

Arise Bills of Interest 2006 Regular Session

(updated 4/19/2006)

The Alabama Legislature adjourned sine die in the early morning hours of Tuesday, April 18th.

The following is the final status of bills that Arise has tracked during this legislative session. The status of bills receiving final passage during this session is noted in bold print.

ARISE LEGISLATIVE AGENDA ISSUES:

Income tax fairness

HB291 (Knight) – Proposed constitutional amendment repeals Amendment 225, which allows the deduction of federal income taxes by individual taxpayers subject to state income tax. *The compromise bill passed 3/16 in the House (HB292, as substituted) does not require a constitutional amendment, so this bill is no longer significant.*

HB292 (Knight) – This substitute bill would raise the threshold at which the state imposes individual income tax by increasing the amount allowed for personal and dependent exemptions and standard deduction at incomes of \$30,000 or less. It would also increase the dependent exemption at incomes between \$30,000 and \$100,000. **Arise supports this legislation. *HB292 has received final legislative approval on April 6th and has been signed by the Governor. HB292 is now Act 06-352.***

HB290 (Love) – This is Governor Riley's income tax reform proposal. The proposal would gradually increase the personal and dependent exemptions and the optional standard deduction over a five-step period in year's in which growth in the Education Trust Fund is at least 3%. *Following passage of HB292 in the House, this bill is no longer significant.*

SB350 (Escott) – This bill would reduce the 5% income tax rate to 4% on incomes between \$3,000 and \$10,000 for single persons and between \$6,000 and \$15,000 for married persons filing a joint return. *The bill is in Senate Children, Youth Affairs & Human Resources Committee. The bill failed to receive committee action and is no longer significant.*

SB353 (Bedford) – This bill would exempt food and food ingredients from state sales and use taxes; the measure is contingent upon approval of the constitutional amendment proposed in SB362. *The bill is in the Senate Finance & Taxation Committee. The bill failed to receive committee action and is no longer significant.*

SB354 (Bedford) – This bill would increase the amounts of the standard deduction and personal and dependent deductions for Alabama income tax purposes. The measure is contingent upon approval of the constitutional amendment proposed in SB362. *The bill is in the Senate Finance & Taxation Committee. The bill failed to receive committee action and is no longer significant.*

SB362 (Bedford) – Proposes a constitutional amendment to remove the deduction for federal taxes paid by individual taxpayers subject to state income tax, remove the state sales and use taxes on food and food ingredients, and increase the amounts of the standard deduction and personal and dependent exemptions for Alabama income tax purposes. *The bill is in the Senate Finance & Taxation Committee. The bill failed to receive committee action and is no longer significant.*

HB578 (Knight) – This bill would establish a state earned income tax credit (EITC). The proposal calls for the EITC to be phased in over a three year period, contingent upon annual growth in the Education Trust fund of at least 3%. *The bill is in the House Finance & Appropriations Committee. The bill failed to receive committee action and is no longer significant.*

Budgets

HB265/SB75 (Knight/Mitchem) – Appropriates funds for the ordinary expenses of the executive, legislative and judicial agencies, for debt service, and for capitol outlay for the fiscal year ending September 30, 2007. The bill provides an appropriation of \$1.586 billion from unearmarked state revenues and transfers, and conditional appropriations of \$66.6 million. *HB265 is in the House Government Finance & Appropriations Committee; SB75 passed the Senate and has been transmitted to the House of Representatives. **SB75, as amended, has received final legislative approval and has been signed by the Governor. SB75 is now Act -6-335.** HB265 is no longer significant.*

HB272/SB209 (Lindsey/Sanders) – Appropriates funds for the support, maintenance and development of public education, for debt service and for capitol outlay for the fiscal year ending September 30, 2007. The bill provides an appropriation of \$5.68 billion from state revenues, and conditional appropriations of \$88.4 million. *HB272, as substituted and amended, was passed by the Senate and given House concurrence. **HB272, as substituted, has received final legislative approval, with an override of the Governor's veto. HB272 is now Act 06-282.** SB209 is no longer significant.*

