

FINE GEDDIE

GOVERNMENT RELATIONS

THE FINE GEDDIE REPORT for the
Alabama Society of CPAs
2019 REGULAR SESSION · WEEK FIVE
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PRODUCTIVE WEEK THOUGH TENSIONS HEAT UP

With nearly a third of the session's meeting days complete, the Alabama Legislature notched another productive week in Montgomery. However, partisan tension appears to be building as bills progress and debate on more controversial topics such as sweeping judicial, ethics, regulatory and other reforms becomes a more imminent.

Yesterday, Senate Democrats filibustered an agenda exclusively devoted to sunset bills, each of which reflects routine review and renewal of a state agency. Finishing that calendar is expected to be top priority on the Senate floor moving into next week. That filibuster was in part due to differences over SB216 from Sen. Arthur Orr (R—Decatur), which would, subject to a statewide referendum, rewrite the **judicial article of the Alabama Constitution**, altering the procedure for filling vacancies on the bench and judicial discipline, among other changes. The proposal, amended in committee, was approved by the Senate Judiciary Committee this week and is poised for a floor vote in the Senate at any time.

But that's not the only thorny issue facing senators. ~~There is~~ pressure to vote final passage for a popular, narrowly focused **ethics bill** (HB289), sponsored by Rep. Alan Baker (R—Brewton), intended to protect the confidentiality of certain economic development professionals. Senate President Pro-Tempore Del Marsh (R—Anniston) has expressed unequivocal support for the measure and stated that it is a priority for him. At the same time, a far-broader ethics reform bill (SB230) has hit resistance in a Senate committee this week. There is disagreement among the Legislature and law enforcement on the proper way to address comprehensive ethics reform. Meanwhile this week, Gov. Kay Ivey nominated a prominent new member to the **Alabama Ethics Commission**. The Senate confirmed her appointment of Lyn Stuart, the widely respected former Chief Justice of the Alabama Supreme Court, to the commission on Thursday.

*GENERAL FUND BUDGET RECEIVES UNANIMOUS APPROVAL BY
HOUSE, ADVANCES TO SENATE*

The House on Tuesday approved a **\$2.15 billion General Fund budget** (see spreadsheet) for 2019-2020 with few changes. Most state agencies will receive a funding boost and public employees will receive salary increases under the proposal. A critical provision of the spending plan, one of the state's two operating

budgets, is the extra \$40 million for the **Alabama Department of Corrections**, representing an 8% boost. The state is already under one federal court order to nearly double the number of corrections officers employed. And, just last week, the U.S. Department of Justice released a scathing report about the state's men's prisons, detailing unconstitutional conditions and unfettered prisoner-on-prisoner violence and sexual abuse. Remedial measures must be taken before the end of May to avoid further legal action, and the Legislature's Joint Prison Committee is meeting next week.

FIREARM BILL SPARKS HOT DEBATE

The Senate Judiciary Committee has delayed its consideration of a bill to allow Alabamians to **carry concealed firearms** without a special permit. Discussion on Sen. Gerald Allen's SB4 — which drew a crowd of opponents to Montgomery — was delayed one week. A similar bill, HB336 by Rep. Sorrell, is pending consideration by the House Public Safety Committee.

Another firearm proposal is pending consideration by the Senate Judiciary Committee: HB17 sponsored by Rep. Connie Rowe (R—Jasper), a former police chief, would establish a deadline for sheriffs to issue or reinstate a **pistol permit after a successful appeal**.

The House Judiciary Committee will conduct a public hearing next week on HB265, which would establish **new restrictions on gun possession**. The Gun Violence Protective Order Act, sponsored by Rep. Merika Coleman-Evans (D—Birmingham), would require individuals to surrender their firearms and ammunition to local law enforcement in certain situations.

VARIOUS PROPOSALS WOULD AFFECT STATE REGULATION OF THE ALCOHOLIC BEVERAGE MARKET

This past week saw substantial activity regarding the regulation of alcoholic beverages. Perhaps most significantly, a Senate Committee rejected Sen. Arthur Orr's SB77 to **privatize retail sale of alcoholic beverages** currently handled by the Alabama Beverage Control Board. Orr (R—Decatur) has pursued this for several years, and similar legislation is forthcoming from a House sponsor to privatize ABC's wholesale and retail operations.

