred seventy-five dollars (\$1,875) if single or if married  
3 and not living with spouse, and of more than three thousand  
4 seven hundred fifty dollars (\$3,750) if married and living  
5 with spouse, shall each year file with the Department of  
6 Revenue a return stating specifically the items of gross  
7 income, the deductions and credits allowed by this chapter,  
8 the place of residence, and post office address. If a husband  
9 and wife living together have an adjusted gross income of more  
10 than three thousand seven hundred fifty dollars (\$3,750), each  
11 shall file a return unless the income of each is included in a  
12 single joint return. If the taxpayer is unable to file a  
13 return, the return shall be filed by a duly authorized agent,  
14 a guardian, or other person charged with the care of the  
15 person or property of the taxpayer.

16 "(b) A taxpayer other than a resident shall not be  
17 entitled to the deductions authorized by Sections 40-18-15 and  
18 40-18-15.2 unless the taxpayer files a complete return showing  
19 the gross income of the taxpayer both from within and outside  
20 the state. Included on every income tax return shall be the  
21 name, address, and Social Security number or preparer taxpayer  
22 identification number of the person who prepared the return.  
23 The taxpayer shall be held liable for any statement made by an  
24 agent of the taxpayer with reference to any information

1 required by law to be furnished in connection with that tax  
2 return.

3 "(c) Returns filed on the basis of the calendar year  
4 shall be filed on or before April 15 following the close of  
5 the calendar year. Returns filed on the basis of a fiscal year  
6 shall be filed on or before the fifteenth day of the fourth  
7 month following the close of the fiscal year. The department  
8 may grant a reasonable extension of time for filing returns,  
9 under rules and regulations as it shall prescribe. Except in  
10 the case of taxpayers who are abroad, no extension shall be  
11 for more than six months. If the taxpayer has requested an  
12 extension of time for the filing of a return, the period  
13 during which the return will be considered timely filed shall  
14 not expire until 10 days after the Department of Revenue mails  
15 to the taxpayer a rejection of the request for an extension of  
16 time for filing the return. The return must be signed or  
17 otherwise validated by both the taxpayer(s) and, if  
18 applicable, the tax return preparer under rules or regulations  
19 of the Department of Revenue and must contain a printed  
20 declaration that the return is filed under the penalties of  
21 perjury.

22 "(d) Every individual who willfully files and signs  
23 or otherwise validates under rules or regulations of the  
24 Department of Revenue a return which the individual does not  
25 believe to be true and correct as to every material particular



1 shall be guilty of perjury and, upon conviction thereof, shall  
 2 be imprisoned in the penitentiary for not less than one, nor  
 3 more than five years.

4 "(e) In the event a husband and wife file a joint  
 5 return, the husband and wife shall be jointly and severally  
 6 liable for the income tax shown on the return or as may be  
 7 determined by the Department of Revenue to be due by them to  
 8 the State of Alabama. Notwithstanding the foregoing, a husband  
 9 or wife shall be relieved of certain liabilities to the same  
 10 extent and in the same manner as allowed by the Internal  
 11 Revenue Code for federal income tax purposes, including Title  
 12 26 U.S.C. §§ 6015(b), 6015(c), and 6015(f), as amended from  
 13 time to time."

14 Section 4. Chapter 2B is added to Title 40 of the  
 15 Code of Alabama 1975, to read as follows:

16 CHAPTER 2B.

17 CREATION AND OPERATION OF THE ALABAMA TAX TRIBUNAL.

18 §40-2B-1. Alabama Tax Tribunal.

19 (a) Statement of Purpose. To increase public  
 20 confidence in the fairness of the state tax system, the state  
 21 shall provide an independent agency with tax expertise to  
 22 resolve disputes between the Department of Revenue and  
 23 taxpayers, prior to requiring the payment of the amounts in  
 24 issue or the posting of a bond, but after the taxpayer has had  
 25 a full opportunity to attempt settlement with the Department

1 of Revenue based, among other things, on the hazards of  
2 litigation. By establishing an independent Alabama Tax  
3 Tribunal within the executive branch of government, this  
4 chapter provides taxpayers with a means of resolving  
5 controversies that insures both the appearance and the reality  
6 of due process and fundamental fairness.

7 The tax tribunal shall provide hearings in all tax  
8 matters, except those specified by statute, and render  
9 decisions and orders relating thereto. A tax tribunal hearing  
10 shall be commenced by the filing of a notice of appeal  
11 protesting a tax determination made by the Department of  
12 Revenue, including any determination that cancels, revokes,  
13 suspends, or denies an application for a license, permit, or  
14 registration. A final decision of the tax tribunal shall have  
15 the same force and effect as, and shall be subject to appeal  
16 in the same manner as, a final decision of a state circuit  
17 court.

18 It is the intent of the Legislature that this  
19 chapter foster the settlement or other resolution of tax  
20 disputes to the extent possible and, in cases in which  
21 litigation is necessary, to provide the people of Alabama with  
22 a fair and independent dispute resolution forum with the  
23 Department of Revenue. The chapter shall be interpreted and  
24 construed to further this intent.

25 (b) Tax Tribunal: Establishment.

1           (1) A tax tribunal is hereby established in the  
2 executive branch of government. The tribunal is referred to in  
3 this chapter as the "Alabama Tax Tribunal."

4           (2) The Alabama Tax Tribunal shall be separate from  
5 and independent of the authority of the Commissioner of  
6 Revenue and the Department of Revenue. For purposes of this  
7 chapter, the term "Department of Revenue" means the Alabama  
8 Department of Revenue and does not include the governing body  
9 of any self-administered county or municipality.

