



Weekly Update

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

This Week in the Alabama Legislature...Feb. 19, 2010

This week a House Committee vote delaying movement of the Pay-As-You-Go road and bridge funding program was the Association's first significant set-back of this year's Regular Legislative Session. Although the vote highlighted both opposition to the bill and a misunderstanding of many of its provisions, ACCA staff will continue to work on revisions that could revive the legislation before the conclusion of the 2010 session.

Consideration of the much-anticipated proposed constitutional amendment regulating computerized bingo was again delayed during all three of this week's meeting days. Supporters of the bill continue to work to secure the needed 21 affirmative votes before bringing the bill to the floor of the state Senate for consideration. The bill is expected on the floor when the legislators return for a two-day work week beginning Tuesday.

On the good side, the Association's bill enhancing the enforcement of the state's litter laws was passed on the Senate floor Tuesday, and Wednesday a House Committee approved a bill that would provide an increase of an estimated \$2.2 million in county revenue from the sales of alcohol at State ABC stores.

Below is an overview of the activities impacting county government this week. For more information, logon to the Association's Web site at www.acca-online.org.

SALES TAX REVENUE FROM ABC STORE SALES

A House committee approved legislation making sales of alcoholic beverages in the state-operated ABC stores subject to local sales tax rates. In those counties without a county sales tax, the bill levies a replacement tax earmarked for the county general fund to be expended in the same manner as the existing tax. **HB353 by Rep. Richard Lindsey** is expected to produce an additional \$2.2 million for county governments. The bill could reach the House floor as early as March 2.

COMMITTEE DELAYS PAY-AS-YOU-GO BILL

On a 9-to-4 vote, the House Committee on County and Municipal Government delayed action on the bill (**HB501**) to allow county-by-county referendums on the levy of a local gasoline and/or diesel fuel tax for the purpose of repairing county roads and bridges. The vote came after a lengthy debate in which the bill's sponsor, **Rep. Craig Ford**, strongly advocated for the passage of this legislation.

Those voting in favor of the bill were Reps. Bill Dukes, Mike Curtis, Richard Laird and Butch Taylor. Voting to carry the bill over were Reps. Randy Wood, Steve McMillan, Owen Drake, Chris England, Jim McClendon, Frank McDaniel, Jeremy Oden, Rod Scott, Pebblin Warren and Jack Williams.

LITTER BILL PASSED BY SENATE

The Alabama Senate approved the bill (**SB195 by Sen. Ted Little**) that would allow litter laws to be enforced by license inspectors and/or solid waste officers. The bill now goes to the House County and Municipal Government Committee, which earlier this session

approved the House version of this bill. **Appreciation is expressed to Sen. Little for his sponsorship of this legislation.**

9-1-1 LEGISLATION

This week ACCA staff met with representatives of the Alabama Broadcast Association on the bill that would restrict the release of copies of recordings of 9-1-1 tapes (**HB159 by Rep. Ron Johnson** and **SBI86 by Sen. Hinton Mitchem**). More discussions are expected this week. The legislation, which is generating much attention in Montgomery, is expected to be the subject of statewide media coverage this weekend.

AUTOPSY LEGISLATION

The Association continues to work on finalizing wording in the legislation addressing the expense of transporting bodies for the conduct of autopsy. **Legislators should be encouraged to SUPPORT both the House version (HB312 by Rep. Leslie Vance) and Senate bill (SB232 by Sen. Bobby Denton).** The Senate version is ready for floor action.

BOARD OF ADJUSTMENTS

County administrators and commissioners are encouraged to contact their Senators to encourage SUPPORT of the bill that would require the Board of Adjustment to pay county claims unless the agency denying the claim has procedures on timely filings.

The Senate version (**SB174 by Sen. Kim Benefield**) is ready for Senate floor action. The House bill (**HB146 by Rep. Richard Laird**) has passed the House and is now awaiting committee action in the Senate.

FEEDING OF PRISONERS EXPECTED ON HOUSE FLOOR

The bill overhauling the law directing the feeding of prisoners in county jails (**HB407 by Rep. Allen Treadaway**) was approved in committee this week and could be on the House floor as early as Thursday. The bill represents the compromise forged last year between the ACCA and sheriffs.

County officials are encouraged to read the bill and to contact their House members and the ACCA office if

they have concerns. **Although ACCA is not “supporting” the legislation, House members should be urged to oppose any amendments that would require county commissions to provide funding for the feeding of prisoners.**

COMMITTEE VOTE NEAR ON MANDATORY INTERNAL INVESTIGATIONS?

The Association met this week with the sponsor of legislation that would require mandatory investigations on allegations of wrongdoing by law enforcement officers (**HB86 by Rep. Spencer Collier**). The Association is hopeful a compromise can be reached on this legislation. **However, county officials are encouraged to contact committee members to seek their OPPOSITION to the measure, if the bill resurfaces before all issues are resolved.**

The bill is pending before the House Government Operations Committee: Chair Rep. Oliver Robinson; Reps. Letson, Payne, Beech, Boyd, Coleman, Fields, Gaston, Hill, Howard, Hubbard, McCutcheon, Moore, Morrow and Shiver.

OTHER DANGER BILLS...

ACCA Staff testified this week against **HB116**, which would allow for the expenditure of gasoline and diesel fuel tax on public transportation. The bill was carried over.

ACCA also expressed opposition to **SB409 by Sen. Roger Bedford**, legislation which establishes a tag for boat trailers and allocates the resulting revenue to rescue squads and other non-transportation expenditures. This bill was approved by the committee and is ready for Senate floor action. **County officials and engineers are asked to call their Senators to voice OPPOSITION to this bill.**

The ACCA requested a public hearing on **HB547 by Rep. Jeff McLaughlin**, which would require county commission approval for the location of any rock quarries.

On Friday the staff met with supporters of legislation (**HB561** and **SB413**) shifting the regulation of animal farming to the sole jurisdiction of the Department of Agriculture and Industries. Unless amended, this legislation would exempt such operations from planning and zoning, as well as public nuisance laws.

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.