

Final Report on the 2008 Regular Session

The Alabama Legislature completed its 2008 Regular Session on Monday, May 19. This year, 1606 bills were introduced and 220 bills received final passage. By comparison, in 2007, 1476 bills were introduced and 294 received final passage.

Final Status of the League Legislative Package

Appropriation for Wastewater Treatment SRF (HB328, Act 2008-466). In the 1980's, the Alabama Legislature established a State Revolving Loan Fund for Wastewater Treatment (SRF). The purpose of the SRF was to take state funds and match them with federal dollars to create a loan fund to offer low interest loans to governmental entities for wastewater treatment projects. The General Fund Budget contained \$516,849 in additional matching funds from the legislature to continue Alabama's nationally recognized Wastewater Treatment SRF program.

Sunset Law – Real Estate Commission (SB183, Act 2008-141): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission until October 1, 2012, with certain modifications; to amend Sections 34-27-32 and 34-27-66, Code of Alabama 1975, so as to delete the requirement that applicants for licensure be United States citizens. The bill contains a League amendment to move the realtor license limitations law passed last year from Title 34 to Title 11 of the Code of Alabama where other municipal license laws are codified.

Six bills in the League's Legislative Package were up for final passage in the Senate on the last day of the session, but the Senate did not get to any of them as they spent the day debating the education budget, which also did not pass.

The Governor will call a special session to deal with the education budget and other matters this summer.

The League wishes to thank the following persons for sponsoring League bills this session: Representatives Bill Dukes, Ron Johnson, Mike Ball, Rod Scott, Marcel Black, Steve McMillan, Cam Ward, and Warren Beck, and Senators Zeb Little, Harri Ann Smith, Jabo Waggoner, Parker Griffith, Linda Coleman, Ted Little, Wendell Mitchell and Larry Means.

Status of Dangerous Legislation

There were a number of bills introduced this session that would have had a negative impact on municipalities had they received final passage. Bills in this category that died this session included legislation to severely restrict municipal regulation of cell towers, to require municipalities to collectively bargain with their public safety employees, to grant tax exemptions to certain entities, to propose an initiative procedure for city ordinances, to establish a meet and confer law for police officers, to require state approval of building code amendments, to make it permissive to take municipal sales taxes off of groceries, to prohibit a city from requiring a landlord to pay utility bills of tenants when the tenant has moved away, and to weaken municipal control of billboards.

General Bills of Interest to Municipalities that Passed

Alabama Juvenile Justice Act (HB28, Act 2008-277): Relating to juvenile court proceedings; to revise and reorganize and repeal parts of Chapter 15 of Title 12, of the Code of Alabama 1975, the Alabama Juvenile Justice Act, to provide for the jurisdiction, procedures, and operation of the juvenile courts in this state and the juvenile justice system; to provide for general provisions and definitions; to provide for delinquency and children in need of supervision proceedings; to provide for dependency and termination of parental rights proceedings; to provide for the involuntary commitment of children; to provide for multiple needs children; to provide for appeals; to specify certain criminal penalties

Alternative and Renewable Energy Act of 2008 (HB234, Act 2008-275): To enact the Alternative and Renewable Energy Act of 2008; to amend and renumber Sections 40-17-100, 40-17-101, 40-17-102, 40-17-103, 40-17-104, 40-17-105, 40-17-106, 40-17-107, and 40-17-108, and to amend Sections 40-9B-3, 40-9B-4, 40-18-1, 40-18-190, and 40-18-194, Code of Alabama 1975, to make legislative findings and define terms; to provide requirements relating to the Alabama Public Service Commission's approval of utility programs for the purchase of electricity from distributed generation facilities; to provide similar rules for the governing boards of certain other electric service suppliers; to provide for tax credits and abatements for various energy-related expenditures; to provide for the review by the Department of Revenue of payroll filings and withholdings for wages paid to certain construction workers; and to provide effective dates.

License Fee on Real Estate Signs Prohibited (HB296, Act 2008-383): To add Section 34-27-30.2 to the Code of Alabama 1975, to prohibit a municipality or political subdivision from imposing a license fee on signs advertising real property for sale by realtors.

General Fund Budget (HB328, Act 2008-466): 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, 2009.