10          (3) The Alabama Tax Tribunal shall be created and  
11 exist as of October 1, 2014, but the chief judge shall be  
12 appointed by July 1, 2014, to take any action that is  
13 necessary to enable the Alabama Tax Tribunal to properly  
14 exercise the duties, functions, and powers given the Alabama  
15 Tax Tribunal under this chapter.

16          (4) The Alabama Tax Tribunal shall maintain an  
17 official docket and other records as deemed necessary by the  
18 chief judge. Such records may be maintained in electronic  
19 format.

20          (5) Any judge, or any employee of the Alabama Tax  
21 Tribunal as designated in writing by the chief judge, may  
22 administer oaths.

23          (c) Judges: Number; Appointment; Term of Office;  
24 Removal.

1           (1) The Alabama Tax Tribunal shall consist of at  
2 least one full-time judge, and there shall be no more than  
3 three judges serving at any one time. If there is more than  
4 one judge, each shall exercise the powers of the Alabama Tax  
5 Tribunal.

6           (2) The judges of the Alabama Tax Tribunal shall be  
7 appointed by the Governor for a term of 6 years. If the  
8 tribunal has more than one judge, the judges initially  
9 appointed should be given terms of different lengths not  
10 exceeding 6 years, so that all judges' terms do not expire in  
11 the same year.

12           (3) The Chief Judge of the Alabama Tax Tribunal  
13 shall receive such salary as is provided from time to time at  
14 the top pay scale within Pay Grade 88 of the compensation plan  
15 of the state Merit System. Associate judges shall receive such  
16 salary as is provided from time to time within Pay Grade 84 of  
17 the compensation plan of the state Merit System, as determined  
18 by the chief judge. The judges shall receive no other monetary  
19 compensation. This subsection shall neither increase nor  
20 decrease the salary received by the chief administrative law  
21 judge of the Department of Revenue, who shall become the  
22 initial Chief Judge of the Alabama Tax Tribunal pursuant to  
23 this chapter.

24           (4) Once appointed and confirmed, the judge shall  
25 continue in office until his or her term expires and until a

1 successor has been appointed, unless otherwise removed as  
2 provided herein.

3 (5) A vacancy in the Alabama Tax Tribunal occurring  
4 otherwise than by expiration of term shall be filled for the  
5 unexpired term in the same manner as an original appointment.

6 (6) If more than one judge is appointed, the  
7 Governor shall designate one of the members as chief judge, in  
8 this chapter referred to as the "chief judge." The chief judge  
9 shall be the executive of the Alabama Tax Tribunal, shall have  
10 sole charge of the administration of the Alabama Tax Tribunal  
11 and shall apportion among the judges all causes, matters, and  
12 proceedings coming before the Alabama Tax Tribunal. The  
13 individual designated as chief judge shall serve in that  
14 capacity at the pleasure of the Governor.

15 (7) The Governor, subject to the dismissal  
16 provisions of a classified state employee as provided in  
17 Section 36-26-10, may remove a judge, after notice and an  
18 opportunity to be heard, for neglect of duty, inability to  
19 perform duties, or malfeasance in office.

20 (8) Whenever the Alabama Tax Tribunal trial docket  
21 or business becomes congested or any judge of the Alabama Tax  
22 Tribunal is absent, is disqualified, or for any other reason  
23 is unable to perform his or her duties as judge, and it  
24 appears to the Governor that it is advisable that the services  
25 of an additional judge or judges be provided, the Governor may

1       appoint a judge, or judges, pro tempore of the Alabama Tax  
2       Tribunal. Any person appointed judge pro tempore of the  
3       Alabama Tax Tribunal shall have the qualifications set forth  
4       in subdivisions (1) and (2) of subsection (d) of this act and  
5       shall be entitled to serve for a period no longer than six  
6       months.

7               (9) A judge may disqualify himself or herself on his  
8       or her own motion in any matter, and may be disqualified for  
9       any of the causes specified in Title 12, Code of Alabama 1975,  
10      including, but not limited to, Sections 12-1-12 and 12-1-13.

11             (d) Judges: Qualifications; Prohibition Against  
12      Other Gainful Employment.

13             (1) Each judge of the Alabama Tax Tribunal shall be  
14      a citizen of the United States and, during the period of his  
15      or her service, a resident of this state. No person shall be  
16      appointed as a judge, unless at the time of appointment, the  
17      individual has substantial knowledge of the tax law and  
18      substantial experience making the record in a tax case  
19      suitable for judicial review.

20             (2) Before entering upon the duties of office, each  
21      judge shall take and subscribe to an oath or affirmation that  
22      he or she will faithfully discharge the duties of the office,  
23      and such oath shall be filed in the office of the Secretary of  
24      State.

1           (3) Each judge shall devote his or her full time  
2 during business hours to the duties of his or her office. A  
3 judge shall not engage in any other gainful employment or  
4 business, nor hold another office or position of profit in a  
5 government of this state, any other state, or the United  
6 States. Notwithstanding the foregoing provisions, a judge may  
7 own passive interests in business entities and earn income  
8 from incidental teaching or scholarly activities unless the  
9 activities conflict with his or her duties as a judge.

10           (4) Alabama Tax Tribunal Judges shall be subject to  
11 disciplinary proceedings before the Judicial Inquiry  
12 Commission to the same extent as circuit judges. The Judicial  
13 Inquiry Commission shall have the authority to remove any  
14 Alabama Tax Tribunal Judge from office, after notice and an  
15 opportunity to be heard, for neglect of duty, inability to  
16 perform duties, malfeasance in office, or other good cause.

