

Final Report on the 2002 Regular Session

The Alabama Legislature adjourned sine die at midnight on Wednesday, April 17, 2002. Many important bills, including both budgets were passed during the session.

During the session, a total of 1289 bills were introduced of which 282 received final passage. By comparison, in 2001, a total of 1586 bills were introduced of which 302 received final passage. In 2000, a total of 1571 bills were introduced and 539 were passed. Many of the bills receiving final passage were appropriation bills or local bills affecting a single county or municipality.

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

Final Status of the League Legislative Package

The following proposals in the League's 2002 Legislative Package were approved this session:

Appropriation of Matching Funds to Alabama Water Pollution Control Authority (HB 190, Act 2002-295). Several years ago, the Alabama Legislature established a State Revolving Loan Fund for Wastewater Treatment (SRF). The purpose of the SRF was to take state funds and match them with federal dollars to create a loan fund to offer low interest loans to governmental entities for wastewater treatment projects. The League sought additional matching funds from the legislature to continue this nationally recognized SRF program.

DUI Fines and Court Costs (HB 15 by Rep. Steve McMillan, Act 2002-502). Fines and other court costs associated with DUI offenses can be substantial. Many defendants cannot pay the full fine and court costs at one time. They choose to make partial payments over time. State law provides that the state must be paid its share of money collected by the municipal court for DUI fines and court costs before any money can be distributed to the municipality. This League bill proposes to amend state DUI laws so as to provide that when a fine and/or other court costs are paid by means of a partial payment, the amount received shall, after certain payments, be distributed pro rata to all recipient entities based on the amount of the partial payment until the state has received its full distribution. At this point, all payments shall go to the municipality. The League thanks Rep. McMillan and our Senate sponsor, Sen. Hap Myers, for their help in obtaining passage of this bill.

Reimbursement of Training Costs (HB 20 by Rep. Bill Dukes, Act 2002-424). Current law provides that whenever law enforcement officers, firefighters, EMT personnel, or water and wastewater operators are hired by the state, a county, or another municipality from an entity that has paid for the state-mandated training for the employee within 24 months of the completion of training, the hiring entity shall reimburse the entity from which the person was hired the costs of such training. This bill proposes to amend these statutes so as to clarify the costs to be reimbursed and to eliminate certain loopholes in the law. The League thanks Rep. Dukes and the

Senate Sponsor, Sen. Bobby Denton, for their assistance in obtaining passage of this bill.

The League wishes to thank the following persons for sponsoring League bills this session: Representatives. Steve McMillan, Bill Dukes, Ron Johnson, Jack Venable, Steve Hurst, Steve Clouse, Betty Graham, and Senators Wendell Mitchell, Tommy Ed Roberts, Bobby Denton, Charles Langford, Larry Means, and Hap Myers.

Those bills in the League's Package that did not pass will most likely be reintroduced next year.

Status of Dangerous Legislation

A number of bills introduced during the 2002 Regular Session were adverse to the interests of municipal government. The League was successful in amending or defeating these proposals.

General Bills Passed

Bills of Interest to Municipalities Introduced This Session

Permission to Grant Tax Abatements – (HB 29, Act 2002-265). To amend Sections 40-9B-5 and 40-9B-8, Code of Alabama 1975, to require that municipalities and public industrial authorities obtain the written consent of the governing body of a county prior to granting an abatement of any county taxes.

Property Sold for Taxes – Redemption Process (HB 41, Act 2002-426). To amend Sections 40-10-83, 40-10-122, and 40-10-132, Code of Alabama 1975, relating to the redemption of property; to provide further for the process of redemption of land sold for taxes; to provide for the ascertainment of the value of insurance and improvements plus interest to be included in the lien on the land; to provide for the payment of the value of insurance and permanent improvements to a purchaser of land upon redemption and to provide a method of demand for the payment and a process for resolving any disagreement; and to provide further for the sale of lands that have not been redeemed in a certain time.

