

# The Alabama Municipal JOURNAL

January/February 2014

Volume 71, Number 6



Special  
Legislative  
Edition



# 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](http://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](mailto:terry@alalm.org)

# The Alabama Municipal JOURNAL

Official Publication, Alabama League of Municipalities

January/February 2014 • Volume 71, Number 6

## OFFICERS

WALT MADDOX, Mayor, Tuscaloosa President  
WALLY BURNS, Mayor, Southside, 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, Chair  
CHARLES BLACK, Councilmember, Priceville, Vice Chair

### Committee on Energy, Environment and Natural Resources

RUSTY JESSUP, Mayor, Riverside, Chair  
HERMON GRAHAM, Councilmember, Florence, 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  
KENNETH COACHMAN, Mayor, Fairfield, Vice Chair

### Committee on Human Development

LaFAYE DELLINGER, Mayor, Smiths Station, Chair  
MARVA GIPSON, Councilmember, Aliceville, Vice Chair

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

Telephone (334) 262-2566. Website: [www.alalm.org](http://www.alalm.org).

Subscriptions are \$24.00 per year. Advertising rates and circulation statement available at [www.alalm.org](http://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: GREG COCHRAN, ROB JOHNSTON, LORI LEIN

Graphic Design: KARL FRANKLIN

For a complete list of the ALM staff, visit [www.alalm.org](http://www.alalm.org).

## Table of Contents

A Message from the Editor .....	4
The President's Report .....	5
Building Relationships with Your Legislative Delegation .....	
Municipal Overview .....	7
Legislative Expectations – A Unified Voice .....	
The Legal Viewpoint .....	9
The Alabama Legislature: A 2014 Primer .....	
Legal Clearinghouse .....	18
Cuba Town Clerk Retires After 43 Years .....	25

## LEAGUE LEGISLATIVE FEATURE PGS 11-17

Relationships Matter .....	11
Job Creation, Transportation Infrastructure Improvements and Government Efficiency .....	13
Governor Robert Bentley	
2014 Legislative Session Preview .....	14
Lt. Governor Kay Ivey	
Alabama's Job Growth, Spending Reforms Offer Sharp Contrast to Federal Government .....	15
Senator Del Marsh, President Pro Tempore, Alabama Legislature	
Education Improvements, Ethics Reforms and Pro- Business Job Growth Initiatives .....	16
House Speaker Mike Hubbard, Alabama Legislature	
Municipal Legislative Advocacy CMO Session .....	17

## On the Cover:

The 2014 Regular Session begins January 14th. This *Journal* issue explores legislative advocacy, building relationships, legislative goals as well as the League's annual CMO Legislative Advocacy Session scheduled for February 4th in downtown Montgomery. (Be sure to register ASAP. Space is limited.) *Original cover art by Karl Franklin.*

## Active Members (451)

Abbeville, Adamsville, Addison, Akron, Alabaster, Albertville, Alexander City, Aliceville, Allgood, Altoona, Andalusia, Anderson, Anniston, Arab, Ardmore, Argo, Arton, 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, Castlesberry, Cedar Bluff, Center Point, Centre, Centreville, Chatom, Chelsea, Cherokee, Chickasaw, Childersburg, Citronelle, Clanton, Clay, Clayhatchee, Clayton, Cleveland, Cljo, Coaling, Coffee Springs, Coffeetree, Coker, Collinsville, Colony, Columbia, Columbiana, Coosada, Cordova, Cottonwood, County Line, Courtland, Cowarts, Creola, Crossville, Cuba, Cullman, Cusseta, Dadeville, Daleville, Daphne, Dauphin Island, Daviston, 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, Florida, 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, Gu-Win, Guin, Gulf Shores, Guntersville, Gurley, Hackleburg, Haleyville, Hamilton, Hammondville, Hanceville, Harpersville, Hartford, Hartselle, Hayden, Hayneville, Headland, Heath, Hefflin, Helena, Henagar, Highland Lake, Hillsboro, Hobson City, Hodges, Hokes Bluff, Holly Pond, Hollywood, Homewood, Hoover, Hueytown, Huntsville, Hurtsboro, HyTop, Ider, Indian Springs, Irondale, Jackson, Jackson's Gap, Jacksonville, Jasper, Jemison, Kansas, Kellyton, Kennedy, Killen, Kimberly, Kinsey, Kinston, LaFayette, Lake-view, Lanett, Langston, Leeds, Leesburg, 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, Mumford, Muscle Shoals, Myrtlewood, Napier Field, Natural Bridge, Nauvoo, Nectar, Needham, Newbern, New Brockton, New Hope, New Site, Newton, Newville, North Courtland, North Johns, 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, Sipsey, Skyline, Slocumb, Smiths Station, Snead, Somerville, South Vinemont, Southside, Spanish Fort, Springville, Steele, Stevenson, Sulligent, Sumiton, Summerdale, Susan Moore, Sweet Water, Sylacauga, Sylvan Springs, Sylvania, 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

Happy New Year from the staff of the Alabama League of Municipalities! 2014 is off to a swift start as we prepare for the Regular Session of the Alabama Legislature to begin on January 14th. To that end, the League will hold its annual Legislative Advocacy CMO program on February 4th at the City Hall Auditorium in downtown Montgomery. An agenda is available on page 17. If you've not already signed up for this important session, please do so immediately. Space is limited. You can download the registration form from our website at [www.alalm.org](http://www.alalm.org). You will also need to make appointments to visit with your representatives ASAP on the afternoon of February 4th between 3 and 4 p.m. To visit House members, call 334-242-7600 and to visit Senate members, call 334-242-7800.



## 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](http://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 is 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.

In addition to our e-newsletters, the League launched its official Facebook page this past September. If you have a Facebook account, please like our page at [www.facebook.com/ALALM](http://www.facebook.com/ALALM) so League updates will appear in your news feed. We will be using this platform as another means to deliver information as well as a place to post pictures during various League events, particularly the upcoming Legislative Advocacy CMO and the 2014 Annual Convention in Mobile May 3-6.

## Changes to the Alabama Municipal Journal

After experimenting with a series of different publications during its first decade, the League began publishing a monthly saddle-stitched magazine in 1944 known as the *Alabama Local Government Journal*. In 1953, the name was changed to the *Alabama Municipal Journal* and has served as the League's official publication for the past 60 years. While the League will continue to publish the *Journal*, we are no longer doing so on a monthly basis. Beginning with this issue, the *Journal* will now be published bimonthly: January/February, March/April, May/June, July/August, September/October and November/December. However, we will continuously reach out to our members throughout the month via our e-newsletters, e-blasts, Facebook updates and website notices – which is why it's very important that you subscribe to *This Week* and follow us on Facebook. Electronic communications, particularly social media platforms, are growing exponentially and rapidly becoming a common means for people to seek information and participate in a larger dialogue. We recognize that critical information needs to reach you as quickly as possible. Therefore, we will continue to evolve with technology to make sure we are communicating with you in a timely and efficient manner.

