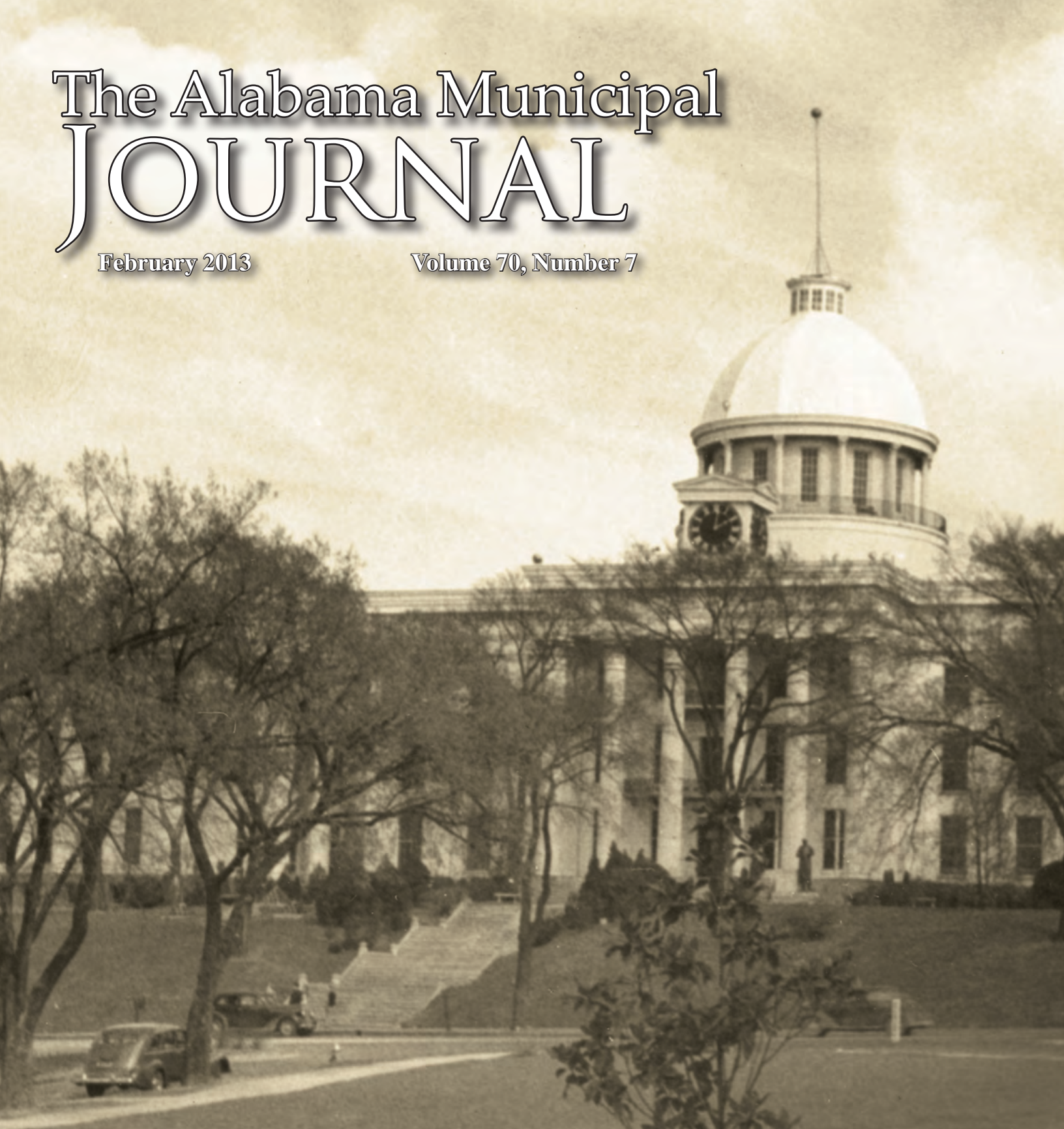


The Alabama Municipal JOURNAL

February 2013

Volume 70, Number 7



LEGISLATIVE FEATURE ISSUE

Since 1935, the League has served as the primary legislative advocate for Alabama's municipalities. Staff is already preparing and monitoring potential legislation that could impact local government and the citizens of Alabama when the 2013 Regular Session begins on February 5th.



Add Peace of Mind

The Municipal Workers Compensation Fund has been serving Alabama's Municipalities since 1976 and is the second oldest league insurance pool in the nation!



- Directed by veteran Municipal Officials from Alabama
- Over 600 Participating Municipal Entities
- New Member Discounts
- Dividends
Over the past 15 years, MWCF has returned \$36,000,000 to its members as Renewal Credits.
- Loss Control Services, Including:
Skid Car Training Courses
Fire Arms Training System
- Personalized Service
- Accident Analysis
- Free Safety Video Library
- Monthly Claims Status Reports
- Safety Discounts Available

Contact Us!

Quick Quotes
available online.
www.almwcf.org

Steve Martin
Operations Manager, MWCF
P.O. Box 1270
Montgomery, AL 36102
334-262-2566

Terry Young
Marketing Manager, MWCF
P.O. Box 43769
Birmingham, AL 35243
1-888-736-0210
email: terry@alalm.org

The Alabama Municipal JOURNAL

Official Publication, Alabama League of Municipalities

February 2013 • Volume 70, Number 7

OFFICERS

DAVID BRADFORD, Mayor, Muscle Shoals, President
WALT MADDOX, Mayor, Tuscaloosa, Vice President
KEN SMITH, Montgomery, Executive Director

CHAIRS OF THE LEAGUE'S STANDING COMMITTEES

Committee on State and Federal Legislation

SADIE BRITT, Councilmember, Lincoln, Chair
DONALD MYERS, Councilmember, Guntersville, Vice Chair

Committee on Finance, Administration and Intergovernmental Relations

ADAM BOURNE, Councilmember, Chickasaw, Acting Chair
OPEN, Vice Chair

Committee on Energy, Environment and Natural Resources

RUSTY JESSUP, Mayor, Riverside, Chair
OPEN, Vice Chair

Committee on Community and Economic Development

NEWTON CROMER, Councilmember, Saraland, Chair
CAROLYN DOUGHTY, Councilmember, Gulf Shores, Vice Chair

Committee on Transportation, Public Safety and Communication

GARY LIVINGSTON, Mayor, Eva, Chair
OPEN, Vice Chair

Committee on Human Development

LaFAYE DELLINGER, Mayor, Smiths Station, Acting Chair
OPEN, Vice Chair

The Alabama Municipal Journal is published 10 times a year by the Alabama League of Municipalities, 535 Adams Avenue, Montgomery, Alabama 36104.

Telephone (334) 262-2566. Website: www.alalm.org.

Single copies, \$2.00. By subscription, \$24.00 per year. Advertising rates and circulation statement available at www.alalm.org or by calling the above number. Statements or expressions of opinions appearing within this publication are those of the authors and not necessarily those of the Alabama League of Municipalities. Publication of any advertisement should not be considered an endorsement of the product or service involved. Material from this publication may not be reprinted without permission.

Editor: CARRIE BANKS

Staff Writers: LORI LEIN, TRACY L. ROBERTS, ROB JOHNSTON

Graphic Design: KARL FRANKLIN

For a complete list of the ALM staff, visit www.alalm.org.