17           (5) Alabama Tax Tribunal Judges shall be classified  
18 state employees as provided in Section 36-26-10. As such, a  
19 judge, except for appointment, reconfirmation, removal, and  
20 dismissal as provided herein, shall be entitled to all  
21 benefits and protections available to classified state  
22 employees.

23           (6) The chief judge may employ one Executive  
24 Assistant III as an unclassified service state employee, as  
25 provided in Section 36-26-10(c). All other Alabama Tax

1 Tribunal personnel shall be appointed or hired by the chief  
2 judge, as necessary for the proper operation of the Alabama  
3 Tax Tribunal and shall be state employees under the state  
4 Merit System. The Executive Assistant III employed in the  
5 Administrative Law Division as of September 30, 2014, shall be  
6 transferred to the Alabama Tax Tribunal, along with any other  
7 Merit System employees employed by the Administrative Law  
8 Division on that date.

9 (e) Principal Office: Locations; Facilities.

10 (1) The Alabama Tax Tribunal's principal office  
11 shall be located in Montgomery, Alabama.

12 (2) The Alabama Tax Tribunal shall conduct hearings  
13 at its principal office. The Alabama Tax Tribunal may also  
14 hold hearings at any place within the state, with a view  
15 toward securing to taxpayers a reasonable opportunity to  
16 appear before the Alabama Tax Tribunal with as little  
17 inconvenience and expense as practicable.

18 (3) If the appeal involves a tax levied by or on  
19 behalf of only one self-administered county or municipality,  
20 the Alabama Tax Tribunal, if so requested by the  
21 self-administered county or municipality or the taxpayer,  
22 shall hold the hearing either in the county seat of the  
23 affected county or the county seat of the county in which the  
24 affected municipality is located or in the appropriate  
25 Department of Revenue taxpayer service center, according to



1 the proximity of such municipality or county to the taxpayer  
2 service center.

3 (4) The principal office of the Alabama Tax Tribunal  
4 shall be located in a building that is separate and apart from  
5 the building in which the Department of Revenue is located.

6 (f) Appointment of Employees, Expenditures of the  
7 Alabama Tax Tribunal.

8 (1) The Alabama Tax Tribunal shall appoint employees  
9 and may employ temporary court reporters and make such other  
10 expenditures, including expenditures for library,  
11 publications, and equipment, as are necessary to permit it to  
12 efficiently execute its functions.

13 (2) No employee of the Alabama Tax Tribunal shall  
14 act as attorney, representative, or accountant for others in a  
15 matter involving any tax imposed or levied by this state.

16 (3) A non-merit system employee of the Alabama Tax  
17 Tribunal may be removed by the chief judge, after notice and  
18 an opportunity to be heard, for neglect of duty, inability to  
19 perform duties, malfeasance in office, or for other good  
20 cause.

21 (4) In addition to the services of a court reporter,  
22 the Alabama Tax Tribunal may contract the reporting of its  
23 proceedings and, in the contract, fix the terms and conditions  
24 under which transcripts will be supplied by the contractor to  
25 the Alabama Tax Tribunal and to other persons and agencies.

1 (g) Jurisdiction of the Alabama Tax Tribunal.

2 (1) Except as permitted by subsection (n) relating  
 3 to judicial review, or the Constitution of Alabama of 1901,  
 4 the Alabama Tax Tribunal shall be the sole, exclusive, and  
 5 final authority for the hearing and determination of questions  
 6 of law and fact arising under the tax laws of this state. The  
 7 Alabama Tax Tribunal shall have jurisdiction to hear and  
 8 determine all appeals pending before the Department of  
 9 Revenue's Administrative Law Division on October 1, 2014, and  
 10 all subsequent appeals filed with the Alabama Tax Tribunal  
 11 pursuant to Chapters 2A, 27, and 29 of this title, Chapters 6,  
 12 7A, 8, 13, and 20 of Title 32, relating to motor vehicles, or  
 13 Section 40-2B-1(g)(2), relating to self-administered counties  
 14 and municipalities.

15 a. However, such jurisdiction shall also be limited  
 16 to only those self-administered counties and municipalities  
 17 that choose to participate under the auspices of the Alabama  
 18 Tax Tribunal.

19 b. Such jurisdiction shall not apply to appeals  
 20 filed directly with the circuit court from a final assessment  
 21 entered by the department or from the department's denial in  
 22 whole or in part of a claim for refund.

23 c. Such jurisdiction shall not apply to the  
 24 assessment of ad valorem taxes, except that appeals from final  
 25 assessments of value of property of public utilities under

1 Chapter 21 may be heard by the Alabama Tax Tribunal in  
2 accordance with the procedures set forth in this chapter.

3 (2) a. Unless a self-administered county or  
4 municipality elects, in the manner prescribed below, to divest  
5 the Alabama Tax Tribunal of jurisdiction over appeals of final  
6 assessments or denied refunds in whole or in part, of any  
7 sales, use, rental, or lodgings taxes levied or collected from  
8 time to time by or on behalf of the self-administered county  
9 or municipality, a taxpayer may appeal a final assessment or  
10 denied refund involving any such tax to the Alabama Tax  
11 Tribunal in accordance with the procedures and requirements  
12 provided in Section 40-2A-7 and this chapter. For purposes of  
13 any appeal filed by a taxpayer pursuant to this section, the  
14 term "department" as used in Section 40-2A-7 means the  
15 governing body of the applicable self-administered county or  
16 municipality and not the Department of Revenue, and the term  
17 "secretary" as used in Section 40-2A-7 means the clerk of the  
18 governing body of the applicable self-administered county or  
19 municipality.

