



Weekly Update

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

This Week in the Alabama Legislature...Jan. 29, 2010

The third week of the 2010 legislative session is now complete. The House worked at a normal pace this week passing several bills on the floor, including one item from ACCA's priority legislation. **HB211 by Rep. Ward**, which amends Alabama law to authorize the county license inspector or solid waste officer to enforce Alabama's litter laws and to issue citations against violators of those laws, passed on Thursday by a vote of 98-0. Many thanks are extended to Rep. Ward for his work on this legislation. The bill now moves to the Senate and will hopefully be in good position for passage in the coming weeks.

In the Senate, continued debate on **SB121 by Sen. Barron** dominated the activities of the week. As reported earlier, this bill proposes a constitutional amendment to provide funding for road and bridge projects for 10 years with principal from the Alabama Trust Fund. Counties would receive 25 percent of the funding proposed in the bill. The ACCA staff is monitoring this legislation carefully to make sure this allocation remains intact and that the interest income counties currently receive from the Trust Fund is not negatively impacted.

The Legislature will return to Montgomery on Tuesday, Feb. 2 for what is anticipated to be a three-day work week. It is unclear at this time whether the Senate will be able to resolve the issues on SB121 and return to regular business. However, the House is expected to work from special order calendars throughout the week.

The House agenda for Tuesday includes an ACCA bill, **HB159 by Rep. Johnson**, which would require a court order for the release of 9-1-1 audio tapes. **All county officials should contact their House members this weekend to ask that they SUPPORT HB159 when it comes to the floor on Tuesday.**

IN THE SENATE

Once the Senate concludes debate on SB121, there are several ACCA bills in position to be considered on the Senate Floor. **Counties should contact members of the Senate Rules Committee to ask that PRIORITY CONSIDERATION be given to the following bills:**

SB174 by Sen. Benefield — Board of Adjustment Appeals: This bill would require the Board of Adjustment to pay county claims unless the agency denying the claim has procedures on timely filings. This legislation is important for counties to get reimbursed for certain expenses, such as jail or election expenses.

SB195 by Sen. Ted Little — Litter Enforcement: This is the companion bill to HB211, which passed in the House this week.

SB232 by Sen. Denton — Autopsy Transportation Costs: This bill would amend Alabama law related to the autopsy transportation costs to provide that the person, agency, or governmental entity requesting the autopsy shall be responsible for the cost of transporting the body to the forensic lab that will perform the autopsy.

The members of the Senate Rules Committee are: Chair Lowell Barron, and Sens. Little (Z), Little (T), Bedford, Butler, Denton, Figures, French, Mitchem, Ross, Smith, Smitherman, Bishop.

IN COMMITTEE IN THE SENATE...

SB229 by Sen. Marsh — Pay-as-you-Go Road

Funding: The bill that would authorize counties to hold a local referendum on the question of levying a gasoline and diesel fuel taxes for specified local road and bridge projects has been introduced in the Senate and assigned to the Senate Finance and Taxation General Fund Committee. *The bill does NOT levy a tax but only calls for a vote of the people on the issue of a temporary local gas tax for specific road and bridge projects.*

It is important that legislators understand that this legislation only allows for a vote of the people to allow for revenue to fund badly-needed local road-and-bridge projects. *All county officials and engineers should contact Senate and House members to explain this important legislation and ask for their support when the bill is considered.*

The following members of the **Senate Finance and Taxation General Fund Committee** should be contacted as soon as possible requesting that this bill be **INCLUDED** on the committee's agenda: **Chair Roger Bedford, Sens. Butler, Singleton, Barron, Benefield, Dunn, French, Glover, Keahey, Mitchem, Orr, Penn, Pittman, Preuitt, Sanders, Beason.**

IN THE HOUSE

Two additional ACCA bills were reported out of House Committee this week:

HB146 by Rep. Laird — Board of Adjustment

Appeals: This bill would require the Board of Adjustment to pay county claims unless the agency denying the claim has procedures on timely filings. *Great thanks to Rep. Laird for his work on this bill and to members of the House Government Appropriations Committee for their support.*

HB162 by Rep. Lindsey — Exemptions on Real

Property: This bill would amend Alabama law to make clear that, when a person eligible for an exemption owns property jointly with persons not eligible for the exemption, the exemption shall only apply to his or her proportionate share of the homestead. Rep. Lindsey did a great job of explaining this rather complex piece of legislation. Representatives from the Alabama Department of Revenue and several county tax officials were also very helpful in getting this bill a favorable report.

ACCA staff will work to get HB146 and HB162 on the House working agenda soon. Both of these bills are important to county revenue, so please start talking to your local delegation now to impress upon them how important these bills are to county government.

OTHER NEWS

In other House Committee action last week, the House Government Operations Committee held a public hearing on **HB86 by Rep. Collier**, which would require law enforcement agencies to have a written internal investigations policy. Local government and law enforcement officials are concerned that some of the more stringent requirements in the legislation will greatly increase the liability exposure to the counties. ACCA and several law enforcement officials spoke in opposition to this legislation, which was carried over following the hearing.

*It is anticipated that HB86 will be back on the committee agenda on Wednesday, Feb. 3, so it is imperative that county officials and administrators contact members of the committee to ask that they **OPPOSE** this legislation which will be harmful to county government and the sheriff's office.*

Committee members are: **Chair Oliver Robinson; Letson, Payne, Beech, Boyd, Coleman, Fields, Gaston, Hill, Howard, Hubbard, McCutcheon, Pat Moore, Morrow, Shiver.**

CHECK IT OUT ONLINE...

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 frequently updates the Association's Web site — acca-online.org — with the latest information on the activities in Montgomery.