

## **Final Report on the 2006 Regular Session**

The Alabama Legislature completed its 2006 Regular Session on Monday, April 17. This year, 1439 bills were introduced and 367 received final passage. By comparison, in 2005, 1237 bills were introduced and only 139 received final passage. 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. Both the general fund budget and the education budget received final passage before the last day of the session.

It was a very good session for municipalities. In addition to League bills receiving final passage, a number of other beneficial bills were also enacted.

### **Final Status of the League Legislative Package**

Seven proposals in the League's 2006 Legislative Package were enacted during this session. The League bills that passed this session are:

**Employees of Separately Incorporated Municipal Boards** (HB156, Act 2006-548): This League bill relates to municipalities; to specifically provide that employees of any separately incorporated public corporation authorized to be created by a municipality are employees of that entity and not employees of the municipality authorizing its creation.

**Municipal Elections – Provisional Voting** (HB479, Act 2006-281): To amend Sections 11-46-24, 11-46-28, 11-46-38, 11-46-46, 11-46-52, 11-46-55, 11-46-95, 11-46-123, 17-7-5.1, 17-9-33, 17-10-12, 17-10A-2, and 17-11A-1, Code of Alabama 1975, relating to elections; to provide for provisional voting; to provide further for information provided to voters; to provide further for the absentee ballot process; to provide further for canvassing of votes; to provide that polling places located in areas of the state operating on eastern time may open according to eastern time; and to repeal Sections 11-46-41 and 17-10-22, Code of Alabama 1975.

**Reverse Auction Bidding** (SB89, Act 2006-107): To amend Sections 41-16-24, 41-16-27, and 41-16-54, Code of Alabama 1975, relating to the Competitive Bid Law, to provide that public contracts for the purchase of goods or services may be entered into using a bidding process known as reverse auction and to provide for certain exceptions and to provide for the length of time certain contracts may be let.

**Abandoned Motor Vehicles – Titles** (SB373, Act 2006-414). To amend Sections 32-13-3, 32-13-4, and 32-13-6, Code of Alabama 1975, relating to abandoned motor vehicles, to provide for procedures related to the sale of abandoned motor vehicles; and to repeal Sections 12-19-76 and 32-13-7, Code of Alabama 1975.

**Absentee Balloting – Overseas & Military Personnel** (SB529, Act 2006-354). Relating to elections; to amend Sections 17-10-10, 17-10-23, 17-16-6, and 17-16-36, Code of Alabama 1975, relating to absentee balloting; to provide procedures for overseas citizens and military personnel to cast absentee ballots; and to amend Sections 11-43-44, 11-46-21, 11-46-55, and 17-10-12, Code of

Alabama 1975, as last amended by Act 2006-281 of the 2006 Regular Session, to provide for runoffs in municipal elections to take place six weeks following the general municipal election and to provide further that municipal officials elected at the regular municipal election pursuant to Section 11-46-21 shall assume the duties of their respective offices on the first Monday in November following the election.

**Appropriation for Wastewater Treatment SRF** (SB75, Act 2006-335). Many years ago, 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 additional matching funds from the legislature to continue Alabama's nationally recognized Wastewater Treatment SRF program.

**Appropriation for Drinking Water SRF** (SB75, Act 2006-335). The Alabama Legislature established Alabama Drinking Water Finance Authority for the purpose of taking state funds and matching them with federal dollars to create a loan fund to offer low interest loans to governmental entities for drinking water projects. This program is very similar to the wastewater SRF discussed above. The League will seek funds from the legislature to match federal dollars available for Alabama's drinking water SRF program.

League bills that failed to pass this session included bills to clarify the voting powers of a mayor in municipalities of less than 12,000 population, to authorize municipalities to pre-zone territory proposed to be annexed, to authorize the mayor to appoint two alternates to the municipal planning commission, to clarify the jurisdiction of a municipal planning commission, to authorized additional expenditures from the corrections fund, to expand municipal authority to apply building codes to state and local buildings, to allow collection of full local sales taxes on sales made at state ABC stores, and to authorize municipal courts to assess the same maximum fines as the state when such fines exceed the current limits. Many of the measures in the package which failed to pass will likely be reintroduced in a future session.

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, Randy Wood, Jack Williams, Mike Ball, John Robinson, Richard Lindsey, Randy Hinshaw, John Knight, and Senators Tommy Ed Roberts, Pat Lindsey, Zeb Little, Hari Ann Smith, Jabo Waggoner, E.B. McClain, Larry Means, Bobby Denton, Bobby Singleton, Hinton Mitchem, Wendell Mitchell, 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. A number of bills adverse to municipalities were defeated this session including a proposed constitutional amendment to significantly erode eminent domain powers. The legislature also failed to pass bills that would have:

- limited municipal licenses on real estate firms

- required municipalities to pay costs of housing juveniles in all instances where the juvenile was convicted of violating a municipal ordinance
- raised the population requirement to establish a municipal school system from 5,000 inhabitants to 15,000 inhabitants
- stopped annual reappraisals of property for ad valorem tax purposes
- required many municipalities to adopt a model statewide building code
- proposed a constitutional amendment to provide for the process of initiative and referendum at the state and local level
- to prohibit all municipal ordinances relating to fertilizer
- to exempt sales of food items from state sales and use tax

## **General Bills of Interest to Municipalities that Passed**

**Presidential Preferential Primary Date Altered** (HB51, Act 2006-634 ): To amend Sections 17-16-1, 17-16-6, 17-16A-1, and 17-16A-3, Code of Alabama 1975, relating to the presidential preference primary election; to change the date of the presidential preference primary election to the first Tuesday in February beginning in the year 2008; to include the separate and special presidential preference primary election in the definition of primary election; and to change the qualification date to coincide with the change of primary date.

