

IN THE LEGISLATURE OF THE STATE OF
ALABAMA

REGULAR SESSION 2014

HOUSE CALENDAR NO. 1

THIRD LEGISLATIVE DAY

1/16/2014

REGULAR CALENDAR

By Representatives Moore (B), Boothe, Sanderford, Long, McMillan, Williams (D), Lee, Bridges, Faust, Shedd, Carns, McClurkin, McCutcheon, Wren, Buttram, Greer, Butler, McClendon, Baker, Merrill, Johnson (K), Wallace, Hammon, Standridge, Henry, Nordgren, Johnson (W), Brown, Patterson, Farley, Hubbard (M), Collins, Williams (P), Baughn and Weaver:

HB151 To amend Section 40-23-7, Code of Alabama 1975, relating to the collection of state sales taxes, to increase the average monthly tax liability for a taxpayer to be required to make estimated state sales tax payments from \$1,000 or greater to \$2,500 or greater.

Ways and Means Education

Number of amendments: 0

FISCAL NOTE

House Bill 151 as introduced will reduce sales tax receipts to the Education Trust Fund by \$4,500,000 for the fiscal year ending September 30, 2014. This is a one-time reduction due to the transition to the increased threshold for making estimated payments provided in this bill.

Approximately 3,900 taxpayers would no longer be required to make estimated payments if the threshold is increased.

Bill Poole, Chair
Ways and Means Education

By Representatives Patterson, Chesteen, Buttram, Baughn, Wallace, Greer, Long, Johnson (W), Sanderford, Roberts, Williams (D), Moore (B), Johnson (K), Hammon, Hubbard (M), Williams (J), McClendon, Nordgren, Butler, Standridge, Shiver, Shedd, Merrill, Beckman, Tuggle, Hurst, Farley, Brown, Treadaway, Drake, McClurkin, Faust, Baker, Hill and McMillan (With Amendment):

HB97 To add Section 40-1-49 to the Code of Alabama 1975; to require the Department of Revenue, by administrative rule, to suspend collection of certain taxes or fees if the administrative cost of collection is more than the amount collected; to provide exceptions; to provide that no administrative rule suspending collection of a tax or fee shall be applied retroactively; and providing for periodic review of such rules.

State Government

Number of amendments: 1

FISCAL NOTE

House Bill 97 as amended by the State Government Committee allows the Department of Revenue, by administrative rule, to suspend the collection of a tax or fee that the Department is authorized to collect, when the cost of administering the tax or fee exceeds the total amount collected from the tax or fee for each of the previous three fiscal years. According to the Department of Revenue, the bill would initially allow the Department to suspend the collection of the severance tax on iron ore and the playing card tax. These two taxes generated a combined annual average of less than \$100,000 in revenue for the State General Fund over the last three fiscal years, but the average cost to administer these taxes was roughly \$115,000.

In addition, the bill provides that any rule promulgated under the provisions of this act must be reviewed at least once every five years, in accordance with the Red Tape Reduction Act. If it is determined that the administration cost no longer exceed the total amount of tax or fee that would be collected, any corresponding rule must be repealed.

Jamie Ison, Chair
State Government

By Representative Johnson (R):

HB62 Relating to absentee voting laws; to amend Sections 17-6-21, 17-9-3, 17-9-51, 17-11-5, 17-11-12, 17-11-18, 17-13-5, 17-13-18, 17-13-22, 17-13-23, 17-13-81, 17-13-82, 17-13-85, and 17-13-86, Code of Alabama 1975, to change certain election deadlines to facilitate compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff; and to add Section 17-11-43.1 to the Code of Alabama 1975, to allow the use of federal write-in absentee ballots by overseas voters under certain circumstances.

Constitution, Campaigns and Elections
Number of amendments: 0

FISCAL NOTE

House Bill 62 as introduced could increase the administrative obligations of the Secretary of State's office by a small undetermined amount to promulgate rules to necessarily allow uniformed and overseas votes to use the federal write-in absentee ballot to cast votes in any federal, state or local election or referendum.

Randy Davis, Chair
Constitution, Campaigns and Elections

By Representatives Wren and Hubbard (M):

HB108 Relating to business personal property tax; to provide an optional non-itemized short form for the filing of a business personal property tax return for those taxpayers whose total original acquisition cost of all taxable tangible business personal property assets is equal to or less than \$10,000 each year; to provide that the Department of Revenue shall design the short form and filing instructions to be used when filing the short form; to require the Department of Revenue to develop and make available an online electronic filing system which allows any taxpaying entity to electronically file any annual business personal property tax return that is required of the taxpaying entity by any local county assessing official or applicable agency; to provide that there shall be no charge to either a taxpayer or a local taxing jurisdiction to access or utilize the electronic filing

system created hereunder; to establish an advisory committee to oversee the development and implementation of the online filing system created under this act; and to allow the Department of Revenue to promulgate rules to implement the provisions of this bill.

Commerce and Small Business
Number of amendments: 0

FISCAL NOTE

House Bill 108 as introduced would increase the obligations of the Department of Revenue (DOR) by an undetermined amount to design an optional non-itemized short form for filing a business personal property tax return for taxpayers whose original acquisition costs were less than \$10,000 prior to October 1, 2014 and to develop, maintain, and administer an online business personal property tax filing system before September 30, 2016 that will allow a taxpayer to electronically file a business personal property tax return with any county assessing official or applicable agency at no charge to the taxpayer or the local tax jurisdiction.

In addition, the bill requires the taxpayer to first file an itemized business personal property tax return before filing a short form tax return. The tax liability for any taxpayer using the short form tax return will be calculated at \$10,000, which could increase business personal property tax receipts to the state and local governments by a small undetermined amount dependent upon the actual acquisition costs of those taxpayers using the short form.