*continued on page 6*

# The President's Report

By Mayor Walt Maddox, Tuscaloosa



## Building Relationships with Your Legislative Delegation

For the last couple of years, and especially in recent months while serving as your League President, I have been speaking about the challenges facing municipal governments throughout Alabama. We are not alone because our friends in county governments are staring at the same set of disturbing trends.

In recent years, the State's responsibilities for transportation, corrections and mental health have fallen more and more on local governments, while simultaneously legislative efforts have been discussed which would further reduce our current revenue sources. Making matters worse, the amount of utility regulations have been ever increasing, requiring more and more shifting of scarce resources.

None of us in municipal government are naive to party politics where it is crucial to carry out the company line and push an agenda based on polling data and focus group feedback. Well, that might make for a successful election cycle, but it accomplishes very little for us at the local level because we are where the rubber meets the road.

Our citizens expect good roads, efficient utilities, great schools and a high quality of life. Mayors and councilmembers cannot hide behind party dogmas – nor should we. If we fail to get the job done for our citizens, we can't blame the perceived failings of another political party.

So, who is to blame? Unfortunately, it is us. For years, we have allowed events in Montgomery to unfold while we handled matters at City Hall. We trusted that our friends in the Legislature would rise above the partisanship and never allow legislation to pass that would inhibit our ability to effectively serve our citizens. Today, however, with Montgomery mirroring Washington D.C., we must make our voices heard. If we fail to do so, in the near future, we are going to

be faced with a new set of circumstances that we do not have the fiscal capacities to address.

I firmly believe we have good people in the Legislature who serve to make a difference. To that end, they need to hear from us on a regular basis and understand how their actions critically impact municipalities. From our own perspective in Tuscaloosa, we have worked hard to create a positive relationship with the members of our delegation, who have a history of being very approachable and enthusiastic about working in a bipartisan fashion.

To enhance our relationship with them, the City Council hosts an annual delegation breakfast. During this morning meal, we do much more than just break bread. Over coffee and a few biscuits, we are able to explain our area's unique challenges to our delegation and make them aware of threats. Since it's a public meeting, this breakfast also heightens the media awareness of our legislative agenda, which assists in promoting our hopes and concerns to our citizens.

Clearly, the annually breakfast helps tremendously on legislative matters, but it has a far more important component – it strengthens our personal relationships, which are crucial in forging a genuine partnership. That being said, forming relationships involves much more than just a once-of-year gathering of elected officials. Over the course of 365 days, our City Council does its best to stay engaged – whether it is sharing information via email or meeting individually periodically to stay abreast of the latest issues on the local and state levels.

The 2014 Legislative Session is almost here so time is running out for all of us to get to work. The League has a great team working for us in Montgomery, but they are only as strong as we are back in our respective municipalities. We need your support. Relationships really do matter. ■

## On-Line Registration for the 2014 Annual Convention and Expo Opens January 17th

The League's 2014 Annual Convention and Expo will be held in Mobile May 3-6. Online registration begins January 17 – simply click on the prominent link from our home page. The deadline for online registration is 5:00 p.m., April 11, 2014. After April 11th, delegates must register at the Convention Registration Desk. It is also important for delegates and their spouses/guests who plan to participate in the golf tournament to register as soon as possible. In addition to registering online, you may also download a convention Quick Guide from the website. Several changes will be made to the 2014 schedule to include more roundtable and discussion groups and provide more opportunities for you to discuss problems and solutions with your colleagues from around the state. We look forward to seeing you in Mobile in May!

## Two League Programs Celebrate Milestones in 2014

The Alabama Municipal Insurance Corporation (AMIC) is celebrating its 25th anniversary this year. Established in 1989 as a mutual insurance company organized under the laws of the State of Alabama, AMIC is owned by its member municipalities. The League created AMIC during a “hard” insurance market when many municipalities could not get insurance and were charged exorbitant prices. For 25 years, AMIC has been writing all lines of insurance and is a leader in this market.

In 1994, the League established its Certified Municipal Official (CMO) Program, which was only the second such training program in the nation. Designed specifically for elected municipal officials – mayors and councilmembers – who voluntarily wish to receive formal educational training in municipal government, the first session of the Elected Officials Training Program was held at the Adams Mark Hotel in Mobile on September 22, 1994. Since its inception 20 years ago, 4,042 officials have participated in the program with 1,055 receiving their Basic CMO designation after completing their first 40 hours of training.

Congratulations to these two outstanding programs! *Well done!*

*Carrie*

▶ Pumper    ▶ Aerial    ▶ Rescue    ▶ Tanker    ▶ Quick Attack

Command Light Knight-2  
12 volt LED light tower

# Recent Delivery

## Predator Panther Challenger Series

MaxxForce 10  
405 HP Engine

Waterous  
1500 GPM Single Stage Pump

**KME**  
KOVATCH

Poly Tank  
750 Gal. Water  
20 Gal. Foam

© Fire Marketing - 1-2013 - ALA020 KME050-Foley-FW

**NAFECO**

▶ Scan QR Code for Facebook Truck Photos  
▶ WWW.NAFECO.COM  
▶ 800-628-6233

f    t    YouTube    g+

# Municipal Overview

By Ken Smith, Executive Director



## Legislative Expectations – A Unified Voice

**A**lthough the word “lobbying” leaves an unpleasant 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 local government 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 2014 Alabama Regular Legislative Session begins Tuesday, January 14. 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 goes into session this January, the participation of our members will once again produce a successful session for Alabama municipalities.

In 2013, the League obtained the passage of two 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 that a Legislator knows and respects can make all the difference in passing or defeating legislation.

### **2014 - What to Expect**

The League’s Legislative Committee has set the League’s agenda for next session. This Committee, led by Councilmembers Sadie Britt, Chair, Lincoln, and Donald “Dink” Myers, Vice Chair, Guntersville, and composed of mayors and councilmembers from throughout Alabama, adopted a package of five bills that the League will propose for passage. This will allow us to concentrate our legislative efforts during the session.

While the length of this article prevents a full discussion of these bills, briefly, our proposed legislation will 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.

