



Legislative Report

Association of County Commissions of Alabama
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Legislative Report for Days 8-13 of the 2008 Alabama Regular Session

The Alabama Legislature recessed on March 13 for Spring Break, and will return on Tuesday, March 25, for the 14th Legislative Day of the session. This year's session must end no later than May 19.

At the time of the recess, the Senate remained stalled on a number of issues and was blocked by Senate Rules from considering any legislation other than "sunset bills" providing for the continuation of certain state agencies. This situation is expected to continue when they return, and it is not known when the upper chamber will consider any ACCA or other bills.

Senate committees have continued to meet and consider legislation, and many ACCA bills are in good position to be addressed on the Senate floor when that body begins to take up legislation. Several "Danger Bills" are expected to be considered in Senate committees after the break, and counties should watch carefully for daily alerts on actions needed regarding these bills.

The House has continued to pass legislation during this time, while slowing down a little in recent weeks. Several ACCA bills have been passed, and as reported in *Weekly Updates*, we anticipate at least two ACCA bills will be considered when the Legislature reconvenes. Additionally, new bills are introduced daily, and House committees meet regularly to consider both good and bad legislation.

This report identifies **ACCA**, **Danger**, and **Other Bills of Interest to Counties** introduced from the 8th-13th legislative days. Please carefully review this report and contact the ACCA office with your questions. You

can also track the progress of ACCA and Danger Bills, along with your local bills online at www.acca-online.org, by following the links under "Legislative News."

Check the ACCA web site daily for time-sensitive information and regular updates. You should also carefully review the *Weekly Updates* sent from the ACCA office each Friday.

ACCA BILLS

HB 722 by Rep. Morrow Collection Point of Gasoline and Motor Fuel Fees

Due to several technical problems with the original bill introduced, the bill aimed at shifting the collection of statewide motor fuel taxes from the wholesale point to the refinery has been refiled with corrections. As noted in the previous *Legislative Report*, this proposed change in procedure will greatly improve collection efforts of this important revenue by reducing the number of businesses from which to collect the motor fuel taxes. Counties should continue in their efforts to ask legislators to support this legislation.

STATUS: This bill is assigned to the House Government Appropriations Committee and awaiting committee action.

HB 726 by Rep. Gipson Local Emergency Response and Relief Program

This bill, which is similar to one introduced in 2005, would create the Local Emergency Response and Relief Program to assist local areas with emergency management, both in preparedness and mitigation efforts and in after-disaster relief efforts. The bill provides funding with a \$3 annual fee on insurance

premiums, and creates a statewide committee to establish guidelines and procedures for distribution of the proceeds to local areas through grant programs and disaster relief applications. The purpose of this legislation is to provide counties and municipalities with some level of funding to help with recovery efforts following disasters, such as the recent tornados that have hit local areas hard in portions of the state.

STATUS: This bill is assigned to the House Government Appropriations Committee and awaiting committee action.

DANGER BILLS

Bills Removing TVA Monies from Dry Counties

Three separate bills have been introduced aimed at reducing or eliminating TVA payments made to dry counties pursuant to current state law. These bills violate ACCA policy stating that the current distribution of TVA monies "should be preserved unless the lost revenue can be replaced with funds expected to grow at a rate similar to the TVA funds now received by the non-TVA counties." A public hearing was held on each of these bills a few weeks ago in the House County and Municipal Government Committee. County representatives from several of the affected counties appeared to testify regarding the serious negative impact this loss of income would create.

Several legislators from these counties testified against the bills as well.

STATUS: The bills, outlined below, are out of committee and awaiting floor action in the House.

HB 572 by Rep. Ball

This bill would eliminate TVA payments in any dry county where there

is a wet municipality or a community development district.

HB573 by Rep. McLaughlin

This bill would reduce TVA payments made to dry counties by 1 percent each year for five years at which time dry counties would receive no additional TVA payments.

HB574 by Rep. McDaniel

This bill would “freeze” TVA payments made to dry counties at the amount paid in 2008. These counties would continue to receive payments at “level funding”, but would not receive any growth. The growth would be redistributed to TVA counties.

