

Final Report on the 2005 Regular Session

The Alabama Legislature completed its 2005 Regular Session shortly at midnight on Monday, May 16. This was a very difficult session for all involved due to the large shortfall in the state's general fund budget. The Legislature passed an education budget and education employee pay raise over the veto of Governor Riley. The State general fund budget, state employee pay raise and many other appropriation bills failed to pass. The budget deficit situation was not resolved. A special session will have to be called to deal with these matters.

There were **1237** bills introduced in the session. Many of the bills introduced affected our cities and towns. When the session ended, only **139** bills had received final passage. By comparison, in 2004, a total of 1397 bills were introduced and 317 bills received final passage. In 2003, a total of 1322 bills were introduced of which 268 received final passage.

The failure of the 2005 Regular Session can be illustrated by breaking down the 139 bills that passed. Of the 139 bills that passed, **80** were local bills, **11** were annexation bills, **10** were appropriation bills, **20** were state agency sunset bills, and **9** proposed constitutional amendments, all but one of which were local in nature. This leaves only **9** general purpose pieces of legislation that were enacted this year.

Final Status of the League Legislative Package

Eight bills covering seven issues in the League's 2005 Legislative Package were in position to pass during the final days of the session. As with most other bills, these died at midnight on May 16. All of these measures will be reintroduced in the special session.

The League bills that were in a position to pass were:

SB80 by Sen. Myers – Would give municipalities the authority to pre-zone property in the process of being annexed.

SB103 by Sen. Roberts – Would allow municipalities to purchase certain goods through the reverse auction bid process.

HB105 by Rep. Johnson – Would make it clear that an employee of a separately incorporated municipal board is not a municipal employee.

HB109 by Rep. Beck – Would provide that the vote of the mayor in a municipality of less than 12,000 inhabitants shall be counted when a council votes to dismiss employees.

HB110 by Rep. Black (M) – Would authorize a mayor to appoint two alternates to serve on the planning commission on those occasions where regular members could not make the meeting.

HB118 by Rep. McMillan – Would give municipalities the authority to pre-zone property in the process of being annexed.

HB279 by Rep. Ball – Would provide that the maximum fine for persons convicted of DUI and reckless driving would be the same in municipal court as in state courts.

HB399 by Rep. Dukes – Would allow additional uses for corrections fund money.

The League wishes to thank the following persons for sponsoring League issues this session: Representatives Steve McMillan, Bill Dukes, Ron Johnson, Warren Beck, Marcel Black, Mike Hill, David Grimes, Randy Wood, Jack Williams, Mike Ball, Joe Carothers, John Knight, and Senators Tommy Ed Roberts, Pat Lindsey, Zeb Little, Hari Ann Smith, Jabo Waggoner, E.B. McClain, Steve French, Larry Means, and Hap Myers.

Status of Dangerous Legislation

We are happy to report that no statewide legislation deemed dangerous to the interests of our municipalities was enacted this session.

General Bills of Interest to Municipalities That Passed

State Docks Funding – HB134, Act 2005-180 by Rep. Kennedy: To make a supplemental appropriation from the Alabama Capital Improvement Trust Fund in the State Treasury to the Alabama State Port Authority, in the amount of \$80,000,000 for the fiscal year ending September 30, 2005; and to safeguard the interest income to the State General Fund until such times as invoices are received by the Alabama State Port Authority from contractors and vendors.

Drug Regulations – HB152, Act 2005-181 by Rep. McDaniel: To amend Section 20-2-190, Code of Alabama 1975, as amended by Act 2004-564, to further regulate sales of certain products containing ephedrine or pseudoephedrine; and to provide further for penalties for violations.

Education Budget – HB248, Act 2005-173 by Rep. Lindsey: To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 2006.

Eminent Domain – Filing Time – SB18, Act 2005-168 by Sen. Lee: To amend Section 18-1A-276 of the Code of Alabama 1975, relating to eminent domain proceedings in the probate court, to increase the time within which the probate court is required to conduct a hearing after a complaint has been filed.

Ad Valorem Taxation – Current Use Notice – SB42, Act 2005-193 by Sen. Poole: To amend Section 40-7-25.2, Code of Alabama 1975, to provide further for qualification procedure for current use value of certain taxable property.

Open Meetings Law – SB101, Act 2005-40 by Sen. Little (Z): Relating to meetings of governmental bodies; to require all meetings held by a governmental body to be open to the

public with certain exceptions; to provide for civil penalties; and to repeal Section 13A-14-2, Code of Alabama 1975, prohibiting certain agencies and other governmental bodies from meeting in executive or secret sessions.

Telecommunications Service – Certain Services Removed from PSC Jurisdiction – SB114, Act 2005-110 by Sen. Myers: To add Chapter 2A to Title 37 of the Code of Alabama 1975, to limit the jurisdiction of the Public Service Commission over certain telecommunications services offered by local exchange carriers and intrastate inter-exchange carriers; to specify that certain telecommunications services would not be subject to the jurisdiction of the Public Service Commission; to specify the amount of expenditures required by a local exchange carrier to deliver basic telephone service to a new business or residence and to further regulate the retail price of basic telephone service; to specify that this act would not affect the taxes paid by telecommunications providers; to provide an application fee for any new entrant applying for a certificate of convenience; to provide further for the supervision and inspection fees payable to the commission; and to provide for the Public Service Commission to retain jurisdiction over certain complaints by subscribers.

Limited Home Rule for Counties – SB129, Act 2005-_____ by Sen. Barron: Relating to counties; to authorize the several counties to exercise additional powers under certain conditions; to provide for the approval of licenses to sell alcoholic beverages of certain counties; and to provide that this act would be effective in a county only upon approval at a referendum in the county.