20 b. Subject to the limitation imposed by paragraph  
21 e., the election-out under this section shall be made by  
22 serving a copy of the ordinance or resolution evidencing the  
23 election-out, adopted by the governing body of the  
24 self-administered county or municipality pursuant to this  
25 section, with the Alabama Tax Tribunal. Service may be

1 accomplished by mailing a copy of the ordinance or resolution,  
2 certified by an appropriate official, by either U.S. mail with  
3 delivery confirmation or certified U.S. mail, return receipt  
4 requested, by hand delivery, or by an expedited courier  
5 service to the Alabama Tax Tribunal's office. The Alabama Tax  
6 Tribunal shall promptly publish notice of the election-out  
7 pursuant to paragraph d., and the election shall be effective  
8 on the date that notice is published. Notwithstanding the  
9 foregoing, appeals of final assessments or denied refunds  
10 involving the electing county or municipality that were  
11 pending before the Alabama Tax Tribunal on the date that  
12 notice of the election-out is published shall continue to be  
13 heard and decided by the Alabama Tax Tribunal as if the  
14 election-out had not been made.

15 c. Subject to the limitation imposed by paragraph  
16 e., an election-out may be revoked, prospectively, by the  
17 governing body of the self-administered county or municipality  
18 at any time by resolution or ordinance, a certified copy of  
19 which shall be served on the Alabama Tax Tribunal in the  
20 manner prescribed above. The revocation of an election-out  
21 vests jurisdiction in the Alabama Tax Tribunal over all  
22 appeals of final assessments or denied refunds, in whole or in  
23 part, of the county's or municipality's sales, use, rental,  
24 and lodgings taxes that are entered or denied on or after the

1 date that notice of revocation is published by the Alabama Tax  
2 Tribunal.

3 d. At least once a month, the Alabama Tax Tribunal  
4 shall provide the Department of Revenue with a list of all  
5 self-administered counties and municipalities that have  
6 elected-out pursuant to paragraph b. or that have filed a  
7 notice of revocation of their election-out pursuant to  
8 paragraph c. The Department of Revenue shall publish the list  
9 on its website and otherwise make available to the public in  
10 the same manner that the rates and administrators of certain  
11 county and municipal taxes are published by the Department of  
12 Revenue. The Alabama Tax Tribunal may also publish the list on  
13 its own website.

14 e. A self-administered county or municipality may  
15 make only one election-out under paragraph b. or one  
16 revocation under paragraph c. during each calendar year. If an  
17 appeal is timely filed with the Alabama Tax Tribunal after the  
18 notice of an election-out by the self-administered county or  
19 municipality is published by the Alabama Tax Tribunal, the  
20 appeal shall be deemed timely filed with and transferred to  
21 the self-administered county or municipality. If an appeal is  
22 timely filed with a self-administered county or municipality  
23 after the notice of revocation by the self-administered county  
24 or municipality is published by the Alabama Tax Tribunal, the

1 appeal shall be deemed timely filed with and transferred to  
2 the Alabama Tax Tribunal.

3 f. The appeals process for a self-administered  
4 county or municipality that has elected to divest the Alabama  
5 Tax Tribunal of jurisdiction shall function in a manner  
6 similar to the procedures prescribed for appeals to the  
7 Alabama Tax Tribunal. The hearing or appeals officer shall  
8 function and conduct hearings in a manner similar to the Chief  
9 Judge of the Alabama Tax Tribunal and must be impartial and  
10 reasonably knowledgeable of the sales, use, rental, and  
11 lodgings tax laws and the taxing jurisdiction's applicable  
12 code or ordinances.

13 (2) Except as permitted by subsection (n) of this  
14 section relating to judicial review, no person shall contest  
15 any matter within the jurisdiction of the Alabama Tax Tribunal  
16 in any action, suit, or proceeding in any other court of the  
17 state. However, such exclusive jurisdiction shall not be  
18 required of those self-administered counties and  
19 municipalities that choose not to participate under the  
20 auspices of the Alabama Tax Tribunal. With the aforementioned  
21 exceptions noted, if a person attempts to contest any matter  
22 with the remaining jurisdiction, then such action, suit, or  
23 proceeding shall be dismissed without prejudice. The improper  
24 commencement of any action, suit, or proceeding will not

1 extend the time period for commencing a proceeding in the  
2 Alabama Tax Tribunal.

3 (3) Except in cases involving the denial of a claim  
4 for refund and except as provided in Alabama statute regarding  
5 jeopardy assessments, the taxpayer shall have the right to  
6 have his or her case heard by the Alabama Tax Tribunal prior  
7 to the payment of any of the amounts asserted as due by the  
8 Department of Revenue and prior to the posting of any bond.

9 (4) If, with or after the filing of a timely notice  
10 of appeal, the taxpayer pays all or part of the tax or other  
11 amount in issue before the Alabama Tax Tribunal has rendered a  
12 decision, the Alabama Tax Tribunal shall treat the taxpayer's  
13 notice of appeal as a protest of a denial of a claim for  
14 refund of the amount so paid.

15 (5) The Alabama Tax Tribunal shall decide questions  
16 regarding the constitutionality of the application of statutes  
17 to the taxpayer and the constitutionality of regulations  
18 promulgated by the Department of Revenue, but shall not have  
19 the power to declare a statute unconstitutional on its face. A  
20 taxpayer desiring to challenge the constitutionality of a  
21 statute on its face, at the taxpayer's election, may do so by  
22 one of the following methods:

23 a. Commence a declaratory action in the courts of  
24 Alabama with respect to the constitutional challenge, and file  
25 a notice of appeal with the Alabama Tax Tribunal with respect

1 to the remainder of the matter, which proceeding shall be  
2 stayed by the Alabama Tax Tribunal pending final resolution of  
3 the constitutional challenge.