Abatement of Nuisances (HB 42, Act 2002-522). To provide for an incorporated municipality to demolish or repair an unsafe structure which has become a public nuisance and to collect an assessment lien on the property for the cost of work involved in demolishing or repairing the structure; to prescribe procedures for attaching and collecting the liens; to prescribe procedures for sales of property upon failure of the owner to pay an assessment and interest on property; to provide for redemption of certain property; and to authorize a municipality to demolish or repair a structure in certain emergency situations.

Compensation - Water, Sewer & Fire Protection Authorities (HB 52, Act 2002-254). To amend Section 11-88-6, Code of Alabama 1975, relating to boards of directors of water, sewer, and fire protection authorities, to provide further for the compensation of members and chairpersons of such boards.

Mini-Code (HB 72, Act 2002-307). To amend Section 5-19-31, Code of Alabama 1975, relating to the exemptions from the provisions of the Mini-Code, to include municipal pension systems within the exemptions from the Mini-Code.

Collection of Court Fines & Costs (HB 95, Act 2002-415). To repeal Sections 15-18-62 and 15-18-63, Code of Alabama 1975, relating to imprisonment in the county jail or hard labor for failure to pay assessed fines and costs, and to amend Section 12-19-150, Code of Alabama 1975, to clarify that such assessed fines and costs may be collected as a judgment under the laws of this state.

Education Budget (HB 140, Act 2002-296). To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 2003.

Municipal Improvement Authorities (HB 170, Act 2002-501). To amend Section 39-7-17, Code of Alabama 1975, relating to municipal improvement authorities, to delete the limitation on the amount of compensation of the boards of trustees; and to provide that the authorities may provide fringe benefits to their boards of trustees.

General Fund Budget (HB 190, Act 2002-295). To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 2003.

Vehicle Dealer Tags (HB 192, Act 2002-256). To amend Sections 40-12-62 and 40-12-264, Code of Alabama 1975, relating to the issuance and use of motor vehicle dealer license tags or plates, to revise various provisions relating to the acquisition, purchase, and use of motor vehicle dealer license tags or plates, motorcycle dealer tags or plates, and the payment of certain local registration fees.

Alabama Home Inspectors Registration Act (HB 216, Act 2002-517). To amend Sections 34-14B-2 to 34-14B-6, inclusive, 34-14B-8 and 34-14B-9, Code of Alabama 1975, relating to the Alabama Home Inspectors Registration Act; to provide further for the application requirements for home inspector licensure; to provide for licensing by the Building Commission; to provide further for the Building Commission to promulgate under the Administrative Procedure Act an Alabama Home Inspectors Code of Ethics and an Alabama Home Inspectors Standards of Practice; to provide further for the revocation and suspension of a home inspector's certificate of licensure; to further provide for penalties for violation of the Alabama Home Inspectors Registration Act; to provide further for the requirement that home inspectors successfully complete a test prior to licensure or, in the case of existing registrants, prior to a renewal of licensure; to provide further for the licensure of inspectors of exterior insulation and finish systems (EIFS); and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

Retirement Cost-of-Living (HB 227, Act 2002-393). Providing for a cost-of-living adjustment for certain retirees and beneficiaries of the Employees' Retirement System and the Teachers' Retirement System to become effective on October 1, 2002.

Incorporation Near Class 1 Municipality (HB 273, Act 2002-499). To amend Section 11-41-1, Code of Alabama 1975, relating to the incorporation of municipalities, to further provide for the population required for the incorporation of municipalities within three miles of the corporate boundary of a Class I municipality.

Delivery of Alcoholic Beverages (HB 282, Act 2002-411). Relating to unlawful acts, offenses, and penalties concerning alcoholic beverages; to amend Section 28-3A-25, Code of Alabama 1975, removing the requirement that vehicles delivering alcoholic beverages have specified identification on each side, and instead requiring such vehicles to display such information as may be required by the Alabama Alcoholic Beverage Control Board.

UC Benefits (HB 341, Act 2002-432). To amend Section 25-4-72, Code of Alabama 1975, relating to unemployment compensation weekly benefits, to increase the maximum unemployment benefits by \$20 per week for benefit years which begin on or after July 1, 2002, and increase by \$10 per week for benefit years which begin on or after July 1, 2003.

