

## **Final Report – 2005 First Special Session**

The House and Senate adjourned sine die on July 26, 2005, ending the special session called by Governor Bob Riley for the purpose of passing a general fund budget, eminent domain legislation and other bills. All of the business of the session was completed in five meeting days – the minimum time required by the State Constitution to pass a bill.

Bills passed during the session included: a \$1.55 billion General Fund budget, a six percent pay raise for state employees, a four percent cost-of-living increase for retirees, and eminent domain legislation.

### **General Bills Passed**

**Commercial Drivers License** (HB7, Act 2005-325). Relating to motor vehicles; to amend Section 32-6-49.10 of the Code of Alabama 1975, relating to commercial driver licenses, to delete the requirement that the social security number of the licensee be included on the license and to provide for an endorsement for a driver authorized to drive a school bus; and to amend Section 32-10-8 of the Code of Alabama 1975, relating to motor vehicle accident report forms, to delete the requirement that the Social Security number of the operator be listed on the form.

**DUI – Blood Alcohol Level Lowered for Commercial Motor Vehicle Drivers** (HB8, Act 2005-326). To amend Section 32-5A-191 of the Code of Alabama 1975, relating to driving under the influence of alcohol or drugs, to provide that the driver of a commercial motor vehicle would be guilty of driving under the influence of alcohol if the person had greater than a certain percentage of alcohol in his or her blood.

**Sales & Use Tax & Lodgings Tax Exemption for Film Companies Extended** (HB10, Act 2005-305). Relating to certain tax incentives and exemptions and other related exemptions; to amend Section 7 of Act 2001-975, 2001 Third Special Session (Acts 2001, p. 908), relating to certain sales, use, and lodging tax exemptions for certain film production companies working in the state, to extend those exemptions until September 30, 2006; and to provide for legislative findings regarding the biotechnology industry and its value to the state and its workforce; a tax exemption for the Hudson-Alpha Institute for Biotechnology and its property; a certification of a particular level of investment, employment, and property improvements in exchange for the tax exemptions; and provisions for repayment of incentives if certain levels of investment are not achieved by September 30, 2008.

**Municipal Solid Waste Landfills – Financial Assurances** (HB11, Act 2005-302). To amend Section 22-27-2, Code of Alabama 1975, to add definitions, and to add Section 22-27-8 to the Code of Alabama 1975, relating to the establishment of financial assurance requirements for closure, post-closure care, and corrective action for any municipal solid waste landfill in Alabama.

**General Fund Budget** (SB1, Act 2005-315). To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 2006.

**Gas Districts Authorized to Own LP Gas Systems** (SB7, Act 2005-307). To amend Sections 11-50-396 and 11-50-397, Code of Alabama 1975, pertaining to gas districts, to provide that gas districts may own and operate liquefied petroleum gas systems and may distribute and sell liquefied petroleum gas within and without the state and to provide further that gas districts may not exercise the power of eminent domain in order to acquire any properties which are to be used in the distribution of liquefied petroleum gas.

**State Employees – Pay Periods & Retirement Cost-of-Living Increase** (SB9, Act 2005-316). To amend Sections 36-6-1 and 36-26-35, Code of Alabama 1975, relating to payment of salaries and annual leave of state employees; to provide that state employees shall be paid and shall accrue leave semi-monthly rather than biweekly; to provide for a six percent cost-of-living salary increase for certain state employees in the fiscal year beginning October 1, 2005; and to provide a cost-of-living increase to certain retirees and beneficiaries under the Employees' Retirement System.

**CA – Minimum Ad Valorem Tax for Schools** (SB12, Act 2005-215). Proposing an amendment to the Constitution of Alabama of 1901 to provide for a statewide minimum levy and collection, commencing with the tax year beginning October 1, 2006, and without limit as to time, of 10.0 mills of ad valorem property tax in each school district in the State, by authorizing and directing the County Commission or other local governing body of each county in the State to levy and collect in respect of property in each school district in the County an additional ad valorem tax at such rate as may be required to result in the levy therein of at least 10 mills of ad valorem tax, without restriction as to use other than for general public school purposes, and to provide for an election to be held on the proposed amendment.

