

# Alabama Public Utilities Alliance



## Legislative Update



*Alabama Public Utilities Alliance Legislative Update - Your Source for Legislative News*

### **Week 11 – April 27, 2012**

The Alabama Legislature completed its 23<sup>rd</sup> legislative day of the 2012 Regular Session Thursday. Listed below are a few highlights from the eleventh week of session that may be of particular interest to Alabama Public Utilities Alliance (APUA).

- The Senate Job Creation and Economic Development Committee approved a bill that makes limited changes in the state's immigration law. Amendments to the bill slightly modified the "reasonable suspicion" provision in the legislation, forbid school officials from collecting data on parents' status from schoolchildren and pushed the effective date of the legislation to 60 days from signature.
- The Senate approved House Bill 2, legislation that bans texting while driving, with some exceptions. In the Senate's version of the bill, exceptions to the ban on texting while driving would be allowed for: emergency workers operating an authorized emergency vehicle "in the due course of business," texting to obtain emergency services and texting while the driver's motor vehicle was parked on the shoulder of a road or highway, or "while the vehicle is stopped due to normal traffic being obstructed and the vehicle transmission is in neutral or park."
- Also this week, two bills APUA has been monitoring were signed by Governor Bentley. Senate Bill 272, relating to Alabama's Deferred Compensation Plan for salaried employees of the State of Alabama and House Bill 483, relating to Limestone County TVA payment distributions were both signed by the governor on 4/24.
- Discussions around the Statehouse indicate a Special Session may occur during the five days of May 14 – May 18. The final day of the Regular Session is scheduled for Monday, May 21.

APUA will continue to monitor legislation relevant to our member cities. Attached to this report, you will find a summary of bills important to APUA that were introduced during the 2012 Regular Session and their current status. If there is a particular bill of interest not included in this report, please e-mail [asalvador@apua.us](mailto:asalvador@apua.us) with the bill number for more information.

**SB35 Second. Metal Recyclers; Further Regis/Regs**

**Status: Read Second Time in House with Amds On 4/5**

**By Senators Brooks and Ward:**

Relating to secondary metals recyclers; to amend Sections 13A-8-31, 13A-8-35, and 13A-8-37, Code of Alabama 1975; to provide further for the information that must be maintained by the secondary metals recycler; to require notification to law enforcement of the business location and to authorize inspection by law enforcement; to limit certain purchases by a secondary metals recycler; to require purchases of metal be paid by check; to prohibit purchases from persons under a certain age; to provide criminal penalties; 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, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

COMMITTEE ON JUDICIARY

**SB41 Repeal the Beason-Hammon Immigration Law**

**Status: Pending Senate Committee Action**

**By Senators Beasley, Figures, Smitherman and Dunn:**

To repeal Act 2011-535, HB56, of the 2011 Regular Session, the Beason-Hammon Alabama Taxpayer and Citizen Protection Act, providing for the enforcement of immigration law in this state and providing criminal penalties for violations.

COMMITTEE ON JUDICIARY

**SB57 Immig; Contractors/St Choose E- or AL- Verify**

**Status: Pending Senate Committee Action**

**By Senator Sanford:**

To amend Sections 9 and 15 of Act 2011-535, 2011 Regular Session (Acts 2011, p. \_\_), now appearing as Sections 31-13-9 and 31-13-15, Code of Alabama 1975, to allow businesses and employers in this state, as well as subcontractors on projects paid for by state contract, grant, or incentive, to use E-Verify, ALVerify, or the E-Verify employer agent service to verify the immigration status and eligibility of an employee.

COMMITTEE ON FISCAL RESPONSIBILITY AND ACCOUNTABILITY

**SB72 Est AL Pub Intrst Energy & Fuel R&D Prg/Approp**

**Status: Second Reading in Senate with Amendment on 2/21**

**By Senator Ward:**

To establish the Alabama Public Interest Energy and Fuel Research and Development Grants Program to provide funding for energy and fuel related public interest energy research and development; to provide that the program is established within the Department of Agriculture and Industries Center for Alternative Fuels; to provide that the Commissioner of Agriculture and Industries shall evaluate and distribute appropriations by the Legislature and other funds allocated for public interest energy and fuel research and development grants based on advisory commission input; to establish the Public Interest Energy and Fuel

Research and Development Grants Fund within the State Treasury; to create the Advisory Commission on Public Interest Energy and Fuel Research and Development Grants; and to make

an appropriation from the State General Fund to the fund for the fiscal year ending September 30, 2012, and also for the fiscal year ending September 30, 2013.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

**SB75 Immig; Contractors/St Choose E- or AL- Verify**

**Status: Pending Senate Committee Action**

**By Senator Sanford:**

To amend Sections 9 and 15 of Act 2011-535, 2011 Regular Session (Acts 2011, p. \_\_), now appearing as Sections 31-13-9 and 31-13-15, Code of Alabama 1975, to allow businesses and employers in this state, as well as subcontractors on projects paid for by state contract, grant, or incentive, to use the federal E-Verify program or a valid Alabama driver's license or identification card to verify the immigration status and eligibility of an employee.

