



Alabama League of Municipalities

Legislative Bulletin

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Legislature on Spring Break

The Legislature has used 20 of the 30 legislative days authorized by the Alabama Constitution for a regular session. The Legislature is on its Spring Break and will return to Montgomery on March 23. The Regular Session must be completed by April 26.

Action on League Bills

The House has passed **HB157** by Rep. Marcel Black. This League bill proposes to amend Section 11-42-5 of the Code of Alabama 1975, to validate and ratify under certain conditions any municipal annexation by any municipality prior to the effective date of this act notwithstanding any procedural defect by the municipality.

The House has also passed **HB527** by Rep. Jack Page. This League bill would provide that certain municipal officials who miss all council or commission meetings under certain conditions would be removed from office by operation of law; to provide for a record of attendance by municipal officials at council or commission meetings even where a quorum is not present; and to provide for an exception for military service as well as reinstatement based on extenuating circumstances as approved by a majority vote of the council or commission.

These bills await further action in the Senate.

Other Action this Week

Both houses have passed different versions of the following bill: **HB283** (to amend Section 11-90-2 of the Code of Alabama 1975, relating to public library boards, to provide for additional members and the terms of the members). The bill awaits Senate concurrence in the House amendment.

Both houses have passed the following bills and sent them to the Governor for his signature: **HB109** (relating to certain tax incentives for certain economic development qualifying projects; to further provide for the base wage requirements of certain qualifying projects under certain

conditions); **HB128** (relating to the development of an integrated and comprehensive state policy on energy for Alabama; to create the Permanent Joint Legislative Committee on Energy Policy for the purpose of developing an ongoing state energy study and energy plan; to provide for the membership of the committee and the initial committee membership as organized pursuant to Act 2007-150, HJR 152, 2007 Regular Session; to provide specific duties of the committee relating to the formulation of the ongoing state energy plan; to provide for the hiring of a staff and the creation of the Legislative Energy Policy Office to supervise and administer the duties of the committee; to provide for the formation, duties, and reporting of advisory subcommittees; to provide for legislative assistance for the committee and reimbursement of committee and subcommittee meeting expenses; and to provide for specific goals and objectives of the committee and for the reporting of recommendations); **HB305** (to amend Section 23-1-5, Code of Alabama 1975, relating to the reimbursement to utilities of the costs of relocations of utility facilities pursuant to an order of the State Director of Transportation when the relocation of any utility facility is necessitated by the construction of any highway, road, or street, other than highways that are a part of the national system of interstate and defense highways; to further provide for the gross income of utilities eligible for reimbursement; The bill has been returned to the House for House concurrence in the senate amendment; and **SB292** (to amend Sections 16-25-21 and 36-27-24, Code of Alabama, 1975 to increase the maximum funding period for which the accrued liability contribution is calculated for the Teachers' Retirement System and the Employees' Retirement System from 20 years to 30 years).

The House has passed the following bills and sent them to the Senate for further consideration: **HB319** (relating to Class 7 municipalities; to authorize the city council of the municipality to adopt procedures for overgrown grass and weeds to be declared to be a public nuisance and to provide for the abatement of the nuisance); **HB437** (to amend Section 11-47-7.1 of the Code of Alabama 1975, authorizing municipalities to levy and assess additional court costs in the municipal courts for the operation and maintenance of the municipal jails and similar facilities or court complexes, to specify that the funds may be used for the purchase of

land and for the construction and equipment of the facilities; and to provide for retroactive effect); and **HB570** (to amend Sections 32-6-231 and 32-6-233.1 of the Code of Alabama 1975, relating to handicapped parking placards and parking space signs; to authorize the Commissioner of the Department of Revenue to require the removable windshield placard to have printed on it the driver's license number or a photograph of the person to whom the placard was issued; to make it optional to include the amount of the fine on a sign or attached to a sign designating a handicapped parking place; to authorize the use of bollards; and to allow municipalities to deputize trained persons under certain conditions).

