

Report on the 1996 Regular Session

The Alabama Legislature adjourned sine die at midnight on Monday, May 21, 1996. Both the General Fund and the Education Budgets received final passage on the last day.

A number of bills of interest to cities and towns have been passed this session. During the session, a total of 1793 bills were introduced and 454 received final passage. By comparison, in 1995, 1668 bills were introduced and 491 received final passage. Many of those receiving final passage were appropriation bills or local bills affecting a single county or municipality.

Final Status of the League Legislative Package

The 1996 Regular Session has been a very successful one for the League and its members. The Legislature approved several proposals in the League's 1996 Legislative Package. Those League bills that received final approval are:

Statute of Limitations - Prisoners (S. 9 by Sen. Butler - Act 96-641). This bill would remove the extended period of time allowed by law for the commencement of a civil action for those persons imprisoned on a criminal charge for a term of less than life.

Statute of Limitations - Public Officials (S. 35 by Sen. Butler - Act 96-513). This bill would lessen the statutory period of limitations on suits against public officers for nonfeasance, misfeasance, or malfeasance in office from 10 years to 2 years.

DUI Fines (S. 208 by Sen. Freeman - Act 96-341). This bill provides stricter DUI laws for bus drivers and corrects the DUI fine distribution problem caused by last year's legislation increasing DUI fines. Under the formula effective on June 1, 1996, one-half of the minimum DUI fine goes to the State General Fund with \$100 of that amount going to the Toxicology Department. The remainder goes to the municipality.

CA - Elected Officials Retirement (S. 300 by Sen. Lindsey - Act 96-584). This League bill proposes a constitutional amendment to allow certain elected public officials to come under a retirement system.

Reimbursement of Training Costs (H. 158 by Rep. Dukes - Act 96-626). Current law provides that when a state or local governmental entity hires a law enforcement officer or firefighter within one year from the date the law enforcement officer or firefighter completed mandatory training, the hiring entity shall be required to reimburse the governmental entity which paid for the training an amount equal to the cost of said training. This League bill would increase the time period from one year to two years and would also add emergency medical personnel, water and wastewater operators, and court magistrates to the list of covered persons.

Wastewater Funding (H. 301 by Rep. Fuller -- Act 96-819). The general fund budget contained an appropriation to be used as matching funds for the State Revolving Loan Fund for

Wastewater Treatment.

Vintage Vehicles (H. 547 by Rep. McDaniel - Act 96-818). To bring the state's antique vehicle registration program into conformity with other states by eliminating antique vehicle tags and by replacing them with vintage auto tags. It will be more difficult to obtain vintage auto tags under this legislation.

Zoning Notice - Legislative Intent (HJR 128 by Rep. McMillan - Act 96-241). This resolution expresses legislative intent that the phrase "three consecutive weeks" contained in subsection (b) of Section 1 of Act No. 95-395, means at least once a week over a three consecutive week period.

The League wishes to thank the following persons for sponsoring or handling League bills this session: Senators Tom Butler; Ted Little; Hinton Mitchem; Charles Langford; Jabo Waggoner; Chip Bailey; Bobby Denton; Pat Lindsey; Wendell Mitchell; Dewayne Freeman; Doug Ghee; and Representatives Steve Clouse; Bill Dukes; Steve McMillan; Perry Hooper, Jr.; J.E. Turner; and Bill Fuller. Additional thanks go to Speaker Jimmy Clark, Speaker Pro Tem Seth Hammett, House Rules Committee Chairman Tommy Carter; Lt. Governor Don Siegelman; and President Pro Tem Michael Figures.

Several bills in the League package were not approved this session including bills related to unfunded state mandates, police jurisdiction, new annexation procedures, and open meetings legislation. Many of these measures will resurface in future sessions.

Status of Dangerous Legislation

Many bills considered during the 1996 Regular Session were deemed dangerous to the interests of municipal government. We are happy to report that those measures deemed most dangerous to municipalities failed to pass this session. However, we can expect to see bills relating to the requiring of written responses to firefighter union proposals, exemptions to the occupational tax, law officer due process, initiative, referendum, takings, law officer and firefighter stress, dues checkoff, exemption of food purchases from state sales and use taxes, election of city board of education members, public records access, and political activity of employees to resurface in future sessions.

General Bills Passed

Class 2 Cities - Meeting Times (S. 39 by Sen. Windom - Act 96-308). To provide that the governing body of a Class 2 municipality shall not meet less than 48 times per year.

Home Weatherization (S. 44 by Sen. Figures - Act 96-660). To provide for a home weatherization assistance program.

