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February 2012

Volume 69, Number 8



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Table of Contents

A Message from the Editor4

The President's Report5
Relationships Matter

Municipal Overview7
The Unified Voice of Alabama's Municipalities

The Legal Viewpoint9
Understanding the Alabama Legislature

Legal Clearinghouse14

LEAGUE LEGISLATIVE FEATURE PAGES 17 - 25

Job Creation Remains Top Priority for 2012.....17
Governor Robert Bentley

CMO Session 35.....19
Municipal Legislative Advocacy - Agenda

Featured Speakers for Municipal Advocacy
CMO Session.....20

2012 Legislative Outlook: Growing Alabama's Private Sector Economy Will Boost State Revenue.....23
Senator Del Marsh, President Pro Tempore, Alabama Legislature

Less Talk, More Action on Jobs.....24
House Speaker Mike Hubbard, Alabama Legislature

Convention Registration.....28

On the Cover:

The 2012 Regular Session of the Alabama Legislature will convene at Noon, Tuesday, February 7, 2012. A Regular Session may consist of no more than 30 Legislative Days within the framework of a 105-calendar day period.
Photo by *Elmore DeMott*, www.elmoredemott.com

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A Message from the Editor

On February 21st, the League will host its annual Legislative Advocacy CMO session at the Renaissance Hotel in downtown Montgomery. If you've not yet registered for this popular seminar, please do so ASAP by visiting www.alalm.org and clicking on the Municipal Legislative Advocacy CMO link under the Events Calendar in the center tapestry of the homepage. It's the first link listed. Space is limited for this session, which will cover topics such as 2012 Opportunities for Economic and Community Development; Election Outlook for 2012; Effective Lobbying Techniques; Legislation Affecting Municipalities and the League's 2012 Legislative Agenda. Attorney General Luther Strange is scheduled to speak during lunch followed by our annual group photo on the Capitol steps if the weather cooperates. From there, you will visit with your legislators at the State House (you'll need to set up your State House visits in advance by calling 334-242-7600 to schedule House appointments and 334-242-7800 for Senate appointments). For more information on this seminar and our speakers, see pages 19-22. Again, to register, visit www.alalm.org.

As you are well aware, legislative advocacy is a founding priority of the Alabama League of Municipalities. The League staff works vigilantly during each legislative session to protect the interests of our cities and towns. In order to be successful, your participation as Alabama's locally elected officials is vital. This year will be no different. However, in order to better inform you of happenings at the State House and how you can best advocate on behalf of Alabama's municipalities, we will be adding another service to our roster – *State House Advocate*, a legislative update that will be distributed electronically every Monday afternoon at 1 p.m. while the Legislature is in session. Similar to *This Week from the League*, our weekly e-newsletter that is distributed every Tuesday morning at 8 a.m., *State House Advocate* will be sent via Mail Chimp. The first installment went out on January 30th.

If you have **NOT** received *State House Advocate* or *This Week from the League*, you can subscribe by visiting our website and clicking on the red line of text near the top of the home page that says: **“Sign up for our e-newsletters: *State House Advocate* and *This Week from the League*.”** I strongly encourage you to make sure you're receiving both of these e-publications. In this electronic age, an e-newsletter distributed via your email address is the most efficient option currently available through which to receive time-sensitive, relevant information from your League staff. We will endeavor to keep these transmissions brief. After all, we understand the value of *time* – yours and ours.

State House Advocate will preview legislative issues we think will be important during the week; offer guidance in following legislation; and, as necessary, serve as an **Action Alert** – where you will be asked to contact your legislators regarding a critical issue. In addition, *State House Advocate* will provide you with quick links to ALISON, important legislative contacts at the State House and Governor's office and a link to the League's website where additional information can be found and the League's weekly Legislative Bulletin will be posted.

As for the League's weekly Legislative Bulletin, you will continue to receive a link to this publication each Friday while the Legislature is in session; however, the format will be updated beginning with the first issue. We will also continue to post each issue to the website so they are always available. Simply click on the “Legislative Advocacy” link at the top of the home page to access the Bulletin as well as other critical information regarding the League's legislative agenda.

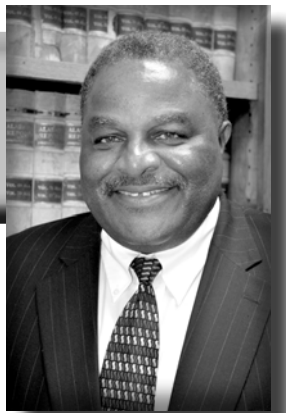
We look forward to seeing you in Montgomery on February 21st and to a successful 2012 Legislative Session!

Carrie



The President's Report

Councilmember Thomas O. Moore • Demopolis



Relationships Matter

Success is often a direct product of teamwork – and a team cannot be effective unless the relationship between all the members is dynamic and resilient. In all situations, *relationships matter*.

Your ALM staff is a team fused together by many years of professional experience and a strong, interactive relationship. This becomes readily apparent each legislative session when the staff works tirelessly on behalf of Alabama's municipalities. Their ability to navigate the political landscape is built on relationships – both at the State House and throughout Alabama. However, it's not just the staff that relies on solid relationships. As locally elected officials, we also understand their significance – and that it's never too early to build upon existing relationships or to forge new ones. *Relationships matter*.

The 2012 legislative session begins on February 7. If you haven't done so already, you need to be strengthening your relationships with Alabama's lawmakers. Often times, these relationships start at home – in church and at the grocery store; at sporting events and the post office; and in offices, restaurants and community events throughout the state. **Your** relationships with your legislators will be extremely important to the success of the Alabama League of Municipalities during the upcoming session. *Relationships matter*.

Relationships are the bridge to success in grass roots advocacy and legislative achievements. Once your relationships are in place, *use them*. Keep your legislators on task. Make sure they *understand* the effects of legislation on your municipality and your constituents. Remind them that your constituents are also *their* constituents. Hold them *accountable* for what they do and how they vote. *Relationships matter*.

Building relationships with your legislators:

Meet with him/her in person. If you don't know your legislator, make an appointment to introduce yourself. You will have a fantastic opportunity to speak with your

legislator(s) in person on the afternoon of February 21st immediately following the League's Legislative Advocacy CMO session in Montgomery. If you have not already done so, please call the State House and make appointments to visit with your legislators on the afternoon of the 21st between 2:30 and 4:00 p.m. **To visit House Members** call 334-242-7600. **To visit Senate Members** call 334-242-7800. And please register to attend the Legislative Advocacy Session (see information on page 19). This workshop is extremely important to every municipal official. You can register at www.alalm.org.

Offer assistance to your legislators. Be sure to ask: “What can I do for you?” Don't wait until you need their assistance on an issue. This will go a long way in strengthening your legislative relationships.

Prepare a brief summary of legislative issues that are important to your municipality. If your city or town has a particular issue (or issues) that you wish to discuss, prepare a one-page summary of the issue that you can leave with your legislator(s). Don't forget to also provide this same information to his or her legislative assistant!

Invite legislators to attend local and regional meetings. This will give them an opportunity to meet with their constituents and to discuss priorities.

Become personally acquainted with the legislative staff. Always be courteous. They are your link to getting an appointment and can help you with your legislative issues.

Brief legislators on what's going on in your community. Add legislators to your city mailing list (both electronic and snail mail) for important issues.

Invite legislators/staff to visit. This is a critical factor in building strong relationships. Show them your quality of life projects, such as water treatment plants, parks, schools, transportation projects, etc.

Publicly recognize legislators for good deeds.
Remember: in all situations, *relationships matter*. ■



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Large Florida State Court

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- Court Clerk
Large Municipal Court

"...we found that a full service probation provider like JCS can be instrumental in controlling the growth of the jail population and assuring the appropriate use of expensive jail cells."

- Judge
Alabama Court

Benefiting the Defendants...

"JCS has helped me understand the bad decisions I have made in my life. Through their guidance I have been given a chance to start over."

- Emma G., Defendant
Florida State Court

"...thank you for getting me into a treatment program. I'm loving my sobriety. It's a wonderful life. It does work One Day At A Time."

- Danny B., Defendant
Marshall County, Alabama

"Thank you for everything. Even though you did not have to do it, you did it anyway and it was much appreciated. You kept me out of jail."

- Craig A., Defendant
Foley, Alabama

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Municipal Overview

Ken Smith • Executive Director



The Unified Voice of Alabama's Municipalities

Although the word "lobbying" leaves a nasty taste in the mouths of many, most of us engage in some form of the lobbying process every day. The word literally refers to the process of persuading a person or a group of persons to make a decision in your favor. When you asked your parents to borrow the keys to the car on a Saturday night, and had to explain why you needed it, and how you would use it, you were engaged in lobbying them for permission.

Similarly, when we attempt to convince members of the Alabama Legislature to support or oppose legislation, we have to explain how that legislation impacts us and why it should or should not pass. The process of lobbying the Legislature is one of the primary functions that the League performs for its members.

However, the League cannot perform this alone. When the Legislature is in session, our legislative staff has two paramount responsibilities: (1) to advocate the cities' interests directly to senators, representatives, and other state officials; and (2) to keep municipal officials informed of – and involved in – municipal-related developments at the Capitol.

You and the League - A Team

In 2011, Alabama witnessed a sea of change in the make-up of the Legislature as Republicans took control of both houses of the legislature and the Governor's office for the first time in more than 130 years. This enabled Republican lawmakers to pass legislation that may not have even come out of committee in previous years.

We weren't sure exactly how this change would impact the passage of municipal legislation. Municipal governments are non-partisan, so the party affiliation of members of the Legislature and the Governor should not affect us; however, facing a new situation left us with questions.

Fortunately, we had a very successful session, obtaining the passage of six League measures, while preventing many negative bills from becoming law. This would have been impossible without the direct assistance of our members. We thank you for helping us keep any eye on legislation and for making contacts with legislators and working with us to inform them of the needs of your municipality.

Passing or defeating legislation requires teamwork. The

2012 Alabama Regular Legislative Session begins Tuesday, February 7, 2012. By the end of the session, literally thousands of bills – many of them hundreds of pages long – will be introduced. As we saw last session, League lobbyists are better able to achieve our goals when our members help us by participating directly in the lobbying process. Simply knowing what is in each bill is always tricky. So, if you find something in a bill that concerns you, even if you haven't heard about the bill from the League, let us know. We may be able to ease your concerns, or you may catch something that slipped past us. We depend on our members to serve as extra sets of eyes to help us find issues or concerns in legislation.

