



# Alabama League of Municipalities

## *Legislative Bulletin*

No. 2010-13

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April 14, 2010

### Two Days Remaining in 2010 Regular Session

There are only two legislative days remaining in the 2010 Regular Session. The final days of the session will be Wednesday (**April 21**), and Thursday (**April 22**).

### Action on League Bills This Week

Both houses have passed **SB101** by Sen. Zeb Little. 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. This bill awaits further action by the Governor.

Both houses have also passed **SB395** by Sen. Hari Ann Smith. 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. This bill awaits further action by the Governor.

The Senate has passed **HB161** by Rep. Hinshaw. This League bill relates to municipal elections; to amend Sections 11-46-25, 11-46-27, 11-46-39, 11-46-44, 11-46-45, 11-46-46, 11-46-50, 11-46-55.1, 11-46-55, 11-46-57, 11-46-58, and 11-46-67, Code of Alabama 1975, to further provide for the affidavit relating to the statement of candidacy by candidates for municipal office; to further provide for the appointment of election officers; to delete the provisions relating to the voting of challenged ballots and certain offenses related to thereto; to provide for the voting of provisional ballots of a person's name is not on the voter list used at an election; to further provide for recount procedures; to provide for the canvassing of returns; to provide that the town or city clerk would perform duties relating to absentee ballots and to delete references to

registers; to amend Sections 17-7-25, 17-11-14, and 17-11-15, Code of Alabama 1975, relating to elections, to provide that procedures relating to electronic vote counting systems would apply to municipal elections if practicable and to delete certain references to municipal elections held separate from primary or general elections. The bill awaits House concurrence with a Senate amendment.

The House has passed **HB382**. This League bill would amend Section 41-16-51, Code of Alabama 1975, as amended by Act No. 2009-760, 2009 Regular Session, (Acts 2009, p. 2249), relating to the Competitive Bid Law, to allow local governments to purchase goods and services through vendors with a current and valid contract with the Government Services Administration without further competitive bidding. The bill awaits further action in the Senate. The House County and Municipal Government Committee approved **SB192** which is identical to **HB382**. This bill awaits further action by the House. **Municipal officials should contact their Representatives and Senators and urge them to pass HB382 or SB192 next week.**

### Other Action this Week

**Both houses have passed the following bills and sent them to the Governor for his signature:** **HB290** (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, 2011); **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); **SB25** (to amend Section 36-30-5, Code of Alabama 1975, relating to claims

for the death of a peace officer or firefighter, to extend the time limit for presentment of the claim to within two years of the death of the peace officer or firefighter and would provide for retroactive effect); **SB91** (to amend Section 31-2-13, Code of Alabama 1975, to grant a military leave of absence for members of the civilian auxiliary of the United States Air Force known as the Civil Air Patrol); **SB98** (to amend Sections 28-1-3.1, 28-3-1, 28-3-53.2, 28-3-187.1, 28-3A-8, and 28-7-16, Code of Alabama 1975, and to repeal Section 28-7-2, Code of Alabama 1975, relating to the sale of fortified wine, to allow fortified wine to be sold by any licensee of the Alcoholic Beverage Control Board; to levy a tax on fortified wine; and to provide for the distribution of the tax); **SB232** (relating to coroners; to provide that the coroner would store and transport bodies for the purpose of autopsies or any other post-mortem examination under certain circumstances; and to provide reimbursement of the expenses incurred for the storage and transfer); **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); and **SB363** (relating to the council-manager form of government, to amend Sections 11-43A-16, 11-43A-18, and 11-43A-32, Code of Alabama 1975; to add Section 11-43A-3.3 to the Code of Alabama 1975; to provide an alternate method for adopting a council-manager form of government in certain Class 7 municipalities; to provide for a five-member council with a mayor and four council members elected at large; to provide that the governing body of certain Class 7 municipalities, by resolution and without petition, could call for an election on the adoption of a council-manager form of government using the alternate method; to provide a limited period of time in which the alternate method may be used; and to provide when the change to the alternate method would be effective).

**The following bills have passed both houses in different forms:** **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). The bill awaits action by a Conference Committee.

**SB232** (relating to coroners; to provide that the coroner would store and transport bodies for the purpose of autopsies or any other post-mortem examination under certain circumstances; and to provide reimbursement of the expenses incurred for the storage and transfer). This bill awaits Senate concurrence with the House amendments to the bill.

