

1 HB338
2 199806-2
3 By Representatives Faulkner, Garrett, Faust, Easterbrook,
4 Baker, Lee, Clouse, Moore (M), Rogers, Collins, Shedd,
5 Stadthagen, Scott, Ellis, Treadaway, Ball, Rich, Coleman,
6 Ledbetter, Farley, Alexander, Sorrells, Dismukes, Wingo,
7 Holmes, Mooney, Hill, Carns, Crawford, Lovvorn and Whitt
8 RFD: State Government
9 First Read: 03-APR-19

1 "3) The state Commissioner of Revenue is hereby
2 empowered to define and specify the condition or state of
3 health that makes a person "permanently and totally disabled"
4 and may issue certificates of disability to such person as he
5 may find meets such specifications. Any person who is drawing
6 any pension or annuity from the armed services or a company or
7 governmental agency as being permanently and totally disabled
8 shall automatically be granted a certificate of permanent and
9 total disability by the state Commissioner of Revenue.

10 "(b) For tax years beginning on and after October 1,
11 1981, for residents of this state not over 65 years of age,
12 homesteads, as defined by the Constitution and laws of
13 Alabama, are hereby exempted from all ad valorem property
14 taxes levied, except countywide and school district ad valorem
15 taxes levied for school purposes, by any county of this state.
16 In no case shall such exemption herein made apply to more than
17 one person, head of the family, nor shall the said exemption
18 exceed \$2,000 in assessed value, nor 160 acres in area for any
19 resident of this state who is not over 65 years of age except
20 as provided in subsection (c) of this section.

21 "(c) For tax years beginning on and after October 1,
22 1981, the governing body of any county, municipality or other
23 local taxing authority may at any time grant by resolution or
24 ordinance an exemption from any levy of ad valorem property
25 taxes levied by such county, municipality or other local
26 taxing authority on homesteads, as defined by the Constitution
27 and laws of Alabama, of residents of this state not over 65

1 years of age. In no case shall such exemption herein allowed
2 apply to more than one person, head of the family, nor shall
3 said exemption, when added to any other homestead exemption
4 applicable to the same ad valorem tax levy, exceed \$4,000 in
5 assessed value, nor 160 acres in area. Any homestead exemption
6 granted pursuant to this subsection (c) may be adjusted,
7 rescinded or reinstated at any time by resolution or ordinance
8 of the governing body of the county, municipality or other
9 local taxing authority granting such exemption. Any action
10 authorized by this subsection to be taken by a taxing
11 authority, or the governing body thereof, shall, other than in
12 the case of a municipality, be taken by resolution of the
13 governing body of the county in which such taxing authority is
14 located acting on behalf of such taxing authority; provided
15 however, any action authorized by this subsection to be taken
16 by a taxing authority, or the governing body thereof, which
17 action shall affect countywide or district ad valorem taxes
18 levied solely for the support of county or city school
19 districts, shall be taken by resolutions of the governing
20 bodies and boards of the school systems that are recipients of
21 the proceeds of the ad valorem tax so affected by such action.
22 The provisions of this subsection (c) shall in no way annul or
23 reduce exemptions provided under subsections (a), (b), and (d)
24 of this section.

25 "(d) For tax years beginning on and after October 1,
26 1981, for residents of this state, over 65 years of age who
27 have an annual adjusted gross income of less than \$12,000 as

1 reflected on the most recent state income tax return or some
2 other appropriate evidence, or who are retired due to
3 permanent and total disability, regardless of age, or who are
4 blind as defined in Section 1-1-3, regardless of age or
5 whether such person is retired, homesteads, as defined in the
6 Constitution and laws of Alabama, are hereby exempted from ad
7 valorem property taxes levied by any county of this state,
8 including such taxes levied for school districts. In no case
9 shall such exemption exceed \$5,000 in assessed value, nor 160
10 acres in area. With respect to homesteads situated in more
11 than one county, the exemption granted herein shall be
12 prorated between the counties in which the homestead is
13 situated in the proportion that the area of the homestead in
14 each county bears to the total area of the homestead claimed
15 for exemption.

16 "The Department of Revenue may by regulation define
17 and specify the condition or state of health that makes a
18 person "permanently and totally disabled" and may issue
19 certificates of disability to any person that meets such
20 specifications. Any person who is drawing any pension or
21 annuity from the armed services, a private company or any
22 governmental agency because he is permanently and totally
23 disabled shall automatically be granted a certificate of
24 permanent and total disability by the Department of Revenue.

25 "(e) The grant of any homestead exemption provided
26 under the provisions of this section shall not be allowed if
27 such grant shall prevent the payment of any bonded

1 indebtedness secured by any tax to which the homestead
2 exemption would apply.

3 "(f) Any homestead exemption under this section or
4 Section 40-9-21 shall not be affected during any period the
5 homestead is being repaired after being damaged by a natural
6 disaster such as a tornado or hurricane.

7 "§40-9-21.1.

8 "(a) Effective January 1, 2020, any person who
9 qualifies for the homestead exemption in Section
10 40-9-19(a) (1), (b), and (c) shall initially claim the
11 exemption in person or by a form affidavit provided by the
12 Alabama Department of Revenue, and. any Any person who
13 qualifies for the homestead exemption pursuant to subdivision
14 (2) of subsection (a) of Section 40-9-19 and Section 40-9-21
15 under any other provision of law shall initially claim the
16 exemption in person.

17 "(b) Any law to the contrary notwithstanding, any
18 person ~~who is permanently and totally disabled and who~~
19 qualifies for the homestead exemptions in ~~Sections~~ Section
20 40-9-19(a) (2) and (d) and Section 40-9-21 shall not be
21 required to annually claim ~~such the~~ the exemptions after the
22 initial qualification, but shall ~~be allowed to verify such~~
23 ~~condition~~ eligibility for the exemptions, as required by law,
24 each year thereafter in person or by mail on a form affidavit
25 to be provided by the tax assessor. ~~Also, any person over the~~
26 ~~age of 65 who qualifies for the homestead exemptions under the~~
27 ~~income limitations provided in Sections 40-9-19 and 40-9-21~~

1 ~~shall after the initial qualification be allowed to verify~~
2 ~~such eligibility each year by mail on a form affidavit to be~~
3 ~~provided by the tax assessor."~~

4 Section 2. This act shall become effective
5 immediately following its passage and approval by the
6 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

16
17
18
19

House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on State Government
..... 03-APR-19

Read for the second time and placed
on the calendar with 1 substitute
and..... 25-APR-19

Read for the third time and passed
as amended..... 07-MAY-19

Yeas 96, Nays 0, Abstains 1

Jeff Woodard
Clerk