**Alabama Law Institute Training for Public Officials** (HB72, Act 2006-532): Relating to the Alabama Law Institute; to amend Section 29-8-4 of the Code of Alabama 1975, to expressly provide that its duties include conducting periodic training and continuing education programs for public officials, including providing educational material.

**Cost of Juveniles in County Facility for Municipal Ordinance Violation** (HB73, Act 2006-533): To amend Section 12-15-10, Code of Alabama 1975, relating to juveniles; to provide for a municipality to be responsible for the expenses of maintenance and care of any juvenile placed in a facility utilized by the county for housing juveniles for violations of a municipal ordinance that is not based on a state criminal statute adopted by the municipality as a municipal ordinance.

**LRS Notification of Municipal Annexations or Deannexations** (HB74, Act 2006-249): To require that municipalities notify the Legislative Reapportionment Office of any annexation or deannexation of property to or from the corporate limits of the municipality.

**Solid Waste Disposal Plans – Approval Process** (HB75, Act 2006-534): To amend Section 22-27-48, Code of Alabama 1975, relating to local governmental approval of solid waste disposal sites; to provide for certain local application and renewal fees and to further provide for the exemption for certain industrial landfills.

**Voter Registration List** (HB81, Act 2006-537): To amend Section 17-4-129, Code of Alabama 1975, relating to the publishing of voter registration lists, to provide further for the method of publication.

**State Election Laws Revision** (HB100, Act 2006-570): This bill would make substantial revisions

to Title 17 of the Code of Alabama 1975, which contains the provisions of law generally relating to the conduct of elections. The bill would repeal obsolete provisions; revise, reorder, and recast other provisions to make nonsubstantive technical changes; add provisions currently contained in administrative rules; and make other changes in other provisions to reflect judicial decisions and interpretations.

**Employment Security Enhancement Fund** (HB105, Act 2006-519): To amend Sections 25-4-40.1 and 25-4-54, Code of Alabama 1975, as amended by Act No. 2004-110, HB166, 2004 Regular Session, relating to the expiration date of the special assessment used to fund the Employment Security Enhancement Fund, to extend the expiration date of the special assessment to March 31, 2008.

**Emergency Management & Preparedness** (HB107, Act 2006-522): To amend Sections 31-9-3, 31-9-4, 31-9-8, and 31-9-10, Code of Alabama 1975, relating to state emergencies and the Emergency Management Agency; to provide for the Governor's authority to proclaim an emergency; to expand the authority of state and local responders regarding emergency preparedness and response; to establish degrees of emergency classifications; and to further provide for the powers of political subdivisions with respect to emergency management.

**Increase Maximum State Fines for Felonies, Misdemeanors & Violations** (HB118, Act 2006-197): To amend Sections 13A-5-11 and 13A-5-12 of the Code of Alabama 1975, to increase the maximum amount of fines authorized to be assessed upon conviction for a felony, misdemeanor, or violation.

**Time-off to Vote** (HB141, Act 2006-545): To provide that each employee in the state shall be permitted to take any necessary time off to vote in any election.

**Execution of Warrants in Another County** (HB145, Act 2006-547): Relating to the execution of warrants or writs of arrest; to amend Section 15-10-10, Code of Alabama 1975, to provide that an arrest warrant from another county may be executed by any law enforcement officer in this state; and to repeal Section 15-10-13, Code of Alabama 1975, relating to the endorsement of warrants by judges or magistrates in another county.

**Electronic Traffic Tickets** (HB146, Act 2006-579): Relating to the issuance of a complaint and summons or notice to appear for persons arrested for misdemeanor traffic violations; to amend Sections 12-12-53, 12-12-54, 12-14-51, and 32-1-4, Code of Alabama 1975, to provide for the establishment, definition of, and use of an electronic traffic ticket (e-ticket).

**Trucks Registered Under IRP – Tag & Registration Fees** (HB154, Act 2006-276): Relating to motor vehicles; to amend Sections 32-6-62, 40-12-248, and 40-12-252 of the Code of Alabama 1975; to authorize the issuance of multi-year truck and truck tractor license plates for vehicles registered under the International Registration Plan; to authorize permanent trailer license plates upon payment of a one-time fee per license plate issued; to increase the registration fees for any truck or truck tractor with gross weights exceeding a certain weight; to provide penalties for violations.

**Extending Termination Date of Coal Tax** (HB172, Act 2006-386): To amend Sections 40-13-6 and 40-13-8, Code of Alabama 1975; to provide that the excise and privilege tax on coal shall terminate on October 1, 2011, unless extended by the Legislature of the State of Alabama; and provide further for the distribution of tax receipts.