HB269/SB98 (Knight/Mitchem) – This bill would transfer Children First Trust Fund receipts currently allocated to the Education Trust Fund to the General Fund during FY2007. *HB269 is in the House Government Finance & Appropriation Committee; **SB98 has received final legislative approval and has been signed by the Governor. SB98 is now Act 06-407.** HB269 is no longer significant.*

HB263/SB100 (Knight/Mitchem) – This bill appropriates \$840,600 from the General Fund to the Children's Advocacy Centers and the Alabama Network of Children's Advocacy Centers for FY2007. *HB263 is in the House Government Finance & Appropriation Committee. **SB100 has received final legislative approval and has been signed by the Governor. SB100 is now Act 06-408.** HB263 is no longer significant.*

HB268/SB101 (Knight/Mitchem) – This bill appropriates \$48.4 million from the Children First Trust fund to various agencies for FY2007. *HB263 is in the House Government Finance & Appropriations Committee. **SB101 has received final legislative approval and has been signed by the Governor. SB101 is now Act 06-409.** HB268 is no longer significant.*

HB267/SB112 – (Knight/Mitchem) – This bill appropriates \$503,583 from the General Fund to the Alabama Coalition Against Domestic Violence for FY2007. *HB267 is in the House Government Finance & Appropriations Committee. **SB112 has received final legislative approval and has been signed by the Governor. SB112 is now Act 06-410.** HB267 is no longer significant.*

HB289/SB269 (Hubbard/Waggoner) – This bill makes a supplemental appropriation of \$500 million from the Education Trust Fund to the state's educational entities for capitol outlay and payment of debt service. This measure is only effective if proposed legislation to repeal the statutory proration prevention account becomes law. *HB289/SB269 are no longer significant.*

HB455 (Coleman, L.) – This bill would make a supplemental appropriation of \$2.6 million from the General Fund for FY2006 to the State-County Community Corrections Partnership Fund to be used

for the expansion and continuation of community based punishment programs. *HB455 is no longer significant.*

Constitutional reform

HB342/SB208 (Carns/Mitchell) – This bill would repeal “Jim Crow” provisions from the Alabama Constitution which prohibit children of different races attending the same school and removes the requirement that citizens pay a poll tax in order to be eligible to vote. **Arise does not support this bill in its current form, as it fails to provide for a child’s constitutional right to an education.** *HB342 failed to receive a favorable committee report and is no longer significant. SB208 was indefinitely postponed and is no longer significant.*

SB52/HB109 (Little/Newton, D.) – This bill would call for an election to submit to the voters the question of whether the state should call a constitutional convention. If approved by the voters, the bill further provides for the election of delegates, the holding of the convention, and the submission of the proposed constitution to the voters for ratification. **Arise supports this legislation.** *SB52 has been indefinitely postponed and is no longer significant. HB109 failed to receive a favorable committee report and is no longer significant.*

Death penalty moratorium

SB29/HB432 (Sanders/Coleman, M.) – This bill would place a moratorium on the death penalty for a period not to exceed three years to allow for the development and implementation procedures to ensure that death penalty cases are administered fairly and impartially. **Arise supports this legislation.** *SB29 was indefinitely postponed and is no longer significant. HB432 failed to receive a favorable committee report and is no longer significant.*

SB30 – (Sanders) – This bill would establish standards and procedures in death penalty cases to determine whether a defendant is mentally retarded. Enactment of this proposal will bring Alabama statutes into compliance with a recent U. S. Supreme Court ruling prohibiting the imposition of the death penalty when the defendant is mentally retarded. **Arise supports this legislation.** *SB30 was indefinitely postponed and is no longer significant.*

SB504 (Sanders) – This bill would prohibit the imposition of the death penalty for any defendant who was less than 18 years old at the time of the commission of the capital offense. Enactment of this proposal will bring Alabama statutes into compliance with a recent U. S. Supreme Court ruling prohibiting the imposition of the death penalty for an offense committed by a minor. **Arise supports this legislation.** *SB504 was indefinitely postponed and is no longer significant.*

Landlord-tenant

HB287/SB151 (McLaughlin/Barron) – This bill would enact the Uniform Residential Landlord and Tenant Act, providing for rights and responsibilities for both landlords and tenants. **Arise supports this legislation.** *HB287 has received final legislative approval and has been signed by the Governor. HB287 is now Act 06-316. SB151 is no longer significant.*