COMMITTEE ON FISCAL RESPONSIBILITY AND ACCOUNTABILITY

**SB77 Workers' Comp'; Revise Procedures & Limits**

**Status: Second Reading in Senate**

**By Senator Orr:**

To amend Sections 25-5-57, 25-5-68, 25-5-77, and 25-5-81, Code of Alabama 1975, relating to workers' compensation; to limit the use of evidence of pain complaints by a trial court; to limit an employer's liability for permanent total disability benefits after an employee reaches the age of 65; to increase the maximum weekly compensation payable for permanent partial disability from \$220 to \$240; to limit the obligation of an employer to pay the medical benefits of an employee who does not promptly seek medical attention for a claimed work injury; and to provide further for the weighing of evidence before pure findings of fact of the circuit court may be reversed.

COMMITTEE ON BUSINESS AND LABOR

**SB80 AL Move Over Act; Include Service/Utility Vehicle**

**Status: Second Reading in House**

**By Senator Brewbaker:**

Relating to motor vehicles; to amend Section 32-5A-58.2 of the Code of Alabama 1975, the Alabama Move Over Act, to include utility services vehicles in the type of vehicles on the roadside which the driver of another motor vehicle is required to move over or slow down when approaching.

COMMITTEE ON COMMERCE, TRANSPORTATION, AND UTILITIES

**SB85 Electrical Contractor; Lic.; Work any Co./Munic.**

**Status: Pending House Committee Action**

**By Senator Coleman:**

To amend Section 34-36-16, Code of Alabama 1975, relating to exemptions from the Alabama Electrical Contractors Act, to allow an electrical contractor who holds a license or permit issued by a county or municipal government to perform the tasks and functions that can only be performed by a licensed electrical contractor in any county or municipality.

COMMITTEE ON BUSINESS AND LABOR

**SB111 Sunset: Public Service Commission**

**Status: Governor's Signed 3/26**

**By Senator Bussman:**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Public Service Commission until October 1, 2013.

COMMITTEE ON COMMERCE, TRANSPORTATION, AND UTILITIES

**SB114 Sunset: Plumbers and Gas Fitters Examining Bd**

**Status: Governor Signed 3/26**

**By Senator Bussman:**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers and Gas Fitters Examining Board until October 1, 2016.

COMMITTEE ON GOVERNMENTAL AFFAIRS

**SB115 Sunset: AL Board of Electrical Contractors**

**Status: Governor Signed 3/26**

**By Senator Bussman:**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Electrical Contractors until October 1, 2016.

COMMITTEE ON GOVERNMENTAL AFFAIRS

**SB178 Water Suppliers; Civil Immunity**

**Status: Pending Senate Committee Action**

**By Senators Whatley, Ward and Dial:**

Relating to suppliers of water; to add a new section to the Code of Alabama 1975, to provide civil immunity to suppliers of water who have complied with or obtained an exemption from the regulations established by the Alabama Department of Environmental Management.

COMMITTEE ON JUDICIARY

**SB215 ERS/TRS DROP; Reopen, Salary <\$100,000**

**Status: Pending Senate Committee Action**

**By Senators Ross, Singleton, Fielding, Irons, Figures and Beasley:**

To amend Sections 16-25-150 and 36-27-170, as last amended by Act 2011-27, 2011 Regular Session, of the Code of Alabama 1975, relating to the Deferred Retirement Option Plan, to allow new participation in the plan and remove limits on interests paid on the accounts.

COMMITTEE ON FINANCE AND TAXATION EDUCATION

**SB272 Deferred Comp Plan; State Personnel Bd Adopt**

**Status: Governor Signed 4/24**

**By Senators Williams, Bussman, Taylor, Allen and Reed:**

To amend Section 36-26-14, Code of Alabama 1975, relating to the tax deferred annuity and deferred compensation programs for the salaried employees of the State of Alabama to authorize the State of Alabama Personnel Board to adopt a plan providing for tax deferred annuity and

deferred compensation programs for state, city, and county employees or public organizations of the state or any political subdivision thereof; to arrange for efficient administrative investments and professional services; and to allow participants to have their monthly insurance premiums deducted from their deferred compensation distribution.

COMMITTEE ON FISCAL RESPONSIBILITY AND ACCOUNTABILITY

**SB285 St Police Ret Benefit; Clarify O'time Pay/Ret Ben.**

**Status: Pending Senate Committee Action**

**By Senator Waggoner:**

To amend Sections 36-21-4 and 36-27-1, Code of Alabama 1975, relating to retirement benefits for state policemen; to clarify that earnable compensation shall include amounts paid as overtime payments to those officers; to provide that the act is declaratory of existing law; to provide an effective date of September 1, 2011, and to allow contributions to be made not later than September 30, 2012, for any amounts not contributed after September 1, 2011.

