

REGULAR SESSION 2007  
BILLS NOT SIGNED AND NOT APPROVED BY GOVERNOR BOB RILEY  
(POCKET VETOES)

- SB167      THIS BILL IS KNOWN AS THE ALABAMA EMPLOYEES PER DIEM INCREASE BILL. ALTHOUGH GOVERNOR RILEY BELIEVES THAT AN EMPLOYEE PER DIEM INCREASE MAY WELL BE JUSTIFIED, HE COULD NOT APPROVE THIS BILL FOR SEVERAL REASONS. FIRST, THE PROPOSED INCREASE IS DEEMED TO BE EXCESSIVE. FISCAL NOTE INDICATES THAT THE FINANCIAL BURDEN ON THE ALABAMA GENERAL FUND WOULD BE ALMOST \$4 MILLION ON THE REMAINDER OF THE CURRENT FISCAL YEAR AND \$11.5 MILLION IN EACH FUTURE YEAR. CURRENT BUDGETS OF THE VARIOUS STATE AGENCIES IN BOTH THE CURRENT FISCAL YEAR AND IN FISCAL YEAR 2008 ARE SET, BASED UPON KNOWN LIKELY EXPENSES. NO STATE AGENCIES HAVE THE BUDGETED AMOUNTS IN THE CURRENT OR NEXT YEAR'S BUDGETS TO PAY THESE EXPENSES AND THERE ARE CERTAINLY NO ADDITIONAL FUNDS IN THE STATE GENERAL FUND, TO FUND THESE PROJECTED EXPENSES. THE PROPOSED \$50 PER DAY INCREASE WOULD BE AN INCREASE OF 66.5% WHICH IS IN ITSELF UNREASONABLE. ADDITIONALLY, THE BILL REDUCES THE MINIMUM MILEAGE DISTANCE QUALIFYING POINT FROM 100 MILES TO 50 MILES. AGAIN, AN UNREASONABLE MINIMUM DISTANCE. ANOTHER DISTURBING PROVISION OF THE PROPOSED BILL IS THAT IT TAKES THE DISCRETION AWAY FROM SUPERVISORS AND ALLOWS THE TRAVELING EMPLOYEE TO EXERCISE HIS OR HER OWN DISCRETION AS TO WHETHER OR NOT AN OVERNIGHT STAY IS APPROPRIATE. THIS IS UNREASONABLE, BOTH LOGICALLY AND FROM A MANAGEMENT/OPERATIONAL STANDPOINT.
- HB122      THIS BILL SUGGESTS AMENDMENTS TO THE STATE ETHICS LAW WHICH, IN SOME INSTANCES WOULD BE REASONABLE AND APPROPRIATE, BUT IN OTHER INSTANCES ARE UNREASONABLE AND INAPPROPRIATE. THIS BILL IS DRAWN FAR TOO GENERALLY. THE BILL COULD BRING A HUGE NUMBER OF UNINTENDED INDIVIDUALS UNDER THE UMBRELLA OF "LOBBYIST" AND THUS UNDER THE GENERAL ADMINISTRATIVE AND ENFORCEMENT RESPONSIBILITIES OF THE ETHICS COMMISSION. THE ETHICS COMMISSION WOULD BE REQUIRED TO INCUR INCREASED LEVELS OF EXPENSE AND TIME IN CARRYING OUT THEIR RESPONSIBILITIES REGARDING THIS EXTREMELY LARGE NEW GROUP OF LOBBYISTS. WITH REGARD TO PROFESSIONAL SERVICE CONTRACTS ALONE, EVERY INDIVIDUAL ARCHITECT, ENGINEER, ATTORNEY, APPRAISER, DOCTOR, DENTIST, PSYCHIATRIST, PSYCHOLOGIST, PROFESSIONAL COUNSELOR, ETC. WOULD BE

CONSIDERED A LOBBYIST AND WOULD BE REQUIRED TO MEET ALL APPLICABLE REQUIREMENTS RELATING THERETO WITH THE ETHICS COMMISSION, IF THEY DID ANYTHING PERSONALLY TO ENCOURAGE OR INFLUENCE AN AWARD OF THEIR OWN CONTRACT, WHICH COULD NOT HAVE BEEN THE INTENTION OF THE DRAFTERS OF THIS LEGISLATION. UNINTENDED ADVERSE CONSEQUENCES OF THIS LEGISLATION FAR OUTWEIGH ANY BENEFITS THAT MIGHT RESULT THERE FROM. THERE IS ALREADY A REQUIRED LOBBYIST DISCLOSURE IN THE RULES AND REQUIREMENTS OF THE LEGISLATIVE CONTRACT REVIEW OVERSIGHT COMMITTEE.