Statewide Program for Solid Waste Management (HB395, Act 2008-151): To establish a statewide program for solid waste management to be coordinated by the Department of Environmental Management; to amend Sections 22-27-1, 22-27-2, 22-27-4, and 22-27-47, Code of Alabama 1975, and to add Sections 22-27-9, 22-27-10, 22-27-11, 22-27-12, 22-27-13, 22-27-14, 22-27-15, 22-27-16, 22-27-17, 22-27-18 and 22-27-19 to the Code of Alabama 1975, relating to solid waste management; to specify certain duties of the Alabama Department of Environmental Management as the primary agency regulating solid waste management facilities and the Department of Health as the primary agency for the collection and transportation of solid waste; to provide for local programs of solid waste and recyclable materials management and to control unauthorized dumping; to establish a trust fund to pay the cost of investigation, required cleanup, and closure of unauthorized dumps; to authorize fees for disposal of solid waste within the state the proceeds of which shall be used to adequately fund the solid waste management program of the Alabama Department of Environmental Management; to establish a trust fund to provide for a grant program for local governments to develop, implement, and enhance recycling

and waste minimization efforts; to establish minimum standards for solid waste reduction, minimization, and recycling; to provide for penalties and other enforcement remedies for violations; to provide confidentiality for certain information; and to clarify requirements of local approval.

Unemployment Compensation Benefits – Increase (HB427, Act 2008-500): To amend Section 25-4-72, Code of Alabama 1975, relating to unemployment compensation weekly benefits, to increase the maximum unemployment benefits by \$20 per week for benefit years which begin on or after July 6, 2008; and to increase the maximum unemployment benefits by an additional \$10 per week for benefit years which begin on or after July 5, 2009, and provide for the funding for the administration of the unemployment compensation statutes and public employment offices.

Competitive Bid Law Amendments (HB442, Act 2008-379): To amend Sections 41-16-50, 41-16-54, 41-16-55, and 41-16-57, Code of Alabama 1975, relating to competitive bidding on contracts of certain state and local agencies; to increase the minimum amount of contracts subject to competitive bid from \$7,500 to \$15,000; to include city and county boards of education in the list of awarding authorities that may establish local preference zones; to change from mandatory to permissive the furnishing of a bid bond by a bidder; to exempt from competitive bidding requirements purchases made by city and county boards of education under certain joint purchasing agreements; to authorize an awarding authority to make purchases or contracts through a reverse auction procedure; to provide for the award of the remainder of an award period to the second lowest responsible bidder in the event of the default of the lowest responsible bidder; and to specify that the lowest responsible bid may be the bid offering the lowest life cycle costs.

Retired County and Municipal Employees – Post-Employment Benefits Act (HB481, Act 2008-503): To authorize any and all political subdivisions of the state, any departments, agencies, boards, commissions, or authorities of any such political subdivisions, or any public corporations, authorities, agencies, instrumentalities, boards, commissions, state colleges, universities, or other governmental entities controlled or otherwise associated with any such political subdivisions thereof permissively to create, individually or jointly with other governmental entities, an irrevocable trust or trusts or any other fund exclusively for the purposes of holding, investing, and distributing assets to be used for certain post-employment benefits; to provide for definitions; to provide for the proper funding and allowable investments of the trusts; and to provide for other related matters.

Motor Vehicle Liability Insurance – Limits Increased (SB4, Act 2008-393): To amend Sections 32-7-2, 32-7-6, 32-7-16, and 32-7-22, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act and providing for certain insurance or financial responsibility on recovery for death, bodily injury, and loss of services and property; to increase certain proof of financial responsibility.

Death Benefits for Peace Officers and Firefighters (SB239, Act 2008-480): Relating to death benefits for peace officers and firefighters; to amend Sections 36-30-1, 36-30-2, 36-30-3, 36-30-4, and 36-30-5, Code of Alabama 1975, so as to provide that a peace officer or a firefighter may

designate the beneficiary or beneficiaries who will receive the death benefits payable if that peace officer or firefighter is killed in the performance of his or her duties; to provide that death benefits shall be paid to the next surviving class of individuals in a specified order; to require that the compensation amounts provided be adjusted for inflation; to extend the time period that certain claimants affected by this act may present claims to the awarding authority; and to provide that this act is effective retroactively to January 1, 2006.

Coastal Insurance (SB296, Act 2008-392): To codify the insurance plan known as the Alabama Insurance Underwriting Association along with its articles of agreement, plan of operation, and rules and procedures effective January 1, 2008.

