

2017 Legislative Session in Review

ACCA Priority Bills Signed into Law:

Act 2017-298 by Rep. England and Sen. Ward – **MEDICAID COVERAGE FOR INMATES**

Persons who enter county custody as Medicaid participants will have their benefits automatically reinstated when treated for medical or other eligible programs at inpatient facilities under this new law. The inmate must be in the Medicaid care facility at least 24 hours before the benefits are restored. Counties wishing to participate in the program will have some reporting requirements and will be responsible for paying the state match, which is approximately 30 percent of the Medicaid rate. ACCA Staff Attorney Morgan Arrington will address this new law in-depth during the Convention. **The act was effective immediately but the benefits will not begin until Jan. 1, 2018.**

Act 2017-82 by Sen. Pittman and Rep. Scott – **SIMPLIFIED SELLERS USE TAX**

This new law makes several technical changes to the successful Simplified Sellers Use Tax program, including adding provisions that the Alabama Department of Revenue will distribute the proceeds of the tax on a monthly, rather than quarterly, basis and that the Department can disclose the names of those companies participating in the program. The other changes are designed to allow the internet-based companies which volunteer to remit the substitute tax to remain in the program, under very specific circumstances, should their relationship with the state of Alabama be changed. **The act went into effect on July 1, 2017.**

Act 2017-130 by Sen. Pittman and Rep. Wood – **TAX SALES AND EXCESS FUNDS**

For the last several years the Association has worked to clarify the procedures for the distribution of proceeds of the so-called "overbid" for those properties that are sold for unpaid taxes. This ACCA priority bill confirms prior distributions made by county officials and clarifies the specific requirements that are to be followed when distributing the moneys or transferring them to the county general fund. The Association will provide details on this new law to county administrators during the ACCA Annual Convention. **The act went into effect on July 3, 2017.**

Act 2017-466 by Rep. Hurst and Sen. Beasley – **BID THRESHOLD FOR REPAIR OF HEAVY EQUIPMENT**

The repair of heavy duty equipment often exceeds the \$15,000 Competitive Bid Law expenditure limit for repair parts and the repair of heavy equipment. This requires the county to go through the competitive bid process, often resulting in lost time and delays at the county level. This bill raises the repair exemption threshold from \$15,000 to \$22,500. The new exemption threshold was determined by the rate of inflation applied to the last adjustment to the threshold limit. This change will make it easier for counties and county engineers in using a more efficient and expedient path for heavy equipment repairs. **The act was effective immediately.**

Act 2017-440 by Rep. Blackshear and Sen. Waggoner – **ALA. LOCAL GOVERNMENT TRAINING INSTITUTE**

The membership of the Board of Directors of the Alabama Local Government Training Institute is expanded by this new act. Two county members are added to the board and the minimum number of persons necessary to make a quorum is reduced in this ACCA Priority Legislation. The law also allows the ALGTI Board to award certification to local programs (such as EMA programs) that meet statewide standards. **The act was effective immediately.**

Other County-Related Bills Signed into Law:

Act 2017-366 by Rep. Baker – **APPROVAL OF SOLID WASTE APPLICATIONS**

For many years both counties and industry officials have sought to revise the process for considering applications for new solid waste landfills. A task force created by executive order produced recommendations that led to the passage of HB 328. As a result of Association efforts, significant changes were made during the legislative process to ensure protection of county revenue and from administrative challenges as well as to significantly reduce the issues that usually give rise to litigation following the consideration of these applications. The Association was represented on the task force by Coffee County Engineer Randy Tindell, who is presenting on this issue during the ACCA Convention. **The act is effective immediately.**

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Act 2017- 354 by Sen. Allen – REMOVAL OF MONUMENTS

As passed by both chambers on the session's last day, the bill establishes a restrictive procedure for the relocation, removal, alteration, renaming or otherwise disturbing of monuments or memorials on public property. The law also restricts the renaming of buildings, streets, bridges or other structures as well as the removal or alteration of "Architecturally Significant Buildings." The bill will have wide-ranging impact that has yet to be completely recognized throughout the state. Counties are encouraged to contact the Association immediately if they are considering making changes with any monuments, memorials or other items covered by this new law. **The new law is effective immediately.**

Act 2017-340 by Sen. Whatley – CLOSED PRIMARIES & ELECTRONIC POLL BOOKS

The bill was originally designed to close political party primary runoffs to crossover voting by prohibiting primary voters from casting ballots in the runoff of the opposing party. A surprise amendment added by a House committee caused the Association to oppose this measure during the last week of this year's regular session. The amendment authorizes the use of electronic poll books — at county expense — in any election beginning with the special U.S. Senate election in August. This language will, likely, result in some counties utilizing the poll books and others being unable to afford the additional expense. The Association has traditionally opposed bills that establish uneven election procedures across county lines. **The act went into effect on Aug. 1, 2017.**

Pro-County Bills that Did Not Pass

The ATRIP-2 legislation was clearly the top priority for county leaders and the Association staff during the 2017 session. As a result, a number of other bills that addressed key principles of the County Platform did not get the amount of time and attention they would have in a "normal" legislative session. The Association staff expects the following bills to be central issues in the County Legislative Development Process for the 2018 regular session:

- ATRIP-2
- Juvenile Justice Reform
- Board of Registrars Reform
- Changes to the Employee Retirement System Board
- Forever Wild
- Liability for County Road Damage

Other County-Related Bills that Did Not Pass

As expected, dozens of bills that posed a significant threat to the efficient operation of county government were also introduced during the 2017 session. County leaders and the Association staff worked closely with the sponsors of these bills to address numerous county concerns in such legislation. Though they did not pass this year, the following bills are likely to be reintroduced in the 2018 legislative session:

- Cross-County Pistol Permits
 - Other Gun Bills
- Prison Reform
- Governance of Department of Examiners
- Increased Weight Limits on County Roads
- Electronic Bid Process
- Tax Exemption for Broadband Facilities