

FINE GEDDIE

GOVERNMENT RELATIONS

THE FINE GEDDIE REPORT 2020 REGULAR SESSION · WEEK THREE FEBRUARY 21, 2020

MOST RECOMMENDATIONS OF MILITARY STABILITY COMMISSION APPROVED BY SENATE

The Alabama Senate devoted much of Tuesday to passage of recommendations from the Military Stability Commission, chaired by Lt. Gov. Will Ainsworth, the chamber's presiding officer. One measure from the package is carried over to the call of the chair; SB61 by Sen. Andrew Jones (R—Centre) would provide licensing reciprocity for psychologists.

The following received third readings:

- SB51 by Sen. Tom Whatley (R—Auburn) to offer **in-state tuition rates** to children of military families;
- SB53 by Sen. David Burkette (D—Montgomery) to authorize a city or county to establish a **local redevelopment authority for property contiguous to an active U.S. Air Force installation**; [*Its companion bill, HB66 by Rep. Thad McClammy (D—Montgomery) received its third reading with a floor amendment in the House on Tuesday.*]
- SB88 by Sen. Andrew Jones (R—Centre) to allow **alternative teaching certificates** for qualified former members of the armed forces;
- SB99 by Sen. Tom Butler (R—Madison) to bolster **land use protections** around military installations;
- Two proposals from Sen. Will Barfoot (R—Pike Road) to expand school options for military families – SB105 regarding **magnet schools** and SB106 regarding **charter schools**;
- SB143 by Sen. Donnie Chesteen (R—Geneva) to clarify when military dependents can enroll in **virtual schools**. [*The companion – HB100 by Rep. Randall Shedd (R—Cullman) received a favorable report this week from the House Military and Veterans Affairs Committee.*]

LOCAL MAYORS WEIGH IN ON OCCUPATIONAL TAX DISCUSSION

HB147 by Rep. Chris Sells (R—Greenville) to limit the establishment of new **occupational taxes** in the state continued to advance, receiving a favorable report from the Senate Governmental Affairs Committee on Tuesday. The bill is

in position for final passage in the Senate at any time. The City of Montgomery took steps this week to levy an occupational tax, and Capital City Mayor Steven Reed was one of 10 mayors from Alabama’s largest cities who signed a letter opposing the bill.

Another bill to limit occupational taxes is set for consideration in the Senate Fiscal Responsibility and Accountability Committee next week. SB85 by Sen. Andrew Jones (R—Centre) would exempt certain economic development sites from occupational taxes and block establishment of any new occupational taxes.

MEMBERSHIP OF GAMING STUDY GROUP NAMED

The biggest development on gaming since our last report comes from Gov. Kay Ivey, who formed a 12-member **Study Group for Gambling Policy** to gather detailed information about the gambling options before the end of the year. Todd Strange, the former mayor of Montgomery, is chairing the group that also includes R. “Rey” Almodóvar, Deborah Barnhart, Walter Bell, Regina Benjamin, Young Boozer, Sam Cochran, Elizabeth “Liz” Huntley, Carl Jamison, James “Jim” Main, Phillip “Phil” Rawls and B. Mike Watson.

The governor has been clear that Alabama voters should make the ultimate decision on this issue, and it is our understanding that she is recruiting additional civic leaders to provide input and recommend action items based on the study group’s findings.

OTHER ISSUES TO WATCH

MEDICAL MARIJUANA

Sen. Tim Melson, M.D., (R—Florence) is sponsoring the Compassion Act to establish a comprehensive **medical marijuana program** in Alabama. SB165 would form the Alabama Medical Cannabis Commission to regulate and administer the program – issuing medical cannabis cards to patients and licensing each phase of the supply chain. This week, the Senate Judiciary Committee conducted a public hearing on the bill and gave it a favorable report as amended. The amendments would make adjustments to commission procedures, lower the financial threshold for prospective licensees, and substantially limit license eligibility to in-state cultivation operations by requiring 15 years of farming experience and removing language to allow for certain interstate business relationships. One amendment reflected the business community’s interest related to workers’ compensation and control over the private workplace. Sen. Melson is expected to offer a substitute when the bill is considered on the Senate floor. The substitute is expected to reinstate the eight-year residency threshold and make eligible operations that are majority owned by an out-of-state entity when they collaborate with cultivators who meet the residency requirement.

