

COUNTY COMMISSION

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Volume 54, Number 6
January/February 2011

ALABAMA STATE HOUSE

What's Inside...

**Legislative Program
2011**

I BUY WITH CONFIDENCE

"We know we're making the right call when we buy Cat® equipment."

When the Public Works Department in Tuscaloosa County, Alabama, solicits bids for heavy equipment, purchase price is just one factor it considers, says Engineering Coordinator Michael Henderson. "If there's a disaster in our area, we need to know our equipment, and our dealer will come through for us. We must know, beyond a shadow of a doubt, that the equipment is ready to work because response time is critical."

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Legislators will return for the 2011 Regular Session beginning March 1.

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Hon. Ricky Burney
President

New partnerships are off to promising start

All Association members must do their parts to uphold our end of the agreement

Every partnership has a beginning date. In the business world, it is the date that is shown on all the legal documents. It is the date that two people, or organizations, agreed to join their collective abilities, influence and ideas into one voice – pulling in one direction with the hopes of accomplishing one major goal.

The length of the partnership and its success is bounded by a number of factors, not the least of which is the level of commitment from both parties. In the end, most business partnerships fail and, in today's climate, fail rather quickly.

When I became president in August we spoke about our desire to forge a new partnership. This one was not for the purpose of establishing a new business to sell the latest technological gizmo or a restaurant with the most innovative way to present gourmet burgers. Back at the Association's convention we extended our hand toward the new elected officials at the state level and the members of the Alabama Legislature to ask that they include us in their efforts to improve Alabama in the next four years.

We talked about a new partnership – one between counties and the state's leaders – based on communication, common goals and mutual respect. We asked to be "partners" in the efforts that would be initiated in the coming months.

From the Association's perspective, we're looking for a new partnership with both the holders of the state's top executive offices as well as the 140 members of the Legislature. The real evidence of whether the partnership will be effective is already

forming, but of course things will start to take true shape when the new legislative session begins in March. Already there are positive signs.

Just the other day a county commissioner called the association staff after leaving the office of new Gov. Robert Bentley. "That's the most positive meeting I have attended with a governor during my entire time in public office," he said, pointing to the attitude of both the governor and his staff.

In early September, Bentley pledged to give the Association meaningful input to the persons he would appoint to key agency positions that interact with county government on a regular basis. And he followed through with that promise, offering counties the opportunity to work as "partners" with the new administration.

The new Legislature has already shown a willingness to work with counties and to understand the unique relationship between county government and the Legislature that created it. During the December special session on ethics reform, ACCA concerns and ideas were given careful consideration and all five points of the Association's policy statement on ethics reform were included in the final versions of the seven ethics bills – quite an accomplishment.

And now we turn our attention to the real "main event"; the first of four regular legislative sessions lead by those lawmakers elected in November of 2010. Four months from now, we will have a clear idea of whether the "partnership" has been established and if it can flourish for the benefit of those citizens who depend on our services.

The real evidence of whether the partnership will be effective is already forming, but of course things will start to take true shape when the new legislative session begins in March.

It would be easy to point toward the members of the Legislature and place all the pressure for success on their shoulders. But if this is a real partnership, then county officials and employees must assume responsibility for our success as well.

By now I hope each county commission has reached out to its legislative delegation to hold a give-and-take session on both your local needs as well as the Association's legislative agenda for the year. Our February district meetings are getting the ball rolling in the right direction, but it is important that county officials discuss the issues in a personal way before the session kicks off in March.

As you can see from the contents of this issue of *County Commission*, our legislative priorities for 2011 are ambitious. We've focused on seven major initiatives; the passage of any one of which would represent a significantly positive beginning to our partnership. Our goal, of course, is to see each of the issues addressed in a meaningful way this session and to pass the torch to our next president, Tim Choate, who can refocus the Association's efforts next year on a new set of major problems.

This year's County Day at the Legislature is April 27-28, and I trust each of you will do your part by being present for this event. Additionally, each of the Association's steering committees will sponsor a "legislative day" when

county officials and employees will be asked to participate in lobbying on issues specific to the work of each committee.

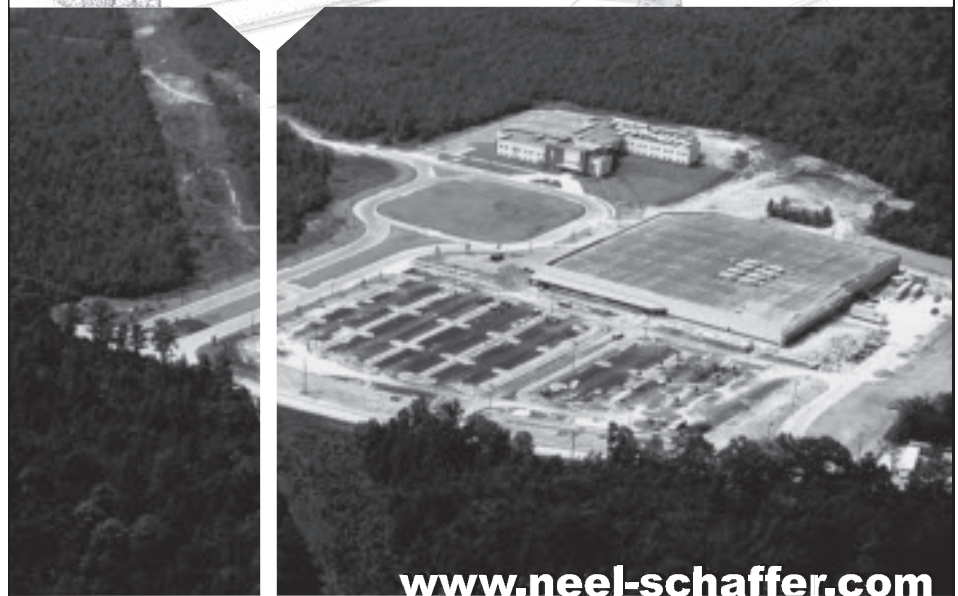
As this legislative session unfolds, the success of this partnership will rest in your hands. Will this partnership continue to grow and benefit the people of my county and of yours? I can effectively answer that question if I know how actively county officials and employees plan to work toward our goals.