- Changing municipal election laws to correct errors noticed during the 2012 municipal elections.
- Funding for the State Revolving Loan Fund for Wastewater Treatment (SRF) and the Alabama Drinking Water Finance Authority.

As indicated above, two League bills 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. At other times, League lobbyists work hard to help other positive legislation pass. 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 publication, *The Statehouse Advocate* remains our primary means of communicating legislative information. This publication is emailed each Monday afternoon during the session and highlights bills affecting municipalities. It also includes brief summaries, legislative developments and occasional requests for assistance, such as the impact specific legislation may have on your municipality, as well as requests for contacts supporting or opposing legislation.

Of course, as discussed above, we will contact our members in other ways as well. *The Statehouse Advocate* is also posted on our website on Friday during the session. 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 information in *The State House Advocate* and other publications and for initiating a timely response by the 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 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 positions 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 that 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.

*continued on page 12*



# The Legal Viewpoint

By Lori Lein, General Counsel



## The Alabama Legislature: A 2014 Primer

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.

Whether this is your first term in municipal office or you've been in office for multiple terms, it is extremely important to have a good, basic understanding of the legislative process in Alabama. This article briefly explains the workings of the Alabama Legislature and how legislation is passed by that body.

### Constitutional Provisions

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

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

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

### Composition of the House and the Senate

The state legislature consists of 35 Senators and 105 members of the House of Representatives. This number was established by order of a three-judge federal district court for the Middle District of Alabama, Northern Division, in the case of *Sims v. Amos*, 336 F. Supp. 924, aff'd, 409 U.S. 942 (1972). In the decree, the court divided the state into 105 House districts

and 35 Senatorial districts. Each House district is entitled to one Representative and each Senate district is entitled to one Senator. Each district has approximately the same number of people as any other district.

### Qualifications of Legislators

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



Alabama's Capitol, downtown Montgomery.

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

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

eligible for membership in either house. Sections 53 and 54, Alabama Constitution of 1901.

### **Election and Terms of Members**

Members of the House and the Senate are elected, for four-year terms, on the first Tuesday after the first Monday in November in the even years which are not leap years. Their terms begin on the day following their election. Their terms expire on the day after the election of their successors four years later. Section 46, Alabama Constitution of 1901. Amendment 57 to the Alabama Constitution of 1901 provides that each house shall judge the qualifications of its members.

### **Organizational Session**

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

standing and interim committees, the canvassing of election returns and the determination of contested elections.

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

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

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

### **Legislative Committees**

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

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

### **Length of Sessions**

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

A legislative day is a day on which either house of the legislature is actually in session. Normally, the legislature will

*continued on page 23*

# F.A.Q.

Your Frequently Asked (Legal) Questions Answered

## **New Laws**

### **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 [lrs.state.al.us](http://lrs.state.al.us). ■

## For Effective Grass Roots Advocacy & Legislative Success:

# Relationships Matter

Greg Cochran

Director of Intergovernmental Relations • ALM

**S**uccess 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 2014 legislative session begins on January 14th. If you haven't done so already, you need to be strengthening your relationships with Alabama's lawmakers – particularly if this is your first term in 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 afternoon of February 4<sup>th</sup> immediately following the League's Legislative Advocacy CMO session in Montgomery. If you have not already done so, please call the State House and make appointments to visit with your legislators on February 4th 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 our Legislative Advocacy Session (see information on page 17). This workshop is extremely important to every municipal official. You can download registration information at [www.alalm.org](http://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.



photo by Elmore DeMott

*continued on page 30*

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. Thousands 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 adequately 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.

## 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. ■

## Job Creation, Transportation Infrastructure Improvements and Government Efficiency

Governor Robert Bentley



Over the last three years in office, I have visited many of Alabama's cities on my "Road to Economic Recovery Tour." The tour is an opportunity to hear issues directly from constituents, business and civic leaders. Two of the issues I have heard repeated in cities all over Alabama are the need for jobs and the need for improvement to our transportation infrastructure. My administration has made both issues a top priority.

### Job Creation

Since I have been in office, between 40,000 and 50,000 new jobs have been announced in cities across Alabama. Some of the jobs announced in 2013 include: Commercial Jet in Dothan, Vector Aerospace in Huntsville, North American Lighting in Muscle Shoals, Bayer CropScience in Theodore and Pharmavite in Opelika. These jobs will provide a real opportunity for Alabamians to make a good living, provide for their families and support their communities.

There are many things that help me recruit jobs to Alabama. Incentives are just one of many options that help a company decide to invest in our state. One important asset that our state is lacking are the types of incentives that we can use to encourage more existing companies to stay, to keep their workforce and to expand and create more jobs. Currently, we are working to develop a responsible set of incentives for various companies to help them remain competitive and keep jobs in our state. My plan is to work with the Legislature to finalize these incentives during the 2014 session. This investment will help hard-working men and women remain employed, and it will help communities continue to build on the investments that many employers have made in our state.

One of the biggest components to economic development is the quality of our workforce. Alabama has the hardest working people of any state, and that is one of the many reasons companies choose to come here. This year, we are also taking new steps to further strengthen workforce development. We are recruiting a lot of high-paying jobs. And we want to make sure companies have the highly-trained workers they need both now – and in the future. The College and Career Ready Task Force is working on initiatives that will help ensure Alabama continues to produce students with the skills necessary to be successful in college and careers.

Until every Alabamian who wants a job has the opportunity to find one, our economic development efforts will continue.

### Transportation Infrastructure Improvements

There are more than 59,000 miles of roads and 8,650 bridges across Alabama. Thousands of these bridges are in desperate need of rehabilitation, and many of our roads are crumbling. That's why, last year, I unveiled the Alabama Transportation Rehabilitation Improvement Program (ATRIP). Through the summer of 2013, we have now announced funding for nearly 1,100 road and bridge improvements.

We are able to finance these improvements without raising taxes. By using GARVEE bonds, we have the ability to access future federal funds in order to make the transportation improvements that are needed now. Also in 2013, the Rural Assistance Match Program (RAMP) was created to help counties that were unable to make the 20 percent funding match required to participate in ATRIP. That means communities in all 67 Alabama counties are now receiving these improvements.

### Government Efficiency Measures

In 2013, we continued to pass government efficiency measures. We are currently consolidating our state-level law enforcement operations with the goal of increasing public safety on the streets. Implementation measures have already begun, and more law enforcement services have already been made available to the public. For example, a new unit in the Alabama Law Enforcement Agency has been established and devoted to investigating agriculture and rural crimes such

*continued on page 21*

## 2014 Legislative Session Preview

Lieutenant Governor Kay Ivey

Not long after Christmas decorations were stored for the season and friends gathered to count down to the New Year, the Alabama Legislature returns to 11 South Union Street in Montgomery to begin the final Legislative Session of this quadrennium.