4 b. File a notice of appeal with the Alabama Tax  
5 Tribunal with respect to issues other than the constitutional  
6 challenge, in which the taxpayer preserves the constitutional  
7 challenge until the entire matter, including the  
8 constitutional challenge and the facts related to the  
9 constitutional challenge, is presented to the appellate court.

10 c. Commence and simultaneously prosecute a  
11 declaratory action in the courts of Alabama with respect to  
12 the constitutional challenge and a proceeding in the Alabama  
13 Tax Tribunal with respect to the remainder of the issues.

14 ~~(i)~~(h) Pleadings.

15 (1) A taxpayer may commence a proceeding in the  
16 Alabama Tax Tribunal by filing a notice of appeal protesting  
17 the Department of Revenue's determination imposing a liability  
18 for tax, penalty, or interest; denying a refund or credit  
19 application; canceling, revoking, suspending, or denying an  
20 application for a license, permit, or registration; or taking  
21 any other action that gives a person the right to a hearing  
22 under the law. The notice of appeal shall be filed in  
23 accordance with the time periods required by Sections 40-2A-7  
24 and 40-2A-8, Code of Alabama 1975, or any other applicable  
25 provision that is within the jurisdiction of the Alabama Tax



1 Tribunal. For purposes of this chapter, the term "taxpayer"  
2 includes a person a. who is challenging the state's  
3 jurisdiction over the person, and b. who has standing to  
4 challenge the validity or applicability of the tax. The notice  
5 of appeal filed by the taxpayer with the Alabama Tax Tribunal  
6 shall identify the final assessment, denied refund, or other  
7 act or refusal to act by the department which is the subject  
8 of the appeal, the position of the appealing party, the basis  
9 on which relief should be granted, and the relief sought. A  
10 notice of appeal that does not include all of the above  
11 information shall be sufficient to invoke the jurisdiction of  
12 the Alabama Tax Tribunal. The judge may require a taxpayer to  
13 file an amended notice of appeal if more information is deemed  
14 necessary.

15 (2) If the appeal involves a tax levied by or on  
16 behalf of a self-administered county or municipality, the  
17 Alabama Tax Tribunal shall promptly mail a copy of the notice  
18 of appeal by either U.S. mail with delivery confirmation or  
19 certified U.S. mail to the governing body of the affected  
20 county or municipality and shall provide the taxpayer or its  
21 authorized representative with written notification of the  
22 date the copy was mailed to the governing body. The affected  
23 county or municipality shall file a written answer with the  
24 Alabama Tax Tribunal within 45 days of the date of mailing the  
25 notice of appeal to the affected county or municipality. The

1 judge may allow the county or municipality additional time,  
2 not to exceed 45 days, within which to file an answer. The  
3 answer shall state the facts and the issues involved and the  
4 county's or municipality's position relating thereto. The  
5 judge may require the county or municipality to file an  
6 amended answer if more information is deemed necessary. The  
7 county or municipality and its authorized representatives may  
8 consult with the Legal Division of the Department of Revenue  
9 concerning the appeal.

10 (3) The Alabama Tax Tribunal shall notify the Legal  
11 Division of the Department of Revenue in writing that an  
12 appeal has been filed and shall mail a copy of such  
13 notification to the taxpayer or its authorized representative.  
14 The Department of Revenue shall file its answer in the Alabama  
15 Tax Tribunal no later than 45 days after its receipt of the  
16 Alabama Tax Tribunal's notification that the taxpayer has  
17 filed a notice of appeal. Upon written request, the Alabama  
18 Tax Tribunal may grant up to 45 additional days to file an  
19 answer. The Department of Revenue shall serve a copy on the  
20 taxpayer's representative or, if the taxpayer is not  
21 represented, on the taxpayer, and shall file proof of such  
22 service with the answer.

23 (4) The taxpayer may file a reply in the Alabama Tax  
24 Tribunal within 30 days after receipt of the answer. The  
25 taxpayer shall serve a copy on the authorized representative

1 of the Department of Revenue and shall file proof of such  
2 service with the reply. When a reply has been filed, or, if no  
3 reply has been filed, then 30 days after the filing of the  
4 answer, the controversy shall be deemed at issue and will be  
5 scheduled for hearing.

6 (5) Either party may amend a pleading once without  
7 leave at any time before the period for responding to it  
8 expires. After such time, a pleading may be amended only with  
9 the written consent of the adverse party or with the  
10 permission of the Alabama Tax Tribunal. The Alabama Tax  
11 Tribunal shall freely grant consent to amend upon such terms  
12 as may be just. Except as otherwise ordered by the Alabama Tax  
13 Tribunal, there shall be an answer or reply to an amended  
14 pleading if an answer or reply is required to the pleading  
15 being amended. Filing of the answer, or, if the answer has  
16 already been filed, the amended answer, shall be made no later  
17 than 75 days after filing of the amended notice of appeal.  
18 Filing of the reply or, if the reply has already been filed,  
19 the amended reply, shall be made within 30 days after filing  
20 of the amended answer. The taxpayer may not amend a notice of  
21 appeal after expiration of the time for filing a notice of  
22 appeal, if such amendment would have the effect of conferring  
23 jurisdiction on the Alabama Tax Tribunal over a matter that  
24 would otherwise not come within its jurisdiction. An amendment  
25 of a pleading shall relate back to the time of filing of the

1 original pleading, unless the Alabama Tax Tribunal shall order  
2 otherwise either on motion of a party or on the Alabama Tax  
3 Tribunal's own initiative.