Additionally, as you can imagine, it is simply impossible for our staff to maintain personal and continuous contact with 105 representatives and 35 senators throughout the legislative session, much less stay in contact with them between sessions. Even more importantly, legislators are most interested in the opinions of their constituents back home. Therefore, the most effective legislative communications come from the mayors, council members and other city officials to whom the legislator is locally accountable.

These are just a few of the reasons why the League staff places a strong emphasis on promoting grassroots lobbying by our municipal officials. Contacts and input from our members have enabled the passage of many positive bills and, perhaps more importantly, prevented the passage of uncounted negative bills. We know that when the Legislature goes into session this February, the participation of our members will once again produce a successful session for Alabama municipalities.

It is important to know that other associations have their lobbyists poised and ready to present their views to members of the Legislature. Often, we seek to find common ground with these lobbyists and manage to find solutions to problems by working together. But other times, we find ourselves unable to resolve the differences and have to simply hope that members of the Legislature agree with us when the votes are taken. Input from other officials that a legislator knows and respects can make the difference.

2012 - What to Expect

The League's Legislative Committee has set the

League's agenda for next session. This Committee, lead by Councilmembers Debbie Quinn, Fairhope, Chair, and Sadie Britt, Vice Chair, Lincoln, and composed of mayors and councilmembers from throughout Alabama, adopted a package of 11 bills that the League will propose for passage. While the length of this article prevents a full discussion of these bills, briefly, our proposed legislation will include:

- Clarifying a conflict between two Code provisions that establish two different procedures for filling vacancies in the office of mayor in Class 7 and 8 municipalities whose populations exceed 12,000.
- Allowing the city engineer to approve subdivision plats in lieu of the county engineer.
- Creating a bid law exception to allow municipalities to obtain data management services without bidding.
- Raising the bid preference for local vendors from 3% to 5%. This would allow you to contract with local vendors if their bids don't exceed other bids by more than this limit.
- Allowing municipalities in all counties to enter into contracts that allow other law enforcement agencies to enforce municipal ordinances.
- Establishing a procedure for the cancellation of council meetings.
- As many other states have done, allowing persons convicted of felony drug charges from being eligible to receive food stamps if the individual meets all other eligibility requirements for aid or benefits.
- Funding for the State Revolving Loan Fund for

Wastewater Treatment (SRF) and the Alabama Drinking Water Finance Authority.

- Regulating use of non-returnable beverage containers.
- Allowing contiguous municipalities with total populations of at least 5,000 to band together to form their own school systems.
- Validating procedural defects in municipal incorporations that occurred prior to the effective date of the legislation.

Beyond the League's package, we anticipate legislation on many other issues that will directly and indirectly impact municipalities. We will, of course, provide additional information and updates on these proposals and other legislative developments during the session. As in the past, we will provide our weekly Legislative Bulletin to keep you up to date. Our lobbyists also plan to add a new weekly e-publication that will probably be emailed on Mondays to help you anticipate committee meetings and other legislative developments we expect to see. We will also use our League email system to notify you when more immediate contact is necessary.

As indicated above, six bills in the League's package passed last year, a very rare accomplishment we're proud of and one that sets a very high bar. With your help, perhaps we can achieve – or surpass – this goal again.

Suggestions

The following suggestions can help you know that your municipality's views are heard – and listened to – over the months ahead.

1. Keep Well Informed. The Legislative Bulletin will remain our primary means of communicating legislative information. This publication highlights bills affecting municipalities and includes brief summaries, legislative developments, and occasional requests for assistance, such as the impact specific legislation may have on your municipality and requests for contacts supporting or opposing legislation. While the format of this publication may change during the session as we work to find the best format to convey this information, it will be your best source. Of course, as discussed above, we will contact our members in other ways as well.

How can you take advantage of these publications? The Legislative Bulletin is posted on our website, usually by Friday each session. Check the web each week for the most recent Bulletin.

Most of our other legislative contacts will be made electronically, generally by e-mail. Any municipal elected or appointed official can receive these communications for free. Therefore, if you aren't already receiving this information, please contact us and we will add you to our list.

2. Put Someone in Charge. Our electronic communications are sent individually to our officials, not to the city. Therefore, we hope each official will take the time to review these publications carefully. But you may find it helpful to make sure that at least one person in the municipality is responsible

continued on page 26



The Legal Viewpoint

By Lori Lein
General Counsel



Understanding the Alabama Legislature

One of the prime functions of the League of Municipalities is to represent the interests of municipal government at the legislative level by informing members of legislation introduced that might affect municipal government and by presenting bills to the legislature on behalf of the municipalities of this state.

Because this is a key League function, it is important for municipalities to have a good basic understanding of the legislative process in Alabama. This article briefly explains the workings of the Alabama Legislature and how legislation is passed by that body.

Constitutional Provisions

Article IV of the Alabama Constitution of 1901 (Sections 44 through 111) establishes the legislative department of state government. Section 44 states that the legislative power of the state shall be vested in a legislature composed of a Senate and a House of Representatives. Section 44 has been construed by the Alabama Supreme Court to give plenary power to the state legislature. *State v. Lane*, 181 Ala. 646, 62 So. 31 (1913).

According to the Court, the Alabama Legislature possesses all of the legislative power which resides in the state under the United States Constitution, except as that power is expressly or impliedly limited by the Alabama Constitution. This differs from the powers granted to the United States Congress in that Congress can exercise only those powers enumerated in the Constitution of the United States or implied therefrom.

Article IV prescribes the manner of drafting bills, the organization and qualifications of members of both houses, authorizes each house to determine the rules of its proceedings and establishes procedures for the enactment of laws. Due to space limitations, only the provisions most applicable to the interests of municipalities will be discussed in this article.

Composition of the House and the Senate

The state legislature consists of 35 Senators and 105 members of the House of Representatives. This number was established by order of a three-judge federal district court for the Middle District of Alabama, Northern Division, in the case of *Sims v. Amos*, 336 F. Supp. 924, aff'd, 409 U.S. 942 (1972). In the decree, the court divided the state into 105 House districts and 35 Senatorial districts. Each House district is entitled to one Representative and each Senate district is entitled to one Senator. Each district has approximately the same number of people as any other district.

Qualifications of Legislators

Section 47 of the Alabama Constitution of 1901 states that Senators must be at least 25 years of age at the time of their election and Representatives must be at least 21 years of age at the time of their election. Both Senators and Representatives must also have been citizens and residents of Alabama for three years and must have lived in their respective districts for at least one year immediately preceding their election.

Section 60 of the Alabama Constitution of 1901 states that no person convicted of embezzlement of public money, bribery, perjury or other infamous crimes is eligible for membership in the state legislature.

Each house has the authority, given by the Alabama Constitution, to punish its members. With the concurrence of two-thirds of either house, a member may be expelled. A member who has been expelled for corruption is not thereafter eligible for membership in either house. Sections 53 and 54, Alabama Constitution of 1901.

Election and Terms of Members

Members of the House and the Senate are elected, for four-year terms, on the first Tuesday after the first Monday in November in the even years which are not leap years.

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Their terms begin on the day following their election. Their terms expire on the day after the election of their successors four years later. Section 46, Alabama Constitution of 1901. Amendment 57 to the Alabama Constitution of 1901 provides that each house shall judge the qualifications of its members.

Organizational Session

The state legislature meets in Organizational Session on the second Tuesday in January following the election of members. The only business that may be transacted at such a session is the organization of the legislature for the ensuing four years, the election of House and Senate officers, the appointment of standing and interim committees, the canvassing of election returns and the determination of contested elections.

During the Organizational Session, the House membership elects a Speaker who has the duty of presiding over the House of Representatives. The House membership also elects a Speaker Pro Tem to preside over the House in the absence of the Speaker.

The Senate is presided over by the Lieutenant Governor. During the Organizational Session, the Senate chooses a President Pro Tempore to preside in the absence of the Lieutenant Governor.

Pursuant to Section 53 of the Alabama Constitution of 1901, the House and the Senate adopt rules of procedure for the next four years.

Legislative Committees

The standing committees of each house are established by the rules of each house. These committees, which are required by the Alabama Constitution, operate throughout the session for the consideration of legislation assigned to them.

Committee members are named at the Organizational Session and hold membership throughout their terms. The members of House standing committees are appointed by the Speaker of the House. A rules change approved by the Senate this year provides that the members of Senate standing committees are appointed by the Senate President Pro Tem.

Length of Sessions

Amendment 339 to the Alabama Constitution of 1901 requires the state legislature to meet in annual regular sessions. Each regular session is limited to 30 legislative days within 105 calendar days. Each special session called by the Governor is limited to 12 legislative days within 30 calendar days.

A legislative day is a day on which either house of the legislature is actually in session. Normally, the legislature will meet in session two days per week and schedule committee work on the other days.

Types of Bills

Amendment 397 to the Alabama Constitution of 1901 states that a general law is a law which in its terms and effect applies either to the whole state or to one or more municipalities of the state less than the whole in a class.

A special or private law is one which applies to an individual, association or corporation. A local law is a law which is not a general law or a special or private law.

Section 11-40-12, Code of Alabama 1975, establishes eight classes of municipalities based on population. The legislature has the authority to pass measures which affect only those municipalities within a specified class or classes. Such classification legislation is defined as general law by Amendment 397 to the Alabama Constitution. Any such legislation which has application to only one municipality must be advertised prior to introduction according to the provisions of Section 106 of the Alabama Constitution.

Section 106, as amended by Amendment 341, of the Alabama Constitution of 1901 states that notice of all local bills must be published, prior to introduction, at least once a week for four consecutive weeks in some newspaper published in the county. If no newspaper is published in the county, then the notice must be posted, prior to introduction, for

two consecutive weeks at five different places in the county.

Steps in Passing Legislation

If a member of the legislature decides that a proposal has merit and that legislation should be enacted, the legislator prepares a bill or has a bill prepared for introduction into the house of which he or she is a member. That legislator then becomes the sponsor of the bill. All bills introduced must be prepared by either the Legislative Reference Service (LRS) or the Legislative Fiscal Office (LFO) as directed by a member of the Legislature.