BILLS RELATED TO LAW ENFORCEMENT

HB 555 by Rep. Wood Negotiations with Law Enforcement Employees

This bill would require law enforcement agencies such as the sheriff to meet and confer with organizations representing law enforcement officers regarding work related issues. The bill, as introduced, violates the Association’s policy against collective bargaining for public employees.

STATUS: This bill is currently pending in the House Government Operations Committee and awaiting committee action.

HB 701 by Rep. Collier Law Enforcement Leave Payments

Current law provides that law enforcement officers employed by the Department of Public Safety are entitled to be paid annually for up to 10 days of unused accrued annual leave days in excess of 60 days. This bill would grant this benefit to all law enforcement officers, and grant the department head sole discretion regarding whether to grant the benefit in any year. The bill as currently written would apply to deputies and grant the sheriff the authority to determine annually whether or not the benefit would be granted. This would be very costly for counties and would directly conflict with the county commission’s authority and control over the county budget. Granting this benefit to deputies only would likely generate resentment from other

county employees.

STATUS: This bill is pending in the House Government Appropriations Committee.

BILLS RELATED TO VOLUNTEER FIRE AND RESCUE SQUADS

HB 618 / HB 685 by Rep. Faust Boat Trailer Fees to Rescue Squad Association

These bills, similar to one introduced in 2007, would establish taxes and fees to be paid on boat trailers, with 50 percent of the proceeds paid to the Alabama Association of Rescue Squads, for distribution by that non-governmental association to the various rescue squads which are members of the Association. ACCA vehemently opposes the diversion of public funds to a private organization to make decisions regarding distribution of such funds. Additionally, counties traditionally share in the proceeds of registration and tag taxes and fees, but would not receive any portion of the fees proposed in this bill.

STATUS: These bills are pending in the House Agriculture and Forestry Committee.

HB 682 by Rep. Payne Volunteer Fire Tax Exemption

This bill would grant all vehicles used by volunteer fire departments and fire protection districts an exemption from motor fuel tax and motor vehicle tax and license fees. As written, this exemption would apply to all such vehicles and uses, meaning that vehicles used for personal or non-emergency purposes would be entitled to exemption from these taxes.

STATUS: The bill is pending in the House Government Appropriations Committee.

BILLS RELATED TO ILLEGAL IMMIGRANTS

HB 667 by Rep. Fields Illegal Immigrants in County Jails

This bill would require jailors or other persons having custody of a person charged with a felony or DUI to determine the citizenship and lawful status of the defendant, and notify the Department of Homeland Security if such status cannot be determined. Additionally, the bill provides that there shall be a rebut-

table presumption against granting bond to a defendant whose lawful status cannot be determined, which could result in a huge backlog of persons held in the county jail.

STATUS: This bill has been assigned to the House Judiciary Committee and is scheduled for public hearing on March 26.

HB 720 by Rep. Treadaway Alabama Taxpayer and Citizen Protection Act

This bill, which is a companion to Senate bills reported earlier, would set requirements for government and private employers to provide identification for all employees verifying their legal status, and creates crimes and penalties for hiring or concealing persons not lawfully in the country. There are several serious concerns with the way these bills are written, and they would create enormous administrative and financial burdens on local governments and public and private employers.

STATUS: HB 720 has been assigned to the House Judiciary Committee and is scheduled for public hearing on March 26.

MISCELLANEOUS DANGER BILLS

HB 578 by Rep. Mitchell Workers Comp Payments

This bill would remove the “cap” on partial disability payments made pursuant to the state’s worker’s compensation laws. This bill would result in enormous increases in the cost of workers’ compensation for both public and private employers.

STATUS: This bill is currently pending in the House Commerce Committee.

HB 725 by Rep. Keahey Law Library Expenditures

This bill would grant to the presiding circuit judge full control and discretion over the expenditure of funds distributed to the county law library, including purposes not directly related to the operation of the library. The bill would also grant the presiding circuit judge full control over the purchase, sale or exchange of all property assigned to the county law library.