Table of Contents

<i>A Message from the Editor</i>	4
<i>The President's Report</i>	5
Are You Signed Up for One of ALM's Legislative Advocacy CMO Sessions?	
<i>Municipal Overview</i>	7
2013 Legislative Expectations: A Unified Voice	
<i>The Legal Viewpoint</i>	9
A Primer on Alabama's Legislative Process	
<i>For Effective Grass Roots Advocacy and Legislative Success: Relationships Matter</i>	11
<i>Legal Clearinghouse</i>	16
<i>Legal FAQ</i>	17

LEAGUE LEGISLATIVE FEATURE PAGES 21-28

<i>Job Creation, Workforce Development, Medicaid Reforms and Roads/Bridges</i>	21
Governor Robert Bentley	
<i>Stream-lining Government and Reducing Costs</i>	22
Lt. Governor Kay Ivey	
<i>Legislative Session to Focus on Cutting Costs, Making Government More Efficient</i>	23
Senator Del Marsh, President Pro Tempore, Alabama Legislature	
<i>Defending Alabamians' Rights and Values</i>	24
House Speaker Mike Hubbard, Alabama Legislature	
<i>Municipal Legislative Advocacy CMO Sessions</i>	25
<i>Featured Speakers for Municipal Advocacy CMO Sessions</i>	26-27

On the Cover:

State Capitol in Montgomery circa 1930s. Alabama Department of Archives and History, Montgomery, Alabama

Active Members (449)

Abbeville, Adamsville, Addison, Akron, Alabaster, Albertville, Alexander City, Aliceville, Allgood, Altoona, Andalusia, Anderson, Anniston, Arab, Ardmore, Argo, Ariton, Arley, Ashford, Ashland, Ashville, Athens, Atmore, Attalla, Auburn, Autaugaville, Avon, Babbie, Baileyton, Baker Hill, Banks, Bay Minette, Bayou La Batre, Bear Creek, Beatrice, Beaverton, Belk, Benton, Berry, Bessemer, Billingsley, Birmingham, Black, Blountsville, Blue Springs, Boaz, Boligee, Bon Air, Brantley, Brent, Brewton, Bridgeport, Brighton, Brilliant, Brookside, Brookwood, Brundidge, Butler, Calera, Camden, Camp Hill, Carbon Hill, Carrollton, Castleberry, Cedar Bluff, Center Point, Centre, Centreville, Chatom, Chelsea, Cherokee, Chickasaw, Childersburg, Citronelle, Clanton, Clay, Clayhatchee, Clayton, Cleveland, Cljo, Coaling, Coffee Springs, Coffeeville, Coker, Collinsville, Colony, Columbia, Columbiana, Coosada, Cordova, Cottonwood, County Line, Courtland, Cowarts, Creola, Crossville, Cuba, Cullman, Dadeville, Daleville, Daphne, Dauphin Island, Daviston, Dayton, Deatsville, Decatur, Demopolis, Detroit, Dodge City, Dora, Dothan, Double Springs, Douglas, Dozier, Dutton, East Brewton, Eclectic, Edwardsville, Elba, Elberta, Eldridge, Elkmont, Elmore, Emelle, Enterprise, Epes, Eufaula, Eutaw, Eva, Evergreen, Excel, Fairfield, Fairhope, Fairview, Falkville, Faunsdale, Fayette, Five Points, Flomaton, Florala, Florence, Foley, Forkland, Fort Deposit, Fort Payne, Franklin, Fredonia, Frisco City, Fruithurst, Fulton, Fultondale, Fyffe, Gadsden, Gainesville, Gantt, Garden City, Gardendale, Gaylesville, Geiger, Geneva, Georgiana, Geraldine, Gilbertown, Glen Allen, Glencoe, Glenwood, Goldville, Good Hope, Goodwater, Gordo, Gordon, Gordonville, Goshen, Grant, Graysville, Greensboro, Greenville, Grimes, Grove Hill, Guin, Gulf Shores, Guntersville, Gurley, Hackleburg, Haleyville, Hamilton, Hammondville, Hanceville, Harpersville, Hartford, Hartselle, Hayden, Hayneville, Headland, Heath, Heflin, Helena, Henagar, Highland Lake, Hillsboro, Hobson City, Hodges, Hokes Bluff, Holly Pond, Hollywood, Homewood, Hoover, Hueytown, Huntsville, Hartsboro, HyTop, Ider, Indian Springs, Irondale, Jackson, Jackson's Gap, Jacksonville, Jasper, Jamison, Kansas, Kellyton, Kennedy, Killen, Kimberly, Kinsey, Kinston, LaFayette, Lake-view, Lanett, Langston, Leeds, Leesburg, Leighton, Lester, Level Plains, Lexington, Lincoln, Linden, Lineville, Lipscomb, Lisman, Littleville, Livingston, Loachapoka, Lockhart, Locust Fork, Louisville, Lowndesboro, Loxley, Luverne, Lynn, McIntosh, McKenzie, Madison, Madrid, Magnolia Springs, Malvern, Maplesville, Margaret, Marion, Maytown, Mentone, Midfield, Midland City, Midway, Millbrook, Millport, Millry, Mobile, Monroeville, Montevallo, Montgomery, Moody, Mooresville, Morris, Mosses, Moulton, Moundville, Mount Vernon, Mountain Brook, Mulga, Munford, Muscle Shoals, Myrtlewood, Napier Field, Natural Bridge, Nauvoo, Nectar, Needham, Newbern, New Brockton, New Hope, New Site, Newton, Newville, North Courtland, Northport, Notasulga, Oak Grove, Oak Hill, Oakman, Odenville, Ohatchee, Oneonta, Onycha, Opelika, Opp, Orange Beach, Orville, Owens Cross Roads, Oxford, Ozark, Paint Rock, Parrish, Pelham, Pell City, Pennington, Perdido Beach, Phenix City, Phil Campbell, Pickensville, Piedmont, Pike Road, Pinckard, Pine Apple, Pine Hill, Pine Ridge, Pinson, Pisgah, Pleasant Grove, Pleasant Groves, Pollard, Powell, Prattville, Priceville, Prichard, Providence, Ragland, Rainbow City, Rainsville, Ranburne, Red Bay, Red Level, Reece City, Reform, Rehobeth, Repton, Ridgeville, Riverside, Riverview, River Falls, Roanoke, Robertsdale, Rockford, Rogersville, Rosa, Russellville, Rutledge, Saint Florian, Samson, Sand Rock, Sanford, Saraland, Sardis City, Satsuma, Scottsboro, Section, Selma, Semmes, Sheffield, Shiloh, Shorter, Silas, Silverhill, Sipsy, Skyline, Slocomb, Smiths Station, Snead, Somerville, South Vinemont, Southside, Spanish Fort, Springville, Steele, Stevenson, Sulligent, Sumiton, Sumnerdale, Susan Moore, Sweet Water, Sylacauga, Sylvan Springs, Sylvia, Talladega, Talladega Springs, Tallassee, Tarrant, Taylor, Thomaston, Thomasville, Thorsby, Town Creek, Toxey, Trafford, Triana, Trinity, Troy, Trussville, Tuscaloosa, Tuscumbia, Tuskegee, Twin, Union, Union Grove, Union Springs, Uniontown, Valley, Valley Grande, Valley Head, Vance, Vernon, Vestavia Hills, Vina, Vincent, Vredenburgh, Wadley, Waldo, Walnut Grove, Warrior, Waterloo, Waverly, Weaver, Webb, Wedowee, West Blocton, West Jefferson, West Point, Westover, Wetumpka, White Hall, Wilsonville, Wilton, Winfield, Woodland, Woodstock, Woodville, Yellow Bluff, York.

A Message from the Editor



February is going to be a very busy month at the Alabama League of Municipalities. The 2013 Regular Session of the Alabama Legislature begins February 5th, which

League staff began preparing for immediately following the close of last year's Session. The League will also hold two Legislative Advocacy CMO Sessions mid month – one on February 19th and the other on the 26th. If you've not already signed up for one of these important sessions, you can download the registration forms from our website at www.alalm.org. For more information, read Mayor Bradford's article on page 5. An agenda is available on page 25 and speakers for the sessions are highlighted on pages 26-27.

NLC Congressional City Conference, March 9-13, Washington D.C.

The Congressional City Conference is an annual legislative forum that brings together more than 2,000 elected and appointed city leaders to focus on the federal policy issues important to local governments. In addition to providing opportunities to learn about innovative practices implemented at the local level, the conference connects city leaders from across the country with the National League of Cities (NLC) – the organization that members of Congress, the White House and federal agencies look to for solutions to addressing the nation's economic challenges. Visit www.nlc.org for more information.

In addition, the League will host the Alabama Caucus on Sunday, March 10, from 5:30 to 6:30 p.m. and the breakfast with Alabama's senators is scheduled for Wednesday, March 13 at 8:00 a.m. You will need to register for the breakfast and should have received a mailer from the League with the necessary information. Also, check the League's website for locations and room assignments.

On-Line Registration is now available for the 2013 Annual Convention and Expo

The League's 2013 Annual Convention and Expo will be held in downtown Montgomery May 18-21. Online registration began February 1 – simply click on the prominent link from our home page. You may also download a convention Quick Guide from the website. As we've been reporting in our weekly e-newsletter, *This Week*, the 2013 convention will feature a General Session by the Alabama Ethics Commission. (The Alabama Ethics Law requires all municipal elected officials obtain training on the Ethics Law.) In addition, the winners of the 2013 Quality of Life Awards – Priceville, Andalusia and Talladega – will be featured during the Opening Session on Saturday, May 18.

Are you receiving the League's weekly e-newsletters?