The LRS is the principal bill drafting and legal research office serving the Legislature of the State of Alabama. LRS is a great source of information to the citizens of Alabama on all things relating to legislation. In addition to bill drafting, the duties of the LRS office include:

- Responding to questions concerning the organization and administration of state government or the operation of constitutional or statutory law.
- Rendering assistance in the drafting of bills and amendments to bills at the direction of a member of the Legislature.
- Making studies and reports on problems of state and local government in Alabama, either upon request or on one's own initiative.
- Conducting a continuous analysis of the scope, effect, and methods of federal, state, and local government operations in Alabama and making recommendations to the Legislative Council as appropriate.
- Preparing, when directed by the Legislature, a compilation or code of the statutes of Alabama.
- Acting as Code Commissioner in determining the content of the Code of Alabama 1975 and any supplements thereto and preparing an annual codification bill to adopt changes to the code enacted at prior sessions of the Legislature.
- Entering into a printing contract on behalf of the State of Alabama, when approved and directed by the Legislative Council, to publish the official code of the statutes of Alabama.
- Publishing the Alabama Administrative Monthly and the Alabama Administrative Code.

The LFO was established for the purpose of providing independent, accurate and objective fiscal information to members of the Alabama Legislature. They also provide bill and amendment drafting services much like the LRS. Additional duties of the LFO include:

- serving as primary staff for the House Ways and Means Committees and Senate Finance and Taxation Committees;
- fiscal analysis of legislative proposals and preparation of fiscal notes on bills which are introduced;

- analysis for the legislature of executive budget, tax and revenue proposals;
- drafting of legislative budget, tax and revenue proposals and related legislation;
- *tracking of budget, tax and revenue legislation*;
- analysis of agency budgets and budget requests;
- monitoring of state tax and other receipts;
- revenue estimating;
- certification (in conjunction with a separate certification by the Director of Finance) by the Legislative Fiscal Officer of projected growth in the Education Trust Fund by the third legislative day of each regular session (as required by Act 2000-732- the "National Average for Teachers' Salaries" Act);
- special evaluations of programs or agencies as designated by the Joint Fiscal Committee;
- general research upon request of legislative committees or individual legislators; and
- publication and distribution of materials to communicate fiscal information to legislators and the public.

Once bills are prepared by either LRS or LFO, they are often introduced in both houses of the legislature on or about the same date. This practice is not prohibited except the Alabama Constitution, in Section 70, requires that all bills to raise revenues shall originate in the House of Representatives. There is no limitation upon the number of sponsors that may sign a particular bill.

After introduction, the bill is assigned a consecutive number, for convenience and reference, and is read by title only. This action is known as the first reading of the bill. The Speaker of the House of Representatives or the President Pro Tempore of the Senate, depending on the body where the bill was introduced, refers the bill to a standing committee of the House or the Senate.

Section 62 of the Alabama Constitution of 1901 states that no bill shall become a law until it has been referred to a standing committee of each house, acted upon by such committee in session, and returned therefrom.

Standing committees are charged with the important responsibility of examining bills and recommending action to the full House or Senate. At some time when the House or Senate is not in session, the committees of each house will meet and consider the bills which have been referred to them and decide whether or not particular bills should be reported to the full membership. It is during these committee sessions that members of the general public are given an opportunity to speak for or against the measures being considered by the standing committees.

Bills which are favorably acted upon by the standing committees are reported to the entire house for consideration and are placed on the regular calendar. Bills reported unfavorably are placed on the adverse calendar. If a

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committee fails to act, the membership of each house, by a vote, may require the committee to act and report its action to the body at its next meeting.

The committee reports a bill to the full house when the reports of the committees are called. The bill is given its second reading at that time and is placed on the calendar. The second reading is by title only.

Section 63 of the Alabama Constitution of 1901 requires that every bill be read on three different days in each house and that each bill be read at length on final passage.

Bills are listed on the calendar by number, sponsor and title in the order in which they are reported from committee. Bills are considered for a third reading (passage) in the order of the calendar unless action is taken to consider a bill out of regular order.

Important bills can be brought to the top of the order by special order or by a suspension of the rules. Special orders are recommended by the Rules Committee and must be adopted by a majority vote. In the final days of a session, both houses usually operate daily on special orders.

When a bill comes up for consideration, the entire membership of the house considers its passage. The bill is read at length, studied and debated. In general, regular parliamentary rules of procedure apply when a bill is being debated on final passage. Each house has special rules which limit debate.

A majority vote in each house is necessary for passage of legislation except in cases where the Constitution requires more than a simple majority. For example, a proposed Constitutional Amendment must receive the vote of three-fifths of all members elected. Section 284, Alabama Constitution of 1901. In a special session, any legislation not covered in the Governor's call, or proclamation, must receive a two-thirds vote in each house. Section 76, Alabama Constitution of 1901.

After a bill has been voted on, any member who voted with the prevailing side may move to reconsider the question, but the time within which bills may be reconsidered is limited in both houses.

Bills passed in one house are sent to the other house by a formal message and the bills then receive their first reading in the second house. Proposals go through the same procedure in the second house committee study and report, second and third readings and floor debate and votes. If the second house passes the bill without amendment, it goes back to the originating house for enrollment. If a bill is amended in the second house, it must be returned to the first house for consideration of the amendment. The first house may vote to concur or not to concur, in which case the bill dies. The first house may vote not to concur and request a conference committee to work out the differences between the two bills. If the other house agrees to a conference, the

presiding officers of each house appoint members to the conference committee.

The conference committee meets and tries to reconcile the differences in the two versions of the bill. If agreement is reached and both houses adopt the conference committee report, the bill is finally passed. Sometimes a house may refuse to adopt the report of the conference committee and ask for a further conference. If the committee is still unable to reach an agreement, it may ask to be discharged and request the appointment of another conference committee to begin the process again. If the conferees never agree, the bill is lost.

When a bill is passed in both houses in identical form, it is enrolled or copied in its final form and sent to the house of origin for signature by the presiding officer in the presence of the members. The measure is then sent to the second house where it is also signed by the presiding officer in the presence of the members. Then the bill is sent to the Governor. The Governor is not required to sign proposed Constitutional amendments, they are sent directly to the Secretary of State for submission to voters for ratification at the time prescribed in the legislation.

Action by the Governor

When a bill reaches the Governor, he or she may sign it and thus complete the enactment of a bill into law. However, if the Governor objects to the bill, he or she may veto it or suggest amendments to the bill and return it to the house of origin. The bill is then reconsidered, first by the originating house and, if passed, by the second house. If a majority of the members elected to each house agree to the proposed amendments, the bill is returned to the Governor for his or her signature.

If both houses cannot agree to the Governor's amendments or if the Governor proposes no amendments but returns the measure, the bill has, in effect, been vetoed. The houses then may try to override the Governor's veto. An affirmative vote of 18 Senators and 53 Representatives is required to override the Governor's veto.

If the Governor fails to return a bill to the house of origin within six days after it is presented to him or her, Sundays excepted, the bill becomes law without the Governor's signature, unless the return was prevented by recess or adjournment. In such a case, the bill must be returned within two days after the legislature reassembles or the bill becomes law without the Governor's signature.

Bills which reach the Governor less than five days before the end of the session may be approved by him or her within 10 days after adjournment. Bills not approved within that time do not become law. This is known as the pocket veto. The Governor has the authority to approve or disapprove any item or items of an appropriation bill without vetoing the entire bill.

Budget Isolation Resolutions

Amendment 448 to the Alabama Constitution of 1901 states that the Governor must submit a proposed budget to the legislature by the second day of each regular session. The legislature must make the basic appropriations necessary for the current budgetary period before passing any other legislation. However, if three-fifths of a quorum adopt a resolution declaring that this restriction does not apply to a certain bill, that bill may proceed to final passage. This is known as the budget isolation resolution and permits the legislature to enact legislation prior to adopting a budget.

Unfunded Mandates

The Alabama Constitution provides that any general law whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or instrumentality thereof, shall not take effect unless (1) it is approved by the affected governing bodies or (2) the legislature provides funding to pay for the mandate or (3) the legislature passes the legislation by the affirmative vote of two-thirds of those voting in each house. Amendment 621 of the Constitution of Alabama of 1901.

The amendment does not apply to: (1) local laws; (2) acts requiring expenditures of school bonds; (3) acts defining new crimes or amending definitions of crimes; (4) acts adopted prior to the ratification of the amendment; (5) acts adopted to comply with federal mandates, only to the extent of the federal mandate; (6) acts determined by the Legislative Fiscal Office to have an aggregate insignificant fiscal impact on affected governments; or (8) acts of general application prescribing the minimum compensation for public officials.

The term "aggregate insignificant fiscal impact" shall mean any impact less than \$50,000 annually on all affected governments statewide.

Conclusion

The purpose of this article is to give the reader a basic understanding of the Alabama Legislature as well as the process for introducing and passing legislation. It is important for municipalities to have a good basic understanding of the legislative process in Alabama. For further questions relating to Alabama's Legislature and the legislative process, you can contact the Legislative Reference Service or the Legislative Fiscal Office.

For questions relating to legislation affecting municipalities, please contact the League's Governmental Affairs Department or the League's Legal Department. Information on the League's 2012 Legislative Package can be found on our website at www.alalm.org under the "Legislative Advocacy" tab at the top of the home page. ■

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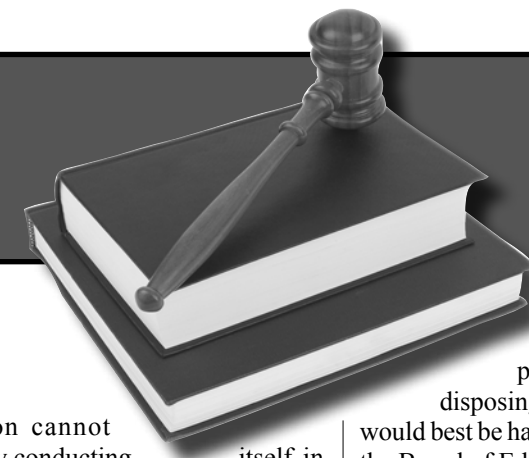


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NOTE: Legal summaries are provided within this column; however, additional background and/or pertinent information will be added to some of the decisions, thus calling your attention to the summaries we think are particularly significant. We caution you *not* to rely solely on a summary, or any other legal information, found in this column. You should read each case in its entirety for a better understanding.

