

HB379 INTRODUCED



1 HB379
2 V1GWLVL-1
3 By Representatives Faulkner, Carns, Sellers, Tillman, Hendrix,
4 Hollis, Rafferty, Garrett, Hulsey, Shaw, DuBose, Givan
5 RFD: Boards, Agencies and Commissions
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SYNOPSIS:

This bill would revise the nomination procedure for boards of equalization in certain counties, would provide for the appointment of additional board members, would limit the terms of board members holding office on the effective date of this bill, and would provide further for the qualifications of nominees to the board.

This bill would also provide further for the decisions of the board and for the employment of county appraisal staff.

A BILL
TO BE ENTITLED
AN ACT

Relating to county boards of equalization; to amend Section 40-3-2, Code of Alabama 1975; to provide for the appointment of additional board members in certain counties; to provide further for the qualifications and to revise the nomination procedure for board members in certain counties; to provide further for the decisions of certain boards; and to provide for the employment of county appraisal staff in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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29 Section 1. Section 40-3-2, Code of Alabama 1975, is
30 amended to read as follows:

31 "§40-3-2

32 (a) This subsection shall apply to every county in the
33 state except a county subject to subsection (b). During the
34 month of August, 1943, and during the month of August of each
35 fourth year thereafter, the county commission of each county,
36 the county board of education, and the governing body of the
37 largest municipality in each county shall each submit in
38 writing to the state Commissioner of Revenue the names of
39 three persons, and the governing body of each other
40 incorporated municipality within the county shall, in like
41 manner, submit the name of one person, all of whom are
42 residents of the county, who are each owners of taxable real
43 property that is located within the county, who are each
44 qualified electors in the county and who are, in the opinion
45 of the nominating body, persons competent to serve as members
46 of the county board of equalization. In those counties where
47 there is no incorporated municipality, the commission of the
48 county shall nominate six persons as competent persons for
49 appointment to membership on the board of equalization. From
50 each group of three nominees submitted by the county governing
51 bodies and the county board of education and from the total
52 group of nominees submitted by the governing bodies of the
53 municipalities, the Commissioner of Revenue, within 30 days
54 after receipt of the lists of nominees, with the approval of
55 the Governor shall appoint one person to membership on the
56 county board of equalization so that the membership of the



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57 board shall be composed of three members, one of whom was
58 nominated by the governing body of the county, one by the
59 county board of education, and one by the governing body of
60 the incorporated municipalities in the county, except,
61 however, that in those counties having no incorporated
62 municipality, two of the three members of the board shall be
63 selected from the six nominees of the county governing body;
64 provided, that the Commissioner of Revenue may reject any
65 group of nominees, in which event the body nominating them
66 shall submit additional names, one of whom shall be appointed
67 by the Commissioner of Revenue with the approval of the
68 Governor. The members of the several county boards of
69 equalization appointed from the nominees as in this section
70 provided shall hold office for four years beginning October 1,
71 1943, and every fourth year thereafter. In all counties having
72 a population of 400,000 or more persons according to the 1940
73 federal census or any subsequent census, where there is now or
74 hereafter may be a countywide civil service system, all
75 nominees must take an examination and qualify by a civil
76 service examination to be conducted by the civil service
77 system, except any member of any board of equalization now
78 duly appointed as a member of the board of equalization shall
79 be deemed qualified for appointment. In the event the names
80 submitted by either the county commission of the county, the
81 county board of education, and the governing body of the
82 largest municipality in the county having a countywide civil
83 service system have already been submitted by either of the
84 nominating parties, the Commissioner of Revenue shall so



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85 notify the nominating bodies, and the nominating bodies shall
86 forthwith submit the names of another person or persons
87 qualified under the civil service examination not theretofore
88 nominated by the other nominating bodies. In the event that
89 any nominating body fails to timely submit a list of
90 nominations for appointments to the county's board of
91 equalization, the Commissioner of Revenue may appoint members
92 derived from the remaining nominees previously submitted by
93 other nominating bodies.