CA – General Fund Rainy Day Account (HB 414, Act 2002-294). Proposing an amendment to the Constitution of Alabama 1901 to establish the General Fund Rainy Day Account; to credit to the General Fund Rainy Day Account within the Alabama Trust Fund an amount not to exceed six percent of fiscal year 2003 General Fund appropriations; and to provide for the transfer of Additional amounts to the County and Municipal Government Capital Improvement Trust Fund so as to prevent loss of interest funds in years of proration when funds are withdrawn from the General Fund Rainy Day Account.

Enterprise Zones (HB 450, Act 2002-524). To amend Section 41-23-22, Code of Alabama 1975, relating to the establishment of enterprise zones, so as to remove the time restriction.

Onsite Wastewater Systems (HB 456, Act 2002-521). To amend Sections 34-21A-2 and 34-21A-12, Code of Alabama 1975, to provide further for the regulation of Onsite Wastewater Systems.

Military Leave (HB 464, Act 2002-430). To extend active duty military protections and rights to members of the Alabama National Guard called or ordered by the Governor to state active duty for 30 consecutive days or more for emergencies or called or ordered by the Governor to federally funded duty, other than training, for homeland security; to provide that the provisions of the Soldiers' and Sailors' Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act will apply whenever any active member of the Alabama National Guard is called or ordered to state active duty for 30 consecutive days or more or federally funded duty, other than training, for homeland security; to provide for a military leave of absence from educational institutions; and to exempt normal National Guard and Reserve duty from the provisions of this act.

Storage Tank Trust Fund (HB 493, Act 2002-495). To amend Sections 22-35-1, 22-35-3, 22-35-4, 22-35-5, and 22-35-8, Code of Alabama 1975, to clarify the role of the Alabama Underground and Aboveground Storage Tank Trust Fund in the event of a release.

Workers' Compensation – Subrogation (HB 548, VETOED). To amend Section 25-5-11 of the Code of Alabama 1975, relating to workers' compensation; to require when money benefits are paid on account of injury or death to an employee or his or her dependents by the employee's employer, and the employee or his or her dependent institute an action against a third party to recover damages because of the injury or death to notify the employer of the action; to provide the procedures for the notice; and to provide that any judgment rendered in the action would be subject to a lien of the employer for the amount to which it is entitled to be subrogated or indemnified.

Use Tax – Call Center Services (HB 681, Act 2002-525). To amend Section 40-23-68, Code of Alabama 1975, to clarify that contracting for certain call center services does not subject a seller to the state use tax.

Congressional Redistricting (SB 22, Act 2002-57). This bill redivides Alabama's United States Congressional districts based on the 2000 federal census.

Home Builders Licensure Board (SB 56, Act 2002-72). To amend Sections 34-14A-2, 34-14A-5, 34-14A-6, 34-14A-7, 34-14A-8, 34-14A-12, 34-14A-14, 34-14A-15, and 34-14A-16 of the Code of Alabama 1975, relating to the Home Builders Licensure Board, to further provide for the licensing and regulation of home building and the home improvement industry; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

Code Update (SB 65, Act 2002-403). To adopt and incorporate into the Code of Alabama 1975, those general and permanent laws of the state enacted during the 2001 Regular Session as contained in the 2001 Cumulative Supplement to certain volumes of the code and in the 2001 Replacement Volumes 7, 13, and 19A; to make a correction in a volume of the cumulative supplement; to specify that this adoption and incorporation constitute a continuous systematic codification of the entire Code of Alabama 1975 and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 2001 Special Session statute and any 2002 session statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

Retirement DROP Legislation (SB 82, Act 2002-23). Relating to the Retirement Systems of Alabama; to provide for a deferred retirement option plan for active and contributing members of the Teachers' Retirement System and the Employees' Retirement System by adding a new Article 9 of Chapter 25 of Title 16 of the Code of Alabama 1975, and adding a new Article 9 of Chapter 27 of Title 36 of the Code of Alabama 1975.

