



Weekly Update

*A weekly update from the
Association of County Commissions of Alabama*

This Week in the Alabama Legislature...May 9, 2008

With only one day left in this year's legislative session, much work still remains on ACCA's legislative program. Although virtually all "danger" bills are now dead for this year's session, four ACCA bills are pending final passage in the Senate and another is awaiting passage in the House.

One ACCA bill, **HB481 by Rep. Bill Dukes**, which allows counties to establish trust funds to finance the cost of providing benefits to retirees, was given final approval in the Senate Thursday night. The bill now goes to Gov. Bob Riley for his signature. Much appreciation is expressed to the **Rep. Dukes and Senate sponsor Sen. Myron Penn**.

This week's activities also included the passage of more than 100 House local bills in the Senate as part of an effort to salvage this year's session after more than 15 days of delay related to legislation affecting activities at the Macon County dog track. The House and Senate will hold the final meeting day of this year's regular session on May 19. Major issues still to be resolved include the state's education budget and related matters, including a major change in the state's corporate income tax; the proposal to remove sales tax from unprepared food and bills related to illegal immigrants.

The Association will be making a more detailed review of all legislation that is still alive for the final night, but the information below represents an overview of the issues that need immediate attention.

ACCA BILL IN THE HOUSE...

Litter Enforcement — The Senate bill allowing county solid waste officers to enforce the state's litter laws (**SB203 by Sen. Ted Little**) has gained committee approval in the House and is ready for final passage. There are approximately 40 general bills on the calendar for House action on May 19. ***If this bill is to be given consideration, it is important for county officials to contact their House members to ask that they support this legislation.***

ACCA BILLS IN THE SENATE...

The following three bills can be considered on May 19 if they are placed on the "Special Order Calendar" by the Senate Rules Committee:

Amendments to Sex Offender Notification Act — Currently, many convicted sex offenders who are being released from state prison are re-arrested at the prison gates because their reported place of residence violates Alabama law. **HB332 by Rep. Blaine Galliher** awaits action on the Senate floor. ***This bill can be passed on the final day and sent to Gov. Riley for his signature. Please ask your Senators to SUPPORT this bill.*** The Senate sponsor is Sen. Myron Penn.

Administrative Fee for Educational Taxes — The constitutional amendment that requires all school districts to provide 10-mils of ad valorem taxes for local schools has a technical flaw that will increase the administrative costs for the state, counties, cities and all other local entities. **HB349 by Rep. Charles Newton** corrects the problem and assures that all entities continue to contribute — at the current level — toward the costs of collecting the taxes. The bill is out of committee and ready for final passage on May 19. ***Again, please ask your Senators to SUPPORT this legislation.*** The Senate sponsor is Sen. Lowell Barron.

Bid Law Amendments — The ACCA bill (**HB100 by Rep. Pebblin Warren**) that expands the local bid preference to 5 percent, allows counties to enter contracts with the second low bidder should the low bidder fail to complete the contract and makes the bid bond discretionary is also ready for final passage in the Senate on the final night of the session. This Senate sponsor is **Sen. Bobby Denton**.

County Modernization Act — The important County Modernization Act of 2008 (**HB110 by Rep. Richard Lindsey**) encountered unexpected difficulties on the Senate floor last week and several issues must still be resolved if the bill is to pass on the final day of the session. The specific problem relates to language regarding the filling of vacancies by appointment of the governor. Even though ACCA has agreed to return to language authorizing the governor to fill vacancies until the original ending date of the term, many Senators are strongly opposed to this change.

At this point, Senators should be asked to SUPPORT this legislation and to do all they can to pass it on May 19. The bill has been “carried over” and can be brought back to the floor at any time during the activities on May 19.

State General Fund Budget — The state’s general fund budget is now on the desk of Gov. Riley, having gained approval in both the House and Senate this week. The legislation (**HB328 by Rep. John Knight**) contains ACCA-requested language ensuring the continuation of the traditional state allocation to local Emergency Management Agencies, as well as the state salary subsidies for those local EMA directors who complete the certification process.