**Tax Returns – Confidentiality of Information** (HB184, Act 2006-577): To amend Section 40-2A-10, Code of Alabama 1975, relating to the confidentiality, disclosure, and exchange of tax returns and tax information, to clarify the law concerning the maintenance of taxpayer confidentiality and compliance by counties and municipalities.

**Tax Abatements – Private Use Industrial Property** (HB185, Act 2006-578): To amend Section 40-9B-5, Code of Alabama 1975, relating to certain tax abatements, to provide that tax abatements for private use industrial property shall not be valid for 13 days following mailing of appropriate notification to the county commission of the county in which the property is located and to clarify the effective date of the abatements.

**Validation of School Elections** (HB207, Act 2006-516): To amend Section 16-13-190, Code of Alabama 1975, relating to the ratification of certain elections held for school purposes, to include certain previously held municipal elections which were irregular.

**Distinctive License Plates for Firefighters** (HB209, Act 2006-422): To amend Section 32-6-272 of the Code of Alabama 1975, relating to distinctive license plates for firefighters; to allow firefighters to present proof of their membership to the judge of probate or the license issuing official; to provide for penalties.

**Licensing and Registration of Pick-up Trucks** (HB222, Act 2006-356): Relating to motor vehicles; to amend Section 40-12-248 of the Code of Alabama 1975, relating to the licensing and registration of trucks and truck tractors, to provide for the licensing and registration of pick-up trucks which are used for personal or agricultural use without regard to the heaviest load to be carried including the heaviest load carried in combination on any trailer.

**Sales Tax Holiday** (HB228, Act 2006-574): To exempt certain covered items from the state sales and use tax during the first full weekend in August of each year, authorize any county or city to exempt certain covered items from local sales and use taxes, and prohibit a county or municipality from providing for a sales and use tax exemption during any period other than the first full weekend in August.

**TVA In-lieu-of-tax Payments** (HB231, Act 2006-655): To amend Section 40-28-2, Code of Alabama 1975, relating to the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, to provide for the redistribution of the payments.

**Obstruction of Volunteer Firefighters** (HB247, Act 2006-423): To amend Section 13A-10-1, Code of Alabama 1975, relating to the definitions for criminal offenses relating to the obstruction of public administration; to include volunteer firefighters in the definition of "firemen" and the fire control activities of volunteer fire departments in the definition of

"governmental function" in order to prohibit certain actions obstructing volunteer firefighters and volunteer fire departments and provide penalties.

**Electronic Funds Transfers – Threshold Lowered** (HB249, Act 2006-552): To amend Section 41-1-20, Code of Alabama 1975, to lower the electronic funds transfer threshold for use in making payments of taxes, fees, and other obligations collected from certain business entities by the Department of Revenue, to include local government taxes and fees collected or administered by the department.

**Animal Sterilization** (HB252, Act 2006-627): Relating to animals; to provide for the sterilization of certain dogs and cats and penalties for violations.

**Issuance of Drivers Licenses, Learners Licenses and Nondriver ID Cards** (HB260, Act 2006-554): To amend Sections 32-6-3, 32-6-4, 32-6-4.1, 32-6-5, and 32-6-8 of the Code of Alabama 1975, to provide for the issuance of initial driver's licenses, learner's licenses, and nondriver identification cards by a driver's license office of the Department of Public Safety; and to provide for distribution of the fees.

**Education Budget** (HB272, Act 2006-282): 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, 2007.

**Home Builders Licensure Board** (HB280, Act 2006-105): To amend Sections 34-14A-2, 34-14A-4, 34-14A-5, 34-14A-6, 34-14A-7, 34-14A-8, 34-14A-12, 34-14A-14, and 34-14A-15, Code of Alabama 1975, to repeal Section 34-14A-16, Code of Alabama 1975, and to add Sections 34-14A-8.1 and 34-14A-18 to the Code of Alabama 1975, relating to the home building profession, to provide further for the duties and responsibilities of the Home Builders Licensure Board, the fees for licensure, remove certain exemptions from the licensure requirements, and establish the property acquisition fund.

**Uniform Residential Landlord and Tenant Act** (HB287, Act 2006-316): Adopting the Uniform Residential Landlord and Tenant Act; regulating landlord-tenant relationships under residential rental agreements; providing for general provisions and definitions; landlord obligations; tenant obligations; remedies; and prohibitions against retaliatory conduct; amending Section 6-6-350 of the Code of Alabama 1975, relating to appeals from district court to circuit court and Section 35-9-60 of the Code of Alabama 1975, relating to liens for the rent of buildings, to remove references to dwelling houses; repealing Section 35-9-4, Code of Alabama 1975, relating to the hiring of lodging for an indefinite term and Article 3, commencing with Section 35-9-80, of Chapter 9 of Title 35, Code of Alabama 1975, relating to possession wrongfully withheld and specifying a prospective effective date.