94 (b) (1) Notwithstanding any other provisions of this
95 section, this ~~This~~ subsection shall apply to any county of this
96 state which has a population of 600,000 or more according to
97 the last or any subsequent federal census. On October 1, 1975,
98 the office of chairmanship of the board is created. The
99 chairman shall be the executive officer of the board and shall
100 supervise the assignment of duties to members and employees.
101 The provisions of the Merit System law, including the
102 provisions thereof governing appointment and compensation of
103 persons subject to the Merit System law, shall apply to the
104 chairmanship and to the chairman, until July 1, 2024.

105 Until July 1, 2024, ~~the~~ governing body of the county
106 shall appoint the chairman subject to the Merit System law.
107 ~~Any person who is serving as chairman on October 1, 1975, and~~
108 ~~who has so served for at least 24 consecutive months~~
109 ~~immediately prior to such date shall be deemed to have been~~
110 ~~appointed under the provisions of this subsection and to have~~
111 ~~acquired permanent civil service status as chairman. Any~~
112 ~~person serving as chairman on October 1, 1975, and who has~~



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113 ~~served as chairman for more than 12 months and for less than~~
114 ~~24 months immediately preceding October 1, 1975, shall be~~
115 ~~deemed to have been appointed under this subsection and to be~~
116 ~~serving his or her probationary period under the Merit System~~
117 ~~law. Any person serving as chairman on October 1, 1975, who~~
118 ~~has served for less than 12 consecutive months immediately~~
119 ~~prior to the date shall be deemed to be a temporary appointee~~
120 ~~under the Merit System law and shall be required to take and~~
121 ~~pass an appropriate examination or be replaced by another~~
122 ~~applicant who has taken and passed such examination.~~

123 After October 1, 1975, the associate members of the
124 board shall serve the remainder of the term for which they
125 were appointed under subsection (a) to serve. Upon the
126 expiration of the term of office mentioned in the prior
127 sentence, the associate members of the board shall be
128 appointed in the manner hereinafter provided for in this
129 subsection.

130 The county board of education and the governing body of
131 the largest municipality in the county shall each submit in
132 writing to the state Commissioner of Revenue the names of
133 three persons, and the governing body of each other
134 municipality within the county shall, in like manner, submit
135 the name of one person, all of whom are residents of the
136 county, who are each owners of taxable property which is
137 located within this state, who are qualified electors in the
138 county and who are, in the opinion of the nominating board,
139 persons competent to serve as members of the board.

140 Within 30 days after the receipt of the list of



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141 nominees, the state Commissioner of Revenue, with the approval
142 of the Governor, shall nominate an associate member of the
143 board from the nominees of the county board of education and
144 one associate member of the board from the nominees of the
145 governing bodies of the municipalities of the county. The
146 Commissioner of Revenue may reject any group of nominees, in
147 which event the body nominating them shall submit additional
148 names, one of whom shall be appointed by the Commissioner of
149 Revenue with the approval of the Governor. The associate
150 members of the board appointed from the nominees as provided
151 for in this subsection shall hold office for the four-year
152 terms provided for in subsection (a).

153 ~~In all counties having a population of 400,000 or more~~
154 ~~persons according to the 1940 federal census or any subsequent~~
155 ~~federal census, where there is now or hereafter may be a~~
156 ~~countywide civil service system, all nominees for the~~
157 ~~associate members must take an examination and qualify by~~
158 ~~civil service examination to be conducted by the civil service~~
159 ~~system, except any person serving as an associate member on~~
160 ~~any board of equalization on October 1, 1975, shall be deemed~~
161 ~~qualified for appointment. In the event the names submitted by~~
162 ~~either the county board of education, and the governing body~~
163 ~~of the largest municipality in the county having a countywide~~
164 ~~civil service system have already been submitted by either of~~
165 ~~the nominating parties, the Commissioner of Revenue shall so~~
166 ~~notify the nominating bodies, and the nominating bodies shall~~
167 ~~forthwith submit the names of another person or persons~~
168 ~~qualified under the civil service examination not nominated by~~



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169 ~~the other nominating bodies.~~

170 (2) Notwithstanding any other provisions of this
171 subsection, the associate members of the board serving on the
172 effective date of this act shall serve the remainder of the
173 term for which they were appointed to serve.

