

Final Report on the 2001 Regular Session

The Alabama Legislature adjourned sine die at midnight on Monday, May 21, 2001. Many important bills, including both budgets were passed during the session.

During the session, a total of 1586 bills were introduced of which 302 received final passage. By comparison, in 2000, a total of 1571 bills were introduced and 539 were passed. Many of the bills receiving final passage were appropriation bills or local bills affecting a single county or municipality. Over 40 local bills died on the 29th day because they did not get a second reading in the Senate.

The League commends Lt. Gov. Steve Windom, Speaker Seth Hammett, Senate President Pro Tem Lowell Barron, House Speaker Pro Tem Demetrius Newton and the other House and Senate leaders for their leadership during this session.

Final Status of the League Legislative Package

Even though five League bills were in a position to pass on the final day of the session, none of these bills passed. The House and Senate spent most of the last day debating and very little time passing legislation. Only one proposal in the League's Legislative Package was approved this session:

Appropriation of Matching Funds to Alabama Water Pollution Control Authority (HB 325, Act 2001-521). The general fund budget contained an appropriation of \$ 725,335 to be used to match federal dollars for the state revolving fund for wastewater treatment.

The League wishes to thank the following persons for sponsoring League bills this session: Senators Larry Means, Hap Myers, Phil Poole, Charles Langford, Larry Dixon and Bobby Denton and Representatives Steve Clouse, Nelson Starkey, Jack Venable, Steve McMillan, Marcel Black, Bill Dukes and Steve Hurst.

Most of the proposals in the League's 2001 Legislative Package will be brought back in future sessions.

Status of Dangerous Legislation

Many bills considered during the 2001 Regular Session were adverse to the interests of municipal government. The League was successful in defeating these proposals. Among those defeated were bills to require collective bargaining between Etowah County governments and their employees; to require Alabama's Department of Revenue to enter into the Streamlined Sales & Use Tax Agreement with other states; to require certain cities to pay certain disabled firefighters benefits at a rate of 66 2/3rds of their regular pay at the time of injury; and to require municipalities to prove by a preponderance of the evidence that certain firefighter occupational diseases were not work-related.

General Bills Passed

Alabama Brownfield (SB 5 by Sen. Smitherman, Act 2001-635). This bill establishes the Alabama Brownfield Voluntary Redevelopment Act. The bill will foster the voluntary redevelopment and use of abandoned, idled, or underused real property at which the redevelopment and reuse is complicated by environmental contamination. The voluntary redevelopment program will be administered by the Alabama Department of Environmental Management by the issuance of either a consent order or a certificate of no action needed. The department will be authorized to adopt rules relating to applications, consent orders, notice and public participation opportunities, brownfield remediation plans, and no action necessary certificates.

Class 6 Cities - Contracts for Law Enforcement Services (SB 35 by Sen. Waggoner, Act 2001-693). This bill will allow the governing body of a Class 6 municipality to enter into contracts in its governmental capacity, which provide for its police department to provide law enforcement services beyond the corporate limits of the municipality, but within the police jurisdiction of the municipality.

Bid Law - Resident Contractor Preference (SB 63 by Sen. Means, Act 2001-637). Under existing law, certain public contracts are awarded subject to competitive bid laws. This bill will provide a preference in bidding to resident contractors based upon any preferences nonresident contractors enjoy in their home states.

UC Amendments (SB 87 by Sen. Dial, Act 2001-694). Under current law, National Guard drill pay is considered income and is deductible from weekly unemployment compensation benefits. This bill will exclude income received from National Guard drill duty and such income would not be deductible from weekly unemployment compensation benefits. Under existing law, an employer who is delinquent in the payment of unemployment compensation contributions may, under certain circumstances, be assigned a penalty tax rate equal to the maximum tax rate for that year. This bill will repeal the penalty tax rate. Under current law, dismissal or severance pay is deducted from weekly payments of unemployment compensation benefits. This bill will eliminate the deduction of dismissal or severance pay from unemployment compensation benefits.

Alabama Administrative Monthly Subscription (SB 154 by Sen. Clay, Act 2001-306). Under existing law, counties and municipalities may upon request obtain a free subscription to the Alabama Administrative Monthly from the Legislative Reference Service. This bill will delete this provision.