**Workers Compensation – Structured Settlements** (HB288, Act 2006-628): Relating to transfers of structured settlement payment rights; to provide definitions of terms used in this act, including a definition of the term "structured settlement" that excludes workers' compensation settlements; to provide for required disclosures to the payee; to require a disclosure statement be provided to the payee by the transferee not less than three days prior to the date on which a payee signs a transfer

agreement; to prescribe the style of and what shall be set forth in the disclosure statement from the transferee to the payee; to provide that the payee has the right to cancel the transfer agreement within three business days after the date the agreement was signed; to provide for the approval of transfers of structured settlement payment rights; to require advance authorization by a court or administrative authority based on express findings made after a factual hearing by the court or administrative authority in order for a transfer of structured settlement payment rights to be effective; to prescribe the express findings on which the court or administrative authority shall base the advance authorization; to provide for the effects of transfer of structured settlement payment rights; to provide that the structured settlement obligor and the annuity issuer have no liability for the transferred payments as to all parties except the transferee; to provide the circumstances when the transferee will be liable to the structured settlement obligor and the annuity issuer; to provide that the structured settlement obligor and the annuity issuer may not be required to divide periodic payments between the payee and transferee; to prescribe the procedure for approval of transfers of structured settlement payment rights; to provide where an application for approval of a transfer of structured settlement payment rights may be brought; to require the transferee to file with the court or administrative authority and serve all interested parties with a notice of the proposed transfer and application not less than 20 days prior to the hearing; to provide what shall be set forth and provided with the notice; to provide that the provisions of this act may not be waived by a payee; to provide that a transfer agreement entered into on or after the effective date of this act by a payee who resides in this state shall provide that disputes under the transfer agreement shall be governed by the laws of this state; to provide the procedures the transferee shall establish and maintain to allow payments of structured settlement payment rights that are life-contingent; to protect a payee from liability to a proposed transferee or assignee based on any failure of the transfer to satisfy the conditions of this act; to prohibit transfers in contravention of any law; to not imply that any transfer under a transfer agreement prior to the effective date of this act is valid or invalid; to provide that certain compliance requirements and the fulfillment of certain conditions in this act are the responsibility of the transferee and not the structured settlement obligor or the annuity issuer; to provide that nothing in the act shall require or allow the disclosure of the terms of a confidential settlement; and to provide for an effective date of this act.

**Sales & Lease Taxes – Sales or Leases to State Agencies** (HB321, Act 2006-557): To add a new Section 41-4-116 to the Code of Alabama 1975, to provide that vendors or contractors and each affiliate selling or leasing tangible personal property to a state agency shall be subject to state and local taxation on its sales or leases into the state.

**Peace Officer/Firefighter Death Benefits – Exempt from State Income Tax** (HB323, Act 2006-424): To exempt certain death benefit payments received by the designated beneficiary of a peace officer or fireman killed in the line of duty from state income tax.

**Airport Authorities** (HB330, Act 2006-558): To amend Section 4-3-45, Code of Alabama 1975, relating to the boards of directors of airport authorities, to provide that directors shall be compensated in an amount authorized by the bylaws, that directors shall serve until their successors are appointed and qualified, and that directors, officers, and employees of the authority are not personally liable for debts, obligations, or liabilities of the authority.

**Scrap Tires** (HB346, Act 2006-559): To amend Sections 22-40A-3, 22-40A-6, 22-40A-7, 22-40A-

8, 22-40A-9, 22-40A-11, 22-40A-14, 22-40A-15, 22-40A-18, and 22-40A-21, Code of Alabama 1975, relating to the regulation of the receiving, transportation, and processing of scrap tires; to provide further for exemptions for Class 2 receivers; to further regulate transporters and processors; to require manifests to accompany scrap tire hauling; to allow ADEM to further grant variances or provide additional requirements; to allow information sharing between the Department of Insurance; to clarify a reference to the ADEM director; to further penalize violators of processors and violators of ADEM compliance orders.

**Reinstatement of a Motor Vehicle Registration** (HB365, Act 2006-221): To amend Section 32-7A-9, Code of Alabama 1975, relating to the fees for reinstatement of a motor vehicle registration that has been suspended, to provide further for the payment of the fees to the Department of Revenue or the county in which the license plate was issued.

**UC Benefit** (HB369, Act 2006-521): To amend Section 25-4-72, Code of Alabama 1975, as amended by Act 2004-111, relating to unemployment compensation weekly benefits, to increase the maximum unemployment benefits by \$10 per week for benefit years which begin on or after July 2, 2006, and to increase the maximum unemployment benefits by an additional \$5 per week for benefit years which begin on or after July 1, 2007.

**ADECA – Disposal of Surplus Property** (HB374, Act 2006-562): To amend Sections 41-16-120 and 41-16-123, Code of Alabama 1975, relating to the disposal of surplus property by the Alabama Department of Economic and Community Affairs, providing for electronic or print publication, providing for payment plans, clarifying the removal time for property, and allowing for an increase in administrative fees.

**Charitable Purposes Relief Act of 2006** (HB397, Act 2006-583): To create the Inventory Reduction for Charitable Purposes Relief Act of 2006; to amend Section 40-23-1, Code of Alabama 1975, relating to the state sales tax, to provide that a gift by a retailer of a product or products where the aggregate retail value of any single gift is equal to or less than ten thousand dollars (\$10,000), withdrawn from the retailer's inventory, to a qualified charitable entity is not a sale and is not subject to the state sales tax.