Classified Drivers' License (SB 124, Act 2002-408). Relating to motor vehicles; to provide for

certain restrictions on the issuance of drivers' licenses for persons age 17 years and under; to provide for restrictions on the operation of motor vehicles under certain conditions; to provide for the suspension of the driver's license of a person age 17 and under convicted of certain serious traffic offenses or multiple traffic offenses under certain conditions; and to amend Section 32-6-8, Code of Alabama 1975, to further provide for a 15-year old with a learner's permit to drive accompanied by a licensed driver under certain conditions.

Streamlined Sales & Use Tax Agreement (SB 185, Act 2002-418). To create Chapter 23A, Title 40, Code of Alabama 1975, authorizing the State of Alabama to adopt and enter into, with one or more participating states, the Streamlined Sales and Use Tax Agreement, that is designed to provide a standardized system among the states for simplification and modernization of sales tax and use tax administration to substantially reduce the burden of tax compliance for all sellers and for all types of commerce including nonresident catalog and internet vendors; authorizing the Commissioner of the Alabama Department of Revenue to promulgate rules and regulations deemed necessary to administer this act; providing for amendment of current sales and use tax statutes to remove conflict with provisions of the agreement; and providing for an effective date.

Proposed Constitutional Amendments

- HB 68, Act 2002-76** – Merit System for Chilton County Sheriff's Office.
- HB 229, Act 2002-399** – Sheep & Goat Industry.
- HB 347, Act 2002-188** – Fayette County court costs.
- HB 348, Act 2002-282** – Blount County officials in Employees' Retirement System.
- HB 390, Act 2002-144** – Coosa County fire protection.
- HB 398, Act 2002-143** – Butler County Economic & Industrial Development.
- HB 414, Act 2002-294** – General Fund Rainy Day Account.
- HB 457, Act 2002-277** – Crenshaw County court costs.
- HB 458, Act 2002-278** -- Crenshaw County officials in Employees' Retirement System.
- HB 463, Act 2002-187** – Wilcox County officials in Employees' Retirement System.
- HB 597, Act 2002-279** – Coffee County Economic & Industrial Development.
- HB 645, Act 2002-280** – Barbour County School taxes.
- HB 658, Act 2002-400** – Baldwin County limited home rule.
- HB 666, Act 2002-281** – Lawrence County officials in Employees' Retirement System.
- HB 672, Act 2002-395** – Russell County Economic & Industrial Development.
- HB 692, Act 2002-463** – Baldwin County Sheriff's Office.
- HB 701, Act 2002-401** – Baldwin County Sheriff's Department Personnel Board.
- SB 66, Act 2002-273** – DeKalb County Ad Valorem Tax for fire protection.
- SB 102, Act 2002-396** – Perry County court costs.
- SB 393, Act 2002-274** – Wilcox County officials in Employees' Retirement System.
- SB 433, Act 2002-255** – Jackson County officials in Employees' Retirement System.
- SB 437, Act 2002-275** – Tallapoosa County Economic & Industrial Development.
- SB 445, Act 2002-345** – Morgan County officials in Employees' Retirement System.
- SB 456, Act 2002-397** – Butler County Economic & Industrial Development.
- SB 500, Act 2002-276** – Talladega City Form of Government.
- SB 530, Act 2002-346** – White Hall bingo.

SB 547, Act 2002-398 – Russell County Economic & Industrial Development.