Code Update (SB 159 by Sen. Mitchell, Act 2001-344). This bill will adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1999 Regular Session as originally contained in the 1999 Cumulative Supplement to certain volumes of the Code and carried forward to the 2000 cumulative supplement and replacement volume and in the 1999 Replacement Volumes 3, 7A, and 17A. This bill will also adopt and incorporate into the Code of Alabama 1975, those general and permanent laws of the state enacted during the 1999 Second Special Session and the 2000 Regular Session as contained in the 2000 Cumulative Supplement to certain volumes of the code and in the 2000 Replacement Volumes 15 and 22. This bill will also make corrections in replacement volumes and volumes of the cumulative supplement. This bill will specify that this adoption and incorporation constitutes a continuous systematic codification of the

entire Code of Alabama 1975, and does expressly provide that this act does not affect 2001 session statutes. This bill would also specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes. This bill also specifies that any provision of the Code of Alabama 1975, containing a preprinted form containing language which indicates the year of application or execution as "19__" would mean either a year beginning in 19 or 2 as appropriate. The bill also authorizes the Code Commissioner to implement editorial changes to such language to conform the form to the applicable date.

Lease Tax (SB 383 by Sen. Callahan, Act 2001-636). Under existing law, leases of tangible personal property are subject to a privilege or license tax upon the lessor. This bill clarifies that such state or local privilege or license taxes may be passed on to the lessee and added to the leasing price or otherwise. The gross proceeds of the lease, including any amounts passed on to the lessee, are subject to the privilege or license tax.

Class 4 Cities – Pistols & Badges (SB 464 by Sen. Steele, Act 2001-414). This bill provides that a sworn police officer of a municipal police department in a Class 4 city may receive, after a period of 10 years or more of service, without cost, a retired badge or his or her service pistol, or both.

Employee Savings Plans (SB 496 by Sen. Bedford, Act 2001-704). To provide for Employees Savings Plans for state and local officers and employees.

Leasing to Federal Government (SB 578 by Sen. Butler, Act 2001-642). Act 93-1 of the 1993 Regular Session, which is codified in Chapter 101 of Title 11 of the Code of Alabama 1975, authorized one or more counties and municipalities in the state to create public corporations to acquire real and personal property for lease to the United States of America, its departments, agencies, and instrumentalities and authorized the counties and municipalities forming the public corporations to lend, donate, or contribute money and services to the public corporations, to borrow money for the purpose of making the loans, donations, or contributions, and to issue bonds. The effective date clause of Act 93-1 provided that the act would terminate on December 31, 1994, if a contract between the United States and the public corporation was not consummated by December 31, 1994. Such a contract was not timely consummated and the act, as codified, was terminated by operation of law. This bill reenacts the provisions of Chapter 101 of Title 11 of the Code of Alabama 1975, without a conditional effective date.

Display of Alabama Flag (HB 21 by Rep. Curry, Act 2001-472). This bill will require the Alabama State Flag to be prominently displayed on a flag pole located near the main entrance of each school and educational institution in the state, local board of education building, educational administrative building, county courthouse and courthouse annex, law enforcement agency headquarters, state park or historic site building, state agency affiliated facility or building, and municipal building. Certain exceptions apply to municipalities of less than 1,000 population. This bill also requires the affected entity to purchase its own required flags and flagpoles within three years, unless otherwise acquired by gift or other means.

Law Officer Due Process (HB 107 by Rep. Boyd, Act 2001-463). This bill requires every municipality to provide a predisciplinary hearing prior to the suspension or termination of its law

enforcement officers. The bill allows the municipality to place the law enforcement officer on leave with pay until the person or body holding the hearing has made its decision in the matter. This bill will require every municipality to establish written due process procedures applicable to the predisciplinary hearing. This bill gives municipalities permissive authority to hold a separate post disciplinary hearing on the suspension or termination of a law enforcement officer. The bill will also establish the minimum due process procedures required. The bill provides that the rules of evidence and the rules of discovery shall not apply to any hearing held pursuant to this bill. The bill defines the term "law enforcement officer." The bill does not apply to any municipality with an established due process procedure for law enforcement officers on the effective date of this act, so long as the municipality continues a due process procedure in full force and effect.

Alabama Administrative Monthly Subscription (HB 113 by Rep. Newton (D), Act 2001-309). Under existing law, counties and municipalities may upon request obtain a free subscription to the Alabama Administrative Monthly from the Legislative Reference Service. This bill will delete this provision.