If you're not, I encourage you to subscribe immediately by clicking on the red link at the top left of our home page at www.alalm.org. *This Week* is emailed to subscribers every Tuesday morning and features upcoming meetings as well as other information of interest to municipal officials and employees. Now that the Regular Session is about to begin, subscribers will also receive the *State House Advocate*, which is emailed on Monday afternoons, and the *Legislative Bulletin*, which is emailed on Fridays. These e-newsletters are the best way for you to stay informed on what's happening at the Legislature throughout the Session as well as our way of letting you know when critical, immediate action is needed from our membership. Please encourage all elected officials and key staff from your municipality to sign up for these important League notices.

AMFund launches its redesigned website! It's that simple.

The Alabama Municipal Funding Corporation, AMFund, was developed by the League specifically to address municipal needs by providing low-interest, fixed-rate financing ideal for infrastructure and capital improvement projects, refinancing existing loans and equipment financing (leasing and purchasing). AMFund's application is a simple, two-page, straight-forward document that can be downloaded from the website. Once audits are submitted, the approval process moves quickly with no obligation to the borrower. Visit the new site at www.amfund.com.

Carrie

The President's Report

Mayor David Bradford • Muscle Shoals



Are You Signed Up to Attend One of ALM's Legislative Advocacy CMO Sessions?

This month, the League will host its annual Legislative Advocacy CMO session at the Alabama Judicial Building, 300 Dexter Avenue, in downtown Montgomery. In fact, because it's become so popular, we will offer the session twice: Tuesday, February 19 and Tuesday, February 26. If you've not yet registered for one of these seminars, please do so ASAP by visiting www.alalm.org and clicking on the Legislative Advocacy CMO link under the Events Calendar in the center tapestry of the homepage. Space is limited for these sessions, which will cover topics such as a Constitutional Revision Commission Update; State Financial Outlook and the Oil and Gas Trust Funds; Effective Advocacy: Best Practices; League Advocacy Publications; Legislation Affecting Municipalities and the League's 2013 Legislative Agenda. Around 2:30 p.m., if the weather cooperates, we'll take a group photo on the Capitol steps and 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 these seminars and our speakers, see pages 25-27. Again, to register, visit www.alalm.org.

As you are well aware, legislative advocacy is a founding priority of the Alabama League of Municipalities. Our League staff works vigilantly during each legislative session to protect the interests of our cities and towns. However, in order to be successful, *our* participation as Alabama's locally elected officials is vital. This year will be no different. In fact, in order to better inform us of happenings at the State House and how we can best advocate on behalf of our municipalities, the League launched a special e-newsletter, *State House Advocate*, during the 2012 Session. This electronic publication, which was extremely well received, is distributed every Monday afternoon at 1 p.m. while the Legislature is in session and provides an overview of legislative issues the

League thinks will be important during the week; offers guidance in following legislation; and, as necessary, serves as an **Action Alert** – where we will be asked to contact our legislators regarding a critical issue. In addition, *State House Advocate* provides 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 weekly *Legislative Bulletin* will be posted.

Similar to *This Week from the League*, the weekly e-newsletter distributed every Tuesday morning at 8 a.m., *State House Advocate* is a subscription based publication sent via Mail Chimp. Also, in addition to these two e-newsletters, subscribers receive the League's weekly *Legislative Bulletin*, a recap of the legislative week distributed each Friday when the Legislature is in session.

If you have **NOT** received *State House Advocate* or *This Week from the League*, you can subscribe by visiting the League's website and clicking on the red line of text near the top left 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 these important 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 our League staff.

In addition, the weekly *Legislative Bulletin* will be posted to the website so each issue is 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.

I look forward to seeing you in Montgomery on February 19 or 26 and to a successful 2013 Legislative Session! ■



Judicial Correction Services

Case Supervision for Misdemeanor Courts

Collect & Successfully Close Twice As Many
Partial Payment Cases

Benefiting the Court...

"...(JCS's) service has decreased my magistrates' probation workload and court sessions by 65%...collections are at an all time high..."

- Court Administrator
Large Municipal Court

"JCS has improved our court operations greatly with their professionalism and by the amount of monies collected."

- Court Clerk
Large Municipal Court

"We are now collecting more than 90% of our fines, and I see far fewer return visits from those I sentence to probation."

-Judge
Georgia Municipality

Benefiting the Community...

"JCS has provided great cooperation with the County to cut these overhead costs that have been growing...It's everyone's goal not to have to build more jails. That and these high costs of keeping someone in jail are a big drain on county resources that can be better used elsewhere."

- Former Director of Corrections
Large Florida State Court

"We have saved on jail expenses and issued fewer warrants."

- 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

Judicial Correction Services

888-527-3911 Hoover, Alabama & Locations Throughout Alabama

Municipal Overview

Ken Smith • Executive Director



2013 Legislative Expectations: A Unified Voice

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 affecting municipalities, 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 our members’ 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. In many ways, keeping officials involved in the League’s lobbying efforts is the most important to these two objectives, because the success of the League during each Legislative session depends upon the collective efforts of the League’s legislative staff and our municipal officials and employees.

The 2013 Alabama Regular Legislative Session begins Tuesday, February 5, 2013. Over the years, League lobbyists have often benefitted from the direct participation in the lobbying process by League members. 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 and employees to whom the legislator is locally accountable.

You and the League - A Team

Passing or defeating legislation requires teamwork. This is one reason why the League 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 again goes into session this month, the participation of our members will once again produce a successful session for Alabama municipalities.

In 2012, the League had a very successful session, obtaining the passage of four League measures, while preventing many negative bills from becoming law. This would have been impossible without the direct assistance – and contact with legislators – made by our members, and we thank you for those efforts.

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 between our views and have to simply work extra hard to try to make sure members of the Legislature agree with us when the votes are taken. Input from other officials who a Legislator knows and respects can make all the difference in passing or defeating legislation.

2013 - What to Expect

The League’s Legislative Committee has set the League’s agenda for this session. This Committee, lead by Councilmembers Sadie Britt, Chair of Lincoln, and Donald “Dink” Myers, Vice Chair of Guntersville, 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.
- Establishing a procedure for the cancellation of council meetings.

Both of these bills were part of the League’s 2012 Regular Session Legislative Package and were in position for passage on the final day. We will attempt again to obtain passage of these measures. Other bills in the League’s package include:

- Clarifying the status of municipal employee liability under the tort laws of the State of Alabama to ensure that

municipal employees are protected by the tort caps provided to municipal governments when acting within the line and scope of their jobs.

- Authorizing the creation of a League program that will allow the Alabama Department of Revenue to set aside taxpayers' refunds in order to satisfy debts owed to a municipality.

- Amending the weed abatement laws to allow more authority to establish local procedures and address frequent abusers of abatement ordinances.

- Amending the way local ABC retailers establish, collect and remit municipal sales taxes at the local retail locations.

- Changing municipal election laws to correct errors noticed during the 2012 municipal elections.

- Increasing the preference allowed local bidders under the provisions of the competitive bid law from 3 percent to 5 percent.

- Funding for the State Revolving Loan Fund for Wastewater Treatment (SRF) and the Alabama Drinking Water Finance Authority.

- Authorizing the annexation by ordinance of all or any portion of any unincorporated or territories, which are enclosed within the corporate limits of the municipality and have been so enclosed for a period of one (1) year or more.

- Permitting judicial officers to issue an administrative search warrant upon a showing of the probable cause standard applicable to the administrative search warrants to inspect for certain code violations and public welfare laws.

As indicated above, four bills in the League's package passed last year. With your help, perhaps we can achieve – or surpass – this goal again. Beyond the League's package, we anticipate legislation on many other issues will directly and indirectly impact municipalities. Again, sometimes defeating negative legislation is more important than passing positive legislation. We will, of course, provide additional information and updates on these proposals and other legislative developments during the session.

How You can Assist

The following suggestions can help you know that your municipality's views are heard – and listened to – by the Legislature during the upcoming session:

1. **Keep Well Informed.** Our electronic publications, the Legislative Bulletin and the Statehouse Advocate remains our primary means of communicating legislative information. These publications highlight bills affecting municipalities and include 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. If you have not subscribed to these e-newsletters, please do so immediately by visiting our website at www.alalm.org. There is a link for subscribing near the top left of the home page. Simply click that link, complete the form and you will begin receiving these

two critical legislative publications on Mondays and Fridays during the Session.