ALABAMA COURT DECISIONS

Appointments: In a mayor-council form of government, the appointing authority of the mayor, although broad, is not absolute and all encompassing. The source of a city council's authority is the authority that the Alabama Legislature granted it by statute. The legislature has granted the mayor general appointing authority for a municipality, subject only to those positions as to which the legislature designated appointing authority elsewhere. *Scott v. Coachman*, 73 So.3d 607 (Ala.2011)

Courts: A defendant's arrest record was not a record of the Alabama Department of Human Resources, which was the agency that investigated the allegation that he had committed first-degree sodomy, and, thus, the statute which required that an agency or authority that investigated a report of child abuse or neglect expunge any record of the information or report and any data developed as a result of the report if the report did not result in a conviction, did not authorize the circuit court to expunge defendant's arrest record. *Slaton v. State*, 71 So.3d 659 (Ala.Civ.App.2011)

Dillon Rule: A provision of a municipal code requiring a property owner to register wastewater systems, or septic tanks, located in the drainage basin of a lake did not conflict with state law. The provision of the municipal code enlarged on regulation of septic tanks by the state and was complementary thereto. *Peak v. City of Tuscaloosa*, 73 So.3d 5 (Ala.Crim.App.2011)

Litigation: A trial court was required by Section 6-6-20, Code of Alabama 1975, upon a residents' motion for mediation, to order mediation of the residents' request for attorney fees and costs, after the residents prevailed in their declaratory judgment action challenging the validity of a special election to fill a vacancy on the county commission. The statute provides that mediation is mandatory upon the motion by any party. *Working v. Jefferson County Election Com'n*, 72 So.3d 18 (Ala.2011)

Litigation: The trial court has broad discretion in overseeing discovery and in protecting persons from whom discovery is sought. The trial court did not exceed the scope of its discretion in denying a hospital's motion for a protective order prohibiting the deposition of its chief executive officer in an action for breach of contract arising from the hospital's decision not to relocate the hospital in the city, but instead to relocate the hospital at a different location. *Ex parte Community Health Systems Professional Services Corp.*, 72 So.3d 595 (Ala.2011)

Open Meetings Act: A letter from a city's attorney to a property owner's attorney, which stated that the owner's attendance at a city council meeting regarding the owner's drainage proposal

would likely hinder any chance of settling a dispute between the owner and the city regarding the drainage problem on his property, did not forbid the owner from attending the open portion of the meeting, and, thus, it did not constitute evidence that the city council failed to hold a meeting that was open to the public as required by the Open Meetings Act. *Wilson v. City Council of City of Saraland*, 72 So.3d 1190 (Ala.2011)

Sales and Use Taxes: The use of the signature stamp of a city's finance director on a notice of final assessment of municipal consumer's use tax, violated the regulation governing signatures on final assessment documents, and, thus, the notice of final assessment was effectively unexecuted and, therefore, invalid. The state Taxpayers' Bill of Rights and Uniform Revenue Procedures Act is made applicable to use and sales taxes assessed by municipalities through the Local Tax Simplification Act of 1998 (Code 1975, § 40-2A-1 et seq.). *City of Huntsville v. COLSA Corp.*, 71 So.3d 637 (Ala.2011)

Searches and Seizures: Although a warrant is deemed void by statute if not executed in 10 days, the same statute does not provide for the invalidation of the warrant upon its failure to be returned. Secondary evidence is admissible to show the existence and contents of an affidavit and search warrant once it has been established, to the reasonable satisfaction of the trial judge, that the warrant was lost, absent bad faith on the part of the proponent. *State v. C.B.D.*, 71 So.3d 717 (Ala.Crim.App.2009)

Searches and Seizures: If a citizen or victim informant is an eyewitness, this will be enough to support probable cause for a search, even without specific corroboration of reliability. *T.A.P. v. State*, 72 So.3d 707 (Ala.Crim.App.2010)

Tort Liability: Landowners sought an injunction, which was historically equitable relief, against a county to abate a continuing trespass, and, thus, their claim was not barred by the notice of claim statutes that prohibit action against a county until a claim was presented to the county commission and established limitations period for doing so. *Hobbs v. Mobile County*, 72 So.3d 12 (Ala.2011)

Tort Liability: The tort of outrage is viable only when the conduct is so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency, and to be regarded as atrocious and utterly intolerable in a civilized society. Comments by a white Mayor concerning a black councilmember did not rise to the level of extreme and outrageous conduct that exceeded the bounds of decency. *Little v. Robinson*, 72 So.3d 1168 (Ala.2011)

Worker's Compensation: An organization had an implied contract for hire with a temporary employee, and was the temporary employee's "special employer" so as to be immune, under the exclusive remedy provisions of the Workers' Compensation Act, from tort liability for injuries the employee sustained while driving a vehicle for the organization. *Ex parte Salvation Army*, 72 So.3d 1224 (Ala.Civ.App.2011)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Taxation: An organization cannot obtain tax exempt status merely by conducting itself in accordance with the relevant provisions of the Internal Revenue Code; rather, in order to establish its exemption, it is necessary that every such organization claiming exemption file an application with the IRS. *Christian Coalition of Florida, Inc. v. U.S.*, --- F.3d ---, 2011 WL 5553651 (11th Cir.2011)

DECISIONS FROM OTHER JURISDICTIONS

Courts: The Federal courts' subject matter jurisdiction based on the parties' diverse citizenship must be established with specificity, including the citizenship of each member of a limited liability company, and the citizenship of any member's members that are unincorporated associations. Citizenship of any member that is an unincorporated association must be traced "through however many layers of members or partners there may be." *D.B. Zwirn Special Opportunities Fund, L.P. v. Mehrotra*, 661 F.3d 124 (1st Cir.2011)

ATTORNEY GENERAL'S OPINIONS

Ad Valorem Taxes: A regional mental health facility that is licensed or certified by the Alabama Department of Mental Health is exempt from payment of ad valorem taxes pursuant to section 40-9-23 of the Code of Alabama, regardless of the number of patients treated by such facility. The determination regarding whether a facility is a regional mental health facility pursuant to sections 22-50-1 through 22-50-24 of the Code of Alabama is a decision best suited for the Department of Mental Health. AGO 2012-021

Building Codes: The Alabama Manufactured Housing Commission has the statutory authority to regulate the construction, transportation, site location, and manufacturing standards of a manufactured building. Because a storm shelter is defined as a manufactured building, the Alabama Manufactured Housing Commission has the authority to regulate the sale and installation of storm shelters. AGO 2012-013

Competitive Bid Law: Pursuant to section 41-16-60 of the Code of Alabama, a member of a city or county board of education may contract with the board of education for personal property or personal services if: (1) the contemplated contract was in existence before a person was elected or appointed to the board, or (2) the individual does not participate in the deliberation or vote on the proposed contract. Section 41-16-60 is not applicable to contracts subject to the Public Works Law. Members of city and county boards of education may be subject to the Ethics Law and should submit these questions directly to the Ethics Commission. AGO 2012-017 and AGO 2012-018

Public Records: The supervision and maintenance of personnel files is the responsibility of the executive officer or superintendent of the Board of Education. The school board may

establish policies governing the contents of personnel files. The mechanism for storing and disposing of personnel files is an administrative issue that would best be handled by policies and procedures implemented by the Board of Education. Retention practices should be consistent with the procedures established by the Local Government Records Commission. AGO 2012-019

Volunteer Fire Departments: A volunteer fire department is subject to the Competitive Bid and Public Works Laws. The business records of a volunteer fire department are subject to disclosure under the Open Records Law, except when specific records or portions thereof can be demonstrated by the department to fall within a recognized exception. The records must be maintained according to guidelines of the State Records Commission. AGO 2012-16 ■

What is the process for disposition of firearms and other property seized by the police department, including when the owner is unknown and the property is no longer needed for evidence?

A police department must first obtain a court order to forfeit or destroy property, including guns, seized for violation of the Alabama Uniform Controlled Substances Act under Section 20-2-93, Code of Alabama 1975. A Chief of Police may then use, sell or trade forfeited guns or property seized under Section 20-2-93. Proceeds from such sales must be deposited in the general fund and made available to the department upon requisition of the Chief of Police, with approval of the council. See AGO 2009-090

A police department must obtain a court order to use or destroy guns seized for certain firearms offenses under Section 13A-11-84(b), Code of Alabama 1975. The police department may not sell or trade condemned guns, or the parts thereof, seized under section 13A-11-84(b).

Abandoned motor vehicles are subject to Section 32-13-1, et seq., Code of Alabama 1975. All other property and guns may be disposed of as provided in Section 11-47-116, Code of Alabama 1975. Section 11-47-116(a), authorizes municipalities to pass an ordinance to provide for the taking up, storing and sale of abandoned and stolen property. In order to comply with due process rights, a municipality should have procedures in place for return of property to the owner when charges have been dropped and the property is no longer needed for evidence and has not been condemned. Proceeds from sales under Sections 11-47-116 must be deposited in the municipal general fund. See AGO 2011-070. ■



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Job Creation Remains Top Priority for 2012

By Governor Robert Bentley

Creating jobs for Alabamians has been, and will remain, my number one priority as your Governor. I am pleased to report that, despite a struggling national economy, our Administration is continuing to put Alabamians back to work. At the end of 2011, Alabama's unemployment rate had dropped to 8.7%, which is the lowest of 11 states in the Southeast, despite the fact that the devastating April tornadoes caused unemployment to soar as high as 10 percent. In December 2011, Alabama had the second largest monthly decline in unemployment in the nation. Early in my Administration, I set a goal of creating 10,000 new, future jobs for Alabamians during my first year in office. We have exceeded that goal, announcing a total of 13,682 new jobs coming to Alabama, representing over \$3.3 billion in investment. I expect these trends to continue in 2012.

