

# Alabama Public Utilities Alliance



## *Legislative Update*



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

### **Week 3 - February 24, 2012**

The Alabama Legislature completed its third week and seventh meeting day of the 2012 Regular Session on Thursday. It was yet another hectic week for lawmakers who passed a number of legislation in both the House and Senate.

In addition to new ethics requirements for lobbyists, this week the House Committee on Public Safety and Homeland Security considered House Bill 2 (H.B.2). This legislation bans sending or reading text messages while driving. The Senate briefly considered H.B.2's counterpart, S.B. 144 offered by Deputy Pro Tem Senator Waggoner (R-Jefferson/Shelby), on the Senate floor until it was tabled and will return to consideration at the call of the chamber. As you may expect, this texting ban will impact how utilities communicate with off-site employees as no one is exempt from this legislation.

The House Committee on Transportation, Utilities and Infrastructure passed House Bill 93 (H.B.93). This legislation is commonly known referred to as "One Call" legislation. H.B. 93 requires those digging or excavating to contact the Alabama One Call Notification System or the utility in-house notification system, in an effort to spot hidden underground utilities. This bill currently awaits consideration before the House floor.

Also of importance to APUA members is House Bill 76 (H.B. 76), the Alabama Move Over Act, which passed the House on Thursday, the seventh legislative day of the session. H.B. 76 was amended to require motorists to move over and yield to utility service vehicles when emergency lights are activated.

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 first week of 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 or title to receive additional information.

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

**Status: Final Reading in Senate – Awaits 1<sup>st</sup> Reading in House**

**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 Senate 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: Second Reading in Senate**

**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: Pending Senate Committee Action**

**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: Pending Senate Committee Action**

**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: Second Reading in Senate with amendment on 2/16**

**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

**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

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

**Status: Final Reading in House with amendment on 2/21 – Awaits 1<sup>st</sup> Reading in Senate**

**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 Recompilation 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

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

**Status:** Final Reading in House with amendment on 2/23 – Awaits 1st Reading in Senate

**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 House with Substitution on 2/23

**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: Pending House Committee Action**

**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: Second Reading in Senate with amendments on 2/8 and 2/9**

**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

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

**Status: Pending Senate Committee Action with amendments on 2/14**

**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: Second Reading in House with Amendment on 2/23.**

**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 House**

**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

**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 House with amendments on 2/16**

**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: Pending House Committee Action**

**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

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

**Pending House Committee Action**

**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