SB202

AN INCREASE OF MINIMUM LIMITS UNDER THE MOTOR VEHICLE SAFETY RESPONSIBILITY ACT. THIS IS A PROPOSED BILL THAT IS WELL INTENTIONED AND THE GOVERNOR SUPPORTS IN CONCEPT AND HAS INDICATED THAT HE WOULD BE SUPPORTIVE OF IN A FUTURE SESSION OF THE ALABAMA LEGISLATURE IF THE MOST GLARING DEFECTS ARE CORRECTED. AS DRAFTED, THIS PROPOSED LEGISLATION IS UNREASONABLE, UNFAIR, INEQUITABLE, AND OVERLY BURDENSOME TO THE AUTOMOBILE INSURANCE INDUSTRY AND TO THE CITIZENS OF ALABAMA WHO ARE INSURED DRIVERS, IN THAT THE PROVISIONS CALL FOR AN IMMEDIATE EFFECTIVE DATE UPON SIGNATURE OF THE GOVERNOR. DELAYED IMPLEMENTATION WAS SUGGESTED, AND THE GOVERNOR IS INFORMED THAT DELAYED IMPLEMENTATION DATES WERE EVEN AGREED UPON AND AN AMENDMENT WAS PREPARED TO SOLVE THIS GLARING DEFECT. FOR SOME REASON THIS AMENDMENT WAS NOT ADDED TO THE BILL DURING THE LEGISLATIVE PROCESS. THE RESULTS OF THIS BILL WOULD BE SUBSTANTIAL ADDITIONAL LITIGATION; INABILITY TO NOTIFY EXISTING POLICY HOLDERS; INADEQUATE TIME TO PREPARE NEW POLICIES FOR ISSUANCE; INADEQUATE TIME TO PREPARE POLICY AMENDMENT ENDORSEMENTS FOR EXISTING POLICIES; INADEQUATE TIME TO PREPARE AND ISSUE NEW EVIDENCE OF INSURANCE CARDS; AND INADEQUATE TIME NOT ONLY TO ALLOW COMPANIES TO PROPERLY PRICE THESE NEW COVERAGES, BUT TO FILE THEIR NEW RATE REQUESTS WITH THE ALABAMA DEPARTMENT OF INSURANCE AND TO OBTAIN APPROVAL OF THEIR NEW RATE REQUESTS, WHICH IS A NECESSITY BEFORE THE SAME CAN BE IMPLEMENTED. THE INSURANCE PROCESS IS CERTAINLY NOT AN IMMEDIATE OR EVEN RAPID PROCESS. SIGNIFICANT STUDY AND INPUT FROM THE INSURANCE INDUSTRY IS NECESSARY TO DETERMINE JUST WHAT TIMEFRAMES ARE REASONABLY NECESSARY TO ALLOW IMPLEMENTATION FOR BOTH NEW POLICIES, RENEWAL POLICIES, AND EXISTING POLICIES, IF IN FACT IT WOULD BE APPROPRIATE TO EVEN ATTEMPT TO MAKE THE CHANGES DURING THE CURRENT TERM

OF EXISTING POLICIES. IT WOULD BE ABSOLUTELY UNFAIR AND UNREASONABLE, PARTICULARLY IN THE CASE OF THE SMALLER AUTOMOBILE INSURANCE COMPANIES, TO REQUIRE THEM TO BEGIN TO INCUR THE COSTS OF THESE INCREASED COVERAGES AND THE CLAIMS THAT WOULD RESULT THERE FROM, WITHOUT BEING ABLE TO FACTOR THESE CLAIMS AND EXPENSES INTO THEIR INDIVIDUAL AND OVERALL RATE SCHEDULES, AND TO COLLECT PREMIUMS THEREFOR. SUBSTANTIAL CONFUSION WOULD RESULT TO THE ENTIRE POPULATION OF INSURED AUTOMOBILE DRIVERS SINCE NO ONE WOULD IMMEDIATELY HAVE THE INCREASED LIMIT COVERAGES THAT THIS LAW WOULD REQUIRE THEM TO HAVE AND NO ONE WOULD HAVE EVIDENCE OF INSURANCE CARDS WHICH WOULD REFLECT, PARTICULARLY DURING THE INSTANCE OF AN AUTOMOBILE WRECK OR A CITATION STOP, THAT THEY HAVE THE LEGALLY-REQUIRED INCREASED COVERAGES.

ANOTHER GLARING DEFECT IN THIS LEGISLATION IS THAT THERE ARE ALSO MINIMUM LIMITS REQUIRED IN THE UNINSURED MOTORIST PROVISIONS OF ALABAMA LAW. THIS BILL FAILED TO AMEND THAT STATUTE, THUS LEAVING A GLARING CONFLICT OF LAW PROBLEM. WHEN EITHER OF THESE STATUTES IS AMENDED, THE OTHER NEEDS TO BE SIMULTANEOUSLY AMENDED. THEN, IF THIS LEGISLATION WENT INTO EFFECT, THIS FACT ALONE WOULD CAUSE UNTOLD AMOUNTS OF ADDITIONAL LITIGATION. IT IS EXTREMELY DOUBTFUL THESE NEW LAWS COULD EVEN BECOME LEGALLY APPLICABLE TO EXISTING POLICIES SINCE IT WOULD CONSTITUTE PROACTIVE APPLICATION OF A LEGAL REQUIREMENT TO AN EXISTING CONTRACT. THESE ARE THE MOST GLARING, OBVIOUS, AND UNREASONABLE DEFECTS WITH THE PROPOSED LEGISLATION. THERE ARE OTHER RELATED REASONS THAT WOULD DEMAND THAT THIS PROPOSED LEGISLATION NOT BECOME LAW. THE GOVERNOR ENCOURAGES A COOPERATIVE EFFORT TO NEGOTIATE A GOOD BILL.

