



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

Final Legislative Report: 2016 Special Session

This report includes an overview of both the general and local acts passed during the session. It also includes two proposed constitutional amendments that will be on the November ballot, despite some confusion earlier this month.

NEWLY ENACTED GENERAL LAWS

Act 2016-430: Confirmation of Budget Isolation Votes (SB 7 by Sen. Cam Ward)

This proposed constitutional amendment will appear on the November ballot as Amendment 14, and will validate more than 600 local laws currently in question because of the number of actual votes cast on the floor of the House of Representatives. The concern regarding the local laws stems from a circuit court ruling in Jefferson County, which is on appeal to the Alabama Supreme Court. The Association will provide more information on this issue in the coming weeks, including a model resolution expressing support for the passage of Amendment 14.

Appreciation is expressed to Sen. Ward and Rep. Jimmy Martin, who sponsored the legislation in the House, for their leadership in guiding the legislation through the process during this very difficult special session.

Act 2016-469: Distribution of BP Settlement Revenue (HB 36 by Rep. Steve Clouse)

With the failure of the Governor's proposed lottery, the main focus of the special session shifted to the passage of legislation that could provide immediate funding for the state's Medicaid program. The only available avenue for funding during the special session was the distribution of the revenue produced by creating a lump sum payment of the state's litigation against BP based on the Deep Horizon Oil Spill. A similar measure was passed in the House during the regular session, but failed in the Senate.

A compromise version of the bill was crafted during the session's last day, and provides some \$120 million in Medicaid funding over the next three years, distributes a total of \$115 million to Baldwin and Mobile Counties for road projects, and returns at least \$400 million to the Alabama Trust Fund (ATF).

This distribution process repays about two-thirds of the revenue that the Alabama Legislature has withdrawn from the ATF over the last six years. The Association supported the passage of this compromise version, although it remains concerned about the Legislature's resolve to ultimately repay all the funds to the ATF.

[Act 2016-450](#): **Counting of Write-in Votes (HB 19 by Rep. Richard Lindsey)**

For many years, the Legislature has attempted to address the provision of Alabama law that requires all write-in votes to be counted on election night, even though the number of write-ins are seldom significant enough to actually impact the outcome of the election. HB 19 provides for a new process in the days following the election to determine whether the actual number of write-in votes can impact the outcome of the election. If the write-in votes cannot impact the election's final outcome, then the actual ballots will be reviewed and counted only if one of the candidates agrees to pay the cost of counting such ballots.

The act was effective November 1, 2016, and thus will apply to the 2016 general election.

[Act 2016-429](#): **Age Restrictions for Holding Public Positions (HB 31 by Rep. Victor Gaston)**

This proposed constitutional amendment would invalidate existing requirements that persons be unable to hold specific appointed or elected office after reaching a certain age. The proposed changes **do not** alter the existing constitutional provision that prohibits a person from assuming judicial office after reaching the age of 70, but repeals all other age-limitations that exist in the constitution or statutory law.

As a proposed constitutional amendment, the measure will be subject to statewide referendum in November.

[Act 2016-453](#): **Technical Change to Pistol Permits (HB 42 by Rep. David Standridge)**

During the 2016 regular session, the Legislature passed a new law exempting "retired military veterans" from the payment of pistol permit fees. Such veterans would still be subject to background checks and other reviews, but simply were exempted from the payment of the local pistol permit fee. The changes passed during the special session simply ensure that retired veterans – including those who are retired because of disabilities – are afforded the pistol permit at no charge.

This change is also effective December 1, 2016.

NEWLY ENACTED LOCAL LAWS

BALDWIN COUNTY

[Act 2016-445](#) (HB 2 by Rep. McMillan)

This act authorizes the Baldwin County Sheriff to establish procedures allowing limited purchases with credit or debit cards, provided that required accountability measures, as set out in the act, are followed.

The act is effective immediately.

[Act 2016-446](#) (HB 3 by Rep. McMillan)

This act distributes seventy-five percent of the Baldwin County privilege license tax (on tax leasing of tangible personal property) to the county general fund, and requires the Baldwin County Commission to appropriate \$150,000 of that money into a separate fund for the operation of the Baldwin County Legislative Office for each fiscal year going forward.

The act further establishes the Baldwin County Community Capital Fund, and distributes twelve and one-half percent of the privilege license tax to this Fund, which is to be expended at the unanimous direction of the Baldwin County Legislative Delegation for public purposes. The remaining twelve and one-half percent is appropriated into a separate county fund for the Historic Blakeley Authority, with certain requirements for the expenditure of those funds.

The act goes into effect on October 1, 2016.

CHILTON COUNTY

[Act 2016-466](#) (SB 10 by Sen. Chambliss and Rep. Martin)

This act repeals Section 45-11-82 of the Alabama Code, relating to residential limitations for adult sex offenders residing in Chilton County.

The act is effective immediately.

ETOWAH COUNTY

[Act 2016-449](#) (HB 26 by Rep. Butler)

This act authorizes a referendum to determine whether alcoholic beverages may be sold on Sunday by a properly licensed retail store within the City of Southside in Etowah and Calhoun Counties.

The act is effective immediately.

LAWRENCE COUNTY

[Act 2016-448](#) (HB 24 by Rep. Johnson)

This act authorizes the merging of budgetary operations in the Revenue Commissioner's Office and provides that the office shall be financed on a pro rata basis from the proceeds of state, county, municipal, and any other ad valorem taxes collected in the county. The proceeds must be used for the sole purpose of operating the Revenue Commissioner's Office, subject to budget approval for the office by the county commission.

The act is effective immediately.

RANDOLPH COUNTY

[Act 2016-465](#) (SB 1 by Sen. Dial and Rep. Fincher)

This act repeals the 2001 law establishing the Randolph County Industrial Development Council. It redirects all the Council's funding, including the additional tobacco tax that was levied and distributed to the Council, to a fund in the county commission office. The act further provides that these funds may be used to make payments on the Council's debt, until the Legislature establishes a new industrial development council in the county.

The act goes into effect on September 30, 2016.