Any taxpayer who knowingly submits a false or incorrect short form tax return will be subject a penalty of 50 percent of any additional taxes owed which could increase receipts to the state and local governments by an undetermined amount dependent upon the number of taxpayers who knowingly file a false or incorrect short form tax return and the amount of the additional taxes owed.

In addition, the act establishes a 10-member State and Local Advisory Committee to review the design and operation of the system and to make recommendations regarding system requirements and functionality. Members of the Committee will receive no compensation or reimbursement of expenses from the state for serving on the Committee. If the Department fails to act on recommendations by the Committee, the Committee, by majority vote, may appeal to the Legislative Council for a determination on whether the Committee's recommendation will be implemented.

Jack Williams, Chair
Commerce and Small Business

By Representatives DeMarco and Hubbard (M) (With Amendment):

HB105 To add Chapter 2B to Title 40 of the Code of Alabama 1975, to provide for the creation and operation of the Alabama Tax Appeals Commission; to state that the intent of this act is to adopt in large part the American Bar Association Model State Administrative Tax Tribunal Act; to hear appeals of tax and other matters administered by the Department of Revenue and certain taxes levied by or on behalf of self-administered counties or municipalities that do not opt out; to provide the necessary funding for the first year of operations of the Tax Appeals Commission; to amend Sections 40-2A-3, 40-2A-4, 40-2A-5, 40-2A-7, 40-2A-8, 40-2A-11, and 40-18-27, Code of Alabama 1975, for purposes of conformity to the federal Taxpayer Bill of Rights, including broader innocent spouse type relief and increased penalties for negligence, fraud, and frivolous appeals or returns; to make technical corrections; to require amended state income tax returns as a result of IRS audit changes; to increase the amount of time a taxpayer has to file an appeal of a preliminary or final assessment; and to abolish the Administrative Law Division of the Department of Revenue, including repealing Section 40-2A-9, Code of Alabama 1975.

Judiciary
Number of amendments: 1

FISCAL NOTE

House Bill 105 as amended by the Judiciary Committee creates the Alabama Tax Appeals Commission and transfers the Administrative Law Division of the Department of Revenue (DOR) to the Commission, effective October 1, 2014. All expenses of the Commission will be paid from the DOR Administrative Fund and will require an annual appropriation from the Fund to the Commission beginning in fiscal year 2016. The bill transfers \$425,000 from the DOR Administrative Fund to the Commission for the fiscal year ending September 30, 2015.

This bill authorizes the chief judge of the Commission to decide if up to two additional judges are needed based on caseloads however, any proceeding for additional judges may not begin until on or after October 1, 2015. If additional judges are added, the expenses of the Commission will be greater than the annual expenses of the Administrative Law Division of DOR.

Other provisions of this bill could increase/decrease income tax penalty fees by the following estimated amounts:

- 1) A reduction of \$2 million from reduced penalties associated with DOR being required to provide 30 days written notice to a taxpayer before applying the \$50 failure to timely file penalty if the taxpayer is not required to pay any additional tax due or owed a refund.
- 2) An increase of \$500,000 due to increased penalties charged on underpayment of tax and from frivolous returns and appeals.
- 3) An increase of \$500,000 due to increased penalties charged for failure to file by a partnership or an S-Corp and failure to pay electronic funds transfer.

In addition, the bill could delay the receipt of certain income tax delinquent collections due to extending the periods for appealing both preliminary and final assessments from 30 to 60 days.

Paul DeMarco, Chair
Judiciary

By Representative Johnson (W) (With Amendment):

HB42 To provide for the Alabama Taxpayer Audit Protection Act to prohibit discriminatory misconduct by the Department of Revenue against Alabama taxpayers and to provide misdemeanor punishment and a basis for potential disciplinary action for violations; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

State Government
Number of amendments: 1

FISCAL NOTE

House Bill 42 as amended by the State Government Committee will not directly affect state or local funding.

Jamie Ison, Chair
State Government

By Representatives Nordgren and Weaver (With Substitute):

HB31 Relating to health care, to allow health care providers to decline to perform any health care service that violates their conscience and provide remedies for persons who exercise that right and suffer consequences as a result.

Health

Number of amendments: 0

FISCAL NOTE

House Bill 31 as substituted by the Health Committee creates the Health Care Rights of Conscience Act and would allow a health care provider to refuse to provide health care services that conflict with the providers moral, religious or ethical principals by objecting in writing prior to being asked to provide the health care services. The bill provides that in a life-threatening situation a health care provider who objects to providing services that conflict with their moral, religious or ethical principles shall provide services until an alternate health care provider capable of providing or participating in the emergency treatment, care, or procedure is available.

This bill further provides for no civil, criminal, or administrative liability for declining to participate in health care services that violate the provider's conscience unless failure to do so would endanger the life of a patient.

Jim McClendon, Chair
Health

By Representatives Lee and Henry:

HB48 Relating to tax credit; to provide definitions; and to provide a tax credit for a private intrastate adoption or the adoption of a qualified foster child.

Ways and Means Education

Number of amendments: 0

FISCAL NOTE

House Bill 48 as introduced provides a one-time, refundable income tax credit of \$1,000 for each child adopted through a private intrastate adoption or a qualified foster child, effective January 1, 2014 for the 2014 tax year and subsequent tax years.

Based on the total number of private intrastate adoptions and qualified foster child adoptions in fiscal year 2013, as reported by the Department of Human Resources, the bill would reduce income tax receipts to the Education Trust Fund by an estimated \$2.5 million annually beginning with the fiscal year ending September 30, 2015.

