

New Law Impacting Counties

Effective August 1, 2016

Act 2016-335 (HB 16 by Rep. McMillan) – Omnibus Pay Act

In an effort to simplify the process and availability for granting increases to local elected officials under the Omnibus Pay Act, this legislation removes the limitation that local elected officials only receive increases granted at the time the county budget is adopted and limits increases to any uniform cost of living adjustments granted to all county employees. It is the belief of the Association that this legislation will help to alleviate confusion and controversy related to proper application of this important law.

Act 2016-347 (HB 124 by Rep. Collins) – County Superintendent Offices

Current law requires that the county commission provide office space to the county superintendent at the county seat. This act provides that in counties with a population of 100,000 or more, local laws can be passed to provide for the superintendent's office to be located somewhere other than the county seat.

Act 2016-398 (SB 366 by Sen. Albritton) – Garnishment of State Retirement Benefits

Current law exempts state retirement benefits from garnishment in most instances. This act would allow for garnishment of state retirement benefits for the collection of unpaid court costs and restitution under procedures set out in the new law.

Act 2016-337 (HB 27 by Rep. McMillan) – Fair Ballot Commission

This Act amends the recently-enacted law creating a Fair Ballot Commission charged with providing the public with fair and accurate explanations of statewide ballot measures. It provides that comments developed by the Commission will be publicly accessible on the Secretary of State's website. The original law required this information to be posted on the Legislature's website.

Act 2016-387 (SB 186 by Sen. Coleman-Madison) – Restoration of Voting Rights

This act expedites the process for restoration of voting rights for a former convict who has paid all fines and restitution by requiring the Board of Pardons and Paroles to process an application for restoration of rights within 30 days and requiring the Board to approve the application within 14 days if all conditions are met. The act also requires each state or county correctional facility, prison, or jail to post materials notifying incarcerated individuals of the requirements and procedures for having one's voting rights restored.

Act 2016-317 (SB 200 by Sen. McClendon) – Electronic Poll Books

This act authorizes the Secretary of State to implement a pilot project for using electronic poll books in lieu of printed voter lists. The consent of the county commission and judge of probate is required for participation in the project. The act sets out procedures to be implemented to ensure the accuracy and protection of data included in the electronic poll books. Counties will be contacted by the Office of the Secretary of State regarding participation in this program and should consult with the probate judge before making a decision.

Act 2016-363 (HB 335 by Rep. J.D. Williams) – Interpreters in Juvenile Court

This law requires the appointment of an interpreter in juvenile and criminal proceedings where it is determined that a party to the proceedings is deaf or does not speak English. The costs of the interpreter shall be paid by the state, but the court may assess costs as appropriate to parties to the action.

Act 2016-403 (HB 201 by Rep. Poole) – Payments or In-kind Awards related to Abatement of Taxes

Current law provides that any payment, contribution, or other financial or in-kind award received from an entity whose taxes have been abated shall be divided between the governmental entities whose taxes were abated on a pro-rata basis, unless the party receiving the award can prove it is not related to the granting of any abatement. This act amends current law to allow any county or municipality whose taxes are subject to abatement to waive these requirements by resolution adopted by affirmative vote of a majority of its members.

Act 2016-336 (HB 11 by Rep. Faust) – Driver's License Renewal Period Extended

This law extends the period in which a person can renew a driver's license from 30 days to 180 days prior to its expiration date. Additionally, this law exempts active duty service members from the 180 day renewal period if they are unable to renew during that period due to deployment.

Act 2016-343 (HB 101 by Rep. Garrett) – Raised Beds on Dump Trucks

This act prohibits driving a dump truck on any highway of the state with the bed of the truck raised to more than a 20-degree angle except when the dump truck is actively engaged in dumping its load. Violation of this law is a Class C misdemeanor, which is punishable by a fine of \$500 and/or 3 months in jail.

Act 2016-361 (HB 327 by Rep. Wood) – Civil Penalties for Mandatory Liability Insurance

This act requires the Alabama Law Enforcement Agency to develop procedures for reviewing motor vehicle incidents to determine if the driver involved in the incident received a citation for failure to comply with Alabama's mandatory liability insurance law, and to independently investigate whether the driver was properly insured. The law allows for the agency to assess civil penalties where determined the driver was not properly cited for noncompliance with the law.

Act 2016-408 (SB 163 by Sen. Dial) – Distinctive Tags for State Parks

This act provides for a distinctive license plate for state parks with all proceeds from the additional fee to be distributed to the Department of Conservation and Natural Resources for the use and benefit of the state park system. Additionally, the act makes changes to the requirements for payment of additional fees for other distinctive tags such as helping school tags and tags for retired and disabled veterans.

Act 2016-294 (HB 66 by Rep. M. Hill) – Firefighter Immunity

This law provides immunity from tort liability for "tactical medics" operating on-duty in direct support of a tactical law enforcement unit to provide medical services at high risk incidences. Under the law, a "tactical medic" means a firefighter paramedic or emergency medical technician licensed by the State and employed by the state or a county or municipality.

Act 2016-342 (HB 98 by Rep. Standridge) – Retired Military Pistol Permit

This law will allow a retired military veteran meeting conditions for a pistol permit to obtain the permit in his or her county of residence without paying a fee for the permit upon proof that he or she is a military retiree and presentation of the government-issued Veteran Identification Card or a Proof of Military Service form.

The retired veteran will also be allowed to renew the permit without paying a fee as long as he or she meets the conditions for renewal.

Act 2016-351 (HB 215 by Rep. Baker) – Volunteer Fire Department Standards

This act makes several important changes to the law governing volunteer fire departments including providing minimum standards for certification, authorizing decertification of departments that do not meet standards, and authorizing the Alabama Forestry Commission to adopt rules and procedures for certification and decertification of volunteer fire departments.

Act 2016-312 (SB 81 by Sen. Orr) – Prohibition against Boycotting by Contractors

This act prohibits a governmental entity from entering into any contract subject to the competitive bid law or public works law unless the contract includes a representation that the business with which it is contracting is not currently engaged in and will not engage in, the boycott of a person or an entity based in or doing business with a jurisdiction with which this state enjoys open trade.

Act 2016-385 (SB 159 by Sen. Glover) – Survivors' Benefits for Rescue Squads

Under current law, surviving beneficiaries of law enforcement officers and firefighters who are killed or disabled in the line of duty are entitled to free college tuition and compensation paid by the state. This act adds members of organized rescue squads within the definition of firefighters for purposes of providing these survivor benefits in the event of death or disability.