The Senate has passed the following bills and sent them to the House for further consideration: **SB121** (to propose an amendment to the Constitution of Alabama of 1901, to provide for a ten year road and bridge construction program to be funded with appropriations from the Alabama Trust Fund and to provide for a transfer of funds to the County and Municipal Government Capital Improvement Fund) and **SB252** (relating to the development of an integrated and comprehensive state policy on energy for Alabama; to create the Permanent Joint Legislative Committee on Energy Policy for the purpose of developing an ongoing state energy study and energy plan; to provide for the membership of the committee and the initial committee membership as organized pursuant to Act 2007-150, HJR 152, 2007 Regular Session; to provide specific duties of the committee relating to the formulation of the ongoing state energy plan; to provide for the hiring of a staff and the creation of the Legislative Energy Policy Office to supervise and administer the duties of the committee; to provide for the formation, duties, and reporting of advisory subcommittees; to provide for legislative assistance for the committee and reimbursement of committee and subcommittee meeting expenses; and to provide for specific goals and objectives of the committee and for the reporting of recommendations).

House Committees approved the following bills this week and sent them to the House Floor for further action: **HB546** (to amend Section 36-30-2 of the Code of Alabama 1975, providing a death benefit for the dependents of a peace officer, fireman, or volunteer fireman as a result of injuries received in the line of duty, to delete the requirement that the death be within 10 years of the injury if the death results from the injury); **HB556** (to amend Section 11-52-33, Code of Alabama 1975, relating to municipal subdivision development; to provide that nothing in the section shall impair or limit a valid and enforceable contract for the purchase or sale of any lot in a proposed subdivision); **HB561** (relating to agriculture; to prohibit a county or municipal government from adopting any ordinance, rule, or resolution concerning the care and handling of livestock or animal husbandry practices on any private property and to reserve the entire subject of care,

handling, or animal husbandry to the Department of Agriculture and Industries and the State Board of Agriculture and Industries; to amend Section 2-4-1 of the Code of Alabama 1975, relating to the State Veterinarian, to further specify the enforcement by the state laws relating to livestock and the control of infectious disease in livestock; to amend Section 13A-11-14 of the Code of Alabama 1975, relating to cruelty to animals, to further provide for the penalties); **HB599** (to propose an amendment to the Constitution of Alabama of 1901, to prohibit the imposition of an occupational tax in Walker County); **HB633** (to amend Sections 36-30-20, 36-30-21, 36-30-22, and 36-30-23, Code of Alabama 1975, relating to the eligibility for death or disability benefits of certain municipal policemen and state law enforcement officers; to further provide for the definition of law enforcement officer to include any law enforcement officer in this state and to further define occupational disease); **HB654** (relating to municipal taxation; to amend Section 11-51-200, Code of Alabama 1975, relating to sales tax, and Section 11-51-202, Code of Alabama 1975, relating to excise or use tax; to authorize the levy of sales and use tax by the governing body of the municipality, in the settlement of a dispute with a municipality with overlapping police jurisdiction, with regard to boundaries or territory, at different rates in different areas within the corporate limits of the municipality and to provide for the sharing of sales and use tax revenues collected within any designated area within its corporate limits; and to amend Sections 11-102-1, 11-102-2, and 11-102-5, Code of Alabama 1975, to permit certain municipalities with overlapping police jurisdictions in the settlement of a dispute over boundary lines and territory to enter into a contract for the sharing of sales and use tax revenues levied within the designated area); **HB668** (to add Section 24-1-24.1 to the Code of Alabama 1975, relating to municipal housing authorities, to provide that one commissioner be a resident of public housing or a recipient of housing assistance); **SB15** (to propose an amendment to the Constitution of Alabama of 1901, to prohibit the imposition of an occupational tax in Cullman County); **SB61** (to enact the Alabama Family Farm Preservation Act, to provide that farm operations, if operated lawfully under certain conditions, may not be characterized as public or private nuisances or be determined to be in violation of a municipal or county ordinance); **SB102** (to amend Sections 34-1A-1 and 34-1A-4, Code of Alabama 1975, relating to the Alabama Electronic Security Board of Licensure; to provide further for definitions and for licensure based on classification of work performed); **SB194** (to establish the Alabama Public Interest Energy Research and Development Grants Program to provide funding for energy related public interest energy research and development; to create a new executive agency to be known as the Commission on Public Interest Energy Research and Development Grants which will have sole discretion to distribute appropriations by the Legislature and other funds allocated for public interest energy research and development grants; to establish the