4 ~~(j)~~(i) Fees. No filing fee shall be imposed for any  
5 appeal filed with the Alabama Tax Tribunal.

6 ~~(k)~~(j) Discovery and Stipulation.

7 (1) The parties to a proceeding shall make every  
8 effort to achieve discovery by informal consultation or  
9 communication, before invoking the discovery mechanisms  
10 authorized by this section.

11 (2) The parties to a proceeding shall stipulate all  
12 relevant and non-privileged matters to the fullest extent to  
13 which complete or qualified agreement can or fairly should be  
14 reached. Neither the existence nor the use of the discovery  
15 mechanisms authorized by this section shall excuse failure to  
16 comply with this provision.

17 (3) Subject to reasonable limitations prescribed by  
18 the Alabama Tax Tribunal, a party may obtain discovery by  
19 written interrogatories; requests for the production of  
20 returns, books, papers, documents, correspondence, or other  
21 evidence; depositions of parties, non-party witnesses and  
22 experts; and requests for admissions. The Alabama Tax Tribunal  
23 may provide for other forms of discovery.

24 (4) A judge of the Alabama Tax Tribunal, on the  
25 request of any party to the proceeding, may issue subpoenas

1 requiring the attendance of witnesses and giving of testimony  
 2 and subpoenas duces tecum requiring the production of evidence  
 3 or things.

4 (5) Any employee of the Alabama Tax Tribunal  
 5 designated in writing for the purpose by the chief judge may  
 6 administer oaths.

7 (6) Any witness subpoenaed or whose deposition is  
 8 taken shall receive the same fees and mileage as a witness in  
 9 a circuit court of Alabama.

10 (7) The Alabama Tax Tribunal may enforce its orders  
 11 on discovery and other procedural issues, among other means,  
 12 by deciding issues wholly or partly against the offending  
 13 party.

14 ~~(i)~~(k) Hearings.

15 (1) Proceedings before the Alabama Tax Tribunal  
 16 shall be tried de novo and without a jury.

17 (2) Except as set forth in this chapter or otherwise  
 18 precluded by law, the Alabama Tax Tribunal shall take  
 19 evidence, conduct hearings, and issue final and preliminary  
 20 orders. An appeal may be held in abeyance at the discretion of  
 21 the judge or may be submitted for decision on a joint  
 22 stipulation of facts without a hearing or as otherwise agreed  
 23 by the parties. A judge of the Alabama Tax Tribunal, with or  
 24 without a hearing, may dismiss any appeal or grant appropriate  
 25 relief to any party, if a party refuses to comply with any

1 regulation or statute concerning appeals before the Alabama  
2 Tax Tribunal or if a party refuses to comply with any  
3 preliminary order directing the party to take such action as  
4 deemed appropriate by a judge of the Alabama Tax Tribunal.

5 (3) Hearings shall be open to the public and shall  
6 be conducted in accordance with such rules of practice and  
7 procedure as the Alabama Tax Tribunal may promulgate.

8 Notwithstanding the foregoing, on motion of either party, the  
9 Alabama Tax Tribunal shall issue a protective order or an  
10 order closing part or all of the hearing to the public, if the  
11 party shows good cause to protect certain information from  
12 being disclosed to the public.

13 (4) The Alabama Tax Tribunal shall not be bound by  
14 the rules of evidence applicable to civil cases in the circuit  
15 courts of this state. The Alabama Tax Tribunal shall admit  
16 relevant evidence, including hearsay, if it is probative of a  
17 material fact in controversy. The Alabama Tax Tribunal shall  
18 exclude irrelevant and unduly repetitious evidence.

19 Notwithstanding the foregoing, the rules of privilege  
20 recognized by law shall apply.

21 (5) Testimony may be given only on oath or  
22 affirmation.

23 (6) The notice of appeal and other pleadings in the  
24 proceeding shall be deemed to conform to the proof presented  
25 at the hearing, unless a party satisfies the Alabama Tax

1 Tribunal that presentation of the evidence would unfairly  
2 prejudice the party in maintaining its position on the merits  
3 or unless deeming the taxpayer's notice of appeal to conform  
4 to the proof would confer jurisdiction on the Alabama Tax  
5 Tribunal over a matter that would not otherwise come within  
6 its jurisdiction.

7 (7) In the case of an issue of fact, the taxpayer  
8 shall have the burden of persuasion by a preponderance of the  
9 evidence in the record, except that the Department of Revenue  
10 shall have the burden of persuasion in the case of an  
11 assertion of fraud and in other cases provided by law.

12 (8) Proceedings before the Alabama Tax Tribunal  
13 shall be officially reported. The state shall pay the expense  
14 of reporting from the appropriation for the Alabama Tax  
15 Tribunal.

16 ~~(m)~~ (1) Decisions.

17 (1) The Alabama Tax Tribunal shall render its  
18 decision in writing, including therein a concise statement of  
19 the facts found and the conclusions of law reached. The  
20 Alabama Tax Tribunal's decision, subject to law, shall grant  
21 such relief, invoke such remedies, and issue such orders as it  
22 deems appropriate to carry out its decision. A judge may enter  
23 a preliminary order directing one or more parties to take such  
24 action as deemed appropriate or referring any issue or issues  
25 in dispute to the Department of Revenue's Taxpayer Advocate

1 for consideration if the issue or issues relate to a tax  
2 administered by the Department of Revenue. A judge, after a  
3 hearing or after a case is otherwise submitted for decision,  
4 may issue an opinion and preliminary order, which shall  
5 include findings of fact and conclusions of law. The opinion  
6 and preliminary order may direct the department to recompute a  
7 taxpayer's liability or the amount of a refund due or for any  
8 party to take such action as specified in the preliminary  
9 order.