SB421        THIS BILL IS DUPLICATE LEGISLATION TO HB739 WHICH HAS ALREADY BECOME LAW.

SB435        THIS BILL IS DUPLICATE LEGISLATION TO HB627 WHICH HAS ALREADY BECOME LAW.

SB458        THESE PROPOSED BILLS ATTEMPT TO ESTABLISH FUNDS,  
HB957        LOCALLY, WHICH COULD BE USED FOR PURELY POLITICAL  
HB959        PURPOSES BY MEMBERS OF THE COMMUNITY DEVELOPMENT  
              COMMISSION. THE APPROPRIATE EXPENDITURE OF THESE FUNDS  
              SHOULD BE UNDER THE AUTHORITY AND CONTROL OF

LOCAL GOVERNMENTAL OFFICIALS WHO CAN MOST APPROPRIATELY PRIORITIZE LOCAL NEEDS.

- SB486 THIS BILL RELATES TO PHENIX CITY, ALABAMA, IN RUSSELL COUNTY. IT IS A COMPANION BILL TO HB620 THAT WAS PREVIOUSLY VETOED BY THE GOVERNOR. THE PASSAGE OF THIS PROPOSED ACT WOULD RENDER IT IMPOSSIBLE FOR THE CITIZENS OF PHENIX CITY TO VOTE TO CHANGE THEIR CURRENT FORM OF GOVERNMENT, UNTIL, AND IF, A SEPARATE LEGISLATIVE ACT IS PASSED. THE CITIZENS OF EVERY OTHER CITY IN ALABAMA HAVE THIS RIGHT. AT THE PRESENT TIME, THE CITIZENS ARE FOLLOWING THE CURRENT LEGAL PROCEDURE TO ALLOW A VOTE OF THE PEOPLE ON A CHANGE IN THEIR FORM OF GOVERNMENT. I HAVE RECEIVED SIGNIFICANT INPUT FROM CITIZENS OF PHENIX CITY REQUESTING THAT THEY BE ALLOWED TO PROCEED AND TO VOTE. THE CITIZENS ARE ENTITLED TO THIS RIGHT TO VOTE.
- SB490 THIS BILL ATTEMPTS TO PROVIDE FOR AN ELECTION TO FILL A VACANCY ON THE RUSSELL COUNTY COMMISSION. PROVISIONS OF THIS BILL SET AN ELECTION PROCESS WHICH CANNOT MEET THE REQUIREMENTS OF FEDERAL LAWS AND REGULATIONS. THIS BILL COULD NOT REASONABLY BE EXPECTED TO BE APPROVED BY THE UNITED STATES DEPARTMENT OF JUSTICE BECAUSE OF THESE DEFECTS. THE DEPARTMENT OF JUSTICE IS FOCUSED ON THE IMPORTANCE OF ALLOWING ALL CITIZENS THE OPPORTUNITY TO VOTE IN ALL ELECTIONS. TIMEFRAMES IN ANY ELECTION PROCESS MUST BE ADEQUATE TO ALLOW OVERSEAS MILITARY VOTERS AND OVERSEAS CITIZENS THE OPPORTUNITY TO VOTE IN BOTH PRIMARY ELECTIONS, SPECIAL ELECTIONS, AND ELECTION RUNOFFS.
- HB804 THIS IS LOCAL PERRY COUNTY PROPOSED LEGISLATION TO AUTHORIZE THE SALES OF ALCOHOLIC BEVERAGES IN THE COUNTY. IT HAS BEEN, AND CONTINUES TO BE, THE GOVERNOR'S PRACTICE THAT HE WILL NOT APPROVE BILLS OF THIS TYPE UNLESS THEY INCLUDE A PROVISION REQUIRING A REFERENDUM OF THE VOTERS WITHIN THE JURISDICTION WHERE THE CHANGE IS TO TAKE EFFECT. THIS BILL DOES NOT PROVIDE SUCH REFERENDUM.
- HB817 THIS IS A RUSSELL COUNTY LOCAL BILL AUTHORIZING AN INCREASE IN SALES AND USE TAXES. THE GOVERNOR IS EXTREMELY HESITANT TO APPROVE TAX INCREASES IF THE PROPOSED LEGISLATION DOES NOT REQUIRE APPROVAL BY A REFERENDUM OF THE VOTERS IN THE COUNTY AFFECTED. THIS BILL DOES NOT PROVIDE SUCH REFERENDUM REQUIREMENT.