Just as every partnership has a

beginning date; those partnerships which are one-directional are almost always the ones that have a very short lifespan. There is no question we've started this new partnership on the right foot and that both parties have started to work toward some common goals.

But if the partnership is to grow so strong that we all actually remember the date it began, we must pledge to work together and, honestly, understand that each and every one of us must uphold our end of the bargain.

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Priority Legislation 2011

Subdivision Regulations within Municipal Planning Jurisdiction

This proposed legislation would amend current law regarding the regulation and enforcement of subdivision regulations within the territorial jurisdiction of a municipal planning commission to provide that if the county has adopted subdivision regulations to apply in the unincorporated areas of the county, the county will be responsible for enforcing those regulations within the municipal planning commission's jurisdiction unless there is a written agreement between the county and the municipal planning commission authorizing the municipal planning commission to assume responsibility.

Rural Road Safety Program

This proposed legislation would allow the county commission to call for a local referendum authorizing the county commission to levy a local gas or fuel tax of up to 5 cents per gallon for specific county road and bridge projects identified by the county commission prior to the referendum. The legislation will contain several parameters for levying the tax and establishing projects, outline possible uses of funds, and allow for referendums renewing the tax upon completion of projects included in the county's project list.

Participation in the Streamline Sales Tax Agreement

This proposed legislation would create a commission charged with developing the programs and procedures necessary to bring Alabama into compliance with the Streamline Sales Tax Agreement in the event federal legislation adopting the agreement becomes law. The Commission, composed of persons appointed by the Department of Revenue, the ACCA, and the Alabama League of Municipalities, would also identify provisions of Alabama's sales tax laws which would need to be amended to bring the state into compliance with the Streamline Sales Tax Agreement.

School Tax Elections

This legislation would establish timeframes and procedures for calling ad valorem school tax elections, whereby the school board would have deadlines for petitioning the county commission to have the issue included on a general election ballot. Additionally, this legislation would require the school board to pay all costs of a special election in the event the school board petitioned the county commission to call for a special election.

Reimbursement of Election Expenses

This legislation would more properly and completely define which election expenses are to be reimbursed to the county by the state following a primary, runoff, or general election.

Jailer Liability Protection

This legislation, intended to "undo" the results of a recent appellate court case finding that county jailers can be sued individually for actions performed within the line and scope of their employment, would provide clearly that the actions of jailers are actions of the sheriff and as such, jailers are entitled to the same immunity protections granted to the sheriff under Alabama law.

Funding for Alabama Disaster Recovery Program Fund

In addition the priority legislation outlined here, the Association will work diligently during the 2011 Legislative Session to secure funding for the Alabama Disaster Recovery Program Fund as an appropriation in the state's general fund budget or from another source such as a portion of funding currently earmarked for Forever Wild.

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Legislative 2011 Program

This document serves as the position of county government on major legislative and policy issues which can impact county government and its ability to carry out its responsibilities to the citizens of Alabama counties. The position statements set out herein represent both the Association's legislative initiatives and priorities as well as general statements establishing support for or opposition to major policy changes which may be considered by the Alabama Legislature, agencies within the state's Executive Branch, or the Alabama Judicial System.

COUNTY ADMINISTRATION

Economic Development

The Association supports programs designed to improve and enhance the economic conditions in Alabama, provided such programs recognize the important role played by county government in the overall economic development of the state and do not mandate the expenditure of county revenues. To this end, the Association opposes any legislation or programs which allow for the abatement or rebate of county taxes without the consent of the affected county commission.

Initiative and Referendum

The Association opposes any effort to establish a procedure for citizens to initiate the enactment, repeal, or amendment

of any laws that would impact county government or actions taken by the county commission.

Recall of Elected Officials

The Association opposes any legislation that would allow for the recall of any elected officials in Alabama.

Constitutional Reform and/or Revision

The Association supports the revision of Alabama's century-old Constitution provided any revision includes self-governance powers for county commissions and does not diminish existing county authority in any way that would impede or interrupt the orderly delivery of county services. The Association also urges state elected officials and community leaders to develop the method to be used to reform our Constitution before proposing any specific constitutional changes.

Local Constitutional Amendment Election

The Association supports a constitutional amendment allowing for county-only votes on those proposed local constitutional amendments that receive negative votes from no more than 10 percent of the membership of the House of Representatives or Senate.

Property Rights

The Association opposes any legislation related to individual

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property rights that would unnecessarily and unreasonably impede the ability of county government to protect the health, safety and welfare of its citizens, and to carry out its responsibilities as required by the state and federal governments, or that would result in civil action against counties when carrying out such duties.

Condemnation

The Association supports the utilization of condemnation powers by county governments in order to provide governmental services to Alabama's citizens and opposes efforts to enact new constitutional limits on the legitimate utilization of condemnation for governmental purposes.