10 (2) The Alabama Tax Tribunal shall render its  
11 preliminary or final order, as applicable, no later than six  
12 months after submission of the last brief filed subsequent to  
13 completion of the hearing or, if briefs are not submitted,  
14 then no later than six months after completion of the hearing.  
15 The Alabama Tax Tribunal may extend the six-month period, for  
16 good cause, up to three additional months.

17 (3) If the Alabama Tax Tribunal fails to render  
18 either a preliminary order or a final order within the  
19 prescribed period, either party may institute a proceeding in  
20 the circuit court to compel the issuance of such decision.

21 (4) The Alabama Tax Tribunal's decision shall  
22 finally decide the matters in controversy, unless any party to  
23 the matter timely appeals the decision as provided in this  
24 chapter.



1           (5) Any party may apply for rehearing from any final  
2 order or opinion and preliminary order of the Alabama Tax  
3 Tribunal; provided, however, the application must be filed  
4 within 15 days from the date of entry of such order. The  
5 application for rehearing shall specify the reasons and  
6 supporting arguments why such order is incorrect and should be  
7 reconsidered. The timely filing of an application for  
8 rehearing from a final order shall suspend the time period for  
9 filing an appeal to circuit court as provided in this chapter.  
10 If an application for rehearing is timely filed, the judge  
11 shall thereafter issue a final or other order on rehearing,  
12 either with or without a hearing on the application, at the  
13 discretion of the judge. The time for filing a notice of  
14 appeal to circuit court shall begin anew on the date of entry  
15 of the final order on rehearing.

16           (6) The Alabama Tax Tribunal's final order shall  
17 have the same effect, and shall be enforced in the same  
18 manner, as a judgment of a circuit court of the state, unless  
19 altered or amended on appeal or rehearing.

20           (7) The Alabama Tax Tribunal's interpretation of a  
21 taxing statute subject to contest in one case shall be  
22 followed by the Alabama Tax Tribunal in subsequent cases  
23 involving the same statute, and its application of a statute  
24 to the facts of one case shall be followed by the Alabama Tax  
25 Tribunal in subsequent cases involving similar facts, unless

1 the Alabama Tax Tribunal's interpretation or application  
2 conflicts with that of an appellate court or the Alabama Tax  
3 Tribunal provides satisfactory reasons for reversing prior  
4 precedent.

5 ~~(n)~~(m) Appeals.

6 (1) Other than an application for rehearing to the  
7 Alabama Tax Tribunal, the exclusive remedy for review of any  
8 final or other appealable order issued by the Alabama Tax  
9 Tribunal shall be by appeal to the appropriate circuit court.

10 (2) The taxpayer, a self-administered county or  
11 municipality whose tax is within the jurisdiction of the  
12 Alabama Tax Tribunal, or the Department of Revenue may appeal  
13 to circuit court from a final or other appealable order issued  
14 by the Alabama Tax Tribunal by filing a notice of appeal with  
15 the appropriate circuit court within 30 days from the date the  
16 final or other appealable order was entered. A copy of the  
17 notice of appeal shall be submitted to the Alabama Tax  
18 Tribunal within the 30-day appeal period. The Alabama Tax  
19 Tribunal shall thereafter prepare a record on appeal, which  
20 shall include the orders of the Alabama Tax Tribunal, the  
21 stenographic transcript of the hearing before the Alabama Tax  
22 Tribunal, the pleadings, and all exhibits and documents  
23 admitted into evidence. The appeal shall be filed in the  
24 following circuit courts:

1           a. Any appeal by the Department of Revenue or a  
2 self-administered county or municipality whose tax is within  
3 the jurisdiction of the Alabama Tax Tribunal shall be filed  
4 with the circuit court of the county in which the taxpayer  
5 resides or has a principal place of business in Alabama.

6           b. Any appeal by the taxpayer shall be filed with  
7 the Circuit Court of Montgomery County, Alabama, or with the  
8 circuit court of the county in which the taxpayer resides or  
9 has a principal place of business in Alabama.

10          c. Notwithstanding paragraphs a. and b., if the  
11 taxpayer does not reside in Alabama or have a principal place  
12 of business in Alabama, any appeal by the taxpayer, the  
13 Department of Revenue, or a self-administered county or  
14 municipality whose tax is within the jurisdiction of the  
15 Alabama Tax Tribunal shall be filed with the Circuit Court of  
16 Montgomery County, Alabama.

17           (3) If the appeal to circuit court pursuant to  
18 subsection (b) is by a taxpayer from a final order involving a  
19 final assessment, the taxpayer shall, within the 30-day period  
20 allowed for appeals, satisfy one of the requirements under  
21 Section 40-2A-7(b)(5)b.2., Code of Alabama 1975, relating to  
22 appeals to circuit court.

23           (4) The appeal to circuit court from a final or  
24 other appealable order issued by the Alabama Tax Tribunal  
25 shall be a trial de novo, except that the order shall be

1 presumed prima facie correct and the burden shall be on the  
2 appealing party to prove otherwise. The circuit court shall  
3 hear the case by its own rules and shall decide all questions  
4 of fact and law. The administrative record and transcript  
5 shall be transmitted to the reviewing court as provided herein  
6 and shall be admitted into evidence in the trial de novo,  
7 subject to the rights of either party to object to any  
8 testimony or evidence in the administrative record or  
9 transcript. With the consent of all parties, judicial review  
10 may be on the administrative record and transcript. The  
11 circuit court shall affirm, modify, or reverse the order of  
12 the Alabama Tax Tribunal, with or without remanding the case  
13 for further hearing, as justice may require.