174 (3)a. Notwithstanding any other provisions of this
175 subsection, beginning July 1, 2024, the board of equalization
176 shall be constituted as provided by this subdivision and shall
177 be comprised of five members, designated respectively as
178 member number one, member number two, member number three,
179 member number four, and member number five.

180 b. All board members must be residents of, own real
181 property in, and claim their homestead in the respective
182 county for which board they are appointed. Except as provided
183 in subparagraph e. 1., each board member shall have a minimum
184 of five years of experience in real estate, accounting, or
185 finance.

186 c. Except as provided in this subdivision regarding the
187 initial terms of office, each board member shall serve for a
188 term of four years. No board member shall be appointed to more
189 than two consecutive terms. Vacancies in unexpired terms shall
190 be filled by the appropriate appointing authority within 30
191 days of the vacancy, as provided by this subdivision.

192 d. Notwithstanding any other provision of this
193 subdivision, if the state Commissioner of Revenue does not
194 receive at least three names of qualified nominees, pursuant
195 to subparagraph e. 2s through 4., the commissioner, upon
196 approval of the Governor, may appoint an individual to the



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197 board who meets the qualifications provided by this
198 subdivision.

199 e.1. Member Number One.

200 This member shall be appointed by the governing body of
201 the county and shall serve as the chairman and the executive
202 officer of the board. This member shall have a minimum of 10
203 years of experience in an executive capacity in real estate,
204 accounting, finance, or banking. The initial term shall begin
205 on July 1, 2024.

206 2. Member Number Two.

207 (i) Except as provided in (ii), this member shall be
208 appointed by the state Revenue Commissioner, upon approval by
209 the Governor, from a list consisting of three names submitted
210 by the county board of education, three names submitted by the
211 largest municipality in the county, and one name from each
212 municipality in the county with a population over 15,000.

213 (ii) The individual serving on the board as an
214 associate member nominated by the county board of education on
215 the effective date of this act shall hold this office for the
216 remainder of their current term provided under subdivision
217 (1).

218 3. Member Number Three.

219 (i) Except as provided in (ii), this member shall be
220 appointed by the state Revenue Commissioner, upon approval by
221 the Governor, from a list consisting of three names submitted
222 by the county board of education, three names submitted by the
223 largest municipality in the county, and one name from each
224 municipality in the county with a population over 15,000.



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225 (ii) The individual serving on the board as an
226 associate member nominated by a municipality in the county on
227 the effective date of this act shall hold this office for the
228 remainder of their current term provided under subdivision
229 (1).

230 4. Member Number Four.

231 (i) This member shall be appointed by the state Revenue
232 Commissioner, upon approval by the Governor, from a list
233 consisting of one name submitted by each municipality in the
234 county with a population over 15,000.

235 (ii) The initial term of office shall be three years
236 and shall begin on July 1, 2024.

237 5. Member Number Five.

238 (i) This member shall be appointed by the county
239 commission.

240 (ii) The initial term of office shall be two years and
241 shall begin on July 1, 2024.

242 (4) The board shall act independently from any county
243 department or office of equalization and shall preside over
244 all real and personal property protests consistent with this
245 chapter. The board shall have the authority to adopt rules for
246 the conduct and perfection of protests in the county, subject
247 to the approval of the Alabama Department of Revenue.

248 (5)a. There shall be an at-will employee that serves as
249 the head of the county department or office of equalization,
250 who shall supervise the assignment of duties to employees
251 consistent with, ratifying, curative to, and in furtherance of
252 any other laws applicable to the county. The at-will



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253 department head shall supervise the employees of the county
254 department of equalization, including the appraisal and
255 reappraisal staff.

256 b. If there is an at-will employee that serves as the
257 department head on the effective date of this act, that
258 individual shall continue in that capacity, subject to and
259 consistent with the foregoing."

260 Section 2. The provisions of this act are severable. If
261 any part of this act is declared unconstitutional or invalid,
262 that declaration shall not affect the part which remains.

263 Section 3. This act shall become effective immediately.