Public Interest Energy Research and Development Grants Fund within the State Treasury; and to make a conditional appropriation from the State General Fund to the fund for the fiscal year ending September 30, 2010, and also for the fiscal year ending September 30, 2011); and **SB321** (to adopt and incorporate into the Code of Alabama 1975, those general and permanent laws of the state enacted during the 2009 Regular Session and Act 2009-814 of the 2009 First Special Session as contained in the 2009 Cumulative Supplement to certain volumes of the code and 2009 Replacement Volume 15A; to initially adopt and incorporate into the Code of Alabama 1975, 2009 Volume 22E (Local Laws Conecuh - Cullman Counties) and to adopt and incorporate into the Code of Alabama 1975, 2009 Cumulative Supplements to local law volumes; to make hierarchy, formatting, and internal reference corrections to subdivision (21) of subsection (a) of Section 19-3B-816, found on page 386 of 2007 Replacement Volume 14, relating to specific powers of trustees under the Alabama Uniform Trust Code; and to specify that this adoption and incorporation constitute a continuous systematic codification of the entire Code of Alabama 1975 and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any other 2009 Special Session statutes or 2010 session statutes; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements, replacement volumes, and initial volume).

Senate Committees approved the following bills this week and sent them to the Senate Floor for further action: **SB368** (to allow certain individuals who have or had been a contributing member of the Employees' Retirement System for 24 years to purchase credit in the system for one year of service); **SB412** (to amend Section 11-52-33, Code of Alabama 1975, relating to municipal subdivision development; to provide that nothing in the section shall impair or limit a valid and enforceable contract for the purchase or sale of any lot in a proposed subdivision); **SB451** (proposing an amendment to the Constitution of Alabama of 1901, relating to corporations; to amend Section 229, as amended by Amendment 27 of the Constitution of Alabama of 1901, now appearing as Section 229 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to the authority of the Legislature to pass general laws pertaining to corporations and other entities; to amend Section 240 of the Constitution of Alabama of 1901, now appearing as Section 240 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to the ability of corporations to sue and be sued like natural persons; and to repeal Sections 230, 231, 232 as amended by Amendment 473, 233, 234, 236, 237, 243, 244, 245, and 246 of the Constitution of Alabama of 1901, now appearing as Sections 230, 231, 232, 233, 234, 236, 237, 243, 244, 245, and 246,