Incorporation Validation (SB477, Act 2008-481): To amend Section 11-41-8 of the Code of Alabama 1975, as last amended by Act 2007-385, to further provide for the incorporation of certain municipalities incorporated under certain conditions and any extension of the corporate limits related thereto.

Class 3 Municipalities – Tax Increment Districts (SB556, Act 2008-482): Relating to Class 3 municipalities; to amend Section 11-99-4, Code of Alabama 1975, as amended by Act 2007-204, to increase the percent of total value of equalized taxable property for all tax increment districts created by the municipal governing body.

Proposed Constitutional Amendments

HB255, Act 2008-283 – Etowah County elected officials authorized to participate in ERS

HB337, Act 2008-285 – Blount County municipalities – annexation across county lines

HB380, Act 2008-84 – Mobile County procedure for handling dangerous dogs in unincorporated areas

HB479, Act 2008-288 – Russell County court costs

HB497, Act 2008-124 – Coffee County Sheriff authorized to participate in ERS

HB528, Act 2008-287 – Phenix City Water System

HB559, Act 2008-286 – St. Clair County Elected Officials authorized to participate in ERS

HB695, Act 2008-290 – Geneva County court costs and document service fee

HB761, Act 2008-291 – Marshall County elected officials and sheriff authorized to participate in ERS

HB778, Act 2008-452 – Baldwin County Commission regulation of county owned property

HB830, Act 2008-292 – Conecuh County ad valorem taxes

HB875, Act 2008-293 – Tuskegee Utility Board

HB882, Act 2008-295 – Baldwin County Board of Equalization

HB885, Act 2008-294 – Winston County local laws

Local Bills

HB4, Act 2008-83 – DeKalb County Community Development Commission and Fund

HB88, Act 2008-85 – Class 2 Municipality (Mobile) Water and Sewer Board

HB184, Act 2008-75 – Colbert County Community Development Commission and Fund

HB200, Act 2008-400 – Mountain Brook civil action for ordinance enforcement

HB218, Act 2008-86 – Morgan County Coroner compensation and ERS Participation Allowed
HB249, Act 2008-40 – Fort McClellan Joint Powers Authority – Open Meetings
HB259, Act 2008-126 – Mobile County election official’s compensation
HB270, Act 2008-401 – Shelby County traffic laws in gated communities
HB271, Act 2008-284 – Shelby County traffic laws in gated communities
HB307, Act 2008-74 – Franklin County Community Development Commission and Fund
HB341, Act 2008-407 – Class 1 cities – Mayor and Council Salaries
HB352, Act 2008-463 – Macon County Economic Development Authority
HB362, Act 2008-125 – Lauderdale County Community Development Commission and Fund
HB381, Act 2008-127 – Mobile County dangerous dogs or nuisance dogs
HB382, Act 2008-403 – Shelby County Coroner compensation
HB400, Act 2008-404 – Calera warrant recall fee
HB401, Act 2008-405 – Shelby County Board of Equalization
HB449, Act 2008-406 – Jefferson County Health Department employee retirement COLA
HB479, Act 2008-288 – Russell County Court Costs
HB492, Act 2008-408 – Jefferson County Personnel Board
HB498, Act 2008-87 – Coffee County court costs
HB499, Act 2008-88 – Coffee County Coroner Office consolidated
HB505, Act 2008-410 – Limestone County Sheriffs Driving Education Seminar
HB536, Act 2008-414 – Limestone County Fire Protection Fee
HB548, Act 2008-244 – Camp Hill – Sunday Sale of Alcoholic Beverages authorized
HB568, Act 2008-89 – Baldwin County Board of Equalization compensation
HB611, Act 2008-409 – Lee County Planning Commission
HB615, Act 2008-411 – Russell County abandoned or unsafe manufactured dwellings
HB632, Act 2008-413 – Russell County Commission vacancies
HB634, Act 2008-415 – Russell County Commission business license fees
HB637, Act 2008-505 – Marshall County court costs
HB660, Act 2008-416 – Class 1 cities – Municipal polling places same as for general elections
HB673, Act 2008-418 – Montgomery County employees authorized to participate in ERS
HB681, Act 2008-289 – Blount County motor vehicle license tags
HB688, Act 2008-455 – Escambia County Commission – bid laws
HB689, Act 2008-454 – Escambia County solicitor’s fee
HB705, Act 2008-485 – Russell County Commission blanket bond on commissioners
HB719, Act 2008-456 – Morgan County TVA payments in-lieu-of taxes
HB721, Act 2008-421 – Marshall County court venue countywide
HB728, Act 2008-422 – Newton sale of draft or keg beer
HB729, Act 2008-423 – Ozark sale of draft or keg beer
HB731, Act 2008-424 – Blount County Coroner expenses and insurance
HB741, Act 2008-425 – Choctaw County sales and use tax
HB760, Act 2008-457 – Calhoun County solicitor’s fee
HB764, Act 2008-426 – Mobile County Sheriff compensation
HB777, Act 2008-427 – Lawrence County Constable office abolished
HB820, Act 2008-431 – Pickens County Sheriff contracts to keep inmates of another county
HB832, Act 2008-441 – Lee County Probate Judge, Revenue Commissioner, County Commissioner expense allowance