**Auto Insurance – Volunteer Firefighters, Rescue Squad Members or EMS Personnel** (HB408, Act 2006-425): To amend Section 27-1-23, Code of Alabama 1975, which prohibits an automobile insurance carrier of a full-time law enforcement officer or firefighter from considering motor vehicle accidents that occur while they are in the performance of their duties, to further provide that the law would apply to members of a volunteer fire department or volunteer rescue squad or volunteer emergency medical service.

**Peace Officer & Firefighter Benefits** (HB409, Act 2006-426): To amend Sections 36-30-1 and 36-30-2, Code of Alabama 1975, relating to death and disability benefits for certain peace officers and firefighters; to provide further for benefits for certain illnesses resulting in death.

**Arson – Death of Firefighter or Peace Officer** (HB413, Act 2006-427): To amend Section 13A-6-2 of the Code of Alabama 1975, relating to the crime of murder, to include the death of a



firefighter or other public safety officer who dies while performing his or her duty as a consequence of the crime of arson.

**Volunteer Firefighters – Termination from Regular Employment** (HB437, Act 2006-428):

To prohibit an employer from terminating an employee who is a volunteer firefighter or emergency medical services provider who responds to an emergency which results in loss of work; to provide for reinstatement after termination; to provide for a statute of limitations for commencing an action; and to provide for venue of the action.

**Peace Officer & Firefighter Death Benefits** (HB447, Act 2006-429): To amend Section 36-30-2, Code of Alabama 1975, to provide further for the amount of compensation for compensable deaths of peace officers, firefighters, or certain volunteer firefighters.

**Public Employees' Defined Contribution Savings Plan** (HB449, Act 2006-625): To amend Sections 36-27C-4 and 36-27C-7, Code of Alabama 1975, relating to the Public Employees' Defined Contribution Savings Plan, to allow the board of control to establish an interest bearing account for employer contributions and to revise the allocation formula for contribution of the employer match.

**Alarm System Licensure – Locksmiths** (HB537, Act 2006-541): To amend Sections 34-1A-1, 34-1A-2, and 34-1A-3, as amended by Act 2004-103, 2004 Regular Session (Acts 2004, p. 137), and Section 34-1A-6, Code of Alabama 1975, relating to alarm system Licensure.

**Tax Exemption – Private School Athletic Events** (HB564, Act 2006-602): To amend Section 40-23-2, Code of Alabama 1975, as amended by Act 2004-638, 2004 Regular Session (Acts 2004, p. 1461), relating to exemptions from the state sales tax, to provide that athletic events held by nonpublic schools would be exempt from the state sales tax and to remove the tax exemption for the Alabama High School Athletic Association.

**Motor Bus License and Registration** (HB566, Act 2006-632): Relating to motor bus passenger carrier vehicles; to exempt any motor bus passenger carrier vehicle registered in this state from the payment of state, county, municipal or other local ad valorem taxes; and to establish a special motor bus passenger carrier business operating license.

**Pardons** (HB592, Act 2006-544): Relating to pardons; to provide that a person convicted of violating a state law or municipal ordinance whose purpose was to maintain or enforce racial segregation or discrimination would be granted a pardon of the conviction upon application; and to provide for a hearing if the state objects to the granting of the pardon; to provide for expungement of the record of conviction; to provide for transfer of the record of conviction to the Alabama Department of Archives and History; and to provide for access to the record of convictions.

**Eminent Domain** (HB654, Act 2006-584): To amend Section 24-2-2, Code of Alabama 1975, relating to redevelopment projects of municipalities; and to amend Section 24-3-2, Code of Alabama 1975, relating to urban renewal projects; to further provide for the definition of blighted property and blighted areas and to limit the exercise of the power of eminent domain to blighted property for the purposes of these statutes.

**Municipal Business License Reform** (HB754, Act 2006-586): To amend Sections 6-2-35, 11-51-90 to 11-51-93, inclusive, and 11-51-95, 11-51-122, 11-51-150 to 11-51-155, inclusive, Code of Alabama 1975, to add Sections 11-51-90A, 11-51-90B, 11-51-186, 11-51-187, 11-51-188, 11-51-189, 11-51-190, 11-51-191, 11-51-192, 11-51-193, 11-51-194, 11-51-195 and 11-51-196; to provide a statewide uniform system for the issuance and calculation of the cost of municipal business licenses; to promulgate a common business license application form for use by all municipalities; to provide a uniform definition of "gross receipts" and "delivery license"; to provide for a uniform system for the municipal business license audit process and the taxpayer's appeal of municipal business license assessments and for the filing of claims for and payment of refunds; to provide uniform statutes of limitation for assessments and refunds that substantially conform with their counterparts for municipal sales and use taxes; to allow municipalities to lawfully exchange tax information related to business license taxpayers; and to provide delayed effective dates and transition rules.

**School Boards – Joint Purchasing** (HB817, Act 2006-621): To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, to authorize two or more city or county boards of education that are not adjoining to enter into joint purchasing agreements subject to the competitive bid law.