The Legislative Session, beginning on January 14<sup>th</sup>, arrives sooner in the final year of the quadrennium, as prescribed by law, to accommodate the four-year election cycle. As President of the Alabama Senate, it will be my honor to gavel in the Session for the fourth time during this term. Dozens of bills have been pre-filed, which I have assigned to committees, and many more will be filed on that first day.

Every indication points to an expedited Session. Legislative leadership is motivated to conduct the People's Business more efficiently in a more compact timeframe. While law allows for the Legislature to meet for 30 days over a 105-day period, the Legislative Session may be completed in a shorter period of time. In addition to Tuesdays and Thursdays, I anticipate Legislators will go into Session on Wednesdays, traditionally reserved only for committee meetings, more frequently this year. If you are planning a visit to Montgomery during the Session, and I hope you are, I would encourage you to check with my office for the latest Session schedule.

Without a doubt, the Education Trust Fund and General Fund Budgets will receive the highest priority. This group of legislators has a proven track record on budgeting and I am confident will continue to practice good stewardship of the State's resources. Decades of bad habits are difficult to reverse, but in just three years this Legislature has made significant strides in getting the State back on solid financial ground. Common-sense budgeting practices have allowed lawmakers to balance the education budget and avoid proration for the second year in a row. The General Fund Budget is balanced without proration and thanks to economic growth and smart budgeting, Governor Bentley was able to release \$2 million in conditional funds to Alabama's Court System last fall.

To most Alabamians, the concept of a balanced budget and only spending what you have is not novel, but in Montgomery, budgeting more than we expected was common practice for many years. Rest assured your leadership does not operate that way anymore.

This Session, you will also see a movement to crack down on what's become known as the "revolving door" of elected officials. Senate President Pro Tem Del Marsh pre-filed legislation that will prohibit lawmakers from engaging in lobbying activities for a period of three years after they leave office. Hopefully, this will discourage lawmakers from leaving office prior to completing their term. A number of constituents have expressed their concern over the issue to me, so I am pleased to see Senator Marsh propose this measure.

Additionally, I anticipate a continued focus on job creation, streamlining government and reducing wasteful spending. The Governor, Legislative leadership and I are of the same mind that we must trim down the size of government while meeting our financial obligations without raising taxes. To the unemployed Alabamian, the most valuable work government can do right now is cultivate a business-friendly environment that draws companies to develop and expand and provide jobs for our citizens.

I would also like to fill you in on a special Joint Session that is in the planning process. My office is leading the coordination of "Military Day." The House and Senate will meet jointly in the House Chamber to pay special tribute to our military men and women. Passing military-focused legislation to strengthen Alabama's defense against BRAC continues to be a priority for me. The Military Stability Commission, which I serve as chair, is currently working with legislators to draft and propose a package of military bills. My office will communicate more information about Military Day as it becomes available.

For many Legislators, the 2014 Session concludes their first term in office, while for some it is the postlude to their careers in public service. In 2010, we had a lot of new faces at the Statehouse, but now everyone is a veteran to the process. I look forward to calling the Senate to order on January 14<sup>th</sup> and look to the members of the Senate to set the tone for a productive Session. The Session will only run as smoothly as the members choose.

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. ■

*Lieutenant Governor Kay Ivey may be contacted at (334) 242-7900 or [www.ltgov.alabama.gov](http://www.ltgov.alabama.gov). Connect on Facebook: [facebook.com/KayIveyAL](https://www.facebook.com/KayIveyAL). Follow on Twitter: @LtGovIvey.*



## Alabama's Job Growth, Spending Reforms Offer Sharp Contrast to Federal Government

Senator Del Marsh • President Pro Tempore



Nearly three out of four Americans believe the country is heading in the wrong direction. Most believe that the biggest issue facing our country is the economy. Unemployment is too high, and the national economy, in general, is struggling. Many are also concerned that, under the direction of Washington politicians, America is spending far too much. It is certainly a cause for concern.

But perhaps our national leaders should take a cue from Alabama. Over the past three years, Alabama Republicans have enacted fiscally-responsible, common sense reforms that have helped lower unemployment, significantly reduce government spending, and restore accountability to state government. The success we have seen on these fronts is a testament to the shared commitment of Gov. Robert Bentley, Lt. Gov. Kay Ivey, and the Republican Legislature to moving Alabama forward.

Our top priority has been improving the private sector economy and putting Alabamians back to work. Since 2010, Alabama has added more than 40,000 new jobs and our unemployment rate is at its lowest point since October 2008. We are proud to have among the lowest unemployment rates of any of our Southeastern neighbors.

Putting the state on firm financial footing has been an equally important priority. The past three years have been the most significant in decades when it comes to reducing the size and cost of state government. Since 2010, we have implemented reforms that will fundamentally change the landscape of state government and ensure taxpayer dollars are spent responsibly. Last session we realigned our public safety agencies. This move was designed to make our state-level law enforcement stronger by allowing for more coordinated and efficient services to the public, all saving limited taxpayer resources. Under the old structure, Alabama had more than 20 separate agencies with law enforcement functions. The new structure reduces that number by more than half and will save an estimated \$30 million annually.

We also overhauled the state's outdated information technology structure. For too long, that structure has been decentralized, and has resulted in a lack of overall efficiency. By ensuring that more I.T. systems are compatible between state agencies, we can optimize our I.T. resources in a way that helps agencies operate more efficiently while benefitting both taxpayers and state employees. This reform is estimated to save taxpayers between \$30 and \$60 million a year.

While asking other state agencies to become more efficient and do more with less, the Legislature is committed to leading by example. That's why in the most recent budget, we reduced spending in Legislative agencies by more than \$1.7 million from the previous budget year. These savings combined with cost-cutting reforms implemented during the previous two legislative sessions are projected to reduce the cost of state government by more than \$800 million a year.

Newly-implemented conservative budgeting practices, like the Rolling Reserve Budget Act passed in 2011, have enabled us to repay \$260 million towards \$437 million borrowed under the previous majority. While paying down these debts, we have also taken great care to craft education budgets that would not be subjected to devastating midyear cuts, also known as proration. We also gave our hardworking teachers the first pay raise since 2007.

The budget news is positive on several fronts. It means Alabama's economy is improving, and it means the conservative budgeting practices implemented by this Legislature and signed by Gov. Bentley are working.

