

NEWS RELEASE

Luther Strange

Alabama Attorney General



FOR IMMEDIATE RELEASE

January 10, 2013

For More Information, contact:

Joy Patterson (334) 242-7491

Claire Haynes (334) 242-7351

Page 1 of 1

AG HAILS VICTORY IN RULING FOR PROPERTY TAX SYSTEM

(MONTGOMERY) – Attorney General Luther Strange said a decision today by the U.S. Court of Appeals for the 11th Circuit is an important victory for Alabama.

“Today’s ruling in *Lynch v. Alabama* again confirms the State’s consistent position that Alabama’s property tax structure does not violate the United States Constitution, and equally as important, that the citizens of Alabama have a right to structure their own tax system. The Office of Attorney General remains committed to defending and vindicating this important right whenever necessary.”

The federal appeals court’s opinion upholds an October 2011 ruling by the U.S. District Court for the Northern District of Alabama.

The 11th Circuit agreed with the State that the plaintiffs lacked standing to challenge Alabama’s property tax millage caps because removing the caps would not result in relief of the harm claimed by the plaintiffs. The Court stated that “removal of the millage caps found in Sections 214, 215, and 216 of Article XI and Section 269 of Article XIV – the remedy the plaintiffs seek – would not redress the asserted injury, which at bottom is the inability of the plaintiffs and their elected officials to raise state and local revenue for public education.” The Court noted particularly that “voters in Lawrence and Sumter Counties, where the plaintiffs reside, have rejected various proposals to increase property taxes.”

The Court also considered the issue of property classifications in Alabama’s tax system, and ruled on the merits to find it constitutional. “To prevail on their constitutional challenge to Amendment 373, the plaintiffs were required to prove not only discriminatory impact, but also racially discriminatory intent or purpose,” the Court stated. In the 11th Circuit’s view, there was no basis for rejecting the District Court’s well-supported finding that racial motivation played no substantial or motivating factor in enacting the State’s property classification system.

Attorney General Strange commended his Constitutional Defense Division, Assistant Attorney General Will Parker, Solicitor General John Neiman, and former Deputy Solicitor General Prim Escalona.

--30--

501 Washington Avenue • Montgomery, AL 36104 • (334) 242-7300
www.ago.state.al.us