While those proposals target the larger regulatory picture as it relates to distribution, other legislation has been introduced to address more narrow issues. Among new legislation introduced this week, SB269 by Sen. Andrew Jones (R—Centre) would **authorize beer and wine festivals**, SB271 by Jones would allow **direct shipment of wine** to consumers, and HB391 by Rep. Chip Brown (R—Mobile) would alter **contractual relationships between beer suppliers and wholesalers**.

Expected committee consideration of two other proposals did not materialize. The Senate Agriculture, Conservation and Forestry Committee canceled a meeting with a **small farm winery** bill on the agenda. SB 234 is

sponsored by Sen. Tom Whatley (R—Auburn). In the House, the Commerce and Small Business Committee canceled a public hearing on another **direct wine shipment** proposal (HB350) from Rep. Terri Collins (R—Decatur).

OTHER ISSUES TO WATCH

- Amid growing buzz surrounding the upcoming **2020 Census**, the Permanent Legislative Committee on **Reapportionment** had its first meeting of the year this week. A Senate committee is scheduled to consider SB247 by Sen. Jim McClendon (R—Springville) on Tuesday, which would authorize the committee to intervene in any legal action contesting the validity a redistricting plan.
- In a similar vein, the House Judiciary Committee agenda for next week includes HB353 by Rep. Rowe. The measure would allow certain legislative leaders and/or the Legislative Council to file **amicus briefs with the state’s appellate courts** without leave of the court. A companion bill was filed in the Senate.
- A Senate committee has announced that it will take up a new funding proposal for **inland ports and intermodal facilities** next week. In her recommended General Fund budget, Gov. Ivey had called for a \$5 million grant program for inland ports, but lawmakers zeroed it out. Instead, Sen. Orr on Tuesday filed SB268, which would divert \$10 million of the recently enacted gas and diesel tax increase (known as the Rebuild Alabama Act) to establish a grant program in the Alabama Department of Economic and Community Affairs. As signed into law last month, the act provided funding for roads, bridges and the Mobile Ship Channel.
- SB215 by Sen. Sessions (R—Red Bay), to impose certain limitations on **dredging the Port of Mobile**, was the subject of a public hearing by the Senate Transportation and Energy Committee on Thursday morning. The bill was carried over after a representative from the Alabama State Port Authority testified against the bill based on the financial burden it would impose on the state.
- Although SB119 by Senate President Pro Tempore Del Marsh (R—Anniston) to repeal **Common Core education standards** got a jack-rabbit start in the Senate, the bill has stalled in the House.
- A **franchisee protection** proposal — SB129 by Sen. Chris Elliott (R—Fairhope) — has generated opposition, and a public hearing is scheduled next week in the Senate Governmental Affairs Committee. In the House, two additional versions of the Protect Alabama Small Businesses Act have been introduced: HB352 from Rep. Rowe and HB134 from Rep. Sorrell.
- Under a proposed working agenda for Tuesday, the House could take up HB278 regarding **fleet vehicles** first thing next week. The bill, sponsored by Rep. A.J. McCampbell (D—Gallion), calls for the Alabama Department of Revenue to develop an online system so that fleet

operators can pay all taxes and fees in one place. Tags for fleet vehicles would be valid for five years. A companion bill — [SB143](#) by Sen. Dan Roberts (R—Birmingham) — is poised for a floor vote in the upper chamber at any time.

- Existing state law requires **safety belts** for people in the front seats of a moving motor vehicle, and [SB254](#), introduced this week by Sen. David Burkette (D—Montgomery), would require all passengers to use seat belts. In the House, Rep. Chris Sells (R—Greenville) had previously filed [HB285](#) to increase the fine for failure to use seat belts in the front seats.
- If a patient is mentally or physically **unable to consent to medical care**, current state law provides a process for at least two medical providers to consent to necessary care on the patient’s behalf. This week, Rep. Wes Allen (R—Troy) introduced [HB381](#), which would allow a nurse practitioner or physician assistant to be one of the decision-makers. Rep. Allen is a former probate judge.
- This week, Rep. Jim Carns (R—Birmingham), chairman of the Jefferson County delegation, introduced [HB384](#) to make far-reaching reforms to the **pension fund for Jefferson County employees**. Reaching unanimity among the county’s 17-member delegation can be difficult, and historically it is not uncommon for conflicts within the delegation to have ripple effects in the larger flow of legislation.

The House and Senate will reconvene on Tuesday, April 16. There are 21 meeting days remaining in the 2019 Regular Session.