Thanks to our new school choice law, the Alabama Accountability Act, children who have been trapped in perpetually failing schools will now have the option to receive a quality education. This important piece of legislation also gives schools across the state more local control and flexibility to innovate and meet the individual needs of their local schools. Recent reports have shown that more than 700 students across the state are already taking advantage of this school choice law. That means more than 700 students who were trapped in failing schools now have the opportunity to receive a quality education.

Although opponents of school choice said the law would have a negative impact on public education, the latest numbers show that only 7 percent of the 700 students have transferred to a private school. More than 90 percent of these students are leaving failing schools and going to a better public school.

*continued on page 21*

## Education Improvements, Ethics Reforms and Pro-Business Job Growth Initiatives

House Speaker Mike Hubbard



Since taking office in 2010, this Republican led Legislature has begun transforming state government as we know it for the better. The students, parents, administrators and teachers in our public education system now have unprecedented choice, flexibility and accountability, and they have been spared the pain and damage that accompanies proration, which was common in previous quadrenniums.

Instead of raising taxes, Republicans have saved Alabama taxpayers more than \$750 million dollars on the road to \$1 billion in savings each year. Our ethics laws that were once among the weakest in the nation are now among the strongest, and the economic incentives and pro-business measures we have passed are attracting new jobs and opportunities. We have also worked hard to provide Alabamians with protection from attacks on our constitutional rights.

I am confident that future historians will one day look back and include this quadrennium among the longest sustained periods of positive change and meaningful reform in Alabama's history.

The leadership of the Alabama House Republican Caucus recently joined me in Montgomery to unveil our 2014 "Commonsense Conservative" legislative agenda. This agenda continues the record of education improvements, constitutional rights protections, strict ethics reforms and pro-business, job growth initiatives that Republicans have passed since taking control of the Legislature almost four years ago

Business owners, who serve as the backbone of our economy and provide the vast majority of jobs in Alabama, will receive one-time immediate tax relief and find their filing process made dramatically easier through the agenda's Small Business Tax Relief Act and the Business Tax Streamlining Act. Our Caucus made a special point of highlighting small businesses in our agenda because their needs are sometimes lost in the hunt for the next industrial mega-project that waits on the horizon. We understand that providing small businesses with the tools needed to expand and create jobs is much less costly than extending the expensive, but necessary, incentives that landing large manufacturing projects routinely demand.

Because a handful of lawmakers recently stepped down from office to pursue business opportunities being offered to them, the Revolving Door act being proposed by Senate President Pro Tem Del Marsh (R - Anniston) has garnered widespread support from House Republicans. This ethics measure will prevent former legislators from influencing either house for at least two years after leaving office and places a secure and unavoidable time lock on the revolving door between serving in the Legislature and working as a lobbyist.

The agenda includes the Healthcare Rights of Conscience Act, which prevents healthcare professionals from being forced to provide services that violate their conscience. In addition, our Republican Caucus believes deeply that innocent human life needs protection and every child deserves affection, so our Adoption Tax Credit is designed to provide more Alabama children with the promise of finding a secure and loving home.

State employees, officials and education workers will receive clear cut and codified immunity from being sued while acting in their official capacity with passage of the Statutory Immunity for Teachers and State Employees Act.

Working with Governor Bentley and the Department of Revenue, the agenda's Tax Elimination Act will dissolve taxes that cost more to collect than they take in, which is a sensible and astute business approach to tax policy. Our Taxpayer Bill of Rights will make it easier for business and individuals to dispute taxes placed upon them by the Alabama Department of Revenue. The agenda's Alabama Taxpayer Audit Protection Act will ensure that the Internal Revenue Service's targeting of individuals for audit based upon political beliefs cannot occur on the state government level.

*continued on page 22*



# MUNICIPAL LEGISLATIVE ADVOCACY

City Hall Municipal Auditorium • Montgomery • February 4 • 8:30 a.m. until 5:00 p.m.  
 Registration – \$100 • Five (5) CMO Credit Hours (Basic, Advanced, Continuing)

[www.alam.org](http://www.alam.org) to download registration forms

The League's Annual Municipal Legislative Advocacy CMO is specifically designed to allow municipal officials to share their ideas and concerns 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 Session provides a unique opportunity each year for municipal leaders to take their messages to the State House – and for the power of the ALM membership's collective voice to be 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.   | <b>Registration</b>  |
| 9:15 – 9:45 a.m.   | <b>Welcome:</b> Councilmember Sadie Britt, Lincoln, Chair, Committee on State and Federal Legislation; Mayor Todd Strange, Montgomery; Ken Smith, Executive Director, ALM  |
| 9:45 – 10:00 a.m.  | <b>League Advocacy Publications:</b> Carrie Banks, Communications Director, ALM will briefly discuss the methods ALM uses to communicate with its members, legislators and legislative staff.                                    |
| 10:00 – 10:30 a.m. | <b>Environmental Outlook: Permitting and Budgets:</b> Lance LeFleur, Director of the Alabama Department of Environmental Management, will give a regulatory forecast and discuss the State budget's impact on ADEM's permitting. |
| 10:30 – 10:45 a.m. | <b>Refreshment Break</b>   |
| 10:45 – 11:30 a.m. | <b>Business Licenses and Tax Revenues –The Engines that Drive our Communities:</b> Julie Magee, Commissioner, Department of Revenue  |
| 11:30 – 12:15 p.m. | <b>Transportation – ATRIP and ARAMP Plans:</b> John Cooper, Director, Department of Transportation, will discuss the recent ATRIP and ARAMP appropriations and future infrastructure projects.                                   |
| 12:15 – 1:30 p.m.  | <b>Lunch: (Invited) Alabama Attorney General Luther Strange</b> will share experiences from his first term and the many legal cases his office is managing this year.  |
| 1:30 – 2:15 p.m.   | <b>State and Federal Election Outlook for 2014:</b> Hal Bloom, the Bloom Group, and Britton Bonner, Adams and Reese, will discuss the political landscapes of the 2014 federal and municipal elections.                          |
| 2:15 – 3:00 p.m.   | <b>ALM's 2014 Legislative Agenda:</b> Greg Cochran, Director, Intergovernmental Relations, ALM, will discuss the status of the League's legislative proposals and other major issues of the 2014 Regular Session.                |
| 3:00 – 4:30 p.m.   | <b>Legislative Visits</b> at the Alabama State House   |

*Note: the last bus to the city parking deck will leave the State House at 4:30 p.m.*