Voting Machines (S. 126 by Sen. Mitchell - Act 96-514). To authorize a county or city, by

resolution, to discontinue the use of voting machines at elections held in the county or the city.

Abatement of Drug-Related Nuisances (S. 141 by Sen. McClain - Act 96-566). To provide a civil remedy for the abatement of drug-related nuisances.

DUI - Under 21 (S. 182 by Sen. Ghee - Act 96-705). This bill would provide tougher DUI standards for operation of a motor vehicle by a person under the age of 21 years. The new DUI fine distribution formula is not changed by this bill.

Liability - Health Care Providers (S. 194 by Sen. Bedford - Act 96-511). To limit certain liabilities of health care providers.

County Tax Collection (S. 203 by Sen. Freeman - Act 96-471). To provide that county commissions may collect or contract for the collection of local taxes that are authorized to be levied by general or local act.

Coin-Operated Games (S. 207 by Sen. Freeman - Act 96-588). This bill relates to the operation and use of coin-operated games or devices designed and manufactured for bona fide amusement purposes.

Suspension of Driving Privileges (S. 243 by Sen. Bedford - Act 96-322). Relating to the suspension of driving privileges for certain alcohol related actions.

Charitable Fraud (S. 244 by Sen. Langford - Act 96-547). To strengthen the laws relating to charitable fraud.

Mediation (S. 255 by Sen. Mitchell - Act 96-515). To make mediation mandatory upon agreement of the parties, upon motion by any party, or upon motion of the court. This bill would also provide for sanctions if a party fails to mediate.

Juveniles (S. 264 by Sen. Adams - Act 96-524). This bill relates to juvenile law enforcement.

Juvenile Curfew (S. 272 by Sen. Myers - Act 96-726). To include the violation of juvenile curfew ordinances in the definition of a child in need of supervision and exclude that violation from the definition of a delinquent act.

Commercial Vehicle Drivers (S. 276 by Sen. Denton - Act 96-324). This bill would require than an approved chemical test be administered either by or at the direction of a law enforcement officer if the officer has probable cause to believe that a commercial vehicle driver is operating a commercial motor vehicle while having alcohol or drugs in his or her system.

Air Pollution Control Act (S. 303 by Sen. Hale - Act 96-516). This bill would prescribe the required fines for certain violations of the Air Pollution Control Act to bring the state in compliance with federal regulations.

Electric Services (S. 306 by Sen. Freeman - Act 96-395). This bill would empower the Alabama Public Service Commission or Circuit Court, as appropriate, to review private contracts for electric service to existing electric consumers for the purpose of determining whether a private contract for electric service is consistent with the public interest.

Community Notification Act (S. 393 by Sen. Armistead - Act 96-793). This bill would provide for the community notification of the release of a person convicted of a criminal sex offense against any person. Among other things, the bill would require the Chief of Police of Birmingham, Mobile, Montgomery and Huntsville to notify all persons who have a legal residence within 1,000 feet of the declared residence of the released offender, that the offender will be establishing his or her residence in proximity to the residents. Notification shall be made by regular mail and by posting a copy of the notice mailed in a prominent place at the city hall and at the police station closest to the declared residence of the released offender. In all other cities above 5,000 population, the police chief shall provide similar notice to all persons who have a legal residence within 1,500 feet of the declared residence of the offender. In all municipalities of less than 5,000 population, the sheriff shall be required to give similar notice to all persons who have a legal residence, or who own property, within 2,000 feet of the declared residence of the released offender.

General Contractors Board (S. 464 by Sen. Freeman - Act 96-640). To amend the law relating to the General contractors Licensing Board.

Tax Exemption - Monrovia Parks & Recreation Association (S. 474 by Sen. Butler - Act 96-750). This bill would exempt the Monrovia Parks and Recreation Association from paying any county or municipal sales and use taxes.

Retirement - Prior Service Credit (S. 531 by Sen. Bailey - Act 96-780). This bill would allow a member of the Employees Retirement System (ERS) who rendered prior service before October 1, 1990, to a local or state agency eligible for participation in ERS to purchase credit for the prior service if he or she has at least five years of creditable service in ERS and has not received credit for the prior service in another public employee retirement system.

Mini-Code (S. 587 by Sen. Windom - Act 96-576). To amend the state Mini-Code.

Tax Incentives - Petroleum Pipelines (S. 613 by Sen. Butler - Act 96-647). To provide that any business described in the Standard Industrial Classification Manual relating to refined petroleum pipelines may qualify for the abatement of state ad valorem, sales use, and transfer taxes.