Emergency Telephone Service Charges – SB355, Act 2005-111 by Sen. Tanner: To add Section 11-98-5.1 to the Code of Alabama 1975, to provide for the maximum tariff for the purpose of determining emergency telephone service charges in the event that House Bill 211 or Senate Bill 114 becomes law.

Proposed Constitutional Amendments

HB208, Act 2005-105 – Prichard Foreign Trade Investment Zone

HB310, Act 2005-106 – Mobile County Sheriff's Office

HB412, Act 2005-86 – Elmore County fire and emergency medical Care

HB568, Act 2005-87 – Crenshaw County Probate Judge compensation

HB677, Act 2005-109 – Blount County Sheriff's Office employees

HB690, Act 2005-108 – Colbert County repeal of local law relating to change of form of county or municipal government or increasing salary of officers

HB780, Act 2005-107 – Tuscaloosa County fire protection and garbage disposal districts

SB6, Act 2005-171 – Geneva County Sheriff in Employees Retirement System

SB109, Act 2005-35 – Prohibits same-sex marriages

Local Bills

HB147, Act 2005-37 – Albertville ad valorem tax for schools

HB205, Act 2005-182 – Jefferson County Retirement System

HB236, Act 2005-38 – Sunday sales of alcoholic beverages in Florence
HB241, Act 2005-119 – Calhoun County Economic Development Council
HB323, Act 2005-92 – Merger of Revenue Commissioner and Office Budget Operation
HB324, Act 2005-93 – Chambers County Commission districts
HB409, Act 2005-95 – Mobile County constables
HB420, Act 2005-94 – Elmore County roads and bridges
HB421, Act 2005-96 – Elmore County animal control program
HB422, Act 2005-97 – Elmore County junkyards
HB464, Act 2005-98 – Covington County poll workers
HB502, Act 2005-122 – Leeds Waterworks Board – school donations
HB535, Act 2005-100 – Pickens County Board of Registrars
HB537, Act 2005-123 – Houston County civil service personnel board
HB540, Act 2005-112 – Tax Increment Districts in Class 3 municipalities
HB551, Act 2005-101 – Birmingham Fireman’s and Policeman’s Supplemental Pension System
HB561, Act 2005-124 – Baldwin County Commission – Rotation of Chair
HB572, Act 2005-103 – Walker County Utility Board – donations for volunteer fire department
HB577, Act 2005-90 – Millbrook ad valorem tax for schools
HB584, Act 2005-125 – Calhoun County court costs
HB585, Act 2005-126 – Calhoun County election official’s compensation
HB590, Act 2005-127 – Lauderdale County gasoline tax
HB595, Act 2005-114 – Dothan-Houston County Communications District Board
HB613, Act 2005-128 – Baldwin County Board of Registrars
HB645, Act 2005-131 – Russell County Board of Registrars
HB652, Act 2005-132 – Cleburne County court costs
HB657, Act 2005-188 – Hoover Municipal Court Magistrates Warrant Recall Fee
HB667, Act 2005-189 – Hoover prisoner transfer fee
HB675, Act 2005-133 – Clarke County motor vehicles tag fee
HB680, Act 2005-134 – Chambers County sales and use tax
HB684, Act 2005-135 – Baldwin County Community Corrections Center and Pretrial Release and Community Corrections Board
HB687, Act 2005-136 – Colbert County gasoline tax
HB688, Act 2005-137 – Mobile County court costs
HB689, Act 2005-108 – Colbert County Sunday sales of alcoholic beverages
HB691, Act 2005-138 – Colbert County Commission – single-member districts
HB692, Act 2005-139 – Talladega County court costs
HB709, Act 2005-176 – Marshall County transfer of water from Tennessee River Basin under certain conditions prohibited
HB710, Act 2005-141 – Albertville Municipal Utilities Board
HB712, Act 2005-143 – Madison County License Director
HB713, Act 2005-144 – Madison County ad valorem tax
HB721, Act 2005-146 – Marion County poll workers compensation
HB741, Act 2005-149 – Russell County alcoholic beverage sales prohibited within certain distance of church
HB742, Act 2005-150 – Russell County nuisance regulations
HB755, Act 2005-151 – Anniston police and firefighters retirement fund

HB767, Act 2005-175 – Wilcox County Sunday sales authorized
HB773, Act 2005-156 – Baldwin County tobacco taxes
HB788, Act 2005-159 – Baldwin County personnel system
HB789, Act 2005-160 – Lauderdale County Industrial Development
HB794, Act 2005-161 – Washington County tobacco tax
HB795, Act 2005-162 – Washington County Tobacco Tax distribution altered
HB796, Act 2005-163 – Chambers County tobacco tax
HB797, Act 2005-164 – Randolph County tobacco tax
HB798, Act 2005-165 – Clay County tobacco tax
HB810, Act 2005-199 – Etowah County lodging surcharge
SB236, Act 2005-60 – Rainsville sales & use tax
SB279, Act 2005-195 – Jefferson County Retirement System
SB311, Act 2005-74 – Class 2 municipalities sales & use tax exemption
– Mobile County Fowl River Planning and Land Use Control District
SB405, Act 2005-67 – DeKalb County court costs
SB388, Act 2005-104 – Madison County noise ordinance

Annexation Bills

HB204, Act 2005-88 – Millbrook
HB622, Act 2005-187- Wetumpka
HB664, Act 2005-117 – Bay Minette
HB696, Act 2005-113 – Daphne
HB770, Act 2005-153 – Foley
HB771, Act 2005-154 – Foley
HB772, Act 2005-155 – Foley
HB776, Act 2005-157 – Trussville
HB787, Act 2005-158 – Daphne & Spanish Fort
HB804, Act 2005-166 – Odenville
HB807, Act 2005-167 – Springville