Pursuant to the provisions of the Education Trust Fund Rolling Reserve Act contained in section 29-9-3(4), Code of Alabama 1975, this bill will reduce the fiscal year appropriation cap for FY 2015 by \$2,500,000.

Bill Poole, Chair
Ways and Means Education

By Representatives Jones, Henry, Baker, Greer, Wallace, Baughn, Buttram, Chesteen, Patterson, Farley, Rich, Brown, Hurst, Tuggle, Beckman, Millican, Merrill, Sanderford, Johnson (W), Roberts, Williams (D), Moore (B), Johnson (K), Hammon, Hubbard (M), McClendon, Nordgren, Butler, Standridge, Shiver, Shedd, Collins, McClurkin, Drake, Treadaway, Sessions, Faust, Hill, McMillan, Williams (P), Ball, Carns, Williams (J), Davis, McCutcheon and Long (With Substitute) (With Amendment):

HB64 Relating to sovereign immunity, to specify in statute that an officer, employee, or agent of the state, including a certified or noncertified employee of the State Board of Education or any local board of education, in his or her official capacity is immune from liability in any suit pursuant to the Constitution of Alabama of 1901; and to specify that these persons are not personally liable for any act that is incident to or within the scope of the duties of their position of employment with, or relationship to, the state and that involve the exercise of judgment or discretion, unless he or she acts willfully, maliciously, fraudulently, in bad faith, or beyond his or her authority.

Judiciary

Number of amendments: 1

FISCAL NOTE

House Bill 64 as substituted and amended by the Judiciary Committee will not directly affect state or local funding.

Paul DeMarco, Chair
Judiciary

By Representative Gaston:

HB30 To amend Section 41-22-23 of the Code of Alabama 1975, relating to the Alabama Administrative Procedure Act; to allow an agency to withdraw a proposed or certified rule.

State Government

Number of amendments: 0

FISCAL NOTE

House Bill 30 as introduced could decrease the obligations of the Legislative Council by a small, undetermined amount if the provision of this bill cause a reduction in the number of meetings of the Council.

Jamie Ison, Chair
State Government

By Representative Clouse (With Amendment):

HB66 To amend Section 27-52-1, Code of Alabama 1975, relating to health insurance; to authorize the Alabama Health Insurance Plan to cease operations under certain conditions upon giving time to current participants to transition out of the plan; and to provide for the transfer of unspent and unencumbered funds to the State General Fund.

Insurance

Number of amendments: 1

FISCAL NOTE

House Bill 66 as amended and reported by the Insurance Committee suspends the Alabama Health Insurance Plan (AHIP) contingent upon a federal mandate that requires guaranteed-issue of health insurance plans in compliance with federal law. This bill requires that any unobligated funds of the plan remaining after the suspension of the AHIP be transferred to the State General Fund. Further, this bill could eliminate the need for the annual AHIP assessment on health insurers, which is 100% tax deductible. The AHIP assessment in 2013 was \$10.6 million. These provisions could increase receipts to the State General Fund by an undetermined amount dependent upon 1) the future enrollment in the AHIP and 2) the amount of claims paid by the AHIP on those covered members. The bill will also reduce the administrative expenses of the State Employees Insurance Board by \$360,000 annually; however these administrative expenses are currently funded from the premiums paid under the AHIP and the AHIP assessment.

Mike Hill, Chair
Insurance

By Representative McMillan:

HB9 Relating to elections; to provide for The Alabama Informed Voter Act; to create a Fair Ballot Commission to approve statements that explain the effect of a vote for or against a proposed ballot question; to provide for membership and terms of the commission; and to require the commission's work to be posted on the Legislature's website.

Constitution, Campaigns and Elections
Number of amendments: 0

FISCAL NOTE

House Bill 9 as introduced would enact the Alabama Informed Voter Act. The bill would create a fifteen-member Fair Ballot Commission to provide information that explains the effect of a vote for or against a statewide ballot measure. The Commission members will receive no compensation, but are eligible to be reimbursed for travel expenses at the same rate as state employees, paid from funds provided from the Legislature. This could increase the obligations of the Legislature by an undetermined amount dependent upon the number of commission meetings; however, these costs could be reduced or offset by provisions in the bill that would allow Commission members to participate in a meeting by means of telephone or video conference. The bill could further increase the obligations of the Legislature by an undetermined amount to post Ballot Statements approved by the Commission on the Legislature's website including links to other websites that discuss upcoming statewide ballot measures as required in the bill.

The bill could also increase the obligations of the Legislative Fiscal Office, Legislative Reference Service, the Alabama Law Institute, the Clerk of the House of Representatives, and the Secretary of the Senate by an undetermined amount to provide clerical assistance to the Commission as determined by the chair of the Commission.

Randy Davis, Chair
Constitution, Campaigns and Elections

By Representative Williams (J):

HB88 To amend Section 25-4-73, Code of Alabama 1975, relating to unemployment compensation; to alter the formula for calculating the individual weekly benefit payment, providing that an eligible individual who is unemployed or partially unemployed in any week shall be paid an amount equal to his or her weekly benefit amount that is reduced by a certain amount of wages payable to the individual for that week.

Commerce and Small Business

Number of amendments: 0

FISCAL NOTE

House Bill 88 as introduced alters the method used to calculate the casual wages that an unemployed person may earn without reducing their individual weekly benefit. This bill which will increase the obligations of the Unemployment Compensation Trust Fund for benefits payments, which are funded by employer contributions, by an estimated annual amount of \$980,000.

Jack Williams, Chair
Commerce and Small Business

By Representative Boothe:

HB44 To amend Section 40-12-248, Code of Alabama 1975, relating to the annual license tax and registration fee with respect to truck tractors owned and used by a farmer to transport farm products; to delete the limitation authorizing a farmer to obtain a tag at a reduced annual license tax and registration fee for only one truck tractor.