respectively, of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to private corporations and railroads and canals); **SB458** (proposing an amendment to the Constitution of Alabama of 1901, to amend Section 247 now appearing as Section 247 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to the general power of the Legislature regarding banks and banking to include in that section existing provisions concerning unlimited duration, political subdivisions may not be stockholders or lend credit, and bank examination requirements; and to repeal the following Sections of Article XIII, relating to banks and banking: Section 248 of the Constitution of Alabama of 1901, now appearing as Section 248 of the Official Recompilation of the Constitution of Alabama of 1901, as amended; Section 249 of the Constitution of Alabama of 1901, now appearing as Section 249 of the Official Recompilation of the Constitution of Alabama of 1901, as amended; Section 251 of the Constitution of Alabama of 1901, as amended by Constitutional Amendment 51, now appearing as Section 251 of the Official Recompilation of the Constitution of Alabama of 1901, as amended; Section 252 of the Constitution Alabama of 1901, now appearing as Section 252 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to maximum rate of interest; Section 253 of the Constitution of Alabama of 1901, now appearing as Section 253 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to state and political subdivisions not to be stockholders in banks or lend credit thereto; and Section 254 of the Constitution of Alabama of 1901, now appearing as Section 254 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to examinations of banks by public officers and semiannual reports by banks); **SB463** (to amend Section 11-47-7.1 of the Code of Alabama 1975, authorizing municipalities to levy and assess additional court costs in the municipal courts for the operation and maintenance of the municipal jails and similar facilities or court complexes, to specify that the funds may be used for the purchase of land and for the construction and equipment of the facilities; and to provide for retroactive effect); **SB474** (relating to municipal taxation; to amend Section 11-51-200, Code of Alabama 1975, relating to sales tax, and Section 11-51-202, Code of Alabama 1975, relating to excise or use tax; to authorize the levy of sales and use tax by the governing body of the municipality, in the settlement of a dispute with a municipality with overlapping police jurisdiction, with regard to boundaries or territory, at different rates in different areas within the corporate limits of the municipality and to provide for the sharing of sales and use tax revenues collected within any designated area within its corporate limits; and to amend Sections 11-102-1, 11-102-2, and 11-102-5, Code of Alabama 1975, to permit certain municipalities with overlapping police jurisdictions in the settlement of a dispute over boundary lines and territory to

enter into a contract for the sharing of sales and use tax revenues levied within the designated area); **HB35** (relating to the operation of motor vehicles; to prohibit any person from operating a motor vehicle on a public street, road, or highway while also text messaging on a handheld cell phone or other handheld wireless telecommunication device or while manually operating a handheld global positioning system (GPS) device or similar navigation device; to provide penalties; to provide exceptions); **HB65** (to amend Sections 32-5-64, 32-6-7.2, and 32-6-8 of the Code of Alabama 1975, relating to 3-stage graduated driver's licenses or licensing criteria; to allow the licensed driver accompanying a student in any driver training program to be 21 years of age or older; to further provide for restrictions on driver's licenses for persons 16 or 17 years of age including restrictions on the use of certain communication devices; to provide for the age of the licensed driver occupying the seat next to a driver 16 years of age or older who has a State I learner's permit); **HB80** (to establish the Alabama Public Interest Energy Research and Development Grants Program to provide funding for energy related public interest energy research and development; to create a new executive agency to be known as the Commission on Public Interest Energy Research and Development Grants which will have sole discretion to distribute appropriations by the Legislature and other funds allocated for public interest energy research and development grants; to establish the Public Interest Energy Research and Development Grants Fund within the State Treasury; and to make a conditional appropriation from the State General Fund to the fund for the fiscal year ending September 30, 2010, and also for the fiscal year ending September 30, 2011); **HB180** (to amend Sections 11-50-15 and 11-50-313, Code of Alabama 1975, relating to boards of directors of municipal corporations providing water and sewer services, and to amend Section 11-88-6, Code of Alabama 1975, relating to boards of directors of municipal and county water, sewer, and fire protection authorities, to provide further for the compensation of members and chairs of such boards, with certain exceptions); **HB187** (to amend Section 37-15-5 of the Code of Alabama 1975, relating to the "One-Call Notification System" established for the purpose of receiving notifications by persons conducting excavations or demolitions on or near certain property where underground facilities may be located, to provide that underground facility operators who elect to conduct an in-house program to receive notifications in lieu of participating in the one-call notification system would be responsible under certain conditions for damages to its underground facilities); **HB262** (to amend Section 32-6-272, Code of Alabama 1975, relating to the issuance of distinctive motor vehicle license plates, to require the Alabama Forestry Commission and the Firefighters' Personnel Standards and Education Commission to prepare lists of persons eligible for distinctive motor vehicle license plates; and to provide for the receipt of a free license plate for a widow or widower of a volunteer firefighter, or any

firefighter who dies in the line of duty); and **HB533** (to amend Section 40-6-3, Code of Alabama 1975, relating to the compensation of certain supernumerary officials, to provide further for the salary of supernumerary ad valorem taxing officials).