STATUS: This bill is pending in the House County and Municipal Government Committee.

SB 254 by Sen. Barron

This bill would provide that all elections in Alabama be held on Saturday. The bill does not make provision for the additional cost of county personnel who would be required to work on the Saturdays on which elections are held, and as such is an unfunded mandate. Under these circumstances, passage of this bill will require a two-thirds vote by the Legislature pursuant to Amendment 621 of Alabama's Constitution. The ACCA staff will attempt to amend this legislation to require that the state to pay the additional county personnel costs of which passage of this bill would require.

STATUS: The bill is out of committee and waiting for floor action in the Senate.

SB 448 by Sen. Figures Specialty Tags

This bill would amend current law related to procedures for "specialty" license tags by requiring the sponsoring organization to obtain a minimum of 1,000 commitments to purchase prior to the tags being manufactured. While this could be a positive change in the law, the ACCA staff is currently concerned about payment and distribution of tag fees as the bill is written, and is carefully monitoring the bill to determine whether it will have a negative impact on fees currently distributed to local government.

STATUS: This bill is pending action by the Senate Governmental Affairs Committee.

OTHER BILLS OF INTEREST TO COUNTIES

There continue to be a laundry list of bills other than those identified as "Danger Bills" that may impact or be of interest to county government if passed into law. Many bills are monitored to watch for amendments that may impact counties in a positive or negative way. ACCA staff will alert counties when and if action is necessary on any of these bills and will, at the end of the session, provide a complete list of such bills passed into law. The following is a list of "Bills of Interest To Counties" that have been approved by a legislative committee

or have passed in either the House or Senate since the last *Legislative Report* was distributed to counties.

HB 162 by Rep. Hubbard SB 260 by Sen. Orr Mandatory Liability Insurance Law

These bills propose substantial changes to the current law requiring liability insurance for motor vehicles designed, in part, to improve enforcement of the law's requirements. The bill increases the limits of liability insurance required, and requires that insurance records be made available to the Department of Revenue and law enforcement officials through electronic means allowing for verification that insurance for motor vehicles is properly in place.

STATUS: HB 162 has passed the House and is awaiting committee assignment in the Senate. The Senate bill is pending action by the Senate Banking and Insurance Committee.

HB 216 by Rep. Ball SB 216 by Sen. Orr Campaign Financial Disclosure

This bill would require all candidates to file reports regarding campaign contributions and expenditures regardless of whether a candidate has opposition in an election.

STATUS: HB 216 was debated on the House floor prior to the break, but was carried over without a vote. SB 216 is pending committee action in the Senate Constitution and Elections Committee.

HB 308 by Rep. D. Newton Constitutional Convention

This bill, similar to bills introduced each year for the last several years, proposes a constitutional amendment requiring a constitutional convention to rewrite Alabama's outdated constitution. If this amendment were approved by the voters, delegates to a constitutional convention would be elected to rewrite the constitution, and that proposed constitution would then be voted on by the electorate.

STATUS: The bill is out of committee and awaiting House floor action.

HB 366 by Rep. Oden Emergency Missing Senior Citizen Alert Program

This bill would establish the

Emergency Missing Senior Citizen Alert Program to provide assistance in locating missing senior citizens through broadcast and other media attention. The program would be voluntary, but would allow for media assistance to state and local law enforcement agencies and emergency management regarding notice of such missing persons.

STATUS: The bill is out of committee and awaiting action on the House floor.

HB 384 by Rep. Fincher Dangerous Dogs

This bill, introduced each year for the last several years, would establish a procedure for declaring a dog dangerous, provide for destroying a dangerous dog under certain circumstances, and establish special requirements for keeping dangerous dogs. The bill does not include any unfunded mandates on county government and does include liability protection for good faith actions taken as provided in the bill. However, as in the past, the bill is not well written and could create some problems for county government.

STATUS: The bill is out of committee and awaiting floor action in the House.