HB470/SB331 (Hill/Waggoner) – This bill is the Landlord-Tenant bill supported by the Alabama Board of Realtors. **Arise opposes this legislation.** *HB287/SB151 failed to receive favorable committee reports and are no longer significant.*

Public transportation

HB353/SB182 (Hall/Smitherman) – Amends the State Constitution to expand the purposes for which road use and fuel taxes can be used to include public transit. **Arise supports this legislation.** *HB353/SB182 failed to receive favorable Committee reports and are no longer significant.*

ARISE ENDORSEMENT ISSUES:

HB93/SB138 (McLaughlin/Lee) – This bill would prohibit transfers between political committees, commonly referred to as PAC-to-PAC transfers. *SB138 failed to receive a favorable committee report and is no longer significant. HB93 died on the Senate calendar when the Senate adjourned sine die.*

HB90 (Hinshaw) – This bill would provide that paid political advertising made by or paid for by an organization or entity other than a principal campaign committee shall include the names of the source of the funding of the organization or entity. *HB90 failed to receive a favorable committee report and is no longer significant.*

HB113/SB123 (Hinshaw/Lindsey) – This bill would require that electioneering communications and paid political advertisements paid for by an organization or entity shall disclose the names of the source of funding of the organization or entity. *HB113/SB123 failed to receive favorable committee reports and are no longer significant.*

HB169 (Coleman, L.) – This bill establishes the “Alabama Money Follows the Person” program. The bill would require nursing facilities to refer residents who choose to move back to the community to the Alabama Department of Senior Services for assistance in obtaining home and community based waiver services, would allow such residents to receive those waiver services without being placed on a waiting list, and would establish a pilot program to promote independence and choice for those eligible to receive Medicaid long-term care services. *This bill received a favorable report from the House Government Finance & Appropriations Committee and was placed on the House calendar. HB169 was indefinitely postponed and is no longer significant.*

HB490/SB328 (Black/Byrne) – This bill establishes the Alabama Indigent Defense Commission to provide for the defense of indigent persons in criminal and juvenile proceedings. *HB490/SB328 failed to receive favorable committee reports and are no longer significant.*

OTHER LEGISLATION:

SB27 (Sanders) – This bill would prohibit a trial judge from overriding the sentencing recommendation of the jury in capital cases. *SB27 was indefinitely postponed and is no longer significant.*

SB28 (Sanders) – This bill would allow an individual serving a term of imprisonment or awaiting execution for a capital offense to file a motion for forensic DNA testing of evidence that was used in the trial that resulted in his or her conviction. *SB28 was indefinitely postponed and is no longer significant.*

SB135/HB358 (Barron/McDaniel) – This bill establishes the Center for Rural Alabama to support economic development in rural areas of the state. *SB 135 was indefinitely postponed and is no longer significant. HB358 was carried over, and died on the calendar when the Senate adjourned sine die.*

SB154 (Singleton) – This bill would provide for the automatic restoration of voting rights to a person convicted of a felony when he or she is discharged from incarceration. *SB154 was indefinitely postponed and is no longer significant.*

SB242/HB325 (Little, T/Ball.) – This bill would propose a constitutional amendment that would allow the electors of the state to propose general laws and constitutional amendments by initiative. *SB242 failed to receive a favorable committee report and is no longer significant. HB325 was indefinitely postponed and is no longer significant.*

HB23 – (Ward) – This bill would establish the State Transportation Commission which would have the responsibility to appoint the Director of the Department of Transportation, and would remove DOT from the provisions of the Budget Management Act. *This bill, as amended, was approved by the House of Representatives on January 19th and has been received by the Senate. HB23 failed to receive a favorable report in the Senate committee and is no longer significant.*

HB92 (Robinson, O.) – This bill would prohibit public funds from being transferred from one public entity to another at the direction of a member of the Legislature. This practice is normally referred to as “pass through” appropriations. *This bill, as amended, was approved by the House of Representatives on January 19th, and has been received by the Senate. HB92 failed to receive a favorable report in the Senate committee and is no longer significant.*

HB127 (Lindsey) – This bill establishes the Joint Oversight Committee on Community Services Grants. This measure is an attempt to address a court order which found the funding of Community Services Grants in violation of the state’s constitution. ***HB127 has received final legislative approval, with an override of the Governor’s veto. HB127 is now Act 06-511.***