Of course, as discussed above, we will contact our members in other ways as well. The Legislative Bulletin and the Statehouse Advocate are posted on our website, usually by Friday and Monday during each session, respectively. Check the web each week for the most recent publications. Most of our other legislative contacts will also be made electronically, generally by e-mail. If you are a League member and you aren't already receiving these communications, please let us know.

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. Many find it helpful to make sure that at least one person in the municipality is responsible 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 with Your Legislators.** Make it your business to become personally acquainted with your senators 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.** Our electronic publications 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. **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

continued on page 19



The Legal Viewpoint

By Lori Lein
General Counsel



A Primer on Alabama's Legislative Process

Since election day last August, many of you have come to learn a great deal about the Alabama League of Municipalities and the services and assistance we provide to our member municipalities. One of the prime functions of the Alabama 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 Alabama's municipalities.

As our newly elected municipal officials get settled into office and we head towards what may be their first experience with the Alabama Legislature, it is important for us all 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 Alabama 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 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. 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.

continued on page 13



RICE SIGNS

Your Leader In Transportation Safety

- Traffic Signs
- Roll-Up Construction Signs
- Sign Stands
- Traffic Cones & Barricades
- Custom Street Name Signs
- Sign Posts & Hardware



Free Traffic Sign Catalog:

Call 888-728-7665

- or -

Visit www.RiceSigns.com

Contact Us / Bids / Quotes:

Toll-Free: 888-728-7665

Fax: 877-546-6165

Email: sales@RiceSigns.com

Web: www.RiceSigns.com

RICE SIGNS LLC

P.O. DRAWER 3170

AUBURN, AL 36831-3170



For Effective Grass Roots Advocacy & Legislative Success: Relationships Matter

Greg Cochran
Director of Intergovernmental Relations • ALM

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*.

The 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 as we work diligently on behalf of Alabama's municipalities. Our 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, you also understand their significance – and that it's never too early to build upon existing relationships or to forge new ones. *Relationships matter*.

The 2013 legislative session begins on February 5th. If you haven't done so already, you need to be strengthening your relationships with Alabama's lawmakers – particularly if you're new to elected office. 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 afternoons of February 19 or 26 immediately following the League's Legislative Advocacy CMO sessions 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 19th or 26th between 3:00 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 one of the Legislative Advocacy Sessions (see information on page 25). These workshops are extremely important to every municipal official. You can download registration information 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, revitalization efforts, etc.

Publicly recognize legislators for good deeds.

Remember: in all situations, *relationships matter*. ■

Your community can purchase a brand new NFPA-1901 compliant Class A firefighting engine for \$268,575.00



The days of unlimited funds for fire apparatus purchases are gone. Be budget wise and consider the SilverFox® for a tremendous value at an affordable price.

No more basic is a fire engine than a tool box with a box of water inside that is capable of delivering fire fighters to put the wet stuff on the red stuff. Why is your department spending 350,000 to 400,000 dollars to purchase an engine?

Contact Travis Moore at M3 Fire Apparatus and find out the rest of the story. 931.766.7665



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 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 an excellent 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 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 affect 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 Governmental Affairs Department or the Legal Department. ■

LEGAL CLEARINGHOUSE

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

Courts: The Rule of Evidence governing admission of prior inconsistent statements of a non-party prohibited admission of a victim's hearsay statements. *M.L.H. v. State*, 99 So.3d 894 (Ala.Crim.App.2011)

Courts: The fact that a witness's prior inconsistent statement does not fall within the exemption to the definition of hearsay found in the Rules of Evidence does not necessarily preclude its substantive admissibility under an exception to hearsay such as that found in the Child Physical and Sexual Abuse Victim Protection Act, which allows admission of out-of-court statements by children in proceedings concerning any crime involving child physical offense, sexual offense and exploitation. *M.L.H. v. State*, 99 So.3d 911 (Ala.Crim.App.2011)

Tort Liability: In a tort action, municipal police officers have the burden of demonstrating that at the time of the incident giving rise to claims against them they were engaged in law-enforcement functions for which State-agent immunity would be available under Section 6-5-338(a), Code of Alabama 1975, and under *Ex parte Cranman*, 792 So.2d 392 (Ala.2000), as modified by *Hollis v. City of Brighton*, 950 So.2d 300 (Ala.2006). If the statute governing immunity for peace officers does not shield the officer, it does not shield the city from vicarious liability. *Ex parte City of Montgomery*, 99 So.3d 282 (Ala.2012)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Discrimination: A plaintiff is not required to prove that a defendant acted with "discriminatory animus" to show intentional discrimination under Section 504 of the Rehabilitation Act. Evidence of the defendant's "discriminatory indifference" is sufficient. *Liese v. Indian River County Hosp. Dist.*, 701 F.3d 334 (11th Cir.2012)

Environment: The Environmental Protection Agency's (EPA) final rule, permanently exempting from the Clean Water Act (CWA) permit requirements pollutants discharged from transfers of waters of the United States, was not an Administrator's action "issuing or denying any permit," within the meaning of the CWA provision granting original jurisdiction to courts of appeals, where the rule neither issued nor denied a permit and was not functionally similar to issuance or denial of permit, but instead ensured that no permit would ever be issued or denied for discharging pollutants into navigable bodies of water, and freed discharging entities from further monitoring, compliance or renewal procedures. *Friends of the Everglades v. U.S. E.P.A.*, 699 F.3d 1280 (11th Cir.2012)

Licenses and Business Regulations: When local businesses solicit out-of-state tourists, they engage in activity affecting interstate commerce under the Commerce Clause. The U.S. Department of Agriculture, under the Animal Welfare Act, can regulate a museum that exhibits any animal, including cats. In this case the museum distributed the cats in a manner affecting commerce every time it exhibited them to the public for compensation and the museum broadcasted images of the cats online and used them to attract visitors through promotional advertising materials. *907 Whitehead Street, Inc. v. Secretary of U.S. Dept. of Agriculture*, --- F.3d ----, 2012 WL 6061706 (11th Cir.2012)

ATTORNEY GENERAL'S OPINIONS

Ad Valorem Taxes: A manufactured home that is owned by a person who owns both the manufactured home and the land to which the home is affixed is subject to a registration fee if the manufactured home is being rented or leased. An applicant for a registration decal for a commercial manufactured home, the certificate of title to which has been previously cancelled, must proceed to register that manufactured home despite the fact that the certificate of title has not been issued or reinstated. AGO 2013-018

Competitive Bid Law: To avoid violating Section 22 of the Constitution of Alabama, which prohibits ex post facto laws and any law impairing the obligations of contracts or making any irrevocable or exclusive grants of special privileges or immunities, a county commission



must award a contract to provide inmate telephone service in the county jail pursuant to competitive bidding. The plan proposed by a county commission to utilize a “request for proposal” and to negotiate with responding vendors, in lieu of an invitation to bid, does not comply with the Competitive Bid Law. AGO 2013-012

Conflicts of Interest: A councilmember may be employed as a firefighter of another municipality and as a hospital paramedic. A city firefighter does not hold an office of profit. A paramedic, as an employee of a hospital, does not exercise any portion of the sovereign power of

the state, and therefore, does not hold an office of profit. AGO 2013-017

Public Records: Statutorily required information on statements of economic interests filed pursuant to section 36-25-14 of the Code of Alabama are not subject to redaction. The Ethics Commission should redact home telephone numbers from statements of economic interests prior to public disclosure. AGO 2013-013

Public Waters: The use of gill nets on Lake Guntersville or any part of the Tennessee River lying within the boundaries of Alabama and all tributaries thereto is illegal pursuant to section 9-11-88 of the Code of Alabama. AGO 2013-016 ■

F.A.Q.

Your Frequently Asked (Legal) Questions Answered
by Assistant General Counsel Rob Johnston

Local Legislation

How does a municipality get a local bill passed by the Alabama Legislature?

Local bills are necessary when legislation is needed to address a local issue that general law does not address or authorize such as Sunday alcohol sales or the annexation of non-contiguous land. Not everything can be handled by local legislation. Section 104 of the Alabama Constitution of 1901 lists those subjects which cannot be addressed by local law.

Once an issue needing local legislation is identified, a municipality should seek the support of its local legislative delegation. Without a consensus from the Senators and Representative representing the municipality, it is virtually impossible to pass local legislation at the State House. Once consensus is gained, you should work with those state legislators and the Alabama Legislative Reference Service to have the proposed local bill prepared for advertisement as required by law.