**Commercial Drivers License Holders – Charged with Traffic Violation** (HB824, Act 2006-622): To provide that a holder of a commercial driver's license, the operator of a commercial motor vehicle, or a commercial driver learner permit holder who is charged with a violation of a traffic law in this state would not be eligible for a deferred prosecution program, diversion program, or any deferred imposition of judgment program.

**Code Update** (SB53, Act 2006-291): To adopt and incorporate into the Code of Alabama 1975, those general and permanent laws of the state enacted during the 2003 Second Special Session and the 2004 Regular Session as contained in the 2004 Cumulative Supplement to certain volumes of the code and the 2004 First Special Session, the 2005 Regular Session, and the 2005 First Special Session as contained in the 2005 Cumulative Supplement and 2005 Replacement Volume to certain volumes of the code; 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 volume; to expressly provide that this act does not affect any 2006 session statutes; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volume.

**County Subdivision Regulations** (SB61, Act 2006-227): To amend Sections 11-24-2 and 11-24-3, Code of Alabama 1975, relating to county subdivision regulations and the approval of plats by the county commission; to further provide for the enforcement of violations; to further provide for notices required under the law; to provide for a permit to develop subdivisions; and to provide a cause of action by the county commission to compel repairs by the owner or developer of a subdivision.

**General Fund Budget** (SB75, Act 2006-335): 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, 2007.

**Regional Jail Authority** (SB83, Act 2006-185): To allow two or more municipalities to establish a regional jail authority to maintain and operate a regional jail facility, which would serve as the municipal jail for each municipality participating in the regional jail authority; and to provide for the composition, terms, and powers of the board of directors of the regional jail authority, including the issuance of bonds by the authority.

**Energy Cost Savings Contracts** (SB86, Act 2006-93): To amend Section 41-16-143 of the Code of Alabama 1975, authorizing governmental units to enter into guaranteed energy cost savings contracts, to further provide for the time over which the contracts may be required to guarantee that the cost savings measures from the contracts will exceed the cost of the contracts and the time period over which payments may be made under the contracts.

**Water and Sewer Systems – Voluntary Checkoff for Volunteer Fire Departments** (SB91, Act 2006-203): Relating to county water systems incorporated pursuant to Chapter 88 or other portions of Title 11, Code of Alabama 1975, and municipal water systems incorporated pursuant to Chapter 50 or other portions of Title 11, Code of Alabama 1975; to authorize such systems to solicit their customers, through their periodic billings, for voluntary contributions for local volunteer fire departments; to require prior authorization of the board of directors to participate; to provide for the distributions of such contributions; and to require volunteer fire departments to provide monthly estimates of water used to the water system providing water.

**Municipal and County Housing Authority Bonds** (SB146, Act 2006-188): Relating to municipal and county housing authorities; to amend Sections 24-1-32 and 24-1-71, Code of Alabama 1975, to authorize municipal and county housing authorities to sell bonds at a private sale to a government sponsored enterprise.

**Compensation of Supernumerary Tax Officials** (SB191, Act 2006-108): To amend Section 40-6-3, Code of Alabama 1975, relating to the compensation of supernumerary ad valorem tax officials, to provide for future cost-of-living increases in compensation equal to and on the same terms and conditions as increases in compensation of other county retirees, when granted by the county commissions.

**Competitive Bids – National Cooperative Bidding Program** (SB193, Act 2006-279): To amend Sections 16-51, as amended by Act No. 2004-487, 2004 Regular Session, and 41-16-54, Code of Alabama 1975, pertaining to the competitive bidding on public contracts; to exempt purchases of goods available to a county commission as a result of competitive bidding by a national cooperative bidding program; to provide further for notification of proposed purchases.

**Court Ordered Methods of Election** (SB219, Act 2006-252): To require that the method of election and the number to be elected ordered by a federal court be retained by the boards of education, county commissions, and municipal governing bodies until such time as changes may be made in accordance with general or local law.

**DUI – Prior Convictions in Other States** (SB230, Act 2006-298): To amend Section 32-5A-191, Code of Alabama 1975, relating to driving while under the influence of alcohol or a controlled substance; to provide that a prior conviction for driving under the influence of alcohol or drugs from this state, a municipality within this state, or another state or territory or a municipality of another state or territory could be considered by a court for enhancement of the sentence of a person who is convicted for driving under the influence.

**State Employees – Cost-of-Living Increase** (SB250, Act 2006-421): To provide for a five percent cost-of-living salary increase for certain state employees for the fiscal year beginning October 1, 2006.

**Duties of Municipal Court Magistrates** (SB279, Act 2006-412): To amend Section 12-14-51, Code of Alabama 1975, to expand the duties of municipal court magistrates under certain conditions.

**ERS – Cost-of-living Increase** (SB284, Act 2006-510): To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

**Terrorism – Endangering Food and Water Supply** (SB308, Act 2006-508): To create the crime of endangering the food supply and endangering the water supply; to provide penalties; to amend Section 13A-10-151, Code of Alabama 1975, to make endangering the food supply and endangering the water supply specified offenses.