COMMITTEE ON FINANCE AND TAXATION GENERAL FUND

**SB330 ERS/TRS; Def Earnable Comp, Overtime/Subis**

**Status: Pending Senate Committee Action**

**By Senators Beasley, Coleman, Figures, Fielding, Ross, Irons, Keahey, Singleton, Dunn, Brooks, Smitherman and Sanders:**

To amend Sections 16-25-1 and 36-27-1, Code of Alabama 1975, relating to retirement benefits under the Employees' Retirement System and the Teachers' Retirement System; to clarify that earnable compensation shall include amounts paid as overtime payments and subsistence allowance payments.

COMMITTEE ON FINANCE AND TAXATION GENERAL FUND

**SB357 CA: Baldwin Co; Police Jurisdiction; Munic Lines**

**Status: Pending Senate Committee Action**

**By Senator Pittman (Constitutional Amendment):**

To propose an amendment to the Constitution of Alabama of 1901, relating to Baldwin County, to provide that, notwithstanding any other law or agreement to the contrary, no municipality located wholly or partially within Baldwin County shall have or exercise any police jurisdiction or any zoning, planning, subdivision, or other land use jurisdiction beyond the corporate limits of the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 1

**SB384 St, Co, Loc; Real Prop Appr Req; Purch Price <**

**Status: Pending House Committee Action**

**By Senators Pittman, Bedford, Holley, Sanford, Scofield, Holtzclaw, Taylor, Allen, Blackwell, Bussman, Fielding, Beason, Brewbaker, Ross, Beasley, Williams, Glover, Ward, Reed, McGill, Dial and Waggoner:**

Relating to real property; to require, before purchase, the state, a county, a municipality, and any other governmental entity to obtain an appraisal of the real property; and to provide that the purchase price shall not be more than the appraisal.

COMMITTEE ON GOVERNMENTAL AFFAIRS

**SB385 CA: Baldwin Co; Real Prop Appr Req; Ec Dev Pr**

**Status: Pending Senate Committee Action**

**By Senators Pittman and Keahey (Constitutional Amendment):**

To propose a local constitutional amendment relating to Baldwin County, to amend Amendment No. 750 of the Constitution of Alabama of 1901, now appearing as Section 5 of the Baldwin County Local Amendments, Official Recompilation of the Constitution of Alabama of 1901, as amended, providing for economic development in the county, to require prior to any purchase, lease, or acquisition of land, or any sale, lease, or other conveyance of land pursuant to Amendment No. 750, the land or any interest in the land would be subject to an appraisal by a real estate appraiser licensed in this state.

COMMITTEE ON LOCAL LEGISLATION NO. 1

**SB388 TRS/ERS; New Defined Benefit Plan; 1/1/13**

**Status: Second Reading in House**

**By Senator Orr, Pittman, Allen, Waggoner, Blackwell, Taylor, Brewbaker and Marsh:**

To amend Sections 16-25-1, 16-25-3, 16-25-11.1, 16-25-14, 16-25-21, 36-26-36.1, 36-27-1, 36-27-4, 36-27-16, 36-27-24 and 36-27-59, Code of Alabama 1975, relating to retirement benefits for employees who are members of the Retirement System or the Employees' Retirement System, to establish a new defined benefit retirement plan for employees who first become a member of either system on or after January 1, 2013; to require those employees to pay a percentage of their salary into the new plan; to establish minimum age and service requirements in order for those employees to retire under the new plan; and to provide for the administration of the new plan by the Retirement Systems of Alabama.

COMMITTEE ON FINANCE AND TAXATION GENERAL FUND

**SB400 Protect. Of Tax Abate in Event of Tornadoes**

**Status: Second Reading in House 4/26**

**By Senators Reed and Allen:**

To amend Act 2011-709 of the 2011 Regular Session, now appearing as Section 40-9B-13, Code of Alabama 1975, to provide further protection of tax abatements in the event of tornados or other natural disasters; and to provide retroactive effect.

COMMITTEE ON FINANCE AND TAXATION GENERAL FUND

**SB527 Create Incentive In-State Production Biodiesel**

**Status: Second Reading in Senate with Amds 4/26**

**By Senator Ward:**

To encourage the use of motor vehicles powered by compressed natural gas, liquefied natural gas, propane, or electricity by a series of incentives for the acquisition of such vehicles and for the installation of refueling equipment; to encourage the in-state production of biodiesel and cellulosic ethanol; to make legislative findings; to create an incentive for the in-state production of biodiesel and cellulosic ethanol, in an amount to be paid quarterly in a program administered by the Center for Alternative Fuels within the Department of Agriculture and Industries; to provide that such payments would expire after five years; to limit the liability of providers of

