



Weekly Update

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

This Week in the Alabama Legislature...March 7, 2008

An ACCA bill aimed at reducing the number of sex offenders who are automatically arrested upon their release from the state prison system was caught up in delaying tactics on Thursday in the Alabama House. The legislation (**HB332 by Rep. Blaine Galliher**) is expected back on the House floor soon, but perhaps not until the Legislature returns from its spring recess.

The Senate focused much of its time this week on the so-called Sunset legislation that continues the operation of many smaller state agencies. This legislation – though completely non-controversial – is often used to slow floor action because the Senate rules require that all these bills be voted on before other legislation can make its way to the floor. Less than half of the Sunset bills were passed this week.

Both chambers adjourned by late afternoon Thursday and will return to session on March 11. A two-day week is scheduled for next week before a week-long recess for Spring Break. An overview of this week's events and a preview of those activities scheduled beginning March 11 is below:

Legislation to Override County Budget — The Senate Governmental Affairs Committee is set to consider legislation on Tuesday, March 11 that would authorize the local sheriff to ignore the county commission-adopted budget and spend county funds as he or she sees fit. **SB242 by Sen. Steve French** weakens the provision in Alabama law that ensures expenditures above and beyond the budgeted amounts do not constitute an “obligation” of the county, which would render the county budget almost meaningless.

If the sheriffs are allowed to spend county funds without reserving operating revenue for the entire fiscal year, the county commission will be forced to shift revenue from other activities in order to finance the county jail and other law enforcement activities. *This legislation is one of the most dangerous bills introduced in the Alabama Legislature in many years.*

It is vitally important that county officials make personal contacts with the members of the Senate Governmental Affairs Committee before Tuesday, March 11, to ask that they vote to “INDEFINITELY POSTPONE” SB242. County officials who wish to come to Montgomery for the meeting should be here by 12:30 p.m. The committee meeting begins at 1 p.m.

Senate Governmental Affairs Committee: *Chairman Sen. Wendell Mitchell; Sens. Zeb Little, Jabo Waggoner, Scott Beason, Kim Benefield, Linda Coleman, Bobby Denton, Larry Dixon, Vivian Figures, Richard Lindsey, Larry Means, Myron Penn, Jim Preuit, Quinton Ross and Harri Anne Smith.*

Amendments to Sex Offender Notification Act — This legislation did not reach the floor this week in the House, but is expected on a “Special Order Calendar” at the next opportunity. **HB332 by Rep. Blaine Galliher** amends the Sex Offender Notification Act aimed at reducing the number of “released” sex offenders who are immediately re-arrested and placed in county jails.

County officials are encouraged to contact their House members to ask that they SUPPORT this important legislation.

Administrative Fee for Educational Taxes — The House version of the bill designed to correct a problem with the so-called 10-mil constitutional amendment for education (**HB349 by**

Rep. Charles Newton) gained committee approval this week and is ready for floor action. Without this legislation, many counties stand to pay a larger share of the costs of collecting the ad valorem taxes. The Senate bill, **SB378 by Sen. Lowell Barron**, is also out of committee and could be considered on the floor at any time.

County Modernization — The House of has passed the 2008 version of the County Modernization Act. The bill, **HB110 by Rep. Richard Lindsey**, makes changes to the process for establishing performance bonds for county officials and technical improvements in statutes that have not been updated for decades.

The bill, sponsored in the Senate by **Sen. Hank Sanders**, is pending action in the Senate Governmental Affairs Committee, whose members are listed above.

Road and Bridge Funding — Movement of the legislation increasing the gasoline and motor fuel taxes (**HB470 and HB471 by Rep. Mac Gipson**, that levy a statewide gas tax and allow county commissions to levy a local gasoline and diesel fuel tax) continues to be stymied by a lack of commitments from the committee members who must approve the bills before they can reach the House floor. Many members of the committee have indicated that they have **NOT** been contacted by their county officials and employees. **County officials and employees are strongly encouraged to contact the members of the House Government Appropriations**

Committee: *Chairman Rep. John Knight; Reps. Jack Page, Victor Gaston, Gerald Allen, Alan Baker, Billy Beasley, Greg Canfield, Ronald Grantland, Laura Hall, Jody Letson, Charles Newton, Yusuf Salaam and Elwyn Thomas.*

There is strong committee support for **HB518 by Rep. Johnny Mac Morrow**, which alters the collection method for gasoline and motor fuel taxes. The passage of the bill that clears the way for a second County Bridge Bond Issue, **HB466 by Rep. Mike Hill**, hinges on the identification of a source of revenue to repay the bonds.

9-1-1 Communication — The House version of the bill that would allow local 9-1-1 districts to contract with the Alabama Criminal Justice Information Center for network communication access, **HB253 by Rep. Mike Curtis**, continues to be delayed by the House Government Appropriations Committee because of opposition from AT&T. **It is important that county officials and 9-1-1 directors contact the committee members (listed above) to ask that they support the bill in committee.** A committee vote is expected soon.

Bid Law Amendments — The House version of the bill that expands the local bid preference to 5 percent (**HB100 by Rep. Pebblin Warren**) remains poised for consideration on the Senate floor. **Please contact Senate members to ask that they SUPPORT this legislation when it reaches the floor.** The sponsor in the upper chamber is the **Dean of the Senate, Bobby Denton**

Trust Funds — The House version of the bill allowing counties to establish trust funds to finance the cost of providing benefits to retirees (**HB481 by Rep. Bill Dukes**) is expected on the agenda for the House Government Appropriations Committee this week. The Senate bill (**SB380 by Sen. Myron Penn**) has already gained committee approval and is awaiting an opportunity on the Senate floor.

Reappraisal of Property — Things remain very quiet with numerous different bills making changes in the annual reappraisal of property for ad valorem tax purposes. There are several bills in the House and Senate. ACCA staff continues to monitor the issue and to communicate with legislative leaders regarding the importance of maintaining the annual reappraisal process. If there are any changes, county officials and employees will be notified immediately.

Workers' Compensation Attacks — Several bills that would make sweeping (and very costly) changes in Alabama's Workers' Compensation laws have been introduced in this year's session. The Association is very concerned about the costs that county governments will incur should these bills become law. **At this point, it is important that county officials contact their House and Senate members to express opposition to making ANY changes in the statute that is not the result of careful study and analysis.**

County Presence in Montgomery — **County Commission Days** resume this week. County presence in Montgomery is always important, but this week's activities are especially so. The following counties are scheduled to be at the ACCA office on Tuesday, March 11, at 11 a.m.: *Colbert, Fayette, Franklin, Lamar, Lauderdale, Limestone, Madison, Marion, Walker and Winston Counties.* On Thursday, March 13, officials and employees from *Blount, Cherokee, Cullman, DeKalb, Etowah, Jackson, Lawrence, Marshall, Morgan and St. Clair Counties* are asked to be at the ACCA office at 9 a.m.

Registration materials for **County Day at the Legislature, April 16 and 17**, have been sent to all counties. **It is imperative that all counties be represented at this event!**

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. And remember, ACCA staff will update the Association's web site — acca-online.org — with the latest information on the activities in Montgomery.