**Utility Taxes – Telephone and Telegraph Companies** (SB316, Act 2006-292): To amend Sections 40-21-80, 40-21-82, 40-21-100, and 40-21-102, Code of Alabama 1975, relating to the taxation of public utilities that provide telegraph service or telephone service; to provide definitions relating to the sourcing of telegraph or telephone services; to provide rules concerning the sourcing of gross receipts and gross sales for public utilities that furnish telegraph or telephone services in the State of Alabama.

**Sale of Abandoned Motor Vehicles** (SB373, Act 2006-414): To amend Sections 32-13-3, 32-13-4, and 32-13-6, Code of Alabama 1975, relating to abandoned motor vehicles, to provide for procedures related to the sale of abandoned motor vehicles; and to repeal Sections 12-19-76 and 32-13-7, Code of Alabama 1975.

**Industrial Development Authority** (SB451, Act 2006-417): To amend Act 91-635, 1991 Regular Session (Acts 1991, p. 1193), as amended by Act 97-645, 1997 Regular Session (Acts 1997, p. 1188), and Act 99-590 and Act 99-591, 1999 Regular Session (Acts 1999, pp. 1349, 1352), relating to grants by the State Industrial Authority, to alter the amounts of the grants and to amend Section 40-25-23, Code of Alabama 1975, relating to the distribution of the tax on tobacco products, to provide that a certain amount be distributed to the State Industrial Development Authority for a funding source for the grants.

## **Proposed Constitutional Amendments**

**HB623, Act 2006-304** – Cleburne County Sheriff to authorized to participate in Employees'

Retirement System

**HB624, Act 2006-308** – Cleburne County Sheriff to authorized to participate in Employees' Retirement System

**HB683, Act 2006-305** – Mayors who serve as utility superintendent authorized to participate in Employees' Retirement System

**HB725, Act 2006-318** – Shelby County voter registration list

**HB729, Act 2006-313** – Tuscaloosa County court costs

**HB775, Act 2006-512** – Macon County Board of Education

**HB783, Act 2006-314** – Baldwin County ad valorem rates frozen for those over 65 years old

**HB821, Act 2006-317** – Baldwin County Commission limited home rule powers

**HB828, Act 2006-457** – Butler County officials authorized to participate in ERS

**SB92, Act 2006-111** – DeKalb County elected officials authorized to participate in the Employers' Retirement System

**SB340, Act 2006-110** – Autauga County court costs

**SB459, Act 2006-232** – Escambia County elected officials authorized to participate in Employers' Retirement System

**SB466, Act 2006-514** – Tuscaloosa County court costs

**SB471, Act 2006-280** – Baldwin County Judicial Commission

**SB483, Act 2006-307** – Baldwin County wastewater utilities – Sewer service

**SB586, Act 2006-513** – Sumter County ad valorem tax

These bills will be presented to the voters for ratification at an upcoming election.