Public Safety and Homeland Security

Number of amendments: 0

FISCAL NOTE

House Bill 44 as introduced could reduce receipts to the Public Road and Bridge Fund, the several counties, and the several municipalities by an undetermined amount dependent on the number of additional farm tags issued for truck tractors owned and used by farmers transporting farm products at reduced rates under the provisions of the bill. For each additional farm tag issued at the reduced rate, the registration fee would be decreased by the following amounts based on the weight of the truck tractor:

| Vehicle Weight in Pounds | Registration Fee Decrease |
|--------------------------|---------------------------|
| Under 30,000 | (\$5) to (\$270) |
| 30,001 to 42,000 | (\$215) to (\$435) |
| 42,001 and over | (\$335) to (\$640) |

Micky Hammon, Chair
Public Safety and Homeland Security

By Representative Ison:

HB89 To amend Section 35-8B-1, Code of Alabama 1975, as amended by Act 2012-327, 2012 Regular Session, to provide that if a municipality annexes a community development district or if a community development district is incorporated as a municipality, the territory of the community development district remains wet and any remaining portion of the municipality, at the discretion of the governing body of the municipality, shall be wet.

State Government

Number of amendments: 0

FISCAL NOTE

House Bill 89 as introduced would allow a community development district, established prior to the effective date of this act, that becomes a newly incorporated municipality to be wet with the sale and distribution of alcoholic beverages therein authorized to the full extent of any other wet municipality.

This bill would increase alcoholic beverage tax receipts to the newly incorporated municipalities and receipts to counties could decrease by a similar amount dependent upon the number of community development districts incorporated as new municipalities. There are currently only 6 community development districts that could be impacted by the provisions of this bill.

Jamie Ison, Chair
State Government

By Representative McClurkin:

HB129 To amend Sections 40-23-4, as amended by Act 2013-200, 2013 Regular Session, and 40-23-62, as amended by Act 2013-196 and Act 2013-200 of the 2013 Regular Session, Code of Alabama 1975, to clarify and confirm that the gross proceeds of sales to or the storage, use, or other consumption of tangible personal property by private schools, colleges, and universities located in Alabama are exempt from state and local sales and use tax, as are lunches sold to school children of either public or private schools, while in school buildings; and to provide a retroactive effective date. However, no refunds shall be due or issued pursuant to this act with respect to those periods prior to the effective date of this act.

Ways and Means Education

Number of amendments: 0

FISCAL NOTE

House Bill 129 as introduced would codify a regulation of the Alabama Department of Revenue initially adopted in 1961 exempting private educational institutions operating within Alabama from state and local sales and use taxes on tangible personal property and lunches provided to K-12 students that are not sold for a profit.

Failure to pass this bill could result in the loss of this exemption and cause unknown, but potentially substantial increases in state and local sales and use taxes paid by these entities depending on the actions taken by the department.

The provisions of this bill apply retroactively to all tax periods in which there is a preliminary or final tax assessment. This bill provides that no refunds shall be provided for tax periods in which a preliminary or final tax assessment was entered prior to the effective date of this act.

Bill Poole, Chair
Ways and Means Education

By Representative Hill:

HB102 To amend Section 24-1A-42, Code of Alabama 1975, of the Alabama Home Buyers Initiative Act, and to add a new Section 24-1A-44 to the Code of Alabama 1975, in order to make the mortgage guarantee fund established by the Alabama Home Buyers Initiative Act available for alternative housing programs.

Insurance

Number of amendments: 0

FISCAL NOTE

House Bill 102 as introduced amends the Alabama Home Buyers Initiative Act by 1) creating a new Alternative Housing Program to be administered by the Alabama Housing Finance Authority (AHFA) in order to promote home ownership within the state, and 2) authorizing the expenditure of the entirety of the balance of the Mortgage Guarantee Fund, for alternative housing programs, including the establishment of reserve funds for housing initiatives, the payment of mortgage insurance premiums, and the establishment of homeowner education programs.

The current balance of the Mortgage Guarantee Fund is \$6 million, which was the initial amount appropriated into the Fund in the fiscal year ending September 30, 2009.

Mike Hill, Chair
Insurance

By Representative Wood:

HB27 To amend Section 13A-7-6 of the Code of Alabama 1975, relating to burglary in the second degree; to further define the offense to include burglary of a habitable dwelling-house; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

Judiciary

Number of amendments: 0

FISCAL NOTE

House Bill 27 as introduced could increase the obligations of the Board of Pardons and Paroles and the Department of Corrections and increases receipts to the State General Fund from fines by an amount dependent upon the number of persons convicted of a greater offense as a result of redefining burglary in the second degree.

Paul DeMarco, Chair
Judiciary

By Representative Beckman:

HB58 To amend Sections 13A-6-4 and 13A-6-20 of the Code of Alabama 1975, relating to the offense of criminally negligent homicide and assault in the first degree, respectively, and providing when the offenses are committed by persons unlawfully driving a motor vehicle under the influence of alcohol or drugs; to provide that the offense may be committed by a person while driving or operating any vehicle, including a vessel, while unlawfully under the influence of alcohol or drugs; to repeal Section 32-5A-192 of the Code of Alabama 1975; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

Judiciary
Number of amendments: 0

FISCAL NOTE

House Bill 58 as introduced could increase receipts to the State General Fund from fines, increase receipts to the State General Fund, county general funds and other funds to which court costs are deposited, and could significantly increase the obligations of the Board of Pardons and Paroles and the Department of Corrections by an amount dependent upon the number of persons convicted of the offenses for which this bill provides and could decrease receipts from fines to the State Water Safety Fund. This bill could also decrease the obligations of local jails as a result of the reclassification of certain misdemeanors to felonies.