However, there is still much work to be done, and to accomplish our goals, we need more tools to recruit new industries to Alabama and encourage existing industries to expand their operations here. In 2012, we will present legislation which will allow the people of Alabama to vote on a number of incentive packages we can use to recruit more growing industries to the state. We have an outstanding team recruiting businesses to Alabama and encouraging growth of existing businesses, from our Alabama Development Office to local economic development recruiters to our local chambers of commerce, and we need to make sure they have the tools they need to compete against other states in a highly competitive environment.

We will work this year to improve the infrastructure – the roads and bridges – in this state so we can continue to recruit new industries. In early January, we were in the Shoals to announce the re-commencement of a project that has been sitting idle for years. I plan to make similar announcements many times during my time as Governor. In many of Alabama's most economically challenged regions, better roads and safer, stronger bridges are all that are needed to bring in new industry. In 2012, improving the quality of our current roads and bridges will be a top priority.

In the field of education, 2011 brought great news for our state. Thanks to the remarkable efforts of our state's teachers, Alabama led the nation in reading gains and met the national average in reading for the first time. According to the National Assessment of Educational Progress, a nationally recognized indicator of student performance, Alabama was one of only four states in the nation to show significant gains in 4th grade reading scores. We saw improvement not only in reading scores, but also in math scores. These accomplishments are a direct result of the tireless efforts of teachers and school leaders across the state to prepare all of our students for college and career.

While there is certainly much to be celebrated, we also recognize that we have much more work to do to ensure that all Alabama students are receiving a high quality education. A significant achievement gap still exists between low-performing groups of students and their higher-performing peers. On the NAEP assessment, 8th grade math scores paint a particularly stark picture of the challenge. African-American students had an average score that was 30 points lower than white students, and students who were eligible for free or reduced price lunch had an average score that was 28 points lower than students who were not eligible for free or reduced price lunch.

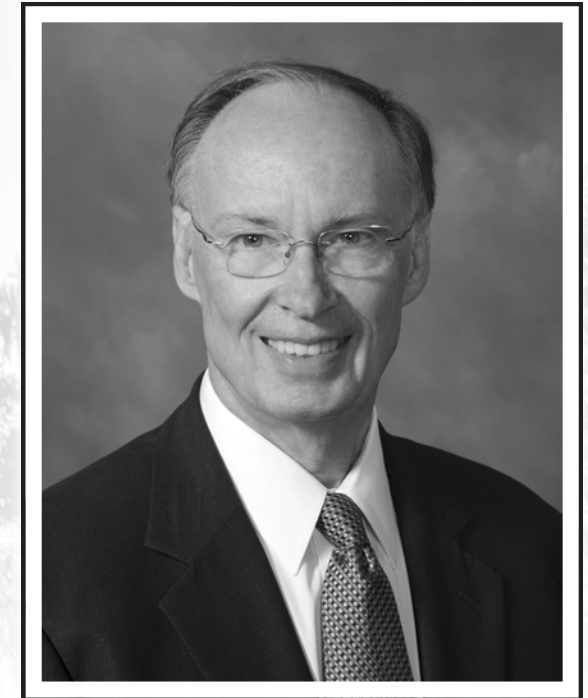
We owe it to every child in Alabama to do everything within our power to eliminate these disparities. The challenge is clear: provide every student in Alabama, regardless of race or income level, with a high quality education. Without one, our students will not be competitive in the global marketplace.

How are we going to meet this challenge? I strongly believe that the key to school improvement is high quality teachers and school leaders. It is my priority to ensure that every student has a highly-effective teacher and every school has a highly-effective leader. We have to continue to attract the best and brightest to our classrooms and schools by ensuring rigorous teacher and leader preparation programs.

We must honor the profession of teaching by holding teachers accountable through a transparent evaluation system. We need to give teachers the space to innovate through charter schools and flexibility within district schools. In the upcoming legislative session, I will be supporting policies that give these flexibilities and tools to teachers. We hold our teachers to extremely high expectations. We must give them the support they need to meet them.

As a physician, improving the health and well-being of the people of Alabama is very important to me. Alabama continues to rank at the bottom of almost every health statistic. Our state continues to struggle with diabetes, obesity, heart disease and infant mortality. As a result, health care costs soar and our quality of life is diminished. In 2012, we will bring together all of our state healthcare-related agencies and partners to form a health alliance with the specific goal of making Alabama healthier. By concentrating the efforts of all these agencies we can better serve the needs of our people and ultimately improve our health.

We will pay special attention to the rural areas of our state where access to healthcare is limited and sometimes non-existent. With innovative solutions we will bring access to quality healthcare to our rural areas. With the use of telemedicine people who live in some of Alabama's most remote locations will have access to doctors and nurses and will receive the treatment they could not have access to otherwise.



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LEAGUE LEGISLATIVE FEATURE

CMO Session 35 - Municipal Legislative Advocacy

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Municipal Legislative Advocacy Day is the one day each year when you as a municipal leader have the opportunity to take your message to the State House so the power of our membership's collective voice is heard. **To register for this session, visit www.alalm.org.** Space is limited!

- 8:30 – 9:15 a.m. Registration**
- 9:15 – 9:30 a.m. Welcome**
 - **Debbie Quinn, Councilmember, Fairhope; Chair, Committee on State and Federal Legislation**
- 9:30 – 10 a.m. 2012 Opportunities for Economic & Community Development**

Attendees will be briefed on multiple opportunities for cities and towns to improve their communities through building a strong development strategy.

 - **Jim Byard, ADECA Director**
 - **Greg Canfield, ADO Director**
- 10 – 10:30 a.m. Election Outlook for 2012**

A discussion about the political landscapes of the 2012 federal and municipal elections.

 - **David Mowery, Alabama Political Consultant**
- 10:30 – 10:50 a.m. Refreshment Break**
- 10:50 – 11:30 a.m. Effective Lobbying Techniques**

Two former members of the House that now spend their days lobbying the Legislature will share their insights for effectively lobbying your legislators.

 - **Mark Gaines**
 - **Allen Sanderson**
- 11:30 – Noon ALM: Disseminating Information to its Members**

An overview of the League's critical communiqués and how technology is changing the methodology for disseminating information.

 - **Carrie Banks, Communications Director, ALM**
- Noon – 12:30 p.m. League's 2012 Legislative Agenda**

An overview of the legislative proposals adopted by the League Policy Committees for introduction in the 2012 Regular Session.

 - **Greg Cochran, Director, Intergovernmental Relations, ALM**
- 12:30 – 1:00 p.m. Action Alert: Legislation Affecting Municipalities**

An overview of the legislative proposals affecting Alabama's municipalities.

 - **Ken Smith, Executive Director, ALM**
 - **Lori Lein, General Counsel, ALM**
 - **Hal Bloom, The Bloom Group**
- 1:00 – 2:00 p.m. Lunch served on site** (included with registration fee; bus transportation to Capitol Steps immediately following lunch)
 - **Keynote Speaker - TBA**
- 2:15 p.m. Group Photo on Capitol Steps** (weather permitting)
- 2:30 – 4:00 p.m. Legislative Visits - Alabama State House**
- 2:30 - 3:50 p.m. Bus departure from the State House (Union Street) will run routinely to the Renaissance**

Featured Speakers for ALM's Municipal Advocacy CMO Session



Jim Byard, Jr., Director, ADECA

In January 2011, Gov. Robert Bentley named Jim Byard Jr. to be the new director of the Alabama Department of Economic and Community Affairs. At the time of his appointment, Jim was serving his third term as mayor of the City of Prattville.

When elected in 2000, he was the youngest mayor in the city's history. He had previously been elected to the Prattville City Council at the age of 26 where he served two terms, one as council president. During his tenure as mayor, Prattville experienced rapid growth and development with many national retailers opening stores in the city. In 2004-2005 he served as president of the Alabama League of Municipalities, a nonpartisan association of more than 440 Alabama cities and towns. Jim also served on the board of directors of the National League of Cities.

His 18 years of municipal government experience gave Jim an opportunity to learn, from a local perspective, the important role ADECA plays in community development. As the Director of ADECA, Jim oversees a staff of more than 200 and a budget of about \$350 million annually. Working as an arm of the governor's office, ADECA awards hundreds of grants each year to city and county governments

and nonprofit organizations. Communities across the state depend on ADECA funding to help with economic development, job training, law enforcement, energy conservation, recreation projects, community services and much more.



Greg Canfield, Director, ADO

Greg Canfield was appointed by Governor Robert Bentley as director of the Alabama Development Office on July 18, 2011. Prior to joining ADO, he served in the Alabama House of Representatives as chairman of the Commerce & Small Business Committee. The Alabama native is no stranger to economic development and was a successful business executive who launched the Business Development Committee during his service as president of the Vestavia Hills Chamber of Commerce. The committee recruited many new businesses to his community.

Greg began his career in sales with the Fortune 500 Company, Purolator Corporation. He went on to become the Southeast Regional Sales Manager and then Regional Administration Manager with responsibility for the corporate regional budgetary process for the southern region. Later he became a National Account Manager for Transus Freight Systems, with responsibility for the eastern region from Alabama to New Jersey. In 1991, Greg entered the insurance and financial services field and opened a small business in 1993 marketing insurance and financial products to businesses and individuals. After selling his business in 2008, he joined J.H. Berry Insurance in Birmingham, AL.

Greg also served on the Government Affairs Committee for the Birmingham Business Alliance and is the author and sponsor of the Education Trust Fund Rolling Reserve Budget Act as well as legislation to address improvements in Alabama's tort laws, pro-business environment and economic development opportunities.



David Mowery, Political Consultant

David Mowery is the founder and president of Mowery Consulting Group, LLC. He was recently named as one of Campaigns and Elections Magazine's Rising Stars for 2011. David attended the University of Georgia, earning a degree in journalism from the Henry W. Grady College of Journalism and Mass Communication in 1999. In 2001, David worked at a Top-5 public relations firm in its Washington, D.C. office. While there, he helped manage a successful nationwide awareness campaign for a major healthcare group.

David has raised nearly \$8,000,000 for campaigns in Alabama since 2004. In 2008, he managed the successful Congressional campaign of then-Montgomery Mayor Bobby Bright in an R+13 district that had not had a Democratic representative since 1964. He followed that success by managing County Commission Chairman Todd Strange's campaign for Mayor of Montgomery – besting a six-person field without a runoff. He founded Mowery Consulting Group, LLC in the Spring of 2009.



