

FINE GEDDIE

GOVERNMENT RELATIONS

THE FINE GEDDIE REPORT 2017 REGULAR SESSION · WEEK FOUR

LEGISLATURE COMPLETES WEEK FOUR

The Alabama Legislature has gotten off to a slow start this session. After the eighth legislative day, only a relative few of the inevitable controversial issues expected to arise this session have been addressed. There is a cooperative mood among legislators that is different from the previous two years, but it may soon change as some of the more contentious measures are beginning to be considered in committee and will then go to the House and Senate floors. In the coming weeks, legislators will consider the two budgets, a proposed \$800 million **prison construction** plan, an effort to remove the requirement to obtain a permit to carry a **concealed weapon**, legalization of **fantasy gaming**, and a proposal to **protect historic monuments** from being removed or renamed. Further down the road, legislators will need to deal with **reapportionment** pursuant to a federal court order, **gas taxes**, and, possibly, consideration of the **impeachment** of Governor Bentley.

HOUSE REPUBLICAN CAUCUS ELECTS NEW MAJORITY LEADER

The Alabama House Republican Caucus elected a new Majority Leader this week after Rep. Micky Hammon (R—Decatur) resigned from the post unexpectedly earlier in the legislative session. The newly elected leader is Rep. Nathaniel Ledbetter (R—Rainsville). A freshman member of the caucus, he was first elected to the state legislature during the 2014 election cycle; he unsuccessfully ran as a Democrat for the seat in 2010, losing to former Rep. Todd Greeson in the general election. During his 2014 campaign, he was endorsed by the DeKalb Farmers' Federation. Ledbetter is a former Mayor of Rainsville and city councilman. His work experience includes an over 30-year career with the Sand Mountain Electric Cooperative.

Rep. Connie Rowe (R—Jasper) was elected Vice-Chairman of the House Republican Caucus. Like Ledbetter, Rowe is also a freshman member of the caucus; she unseated former Rep. Bill Roberts (R—Jasper) in the 2014 Republican Primary Election. She was the police chief in Jasper from 2011-2014 and worked as an investigator for the Walker County District Attorney's office for over 20 years.

In other news, Rep. Alan Harper (R—Northport) announced that he is stepping down as chairman of the House Economic Development and Tourism Committee. Vice Chair Rep. Becky Nordgren (R—Gadsden) will chair the committee for the remainder of the session.

THIS WEEK IN THE HOUSE

The House passed several bills this week that included the following:

Revised Uniform Fiduciary Access to Digital Accounts legislation (HB138 by Rep. Givan (D—Birmingham)). Despite disagreement between digital custodians and Alabama lawmakers

last year, this bill includes uniform negotiated language stating that a custodian's ability to seek or require a court order to clarify whether access to digital assets should be granted is not limited. The bill has been assigned to the Senate Judiciary Committee. Its companion bill, SB110, is sponsored by Senate Judiciary Committee Chairman, Sen. Ward (R—Alabaster) and has already been approved by that committee.

Legislation to establish the **Alabama Community College System** as a body corporate (HB163 by Rep. McMillan (R—Bay Minette)) passed the House and has been assigned to the Senate Education Committee. Its companion bill, SB116 by Sen. Pittman (R—Fairhope), was approved by the Senate last week and by the House Education Policy Committee this week. It is pending final consideration by the House.

Legislation to establish the **Judicial Resources Allocation Commission** (SB90 by Sen. Orr (R—Decatur)) received final passage by the Legislature. It would establish a commission tasked with allocating funding for the judicial system. In particular, the commission would have the authority to create new or eliminate judgeships. The bill is pending the Governor's approval.

