

We Survived a Contested Legislative Session

This was an *extremely* challenging legislative session. This seems to be the trend. Special interest and citizens unhappy with circumstances back home, seeking address through our legislature. I can't remember a time from past sessions when we've faced more adversity from isolated local issues with the proposed remedies being the enacting of statewide legislation. This session we were continually defending municipal government authorities in extended battles from several fronts including: business license exemptions, business license preemptions, police jurisdiction enforcement, preemptions of sales tax auditing and collections authority, preemptions of business license auditing authority, municipal court cost diversions, right of way preemption authority, unfunded mandates, historic monuments and gasoline tax preemptions.

Having said that, however, by all accounts this was a *successful* legislative session for municipal governments. We were ultimately triumphant in defending your municipal authority over business licenses, sales and use taxes, auditing and collections, retention of court costs fees and administration of police jurisdictions. However, it was a long and difficult challenge that had us concerned and fully engaged until Wednesday at midnight when the Legislature adjourned the 2016 Regular Session. And, after the session concluded, many of our members sharpened their focus on contacting Governor Bentley over the medical equipment and hospice providers' business license preemption bill passed by the House in that final hour of the session. Governor Bentley heard their concerns and graciously exercised his veto authority.

Unfortunately, because of these successes, we expect the 2017 Session will be much the same.

Here is our take away from this session: **WE** must work *diligently* during the fall to change the dialog on Goat Hill if we want to change the attitudes of those making decisions in Montgomery. I urge you to join the League's efforts to ensure that local government is involved in the conversations at the state level by making critical connections with our legislators and by repeatedly emphasizing to them that vibrant cities and towns are vital to the well-being of our State's future. I recently read a phrase by Dr. Kevin Elko I would encourage you to follow in your dealings with our State Legislature "the culture phrase that I am using at the Alabama Crimson Tide has become very popular; *Get Stuff Done*. People and organizations that win have this culture, *Get Stuff Done*." Don't hesitate or put off having conversations with your legislators until the session begins, start having them now *Get Stuff Done*. Don't allow other special interest to set the tone of the dialog. Don't allow our friends in the legislature to be persuaded by those arguments without them hearing the facts from us.

We are planning to meet with legislative leaders during our summer and fall seasons to convey our positions on these issues impacting the operation of municipal government. We will be calling you to join us in those meetings to provide the local perspective and reinforcement that local decisions should be left to local officials. We will work to change the dialog in Montgomery by initiating the conversations to manage expectations and find workable solutions to these issues.

As always, I appreciate your trust in me and your League staff to represent *you* – our membership and the stewards of the communities in which we live.

Outcomes of the League’s 2016 Legislative Package

General Fund Budget by Rep. Clouse and Senator Pittman included funding for the Clean Water and Drinking Water SRF programs. ACT#2016-116

Repeal of the Municipal Commission Form of Government by Rep. Williams and Senator Ward removing this outdated form of municipal government from the Alabama Code. ACT# 2016-295

Jurisdictional Consolidation by Rep. Williams would create a procedure for municipalities to incorporate land lying totally within their incorporated jurisdictions that is not currently. **Outlook:** The league will continue to work with special interest groups opposed to this legislation to find a workable solution.

Historical Tax Credits by Rep. Gaston and Senator Waggoner would provide a credit against state income taxes for developers who make qualifying improvements to historical property. The current historic tax credit authority approved by the Legislature three years ago has reached its cap. This proposed legislation will seek to have the tax credit cap raised allowing more projects to qualify. **Outlook:** The league will continue to advocate with the renewal of this vital program.

Civil Fines for Parking Ordinance Violations by Rep. England and Senator Waggoner. This proposed legislation will clarify the authority of municipalities to enforce civil penalties for parking violations. **Outlook:** The league will continue to advocate for the passage of this legislation.

Bills of Interest to Municipal Governments Enacted during the 2016 Session

HB7 by Rep. Hill (M) – ACT#2016-101 – requires Insurance Service Contracts defining the term “road hazard” to be covered by a service contract

HB34 by Rep. McCutcheon – ACT#2016-102 – creates the Alabama Renewal Act providing tax credits for the State’s port facilities.

HB36 by Rep. South – ACT#2016-188 – creates the Small Business Tax credits for qualified business owners.

HB41 by Rep. Chesteen – ACT#2016-139 - repeals the Alabama Ahead Act requirement for school tablets/computers be pen-enabled.

HB45 by Rep. Weaver – ACT#2016-140 establishing the Unborn Infants Dignity of Life Act requiring the humane disposition of bodily remains.

HB69 by Rep. Tuggle – ACT#2016-222 authorizing Community Development Districts for the sale of alcohol to include marinas.

HB88 by Rep. Moore (B) – ACT#2016-190 altering the maximum weight of concrete mixing truck for operation within 50 miles of their home base.

HB117 by Rep. Poole – ACT#2016-199 establishes the Public Education debt service appropriation for FY2017

HB121 by Rep. Poole – ACT#2016-198 appropriates the Public Education employee compensation increase

HB170 by Rep. Patterson – ACT#2016-298 amending Competitive bid law, providing for length of time contracts for goods or services, excepting voice or wireless communications services, may be let, specify requirements for purchases from a sole source, permit purchases from vendor under general services administration contract and services from a competitive bid nationwide cooperative purchasing program.

HB174 by Rep. Faulkner – ACT#2106-18 establishing the Alabama Uniform Minimum Wage and Right to Work Act, counties and municipalities prohibited from enacting employment benefits or wage not required by state or federal law, includes independent contractors, regulation of labor relations reserved to state.

HB176 by Rep. Daniels – ACT#2016-97 allowing for Breweries and Brew Pubs to sell alcohol for off-site consumption.

HB294 by Rep. Mooney – ACT#2016-193 allowing for nonmedical persons to administer Epinephrine and providing for civil immunity under certain conditions.

Special Session Outlook

Governor Bentley would consider calling the Legislature back into a special session in late summer or early fall should they reach an agreement on the additional funding of Medicaid and possibly the distribution of the BP lawsuit funds.

We appreciate all of the subscribers to our e-newsletter and appreciate your engagement in the legislative process.