**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). This bill awaits House concurrence with the Senate amendments.

**The House has passed the following bills and sent them to the Senate for further consideration:** **HB333** (to amend Section 17-4-33, Code of Alabama 1975, relating to the computerized statewide voter registration list, to provide for the omission of the residential address of any registered voter who is a victim of domestic violence or who is the custodian of a minor victim of domestic violence upon written affidavit of the registered voter); **HB447** (relating to fire protection and fire protection sprinkler systems; to allow the State Fire Marshal to issue permits to certified potable water single family dwelling fire protection sprinkler contractors; and for such purposes, to amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, and 34-33-5, Code of Alabama 1975); and **HB763** (to propose an amendment to the Constitution of Alabama of 1901, to prohibit the imposition of a municipal business license tax in Calhoun County on the rental of residential real estate based on a per unit basis).

**The Senate has passed the following bills and sent them to the House for further consideration:** **SB75** (to prohibit any person or other entity from imposing an accident response service fee on or from an insurance company, the driver or owner of a motor vehicle, or any other person or entity); **SB83** (to prohibit a county or municipal government from adopting any ordinance, rule, or resolution pertaining to the subject of fertilizers; and to reserve the entire subject

of fertilizers to the Department of Agriculture and Industries); and **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).

**House Committees approved the following bills this week and sent them to the House Floor for further action:**

**HB36** (to amend Section 22-27-48, Code of Alabama 1975, relating to local governing body review of a proposal related to solid waste disposal management plans; to require a local governing body to affirmatively approve a proposal or an application for a new facility within 180 days, or the proposal or application would be deemed denied); **HB116** (to propose an amendment to Amendment 93, as amended by Amendment 354, to the Constitution of Alabama of 1901; now appearing as Section 111.06 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to authorize the expenditure of certain motor vehicle related fees and taxes levied by the state for public transportation); **HB215** (to propose an amendment to the Constitution of Alabama of 1901, to prohibit the imposition of an occupational tax by a county or a municipality after January 1, 2010); **HB619** (to amend Section 11-80-10 of the Code of Alabama 1975, relating to the licensing and regulation of junkyards by counties and municipalities outside of the corporate limits of municipalities; to require a public forum and joint resolution before licensing a junkyard in the police jurisdiction of a municipality; and to provide for a county to regulate junkyards in the police jurisdiction of the municipality after licensure); **SB266** (relating to fire protection and fire protection sprinkler systems; to allow the State Fire Marshal to issue permits to certified potable water single family dwelling fire protection sprinkler contractors; and for such purposes, to amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, and 34-33-5, Code of Alabama 1975); **SB270** (relating to the issuance of a complaint and summons or notice to appear in court for persons arrested for misdemeanor non-traffic violations; to provide for the use of an electronic uniform non-traffic citation and complaint (eUNTCC), as an alternative method for issuing tickets; to provide for a notice to appear in court similar to the e-tickets used for traffic offenses); **SB286** (to amend Section 13A-6-21 of the Code of Alabama 1975, providing the crime of assault in the second degree, to further provide when a peace officer employed by a private entity is a peace officer performing a lawful duty for the purpose of certain assaults); **SB299** (to create the Alabama Firefighters Annuity and Benefit Fund for paid and volunteer firefighters; to provide for a board of commissioners to administer the act and the fund created by the act; to provide that assets in the fund shall be invested and reinvested by the Employees' Retirement System (ERS) of Alabama for a reasonable fee in accordance with ERS administrative policies; to provide for qualified

service, the process for applying for and receiving benefits, refunds for members who leave the fund, disability and death benefits, annual audits and reports of the fund, and administrative duties of the board); **SB328** (to amend Chapter 4A of Title 28, Sections 28-4A-1 to 28-4A-6, inclusive, Code of Alabama 1975, known as the Alabama Brewpub Act, to eliminate the distinction between beer manufacturer and brewpub, to allow all beer manufacturers to sell alcohol on-premises); **SB380** (to amend the Constitution of Alabama of 1901, to authorize the conduct of bingo and operation of bingo games in the state, to authorize the levy of taxes and license fees on bingo games, to create a State Gaming Commission for the regulation of bingo games and to provide for an Extraordinary Legislative Session to be held for the implementation of the provisions of this amendment); **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); **SB530** (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); and **SB541** (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).

**Senate Committees approved the following bills this week and sent them to the Senate 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); **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); and **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).

### **Bills of Interest to Municipalities Introduced This Week**

There were no bills of statewide interest affecting cities introduced this week. For more information on any bill, go to the State Legislature's web site at:

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