



*67 Counties, **One** Voice*
In the Alabama Legislature

LEGISLATIVE UPDATE

Tuesday, July 21, 2015

The Alabama Legislature will reconvene on **Monday, August 3rd at 5:00pm** to continue deliberating over the general fund budget and other legislative matters. County officials and employees can monitor the special session by utilizing the Association's tracking system-[Capitol Impact](#).

Below is a brief overview of the bills introduced to date that could have an impact on county governments:

DISTRIBUTION OF BP SETTLEMENT FUNDS

Three separate bills directing the use of the BP litigation settlement funds were introduced during the first day of the special session. Each bill is aimed at repaying money that is currently owed to the Alabama Trust Fund; however, each bill contains slightly different provisions-all of which are of concern to counties.

The Association staff expects that SB 1, which was introduced by the chair of the Senate's general fund budget committee (Sen. Arthur Orr), will be the primary vehicle for addressing this issue.

SB 1 by Sen. Arthur Orr: INTEREST

This bill provides that the settlement money, not otherwise restricted by federal law, will be used to repay the almost-\$600 million owed to the Alabama Trust Fund as well as penalties the state may owe regarding its Medicaid program. However, the bill also grants the State Finance Director the authority to establish a schedule for these payments.

The Association believes the repayment to the Alabama Trust Fund should be an absolute priority and that the legislation should state that no settlement funds can be spent otherwise until the Alabama Trust Fund is made whole.

SB 2 by Sen. Gerald Dial: INTEREST

As an alternative, Sen. Gerald Dial's legislation would authorize the Governor to use the funds "as security and/or collateral in a manner to first repay" the moneys owed the Alabama Trust Fund, and then directs the remaining money into the Alabama Trust Fund.

The Association strongly supports the repayment of the moneys owed the Alabama Trust Fund, and further believes that depositing all of the settlement moneys not otherwise earmarked by federal law into the Alabama Trust Fund would be in the best long-term interest of the state.

SB 13 by Sen. Gerald Allen: DANGER

This legislation proposes a constitutional amendment that would require the repayment of those moneys owed to the Alabama Trust Fund, but would thereafter, establish a *new* trust fund in which to deposit any moneys received from the settlement of lawsuits by the state of Alabama. The annual interest from this fund, established in the amendment as the Legacy Trust Fund, would be allocated only to the state.

The Association strongly opposes the establishment of a new trust fund. Any settlement moneys should be deposited in the Alabama Trust Fund, which includes a distribution of interest to the state as well as counties and cities.



All three of these bills were assigned to the **Senate Finance and Taxation General Fund Committee**. County officials are encouraged to contact the members of the committee - *before the Legislature convenes on August 3rd* - to seek their support of the Association's position that 1) the settlement funds should be used to repay the Alabama Trust Fund, and 2) all of these bills should be amended to eliminate the Administration's discretion in determining when and how the repayments should be made.

Please ask Senators to support changes to ensure that the repayments to the Alabama Trust Fund are automatic and do not require further action.

Senate Finance and Taxation General Fund Committee members: Sen. Orr, Chairman; Sens. Beasley, Chambliss, Dunn, Holtzclaw, Livingston, Marsh, Melson, Pittman, Sanford, Singleton, Stutts, Waggoner, Ward.

MARRIAGE CONTRACTS

SB 4 by Sen. Greg Albritton: DANGER

This legislation proposes the elimination of Alabama's current marriage license system, and would replace it with a 'civil contract' for marriage. Rather than issuing marriage licenses, under this bill probate judges would be statutorily required *to receive and to record* civil contracts of marriage

presented by both parties to the civil contract. This bill also is designed to eliminate the need for the person performing a marriage to attest to the marriage ceremony as an agent of the state.

This bill was initially introduced by Sen. Albritton during the 2015 regular session ahead of the Supreme Court ruling on same-sex marriage. He has communicated openly with the Association (as late as this morning) about this legislation, which he believes will help reduce litigation on this matter.

The Association remains concerned, however, that the changes will simply shift the focus of future litigation and potentially result in even more liability for counties and county officials. The Association will continue to work actively with Sen. Albritton in an effort to address its concerns. However, at this time the ACCA is opposed to the passage of the bill in its current form.

GUN LEGISLATION

[SB 14](#) by Sen. Gerald Allen: DANGER

This bill amends the current gun law in Alabama by eliminating the need for a pistol permit to carry a handgun in a vehicle. During the recent revisions to Alabama's gun law, compromise language was passed allowing persons without pistol permits to have a handgun in a vehicle as long as it is out of reach and locked away. This bill would reverse that provision-essentially rendering the pistol permit law ineffective.

This legislation, which was introduced during the 2015 regular session, was opposed by the Association, the Sheriffs' Association, and other law enforcement groups in the state. While the bill passed in the Senate, it ultimately died in the House Public Safety and Homeland Security committee.

MONUMENT PROTECTION

[SB 12](#) by Sen. Gerald Allen: DANGER

This legislation prohibits the removal, alteration, or other disturbance of any monument, statue, memorial etc. that was established in honor of certain military, civil rights, and Native American events, person, or organizations if the monument is located on public property-including county owned-property - without the approval of the Alabama Historical Commission.

The bill contains an exemption for Alabama Department of Transportation to move objects on state rights-of-way but has no similar exemption for counties and county rights-of-way. Without such an exemption, the bill could protect monuments erected on county roads. In addition, the Association opposes the removal of the commission's authority to exercise control over county property including the courthouse and its grounds.

The Association will closely monitor these bills, and any others that could potentially impact county governments and their revenue sources. As the session progresses, the Association staff will also update county officials and employees on any bills related to gaming and tax initiatives aimed at easing the burden on the General Fund.

Please pay close attention to your inbox in the coming weeks for any legislative updates. In the meantime, do not hesitate to contact a member of the Association staff should you have any additional questions.

Thanks,

Terri Sharpley Reynolds
Director of Public Affairs



LIKE [Association of County Commissions of Alabama](#) on Facebook
FOLLOW [@AlabamaCounties](#) on Twitter