**Please make appointments ASAP 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**

# Legal Clearinghouse

Rob Johnston, Assistant General Counsel

**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. When trying to determine what Alabama law applies in a particular area or on a particular subject, it is often not enough to look at a single opinion or at a single provision of the Code of Alabama. A review of the Alabama Constitution, statutory law, local acts, administrative law, local ordinances and any relevant case-law may be necessary. 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

**Employees:** No evidence supported hearing officer's determination that board relied on overstaffing as a separate ground for terminating employees such that notice of that ground was required under Fair Dismissal Act (FDA), the hearing officer acted arbitrarily and capriciously in finding that board did not need to implement the supplemental reduction-in-force (RIF) plan because it had already achieved all of its financial goals, and the hearing officer needed to determine whether the supplemental RIF plan was one rational response to financial hardship and not whether board could have used a more reasonable approach in selecting individual employees. *Huntsville City Bd. of Educ. v. Frasier*, 122 So.3d 193 (Ala.Civ.App.,2013)

**Tort Liability:** Under 42 U.S.C § 1983, a board and board members in their official capacities are not "persons" subject to a claim seeking damages, and board members are protected by judicial immunity from action against them in their individual capacities. *Bearden v. Coker*, 121 So.3d 359 (Ala.Civ.App.2012)

## UNITED STATES COURT DECISIONS AFFECTING ALABAMA

**Discrimination:** Employee of city board of education who worked as cafeteria cook, brought action against board and school principal, alleging that defendants discriminated against her based on her race and age, and retaliated against her, in violation of § 1981 and Age Discrimination in Employment Act (ADEA), when they declined to promote her to managerial positions. The defendants did not retaliate

against employee by considering her for managerial positions for which she did not apply, the fact issue precluded summary judgment as to retaliation claim with respect to one position, and the employee failed to establish prima facie case of age discrimination with respect to two positions. The board's proffered reasons for not promoting employee were not pretext for race or age discrimination, and the employee could not sustain outrage claim. *Shumate v. Selma City Bd. of Educ.* 928 F.Supp.2d 1302, (S.D.Ala.,2013)

## DECISIONS FROM OTHER JURISDICTIONS

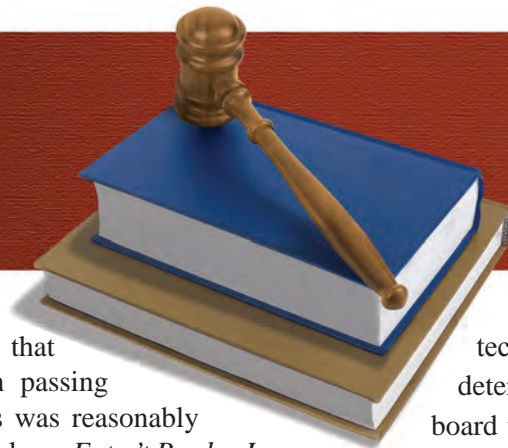
**First Amendment:** The plaintiff adult nightclubs failed in their attempt to undermine the evidence used by the county in passing regulations meant to combat the "deleterious secondary effects" associated with adult entertainment. Evidence relied on by governments does not need to meet any particular standard of scientific validity, including the standard established in *Daubert v. Merrell Dow Pharm.*, 509 U.S., 579 (1993). Instead, state and local

## Are you following the League on Facebook?

As our base grows, Facebook will be another outlet for the League to provide timely information about upcoming CMO sessions, conferences, annual convention and ALM's legislative endeavors. We'll also be posting pictures so be sure to "like" us.



<https://www.facebook.com/ALALM>



governments need only show that the evidence they relied on in passing laws regulating adult nightclubs was reasonably believed to be relevant to the problem. *Entm't Prods., Inc. v. Shelby Cnty.*, (6<sup>th</sup> Cir., 721 F.3d 729, 2013 BL 181267, 82 U.S.L.W. 88)

**Search and Seizure:** The Fourth Amendment requires law enforcement officers to have probable cause and a search warrant before they attach to a suspect's vehicle a GPS tracking device. *United States v. Katzin*, 732 F.3d 187 (3<sup>rd</sup> Cir.,2013)

**Tort Liability:** City was acting in its proprietary capacity when it entered into a wholesale power agreement with an electricity supplier. Therefore, the city had no governmental immunity from the supplier's declaratory judgment action seeking a determination of the parties' rights and obligations under the agreement. *City of Georgetown v. Lower Colorado River Authority*, 2013WL4516110 (Tex.App.–Austin,2013)

**Public Records:** State Attorney's order not to produce requested information over defendant's e-mail communication with police did not relieve the city of its duty to process the public records request and stand trial to defend its decision if necessary. *Chandler v. City of Sanford* (Fla.App. 5 Dist., 2013)

**Tort Liability - Immunity:** A police officer's hot-pursuit warrantless entry to arrest a fleeing suspect for a misdemeanor does not deprive the police officer of immunity from a federal civil rights claim under 42 U.S.C. § 1983. *Stanton v. Sims*, 134 S.Ct. 3, (November 4, 2013)

**Americans with Disabilities Act:** New York City failed to provide disabled persons "meaningful access" to the city's emergency preparedness program relating to emergency evacuation plans, transportation, shelters and communications. *Brooklyn Center for Independence of Disabled v. Bloomberg*, -- F.Supp.2d ----, 2013 WL 5943995, S.D.N.Y.,2013.

#### ATTORNEY GENERAL'S OPINIONS

**Property:** A member of the city council may donate property to the city if the city determines that the property is useful for a municipal purpose. AGO 2014-009

**Boards:** A city water works and sewer authority board may permit the lowest responsible bidder to correct a

technical deficiency in a bid bond if the board determines that it is in the best interest of the board to do so and that such determination is not arbitrary or capricious. AGO 2014-011

**Boards:** The utility board of a city may not construct sewer lines for the transmission of sewage from the city to a sewage disposal facility through the town limits and police jurisdiction of another town without the permission of the town. AGO 2014-013

**Appropriations:** There is no authority for a city to expend funds and appropriate moneys to a municipal board of education in another city. AGO 2014-015

**Fuel Tax:** A city may not use the \$.04 per-gallon tax imposed by section 40-17-325 of the Code of Alabama for the installation, maintenance, and repair of traffic lights. ■