Paul DeMarco, Chair
Judiciary

By Representative England:

HB47 Relating to criminal surveillance; to provide that an authorized judge may issue a warrant for the installation, removal, maintenance, use, and monitoring of a tracking device; to provide for the crime of unlawfully installing a tracking device; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

Judiciary
Number of amendments: 0

FISCAL NOTE

House Bill 47 as introduced could increase receipts to the State General Fund and municipal general funds from fines; increase receipts to the State General Fund, county general funds, municipal general funds, and other funds to which court costs are deposited; and could increase the obligations of local jails by an amount dependent upon the number of persons charged with and convicted of the offense provided by this bill and the penalties imposed.

Paul DeMarco, Chair
Judiciary

By Representative Wallace (With Amendments):

HB25 Relating to civil liability; to provide for limitation of liability for certain motorized off-road vehicle activities; to provide for exceptions to limitation of liability; to require the posting of signs and warnings at certain motorized off-road vehicle activities; and to provide that the failure to post signs and warnings would prevent the invocation of the privilege of immunity.

Judiciary
Number of amendments: 2

FISCAL NOTE

House Bill 25 as amended by the Judiciary Committee will not directly affect state or local funding.

Paul DeMarco, Chair
Judiciary

By Representative DeMarco:

HB19 To amend Section 36-16-8 of the Code of Alabama 1975, relating to the State Auditor's Office, Property Inventory Control Division; to require the Property Inventory Control Division to develop and maintain a searchable inventory database of all state personal property for each department or agency.

State Government
Number of amendments: 0

FISCAL NOTE

House Bill 19 as introduced will increase the obligations of the State Auditor's Office by a department estimated \$7,000 for the fiscal year ending September 30, 2015 and between \$1,000 and \$1,500 for every fiscal year thereafter.

Jamie Ison, Chair
State Government

By Representative DeMarco (With Amendment):

HB20 Relating to the State Department of Finance; to require the department to develop and maintain an automated inventory of all facilities and lands owned, leased, rented, or otherwise occupied or maintained by any agency of the state or by the judicial branch; to provide for certain exceptions; and to provide for updates.

State Government

Number of amendments: 1

FISCAL NOTE

House Bill 20 as amended by the Committee on State Government could increase the obligations of the Department of Finance by an undetermined amount to modify the current state facilities and lands automated inventory database as necessary to include additional agencies and to provide inventory reports to agencies. The bill will also increase the obligations of the Department of Transportation, Alabama Commission on Higher Education and Department of Postsecondary Education to develop and maintain separate facilities inventories. The following represents the estimated additional costs as determined by the departments to develop and maintain the facilities inventories:

| Entity | Personnel and Travel Costs | System Development Costs | Maintenance Cost | Total |
|---------------------------------------|----------------------------|--------------------------|------------------|-------------------------|
| Department of Transportation | \$95,000 (max) | -- | -- | \$95,000 (max) |
| Department of Postsecondary Education | -- | \$44,000 | \$18,000 | \$62,000 |
| Commission on Higher Education | -- | -- | -- | Small, but Undetermined |
| Colleges/ Uni-versities | -- | -- | -- | Undetermined |

Jamie Ison, Chair
State Government

By Representatives Baughn, Wallace, Buttram, Roberts, Jones, Laird, Greer, Sanderford and Long:

HB51 To amend Section 23-1-26, Code of Alabama 1975, to allow the Director of Transportation to appoint additional assistant counsel as may be necessary to transact the business of the department.

State Government

Number of amendments: 0

FISCAL NOTE

House Bill 51 as introduced allows the Director of Transportation to appoint assistant legal counsel as necessary. Current law restricts the number of such appointments to five. Such appointments would continue to be subject to both the state Merit System law and the approval of the Attorney General. This bill could increase the annual personnel expenditures of the Department of Transportation by an unknown amount dependent upon the number of legal counsel appointed in addition to the five authorized to be appointed under current law. The pay range for an Attorney I through IV is from \$45,501 to \$141,785 annually. Such expenditure increase would be paid from Department funds.

Jamie Ison, Chair
State Government

By Representative Buskey:

HB183 To amend Section 33-4-48, Code of Alabama 1975, relating to the fees of bar pilots in Mobile Bay or Harbor; to provide for cost-of-living adjustments and other adjustments to bar pilot fees under certain conditions.

Agriculture and Forestry

Number of amendments: 0

FISCAL NOTE

House Bill 183 as introduced will not directly affect state or local funding.

Chad Fincher, Chair
Agriculture and Forestry

By Representative McMillan:

HB93 Relating to animal control; to require an animal shelter owner, operator, manager, or director to report the total number of animals that have entered the facility and the disposition of the animals; and to make the report available to the public.

Agriculture and Forestry

Number of amendments: 0

FISCAL NOTE

House Bill 93 as introduced would increase the obligations of any municipal or county animal shelter or humane society to publish a monthly report on the disposition of animals cared for in their shelter and the cost to provide such care and to make the report available to the public. The increase in obligations could be offset in total or in part from fees to be established by the shelter to provide copies of this report, as provided for in this bill.

Chad Fincher, Chair
Agriculture and Forestry

By Representative Sessions:

HB131 To amend Sections 2-28-1, 2-28-2, 2-28-3, 2-28-4, 2-28-5, 2-28-7, and 2-28-12, Code of Alabama 1975, to require that landscape irrigation work be examined by the Commissioner of Agriculture and Industries; to require a landscape irrigation contractor to obtain a permit and to provide supervisory restrictions; to provide prohibition for structural pest control permit applicants; and to exclude persons engaging in the custom application of pesticides from the requirements.