Mark Gaines

Mark Gaines joined Adams and Reese in 2007 and serves as Special Counsel on the Governmental Relations team. He lobbies at the local, state and federal level and assists corporate clients with regulatory, legislative and executive challenges. Prior to joining the firm, Mark served as Probate Judge for Jefferson County and was elected to four terms in the Alabama House of Representatives.

For nearly two decades, Mark was in private practice concentrating in the areas of real estate, probate, wills, trusts and business entities. His is very active in key business groups and industry associations and has helped raise the firm's visibility in the business community. He has managed, consulted or counseled dozens of political campaigns and grassroots efforts, including United States Senate, Governor, judicial races, state legislative races and ballot initiatives.



Allen Sanderson

Allen Sanderson, the former House Republican Minority Whip joined The Bloom Group in 2008 and became a principal in 2010. He has more than 30 years of political, legislative and campaign experience, including 12 years as a member of the Alabama House of Representatives. While a member of the House, Allen served eight years on the powerful Rules Committee and eight years on the Health Committee with four years as vice-chairman. He was also elected to the Legislative Council. In addition to his political expertise, Allen brings real world business experience, working for over 20 years as a real-estate agent and investor specializing in commercial leasing. His areas of expertise include: healthcare, political coalition building, public governmental finance and insider knowledge of the legislative process.

CMO Session 35 - Municipal Legislative Advocacy

ADVOCACY | EDUCATION | NETWORKING

ADVOCACY: Take advantage of this opportunity to advocate on behalf of your hometown at the State House. It is important to show a strong municipal presence at the State House to demonstrate the effectiveness of the state's cities and towns in building a stronger Alabama economy.

EDUCATION: Hear from State political leaders and your Association's legislative staff about the issues that will affect Alabama municipalities during the 2012 session. Also take home information on timely topics to help you be successful leaders in your community.

NETWORKING: Throughout the day, connect with other municipal elected officials and your legislators at the State House. Use the opportunity to make new friends, visit with old friends and share ideas.

Featured Speakers for ALM's Municipal Advocacy CMO Session (League Staff)

Carrie Banks, Communications Director, ALM

Originally from North Carolina, Carrie received her BA in Journalism from East Carolina University in 1991 and her MA in Public Relations and Advertising from The University of Alabama in 1992. As Communications Director for the Alabama League of Municipalities, she oversees marketing and public relations efforts for the League and its affiliate organizations and is responsible for strategic planning as well as managing the content and design of the League's website and all printed and electronic publications/materials. Prior to joining the League's staff in 1997, she worked for the Alabama Education Retirees Association in Montgomery.

Greg Cochran, Director, Intergovernmental Relations, ALM

Greg began working on political campaigns as a volunteer in the early 1980s, including Montgomery Mayor Emory Folmar's re-elections in 1984 and 1988. In 1990 Greg joined the staff of the Medical Association of the State of Alabama as the Director of Legislative Affairs. From 1993 until 1994 he served as Vice President of Governmental Relations for the Mobile Area Chamber of Commerce. In 1994 he was hired as the Vice President of Legislative Affairs for the Business Council of Alabama and in 1996 he joined the Alabama League of Municipalities as the Director of Intergovernmental Relations where he is responsible for federal and state legislation.

Ken Smith, Executive Director, ALM

Ken received a B.S. degree in journalism from the University of Alabama in 1982 and a J.D. degree from the University of Alabama School of Law in 1985. He was hired as the League's staff attorney in June 1986. Prior to being selected the League's fourth executive director in June 2011, he served for several years as the League's Deputy Director/General Counsel. During his years with the League of Municipalities, he has been responsible for advising municipal officials and employees from over 440 member cities and towns. He has written numerous articles and manuals on municipal government and addressed numerous gatherings of municipal officials, employees and attorneys on municipal matters. In 2003, he was presented the Award for Teaching Excellence by the College of Continuing Studies at the University of Alabama. He has helped write the handbook and guides used by all elected municipal officials in Alabama.

Lori Lein, General Counsel, ALM

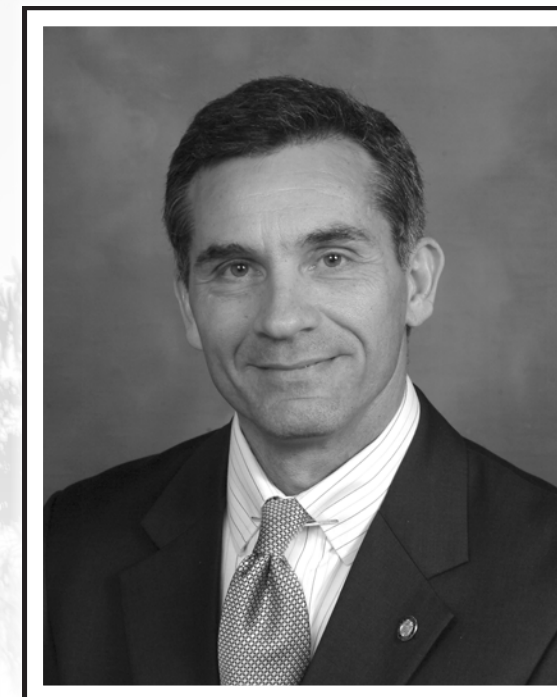
Lori joined the League's legal department in 2001, bringing with her a solid background in local government issues after practicing law in Montgomery, Alabama, where her primary clients were county officials. In addition, she gained in-depth experience working with the state legislature while serving as a legislative analyst for the Alabama Legislative Reference Service for two years. Lori presently serves as the League's General Counsel. She also works closely with the League's state and federal legislative agenda and is a frequent speaker on issues relating to municipal law in Alabama. Originally from Las Cruces, New Mexico, Lori received a bachelor of science degree from Auburn University's College of Engineering in Textile Management and Technology in 1992 and then returned to New Mexico and earned her law degree from the University of New Mexico School of Law in 1996.

Hal Bloom, The Bloom Group

Hal has worked with the League as a legislative consultant for more than 25 years. As the founding principal of The Bloom Group, he brings clients extensive experience in politics, with an in-depth understanding of the legislative process as well as the inner workings of state agencies. A seasoned and respected veteran in his field, Hal was chosen as one of the top lobbyists by *The Montgomery Advertiser* (1999). His key areas of expertise include: insider knowledge of the legislative process; political coalition building; public and governmental finance; and strategizing for and managing political campaigns.

2012 Legislative Outlook: Growing Alabama's Private Sector Economy Will Boost State Revenue

By Senator Del Marsh, President Pro Tempore,
Alabama Legislature



The top priorities for the 2012 Legislative Session are jumpstarting private sector economic growth, improving the quality of education for our children and making state government more efficient. Yet, one of the biggest challenges the Legislature will face this session is balancing budgets for the state's general fund and education trust fund. Projections show a shortfall of roughly \$500 million between the two budgets.

We will have to make some very tough decisions to address these dramatic budget gaps, while also trying to preserve funding for essential services and make sure taxpayer resources are spent responsibly. Balancing the budgets with such massive shortfalls will be a daunting task, but state revenues are down due mostly to the staggering economy and we believe the best long-term approach to solving this problem is to grow Alabama's private sector economy – in turn boosting revenue for the state.

Beginning day one of the upcoming session, we will work to prioritize legislation that will have a positive impact on the economy. We will propose innovative incentives and offer pro-growth tax relief not only to encourage new job creation, but protect the jobs already here.

Maintaining a business-friendly environment is essential for not only recruiting new business, but keeping existing business in Alabama. While working to get the nearly 10 percent of jobless Alabamians employed, we also want to help existing business keep the other 90 percent of Alabamians working.

Ask any small business owner what the biggest obstacle to their growth is and they will tell you bureaucratic red tape and burdensome government regulations. In recent years, we have seen a constant threat of new taxes and job-killing regulations coming out of Washington – resulting in a turbulent and uncertain environment for private-sector job creators. Despite this uncertainty, it remains clear that our state's business-friendly environment provides a solid foundation for putting Alabamians back to work and continued economic growth.

Under Governor Bentley's leadership, the Alabama Development Office reports that since January of this year, 72 new and expanding businesses have created more than 6,500 jobs and invested nearly \$2 billion in Alabama's economy. The Governor's top priority is improving the state's economy and the Legislature will continue working with his administration to pass legislation that will help Alabama's economy succeed.

We plan to examine how our laws and policies, particularly the tax code, are affecting small businesses in this state. We will also propose legislation requiring that, before adopting a new regulation, every state agency must submit an economic impact analysis to ensure that government doesn't stifle our economy through red tape.

In order to ensure short- and long-term economic growth, job creators must have access to a skilled workforce. That is why we will continue to invest in cutting-edge workforce training initiatives so that Alabamians are prepared to succeed in the careers of tomorrow.

But we can't stop there. Perhaps the biggest threat to long-term economic growth is Alabama's alarming high school dropout rate. Up to 43 percent of Alabama students drop out of high school before graduating. Those who drop out are twice as likely to be unemployed, three times more likely to live in poverty and eight times more likely to wind up in prison than those who graduate. Four out of every 10 dropouts end up on at least one form of public assistance.

In order to give our children the opportunities they deserve, we must take action and enact bold reforms to make sure they are getting a quality education. We will propose legislation to combat Alabama's dropout problem by empowering local districts to make changes at the ground level, incentivizing performance and holding them accountable for their results. As other states around the country have looked to solve similar problems, many have seen success by authorizing charter schools and providing options for children in failing school systems. Alabama lawmakers have explored what has worked in other states and will propose reforms tailored to meet the needs of our state.

Last but not least, we will continue working to make state government live within its means. A well-managed, efficient state government is in the best interest of all Alabamians and we should never stop looking for ways to make state government work better for our citizens.

In the President Pro Tem's office, we cut our budget by \$1.1 million immediately after I was elected – saving taxpayers more than \$100,000 a month by reducing a staff of more than 40 down to five. Now we have reinvested a portion of those savings in an effort to make the rest of state government more cost effective, transparent and accountable to the people of Alabama.

continued on page 25

Less Talk, More Action on Jobs

By House Speaker Mike Hubbard



Politicians are never short on promises. Whether you vote Republican or Democrat, whether you are young or old, we have all been promised something by a politician who didn't deliver.