14 ~~(o)~~(n) Representation.

15 (1) Appearances in proceedings conducted by the  
16 Alabama Tax Tribunal may be by the taxpayer; by an attorney  
17 admitted to practice in this state, including an attorney who  
18 is a partner or member of, or is employed by, an accounting or  
19 other professional services firm; by an accountant licensed in  
20 this state; or by an authorized representative. The Alabama  
21 Tax Tribunal may allow any attorney or accountant authorized  
22 to practice or licensed in any other jurisdiction of the  
23 United States to appear and represent a taxpayer in  
24 proceedings before the Alabama Tax Tribunal for a particular  
25 matter. In addition, the Alabama Tax Tribunal may promulgate

1 rules and regulations permitting a taxpayer to be represented  
2 by an officer, employee, partner, or member.

3 (2) The department shall be represented by an  
4 authorized representative in all proceedings before the  
5 Alabama Tax Tribunal.

6 ~~(p)~~(o) Publication of Decisions.

7 The Alabama Tax Tribunal shall index and publish its  
8 final decisions in such print or electronic form as it deems  
9 best adapted for public convenience. Such publications shall  
10 be made permanently available and constitute the official  
11 reports of the Alabama Tax Tribunal.

12 ~~(q)~~(p) Service of Process, etc.

13 (1) Mailing by first class or certified or  
14 registered mail, postage prepaid, to the address of the  
15 taxpayer given on the taxpayer's notice of appeal, or to the  
16 address of the taxpayer's representative of record, if any, or  
17 to the usual place of business of the Department of Revenue,  
18 shall constitute personal service on the other party. The  
19 Alabama Tax Tribunal, by rule, may prescribe that notice by  
20 other means shall constitute personal service and, in a  
21 particular case, may order that notice be given to additional  
22 persons or by other means.

23 (2) Mailing by registered or certified mail and  
24 delivery by a private delivery service approved by the  
25 Internal Revenue Service in accordance with Section 7502(f) of

1 the Internal Revenue Code of 1986, as amended, shall be deemed  
2 to have occurred, respectively, on the date of mailing and the  
3 date of submission to the private delivery service.

4 (3) Timely mailed document considered to be timely  
5 filed.

6 ~~(r)~~(g) Rules and Forms.

7 The Alabama Tax Tribunal is authorized to promulgate  
8 and adopt all reasonable rules pursuant to the Alabama  
9 Administrative Procedure Act and forms as may be necessary or  
10 appropriate to carry out the intent and purposes of this  
11 chapter.

12 ~~(s)~~(r) Budget of Alabama Tax Tribunal.

13 The Chief Judge of the Alabama Tax Tribunal may  
14 contract or enter into agreements with any private or  
15 governmental agency, upon approval of the Director of Finance,  
16 for the rental of office space, and the rental or purchase of  
17 equipment, administrative or other support services, supplies,  
18 and all other property or services necessary for the operation  
19 of the Alabama Tax Tribunal. The funds for the operation of  
20 the Alabama Tax Tribunal shall be administered by the Alabama  
21 Tax Tribunal, through the chief judge. With respect to the  
22 fiscal year beginning October 1, 2014, there shall be  
23 transferred from the Revenue Department Administrative Fund to  
24 the Alabama Tax Tribunal the amount of four hundred  
25 twenty-five thousand dollars (\$425,000). The amount

1 transferred from the Revenue Department Administrative Fund  
2 shall be disbursed to the Alabama Tax Tribunal in four equal  
3 increments, at the beginning of each quarter of the fiscal  
4 year. Thereafter, the Chief Judge of the Alabama Tax Tribunal,  
5 shall prepare an annual budget and funds shall be appropriated  
6 annually by the Legislature from the Revenue Department  
7 Administrative Fund to be used exclusively for the operation  
8 of the Alabama Tax Tribunal.

9 Section 5. This act shall apply to (1) all  
10 proceedings commenced in the Alabama Tax Tribunal on or after  
11 October 1, 2014, and (2) all administrative proceedings  
12 commenced prior to October 1, 2014, that have not been the  
13 subject of a final and irrevocable administrative action as of  
14 October 1, 2014, to the extent this act can be made applicable  
15 thereto. Any administrative proceeding in which a hearing has  
16 commenced prior to the effective date of this act shall be  
17 transferred to the Alabama Tax Tribunal, which shall render  
18 the decision in such proceeding unless there is a prior  
19 settlement. This act shall not affect any proceeding,  
20 prosecution, action, suit, or appeal commenced in the judicial  
21 branch before its effective date.

22 Section 6. Section 40-2A-9, Code of Alabama 1975, is  
23 repealed.

24 Section 7. The Code Commissioner shall review Titles  
25 11 and 40 and shall substitute "Alabama Tax Tribunal" for any

1 reference to the Administrative Law Division of the Department  
2 of Revenue and shall make any other similar amendments  
3 consistent herewith.

4 Section 8. This act shall take effect October 1,  
5 2014, except that the provision in Section 4 of this act for  
6 the appointment of a chief judge to the Alabama Tax Tribunal  
7 shall take effect on July 1, 2014, following its passage and  
8 approval by the Governor, or its otherwise becoming law.



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Speaker of the House of Representatives

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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 16-JAN-14, as amended.

Jeff Woodard  
Clerk

Senate	<hr/> 27-FEB-14 <hr/>	Amended and Passed
House	<hr/> 04-MAR-14 <hr/>	Concurred in Sen- ate Amendment