Agriculture and Forestry

Number of amendments: 0

FISCAL NOTE

House Bill 131 as introduced would include landscape irrigation contractors in the provisions of existing law that require persons engaged in certain professional work or services regulated by the Department of Agriculture and Industries to take an examination administered by the Department and obtain a permit to perform professional work. The provisions of this bill could increase examination fees paid to the Agricultural Fund of the Department by an estimated \$30,000 for the fiscal year ending September 30, 2014 and could increase permit fees paid to the Fund by an estimated \$70,000 annually.

In addition, this bill provides for the certification of persons who qualify as registered technicians for professional work involving pesticides. This bill could increase fees to the Agriculture Fund by an undetermined amount dependent upon the number of persons who are certified by the Department as registered technicians for professional work involving pesticides and the amount of the certification fee to be set by the Department.

Chad Fincher, Chair
Agriculture and Forestry

By Representative Hurst:

HB144 To repeal Section 8-15-8 of the Code of Alabama 1975, requiring the bond on a public warehouse filed with the Commissioner of Agriculture and Industries to be recorded in the office of the judge of probate.

Agriculture and Forestry
Number of amendments: 0

FISCAL NOTE

House Bill 144 as introduced will reduce the administrative obligations of the Department of Agriculture and Industries by a small amount by repealing the requirement that public warehouse bonds be filed in the probate office of the county in which the warehouse is located. In addition, this bill could decrease recording fees to county probate offices by \$.15 per 100 words on each bond recorded in the county. According to the Department, there are only 165 warehouses statewide currently subject to this provision of law.

Chad Fincher, Chair
Agriculture and Forestry

By Representative Weaver:

HB16 To amend Section 6-5-332 of the Code of Alabama 1975, the Good Samaritan Law, to provide civil immunity to any person who volunteers without cost to provide temporary care under the direction of the primary home caregiver for a person who has a disability or a chronic illness. Such a volunteer who, in good faith, performs the care without making any charge for goods or services therefor may not be liable for any civil damages as a result of any act or omission by the volunteer in rendering the care or as a result of any act or failure to act to provide or arrange for care for the person with a disability or a chronic illness, if the volunteer acts as a reasonably prudent person would have acted under the same or similar circumstances.

Health
Number of amendments: 0

FISCAL NOTE

House Bill 16 as introduced will not directly affect state or local funding.

Jim McClendon, Chair
Health

By Representative Wood (With Substitute):

HB54 Relating to crimes and offenses; to establish the crime of interference with public safety communication; to provide penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

Public Safety and Homeland Security
Number of amendments: 0

FISCAL NOTE

House Bill 54 as substituted by the Public Safety and Homeland Security Committee could increase receipts to the State General Fund from fines; increase receipts to the State General Fund, county general funds and other funds to which court costs are deposited, and could increase the obligations of the Board of Pardons and Paroles and the Department of Corrections by an amount dependent upon the number of persons convicted of the offense for which this bill provides.

Micky Hammon, Chair
Public Safety and Homeland Security

By Representative Poole:

HB33 To amend Sections 13A-7-1 and 15-10-3, Code of Alabama 1975, relating to warrantless arrests, to authorize a law enforcement officer to arrest a person without a warrant under certain conditions for trespassing on the property of an educational institution and to further provide for the definition of "building".

Public Safety and Homeland Security
Number of amendments: 0

FISCAL NOTE

House Bill 33 as introduced could increase the obligations of local jails by an undetermined amount.

Micky Hammon, Chair
Public Safety and Homeland Security

By Representative Polizos:

HB74 To amend Section 16-22-1, Code of Alabama 1975, as amended by Act 2013-191, 2013 Regular Session, relating to the appointment of police officers at certain educational institutions; to grant such authority to the president or chief executive officer of Faulkner University.

Public Safety and Homeland Security

Number of amendments: 0

FISCAL NOTE

House Bill 74 as introduced could increase the obligations of the State General Fund for the payment of death benefits (currently \$112,382 and adjusted annually based on increases in the consumer price index) to the dependents of any Faulkner University campus police officer killed or who dies as a result of injuries received while engaged in the performance of his or her duties.

Micky Hammon, Chair
Public Safety and Homeland Security

By Representative Sanderford:

HB90 To amend Section 34-2-33, Code of Alabama 1975, to change the date of expiration of a certificate of registration to practice architecture from September 30 to December 31; and to shorten the time period for renewing a certificate, with late penalty, from 90 to 30 days.

Boards, Agencies and Commissions

Number of amendments: 0

FISCAL NOTE

House Bill 90 as introduced could increase receipts to the Registration of Architects Board Fund by an undetermined amount dependent upon the number of applicants that fail to apply within the late renewal period, which is shortened by this bill, and are required to pay the \$250 reinstatement fee.

Howard Sanderford, Chair
Boards, Agencies and Commissions

By Representative Wallace:

HB23 Relating to auctions; to add Section 34-4-55 to Chapter 4 of Title 34 of the Code of Alabama 1975; to require the owner of an auction business or business of auctioneering to maintain a record of all goods sold at auction for more than \$100; to make available to the appropriate law enforcement agency a record of the transactions; to further provide that the records shall be a correct copy of the entries made of the goods sold at auction; and to amend Section 34-4-7, Code of Alabama 1975, to exempt an owner who violates Section 34-4-55, Code of Alabama 1975, from criminal penalties.

Boards, Agencies and Commissions

Number of amendments: 0

FISCAL NOTE

House Bill 23 as introduced would increase receipts to the Board of Auctioneers Account by up to \$1,000 for each violation of the provisions of this bill.