In Alabama unfulfilled political promises are something of a tradition. For decades, lawmakers promised bold changes to move the state forward. But somehow, after election season was over and it came time to govern, change seldom happened.

That's not the way things work anymore. In the 2010 elections, a new class of lawmakers was elected on this promise: send us to Montgomery with a conservative majority and we'll pass a specific agenda of some of the most meaningful and transformative legislation enacted in decades. That's exactly what we did. Anti-corruption reform, pro-growth economic development bills, budgeting reform, tenure reform, tort reform and campaign finance reform were highlights on a long list of campaign promises turned into legislative accomplishments.

Now, with our second Regular Session approaching, we want to maintain that reputation of reliability and make even more progress moving Alabama forward. Too often, politicians are all talk about tackling real problems. But when it comes to creating jobs, improving schools and cutting government waste, talk is cheap.

It's time for less talk, and more *action*.

Our number one priority for 2012 is boosting private sector job growth in Alabama. Obviously, the sluggish national economy makes that task difficult. Still, the recent numbers are encouraging: Alabama's unemployment rate dropped more than an entire percent over the last two months, which was the steepest decline in the United States. Since last January, Alabama has added more than 38,600 jobs. That's positive news and proof that we're heading in the right direction. However, if this recession has taught one thing it is that we must keep innovating and keep finding ways to give Alabama a competitive advantage in economic development.

We're proposing a slate of bills that will give our state and local economic developers more tools to recruit new industry and help existing industry expand. We also want to make the necessary investments in our workforce development platform so we can give unemployed workers the training they need to fill these jobs. I believe Republicans and Democrats can agree on most, if not all of these proposals, and work to pass them in a bi-partisan manner.

Streamlined Tax Incentives to Recruit and Retain Jobs

Alabama's success in landing world-class companies like Mercedes, Honda, Hyundai and ThyssenKrupp proves how effective tax incentives can be for bringing jobs to this state. This constitutional amendment would allow voters to give the Alabama Development Office and the Governor more flexibility in offering tax incentives to land major economic development projects and retain those companies that might otherwise relocate outside Alabama.

"Made in Alabama" Job Incentives Act

Recommended by the Speaker's Commission on Job Creation and passed into law in the 2011 Regular Session, this measure allows the state to offer temporary state income tax incentives to offset build-up phase tariff costs for international companies bringing jobs to the state. As a direct result of this legislation, hundreds of foreign-based companies representing thousands of jobs expressed interest in locating their North American facilities in Alabama.

Unfortunately, the Alabama Education Association is suing to block the law, creating uncertainty for businesses that could take advantage of the incentive. We plan to remove AEA's technical argument, pass the law again and make sure Alabama once again has this competitive advantage over other states for recruiting international companies.

"Heroes for Hire" - Tax Incentives for Hiring Veterans Returning from War

With wars winding down in Iraq and Afghanistan, thousands of Alabama veterans will soon return home to a stagnant economy in which it is difficult to find a job. This proposal would offer Alabama businesses a tax credit of at least \$1000 for hiring a veteran recently returned from war, because those who served on the front lines for our country deserve to be at the front of the line for new hires.

The Alabama Sales, Use, and Lease Tax Simplification Task Force

The Alabama Sales, Use and Lease Tax Simplification Task Force is a twenty-member panel required to study the issue of streamlining

and simplifying the administration and remittance of sales, use and lease taxes.

Making Workforce Development Work for the Unemployed

Thousands of unemployed Alabamians are able – but not trained – to enter into available good-paying skilled-labor jobs, such as construction, welding, plumbing and machine maintenance. We will make the necessary investments that afford our two-year college system the resources they need to meet Alabama's jobless with Alabama jobs.

Alabama Regulatory Flexibility Act

The Alabama Regulatory Flexibility Act would require each state agency to conduct an economic impact analysis as well as a regulatory flexibility analysis prior to the adoption of any proposed regulation that may have an adverse impact on small businesses.

Legislation Establishing a Small Business Financing Authority

One of the top inhibitors for small business development and growth is access to capital. Loans are increasingly difficult to come by even for good candidates with solid business plans.

A key recommendation of the Speaker's Commission on Job Creation, this authority would assist small businesses with financing issues by making direct loans, helping small businesses attract more banking partners, and meeting a variety of credit-related needs. Other states have created small business financing authorities. In Virginia, for example, the return on investment has been \$5.81 for every state dollar loaned to a small business. Using that calculation, a one-time appropriation of \$5 million would allow the state to assist more than 200 small businesses and generate \$35 million in private equity and credit in the first year the loans are made.

Lawmakers will also be taking up changes to the state's immigration law. Make no mistake: we will not be repealing the law. We will, however, make technical adjustments so that our immigration law works better.

Lawmakers right now are working with business leaders and those representing municipal governments to see what updates might be necessary to maintaining what we believe is the most business-friendly environment anywhere in America.

Are there ways we can improve the law so that businesses aren't over-burdened by needless regulations? Yes, there are. Are there adjustments we can make so that law enforcement officers can better do their jobs and protect us? Absolutely.

We're focused on clearing up misconceptions and correcting any portions that might be vague or require additional definitions. We seek to ensure more efficient and less burdensome application of the law for businesses and local governments.

Mike Hubbard represents the Auburn-Opelika area and serves as Speaker of the Alabama House of Representatives. You may reach Speaker Hubbard by email at Mike.Hubbard@alhouse.gov.

Governor Bentley _____ continued from page 17

I, along with House Speaker Mike Hubbard and Senate President Pro Tempore Del Marsh, have committed to make Alabama's new immigration law the most effective in the nation. We recognize that changes are needed to ensure that Alabama has not only the nation's most effective law, but one that is fair and just, promotes economic growth, preserves jobs for those in Alabama legally, and can be enforced effectively and without prejudice.

Finally, I will not forget the men and women of this state whose lives were so deeply altered on April 27, 2011. We lost over 250 Alabamians in a matter of minutes that Wednesday. This year, I will seek to implement new policies and strategies to help our state rebuild and recover. We have spent several months studying ways we can make our state safer and stronger should we ever face a disaster of that magnitude again. Buildings must be fortified, safe rooms installed and warning systems must be improved. April 27th has shown us all that these are all important and necessary to protect the people of this state.

Dr. Robert Bentley was elected to the Alabama House of Representatives in 2002 and served two terms in the State House. He was elected Governor of Alabama on November 2, 2010, with a platform to grow the economy and create jobs without increasing taxes or spending. He believes there should be more transparency and accountability in Alabama's government. To contact the Governor's Office, call (334) 242-7100.

Senator Marsh _____ continued from page 23

The Pro Tem's Initiative to Streamline State Government for Accountability and Economic Growth is comprehensively reviewing all aspects of state government to identify inefficiencies and will begin proposing solutions during the upcoming session.

In closing, the state legislature greatly appreciates your commitment to serving the people of Alabama as municipal officials. We look forward to working with you to ensure local municipalities are able to operate effectively and continue meeting the needs of the citizens you serve.

Del Marsh represents Calhoun County, portions of St. Clair County and serves as President Pro Tempore of the Alabama Senate. You may reach Senator Marsh by phone at (334) 242-7877, by email at Del.Marsh@alsenate.gov or online at www.alprotem.com.

for immediately reviewing the Legislative Bulletin and other publications and for initiating a timely response by your city. This person may be the clerk, mayor, the city manager or administrator, the finance officer or someone else. This person should have an awareness of how legislation may impact your municipality and know who to contact in the municipality that may need to know about a particular bill and who may be able to make contacts or compile any needed data. This person can also help coordinate follow up with the League to make sure that your municipality speaks with a singular voice. During the busiest periods of the legislative session, a response from your municipality may be needed very quickly, so it is important that someone have the responsibility for ensuring your municipality is aware of legislation and responds appropriately.

3. Get Personally Acquainted. Make it your business to become personally acquainted with your senator and representatives. Take a sincere interest in them, and get to know their political philosophy. If you contact your legislators only when you want their support on a legislative matter, it might be too late. It's better to stay in touch with your senators and representatives throughout their terms of office.

4. Respond to the League's Requests for Assistance. The Legislative Bulletin will frequently ask for your assistance in analyzing the effects of a bill or in communicating with legislators. Please respond in a timely manner to League requests for bill reviews and letters, phone calls, faxes or other action in support or opposition. Keep track of your positions and responses. We would also appreciate it if you would send the League a copy of any letter or communication that you write in response to a League request.

5. Be Able to Act Quickly. Establish a procedure for urgent (one-day) action on bills. Occasionally, a new bill is introduced or an important amendment is proposed that requires immediate response. The League will request that you take immediate action, or the League staff may contact municipal officials in key legislative districts and ask them to call their legislators right away. You'll need a quick and simple method to get that call made. Having a person in charge of reviewing legislative information from the League, and letting us know who that person is, will help us expedite this action.

6. Express Yourself. Surprisingly few people ever contact their legislators. This reluctance usually results from the belief that legislators have no time or inclination to answer their phones or read their mail, and that one single contact won't make any difference anyway. In most cases, these views are incorrect. Thoughtful, factually persuasive contacts can change legislators' minds and cause them to review their judgments.

Although a telephone call or a letter can be very effective, personal face-to-face contact is the most effective approach. Try to talk to your legislators when they are back home in the districts; they are more likely to listen and respond positively in a local environment. Also, when you are in Montgomery during the session, don't miss the opportunity to drop by and talk to your senator and representatives. While members of the legislature are extremely busy, it should not be assumed that they won't

have time to see you. After all, they are there to represent your interests and views.

Your senator and representatives need to be directly exposed to people they represent – including you. They need to know what you think about the issues facing your city or town and how pending legislation affects you. That's why they're in the legislature. Be sure to have accurate facts and good arguments about any issues you discuss with your legislators. Make sure you understand the particular bill in question. And if you have questions, please don't hesitate to contact the League's legislative staff for assistance.

7. Write Letters Carefully and Thoughtfully. Each letter you write should address only one bill and should reference the bill number in a separate line at the top of the page. Otherwise, your letter may get lost in the system. Present your position logically and base it on facts. If you have a council resolution, include it with your letter. But don't rely on just the resolution to convey your opinion. The time you take to personally address a bill by drafting a letter, often makes the most significant impression. So, if you have a council resolution, don't just send the resolution itself.