### **Local Bills**

**HB45, Act 2006-337** – Calhoun County court costs

**HB65, Act 2006-239** – Jefferson County court costs

**HB85, Act 2006-217** – Prichard Mayor and Council compensation and expenses

**HB144, Act 2006-250** – Big Oak Ranch in Springville exempt from state and local sales taxes

**HB230, Act 2006-338** – Limestone County Sheriff – pistol and badge

**HB233, Act 2006-220** – Macon County officials compensation

**HB273, Act 2006-90** – Covington County Commission compensation

**HB274, Act 2006-91** – Covington County Commission contingent fund increased

**HB286, Act 2006-115** – Jackson County transfer of water from Tennessee River Basin

**HB309, Act 2006-556** – Barber Vintage Motorsports Museum tax exemption

**HB322, Act 2006-92** – Macon County Sheriff or Police Chiefs authorized to sell abandoned property

**HB357, Act 2006-357** – Mobile County election laws

**HB379, Act 2006-339** – Birmingham Retirement System

**HB387, Act 2006-340** – Mobile County election officers

**HB421, Act 2006-241** – Houston County fire protection fee for volunteer fire departments

**HB460, Act 2006-341** – Madison County Tennessee River Preservation Act

**HB474, Act 2006-223** – Autauga County Sheriff Service of Process Fund

**HB522, Act 2006-342** – Mobile County Commission Vacancies filled by Special Election

**HB539, Act 2006-233** – Civil Service Board in Certain Class 4 cities

**HB579, Act 2006-391** – Chilton County lodging tax  
**HB583, Act 2006-343** – Limestone County Revenue Commissioner & License Commissioner expenses  
**HB620, Act 2006-603** – Morgan County transfer of water from Tennessee River Basin  
**HB628, Act 2006-243** – Sylacauga Civil Service Board compensation  
**HB638, Act 2006-392** – Daphne Municipal Judges and Magistrates warrant recall fee  
**HB645, Act 2006-393** – Wilcox County Ad Valorem Taxes  
**HB674, Act 2006-606** – Lawrence County transfer of water from Tennessee River Basin  
**HB679, Act 2006-345** – Wilcox County additional property tax for hospital  
**HB680, Act 2006-615** – Christian Service Centers of the Covington Baptist Association, Inc. sales and use tax exemption  
**HB682, Act 2006-389** – BayFest, Inc. exempt from municipal sales and use taxes  
**HB686, Act 2006-346** – Marshall County TVA payments  
**HB696, Act 2006-347** – Madison County TVA payments  
**HB698, Act 2006-244** – Lauderdale County fire protection districts  
**HB699, Act 2006-348** – Class 5 cities (Dothan) elections  
**HB700, Act 2006-349** – Dothan Board of Education  
**HB703, Act 2006-390** – Dale County Fire Protection and Emergency Medical Services  
**HB704, Act 2006-328** – Montgomery Water Works and Sanitary Sewer Board Retirement  
**HB709, Act 2006-359** – Russell County Motor Vehicles Issuance Fee  
**HB710, Act 2006-360** – Russell County Probate Judge recording fees  
**HB721, Act 2006-351** – Macon County lodging tax  
**HB722, Act 2006-505** – Macon County draft or keg beer  
**HB723, Act 2006-361** – Limestone County Tennessee River Preservation Act  
**HB737, Act 2006-330** – Butler County Board of Registrars compensation  
**HB740, Act 2006-363** – Houston County draft or keg beer  
**HB743, Act 2006-395** – Tuscaloosa County solicitor's fee  
**HB744, Act 2006-364** – Baldwin County Board of Equalization mileage expense  
**HB745, Act 2006-365** – Baldwin County Board of Education mileage expense  
**HB747, Act 2006-396** – Chambers County sales and use tax  
**HB749, Act 2006-506** – Monroeville sale of draft beer  
**HB752, Act 2006-397** – Cullman County sales and use tax  
**HB762, Act 2006-367** – Hoover employees called into military service – Health benefits  
**HB768, Act 2006-399** – Dallas County Probate Judge compensation  
**HB790, Act 2006-368** – Cullman County juvenile court cases  
**HB800, Act 2006-331** – Coffee County election officials expense allowance  
**HB804, Act 2006-370** – Wilcox County Judge of Probate recording fees  
**HB806, Act 2006-372** – Geneva County court costs  
**HB807, Act 2006-373** – Colbert County Tennessee River Preservation Act  
**HB812, Act 2006-375** – Clay County Economic Development Zone  
**HB815, Act 2006-377** – Lauderdale County lodging tax  
**HB816, Act 2006-378** – Limestone County TVA Payments  
**HB819, Act 2006-379** – Monroe County Judge of Probate and Chief Clerk compensation  
**HB822, Act 2006-380** – Clarke County municipal option elections for alcoholic beverages  
**HB825, Act 2006-381** – Houston County manufactured home sales

**HB827, Act 2006-382** – Cherokee County Judge of Probate duties  
**HB830, Act 2006-383** – Russell county Historical Commission exempt from certain county and municipal sales and use taxes  
**HB835, Act 2006-609** – Baldwin County planning and zoning  
**SB39, Act 2006-201** – Baldwin County court costs applicable to juvenile cases clarified  
**SB96, Act 2006-187** – Jackson County Sheriff – pistol and badge  
**SB169, Act 2006-401** – Class 1 & 2 cities ABC licenses  
**SB296, Act 2006-300** – Baldwin County and municipalities impact fees on new development  
**SB374, Act 2006-194** – Elmore County sales tax for jails  
**SB457, Act 2006-247** – Perry County revenue commissioner  
**SB465, Act 2006-592** – Tuscaloosa County Fire Protection Districts  
**SB468, Act 2006-253** – Lauderdale County election officer compensation  
**SB488, Act 2006-626** – Russellville Personnel Board  
**SB491, Act 2006-593** – Limestone County transfer from Tennessee River Basin  
**SB505, Act 2006-594** – Class 1 City Firefighters physical requirements  
**SB513, Act 2006-403** – Tuscaloosa County solicitor’s fee  
**SB520, Act 2006-385** – Houston and Henry County additional Circuit Judge  
**SB538, Act 2006-567** – Hoover city employees called into military service  
**SB549, Act 2006-568** – Jefferson County poll workers  
**SB550, Act 2006-404** – DeKalb County TVA payments  
**SB556, Act 2006-355** – Talladega County additional judgeship

### **Annexation Bills**

**HB187, Act 2006-88** – Lincoln  
**HB204, Act 2006-635** – Irondale  
**HB477, Act 2006-242** – Alabaster  
**HB635, Act 2006-225** – Florence  
**HB690, Act 2006-394** – Satsuma  
**HB692, Act 2006-616** – Helena  
**HB693, Act 2006-358** – Helena  
**HB761, Act 2006-366** – Bay Minette  
**HB799, Act 2006-369** – Foley  
**HB810, Act 2006-374** – Foley  
**HB836, Act 2006-610** – Elberta  
**SB498, Act 2006-278** – South Vinemont  
**SB570, Act 2006-569** – Vance  
**SB571, Act 2006-653** – Woodstock

### **Joint Resolutions Enacted of Interest to Municipalities**

**HJR 479, Act 2006-476** – Task Force to Study Alabama’s Procurement Laws  
**HJR 653, Act 2006-500** – Alabama Building Code Study Commission