Uniform Electronic Transaction Act (HB 170 by Rep. Guin, Act 2001-458). This bill would adopt the Uniform Electronic Transaction Act. This bill would specify scope, application, and construction, and would provide for the use of electronic records and electronic signatures and for variation by agreement. This bill would provide legal recognition of electronic records, electronic signatures, and electronic contracts and for provision of information in writing and the presentation of records. This bill would also specify the attribution and effect of electronic records and electronic signatures, for the effect of change or error, for notarization and acknowledgment, and for retention of electronic records and originals. It would also provide for admissibility in evidence, automated transactions, time and place of sending and receipt, and transferable records. This bill would provide for the creation and retention of electronic records, conversion of written records, and the acceptance and distribution by governmental agencies. This bill, if enacted, would be effective January 1, 2002.

Criminal Littering - Clarification (HB 241 by Rep. Lindsey, Act 2001-469). Under existing law, a person who operates a motor vehicle in such a manner as to allow litter to be deposited onto a public highway, street, or right-of-way is guilty of criminal littering. This bill clarifies existing law to exempt the unintentional depositing of agricultural products in their natural state from the criminal littering statutes.

Education Budget (HB 307 by Rep. Lindsey, Act 2001-639). This bill makes 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, 2002.

General Fund Budget (HB 325 by Rep. Knight, Act 2001-521). This bill makes 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, 2002.

Relocation of Utilities (HB 347 by Rep. Dukes, Act 2001-473). This bill expands the class of utilities for which the costs of relocations are to be paid by the state to include any utility that had a gross income of one hundred million dollars (\$100,000,000) or less for the calendar year

immediately preceding the relocation.

Class 6 Cities - Vacancies (HB 407 by Rep. Johnson, Act 2001-314). This bill provides that the city council in a Class 6 municipality may either appoint a person to fill a vacancy on the city council or it may call a special election.

Sport Shooting Ranges (HB 430 by Rep. Galliher, Act 2001-470). This bill specifies the duties, liability, and immunity from suit of public and private property owners operating sport shooting ranges including when allowing other recreational activities on their property. This bill provides that no public streets might be opened through a tract of property used as a sport shooting range except upon a showing of extreme hardship and impossibility of redirecting or rerouting a public street. It also provides that noise ordinances and regulations relating to lead in the atmosphere adopted after the effective date of this act shall not apply to sport shooting ranges in existence on the date of this act.

Speed Limits in Construction Zones (HB 444 by Rep. Gaston, Act 2001-464). Existing law authorizes the Department of Transportation to set speed limits in construction zones to be enforced by law enforcement authorities. This bill amends Section 32-5A-176.1, Code of Alabama 1975, relating to speed limits in construction zones to provide that persons speeding in construction zones be fined double the amount prescribed by law if equipment or construction personnel are present.

State Licensing of Collection Agencies (HB 465 by Rep. Black (M), Act 2001-454). Under existing law, collection agencies pay municipal license taxes in varying amounts depending on the size of the municipality. This bill provides that any person who is excluded from the definition of the term debt collector pursuant to federal law shall be exempt from the licensing requirements.

Proposed Constitutional Amendments

HB 137, Act 2001-305 – Russell County court costs for jails.

HB 146, Act 2002-418 – Tuscaloosa County Judicial Commission.

HB 493, Act 2001-449 – Montgomery County ad valorem tax for fire protection.

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HB 681, Act 2001-311 – Authorizes Marengo County elected officials to serve in Employees' Retirement System.

HB 702, Act 2001-417 – Authorizes Baldwin County elected officials to serve in Employees' Retirement System.

HB 705, Act 2001-451 – Home Rule for Shelby County Commission.

HB 736, Act 2001-416 – Tuscaloosa County polling hours.

HB 784, Act 2001-351 – Calhoun County ad valorem tax for schools.

HB 904, Act 2001-447 – Coving County Economic Development Authority.

SB 78, Act 2001-446 – Mobile County prostitution laws.

SB 363, Act 2001-223 – Mobile County Education First Amendment.