Civil Service or Collective Bargaining Programs

The Association supports legislation authorizing counties to establish and adopt civil service systems, but opposes legislation that would require the creation of such systems unless requested by resolution of the county commission. In addition, the Association opposes legislation authorizing or requiring collective bargaining for county employees.

Compensation of Officials and Employees

The Association opposes any legislation authorizing or mandating increased compensation for county officials or employees. Further, the Association opposes any amendments to the Omnibus Pay Act.

Salary Supplements

The Association opposes any general or local law mandating the county to provide a local salary supplement to any state official or state employee whose salary is paid by the State of Alabama.

Supernumeraries

The Association opposes the creation of new supernumerary programs or the amendment of the existing supernumerary laws that would serve to increase the benefits provided to former elected officials or otherwise cause the programs to be more of a financial burden on the counties.

Retiree COLAs

The Association supports periodic increases for retired



government employees provided language is included to ensure that the county commission has the discretion whether to grant an increase to its county retirees. The Association also encourages the legislature to authorize counties to approve all or a portion of the increase granted to state retirees.

Responsibility for State Functions

The Association opposes any legislative or administrative efforts that would require counties to assume any programmatic or financial responsibility for state functions, such as operation of the judicial system, environmental and public health programs, state corrections, or the voter registration process.

Adoption of Emergency Rules by State Agencies

The Association opposes the adoption of emergency rules by state agencies unless a significant emergency exists that can be corrected only by the adoption of the rule in question. The Association further calls on state agencies to utilize the statutory procedure for the adoption of all rules to ensure public comment and input of Alabama's taxpayers and local governments.

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Administration of Assistance Programs

ACCA opposes any legislation or administrative rule that would require counties to provide any financial support of or carry out any unfunded administrative functions for any current or future federal or state assistance programs.

Changes in County Budgeting Laws

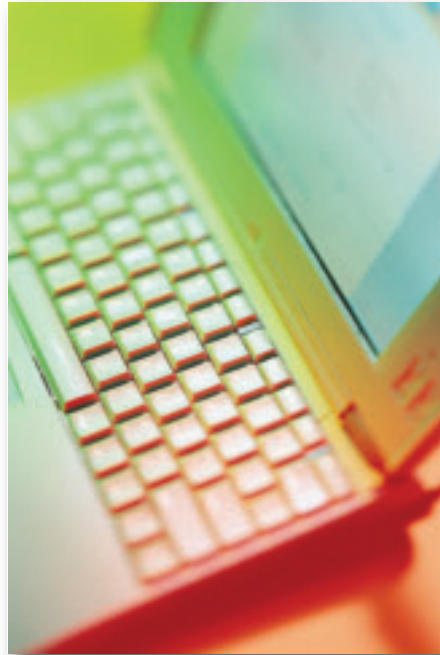
The Association opposes any legislation to amend the statutory provisions in the law related to the adoption and administration of the county's budget.

Open Meetings Law

The Association opposes any legislation proposing amendments to the Open Meetings Law enacted in 2005.

Open Records Law

The Association opposes any legislation to rewrite Alabama's Open Records law in a manner that would create unnecessary administrative burdens on governmental entities, allow for frivolous lawsuits to be brought against governmental entities, or provide for fines or penalties against public officials acting in good faith. Additionally, any legislation amending current law must



include liability protection for the good faith actions of the county and its officials and employees.

Publication of Public Documents

The Association supports legislation amending Alabama law to provide that any requirement to publish county documents or records in a newspaper can be satisfied by making such documents available to the public via the Internet or other means.

Illegal Immigrants

The Association supports all reasonable efforts to address concerns related to

the employment and provision of services to persons who are not lawfully residing in the United States. However, the Association opposes legislative measures that would create an undue administrative burden on state and local governments or private employers and urges the Legislature to enact only measures which address the impact illegal immigration has on local governments.

Protection of Social Security Numbers

The Association does not oppose legislation authorizing the redaction from government records of Social Security numbers and other personal information which can lead to identity theft, provided local offices are not mandated to redact this information and any such legislation provides liability protection to counties and other governmental entities for good faith actions or inactions of government officials or employees related to release of public records.

Alabama Trust Fund

The Association strongly opposes the reduction of the principal of the Alabama Trust Fund unless specific provisions are made for the restoration of any lost interest revenue to county governments. Further, the Association opposes the redirection or reallocation of the current funding sources which currently are constitutionally earmarked for deposit into the Alabama Trust Fund.

Redistricting

The Association urges the Alabama Legislature to carefully consider county lines in its redistricting plans to ensure that, wherever possible, counties are not divided into separate districts shared with other counties.



CATHERINE HUFF
President

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Overseas Absentee Voting

The Association supports the development of a more efficient process for overseas absentee voting provided it includes safeguards protecting the integrity of the casting of votes and that all costs associated with creating and maintaining the system are borne by the state. Additionally, the Association urges the legislature and the Secretary of State's office to include county representation in any committees created to develop and/or implement a new process for overseas absentee voting.



Runoff Elections

The Association supports legislation to return to a three week runoff in all elections when and if an electronic overseas voting process is implemented which allows overseas voters to complete the absentee election process in a more timely manner.

Absentee Election Manager

The Association supports legislation to prohibit the payment of additional compensation to those public officials and/or public employees who carry out the absentee election manager functions during their normal working hours or in the alternative to provide that all

additional compensation for these officials and employees be paid by the state.

Voter List Publication

The Association supports legislation requiring the state to reimburse counties for the cost of publishing the voter list.



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Election Expenses

The Association supports legislation reforming the process for reimbursement of election expenses by the State to ensure that counties are properly and timely reimbursed for actual expenses incurred. Additionally, the Association opposes any legislation increasing the counties' financial responsibility for the costs of elections including, but not limited to, compensation for election workers and new or additional election equipment or supplies.