The bill also includes ACCA-requested language that adjusts the fee retained by the Alabama Department of Revenue as its reimbursement for collecting gasoline and motor fuel taxes would provide additional road and bridge revenue for counties.

Special appreciation is expressed to the many county officials and employees who made contacts on these two issues. Many Senators were keenly aware of these two matters and were ready to offer amendments, if necessary. The chairman of the Senate Budget Committee, **Sen. Roger Bedford**, personally made the changes related to EMA funding and **Rep. John Knight** ensured the inclusion of the language on the fee for collecting gasoline taxes.

Sales Tax Exemption for Unprepared Food — The Senate on Thursday failed to get enough votes to consider the legislation (**HB274 by Rep. John Knight**) that would exempt unprepared food from the state’s sales tax base. Unless at least one Senator changes his or her position in the coming week, this legislation is not expected to come back to the floor on May 19.

ACCA staff continues to monitor this legislation closely and will work actively to provide the necessary language to avoid any conflicts with existing local sales tax levies. The conflicts regarding the County Modernization Act may make it more difficult to forge a “fix” of county concerns in this year’s session. ACCA staff will make contacts on this issue during the coming week and will keep counties posted on the progress.

DANGER BILLS...

Most of the significant bills posing a threat to Alabama’s counties are dead for the session, including the dozen or so bills that would have voided the current annual reappraisal process, legislation that would have allowed the sheriff to bypass the county budget process, bills revising the workers compensation statutes and bills allowing for internet voting. Many other bills that would have impacted counties in a negative way have been amended and are not now listed as “Danger Bills.”

Below is an overview of the few issues of concern that are still in a position to be considered on the final night of the session.

Although legislation that would have required state legislative approval for counties to seek restructuring of any debts is dead for this session, there are two resolutions on this issue that are still pending. In the HOUSE, **Senate Resolution 72 by Sen. Steve French** would require state approval of any bankruptcy action in Jefferson County. This legislation is “carried over” and ***county officials are encouraged to ask their House members to OPPOSE this resolution.***

And in the SENATE, **House Resolution 446 by Rep. Rod Scott** establishes a study commission to review the financial issues in Jefferson County. ACCA staff is urging Senators to **OPPOSE** this legislation because it would hinder Jefferson County’s efforts to address its issues and establishes a troubling precedent of state oversight of county financial activities. ***Please ask your Senators to OPPOSE this legislation.***

SB539 by Sen. Harri Ann Smith would exempt veterans from the payment of the fee for obtaining the state’s four-year drivers license. This legislation would reduce payments into the state’s road and bridge fund by \$5.7 million and would cost county road departments a total of \$630,000 over the four-year period. ***This legislation is pending in the HOUSE.***

SB226 by Sen. Arthur Orr establishes a procedure for public agencies to use in identifying illegal aliens who are requesting to receive public services and is ***pending final passage in the HOUSE.*** The procedures apply to county governments, but essentially require the review of some form of identification. This identification procedure does not apply to a laundry list of health care activities, delivery of disaster assistance and other similar public benefits.

The bill also requires that persons who cannot identify themselves as American citizens be held in the county jail for 48 hours and that the U.S. Department of Homeland Security be notified so that the person can be transferred to federal custody.

At this time, the Association has not expressed opposition to SB226 in its current form. Amendments prepared by ACCA have been accepted by the bill’s sponsor. ***If county officials are concerned regarding the provisions of this legislation, it is important that the ACCA staff be contacted before May 19.***

The real-time status of all ACCA, Danger and local bills can be found by going to acca-online.org and following the steps under “Legislative News.” Please make copies of this report for all county officials and employees. Remember, ACCA staff will update the Association’s web site often with the latest information on the activities in Montgomery.