Local Bills

HB 53, Act 2001-229 – Class 1 cities abatement of inoperable vehicles
HB 62, Act 2001-407 – Election of members of Bessemer Board of Education
HB 184, Act 2001-421 – Audits in Class 2 cities
HB 208, Act 2001-104 – Cullman County ad valorem tax for schools
HB 352, Act 2001-356 – Tallapoosa County ad valorem tax for hospitals
HB 396, Act 2001-206 – Sylacauga Civil Service System
HB 479, Act 2001-546 – Jefferson County lodgings tax
HB 480, Act 2001-550 – Jefferson County motor vehicles rental tax
HB 481, Act 2001-545 – Jefferson County sales tax on alcoholic beverages
HB 508, Act 2001-423 – Class 1 cities parking authorities
HB 530, Act 2001-232 – Homewood ad valorem tax
HB 610, Act 2001-342 – Election of Andalusia City School Board members
HB 614, Act 2001-358 – Conecuh County tobacco tax
HB 619, Act 2001-544 – Class 1 cities retirement plan
HB 621, Act 2001-360 – Barbour County Commission
HB 631, Act 2001-361 – Calhoun County beer tax
HB 655, Act 2001-388 – Houston County fire protection fee
HB 687, Act 2001-385 – Compensation of Rainbow City utility board chair
HB 689, Act 2001-387 – Cleburne County lodgings tax
HB 691, Act 2001-563 – Birmingham Retirement & Relief System
HB 693, Act 2001-343 – Election of Opp School Board members
HB 694, Act 2001-485 – Ad valorem tax increase for Alexander City School System
HB 695, Act 2001-363 – Wilcox County Court costs increased
HB 696, Act 2001-364 – Wilcox County alcoholic beverage regulations
HB 698, Act 2001-367 – Wilcox County ad valorem tax for schools
HB 707, Act 2001-509 – Creates office of Shelby County Tax Commissioner
HB 711, Act 2001-497 – Baldwin County billboards
HB 718, Act 2001-461 – Muscle Shoals civil service system
HB 778, Act 2001-408 – Merger of budgetary operations in Randolph County
HB 779, Act 2001-419 – Chambers County court costs
HB 780, Act 2001-406 – Nuisances outside municipal limits in Calhoun County
HB 785, Act 2001-409 – Oxford license tax exemption
HB 804, Act 2001-518 – Mobile County Firefighters retirement system disability benefits
HB 821, Act 2001-489 – DeKalb County court costs
HB 824, Act 2001-483 – Eutaw ad valorem tax increase
HB 841, Act 2001-559 – Berry municipal court costs increased for police officer hazardous duty pay
HB 843, Act 2001-498 – Gadsden Policemen’s & Firemen’s Retirement Fund
HB 845, Act 2001-547 – Qualifying date for candidates in Montgomery city elections
HB 846, Act 2001-504 – Montgomery personnel board veterans’ preference
HB 850, Act 2001-506 – Clay County Industrial Development Council
HB 852, Act 2001-552 – Clay County court costs
HB 853, Act 2001-569 – Clay County gas tax
HB 868, Act 2001-554 – Cleburne County sales & use tax
HB 883, Act 2001-557 – Limestone County sales & use tax

HB 886, Act 2001-561 – Lawrence County lodgings tax
HB 888, Act 2001-562 – Macon County planning commission
HB 892, Act 2001-555 – Hale County ad valorem tax
HB 896, Act 2001-448 – Lamar County court costs
SB 3, Act 2001-224 – Election of Birmingham School Board
SB 360, Act 2001-240 – Tallapoosa County ad valorem taxes
SB 557, Act 2001-663 – Perry County draft beer
SB 607, Act 2001-643 – Phenix City mayor & council compensation
SB 622, Act 2001-648 – Russell County vehicle taxes
SB 623, Act 2001-649 – Attalla Waterworks Board
SB 630, Act 2001-650 – Perry County solid waste facility application process

Annexation Bills

HB 166, Act 2001-551 – Branchville
HB 628, Act 2001-384 – Sylacauga
HB 668, Act 2001-488 – Ozark
HB 688, Act 2001-386 – Glencoe
HB 692, Act 2001-362 – Athens
HB 709, Act 2001-486 – Foley
HB 798, Act 2001-548 – Margaret
HB 830, Act 2001-490 – Albertville
HB 880, Act 2001-549 – Emelle
HB 912, Act 2001-556 – Athens
SB 169, Act 2001-221 – Opelika
SB 254, Act 2001-231 – Florence & St. Florian
SB 384, Act 2001-241 – Cullman
SB 399, Act 2001-542 – Sheffield
SB 477, Act 2001-543 – Wetumpka
SB 535, Act 2001-667 – Rainsville
SB 604, Act 2001-703 – Triana