SENATE ON SUNSET

The Senate had a productive week giving final approval to all pending **sunset legislation**. Certain state agencies are established only for a limited time period and must be reauthorized periodically, or the “sun will set” on them. The passage of such legislation is necessary to continue important government functions. Sunset legislation is often utilized strategically as a procedural tool to delay or avoid consideration of controversial issues. The early approval of the reauthorization legislation suggests that lawmakers are working well together to this point in the session. State agencies up for reauthorization this year include the state regulatory boards of nursing, geologists, pharmacy, dental examiners, elevator safety, manufactured housing, nursing homes, physical therapy, hearing instrument dealers, chiropractic examiners, translators, optometry, veterinary medicine, athletic trainers, speech pathology, interior designers, behavior analysts, medical examiners, family therapy, podiatry, and home builders.

On Wednesday, the Senate Judiciary Committee held a long public hearing to discuss legislation outlining a proposed \$800 million bond issue for the **construction of state prisons**. Litigation related to prison over-crowding prompted the reform measure, though the various stakeholders implicated in the discussion disagree over how the issue should be addressed. There are concerns with the size of the debt and the ability of the system to pay debt service with savings from more efficient facilities. Some are concerned with the procurement method, others with the location of the new facilities and closure of existing ones, and still others are worried about what can be done to improve care of inmates. It appears the Senate is on the verge of scaling back the proposal substantially. The committee is expected to vote on the bill next Wednesday.

BILLS TO RENEW THE HISTORICAL TAX CREDIT: WILL THE THIRD TRY BE A CHARM?

Tax-credit legislation to incentivize the **restoration and rehabilitation of historic structures** was introduced this week (HB345 by Rep. Gaston (R—Mobile) and SB262 by Sen. Waggoner (R—Birmingham)). The bill would renew the tax credit program administered by the Alabama

Historical Commission that expired in fiscal year 2016. The goal is to renew the program, which sparked notable economic development in downtown Birmingham, Mobile and other areas, as well as sparked interest in smaller-scale restoration projects.

BILL TO PROVIDE NON-RIPARIAN WATER USE FOR AGRICULTURAL IRRIGATION FILED

This week, Sen. Orr (R—Decatur) introduced legislation to provide landowners without **riparian water rights** the ability to use water from the Tombigbee, Alabama or Tennessee Rivers for agricultural irrigation purposes. Use of the water is limited under the bill and would be regulated by the state Water Resources Commission. It is SB255 and has been assigned to the Senate Agriculture Committee. The bill is co-sponsored by Sens. Dial (R—Lineville) and Allen (R—Tuscaloosa).

ALCOHOL PRIVATIZATION BILL FILED

Sen. Arthur Orr (R-Decatur) introduced legislation to get the State of Alabama out of **retail alcohol sales** gradually over a period of five years, but maintain its wholesale operations and regulatory oversight. The bill has been referred to the Senate Fiscal Responsibility and Economic Development Committee.

BILLS OF INTEREST IN COMMITTEE NEXT WEEK

Next Wednesday, the House Insurance Committee will hold a public hearing on a controversial measure that would require employers to provide **health insurance benefits covering children with autism**. Pursuant to state statute passed in 2012, insurance companies must offer employers the option of providing certain coverage for autism in their health insurance plans. HB284 by Rep. Patterson (R - Huntsville) would go the additional step of requiring employers to provide those benefits, rather than allowing employers to decide what healthcare benefits they would like to offer employees. The bill broadens the scope of benefits required to be offered under current law to include Applied Behavior Analysis therapy. The debate on the legislation has prompted debate over the amount of control government should have over employers, particularly private businesses. Because autism has a tremendous impact on many families, the controversial measure is equally sensitive and consequently prompts the question of whether coverage of other medical conditions should be mandated as well.

Additionally, the House Transportation Committee is expected to consider a bill next week that will streamline collection of revenue for vehicles that run on **compressed or liquefied natural gas**. The bill will lift a moratorium on the collection of such revenue that has been in place since 2014 and is prompted by the increasing use of compressed and liquefied natural gas. Revenue will go to the Alabama Road and Bridge Fund.

The House and Senate will reconvene on Tuesday, March 6. There are 22 meeting days remaining in the 2017 Regular Session.