HB 395 by Rep. McDaniel ADEM Tipping Fees and Recycling

This bill was previously reported as a Danger Bill. However, a substitute negotiated between ADEM, ACCA and other groups interested in this legislation has eliminated many of the ACCA's initial objections. The bill, in its current form, establishes a tipping fee for solid waste disposal, with proceeds paid to ADEM for various solid waste programs. The bill requires ADEM to develop goals for increasing statewide recycling efforts and programs, and authorizes the Department to promulgate rules related thereto.

STATUS: The bill was voted out of committee prior to the legislative break, and is awaiting floor action in the Senate.

HB 422 by Rep. Vance Local Bill Vetoes

This bill proposes an amendment to the Constitution providing that the Governor cannot veto or propose

amendments to a local bill on the final day of a Legislative Session, unless the bill is returned to the house of origin at least two hours before the Legislature's final adjournment or by 6 p.m. on the last night. If the bill is not returned within these time frames, it would become law without the Governor's signature.

STATUS: The bill is out of committee and awaiting House floor action.

HB 510 by Rep. Johnson 911 District Expenditures/Audit

This bill clarifies that emergency communications districts can only expend monies for purposes set out in the law, and provides for audit by the Examiners of Public Accounts at least every two years. As introduced, this bill provided that expenditures of monies for purposes not provided for in the law was a felony offense. However, the sponsor of the bill agreed to remove this provision and worked with ACCA staff to make other changes to ensure that the bill would not have a negative impact on the proper administration of the local 911 programs.

STATUS: The bill is out of committee and tentatively scheduled to be on a special order calendar in the House the week of March 24.

HB 516 by Rep. Spicer Propane Gas Taxes

This bill would require any county or municipality in the business of selling propane gas to a residential, commercial, or industrial consumer to pay all sales and use taxes on such sales. The bill is apparently intended to clarify current law on this issue.

STATUS: The bill is out of committee and awaiting floor action in the House.

HB 579 by Rep. Sherer SB 460 by Rep. Coleman Poll Worker Split Shifts

This bill would allow election officials to appoint poll workers to work in "split shifts" – six hours each. The bill makes clear that anyone working a split shift would only be entitled to one-half of the compensation authorized to be paid to election officials on Election Day.

STATUS: The bill is out of committee and awaiting House floor action.

HB 613 by Rep. Hall Child Support from Forfeitures

This bill would provide that money or proceeds from property forfeited for violation of the controlled or counterfeit substances laws may be applied to the delinquent child support obligation of the defendant from whom the money or the property is seized. Since counties currently receive a portion of these proceeds under some circumstances, this could result in a decrease in payments to counties from such forfeitures, although it is difficult to make an estimate of the decrease.

STATUS: The bill is out of committee and ready for action on the House floor.

HB 658 by Rep. Moore Student Poll Workers

This bill would allow 12th grade students who are registered voters to serve as volunteer poll workers under certain procedures and circumstances agreed to by election officials and area high schools. The students would serve without compensation but could earn extra credit for the school program.

STATUS: The bill is out of committee and awaiting floor action.

SB 49 by Sen. Bedford SB 323 by Sen. Bedford HB 41 by Rep. Knight Retirees Lump-sum Payment

These bills would grant a one-time lump-sum payment to retired employees, similar to the legislation passed during the 2007 Regular Session. The lump-sum payment would only be available to county retirees if the county commission elected to participate and funds its share of the benefit.

STATUS: The Senate bills are out of committee and awaiting action on the floor. The House bill is pending in the House Government Appropriations Committee.

SB 209 by Sen. Figures Engineers and Land Surveyors

This bill proposes to make several technical changes to the law related to licensing and regulation of engineers and land surveyors. The changes deal mostly with representation on the licensing board, licensing requirements, and rules regarding reciprocity for engineers from other states.

STATUS: The bill is out of committee and waiting action on the Senate floor.

SB 237 by Sen. Singleton HB 286 by Rep. Gipson Sunday Alcohol Sales Referendum

This bill would authorize the governing bodies of Class 4, Class 5 and Class 6 municipalities to, by referendum, authorize Sunday sales of alcoholic beverages.

STATUS: The Senate bill is out of committee. The House bill is pending action in the House Tourism and Travel Committee.



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