School Tax Elections

The Association supports legislation revising the ad valorem school tax election process to include deadlines for local school boards to request elections and to require school boards to pay for any special elections held for a vote on proposed school tax measures.

Help America Vote Act

The Association opposes any legislation to amend the federal or state Help America Vote Act, particularly if such amendments would require states to replace voting equipment purchased and alter state procedures implemented to come into compliance with the requirements of the original act. However, the Association supports legislation prescribing appropriate expenditures for federal funds appropriated under the Help America Vote Act.

GIS Programs

The Association supports the efforts of the Alabama Geographic Information Executive Council and supports any programs or legislation allowing for consolidation and more effective use of GIS programs at the state and local level, provided such programs or

legislation do not include mandated participation or financial support from county government.



Mail or Convenience Fees

The Association supports legislation authorizing counties to charge a mail fee or convenience fee for certain administrative services provided at the local level.

Legal Fees or Fines against Counties

The Association opposes any legislative or administrative effort to allow parties to collect attorneys' fees or other legal expenses from county government and opposes legislation imposing fines against public officials, unless the fines are only against those officials who willfully and knowingly fail to carry out their duties.

Insurance Coverage

The Association opposes any legislation that would authorize any county public official to purchase liability or workers' compensation insurance for themselves or employees working under their supervision.

Examiners of Public Accounts

The Association opposes any legislation that would remove the requirement that county financial records be audited by

the Department of Examiners of Public Accounts.

Federal Grants and New Local Initiatives

The Association supports an equitable distribution of federal grant monies that takes into account the needs of the local community and the administrative costs necessary to deliver the services on the local level. The Association opposes mandating additional responsibilities through the distribution of grants unless the grants are substantial enough to cover the additional costs to county government.

Full-Cost Accounting

The Association recognizes that county governing bodies should evaluate and consider the actual cost of providing the various services it provides to the citizens. However, the Association opposes efforts to require counties to determine such costs and to make those costs available to private companies or organizations.

ENVIRONMENT & LAND USE

Regulation of County Development

The Association supports legislation authorizing the county commission to call a local referendum on the issue of planning and zoning in the unincorporated areas of the county and to implement planning and zoning programs in the areas that approve such referendum.

Police Jurisdictions

The Association urges the Alabama Legislature to take a comprehensive

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look at the issue of police jurisdictions and the exercise of power including the power to collect municipal taxes; the impact on economic growth; planning and development; transportation; public safety; and other issues.

Storm Water Permits

The Association opposes any legislative or state or federal regulatory directives that would require county government to inspect and/or permit any facilities or operations currently inspected and/or permitted by a state or federal agency and opposes any requirement that counties obtain storm water permits prior to conducting county road work activities.

Cell Tower Regulation

The Association does not oppose legislation establishing reasonable standards and criteria for the regulation of the placement of cell towers in the unincorporated areas of the county, provided such regulation is permissive and the standards and criteria do not overly restrict the ability of the county to reasonably regulate the placement of such towers where such authority is exercised.

Flood Plain Management

The Association supports shifting the state responsibility for flood plain management from the Alabama Department of Economic and Community Affairs to a state agency that is more appropriately interacting with the Federal Emergency Management Agency and supports legislation protecting counties against liability for private construction projects that do not comply with the county's flood plain management regulations.



Local Approval of Rock Quarries and Other Mining Operations

The Association opposes legislation that would expand current requirements for counties to grant

host-government approval as part of the approval or permitting process for any plants or business operations requiring an assessment of public health or environmental concerns related to the establishment or location of the plant or business operation.

Collection of Solid Waste Fees

The Association supports legislation amending Alabama law regarding mandatory participation solid waste programs to grant counties stronger tools for enforcing the requirement to participate in the program and to better provide for the collection of unpaid fees.

Solid Waste Laws

The Association supports legislation that would improve existing solid waste laws and better define the roles of state and local government stakeholders, but opposes any changes that would require counties to provide a program for solid waste collection and disposal or to