**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

**AQUALOGY**  
innovative, flexible and comprehensive solutions from a company you've trusted since 1963

**UPAX**

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

**Michael Szabo . 706.575.1456**  
[mszabo@utilityservice.com](mailto:mszabo@utilityservice.com)

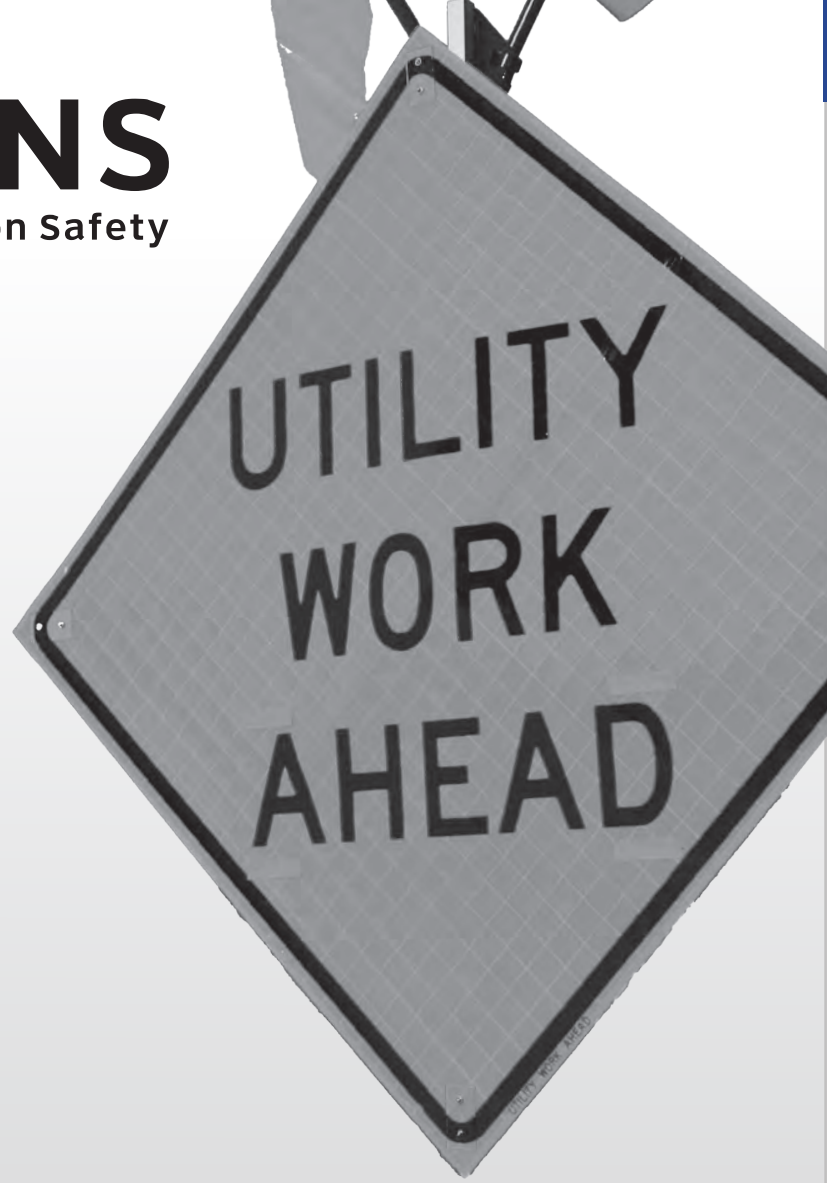
[www.utilityservice.com](http://www.utilityservice.com)



# 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](http://www.RiceSigns.com)

**Contact Us / Bids / Quotes:**

Toll-Free: 888-728-7665

Fax: 877-546-6165

Email: [sales@RiceSigns.com](mailto:sales@RiceSigns.com)

Web: [www.RiceSigns.com](http://www.RiceSigns.com)

**RICE SIGNS LLC**

P.O. DRAWER 3170

AUBURN, AL 36831-3170

**Governor Bentley***continued from page 13*

as theft of farm animals and farm equipment. The unit began operating in June and has already seen success in addressing rural crimes.

We are also making reforms to the state Medicaid agency, moving from a fee-for-service model to an outcomes-based model with the goal of providing better care for patients while also providing better management of the taxpayer dollars that support the program. While you might not be enrolled in Medicaid, the hospitals and doctors' offices in Alabama cities all use and depend on Medicaid. Those hospitals and doctors rely on Medicaid payments to help support the services they provide to all patients, not just those on Medicaid.

**2014**

As we enter the last Legislative session of this quadrennium, I will continue to focus my efforts on job creation, streamlining government and making wise use of the taxpayer funds that go to support education and state government services. I will recommend an Education Trust Fund Budget with increases for programs that have proven results in helping our students with success in the classroom.

Alabama's Voluntary Pre-K has been ranked the best in quality in the nation. A successful voluntary pre-kindergarten program teaches critical skills that help make students successful in the classroom and in life. In 2013, we announced nearly 100 grants for voluntary pre-k sites across Alabama. In my 2014 Education Trust Fund budget proposal, I will recommend another increase in funding for Alabama's Voluntary Pre-K Program.

The General Fund budget supports non-education functions of government. Medicaid, Corrections, Mental Health and the Department of Human Resources are just a few of the essential state agencies that receive funding from this budget. We've made Medicaid more efficient, and we've provided a critical increase to the Department of Corrections, all without raising one penny of taxes on Alabamians. My commitment to the people of Alabama is not to raise taxes. Families from Mobile to Muscle Shoals have to prioritize spending, and so must state government agencies.

As we prepare for 2014, there is still a lot left to accomplish. We have come a long way in the last three years, and I am committed to working with the Legislature and our Legislative Leadership to continue our efforts. Alabama is a great state, and I am honored to be your Governor. ■

*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 15*

While we have seen great progress over the last three years, there is still more work to be done. This session we will continue to enact reforms that ensure responsible use of taxpayer resources. We will work to strengthen the private sector economy and continue adding new jobs. We will also put an increased focus on workforce development to help make sure Alabama students have jobs and Alabama companies have a skilled workforce.

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.*

## Speaker Hubbard

*continued from page 16*

And because economic development and job creation remains the major focus for the Republican Caucus, we will soon announce the details of a major Workforce Development Initiative that is designed to help Alabama attract good-paying, long-lasting employment opportunities across the state.

While we have made tremendous progress as a state, our job is far from over. We appreciate the hard work put forth by municipal leaders at the local level on behalf of the growth and prosperity of our state and look forward to working with you during another successful legislative session.

That is, indeed, a worthy goal. ■

*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](mailto:Mike.Hubbard@alhouse.gov).*

**The 2014 Regular Session of the Alabama Legislature begins on Tuesday January 14th, 2014.**

Stay informed by signing up for the League's weekly e-newsletters – *This Week* and the *State House Advocate*. The *State House Advocate* is distributed on Monday afternoons during the Session and contains legislative alerts and information about the upcoming legislative week as well as links to bills, status reports and important legislative websites.