refueling equipment used by certain alternative fuel vehicles; to amend Section 23-2-150, Code of Alabama 1975, to exempt certain alternative fuel vehicles from the payment of tolls on toll roads, bridges, and tunnels owned by the Alabama Toll Road, Bridge, and Tunnel Authority; to prohibit insurance companies from imposing a surcharge on certain alternative fuel vehicles; to allow the Department of Transportation to designate certain roads as high occupancy vehicle (HOV) lanes, subject to federal limitations; to allow certain alternative fuel and other vehicles to use such lanes; to impose penalties for the unauthorized use of such lanes; to provide that no person would be required to install electric vehicle charging stations; to provide that providers of electric vehicle charging stations would not, merely for that reason, be found to be engaging in the retail sale of electricity; to provide that electric suppliers would be permitted to provide electric vehicle charging stations; to provide that the Public Service Commission would have no jurisdiction over the rates, charges, and fees for electric vehicle charging stations; to allow for an income tax credit of no more than \$1,500 for certain alternative fuel vehicles, limited to 5,000 vehicles per fuel type; to allow an income tax credit for placing in service refueling equipment for certain alternative fuel vehicles, limited to the lower of 30 percent of the cost of such equipment, or dollar limits based on the type of fuel; to provide that, as to both income tax credits, unused credits could be carried forward for five years; to provide that both credits would expire five years after the effective date of the provisions; to allow the various departments, agencies, and centers with administrative duties to promulgate regulations to implement this bill; to provide for the severance of invalid or unconstitutional provisions; to repeal any conflicting laws; and to provide an effective date.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

##### **HB2 Motor Vehicle.; Prohibit Texting; Penalties**

**Status: Ready to Enroll**

##### **By Representative McClendon:**

Relating to the operation of motor vehicles; to prohibit any person from operating a motor vehicle on a public street, road, or highway while also text messaging on a handheld cell phone or other handheld wireless telecommunication device; to provide penalties; to provide exceptions; 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, now appearing as Section 111.05 of the Official Compilation of the Constitution of Alabama of 1901, as amended.

#### COMMITTEE ON PUBLIC SAFETY AND HOMELAND SECURITY

##### **HB18 Second. Metal Recyclers; Further Regis/Regs**

**Status: Pending House Committee Action**

##### **By Representative Vance:**

Relating to secondary metals recyclers; to amend Sections 13A-8-31, 13A-8-35, and 13A-8-37, Code of Alabama 1975; to provide further for the information that must be maintained by the secondary metals recycler; to require notification to law enforcement of the business location and to authorize inspection by law enforcement; to limit certain purchases by a secondary metals

recycler; to require purchases of metal be paid by check; to prohibit purchases from persons under a certain age; to provide criminal penalties; 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, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

COMMITTEE ON COMMERCE AND SMALL BUSINESS

**HB23 Sec Metal Recyc/Restrict Copper/Seller Photo ID**

Status: Pending House Committee Action

**By Representative Roberts:**

To amend Sections 13A-8-31 and 13A-8-37, Code of Alabama 1975, to provide further for purchases of copper by a secondary metals recycler; to require the secondary metals recycler to maintain a copy of the photo identification card of the person delivering metal property; and to authorize civil penalties and revocation of the business license of the secondary metals recycler for certain violations.

COMMITTEE ON COMMERCE AND SMALL BUSINESS

**HB74 Subdivision Development; Co/Munic Jurisdiction**

Status: Read Second Time in Senate

**By Representative McMillan:**

To amend Sections 11-52-1, 11-52-30, 11-52-31, 11-52-32, and 11-52-33, Code of Alabama 1975, to provide for the county commission to be responsible for the development of subdivisions in the extraterritorial jurisdiction of a municipal planning commission if the county has adopted subdivision regulations unless an agreement is executed between the county, the municipal planning commission, and the municipality to provide for the municipal planning commission to be responsible for subdivision development or unless the municipality and the municipal planning commission under certain conditions specifically vote to override the county's exercise of jurisdiction; to provide that when the municipal planning commission is responsible for the development of subdivisions, the county engineer would certify the plats and maps for filing once approved by the municipal planning commission; and to repeal Sections 11-24-5 and 11-52-36, Code of Alabama 1975.

COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT

**HB76 AL Move Over Act; Include Service/Utility Vehicle**

Status: Second Reading in Senate 3/15

**By Representative McCutcheon:**

Relating to motor vehicles; to amend Section 32-5A-58.2 of the Code of Alabama 1975, the Alabama Move Over Act, to include utility services vehicles in the type of vehicles on the roadside which the driver of another motor vehicle is required to move over or slow down when approaching.

COMMITTEE ON PUBLIC SAFETY AND HOMELAND SECURITY

**HB90 Second-Metal Recyclers Further Regis/Regs**

Status: Pending House Committee Action



**By Representatives Greer, Johnson (W), Williams (D), Henry, Johnson (K) and Rich:**

Relating to secondary metals recyclers; to add Section 13A-8-30.1 to the Code of Alabama 1975, to authorize a permitting process for secondary metals recyclers and sellers of nonferrous metals; to provide for criminal penalties for transporting, selling, or purchasing nonferrous metals without a permit; to restrict business hours of secondary metals recyclers and to require certain notification; to amend Section 13A-8-31, Code of Alabama 1975, to require secondary metals recyclers to maintain additional records relating to the purchase of ferrous and nonferrous metals; to limit cash payments for metal property to certain time frames; to amend Section 13A-8-37, Code of Alabama 1975, to provide for criminal penalties for transporting, selling, or purchasing nonferrous metals without a permit; to provide criminal penalties for obtaining a permit for the purpose of transporting or selling stolen nonferrous metals; to provide criminal penalties for cutting, mutilating, defacing, or otherwise injuring real or personal property for the purpose of obtaining nonferrous metals; 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, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

COMMITTEE ON COMMERCE AND SMALL BUSINESS

**HB93 “One Call Notific Sys”; Excavations; NonParticip**

**Status: Second Reading in Senate**

**By Representative Johnson (R):**

To amend Section 37-15-5 of the Code of Alabama 1975, relating to the "One-Call Notification System" established for the purpose of receiving notifications by persons conducting excavations or demolitions on or near certain property where underground facilities may be located, to provide that underground facility operators who elect to conduct an in-house program to receive notifications in lieu of participating in the one-call notification system would be responsible under certain conditions for damages to its underground facilities.