In order to inform the affected people of the substance of the proposed local law, advance notice stating the substance of the proposed bill must be published at least once a week for four (4) consecutive weeks in a newspaper published in the involved county or counties. *See*, Section 106, Alabama Constitution, 1901. If no newspaper is published in the area, notice must be posted for four (4) consecutive weeks at five (5) different places in the county or counties prior to the introduction of the bill. Proof by affidavit of notice must be provided to each legislative house, and the proof must be placed in the legislative journal.

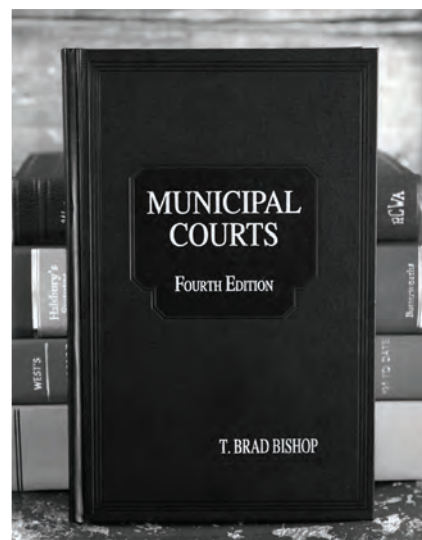
For more information on preparing local legislation, please contact the Alabama Legislative Reference Service at (334) 242-7560 or visit the website at www.lrs.state.al.us. ■

Written by the author of *The Law of Shoplifting*

and *The Prosecution and Defense of DUI Cases*

The Essential Municipal Courts Reference Tool—Contains 633 pages with 2,145 Relevant Citations to Statutes and Court Cases—Comprehensive Index

Municipal Courts, Fourth Edition, provides a comprehensive source of information for all persons regularly engaged in matters involving municipal court cases in Alabama. Judges, prosecutors, court clerks, magistrates, defense attorneys and all law enforcement officers will discover that this book is an essential reference tool. The *Fourth Edition* contains 633 pages with citations to 2,145 relevant statutes and court cases, covering the significant aspects of court practice and procedure.



- Useful bench manual for trial judges,
- Comprehensive table of contents,
- Numerous forms designed to stimulate more effective court management,



- Rules and regulations governing mandatory continuing education requirements,
- Pretrial diversion programs,
- Trial checklist for prosecuting & defending DUI cases

The Honorable T. Brad Bishop

Municipal Courts, Fourth Edition

Book Chapters: The Alabama Court System • Court Personnel • Court Administration • Courtroom Procedure • Trial Procedure • Judgment and Sentencing • Traffic Offenses • Driving Under the Influence • Criminal Misdemeanors and Violations • The Laws of Shoplifting • Rights of the Accused • Evidence and Motions

Order Form

Name _____

Address _____

Email & Phone Number _____

Make Checks Payable To:
Samford University

Orders By Mail:
Samford University
Attn: Janice James
Cumberland School of Law
800 Lakeshore Drive
Birmingham, Ala. 35229

By Email or Phone:
jljames@samford.edu
205.726.2757

Orders Must Be Prepaid

Municipal Courts, Fourth Edition: \$175 total cost for each book
(\$154.95 book + \$13.95 tax + \$6.10 shipping/handling)

Number of Book(s) Ordered _____

Book Subtotal _____

Sales Tax _____

Shipping _____

Total _____

Also Available For Purchase:

The Prosecution and Defense of DUI Cases: A Practitioner's Handbook: \$114 (\$100 book + \$9 tax + \$5 s/h)

2010 Supplement, The Prosecution and Defense of DUI Cases: A Practitioner's Handbook: \$43.10 (\$34.95 book + \$3.15 tax + \$5 s/h)

The Law of Shoplifting: A Guide for Lawyers and Retail Merchants: \$102.01 (\$89 book + \$8.01 tax + \$5 s/h)

Samford University is an Equal Opportunity Educational Institution/Employer.

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 cause legislators to review their judgments and even change their minds. 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 senators and representatives. While members of the legislature are extremely busy, don't assume they won't have time to see you. After all, they are there to represent your interests and views. Your senators 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. Your League 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 the Potential Problems Legislators Face. 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 civilly agree to disagree. Be very wary of publicly criticizing 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 Thank You. 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.

continued on next page

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, though, 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 generally find themselves in agreement regarding the impact of most legislation and can speak as one. 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. ■

SUSTAINABLE

DISTRIBUTION

SYSTEM SOLUTIONS

Solutions from Utility Service...

Asset Management

- Storage Tanks
- GIS Services
- Valve & Hydrant locating, exercising, maintenance & repairs

Water Quality

- Ice Pigging
- Tank Mixing
- THM Removal
- Chemical Cleaning: *tanks, filter media, clear wells*

Water Conservation

- Leak Detection Services
- Smart Metering





To learn more contact your local Utility Service Representative...

Michael Szabo . 706.575.1456
mszabo@utilityservice.com

www.utilityservice.com

Municipal Revenue Service



The League’s Municipal Revenue Service for collection of delinquent insurance license taxes has more than 50 years experience of responsible and aggressive collection of lost revenue.

Contact us today and let our proven professionals get the job done efficiently and effectively.

ALABAMA LEAGUE OF MUNICIPALITIES
535 Adams Avenue Montgomery, AL 36104
334-262-2566 OR 888-255-0434

PUT OUR EXPERIENCE TO WORK FOR YOU - Over 300 Alabama Municipalities Have.

2013: Job Creation, Workforce Development, Medicaid Reforms and Roads/Bridges

By Governor Robert Bentley

My commitment in 2013 is to build on government reforms and job creation efforts. I want everyone who needs a job to be able to find one. And I want to give you a state government that operates more efficiently and lives within its means. A lot of progress has been made since this term began two years ago. And I am actively working with members of the Alabama Legislature to identify more opportunities for efficiency and economic development. Here are some of my top priorities in this new year:

Job Creation

Nothing is more important to me than creating jobs for the people of Alabama. Since taking office, my Administration has been honored to announce nearly 27,000 new jobs for communities across the state. Our employment rate is now down to 7.5%. While the rate is now lower, it is also a reminder that a lot of people are still looking for work.

In November, voters gave us a valuable tool that will help create jobs. The people approved Amendment 2, which will allow the state to provide new financial incentive packages for new companies that are creating jobs. Incentives will also be available for existing companies that are expanding and hiring more people.

The money we invest in incentives comes back to Alabamians in the form of paychecks from new jobs. Also, as companies set up and expand, they create revenue in the form of business taxes, which go back to the state. The Department of Commerce closely monitors these incentives to make sure we're getting a good return on our investment.

Rest assured, my efforts to recruit more jobs will continue until everyone who wants a job is able to find one.

Workforce Development

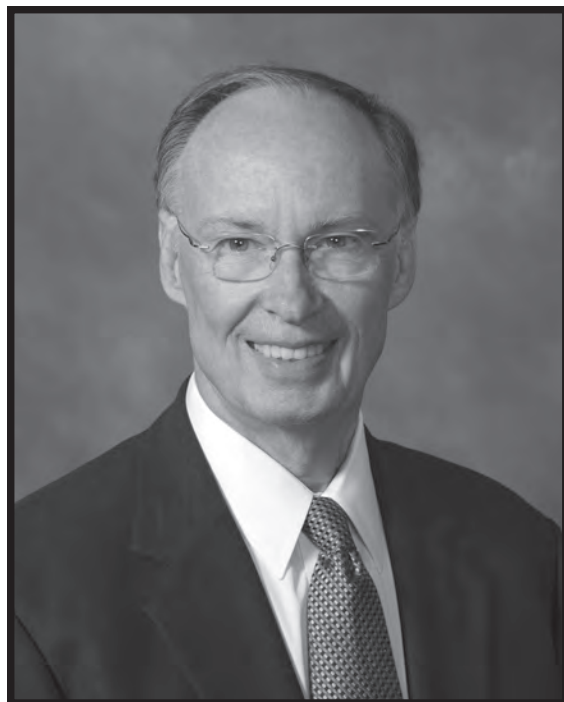
A key element to attracting new jobs is making sure we have the workforce that companies need. This year, I am taking new steps with the business community and the education community to make sure we are preparing students for available jobs. We are bringing together leaders from K-12 schools, two-year colleges, four-year colleges and the business community. The idea is to foster more open communication between these groups. Business leaders will share the types of skills that are needed in the workplace. In turn, schools and colleges can make sure students are receiving those skills.

The result is that more students will be college and career ready. They will have a seamless transition from the classroom to the workplace. They will be equipped with the skills they need to either further their education or to begin successful careers in a variety of fields. By having an even stronger workforce, we can make Alabama even more attractive to companies seeking to create jobs.