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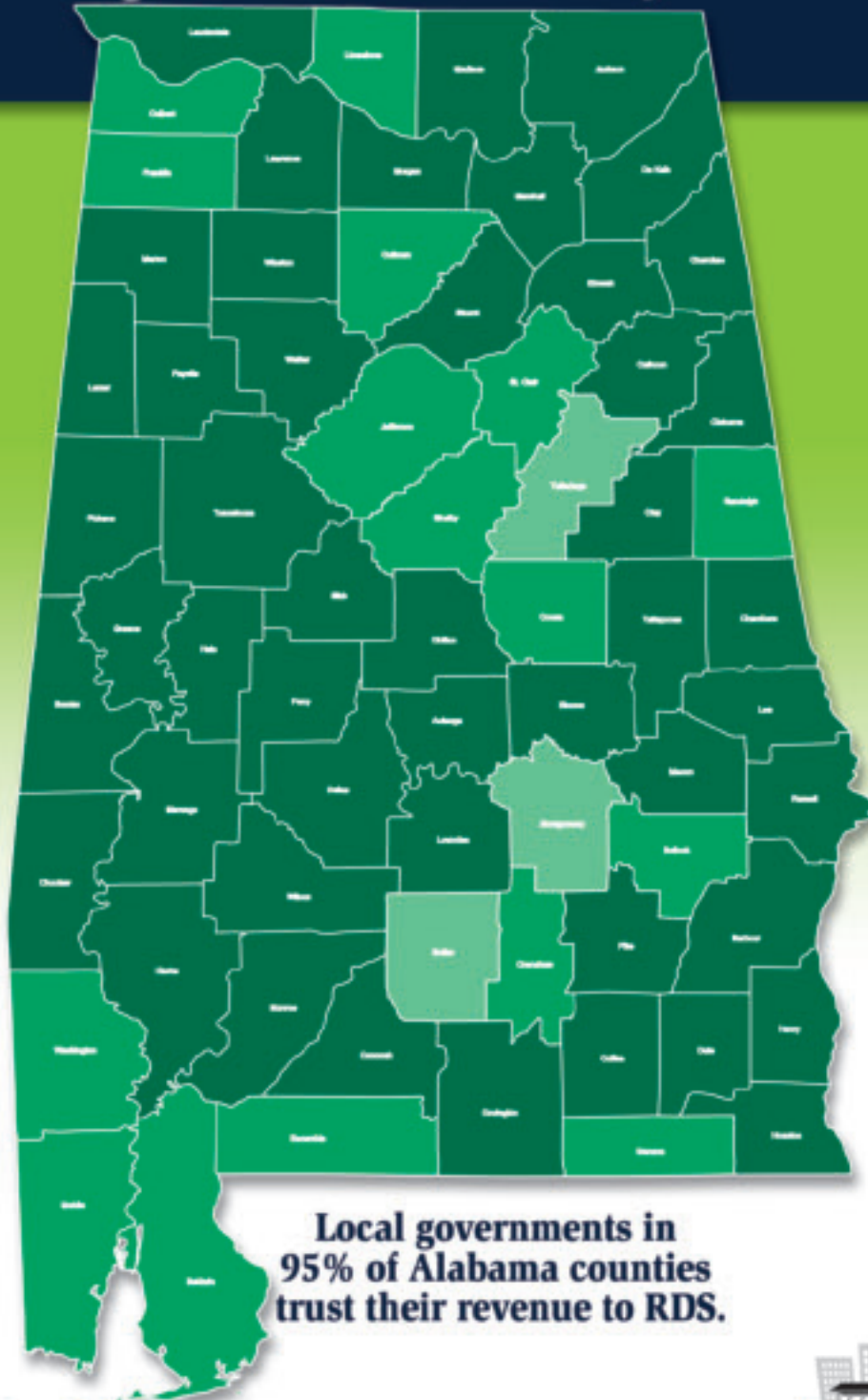
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assume regulatory or enforcement roles which are currently the responsibility of state agencies such as Alabama Department of Public Health and the Alabama Department of Environmental Management.

Landfill Local Approval Process

The Association supports legislation to improve the local approval process for landfill applications and to better clarify the roles of the county commission and regional planning commission in the process, provided such legislation does not mandate additional responsibilities or expenses to county government.

State Environmental and Recycling Programs

The Association supports legislative or administrative efforts to establish or improve environmentally-friendly programs such as scrap battery recycling and refunds on beverage container, provided such programs do not include any mandated

responsibilities or funding from the county governing body.

Scrap Tire Law

The Association opposes any legislation that weakens Alabama's current scrap tire laws, and supports the strong enforcement of the current law, including remediation of existing illegal scrap tire piles.

FINANCE & TAXATION

Financial Self Governance

The Association supports legislation to grant counties broader authority to levy and collect taxes for the county general fund, roads and bridges, public schools, and other local governmental services and to determine how tax proceeds should be collected and distributed. Further, the Association strongly believes that the authority to levy local

taxes should remain with county and municipal governing bodies, and therefore, opposes any legislation that would authorize school boards or other governmental bodies to levy local taxes.

Ad Valorem Tax System Reform

The Association supports comprehensive evaluation and reform of Alabama's ad valorem tax classification and assessment system to develop a more fair and equitable process that does not reduce tax revenues; however, the Association opposes any legislation that would increase current exemptions or make piecemeal changes in the current classification and assessment system particularly if such changes would result in a reduction of taxes paid to county government, local schools, or local fire districts.

Reappraisal of Property

The Association strongly opposes any legislation or administrative action that



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would restrict or restructure the annual reappraisal of property for ad valorem tax purposes.

Shared Cost of Ad Valorem Tax Collection

The Association supports legislation amending Alabama law on ad valorem tax collection to apportion the costs of collection among all non-education entities entitled to a portion of the proceeds of the tax.

Tax Exemptions

The Association opposes legislation granting any additional exemptions from local sales, use, lodgings, rental or motor fuel taxes. Further, the Association strongly supports the repeal of existing state-imposed exemptions from local taxes.



Enforcement of State and Local Taxes

The Association urges the Department of Revenue and other agencies collecting taxes or fees to use all available means to enforce Alabama's tax laws and supports any legislation providing stronger enforcement tools to state or county collecting entities, including but not limited to, legislation authorizing cities and counties to pursue legal remedies to collect any taxes they receive if the agencies responsible for collection decline to pursue such remedies.

Earmarking of State Revenue

The Association urges the Alabama Legislature to be cautious in any effort to alter the state's practice of levying taxes for specific purposes. Because of Alabama's limited resources, any such effort will place at risk many important government services.

Redemption of Property

The Association supports legislation to correct technical problems in the statute addressing tax sales and redemption of property, including but not limited to, limiting interest paid at the time of redemption and ensuring

that any excess paid by the tax sale purchaser is properly distributed upon redemption or other disposition of the property.

Purchase Price of Property

The Association supports legislation that would require the actual purchase price of property to be provided by the purchaser when transferring title.

