

1 HB502
2 135845-2
3 By Representative Scott
4 RFD: Economic Development and Tourism
5 First Read: 08-MAR-12

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, an act granting a tax
9 exemption or abatement does not require consent of
10 a county as to whether the exemption or abatement
11 should apply to taxes distributed to or levied by
12 the county.

13 This bill would provide that, after the
14 effective date of this act, any tax exemption or
15 abatement enacted would not apply to a tax or
16 portion of a tax distributed to a county unless,
17 upon written request, the county commission
18 consents to the exemption or abatement of the
19 county portion of the tax by adoption of a
20 resolution approved at a regular meeting of the
21 county commission or the county commission fails to
22 approve or deny the request within a certain period
23 of time.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

To provide that any tax exemption or abatement enacted after the effective date of this act would not apply to a tax or portion of a tax distributed to a county unless the county commission consents or fails to take action on a written request for the exemption or abatement of the county portion of the tax.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) After the effective date of this act, the portion of a tax enacted by an act of the Legislature which is distributed to a county or counties in the state shall not be subject to an exemption or abatement by a general law authorizing or granting any exemption or abatement of the state tax unless the county commission consents to the exemption or abatement of the county portion of the tax by adoption of a resolution approved at a regular meeting of the county commission under the procedures set out in subsection (c).

(b) After the effective date of this act, no general or local law authorizing or granting an exemption or abatement of a local tax shall apply to a tax levied by the county unless the county commission consents to the exemption or abatement of the tax by adoption of a resolution approved at a regular meeting of the county commission under the procedures set out in subsection (c).

(c) When an industrial development authority, economic development board, or other entity desires that the

1 county commission consent to a tax exemption or abatement
2 otherwise authorized by general or local law, the request for
3 consent shall be submitted in writing to the county commission
4 with a general description of the project or circumstances for
5 which the exemption or abatement is desired. The request shall
6 include the anticipated date the exemption or abatement would
7 begin and, if applicable, the anticipated length of time the
8 exemption or abatement would remain in place. The requesting
9 entity shall not be required to reveal confidential
10 information regarding the project during the period of
11 negotiation. The county commission shall have 60 days from the
12 date the written request is received by the county commission
13 to approve or deny the request by majority vote of the county
14 commission. If the county commission fails to take final
15 action on the request within the 60-day time frame, the tax
16 exemption or abatement shall be deemed granted.

17 (d) This act shall not apply to any general or local
18 law enacted prior to the 2012 Regular Session of the
19 Legislature, but shall apply to any general or local law
20 enacted during the 2012 Regular Session or thereafter.

21 Section 2. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.