Roads and Bridges

You might have heard me talk about the ATRIP program before. ATRIP, which stands for the Alabama Transportation Rehabilitation and Improvement Program, is actively working to improve roads and bridges in dozens of communities. There are two main benefits. First, modern roads and bridges help improve public safety. Second, those roads and bridges help attract economic development.

Since we unveiled the ATRIP program last year, nearly 140 road and bridge projects have been approved across the state. We are currently working with cities and counties to identify even more projects. Municipalities have until March 29 to submit projects for consideration for the latest round of funding. I am encouraging communities across the state to apply for funding and use this as an opportunity to access the resources that are available for road and bridge improvement.



continued on page 28

2013 Legislative Session: Stream-lining Government and Reducing Costs

By Lieutenant Governor Kay Ivey



In a short time, Alabama legislators will arrive in Montgomery to begin the 2013 Legislative Session. It is an understatement to say the Legislature will face a number of challenging and important issues that impact every citizen and municipality in our state. Lawmakers must develop a plan to repay the Alabama Trust Fund; state leaders must continue efforts to recruit new business investment and create jobs; Senate leadership is already working on a package of bills to create efficiencies in state government; and likely more important this year than ever, we must control Medicaid spending.

When the Legislature reconvenes February 5, 2013, it will be my honor to preside over the Alabama Senate for the third time. The first two Legislative Sessions during my term have been historic.

Republicans, for the first time in 136 years, controlled both the House and Senate beginning with a special December session in 2010. In the “Handshake with Alabama,” Republicans proposed and enacted a series of reforms to end the culture of corruption in Montgomery, control wasteful spending, and combat illegal immigration. In my January 17, 2011, inaugural address, I called for an end to proration. During the 2011 Legislative Session, lawmakers passed the Education Trust Fund Rolling Reserve Act which overhauls the process for planning the state’s education budget in a way to avoid proration in the future while preserving the integrity of our education budget.

In 2012, a productive House and Senate introduced a total of 1370 bills and enacted 380. Many of these bills sought ways to improve jobs and encourage business to build and grow in Alabama. Lawmakers also passed a new redistricting plan for Congressional, State School Board, and Legislative districts that take effect in 2014 which will impact the state for the next ten years. I had the honor of appointing eleven senators to the reapportionment committee responsible for completing that important task.

Now we prepare for another historic Legislative Session in 2013. Republicans remain the majority party in the Statehouse and, after the November 6, 2012 election, hold every constitutional office in the state; yet the make-up of the Senate is different than the last two years. Sen. Ben Brooks (R-District 35) left his seat in early December to serve as a Mobile County Circuit Judge. Sen. Jerry Fielding (R-District 11) joined the Republican Caucus in October adding to the Republican majority. And for the first time in Alabama’s recorded history, a woman will serve as the Senate Minority Leader. I look forward to working closely with Sen. Vivian Figures (D-District 33) who is a proven leader. With these changes, the Senate is now composed of 22 Republicans, 11 Democrats, 1 Independent, and 1 vacancy.

We have the opportunity to make sustainable changes that will have a positive impact on the future of Alabama. This does not mean your Legislative leaders will rest on their laurels. In fact, we hold an even greater responsibility to maintain Alabamians’ trust. Voters demonstrated that trust with their overwhelming support of the September 18th amendment to approve the transfer of funds from the Alabama Trust Fund to the General Fund over three years – a decision that avoided cuts to vital services and put Alabama on sounder fiscal footing as we develop long-term solutions to Alabama’s cash flow challenges. I am confident one of the first pieces of legislation that lawmakers will consider in the new session will outline how to repay the Trust Fund. Sen. Bryan Taylor (R-District 30) has already pre-filed a bill proposing how to do that.

In the upcoming session, you will see a number of bills proposing efficiencies in government to streamline processes and reduce cost. A task force appointed by Governor Bentley evaluated the consolidation of numerous law enforcement functions of state agencies, which could save around \$250 million dollars per year. We may see a bill designed based on the findings of that task force. I also expect legislation to consolidate IT functions among state agencies, which may result in savings up to \$80 million a year.

Since taking office, I have reduced the Lieutenant Governor’s budget by 30 percent. Lawmakers are also looking at ways to reduce their own costs in the Legislative branch. I anticipate legislation being introduced that will reorganize the structure and management of the Alabama legislature to complement the ongoing efforts to streamline state government.

continued on page 27

Legislative Session to Focus on Cutting Costs, Making Government **More Efficient**

By Senator Del Marsh, President Pro Tempore, Alabama Legislature



As the federal government ushered in the New Year with a fiscal cliff deal that passes the buck on significant spending cuts, Alabama lawmakers are preparing to go into the 2013 legislative session with a laser focus on continuing to reduce the cost of state government and ensure we are operating with maximum efficiency.

Our state leaders are firmly committed to right-sizing state government and controlling spending – hopefully setting an example that encourages our leaders in Washington to take note.

Living within our means and putting a strong emphasis on private sector job growth has no doubt contributed to improvements in our economy. As a matter of fact, one recent projection from the Federal Reserve Bank of Philadelphia estimates that Alabama will see the second largest amount of economic growth among all 50 states over the next six months.

Working together with Governor Robert Bentley, Lieutenant Governor Kay Ivey and House Speaker Mike Hubbard, we have already implemented a series of common-sense reforms that have us well on our way to reaching our goal of saving \$1 billion a year in taxpayer resources. As a matter of fact, thanks to a host of measures that have already been passed and signed into law we have reduced the cost of state government by roughly \$700 million dollars a year.

Two major efficiency measures the Legislature will address next session deal with reorganizing the state's public safety agencies and streamlining our IT functions – which we expect to result in a combined \$100-million-a-year savings.

On the public safety front, Alabama currently has more than 20 agencies with law enforcement or investigative missions – compared to an average number of five in many of our neighboring states. We will take up a proposal to reorganize and streamline more than 20 agencies down to fewer than 10. Because public safety is one of the essential functions of government, we will not do anything that will compromise the mission of keeping Alabamians safe. But like many areas of state government, we believe it can be operated in a more efficient, cost-effective way. Conservative cost-savings estimates show a potential savings of \$260 million through streamlining and reorganizing.

When it comes to the state's information technology functions and resources, we are currently operating in a very compartmentalized fashion, with each state agency essentially having their own IT department. Without any centralized oversight or infrastructure for information technology, we are missing out on savings opportunities on buying bulk software licensing agreements and IT hardware, for example. If various state agencies are working independently to buy their own software and hardware, we are paying more for it than if it were bought in bulk.

Alabama is one of only two states in the country that does not have a centralized, cabinet-level technology official to provide this level of oversight and coordination. The Legislature will work with Governor Bentley this session to pursue measures that will streamline our IT functions, resulting in lower costs, greater efficiency and more accountability. Based on cost-savings figures from other states that have undergone similar IT streamlining efforts, we can save the taxpayers between \$32 million to \$64 million per year, if not more, from a more centralized IT operation.

Our sharp focus on reducing the cost of state government helps ensure taxpayer resources are spent responsibly and that the long-term financial sustainability of the state is maintained. Unlike the federal government, Alabama is required to pass a balanced budget and not spend more than we take in. This means when any particular part of state government begins to grow unchecked, we have a responsibility to look at reforms.

One example is in the state's Medicaid Agency. A seemingly ever-increasing portion of the General Fund budget is dedicated each year to keeping the program afloat. Over the past decade, Medicaid's General Fund appropriation has increased by hundreds of millions of dollars – an unsustainable growth rate that could bankrupt the state if left unchecked. While it seems unconscionable that someone would cheat a program designed to give a helping hand, we suspect that Medicaid fraud and abuse exists and will work to implement measures to not only put an end to these illegal practices, but allow the state to recover taxpayer dollars lost to fraudulent activities.

continued on page 28

Defending Alabamians' Rights and Values

By House Speaker Mike Hubbard



It is painfully obvious that the federal government has proven time and time again that it cannot be trusted to make decisions with Alabama's best interests – or any state's best interests for that matter – in mind. The recent 'fiscal cliff' that raised \$43 in taxes for every \$1 in spending cuts clearly demonstrated that Congress will not get our country's fiscal house in order anytime soon. Tax increases exponentially impact businesses, and more specifically small businesses, by stifling their ability to grow and create jobs. If President Obama's goal is to improve our nation's economy, decreasing companies' capability of growing their business and hiring new workers is a strange way to accomplish it.