Local Tax Refund Procedures

The Association supports legislation amending the Local Tax Simplification Act to provide an administrative process for resolving a dispute between local taxing jurisdictions regarding which entity is entitled to sales and use taxes paid in good faith by the taxpayer.

Severance Taxes

The Association opposes the repeal or reduction of Alabama's severance taxes and supports legislation to repeal the exemption for those materials that are transported by rail or water unless such materials are bound for another location in Alabama where they will be subject to taxation.

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Business Licenses

The Association supports legislation to modernize the state business licensing process and to authorize counties to levy local business licenses; however, the Association opposes any legislation granting exemptions from purchasing business licenses to any business or entity or group of businesses or entities.

Lodgings Tax

The Association opposes any legislation altering or eliminating existing county lodgings tax levies or prohibiting counties from levying new or additional lodgings taxes. The Association supports legislation to clarify that such taxes apply to persons renting or leasing accommodations at recreational lodges or facilities.

Local Casual Sales Tax

The Association supports legislation authorizing local entities to collect a casual sales tax on mobile homes in the same manner that the state tax is collected.

Preserving County Share of State Taxes, Fees, and Licenses

The Association opposes any alteration in current tax laws that would result in the reduction or elimination of a county's current percentage share of proceeds from the tax. The Association strongly opposes any increases in the rate of "shared" taxes unless counties receive a portion of the increase which is no less than their share of the original tax proceeds.

Earmarking of County Revenue

The Association opposes any general or local legislation earmarking county revenue or authorizing the local legislative delegation or legislatively-created committees to direct how local revenues should be distributed.

Mandated Expenditure of County Revenues

The Association opposes any legislative or administrative efforts to mandate county services or the expenditure of county revenues without providing the additional revenues for such expenditures unless first approved by the governing body of the affected counties.

Sales Tax on Food

The Association supports legislation exempting unprepared food from sales taxation provided such legislation clearly

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ensures that county governments are not authorized to exempt unprepared food from their local sales taxes and are not pre-empted from levying future sales taxes on all items currently subject to sales tax in Alabama.

Streamline Sales Tax Agreement

The Association supports legislation that will bring Alabama into compliance with the Streamline Sales Tax Agreement to take effect only in the event that federal legislation adopting the Agreement becomes law. However, until such time as the Federal Streamline Sales Tax Agreement becomes law, the Association opposes efforts to repeal or restrict the counties' authority to collect or contract for the collection of taxes on the local level or to subject local tax collectors and/or auditors to regulations or requirements not applied to the Alabama Department of Revenue.

TVA In Lieu of Tax Payments

The Association opposes any legislation making further alterations in the distribution of TVA in lieu of tax payments, but would support the repeal of recent legislation altering such distribution. Additionally, the Association urges the repeal of local acts authorizing distribution of county payments by the local legislative delegation or committees created by legislative act.

Tax Court

The Association opposes legislation creating a tax court in Alabama unless such court is prohibited from considering questions directly related to county governments that self-

administer the collection of local taxes.

Supermajority for Tax Increases

The Association opposes any legislation that would require that the passage of any new or increased taxes be effective only in the event that it passes the legislature by more than a simple majority or would place other restrictions on the passage of such legislation.

Sales Tax Holiday

The Association opposes any legislation adding to the list of items exempted from sales tax during the current "sales tax holiday" weekend, and also opposes any additional sales tax holidays.

License Inspector Fees

The Association supports legislation that allows counties to receive a greater portion of citations and fees assessed through the enforcement efforts of the license inspectors earmarked to reimburse counties for the cost of operating the license inspector's office.

Public Gaming

The Association urges the Legislature to ensure that any legislation calling for the legalization of a statewide lottery or casino gambling provides that an equitable portion of the resulting tax revenue be distributed to counties and opposes any provision of such legislation which would repeal the existing constitutional amendments related to public gaming without separate votes in the impacted counties.



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JUSTICE & PUBLIC SAFETY

Responsibility for Juveniles

The Association supports all legislative and administrative efforts establishing the state's responsibility for the care, detention, and custody of juveniles, including but not limited to medical treatment, transportation, and diversion or treatment programs, and also supports efforts to develop additional detention alternative programs aimed at decreasing the number of juveniles held in detention. The Association opposes

any legislation or regulation mandating counties to provide new or increased levels of financial, housing, or program support for juveniles.

Sentencing Reform

The Association supports legislative and administrative efforts to reduce Alabama's prison population through comprehensive reform of sentencing and incarceration practices for non-violent offenders, provided such efforts do not mandate that counties implement or finance suggested diversion programs such as community corrections or drug courts. The Association supports the work of the Chief Justice's Public Safety and Sentencing Coalition established to

identify and recommend changes in the current sentencing laws and urges the passage of legislation implementing the Coalition's recommendations.

Parole, Probation, and Community Corrections Programs

The Association supports legislation to clarify that persons on parole or probation or persons participating in diversion programs such as community correction are in state custody and are state inmates for all purposes including the payment of any medical expenses not paid by the inmate and to further provide that persons participating in diversion programs shall be personally responsible for all medical expenses.

Video Court Proceedings

The Association supports legislative and administrative efforts to allow for certain court appearances to be held through video conferencing programs established and funded by the state, since such programs would significantly reduce costs and safety concerns related to the transportation of juveniles and adult inmates to and from detention or correctional facilities for court appearances.

Crime Legislation

The Association opposes the enactment of any legislation that would increase the number of inmates being housed in county jails, would lengthen the time inmates are housed in county jails, or that establish mandatory sentences to be served in county jails or other county-maintained facilities.