Escheat Law Amendments (S. 699 by Sen. Denton - Act 96-724). To amend the Uniform Disposition of Unclaimed Property Act.

Alabama Enterprise Zone Act - Tax Exemptions (H. 12 by Rep. Galliher - Act. 96-206).

Under existing law, the Alabama Enterprise Zone Act provides certain tax exemptions for businesses that locate in depressed areas of the state. This bill would provide for exemptions from utility gross receipt tax, utility gross receipt service tax, state and local sales and use tax, and income tax for businesses which employ at least 1,200 people and make capital investments and capital improvements of at least \$75,000,000 within the enterprise zone. The bill would limit the availability of the exemptions to eligible businesses who have contracted for these exemptions prior to June 30, 1996.

Tax Exemption - School Sales (H. 80 by Rep. Fuller - Act 96-653). This bill would exempt from state, county, and municipal sales and use taxes sales by certain schools or school sponsored organizations if the proceeds from the sales are used for the benefit of the school.

License Plates Nontransferrable (H. 86 by Rep. Venable - Act 96-746). To provide that motor vehicle license plates would stay with the owner when the vehicle is transferred.

Tax Exemption - Birmingham Civil Rights Institute (H. 110 by Rep. Newton (D) - Act 96-745). To exempt the Birmingham Civil Rights Institute from the payment of all state, county, and municipal sales and use taxes.

Defacing Public Property (H. 152 by Rep. Sanderson - Act 96-425). This bill would make it unlawful to destroy or deface traffic signs or to deface public buildings or public property; provide that parents of minors who are convicted of destroying or defacing traffic signs or defacing public buildings or public property would be liable for the actual damages caused by the minor; and provide for penalties.

Disasters - Price Gouging (H. 159 by Rep. Hawkins - Act 96-171). To prevent unconscionable pricing during periods in which the state or any part thereof is under a declared state of emergency due to a natural disaster.

Tax Exemption - Domestic Coal & Coke (H. 186 by Rep. Carothers - Act 96-544). To exempt all domestically mined or produced coal, coke, and coke by-products used in cogeneration projects or plants in the state from the state sales and use taxes.

Retirement Benefits (H. 211 by Rep. Curry - Act 96-789). To allow pensioners and annuitants of cities, towns, counties, and public and quasi-public organizations who receive their monthly benefits from a source other than the Employees' Retirement System to receive a certain increase in their benefits regardless of whether the employer came under the Employees' Retirement System before or after the pensioner was retired if the city, county, or local public or quasi-public organization elects to fund the increase.

Air Rescue Services (H. 234, Act 96-612). To amend Section 9-3-18, Code of Alabama 1975, to include nonprofit organizations which provide air rescue services in the list of entities eligible to receive donations of government money, property, equipment or other thing of value.

ABC Board - Special Events License (H. 374 by Rep. Penry - Act 96-763). To remove the minimum advanced application period for special events licenses.

Retirement - Cost of Living (H. 389 by Rep. McDaniel - Act 96-572). To provide a cost of living increase to certain members and the beneficiaries of certain members of the teachers' and employees' retirement systems. The cost-of-living increases for municipal retirees must be approved by the municipal governing body.

Tax Exemption - Christian Children's Homes, Inc. (H. 413 by Rep. Hamilton - Act 96-426). To exempt Christian Children's Homes, Inc. from all state, county and municipal sales and use taxes.

Lodgings Tax - Exemption (H. 420 by Rep. Turnham - Act 96-498). This bill would exempt the charges of certain camps and conference centers that provide educational or recreational programs for children, full-time students, or members or guests of certain nonprofit organizations from the transient occupancy tax, and would provide a retroactive effective date.

Parks and Recreation Facilities (H. 430 by Rep. Rogers (J) - Act 96-320). To amend Sections 11-47-210 through 11-47-219 of the Code, to allow public authorities created pursuant to such statutes to include counties and municipalities and to provide for cooperation between political subdivisions in developing and managing public parks, playgrounds, and other recreational or athletic facilities.

Window Tinting (H. 489 by Rep. Johnson (R) - Act 96-534). To provide for the regulation of window tinting.

Incorporation - Jefferson County (H. 495 by Rep. Townsend - Act 96-536). To amend Section 11-41-1 of the Code to prohibit the incorporation in Jefferson County of an unincorporated community located within three miles of a Class I city.

UC Law Amendments (H. 518 by Rep. Clouse - Act 96-665). To amend the state unemployment compensation laws.