Local Bills

- HB 10, Act 2002-87** – Winfield City Board of Education election.
- HB 67, Act 2002-89** – Chilton County Motor vehicle, boat or driver's licenses.
- HB 75, Act 2002-75** – Time limit on trains blocking streets in York
- HB 76, Act 2002-438** – Birmingham Retirement System.
- HB 135, Act 2002-22** – Birmingham City Board of Education election.
- HB 234, Act 2002-325** – Calhoun County Juvenile Court Fund.
- HB 235, Act 2002-97** – Pike County constable abolished.
- HB 257, Act 2002-91** – Columbiana Natural Gas Distribution System
- HB 258, Act 2002-92** – Shelby County sales tax.
- HB 339, Act 2002-86** – Athens Ad Valorem Tax increase for schools.
- HB 353, Act 2002-454** – Walker County Board of Registrars.
- HB 401, Act 2002-326** – Lowndes County Ad Valorem Tax increase for E-911 & fire protection.
- HB 418, Act 2002-271** – Etowah County Commission powers.
- HB 428, Act 2002-337** – Weaver civil service.
- HB 429, Act 2002-441** – Russell County planning & zoning outside corporate limits of cities.
- HB 430, Act 2002-292** – Lauderdale County gasoline tax for economic development.
- HB 434, Act 2002-241** – Randolph County Board of Health.
- HB 436, Act 2002-335** – Winston County Board of Registrars.
- HB 437, Act 2002-340** – Blount County court costs.
- HB 440, Act 2002-272** – Cullman County Ad Valorem Tax
- HB 441, Act 2002-343** – Jacksonville Civil Service Board.
- HB 443, Act 2002-334** – Coosa County lodgings tax.
- HB 455, Act 2002-327** – Lowndes County Ad Valorem Tax.
- HB 461, Act 2002-428** – Wilcox County Ad Valorem Tax.
- HB 543, Act 2002-333** – Macon County Ad Valorem Tax.
- HB 579, Act 2002-509** – Phenix City Police & Planning Jurisdiction limited to city limits.
- HB 582, Act 2002-332** – Florence Civil Service Board.
- HB 591, Act 2002-447** – Talladega County Juvenile Justice Fund.
- HB 600, Act 2002-328** – Chambers County landfill tipping fee.
- HB 610, Act 2002-442** – Chilton County sales and Use Tax.
- HB 611, Act 2002-443** – Russell County court costs.
- HB 639, Act 2002-304** – Anniston police & firefighters retirement fund.
- HB 644, Act 2002-293** – Colbert County gasoline tax.
- HB 647, Act 2002-421** – Montgomery County Retirement System.
- HB 652, Act 2002-460** – Calhoun County sheriff, license commissioner, tax assessor, tax collector compensation.
- HB 654, Act 2002-445** – Bullock County Board of Registrars.
- HB 662, Act 2002-433** – Dothan Pension & Retirement System.
- HB 665, Act 2002-341** – Elmore County taxes.
- HB 683, Act 2002-464** – Geneva County fire & emergency medical services fee.

HB 697, Act 2002-456 – Cullman County court costs.
HB 705, Act 2002-452 – Clarke County court costs.
SB 27, Act 2002-323 – Mobile County Commission nuisance authority.
SB 128, Act 2002-130 – Baldwin County emergency services & debris cleanup.
SB 133, Act 2002-134 – Baldwin County rental fee.
SB 362, Act 2002-439 – Perry County distinctive license plates.
SB 363, Act 2002-434 – Perry County beer or ale container size regulated.
SB 364, Act 2002-440 – Perry County court costs.
SB 376, Act 2002-298 – Anniston police & firefighters retirement fund.
SB 388, Act 2002-299 – Jackson County mandatory solid waste collection fees.
SB 465, Act 2002-283 – Talladega County Juvenile Justice Fund.
SB 481, Act 2002-324 – Russell County planning & zoning outside corporate limits of city.
SB 482, Act 2002-___ -- Phenix City police & planning jurisdiction limited to city limits.
SB 534, Act 2002-435 – Choctaw County Revenue Commissioner One-Stop Tag Purchases.
SB 562, Act 2002-450 – Clarke County court costs.
SB 563, Act 2002-451 – Tallapoosa County work on private property.

Annexation Bills

HB 303, Act 2002-427 – Irondale
HB 354, Act 2002-269 – Springville
HB 356, Act 2002-270 – Springville
HB 370, Act 2002-151 – Lanett
HB 442, Act 2002-339 – Lincoln
HB 646, Act 2002-344 – Pennington
HB 685, Act 2002-461 – Foley
HB 690, Act 2002-462 – Opp
HB 696, Act 2002-___ -- Argo
SB 129, Act 2002-131 – Elberta
SB 131, Act 2002-132 – Foley
SB 248, Act 2002-139 – Gulf Shores
SB 249, Act 2002-136 – Gulf Shores
SB 252, Act 2002-137 – Gulf Shores
SB 289, Act 2002-138 – Gulf Shores
SB 446, Act 2002-268 – Vestavia Hills
SB 555, Act 2002-437 – Opp
SB 556, Act 2002-449 – Glencoe