Bills of Interest to Municipalities Introduced This Week

These bills affecting municipal government have been introduced since the beginning of the session. The current status of each bill is found following the description. **LEAGUE BILLS ARE LISTED IN BOLD PRINT.** For more information on any bill, go to the State Legislature's web site at:

<http://alisdb.legislature.state.al.us/acas/ACASLogin.asp>

House Bills

Homestead Exemption – HB696 by Rep. Gordon: To amend Section 6-10-2 of the Code of Alabama 1975, relating to homestead exemption, to increase the homestead exemption for protection against confiscation of a homestead for debts to \$150,000 for a married couple and \$75,000 for an individual. COMMITTEE ON GOVERNMENT APPROPRIATIONS

Class 1, 2 and 3 Cities – Entertainment District – HB704 by Rep. Buskey: To create and establish an entertainment district retail liquor license available in any Class 1, Class 2, or Class 3 municipality to be issued by the Alabama Alcoholic Beverage Control Board permitting and regulating the sale and consumption of alcoholic beverages within entertainment districts established by the municipalities; to authorize the governing body of the municipality to establish entertainment districts with restrictions as to number and size; and to amend Section 28-3A-21 of the Code of Alabama 1975, relating to fees issued by the board; to provide a license fee for the entertainment district retail liquor license. COMMITTEE ON TOURISM AND TRAVEL

Mandatory Ethics Training for Public Officials, Employees and Lobbyists – HB717 by Rep. DeMarco: To provide for mandatory ethics training for public officials, public employees, and lobbyists. COMMITTEE ON GOVERNMENT OPERATIONS

Alabama Clean Indoor Air Act – HB720 by Rep. Newton (D): To amend Sections 22-15A-3, 22-15A-5, and 22-15A-6, Code of Alabama 1975, relating to the Alabama Clean Indoor Air Act, to prohibit smoking in restaurants in Alabama. COMMITTEE ON GOVERNMENT OPERATIONS

Senate Bills

CA – Bingo – SB515 by Sen. Ross: To amend the Constitution of Alabama of 1901, to authorize electronic bingo, to levy taxes on electronic bingo operations and to provide for the creation of the Alabama Gaming Commission to regulate and license the conduct of electronic bingo. COMMITTEE ON TOURISM AND MARKETING

Gold or Precious Item Buying Business Permits – SB530 by Sen. Marsh: To provide for permit requirements and record keeping that would prevent the transient operation of a gold or precious item buying business; to provide that a violation of this act is a Class B misdemeanor. COMMITTEE ON GOVERNMENTAL AFFAIRS

Employment of Unauthorized Aliens – SB539 by Sen. Sanford: Relating to the employment of unauthorized aliens; to make it unlawful for a business entity or public employer to hire an unauthorized alien; to require the Department of Industrial Relations to use E-Verify to determine the employment eligibility of every employee in this state; to require the department to report to the United States Immigration and Customs Enforcement agency under certain conditions; and to provide penalties. COMMITTEE ON ECONOMIC EXPANSION AND TRADE

Alabama Clean Indoor Air Act – SB541 by Sen. Figures: To amend Sections 22-15A-3, 22-15A-5, and 22-15A-6, Code of Alabama 1975, relating to the Alabama Clean Indoor Air Act, to prohibit smoking in restaurants in Alabama. COMMITTEE ON EDUCATION

ACJIC Background Checks – SB543 by Sen. Figures: To amend Sections 41-9-590, 41-9-591, 41-9-592, 41-9-594, 41-9-595, 41-9-596, 41-9-597, 41-9-600, 41-9-601, 41-9-621 to 41-9-623, inclusive, and 41-9-630, Code of Alabama 1975; to further provide for the operation, powers, and duties of the Alabama Criminal Justice Information Center Commission and the Alabama Criminal Justice Information Center; to further provide for crimes and penalties related to violations; to authorize any licensing agency to conduct a background check; to authorize the interstate exchange of criminal history information and to ratify the National Crime Prevention and Privacy Compact. COMMITTEE ON GOVERNMENTAL AFFAIRS