Howard Sanderford, Chair
Boards, Agencies and Commissions

By Representative Jones:

HB11 To amend Sections 9-17-100, 9-17-101, 9-17-103, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-109, 9-17-121, 9-17-122, 40-17-161, 40-17-164, and 40-17-165, Code of Alabama 1975, relating to the Alabama Liquefied Petroleum Gas Board and the Liquefied Petroleum Gas Fuel Tax; to delete the definition of the Liquefied Petroleum Gas Recovery Fund; provide for the posting of board rules, and amendments to rules, on the board website; delete the requirement that a permit holder file a surety in cash with the board; delete the requirement that the board administrator file an official bond with the Secretary of State; authorize the board to issue uniform nontraffic citations, in lieu of uniform traffic citations, relating to the transportation of LP-gas; delete the requirement that Class A permit applicants provide the board with proof of the availability of gases sufficient to supply customers; provide further for a Class F permit; delete reference to temporary permits; delete antiquated language; revise minimum requirements for commercial general liability and automobile liability insurance coverage for applicants; delete reference to the LP-Gas Board Personal Bond Fund; require all LP-gas delivery cargo vehicles to be appropriately marked; change the date on which fees for Class F and Class F-1 permits are due from January 1 to July 1; delete the refund of certain fees when a permit holder sells gas to an end user who is outside of the state; and delete the ability of an entity to act as an agent for duties already provided for under an existing permit.

Boards, Agencies and Commissions
Number of amendments: 0

FISCAL NOTE

House Bill 11 as introduced could increase receipts to the Liquefied Petroleum (LP) Gas Board Fund by an estimated \$50,000 annually due to provisions requiring agents of certain LP Gas Board permit holders to obtain a permit to continue their operations. This bill would also provide for an estimated \$50,000 one-time increase in receipts to the LP Gas Board Fund by abolishing the LP Gas Recovery Fund and transferring its balance to the LP Gas Board Fund.

In addition, this bill could reduce the administrative obligations of the Board by a small amount by deleting the requirement for the administrator to make and file with the Secretary of State an official bond and by allowing the Board to post changes to rules and regulations on its website instead of providing the same by mail. This bill also eliminates the obsolete LP Gas Board Personal Bond Fund and deletes language allowing certain permit holders, upon application, to receive a credit or refund for fees paid on petroleum gas purchased within the state of Alabama and sold to out-of-state end users. These provisions will not affect Board funding.

Howard Sanderford, Chair
Boards, Agencies and Commissions

By Representative Sanderford:

HB103 To amend Sections 27-7-4.4, 27-9A-17, and 27-25-4.6, Code of Alabama 1975, relating to the licensing by the Department of Insurance, insurance producers, title insurance agents, and independent adjusters, and authorizing the Commissioner of Insurance to require the submission of fingerprints for the purpose of criminal background checks; to delete all reference to submitting and storing the electronic fingerprint records with the National Association of Insurance Commissioners for retention in a centralized repository and to provide an exception for limited lines producers.

Insurance

Number of amendments: 0

FISCAL NOTE

House Bill 103 as introduced could increase the obligations of the Department of Insurance (Department) by a small, undetermined amount for instituting and overseeing a criminal history background check program for new license applicants. This bill authorizes two options for the Department to conduct criminal history record checks on initial resident applications for insurance producer licenses. In one option the fee would be submitted to the Department of Public Safety to conduct the background check which could increase receipts to the Department of Public Safety's Automated Fingerprint Identification Fund (Fund) by \$27 for each check conducted. The total cost of a national criminal background check is \$41.50, with \$14.50 distributed to the Federal Bureau of Investigation. In the second option the Department could contract for the collections, transmission, and resubmission of fingerprints for these checks, and the fee for the check would be paid directly from the applicant to the contractor.

Mike Hill, Chair
Insurance

By Representative Hill:

HB57 Relating to insurance; to revise the Alabama Risk-Based Capital (RBC) for Insurers Act to define insurers to include fraternal benefit societies and health organizations, such as health care service plans, health maintenance organizations, and dental service corporations; to subject health organizations to the same RBC requirements applicable to property and casualty insurers; to revise the Alabama Business Transacted with Producer Controlled Property and Casualty Insurer Law to change the definition of insurer to include risk retention groups; to revise the Alabama Risk Retention Act to require risk retention groups chartered and licensed in this state to file an annual financial statement with the Department of Insurance and with the NAIC in a form prescribed by the NAIC and to require them to adopt governance standards relating to the board of directors, service provider contracts, written policy, and audit committee; to adopt a code of business conduct and ethics for directors, officers, and employees; to amend Sections 27-2B-2; 27-2B-3; 27-2B-4, as amended by Act 2013-194, 2013 Regular Session; 27-2B-7; and 27-2B-10, Code of Alabama 1975; to add Section 27-2B-14.1 to the Code of Alabama 1975; to amend Sections 27-6B-2 and 27-6B-4, Code of Alabama 1975; to amend Section 27-3A-3, Code of Alabama 1975; to add Section 27-3A-3.1 to the Code of Alabama 1975; and to amend Sections 10A-20-6.16, 22-21-374 and 22-21A-23, Code of Alabama 1975.

Insurance

Number of amendments: 0

FISCAL NOTE

House Bill 57 as introduced revises certain provisions relating to risk-based capital for insurers, business transacted with producer controlled property and casualty insurers, and risk retention groups. These provisions could increase the administrative obligations of the Department of Insurance by an undetermined amount due to the additional duties of the Department required by these provisions; however this increase in obligation may be offset by license, fine and fee receipts to the Department from additional types of entities regulated under this bill.

Mike Hill, Chair
Insurance

By Representative Hill:

HB65 Relating to property and casualty insurance; to specify that policies and endorsements may be mailed, delivered, or posted on the website of the insurer; and to provide that a paper copy of a policy would be available to the policyholder upon request without charge.