## Sign up today!

Go to [www.alalm.org](http://www.alalm.org), click on the link that reads "Sign Up for our E-Newsletters" (below the main menu), fill out the form and subscribe.

STREAMLINED FOR SPEED.  
TO THE TUNE  
OF 5,000 READS  
PER HOUR.



Neptune's **MRX920™ mobile data collector**. It's just five pounds – but it punches way above its weight with a 72-channel receiver that can process more than 5,000 reads an hour. Save time and money by getting feet off the street and faster data.

LEARN HOW NEPTUNE PROVIDES  
1-OF-A-KIND CONFIDENCE THROUGH THE  
MIGRATABLE R900® SYSTEM AT [NEPTUNETG.COM](http://NEPTUNETG.COM).



**NEPTUNE**  
TECHNOLOGY GROUP

TAKE CONTROL | [neptunetg.com](http://neptunetg.com)

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. For a discussion on the passage of local laws, please see the FAQ in this publication.

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

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

### Steps in Passing Legislation

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

The LRS is the principal bill drafting and legal research office serving the Legislature of the State of Alabama. LRS is a great source of information to the citizens of Alabama on

*continued on page 25*

## CMO Program Celebrates 20 Years!

In 1994, the League established its Certified Municipal Official (CMO) Program, which was only the second such training program in the nation. Designed specifically for elected municipal officials – mayors and councilmembers – who voluntarily wish to receive formal educational training in municipal government, the first session of the Elected Officials Training Program was held at the Adams Mark Hotel in Mobile on September 22, 1994.

Since its inception 20 years ago, 4,042 officials have participated in the program with 1,055 receiving their Basic CMO designation after completing their first 40 hours of training. *Well done!*





# 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



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

*continued on page 27*

## Cuba Town Clerk Retires After 43 Years

Mr. Lamar Hardin retired in September after more than 43 years as town clerk for Cuba, AL. A reception was held for him on September 29, 2013, at Town Hall. On October 13, his family held a birthday party for his 90th birthday at Cuba Baptist Church. Mr. Hardin is pictured seated beside his wife, Margaret, and with Cuba Mayor Carl Storey.



JOIN US IN MOBILE FOR OUR  
**2014 ANNUAL CONVENTION**

**ONLINE REGISTRATION BEGINS JANUARY 17, 2014**

**MOBILE BAY**

*SECRETLY AWESOME*



Photo courtesy of the Mobile Bay CVB

© Tad Denson/MyShotz.com

**MAY 3 - 6, 2014**

**ARTHUR R. OUTLAW CONVENTION CENTER  
MOBILE, ALABAMA**

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.

## 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.**

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. ■

**Did you miss something?**

Subscribe to the *Journal* to get all the news!



**Only \$24 per year!** Contact Cindy Price for subscription information: [cindyp@alalm.org](mailto:cindyp@alalm.org)

**Water Storage = Pittsburg Tank**

- Inspections
- Repainting
- Routine Repair
- Leasing
- Extended Warranty
- Service Agreements

**270-826-9000 Ext. 228**  
**EMERGENCY SERVICE 270-748-1343**  
[www.watertank.com](http://www.watertank.com)

## Relationships Matter

*continued from page 11*

**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*.

### League Efforts to Build Relationships

Realizing that relationships are critical in the legislative process, several years ago the League staff implemented a weekly "lobbyist luncheon" to meet with lobbyists representing municipalities from around the state to discuss their issues and how a combined effort can help move agendas forward. These meetings have been extremely successful and allow us to add more voices to the process. Working together is always critical; however, it will be even more so this year during the legislative election cycle as we could be facing a much more focused and shorter Regular Session – which, of course, means fewer opportunities to pass key municipal legislation.

Please make sure you have signed up to receive the League's weekly legislative e-newsletter, *State House Advocate*, (you can subscribe through the homepage of our website at [www.alalm.org](http://www.alalm.org)) and be ready to respond to Legislative Alerts from the League. We will only send an alert when immediate action is needed.

We look forward to a successful 2014 Legislative Session!

*Relationships matter.* ■

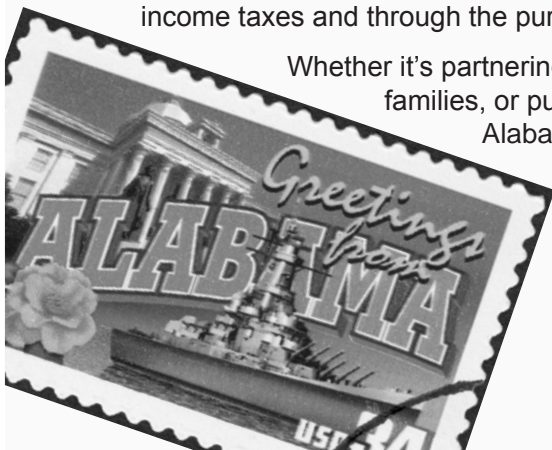
## You Know This About RDS . . .

You already know that RDS has provided revenue enhancement services to Alabama's municipalities and counties for over 30 years. Currently, more than 250 of the finest Alabama local governments entrust RDS to provide needed revenue for their communities.

### But did you know . . .

- RDS purchases 250+ business licenses annually in cities and counties throughout Alabama.
- RDS operations in Alabama not only provide services to Alabama cities and counties but to local jurisdictions in Arizona, California, Florida, Georgia, Louisiana, Pennsylvania, Puerto Rico, and Texas.
- RDS, and its parent company, employ more than 460 people in the State of Alabama. Including family members, that's over 2,000 people putting needed revenue back in Alabama's economy from paying income taxes and through the purchase of groceries, homes, and other goods and services.

Whether it's partnering with local governments, providing for hardworking Alabama families, or putting revenue back in Alabama's economy, RDS is proud to be an Alabama company and call Alabama our home.



- » Revenue Administration
- » Compliance Examination
- » Revenue Discovery & Recovery

[www.revds.com](http://www.revds.com)  
[ClientSupport@revds.com](mailto:ClientSupport@revds.com)  
 800-556-7274

**RDS**  
 revenue discovery systems

# Insuring the Future of Local Government for

25  
YEARS

## Is *YOUR* Future Covered?

Rated B++ by A.M. Best

Steve Wells, President  
334-386-3863

[www.amicentral.org](http://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



Complete online application

Provide 3 most recent audits.

Sign and Submit.

**It's that simple.**

Find out if AMFund is right for you. Visit our website for more information, [www.amfund.com](http://www.amfund.com)