HB835, Act 2008-434 – Lee County Sheriff compensation
HB839, Act 2008-435 – Clay County Commission relieved from repayment of special revenue funds from general fund
HB841, Act 2008-436 – Chilton County Revenue Commissioner office established
HB842, Act 2008-437 – Washington County sales and use taxes
HB855, Act 2008-438 – Fayette County Sheriff expense allowance and salary
HB864, Act 2008-444 – Barbour County voting centers
HB865, Act 2008-445 – Bibb County sales and use taxes
HB867, Act 2008-459 – Russell County solicitor’s fee
HB874, Act 2008-440 – Baldwin County court costs
HB877, Act 2008-458 – Franklin County lodgings tax
HB879, Act 2008-447 – Hale County ad valorem tax
HB887, Act 2008-448 – Fayette County Coroner salary and expense allowance
HB893, Act 2008-449 – Baldwin County – municipalities to notify Sheriff if cease to enforce laws within police jurisdiction
HB894, Act 2008-486 – Baldwin County impact fees
HB895, Act 2008-487 – Baldwin County Sheriff compensation
HB901, Act 2008-488 – Wilcox County Tax Assessor and Tax Collector expense allowance and salary
HB902, Act 2008-489 – Wilcox County Probate Judge expense allowance and salary
HB906, Act 2008-490 – Clarke County solicitors fee
HB907, Act 2008-491 – Washington County solicitors fee
HB914, Act 2008-494 – Talladega County lodgings tax
HB920, Act 2008-496 – Enterprise ad valorem taxes
HB927, Act 2008-498 – Selma Board of Education
SB89, Act 2008-82 – 19th Judicial Circuit (Autauga, Elmore, Chilton Counties) Circuit Judge residency requirement
SB189, Act 2008-76 – Limestone County – Water usage regulation outside corporate limits of municipality authorized
SB197, Act 2008-35 – Limestone County Coroner and Assistant Coroner compensation and expense allowances
SB198, Act 2008-36 – Limestone County Community Corrections Program
SB213, Act 2008-174 – Morgan County Sales Tax
SB253, Act 2008-176 – DeKalb County Voting Centers
SB288, Act 2008-154 – Lawrence County Coroner expense allowance
SB343, Act 2008-243 – Mobile Regional Senior Community Center Foundation, Inc. exempted from county and municipal sales and use tax
SB393, Act 2008-123 – Fee authorized for Limestone County Volunteer Fire Protection services outside Athens
SB394, Act 2008-95 – Limestone County TVA payments in-lieu-of-taxes
SB432, Act 2008-153 – Limestone County Sheriff expense allowance
SB436, Act 2008-256 – Smiths Station exempt from county sales and use tax levied by Act 2007-399
SB437, Act 2008-257 – Lee County Planning Commission
SB553, Act 2008-152 – Cullman County Coroner salary and expenses

Annexation Bills

HB198, Act 2008-37 – McMullen
HB199, Act 2008-38 – Aliceville
HB662, Act 2008-417 – Gaylesville
HB779, Act 2008-428 – Foley
HB780, Act 2008-429 – Bay Minette
HB781, Act 2008-430 – Bay Minette
HB821, Act 2008-432 – Aliceville
HB860, Act 2008-442 – Killen
HB861, Act 2008-443 – Elberta
HB872, Act 2008-439 – Crossville
HB910, Act 2008-492 – Citronelle
HB911, Act 2008-493 – Citronelle
HB924, Act 2008-497 – Lincoln
HB939, Act 2008-499 – Orange Beach