COMMITTEE ON TRANSPORTATION, UTILITIES AND INFRASTRUCTURE

**HB136 Pub Empl St of Econ Interest; Inc T’hol, Gift Excpt**

**Status: Second Reading in Senate**

**By Representative McCutcheon:**

To amend Section 36-25-1, as amended by Act 2010-764 of the 2010 First Special Session and Section 36-25-14, Code of Alabama 1975, relating to ethics; to increase the threshold for filing a statement of economic interests and allow the commission to adjust the amount pursuant to the cost-of-living index and exempt employees who do not have the authority to expend public funds; and to provide that a public employee who is not required to file a statement of economic interests would be exempt from the gift exception in the ethics law.

COMMITTEE ON ETHICS AND CAMPAIGN FINANCE

**HB151 AL Dev Office/Dept of Comm; Not Merit Employ**

**Status: Signed by Governor 4/2**

**By Representative Baker:** To amend Sections 41-9-201, 41-9-202, 41-9-202.1, 41-9-203, and 41-9-204, Code of Alabama 1975, to rename the Alabama Development Office and the Director of Development as the Department of Commerce and the Secretary of Commerce, respectively;

to rename certain other positions; and to authorize the Secretary of Commerce to employ certain persons outside of the State Merit System.

COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM

**HB159 CA: Auth Incentive Prog Create Job Prom Ec Dev**

Status: Pending Senate Committee Action

**By Representative Mask (Constitutional Amendment):**

To propose an amendment to the Constitution of Alabama of 1901, as amended, to authorize an incentive program which the state may use for the purpose of creating and retaining jobs and promoting economic and industrial development in the state.

COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM

**HB160 Allow AL Co, Qual Proj; Retain % St Inc Tx Empl**

Status: Second Reading in Senate with Sub 4/19

**By Representative Mask:**

To provide legislative findings; to provide definitions; to allow Alabama companies which undertake certain qualifying projects to retain a percentage of state income taxes withheld from eligible employees.

COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM

**HB180 ERS/TRS DROP; Reopen, Salary <\$100,000**

Status: Pending House Committee Action

**By Representative Ford:**

To amend Sections 16-25-150 and 36-27-170, as last amended by Act 2011-27, 2011 Regular Session, of the Code of Alabama 1975, relating to the Deferred Retirement Option Plan, to allow new participation in the plan and remove limits on interests paid on the accounts.

COMMITTEE ON WAYS AND MEANS GENERAL FUND

**HB190 Deferred Comp Plan; State Personnel Bd Adopt**

Status: Indef. Postponed

**By Representative Hill:**

To amend Section 36-26-14, Code of Alabama 1975, relating to the tax deferred annuity and deferred compensation programs for the salaried employees of the State of Alabama to authorize the State of Alabama Personnel Board to adopt a plan providing for tax deferred annuity and deferred compensation programs for state, city, and county employees or public organizations of the state or any political subdivision thereof; to arrange for efficient administrative investments and professional services; and to allow participants to have their monthly insurance premiums deducted from their deferred compensation distribution.

COMMITTEE ON STATE GOVERNMENT

**HB239 Industrial Dev Auth; Add Speaker, Pres Pro Tem**

Status: Second Reading in Senate 4/2

**By Representative Merrill:**

To amend Section 41-10-25, Code of Alabama 1975, as amended by Act 2011-690, relating to the State Industrial Development Authority; to add the President Pro Tempore of the Senate, or

his or her designee, and the Speaker of the House of Representatives, or his or her designee, as members of the State Industrial Development Authority.

COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM

**HB255 St Police Ret Benefit; Clarify O'time Pay/Ret Ben.**

**Status: Second Reading in Senate With Amds 4/26**

**By Representatives Love, Hill and Barton:**

To amend Sections 36-21-4 and 36-27-1, Code of Alabama 1975, relating to retirement benefits for state policemen; to clarify that earnable compensation shall include amounts paid as overtime payments to those officers; to provide that the act is declaratory of existing law; to provide an effective date of September 1, 2011, and to allow contributions to be made not later than September 30, 2012, for any amounts not contributed after September 1, 2011.