Tax Exemption - Franklin Memorial Clinic (H. 527 by Rep. Buskey - Act 96-466). To exempt Franklin Memorial Clinic from municipal gross receipts taxes and municipal business license taxes.

Criminal Trials - Audio-Video (H. 608 by Rep. Turner - Act 96-732). This bill would authorize the utilization of an audio-video communication system at any criminal pre-trial proceeding to enable a judge or magistrate to see and converse simultaneously with the defendant, his or her counsel, or another person.

Class 4 Cities - Chapter 44B (H. 627 by Rep. Parker (T) - Act 96-389). To amend 11-44B-8, Code of Alabama 1975, relating to certain Class 4 cities.

Eminent Domain (H. 652 by Rep. Clouse - Act 96-558). Relates to certain procedures in condemnation actions.

Class 4 Cities - Chapter 44B (H. 658 by Rep. Parker (T) - Act 96-455). To amend the mayor-council act for Tuscaloosa.

Alabama Home Inspectors Registration Act (H. 673 by Rep. Hill - Act 96-574). To establish the Alabama Home Inspectors Registration Act.

Speed Limits (H. 755 by Rep. Johnson (R) - Act 96-577). To provide that the maximum speed limit on interstate highways and controlled access highways would be 70 miles per hour, the maximum speed limit on four-lane highways with a median would be 65 miles per hour, and the maximum speed limit on other highways, including highways in certain urban areas, the maximum speed limit would be 55 miles per hour. The bill prohibits law enforcement officers of municipalities of less than 19,000 population from enforcing the speed limits on interstate highways. The bill also prohibits municipal law enforcement officers from enforcing speed limits on highways outside the corporate limits and in the police jurisdiction.

One-Call Notification System (H. 761 by Rep. Knight (A) - Act 96-666). To amend the One-Call Notification System law, which requires notice of excavations in areas containing underground utilities, to provide that in the event the location requirements cannot be met, the excavator shall mark the route or boundaries of the proposed excavation or demolition with white paint. The bill would also provide an exemption from the requirements of notification where an operator of an underground facility is excavating at a depth of 18 inches or less and for the purpose of extending the underground facility from the easement on to the property of the person to be served by the underground facility.

Class 1 City - Retirement (H. 779 by Rep. Morton - Act 96-549). This bill relates to a retirement system in a Class 1 city.

Proposed Constitutional Amendments

S. 222, Act 96-586 -- To remove the prohibition against pleading guilty within 15 days of an information in a non-capital felony case.

S. 465, Act 96-269 -- Relating to court costs and charges in Lauderdale County.

S. 504, Act 96-561 -- To validate certain Madison County school taxes.

S. 593, Act 96-413 -- Relating to Marengo County Probate Judge compensation.

S. 649, Act 96-401 -- Additional property tax in Wilcox County.

S. 652, Act 96-662 -- Calhoun County bingo.

S. 744, Act 96-562 -- Ad Valorem Taxes for fire protection in Hale County.

H. 32, Act 96-193 -- Clay County fire protection taxes.

H. 143, Act 96-205 -- Cleburne County fire taxes.

- H. 193, Act 96-268** -- Election of Bessemer City Board of Education.
- H. 230, Act 96-194** -- Cherokee County fire taxes.
- H. 275, Act 96-195** -- To propose a constitutional amendment to grant certain powers to Walker County and the municipalities located therein relating to industrial development.
- H. 359, Act 96-569** -- Sportsperson's Bill of Rights.
- H. 361, Act 96-196** -- Randolph County court costs.
- H. 369, Act 96-197** -- Washington County public officials in State Retirement System.
- H. 418, Act 96-398** -- Pickens County property taxes.
- H. 429, Act 96-378** -- Bingo in Hartselle, Falkville and Decatur.
- H. 431, Act 96-396** -- Bingo in Russell County.
- H. 469, Act 96-397** -- Madison County Judicial Commission.
- H. 499, Act 96-402** -- Henry County fire taxes.
- H. 609, Act 96-267** -- Calhoun County fire protection.
- H. 700, Act 96-403** -- Houston County court costs.
- H. 752, Act 96-400** -- Marengo County Probate Judge.
- H. 754, Act 96-399** -- Talladega County Fire Districts.
- H. 808, Act 96-405** -- Wilcox County property taxes.
- H. 831, Act 96-323** -- Cherokee County property taxes.
- H. 832, Act 96-420** -- Jefferson county bingo.
- H. 921, Act 96-404** -- Barbour County Probate Judge compensation.
- H. 982, Act 96-580** -- Marengo County ad valorem tax.
- H. 1012, Act 96-406** -- Coosa County officials in State Retirement System.
- H. 1030, Act 96-581** -- Ad Valorem Taxes for fire protection in Hale County.