State Prison System

The Association supports legislative and administrative efforts aimed at

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addressing the financial crisis facing the Alabama Department of Corrections and Alabama's county governments that house state prison inmates on the local level, and particularly any steps to ensure that state inmates are transferred to state facilities in a timely manner and that counties are reimbursed all costs associated with housing state prisoners in the county jail. However, the Association opposes the use of county jails to eliminate or reduce the overcrowding in state prison facilities.

Cost of Incarceration

The Association supports legislation to provide that non-indigents convicted of felonies be required to pay a portion of the cost of incarceration in the county jail, including medical expenses.

Inmate Medical Care

The Association supports legislation to penalize the Department of Corrections for failure to timely reimburse counties the cost of medical expenses for state inmates housed in the county jail and to better define who state inmates are for these purposes. The Association also urges the U.S. Congress to repeal the requirement that persons detained in state or county correctional facilities forfeit their Medicaid benefits immediately upon arrest.

Payment for Inmate Labor

The Association opposes any requirement to pay for the use of state inmate labor by county government.

Jail Standards

The Association opposes legislation imposing jail standards where there is not ample revenue supplied for funding



of the standards or where counties do not have input into the establishment of the standards.

Jailer Liability Protection

The Association supports legislation clarifying that the actions of jailers are actions of the sheriff and as such, are entitled to the same immunity protections granted to the sheriff under Alabama law.

Law Enforcement Compensation and Benefits

The Association opposes any legislation that would increase compensation, disability payments, or retirement benefits for county law enforcement officers without a provision requiring the approval by the county commission before any increases or special benefits take effect.

Compensation of Sheriffs' Reserve Deputies

The Association opposes any legislation that would allow for the compensation of reserve deputies or that would otherwise allow for reserve deputies to be placed in a position of being considered regular law enforcement officers.

Law Enforcement Internal Investigations

The Association opposes legislation mandating the sheriff to develop specific personnel procedures related to deputies and jailers or requiring that he or she conduct internal investigations of his or her office and personnel.

Feeding of Prisoners

The Association opposes changes in the current law providing for feeding of prisoners that would require feeding of



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prisoners monies be paid into the county general fund or that the county commission pay all or a portion of the cost of feeding prisoners out of the general funds of the county.

Service of Process

The Association supports legislation to increase the fees distributed to counties for service of process and to authorize counties to contract with private firms for the purpose of serving court and court-related documents.

Establishment of Statewide 9-1-1 Coordinating Board

The Association supports legislation establishing a statewide 9-1-1 coordinating board provided enacting legislation restructures the existing Commercial Mobile Radio Service Board to ensure a majority of the board's members are from the Emergency Communication Districts and provides that (1) the Board have the ability to obtain and/or operate a broadband network and the related databases, hardware, and services necessary to transition to an IP/NG 9-1-1 network; including the ability to adapt this network to the changing technological issues that will confront the operation of 9-1-1 Districts through lease, purchase, contract, or other means commonly used in government procurement subject to normal bid and contract requirements; (2) the Board is authorized to hire employees and/or contract with other entities to provide such services, but shall not be empowered to exercise administrative control or oversight which conflicts with the authority granted the local boards overseeing the operation of the existing Emergency Communications Districts; and (3) the Board has the ability to coordinate with the 9-1-1 Districts to ensure the most effective and efficient delivery of vital emergency communication services to the citizens of Alabama, including the ability to provide a centralized means of collecting and remitting all 9-1-1 service fees and remitting such fees to the appropriate local Districts.

Review of Expenses of 9-1-1 Districts

The Association believes the current law regarding the expenditure of revenues held by Emergency Communications Districts provides adequate controls and an effective mechanism of review by the Department of Examiners of Public Accounts. Further, the administration of 9-1-1, including the particular expenses associated with the legislatively approved means of delivering 9-1-1 service, are best decided at the Emergency Communication District level.

Statewide Service Charge for 9-1-1 Districts

The Association does not oppose the establishment of a statewide consolidation of all communication service charges for the funding of Alabama's Emergency Communications Districts, provided such legislation includes all of the following: (1) The rate is established at a level to ensure each 9-1-1 District receives at least its then-current level of income from all communication service charges, (2) the rate allows for a one-time adjustment if the initial rate for the statewide service fee is not sufficient to ensure each 9-1-1 District receives at least its then-current level of income from all communication service charges, (3) the rate is applicable to all technologies that can be used to communicate with the 9-1-1 Districts for the purpose of requesting emergency services, (4) the rate can be adjusted by a statewide board or as a result of economic changes or other factors, such as changes in technological requirements, which would be established in the legislation, and (5) the application of the statewide rate occurs only in conjunction with an examination by the Alabama Public Service Commission of the tariffs imposed on the 9-1-1 Districts for access to data and connectivity to the networks of telecommunications service providers necessary to provide services at the local level.



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9-1-1 Service Charge on Pre-paid Wireless Service

The Association supports legislation establishing an efficient process for the collection of 9-1-1 service fees on pre-paid wireless services in Alabama. Further, the revenue from such fees should be distributed in the same manner as the existing 9-1-1 service fee levied on post-paid wireless service.

Emergency Management Programs

The Association supports legislation to improve the delivery of services by state and local emergency management programs, including better defining the role of volunteers and providing liability protection for the volunteer and the emergency management programs for good faith actions of volunteers.

Alabama Disaster Recovery Fund

The Association urges the Alabama Legislature and the U.S. Congress to allocate funds to the Alabama Disaster Recovery Fund established by Act 2009-342 in order to provide reimbursement for the delivery of services to Alabama citizens during times of disaster.