Insurance
Number of amendments: 0

FISCAL NOTE

HB 65 as introduced will not directly affect state or local funding.

Mike Hill, Chair
Insurance

By Representative Hill (With Amendment):

HB111 Relating to insurance; to revise the Alabama Insurance Holding Company System Regulatory Act; to require assessment of enterprise risk within the insurance holding company system; to provide for public hearings; to require pre-acquisition notice to the Commissioner of Insurance and give the commissioner the power to disapprove acquisitions; to authorize the commissioner to enter into supervisory colleges with other regulators for a domestic insurer that is part of an international holding company; to add additional penalties; and to grant additional recovery rights to receivers for a domestic insurer and in connection, would amend Sections 10A-20-6.16, 27-21A-23, 27-29-1, 27-29-2, 27-29-3, 27-29-4, 27-29-5, 27-29-6, 27-29-7, 27-29-10, and 27-34-54, Code of Alabama 1975, and to add Sections 27-29-3.1, 27-29-6.1, and 27-29-11.1 to the Code of Alabama 1975; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

Insurance
Number of amendments: 1

FISCAL NOTE

House Bill 111 as amended and reported by the Insurance Committee revises certain provisions relating to insurance holding company regulation. These provisions could increase the administrative obligations of the Department of Insurance by an undetermined amount due to the additional duties of the Department required by these provisions; however this increase in obligation may be offset by license, fine and fee receipts to the Department from additional types of entities regulated under this bill.

This bill establishes new penalties, civil forfeitures, and fines which could increase receipts to the State General Fund and Insurance Department Fund.

This bill also authorizes the Commissioner of Insurance to participate in a supervisory college in order to regulate in-state insurers that may be part of insurance holding companies with international operations. Insurers subject to this provision are required to offset the increased obligations of the Department due to participation in a supervisory college.

Mike Hill, Chair
Insurance

By Representative McClurkin (Constitutional Amendment):

HB26 Proposing an amendment to Amendment 621 to the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to unfunded mandates for municipalities; to remove the exception for expenditures by a local board of education.

Education Policy
Number of amendments: 0

FISCAL NOTE

House Bill 26 as introduced proposes a constitutional amendment that would prohibit unfunded mandates for local boards of education unless enacted by a 2/3 vote of the Legislature. However, exempted from the unfunded mandates prohibition for local boards of education are any acts, statutes, administrative rules, or other provisions that address compensation, benefits or due process of any employee of the board. This bill will increase the proclamation expenses of the Governor, paid from the State General Fund, by an estimated \$100,000 for the fiscal year ending September 30, 2015.

Mary Sue McClurkin, Chair
Education Policy

By Representatives Johnson (R) and Hurst (With Notice and Proof):

HB214 Relating to Talladega County; to amend Section 11 of Act 91-533 of the 1991 Regular Session (Acts 1991, p. 948), as last amended by Act 2000-758, 2000 Regular Session (Acts 2000, p. 1732), relating to a special sales tax outside of cities within the county; to further define the members of the Talladega County legislative delegation relating to the distribution of a portion of the revenue derived from the act to specify that the term includes only those members of the legislative delegation who reside in the county.

Local Legislation
Number of amendments: 0

By Representatives Clouse and Boothe (With Notice and Proof):

HB189 Relating to Dale County; to authorize the Dale County Commission to levy a lodging tax; and to provide for the collection of the tax and the distribution of the proceeds from the tax.

Local Legislation

Number of amendments: 0

By Representatives Clouse and Boothe (With Notice and Proof):

HB190 Relating to Dale County; to authorize the county commission to establish a contingent fund; and to establish the amount which may be appropriated annually to the contingent fund.

Local Legislation

Number of amendments: 0

By Representative Laird (With Notice and Proof):

HB174 Relating to Randolph County; authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; providing for such an auction and for the disposition of proceeds; and authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms.

Local Legislation

Number of amendments: 0

By Representative Laird (With Notice and Proof):

HB175 Relating to Randolph County; to authorize the county commission to enact a noise ordinance in the areas outside the corporate limits of a municipality; and outside the boundaries of any industrial park designated by the county pursuant to Sections 11-23-1 to 11-23-8, inclusive, of the Code of Alabama 1975 and to provide that a violation of the ordinance constitutes a public nuisance subject to civil penalties.

Local Legislation

Number of amendments: 0

By Representative Laird (With Notice and Proof):

HB176 Relating to Randolph County; to authorize the county commission to regulate the location of Alcoholic Beverage Control Board licensees in relation to churches and schools; and to provide for enforcement.

Local Legislation

Number of amendments: 0

By Representative Laird (With Notice and Proof):

HB177 Relating to Randolph County; to provide an additional service of process fee in civil cases and a service of process fee in civil and criminal cases instituted outside the State of Alabama; and to provide for the distribution of the proceeds to the Sheriff's Department Fund.

Local Legislation

Number of amendments: 0

By Representative Beckman (With Notice and Proof):

HB92 Relating to Elmore County; to amend Section 45-26-81.22 of the Code of Alabama 1975, authorizing the judge of probate to establish a policy on the sale of or access to computerized index information or digitized images; to provide further for the use of funds received from the sale of such information.

Local Legislation

Number of amendments: 0

By Representative Newton (With Notice and Proof):

HB197 Relating to Conecuh County; to provide for the total expense allowance for the coroner; to ratify and confirm all prior actions of the Conecuh County Commission relative to the expense allowance for the coroner; and to provide for cost-of-living increases in the expense allowance of the coroner under certain conditions.

Local Legislation

Number of amendments: 0

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