Identify the bill you are writing about. Give both the number of the bill and a brief description of its subject matter. Hundreds of bills are introduced during a session, and legislators cannot be expected to immediately recall every one of them merely by a number or a vague description. Often, there are many different bills introduced on the same issue and they may confuse the bill you mean with another one.

Be brief, specific, and to-the-point. Many issues are complex, but your opinions and arguments have a better chance of being read if they are stated as concisely as the subject will permit. Remember that your letter will be competing for time and attention with countless others. Most viewpoints can be amply set forth in a carefully written, one-page letter.

Feel free to use background material provided by the League as a basis for your own letters, but please don't simply copy the language. Give facts and opinions concerning the effects of a particular measure on your municipality. Again, the time you spend drafting an individual letter can make an important impact.

The importance of contacting a legislator on time cannot be overemphasized. The most eloquent letter does no good if it arrives after a vote.

8. Keep the League Staff Informed. Always forward copies of your letters and emails to the League. The staff needs to know to whom you write, when you write, and what you say. And if you receive a response from a legislator, let us know about that, too. The League's legislative staff reads your letters and may incorporate your arguments and local circumstances into League testimony. The League legislative staff may also cite your letters when we talk with your legislators.

9. Recognize Their Problems. Legislators are often caught in a crossfire between conflicting interests and opinions. Consequently, their votes may be contrary to your opinion as a municipal official. Your legislators represent all the constituents in your area - even those who may not share your views. Their duty is to represent all the people to the best of their ability. There

may be times when you think your legislators are on the wrong track, but they may have facts that are not available to you. Try to understand their problems, outlook, and objectives.

Never threaten political or other consequences if the senator or representative refuses to see an issue your way. Most controversial legislation is the result of compromise – that's the way the system operates. There will be times when legislation does not go your way, so don't be too critical when it happens. Remember that you can agree to disagree agreeably.

Be very wary of public criticism of your legislator's actions. Some legislators rarely vote with municipalities, yet come through on crucial votes. Taking them to task in a public forum for a series of votes on relatively unimportant issues can lose their votes permanently on much more vital issues. It's much more effective to sit down with a legislator in private to discuss areas of disagreement.

10. Say Thanks. Remember to thank legislators regularly and publicly for their work, support and votes. Never discount the importance of a thank you; it really can make a difference. This is one of the most important things you can do, because so few people remember to thank their legislators – and legislators will remember those who do.

11. Do Unto Others. Approach legislators the way you, as a city official, want to be approached by your constituents - with courtesy and respect.

Conclusion - The Unified Voice

The goal of taking a team approach to our legislative efforts is to have the League's membership speak with a unified voice. We are all better served if municipal officials either support or oppose the same legislation. Of course, the same bill may affect municipalities in different ways. Some bills have a positive effect on one municipality and a negative effect on another. Clearly, officials from those municipalities will have different views and ask legislators to take different positions on that bill. Further, each municipality is composed of individuals. The officials who are elected or appointed to serve that municipality all have their own views and interests.

From the League's legislative viewpoint, it is important that our members speak with a unified voice. It does us little good to approach legislators as a house divided. As the Bible says, a house divided against itself cannot stand. If League members take different stands on the same legislation with their legislators, our position on that legislation is weakened.

Fortunately, League members agree on the negative or positive impact of most legislation. One of the League's roles is to be the point of the spear for that unified voice. Working together, we can ensure the continued to have success on behalf of our Alabama municipalities before the legislature. ■

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Register Online at www.alalm.org for ALM's 2012 Annual Convention

Birmingham-Jefferson Convention Complex (BJCC)
Birmingham, Alabama • May 19 - 22, 2012

Online registration is now available at www.alalm.org. Registration materials will NOT be mailed this year.

Online Registration (www.alalm.org): To make the registration process more efficient, delegates are encouraged to pre-register. Pre-registration will assist the League staff in making arrangements for attendance at this year's convention. The deadline for pre-registration is April 27, 2012. After April 27, delegates must register at the Convention Registration Desk in the BJCC. It is also important for delegates and their spouses who plan to participate in the golf tournament to register as soon as possible.

Hotel Accommodations: Hotel information was mailed in October to all municipal officials and clerks. Please note that Municipal Officials are responsible for making their own reservation at their choice of hotel. Each delegate is responsible for making his/her hotel reservations. For more hotel contact and room block information, visit www.alalm.org.

2012 Convention Quick Guide

Birmingham-Jefferson Convention Complex (BJCC) Birmingham, Alabama May 19 - 22, 2012

Meetings and/or events are subject to change. CMO credits can be earned. See Convention program for details.

Saturday, May 19

10 a.m. - 5 p.m. Registration BJCC
11 a.m. Resolutions Committee Meeting
1 p.m. AMIC Annual Meeting
3:00 - 5:00 p.m. **OPENING SESSION** -
Speaker - Gov. Robert Bentley
(tentative)
6 p.m. City of Birmingham Welcome Party

Sunday, May 20

7:30 a.m. Annual Municipal Golf Tournament
10 a.m. Prayer Service
1 - 5 p.m. Registration BJCC
1:30 - 4:30 p.m. Roundtable Discussions
4:30 - 6 p.m. ABC-LEO Reception
5:30 - 7 p.m. Exhibitors Showcase and Reception

The Municipal Flags will display at the entrance to the EXPO hall during the Showcase and Reception. See below.

Municipal Marketplace vendor Prize drawings will be featured in the EXPO Hall during the Sunday evening reception. Officials must be present to win!

Monday, May 21

8 a.m. - 5 p.m. Registration BJCC
8:30 - 9:30 a.m. Clerks Breakfast and Business Meeting
8:30 a.m. - 5 p.m. Alabama Association of Public Personnel Administrators
9:30 a.m. - 5 p.m. Municipal Clerks Conference
9 a.m. - 10:30 a.m. **GENERAL SESSION: Municipal Elections**
10:30 a.m. - 2:45 p.m. Exhibits Open
11 a.m. - Noon Concurrent Sessions
12:15 p.m. - 2:15 p.m. Luncheon and Ice Cream in the EXPO Hall

NEW THIS YEAR! Both the Monday luncheon and an ice-cream dessert will be served in the EXPO Hall. Exhibitor prize drawings will take place at this time.

2:30 p.m. - 3:30 p.m. Concurrent Sessions
3:45 p.m. - 5:30 p.m. **ANNUAL BUSINESS SESSION**
6 p.m. Reception
7:15 p.m. President's Banquet followed by "Three on a String"

Tuesday, May 22

8 a.m. - Noon Registration BJCC
8:30 - 10:30 a.m. **GENERAL SESSION**
10:30 a.m. - Noon Ask Your Attorney Panel
Noon Adjourn



2 Fire Apparatus, Recent Delivery



- ✓ KME Predator LFD Custom Cab
- ✓ MaxxForce 13, 475 hp engine
- ✓ Allison 4000 EVS transmission
- ✓ 500 gallons water/30 gallons foam poly tank
- ✓ Full height/split depth compartments with coffin compartments--officer's side
- ✓ Full height/full depth compartments with coffin compartments--driver's side
- ✓ Whelen LED warning lights package
- ✓ Side of water tank ladder storage
- ✓ Galvanneal Steel body



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Visit the website www.alalm.org for more Convention information and to Register Online!

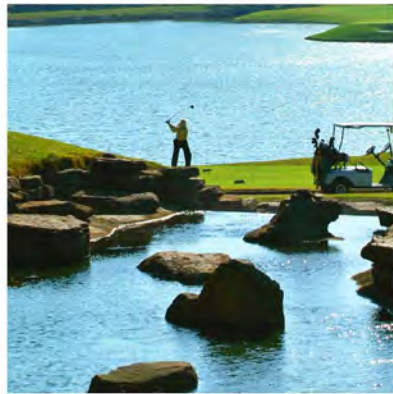
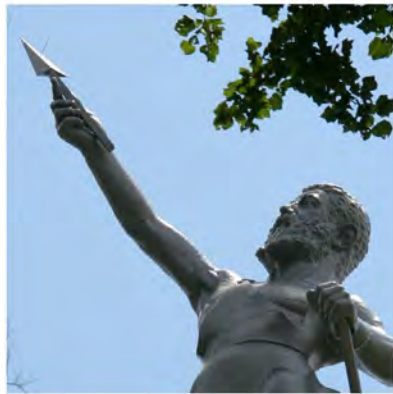


photo credit Dennis Lathem

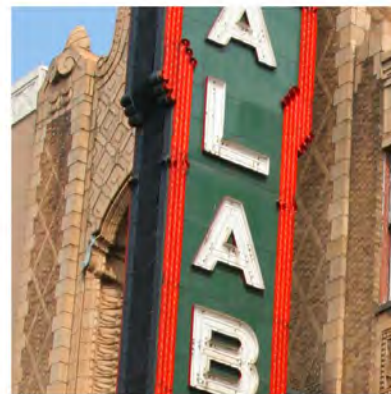
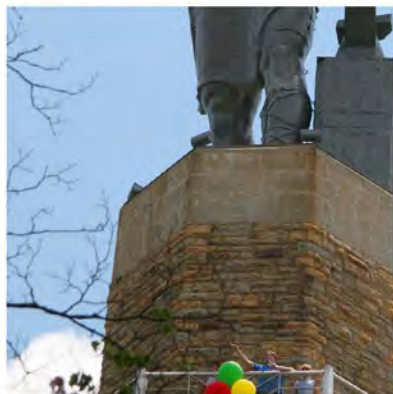


photo credit Jeffrey Greenberg



Join us IN
BIRMINGHAM
for Convention
May 19 - 22, 2012



AMFund wishes to Congratulate the Town of Pine Hill on their recent refinancing of municipal water infrastructure debts



Learn how AMFund can help your community meet its infrastructure needs.

Contact Greg Cochran, AMFund President, at 334-386-8130 or gregc@amfund.com

"The AMFund program is saving our town hundreds of thousands of dollars by refinancing this existing water infrastructure loan" - Mrs. Roberta Jordan, Pine Hill Council Member & League Executive Committee Member.

AMFund is administered by the Alabama League of Municipalities. www.amfund.com

Municipal Revenue Service

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