HB301 (Coleman, L.) – This bill establishes time frames and statutory procedures to the Pardons and Paroles Board for the discretionary medical or geriatric release of inmates from state prisons. *HB301 has been indefinitely postponed and is no longer significant.*

HB317 – (Guin) – This bill would prohibit the transfer of any program or governmental entity funded from the General Fund from being transferred to the Education Trust Fund without prior approval of the legislature or any revenue. The bill would also prohibit the transfer of any revenue sources from the ETF to the General Fund without legislative approval. *HB317 failed to receive a favorable committee report and is no longer significant.*

HB345 (Albritton) – This bill would decrease the state sales and use tax from 4% to 3.5%. *HB345 failed to receive a favorable committee report and is no longer significant.*

HB349/SB105 (Barton/Marsh) – This bill proposes a constitutional amendment to establish legislative term limits. Members of the House of Representatives and the Senate would be limited to three full terms in each body. *HB349/SB105 failed to receive favorable committee reports and are no longer significant.*

HB57/SB227 (Holmes/Sanders) – This bill would amend the state’s hate crimes statute to include crimes motivated by the victim’s sexual orientation. *HB57 was indefinitely postponed and is no longer significant. SB227 was indefinitely postponed and is no longer significant.*

HB135 – (Knight) – This bill would exempt all food banks within the state from paying state, county and local sales and use taxes. *HB135 was approved by the House and transmitted to the Senate; HB135 received a favorable report from the Senate Finance & Taxation – Education Committee and is on the Senate calendar for*

final passage. HB135, as amended, was approved by the Senate on the final legislative day. The bill died when the House failed to take action on the Senate message before the sine die adjournment.

HB433 (Dunn) – This bill would require that a child complete a kindergarten program prior to entering the first grade. *HB433 failed to receive a favorable committee report and is no longer significant.*

HB443 (DeMarco) – This bill would provide for the establishment of a centralized collection and public display of appointees of state boards, commissions, and task forces. ***HB443 received final approval on the last night of the legislative session, and has been transmitted to the Governor for his approval.***

HB458 (Hammon) – This bill would require that applicants for certain public assistance benefits provide either proof of citizenship or lawful presence in the U.S. *HB458 was indefinitely postponed and is no longer significant.*

HB483 (Hammon) – This bill provides that all real and personal property of an individual in this state in violation of immigration laws be subject to forfeiture to the State of Alabama. *HB483 was indefinitely postponed and is no longer significant.*

HB411/SB288 (Brewbaker/Myers) – Under current law, lobbyists are required to report only those expenditures made on behalf of public officials that exceed \$250 per day, and persons who lobby the Executive Branch are not required to register with the Ethics Commission. This bill would require the reporting of all lobbying expenditures, and would require the registration of those who lobby the Executive Branch. *HB411 failed to receive a favorable committee report and is no longer significant. SB288 was indefinitely postponed and is no longer significant.*

HB333/SB210 (Thomas, J./Sanders) – This bill would increase the minimum school term to 180 days beginning in the 2007-08 academic year. ***The Governor has signed HB333, and it is now Act 06-251. SB210 is no longer significant.***

SB326 (Escott) – This bill would establish a pilot system of Individual Development Account projects to afford an opportunity for individuals and families of limited means to accumulate assets. *SB326 failed to receive a favorable committee report and is no longer significant.*

HB517 (McMillan) – This bill would clarify the application, enforcement and procedures relating to forcible entry and unlawful detainer (eviction processes) and would reduce the time to implement such procedures. *HB517 failed to receive a favorable committee report and is no longer significant.*

HB64/SB198 (Morrison/French) – This bill would lower the age of majority to 18. *HB64 failed to receive a favorable committee report and is no longer significant. SB198, as substituted, received a favorable report from the House Judiciary Committee and is on the House calendar. SB198 died on the calendar when the House adjourned sine die.*

HB103 (Coleman, L.) – Constitutional amendment to amend Constitutional Amendment 555, removing the provision that requires that local constitutional amendments be approved by a statewide vote if there is a dissenting vote in the Legislature. *HB103 failed to receive a favorable committee report and is no longer significant.*

HB531/SB322 (Jackson/Smitherman) – This bill deems benefits offered under automobile clubs or associations not to be insurance and authorizes pawn brokers to sell memberships in such organizations in conjunction with automobile title pawn transactions. *HB531 failed to receive a favorable*

committee report and is no longer significant. SB322 was approved by the Senate and has been transmitted to the House. SB322 failed to receive a favorable House committee report and is no longer significant.