Forever Wild Reauthorization

The Association recommends that the Legislature consider appropriating a portion of the money currently earmarked for the Forever Wild Program to the Alabama Disaster Recovery Program Fund and that if there is no appropriation for this program, the funding for the Forever Wild Program be reauthorized without change.

Alabama Criminal Justice Information System

The Association opposes legislation that would require county commissions and their agencies to pay any additional fees for access to the Alabama Criminal Justice Information System unless fair and reasonable guidelines are established that apply to all entities utilizing the system.

Dangerous Dogs

The Association supports efforts to address the problem of dangerous dogs running at large, but opposes legislation mandating that counties assume responsibility for the regulation and enforcement of such laws or making it more difficult to bring action against the dog owners for dangerous behavior.

Ethics Reform

The Association supports legislation reforming Alabama's current Ethics Law provided such legislation (1) provides adequate due process protections for officials and employees accused of a violation, (2) does not allow for investigation of



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anonymous complaints, (3) requires a unanimous vote for an investigation initiated by the Ethics Commission, (4) authorizes any subpoena powers only after a finding of probable cause by affirmative vote of the Ethics Commission, and (5) requires timely completion of investigations.

PUBLIC WORKS & RURAL TRANSPORTATION

Local Transportation Safety Initiative

The Association supports legislation authorizing a county commission to hold a local referendum for approval to impose a renewable temporary local gasoline and motor fuel tax to fund specified local road

and bridge projects.

Collection, Enforcement, and Distribution of Motor Fuel and Gas Taxes

The Association supports legislation to strengthen the collection and enforcement of Alabama's motor fuel and gas taxes including shifting the responsibility from the Department of Revenue to the Department of Transportation. Additionally, the Association opposes any measures, including budget appropriations, which would divert taxes currently earmarked for roads and bridges to other state functions.

Highway, Road and Bridge Funding

The Association supports federal or state legislation providing adequate



funding for new or existing highway, road and bridge projects through increased taxes, a diesel fuel tax earmarked for county road and bridge projects, or any other appropriate means, provided county government receives an equitable portion of such funding utilizing the current gas tax formula. The Association opposes any legislation that would reduce the current level of federal or state funding for county road and bridge projects, and urges the Department of Transportation to distribute to counties an equitable share of any federal funds allocated to the state, including but not limited to federal safety funds.

Transportation Administrative Fees

The Association urges the Department of Transportation to rescind the requirement that counties pay an administrative fee to the Department of Transportation on projects overseen by that department, whether such fees are deducted from the federal monies available for county projects or from county monies paid toward their local match.

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Municipal Responsibility for Roads and Bridges following Annexation

The Association supports legislation to ensure that a municipality assumes all responsibility for roads and bridges included in and adjacent to property being annexed by the municipality and to clarify responsibility for roads and bridges within the police jurisdiction or municipal planning commission's jurisdiction.

Assessment of Property Owners for Public Improvements

The Association supports legislation authorizing counties to assess adjacent property owners for the cost of certain public improvements.

Overweight Vehicles

The Association opposes any legislation to weaken Alabama's law related to weight restrictions on state and county roads or to add new exemptions to such laws. The Association supports legislation to provide that fines collected from persons convicted of driving overweight vehicles on county roads and bridges be distributed to the county's road and bridge fund.

Sales Tax Exemption for Contractors

The Association supports legislation to reinstate the sales tax exemption for materials purchased by contractors for use in construction contracts.

Alabama Highway Commission

The Association opposes legislation to establish a commission to administer the Alabama Department of Transportation.

Speed Limits on County Roads

The Association opposes any

amendments to the current law regarding the speed limit on unposted county roads.

Municipal Water Lines

The Association opposes legislation that would require counties to contact municipal governments prior to the conducting of road maintenance or construction activities on roads under or near which municipal water lines may be buried. Such municipalities should contact the county governing body before the



burying of water lines and should abide by county standards for such activities.

Utility Location

The Association opposes any legislation regarding the "call before you dig" program that would eliminate the current exemption from the notification requirements for routine maintenance performed on the public right-of-way by county and state government.

Aviation Fuel Tax

The Association supports additional state revenue for general aviation airports in order to match federal grants available for such airports.

Construction Zone Liability

The Association supports legislation to provide private road contractors liability protection from civil suits resulting from accidents that occur in construction zones if the contractor was operating within the terms of the contract, provided such legislation also applies to construction projects conducted by county governing bodies.

Toll Roads and Bridges

The Association opposes the sale or lease of any existing roads or bridges to investors or other entities that would operate the roads or bridges based upon a toll system without a comprehensive study to demonstrate that there will be no negative long- or short-range impact on Alabama's taxpayers and the state's economic and social growth. Further, the Association believes that any additional toll bridge or road structures constructed in Alabama should be regulated by the authorizing toll authority to ensure equitable and fair charges to Alabama's motorists.

Taxation and Services within Police Jurisdiction

The Association supports legislation requiring municipalities to assume responsibility for roads and bridges previously maintained by the county within the police jurisdiction if and when the municipality imposes taxes or fees within that area.

Subdivision Regulations within Municipal Jurisdiction

The Association supports legislation to address the problem of enforcing subdivision regulations and road maintenance issues within municipal planning commissions and/or police jurisdictions.

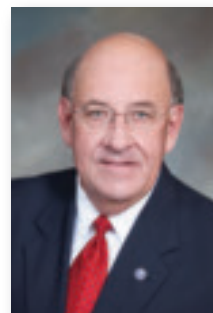
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