**Criminal Sex Offenders – Electronic Monitoring** (SB53, Act 2005-301). To amend Sections 13A-5-2, 13A-5-6, 13A-6-69, 13A-11-200, 13A-11-201, 13A-11-202, 14-9-41, 15-18-8, 15-20-20.1, 15-20-21, 15-20-22, 15-20-23, 15-20-24, 15-20-25.1, 15-20-25.2, 15-20-25.3, 15-20-26, 15-20-29, 15-20-31, and 15-20-35 of the Code of Alabama 1975, relating to adult and juvenile criminal sex offenders; to provide for further regulation of adult and juvenile criminal sex offenders and to provide for increased or additional criminal penalties; to add new Sections 15-20-23.1, 15-20-26.1 and 15-20-26.2 to the Code of Alabama 1975, regulating adult criminal sex offenders and juvenile sex offenders and to provide penalties; and to repeal Section 13A-11-203, Code of Alabama 1975.

**Eminent Domain** (SB68, Act 2005-313). Relating to the powers of the state, a municipality, county, or other governmental entity to acquire private property by condemnation so as to specify that such entities may not, except as otherwise provided, condemn property for nongovernmental retail, office, commercial, residential, or industrial development or use, and to amend Sections 11-47-170 and 11-80-1, Code of Alabama 1975, in relation thereto.

**Alabama Tourism Development Finance Authority Established** (POCKET VETO). To provide economic incentives for the development and promotion of tourism in Alabama; and to establish the Alabama Tourism Development Finance Authority to implement this act.

**Motor Vehicles – Certificate of Title** (SB75, Act 2005-322). To amend Sections 32-8-6 and 32-8-35, Code of Alabama 1975, relating to the method of payment by designated agents for applications for certificate of title, to allow the Department of Revenue to prescribe the method of payment.

**Railroads – Intent to Abandon Procedures** (SB86, Act 2005-318). To amend Sections 37-13-1 and 37-13-2 of the Code of Alabama 1975, relating to railroad authorities; to remove the requirement in the application to the governing body that the operator has notified the Interstate Commerce Commission on an intent to abandon and to further define the term "authorizing subdivision."

**Motor Vehicles – Width Limits** (SB95, Act 2005-323). Relating to motor vehicles; to add Section 32-9-20.1 to the Code of Alabama 1975, to specifically provide that certain appurtenances attached to a motor home, travel trailer, self-propelled camper or house car, truck camper, or recreational vehicle commonly known as an R.V. may exceed the maximum width of motor vehicles if the appurtenance does not extend six inches beyond the sidewall of the vehicle.

**ERS and TRS – Retirees Serving in Elected Office** (SB97, Act 2005-299). To amend Sections 16-25-26 and 36-27-8.2, Code of Alabama 1975, to provide further for the conditions under which a retiree elected to public office may receive a pension from the Teachers' Retirement System or the Employees' Retirement System.

## **Proposed Constitutional Amendments**

In addition to **SB12**, the Legislature approved the following proposed amendments to the Alabama Constitution of 1901 and these amendments will be submitted to the state's voters at a later date for ratification.

**HB93, Act 2005-209** – relates to Lee County litter laws.

**SB57, Act 2005-210** – relates to Lee County litter laws.

## **Local Bills Passed**

**HB19, Act 2005-306** – Lee County sales and use tax.

**HB25, Act 2005-272** – Lee County fire protection fees

**HB26, Act 2005-278** – Shelby County Corrections Commission

**HB27, Act 2005-279** – Shelby County traffic laws

**HB55, Act 2005-280** – Northport Civil Service System

**HB65, Act 2005-282** – Montgomery County retirement system

**HB91, POCKET VETO** – Lowndes County motor vehicle taxes

**HB110, Act 2005-286** – Decatur – Sunday sales of alcoholic beverages

**HB111, Act 2005-287** – Decatur – Sale of draft beer

**SB11, Act 2005-288** – Northport Civil Service System

**SB23, POCKET VETO** – Lowndes County municipalities – Sunday sales authorized

**SB58, Act 2005-291** – Lee County fire protection fees

**SB59, Act 2005-292** – Lee County Sunday sales outside of Auburn and Opelika

**SB61, Act 2005-310** – Lee County sales and use tax outside of Auburn and Opelika

**SB79, POCKET VETO** – Class 2 municipalities – elevators in county owned buildings

## **Annexation Bills Passed**

**HB57, Act 2005-281** – Coaling

**HB95, Act 2005-285** – Alexander City

**SB65, Act 2005-294** – Alexander City

**SB70, Act 2005-295** – Coaling