A number of bills broadening immunity from civil or criminal prosecution for the use of deadly force to protect persons or property have been introduced during this session. The following identifies such bills, their primary sponsor, and the current status:

HB1 (Hall, A.) – *This bill, as amended, is on the Senate calendar for final approval. The bill died on the calendar when the Senate adjourned sine die.*

HB6 (Hurst) – *This bill failed to receive a favorable committee report and is no longer significant.*

SB13 (Enfinger) – *This bill was indefinitely postponed and is no longer significant.*

SB22 (Means) – *This bill failed to receive a favorable committee report and is no longer significant.*

SB62 (Means) – *This bill failed to receive a favorable committee report and is no longer significant.*

SB104 (Mitchell) – *This bill failed to receive a favorable committee report and is no longer significant.*

SB131 (Tanner) – *This bill was indefinitely postponed and is no longer significant.*

SB283 (Means) – *This bills has received final legislative approval and signed by the Governor. **SB283 is now Act 06-303.***

HB636 (Coleman, M.) – *This bill establishes domestic violence fatality review teams. HB636 was indefinitely postponed and is no longer significant.*

SB453 (Bedford) – *This bill proposes a constitutional amendment which would grant constitutional status to the Education Trust Fund, and would provide the disbursement of funds in the ETF. SB453 failed to receive a favorable committee report and is no longer significant.*

HB663 (Hall, L.) – *This bill would authorize the medical use of marijuana for certain qualifying patients diagnosed as having a debilitating condition. HB663 failed to receive a favorable committee report and is no longer significant.*

HB664 (Beason) – *This bill would enact the Budget Limitation Act, which would prohibit the Legislature from appropriating revenue from non-recurring sources for new or existing recurring expenditures. HB664 failed to receive a favorable committee report and is no longer significant.*

HB667 (Beason) – *This bill proposes a constitutional amendment which would require a majority vote of both houses of the legislature prior to the state entering into a federal court consent decree. HB667 failed to receive a favorable committee report and is no longer significant.*

SB469 (Marsh) – *This bill would require an individual to show proof of citizenship or lawful presence in the United States in order to receive certain public benefits. SB469 failed to receive a favorable committee report and is no longer significant.*

HB701 (Gipson) – *This bill would provide that a person arrested for a domestic violence offense may not be released on bail until after an appearance before a judge or magistrate. HB701 failed to receive a favorable committee report and is no longer significant.*

HB702 (Gipson) – *This bill would provide that domestic violence in the third degree would be a Class C felony if a weapon is used in the commission of the offense. HB702 failed to receive a favorable committee report and is no longer significant.*

SB493 (Bedford) – *This bill would create the Alabama Starvation and Dehydration of Persons with Disabilities Prevention Act. It would provide that nutrition and hydration shall be provided by*

physicians to all persons who are legally incapable of making health care decisions, and would provide for certain exceptions. *SB493 failed to receive a favorable committee report and is no longer significant.*

SB501 (Marsh) – This bill would require a pawn broker to report all pawns made each day, would prohibit a pawnbroker from accepting a pledge from a person under 18 years of age, would require a pawn broker to replace damaged goods caused by his or her negligence, and require other record-keeping and reporting requirements. *SB501 failed to receive a favorable committee report and is no longer significant.*

SB503 (Erwin) – This bill would prohibit an abortion for any reason except in an extreme case where the pregnancy threatens the life of the mother. *SB503 failed to receive a favorable committee report and is no longer significant.*

SB506 (Escott) – This bill would appropriate \$10 million from the natural gas severance tax receipts to provide for heating assistance. *SB506 failed to receive a favorable committee report and is no longer significant.*

To view any bills introduced in this session, point your browser to
<http://alisdb.legislature.state.al.us/acas/ACASLogin.asp?SESSION=1033>