Local Bills

- S. 40, Act 96-309** -- Meeting times of Prichard Council.
- S. 340, Act 96-314** -- Jackson County severance tax on coal.
- S. 350, Act 96-344** -- Exempts Crenshaw Baptist Hospital from local sales and use taxes.
- S. 466, Act 96-315** -- Lauderdale County court costs.
- S. 467, Act 96-316** -- Lauderdale County tax collection.
- S. 469, Act 96-318** -- Lauderdale County fees related to motor vehicles.
- S. 513, Act 96-545** -- Anniston Police and Firefighter Pension Fund.
- S. 521, Act 96-517** -- Choctaw County unified tax system.
- S. 605, Act 96-725** -- Relating to Jasper Civil Service System.
- S. 687, Act 96-610** -- Sunday sales of alcoholic beverages in Montgomery.
- S. 707, Act 96-552** -- City of Montgomery Retirement System.
- S. 710, Act 96-542** -- Distribution of state beer tax revenues in Calhoun County.
- S. 738, Act 96-554** -- Tuscaloosa County sales and use taxes.
- H. 1, Act 96-649** -- Relating to Macon County Racing Commission.
- H. 210, Act 96-650** -- Relating to Greene County Racetrack.
- H. 354, Act 96-648** -- Bingo in Hartselle, Falkville and Decatur.
- H. 432, Act 96-613** -- Bingo in Russell County.

- H. 438, Act 96-390** -- Tuscaloosa Fire and Police Pension Fund.
- H. 480, Act 96-607** -- Ad Valorem Tax on vehicles in Henry County.
- H. 501, Act 96-311** -- Shelby County school taxes.
- H. 502, Act 96-312** -- Shelby County school taxes.
- H. 579, Act 96-284** -- Etowah County Community Development Committee
- H. 580, Act 96-285** -- Etowah County Library Committee.
- H. 664, Act 96-504** -- Alabaster personnel system.
- H. 665, Act 96-487** -- Shelby County lodgings tax.
- H. 678, Act 96-505** -- Shelby County sales and use tax.
- H. 703, Act 96-592** -- Henry County mobile home transaction fees.
- H. 709, Act 96-642** -- Henry County court fees.
- H. 722, Act 96-424** -- Etowah County sales and use tax.
- H. 736, Act 96-467** -- Arab sales and use tax.
- H. 763, Act 96-414** -- Gadsden Police and Firefighter Retirement Fund.
- H. 767, Act 96-590** -- Lee County Motor Vehicle License System.
- H. 838, Act 96-623** -- Dallas County sales and Use Tax.
- H. 874, Act 96-485** -- Marion County property disposal to municipalities.
- H. 923, Act 96-483** -- Elmore County fire protection.
- H. 947, Act 96-548** -- Prichard Water Works and Sewer Board.
- H. 954, Act 96-631** -- Chilton County sales and use tax.
- H. 956, Act 96-459** -- City of Troy Investment Trust Fund.
- H. 963, Act 96-624** -- Elmore County ad valorem taxes.
- H. 966, Act 96-620** -- Eufaula tourism.
- H. 969, Act 96-632** -- Shelby County tobacco tax.
- H. 975, Act 96-622** -- Pollard railroad crossings.
- H. 977, Act 96-625** -- Monroe County ad valorem taxes.
- H. 978, Act 96-486** -- Etowah County sales and use tax.
- H. 984, Act 96-743** -- Huntsville City Board of Education compensation.
- H. 998, Act 96-637** -- Blount County tax collection.
- H. 999, Act 96-638** -- Blount County court costs.
- H. 1028, Act 96-781** -- Mobile County racetracks.
- H. 1039, Act 96-735** -- Butler County tax collection.

Annexation Bills

- S. 654, Act 96-469** -- Anniston
- S. 655, Act 96-470** -- Anniston
- S. 660, Act 96-512** -- Anniston
- H. 554, Act 96-411** -- Ider
- H. 650, Act 96-598** -- Ft. Deposit
- H. 774, Act 96-500** -- Spanish Fort

H. 943, Act 96-488 -- Decatur

H. 988, Act 96-415 -- Springville

H. 1032, Act 96-741 -- Malvern

H. 1035, Act 96-734 -- Gulf Shores