COMMITTEE ON WAYS AND MEANS GENERAL FUND

**HB274 Pvt Solid Waste Provider; Gvt. Providers Limited**

**Status: Pending House Committee Action**

**By Representatives Greer:**

Relating to management of solid waste; to prohibit a county, municipality, or solid waste authority from providing commercial front-end loader, roll-off, or commercial recycling collection services within the county or the municipality if there are two or more private solid waste providers offering those services in the county; to exempt a governmental entity that provides residential solid waste and recycling collection within its own jurisdiction and allow a governmental entity to collect residential solid waste and recycling collection within its own jurisdiction; and to require each county, municipality, or solid waste authority in violation of this act, within six months from the date of its approval by the Governor, or its otherwise becoming law, to cease its operations that are in conflict with this act.

COMMITTEE ON COMMERCE AND SMALL BUSINESS

**HB278 Second. Metal Recyclers; Further Regis/Regs**

**Status: Second Reading in Senate With Sub 4/26**

**By Representatives Poole**

To amend Sections 13A-8-30, 13A-8-31, 13A-8-32, 13A-8-33, 13A-8-34, 13A-8-35, 13A-8-36, 13A-8-37, and 13A-8-39, Code of Alabama 1975, relating to secondary metals recyclers, to require a secondary metals recycler to maintain additional records relating to the purchase of ferrous and nonferrous metals; to further provide for the limits on purchases by secondary metals recyclers for certain metal; to require secondary metals recyclers to register with the Alabama Criminal Justice Information Center (ACJIC) or other responsible agency; ACJIC or another responsible agency to maintain a database of certain information collected by secondary metals recyclers relating to the purchase of metal products; provide certain civil immunity for public or private owners of metal property for certain injuries related to metal property; to provide criminal penalties for damaging or destroying certain metal property and would provide further criminal penalties for the possession of certain stolen metal property; to place restrictions on secondary metals recyclers relating to the purchase of specified metal property; to add Sections 13A-8-31.1, 13A-8-31.2, 13A-8-35.1, 13A-8-37.1, and 13A-8-37.2 to the Code of Alabama

1975; 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, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

COMMITTEE ON JUDICIARY

**HB306 Counties; Proh Sewer Fees Prop Not Connected**

**Status: Second Reading in House**

**By Representatives Drake, McClendon, Carns, Nordgren, Treadaway, DeMarco, Farley, Weaver, Gaston, Williams (J), McClurkin, Shiver, Mask and Merrill:**

To prohibit any county from levying or collecting a fee or charge for sewer service on any person, entity, or property not directly connected to any sewer system owned or operated by the county.

COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT

**HB330 Water Suppliers; Civil Immunity**

**Status: Pending House Committee Action**

**By Representatives Sessions, Fincher, Williams (P), Clouse, Shiver, Merrill, Love, Ison, McClurkin, Ball, Wood, Weaver, Greer, Sanderford, Patterson, Davis, Johnson (W), Beech, Barton, Johnson (K) and Henry:**

Relating to suppliers of water; to add a new section to the Code of Alabama 1975, to provide civil immunity to suppliers of water who have complied with or obtained an exemption from the regulations established by the Alabama Department of Environmental Management.

COMMITTEE ON JUDICIARY

**HB353 Second-Metal Recyclers Further Regis/Regs**

**Pending House Committee Action**

**By Representative Greer:**

Relating to secondary metals recyclers; to add Section 13A-8-30.1 to the Code of Alabama 1975, to require certain secondary metals recyclers and sellers of metal property to obtain a permit from the sheriff; to amend Sections 13A-8-31, 13A-8-35, and 13A-8-37, Code of Alabama 1975; to provide further for the information that must be maintained by the secondary metals recycler; to require notification to law enforcement of the business location and to authorize inspection by law enforcement; to limit certain purchases by a secondary metals recycler; to require purchases of metal be paid by check; to prohibit purchases from persons under a certain age; to provide criminal penalties for cutting, mutilating, defacing, or otherwise injuring real or personal property for the purpose of obtaining nonferrous metals; and to provide criminal penalties; 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, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

COMMITTEE ON COMMERCE AND SMALL BUSINESS

**SB384 St, Co, Loc; Real Prop Appr Req; Purch Price <**

**Status: Pending Senate Committee Action**

**By Senators Pittman, Bedford, Holley, Sanford, Scofield, Holtzclaw, Taylor, Allen, Blackwell, Bussman, Fielding, Beason, Brewbaker, Ross, Beasley, Williams, Glover, Ward, Reed, McGill, Dial and Waggoner:**

Relating to real property; to require, before purchase, the state, a county, a municipality, and any other governmental entity to obtain an appraisal of the real property; and to provide that the purchase price shall not be more than the appraisal.

COMMITTEE ON GOVERNMENTAL AFFAIRS

**SB385 CA: Baldwin Co; Real Prop Appr Req; Ec Dev Pr**

**Status: Pending Senate Committee Action**

**By Senators Pittman and Keahey (Constitutional Amendment):**

To propose a local constitutional amendment relating to Baldwin County, to amend Amendment No. 750 of the Constitution of Alabama of 1901, now appearing as Section 5 of the Baldwin County Local Amendments, Official Recompilation of the Constitution of Alabama of 1901, as amended, providing for economic development in the county, to require prior to any purchase, lease, or acquisition of land, or any sale, lease, or other conveyance of land pursuant to Amendment No. 750, the land or any interest in the land would be subject to an appraisal by a real estate appraiser licensed in this state.