It is up to our state leaders to protect Alabama taxpayers and businesses from gross examples of government's outstretched and tax increasing hand. That is why House Republicans have worked hard to enact legislation that will protect our state from an ever-expanding and encroaching federal government. We are the last line of defense and that is a job we take very seriously.

In 2011 and 2012, we took bold steps to actually accomplish the things we were elected to do: reduce the size of government, increase government transparency, create jobs and protect conservative values and ideals. We passed bills that led to job growth, reduced the size of state government by approximately 3,000 employees, and are saving taxpayers over \$742 million. This was accomplished at the same time the federal government is enacting policies that increase taxes and impede job growth.

While most legislatures would simply rest on these already impressive accomplishments and coast to the next election year, we know there is still work to be done, and I look forward to continuing our efforts this legislative session.

In 2013, House members will do everything within our power to defend the rights and values of the citizens of Alabama while further expanding opportunities for businesses to expand, flourish and create jobs here.

On day one, we will fulfill our promise to replenish the Alabama Trust Fund. Before any other bill comes to the floor of the House, we will pass legislation mandating that every borrowed penny be repaid. Before voters approved a constitutional amendment that helped shore up the General Fund budget with no new taxes, we promised that this would be a priority. Unlike past politicians and legislative leaders, we intend to keep our promise.

We will continue to work to ensure that Alabama is an attractive place for companies to do business through workforce training efforts and initiatives designed to reduce the red tape that has such an adverse impact on small businesses.

House members will continue to look for ways to cut wasteful spending and get our fiscal house in order. We have already identified and implemented over \$750 million in government reductions and savings, and we will not stop until we reach our announced goal of \$1 billion. In 2013, our efforts will further streamline and reduce the size, scope and cost of government in Alabama.

Our state will continue to thrive only if we focus on improving the education system for our children, our grandchildren and their children after them. Education is not a one-size-fits-all endeavor, and we will look for new and innovative ways to ensure Alabama's students are provided the tools, resources and proven classroom instruction needed to thrive in school and beyond.

In 2013 we are faced with the constant threat of an invasive federal government, activists and special interest groups who want to preserve a broken status quo. This session, House Republicans will fight to preserve the rights and liberties that Alabama citizens hold dear. Our task is before us, the mission is clear, and we stand ready to provide promised results for the citizens who entrusted us with Alabama's future. ■

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.

MUNICIPAL LEGISLATIVE ADVOCACY

Alabama Judicial Building, 300 Dexter Ave • February 19 or 26 • 8:30 a.m. until 5:00 p.m.
Registration - \$100 • Five (5) CMO Credit Hours (Basic, Advanced, Continuing)
www.alalm.org to download registration forms

The League's Annual Municipal Legislative Advocacy CMOs are designed for you to share your voice with the state's political leadership. It is important that the vital role our municipalities play in economic development, community enhancement and quality of life is repeatedly articulated to our state representatives.

The League's Municipal Legislative Advocacy Sessions provide a unique opportunity each year for you as a municipal leader to take your message to the State House so the power of our membership's collective voice is heard. A strong municipal presence at the State House demonstrates the effectiveness of the state's cities and towns in building a stronger Alabama economy.

8:30 – 9:15 a.m.	Registration
9:15 – 9:30 a.m.	Welcome
9:30 – 10:15 a.m.	Constitutional Revision Commission Update: Constitutional Articles being proposed during the 2013 Legislative Session and future Articles for the 2014 Regular Session
10:15 – 10:30 a.m.	Refreshment Break
10:30 – 11:15 a.m.	State Financial Outlook; Oil and Gas Trust Funds
11:15 – Noon	Legislative Panel Legislative Leadership and Governor's Legislative Office will discuss legislative initiatives
Noon – 1:00 p.m.	Lunch – Effective Advocacy: “Best Practices”
1:00 – 1:30 p.m.	League Advocacy Publications: How to Stay Informed and How Technology is Changing the Methods Through Which We Communicate
1:30 – 1:45 p.m.	Refreshment Break
1:45 – 2:30 p.m.	Action Alert: Legislation Affecting Municipalities
2:30 – 5:00 p.m.	Group Photo on Capitol Steps (weather permitting) Legislative Visits at the Alabama State House

ATTENTION!

**Please make appointments to visit with your representatives on Feb. 19 or 26 between 3 and 4 p.m.
To Visit House Members Call 334-242-7600 • To Visit Senate Members Call 334-242-7800**

Featured Speakers for ALM's Municipal Advocacy CMO Sessions



Othni Lathram, Director, Alabama Law Institute

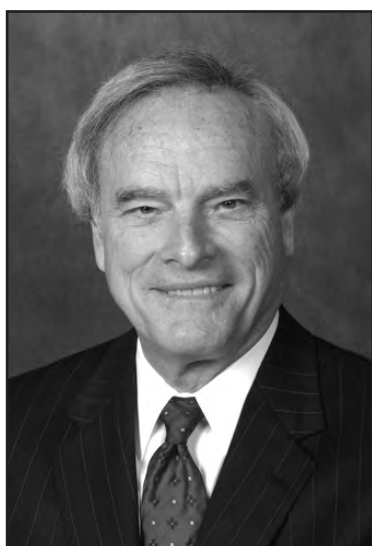
Othni Lathram, Director of the Alabama Law Institute, will provide an update on the Constitutional Revision Committee and Constitutional Articles being proposed for the 2013 Regular Session as well as possible Articles for the 2014 Regular Session.

Prior to joining the Institute, he practiced in Birmingham with a focus on complex litigation. Othni received his B.S. in Economics from Auburn University and his J.D. from the University of Alabama. He is an elected member of the American Law Institute; a commissioner for the National Conference of Commissioners on Uniform State Laws; and serves on the executive committee of the Legal Services Staff Section of the National Conference of State Legislatures. Othni is a member of the bar in Alabama and Texas and is admitted to practice before federal district and circuit courts around the country.



Young Boozer, Alabama State Treasurer

Young was born in Birmingham and raised in Tuscaloosa. He earned a bachelor's degree in economics from Stanford University and a master's degree in finance from the Wharton School at the University of Pennsylvania. During the past four decades, Boozer's career in banking, finance and investments has taken him from Citibank in New York and Crocker National Bank in Los Angeles, to Coral Petroleum in Houston and Colonial Bank in Montgomery. Treasurer Boozer also served as Deputy State Finance Director for Governor Bob Riley after his retirement in 2007. During his tenure in the Alabama Department of Finance, he played a key role in saving millions of taxpayer dollars through the restructuring of state bond debt and derivatives. Boozer left the Riley Administration in early 2010 to run for State Treasurer in his first race for elected office. He is a member of and has held leadership roles in several organizations, including his church, the Rotary Club, the Alabama Shakespeare Festival, the Boy Scouts and Stanford University.



Seth Hammett, Speaker Emeritus, AL House of Representatives

Seth was first elected to the Alabama House of Representatives in 1978. Upon his retirement from the Legislature in 2010, he was named Speaker Emeritus in recognition of having served three terms as Speaker. He currently serves as the vice president of Business Development for PowerSouth Energy Cooperative.

A native of Covington County, Seth holds bachelors and masters degrees in business administration from Auburn University and has Honorary Doctor of Laws Degrees from Troy University and the University of West Alabama. He is president emeritus of Lurleen B. Wallace Community College; past-chairman of the 16-state Southern Legislative Conference; past-president of the National Speakers Conference; and past-interim director of the Alabama Development Office. An Air Force veteran and licensed pilot, Seth and his wife Nancy have two adult children and two grandchildren. He is a member of First United Methodist Church of Andalusia and the founder and first president of the First National (now Wells Fargo) Bank of Andalusia.

Staff Speakers for ALM's Municipal Advocacy CMO Sessions

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.

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. 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.

Lt. Governor Ivey _____ *continued from page 22*

In 2013, controlling Medicaid spending is going to be of utmost importance. Medicaid is vitally important to our state. It covers the healthcare needs of more than 900,000 Alabamians, including 43 percent of our children. But the cost of Medicaid is growing exponentially. It is the largest consumer of the state's General Budget at \$603 million. With even more increased costs on the horizon, lawmakers are making it a priority to consider legislation implementing new healthcare delivery models that support quality patient care while providing choice and controlling rising cost. As leaders in your communities, I hope you are also preparing your budgets for the inevitable increase of healthcare costs.

Even with these challenges ahead, I look forward to calling the 2013 Legislative Session to order on February 5. Governor Bentley, your leaders in the Legislature, and I are committed to achieving fiscal security, and growing economies and adding jobs in communities across the state, but we must remain vigilant. And I call on you, as public servants closest to the people, to initiate workable solutions. Your continued leadership combined with the successful models and best practices you implement at the local level are important to sustainable growth across the entire state.

I am honored to serve as your Lieutenant Governor. Please do not hesitate to contact me if I may be of assistance to you, or feel free to stop by my office in the Statehouse.

In 2010, Kay Ivey became the second woman, and the first Republican woman in Alabama history, to be elected to the post of Lieutenant Governor. She served as Alabama's State Treasurer from 2002 until 2010. For more information about the Lt. Governor's office, visit www.ltgov.state.al.us. Find Lt. Governor Ivey on Facebook: [facebook.com/KayIveyAL](https://www.facebook.com/KayIveyAL). Follow Lt. Governor Ivey on Twitter: @LtGovIvey.

Governor Bentley _____ continued from page 21

This is for communities large and small, urban and rural. So far, 61 of Alabama's 67 counties have received ATRIP projects. The funding comes from low-interest GARVEE bonds that allow us to access future federal dollars for the road and bridge projects that are needed right now. With interest rates on municipal bonds at historic lows, the use of GARVEE bonds makes strong financial sense as the low cost of borrowing is generally lower than the rising cost of inflation on construction projects.

The program will continue throughout 2013, and I look forward to announcing new road projects soon.

Road to a Billion Dollars in Savings

We are working to make sure the money spent in Montgomery is used wisely on efforts that benefit the public. We are also working to identify more ways to reduce spending wherever possible and to increase government efficiency.

In July, I stood with leaders from the Alabama Legislature and unveiled the Road to a Billion Dollars in Savings. At that point, we had already identified \$674 million in current and projected savings for state government. Now, we've reached more than \$750 million in savings. We are confident we will reach a billion dollars or more in annual savings as we streamline government and operate more efficiently.

The savings come through measures ranging from bond refinancings, to contract renegotiations and other streamlining and efficiency measures. During challenging financial times, taxpayers re-evaluate their own spending and make adjustments. State government must do the same.

Medicaid Reforms

One opportunity for identifying greater efficiency – while improving patient care – is in the state's Medicaid system. In October, I established the Alabama Medicaid Advisory Commission.

The Commission was tasked with evaluating the financial structure of the Alabama Medicaid Agency and identifying ways to increase efficiency. The work of the Commission will also help Alabama Medicaid remain sustainable for the long term. The Commission is making recommendations for improvement heading into the 2013 Regular Session of the Alabama Legislature.

I will work closely with the Legislature to help strengthen the Alabama Medicaid Agency. We are committed to increasing efficiency, eliminating fraud, and maintaining patient care. We believe we can deliver higher-quality care while also controlling costs.

Thank You

I want you to know that I appreciate the hard work and support of citizens across the state. Government must never lose sight of the fact that we are here to serve the public. The decisions we make today are based on our long-term goal of a stronger Alabama. I appreciate your help in achieving this goal.

Sure, the economy has given us challenges. But I believe we can use those challenges as opportunities to make positive reforms. As long as we work together, there are no limits to what we can achieve. ■

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

Last, but certainly not least, we will continue to pass legislation that will promote growth in Alabama's private sector economy. One such proposal, a recommendation from Speaker Hubbard's Commission on Job Creation, will create a central hub to provide business owners to provide all forms, information and answers to frequently asked questions needed to start or expand a business.

And in order to ensure short and long-term economic growth, job creators must have access to a skilled workforce. We will continue to put an emphasis on investing in cutting-edge workforce training initiatives so that Alabamians are prepared to meet the needs of business and industry.

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 can reach Senator Marsh by phone at (334) 242-7877 or by e-mail at Del.Marsh@alsenate.gov.



Apparatus
Repair

Parts
Department

SCBA
Services

Rescue Tool
Services

Compressor
Services

See Events, Recent Deliveries & Specials on Facebook.com/NAFECO >

Recent Delivery

KME International Challenger Series

Promariner Battery Charger/
Inverter System

1250 Gallons Poly Tank



MaxxForce 9
330 HP Engine

Water Level Gauges
Pump Panel, Rear Body Panel & In Cab



Rear Dump
Elbow & Extension Chutes

Whelen LED
Warning, Scene &
Compartment lights



2 1/2" Rear
Direct Tank Fill



Hale QFlo-Plus 125
750 GPM Pump

©2012 On-Fire Marketing F011013_ALA020_KME050_RW_rev1

See More Products & Services at NAFECO.COM >

Click to Follow Us On:



800-628-6233
256-353-7100

info@nafeco.com
www.nafeco.com



NAFECOcard
Gift Card Available
[Learn More](#)

Online Registration begins February 1, 2013

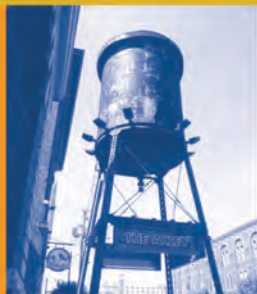


Join us in Montgomery

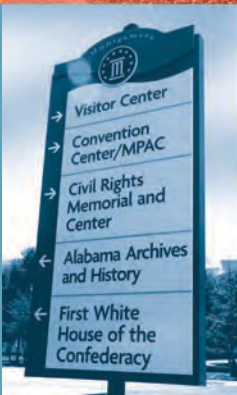
CAPITAL
COOL

Montgomery ALABAMA CAPITAL OF DREAMS.

for our 2013 Annual Convention



MAY
18-21



Renaissance
Montgomery
Hotel & Spa at the
Convention Center



Insuring the Future of Local Government



Is *YOUR* Future Covered?

Rated B++ by A.M. Best

Steve Wells, President
334-386-3863

www.amicentral.org

Jim Chamblee, Sales Manager
866-239-AMIC (2642)



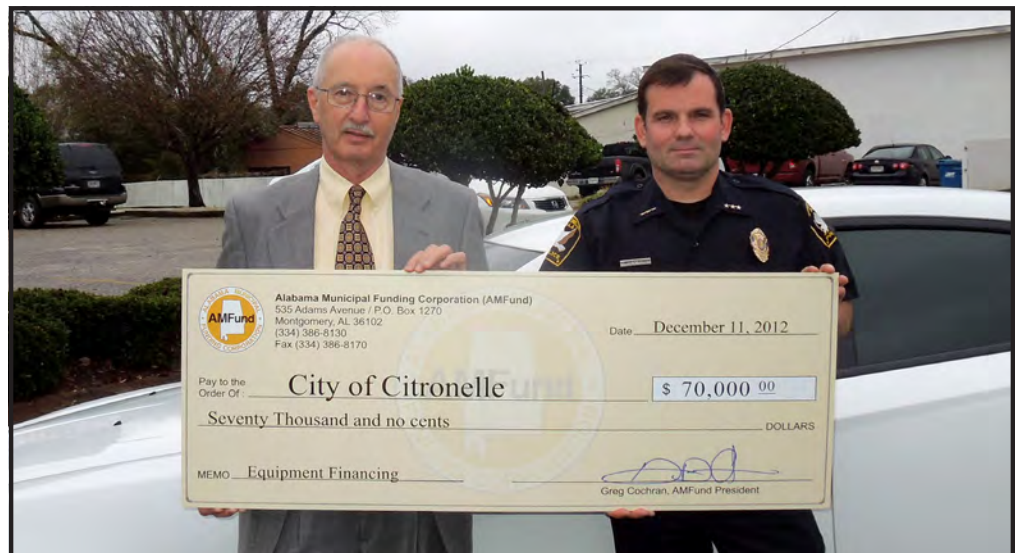
Low-interest loans ideal for:
Equipment Financing · Capital Improvement Projects · Refinancing

Simple two-page application process:
Straight-forward · Quick Turnaround · No Obligation

Congratulations to the City of Citronelle for choosing AMFund to finance the purchase of new police cruisers!

We were extremely pleased with the low interest rate AMFund secured for our new police cruisers. The application process was very simple and low stress for our staff, and we will certainly use AMFund again for future financing projects. – Mayor J. Albert “Al” McDonald, Citronelle.

Mayor Al McDonald and Police Chief Shane Stringer of Citronelle



It's that simple.

Find out if AMFund is right for you. Visit our website for more information, www.amfund.com

Another value-added service provided by your Alabama League of Municipalities