COMMITTEE ON LOCAL LEGISLATION NO. 1

**HB386 CI 2 Mun: One Call Notific Sys; Exca; NonParticip**

**Status: Second Reading in House with Amendment on 3/20**

**By Representative Buskey (With Notice and Proof):**

Relating to Class 2 municipalities; to amend Section 37-15-2, Code of Alabama 1975, relating to the one-call notification system; to provide that the provisions of this law would not apply to any Class 2 municipality or its officials, employees, agents, or representatives.

COMMITTEE ON MOBILE COUNTY LEGISLATION

**HB447 Waste T'ment Facil; Per ADEM Ind Waste; Bond**

**Status: Second Reading in House**

**By Representatives Johnson (R) and Coleman:**

To require certain centralized waste treatment facilities seeking a permit or modification of a permit from the Alabama Department of Environmental Management (ADEM) to operate a facility that processes or treats industrial wastes, industrial wastewater, and/or used material to post a performance bond or other financial assurance in an amount sufficient to close the facility if the facility owner or operator ceases operation, abandons the facility, or fails to properly maintain the facility to ensure compliance with state environmental regulations.

COMMITTEE ON COMMERCE AND SMALL BUSINESS

**HB462 Vehic/Compressed Natural Gas; Inc. Tax Credits**

**Status: Pending House Committee Action**

**By Representative Wren:**

Relating to incentives for the use of motor vehicles powered by compressed natural gas (CNG); to provide state income

tax credits for the costs of conversion of motor vehicles or incremental costs of purchasing CNG powered motor vehicles.

COMMITTEE ON WAYS AND MEANS EDUCATION

**HB471 Proh Emplr Condition Emplmt on Not Own F'arm**

**Status: Pending House Committee Action**

**By Representative Ford:**

Relating to firearms or ammunition in motor vehicles; to prohibit a business entity, property owner or legal possessor, or public or private employer from establishing policies against persons transporting or storing a firearm or ammunition when the person is otherwise in compliance with all other applicable laws under certain conditions; to authorize civil actions for persons who are injured or incur damages as a result of a violation of the act; to authorize a civil action to enjoin any business entity, property owner or legal possessor, or public or private employer from violating the act; to provide for reinstatement of employment and compensation of benefits and restoration of seniority rights for persons discharged for transporting or storing a firearm when in compliance with all applicable laws; and to provide limited immunity to a business entity, property owner or legal possessor, or public or private employer for damages, injuries, or death resulting from another person's actions involving a firearm or ammunition transported or stored pursuant to the act.

COMMITTEE ON COMMERCE AND SMALL BUSINESS

**HB483 Limestone Co.; TVA Payments Distribution**

**Status: Signed by Governor 4/24**

**By Representatives Williams (D), Hammon and McCutcheon (With Notice and Proof):**

Relating to Limestone County; amending Section 1 of Act No. 79-501, 1979 Regular Session (Acts 1979, p. 914), as last amended by Act 2010-549, 2010 Regular Session (Acts 2010, p. 975), which provides for the distribution of TVA payments, so as to provide further for the distribution of certain payments.

COMMITTEE ON LOCAL LEGISLATION

**HB506 AL Environmental Management Comm; M'bership**

**Status: Second Reading in House with Amd on 3/22**

**By Representative Williams (J):**

Relating to the Alabama Environmental Management Commission; to amend Section 22-22A-6 of the Code of Alabama 1975, relating to the membership of the commission, to provide that the member previously required to have been certified by the National Water Well Association Certification Program must be certified at anytime by the National Ground Water Association Certification Program, or may be a hydrogeologist or geologist licensed to practice geology in the State of Alabama; and to further provide for the term of office and to provide exceptions.

COMMITTEE ON COMMERCE AND SMALL BUSINESS

**HB508 TRS/ERS; New Defined Benefit Plan; 1/1/13**

**Status: Second Reading in House with Amendment on 3/22**

**By Representatives Ison and McCutcheon:**

To amend Sections 16-25-1, 16-25-3, 16-25-11.1, 16-25-14, 16-25-21, 36-26-36.1, 36-27-1, 36-27-4, 36-27-16, 36-27-24 and 36-27-59, Code of Alabama 1975, relating to retirement benefits

for employees who are members of the Teachers' Retirement System or the Employees' Retirement System, to establish a new defined benefit retirement plan for employees who first become a member of either system on or after January 1, 2013; to require those employees to pay a percentage of their salary into the new plan; to establish minimum age and service requirements in order for those employees to retire under the new plan; and to provide for the administration of the new plan by the Retirement Systems of Alabama.

COMMITTEE ON STATE GOVERNMENT

**HB516 Comptroller; St Empl Payroll Deduct Ins Products**

**Status: Second Reading in House with Sub 4/12**

**By Representative Brown:**

To amend Section 36-1-4.3, Code of Alabama 1975, relating to salary deductions by state employees for dues, contributions, and premiums; to authorize the Comptroller to approve the offering of group insurance products by insurance carriers that have been approved under existing law.

COMMITTEE ON INSURANCE

**HB556 ADEM; Extend Prohib Solid Waste Fac. to 2014**

**Status: Read Second Time In Senate**

**By Representatives Baker, Shiver, Brown, Faust, Lee, Chesteen, Drake, Vance, Jones, Merrill, Gaston, Fincher, Collins, Nordgren, Harper, McMillan, Thomas, Oden, Wren and Beech:**

To amend Act 2011-297, now appearing as Section 22-27-5.2, Code of Alabama 1975, to extend the prohibition against the permitting of certain new solid waste facilities from May 31, 2013, to May 31, 2014.

COMMITTEE ON COMMERCE AND SMALL BUSINESS

**HB622 Collections for Utility Srv; Attorney Fees Allowed**

**Status: Second Reading in House 4/12**

**By Representative Beckman:**

Relating to certain utility services, to allow for the collection of attorney fees for the collection of debts.

COMMITTEE ON COMMERCE AND SMALL BUSINESS

**HB635 Cl 3 Munic.; Membership Water & Sewer Board**

**Status: Pending House Committee Action**

**By Representative Holmes (With Notice and Proof):**

Relating to any Class 3 municipality organized under Act 618, 1973 Regular Session (Acts 1973, p. 879); to further provide for the membership of any water works and sewer board established by the city.

COMMITTEE ON MONTGOMERY COUNTY LEGISLATION

**HB660 Marshall Co.; Vol Fire Dist.; Ref Ea Dist. Funding**

**Status: Pending Senate Committee Action**

**By Representatives Rich and Long (With Notice and Proof):**

Relating to Marshall County; to provide that the county commission, under certain conditions, may establish volunteer fire districts; to authorize a referendum in each district to provide funding for the district through either a meter fee or a service fee on each occupied residence or dwelling; and to provide for the collection and distribution of the moneys.

#### COMMITTEE ON LOCAL LEGISLATION

### **HB699 Create Incentive In-State Production Biodiesel**

**Pending House Committee Action**

**By Representative Wren:**

To encourage the use of motor vehicles powered by compressed natural gas, liquefied natural gas, propane, or electricity by a series of incentives for the acquisition of such vehicles and for the installation of refueling equipment; to encourage the in-state production of biodiesel and cellulosic ethanol; to make legislative findings; to create an incentive for the in-state production of biodiesel and cellulosic ethanol, in an amount to be paid quarterly in a program administered by the Center for Alternative Fuels within the Department of Agriculture and Industries; to provide that such payments would expire after five years; to limit the liability of providers of refueling equipment used by certain alternative fuel vehicles; to amend Section 23-2-150, Code of Alabama 1975, to exempt certain alternative fuel vehicles from the payment of tolls on toll roads, bridges, and tunnels owned by the Alabama Toll Road, Bridge, and Tunnel Authority; to prohibit insurance companies from imposing a surcharge on certain alternative fuel vehicles; to allow the Department of Transportation to designate certain roads as high occupancy vehicle (HOV) lanes, subject to federal limitations; to allow certain alternative fuel and other vehicles to use such lanes; to impose penalties for the unauthorized use of such lanes; to provide that no person would be required to install electric vehicle charging stations; to provide that providers of electric vehicle charging stations would not, merely for that reason, be found to be engaging in the retail sale of electricity; to provide that electric suppliers would be permitted to provide electric vehicle charging stations; to provide that the Public Service Commission would have no jurisdiction over the rates, charges, and fees for electric vehicle charging stations; to allow for an income tax credit of no more than \$1,500 for certain alternative fuel vehicles, limited to 5,000 vehicles per fuel type; to allow an income tax credit for placing in service refueling equipment for certain alternative fuel vehicles, limited to the lower of 30 percent of the cost of such equipment, or dollar limits based on the type of fuel; to provide that, as to both income tax credits, unused credits could be carried forward for five years; to provide that both credits would expire five years after the effective date of the provisions; to allow the various departments, agencies, and centers with administrative duties to promulgate regulations to implement this bill; to provide for the severance of invalid or unconstitutional provisions; to repeal any conflicting laws; and to provide an effective date.

#### COMMITTEE ON WAYS AND MEANS EDUCATION

### **HB727 Wastewater Service Providers Regulated by PSC**

**Status: Pending House Committee Action**

**By Representatives McClurkin and Carns:**

To amend Sections 22-25B-6 and 37-4-1, Code of Alabama 1975, relating to the regulation of public utility companies and the Alabama Public Service Commission regulation of Cluster and Community Wastewater Systems; to provide that the rules for certain wastewater management entities may be different from the regulations set forth in Title 37 of the Code of



Alabama 1975; to amend the definition of utility; and to add Section 37-4-2A to Article 4, Chapter 4, of Title 37 of the Code of Alabama 1975, to allow utilities exempt from regulation by the commission under state law to waive such exemption.

COMMITTEE ON COMMERCE AND SMALL BUSINESS