TRANSPORTATION

- Damaging or surveilling **critical infrastructure** would carry enhanced penalties under HB36 by Rep. Chip Brown (R—Mobile). The bill would specify what constitutes illegal drone activity, revise the criminal trespass law and clarify that pipelines and mining operations are critical infrastructure. The bill received a favorable report as substituted from the House Transportation, Utilities and Infrastructure Committee this week. The companion is SB45 by Sen. Cam Ward (R—Alabaster).
- A **disaster or emergency declaration** would trigger temporary changes for motor vehicle fuel tax and registration under HB180 by Rep. Steve McMillan (R—Bay Minette), which received a favorable report from the House State Government Committee this week. The companion, SB112 by Sen. Vivian Figures (D—Mobile), is on the agenda in the Senate Governmental Affairs Committee on Tuesday.

INTERNET CONNECTIVITY

Wireless providers would be authorized to install **small wireless facilities on the public right-of-way** for the purpose of deploying 5G technology under SB172 by Sen. Arthur Orr (R—Decatur). The bill is on the agenda Wednesday in the Senate Fiscal Responsibility and Economic Development Committee, where it had been carried over.

SCHOOL SPORTS

The Gender is Real Legislative (GIRL) Act to ban **transgender athletes** received a favorable report from the House State Government Committee this week. HB35 is by Rep. Chris Pringle (R—Mobile).

HUMAN RESOURCES

- Composition of the **Employees' Retirement System Board of Control** would be altered with HB172 by Rep. Reed Ingram (R—Mathews), and the bill received its third reading in the House this week. The companion – SB154 by Sen. Greg Reed (R—Jasper) – is scheduled for consideration in the Senate Governmental Affairs Committee on Tuesday.
- The Teacher Recruitment and Retention Act – HB76 by Rep. Alan Baker (R—Brewton) – received a third reading in the House this week. It would create an **enhanced, Tier III retirement benefit for educators**. A pair of similar bills were introduced this week: HB268 by Rep. Reed Ingram (R—Mathews) and SB201 by Sen. Will Barfoot (R—Pike Road).

PROCUREMENT

State procurement of supplies and services would be thoroughly modernized under [SB182](#) by Sen. Arthur Orr (R—Decatur), which received a favorable report this week from the Senate Finance and Taxation Committee on the General Fund. The companion is [HB239](#) by Rep. Danny Garrett (R—Trussville). The legislation, which originated with a committee of the Alabama Law Institute, has no impact on local governments or the legislative and judicial branches.

HEALTHCARE

- A **student nurse apprenticeship program** would be established under the umbrella of the state Board of Nursing if [HB101](#) from Rep. April Weaver (R—Alabaster) becomes law, and this week the bill received its third reading in the House. The companion, [SB101](#) by Sen. Greg Reed (R—Jasper), received a favorable report from the Senate Healthcare Committee this week.
- **Tax credits for physicians practicing in rural areas** would be revised and expanded to include dentists under [SB195](#) by Sen. Steve Livingston (R—Scottsboro). It was introduced this week and is scheduled for consideration next week by the Senate Fiscal Responsibility and Economic Development Committee. [HB285](#), another attempt to revise the existing tax credit for rural physicians, was introduced this week by Rep. Tim Wadsworth (R—Arley).
- The Alabama Board of Medical Examiners reviewed recommendations from a **task force on buprenorphine**, an opioid antidote, and this week, the board opted to withhold final approval of the task force’s recommendations and defer to its own membership. It did not discuss a timeline for reconsideration.
- Healthcare providers would be required to utilize the state’s **immunization registry** under [HB103](#) by Rep. April Weaver (R—Alabaster). The House Health Committee conducted a public hearing before giving the bill a favorable report on Wednesday. The companion is [SB56](#) by Sen. Tim Melson, M.D., (R—Florence).
- Proposed mandatory **country of origin labeling for prescription drugs** was carried over in the House Health Committee on Wednesday. [HB241](#) is by Rep. Kerry Rich (R—Guntersville).

BANKING AND INSURANCE

- **Genetic test results** could not be sold or used to deny an individual insurance under [HB266](#) introduced this week by Rep. Shane Stringer (R—Citronelle). The bill is pending in the House Insurance Committee.
- To combat **elder abuse**, [HB207](#) by Rep. Chris Blackshear (R—Phenix City) would grant **financial institutions** authority to delay or refuse certain transactions involving accounts of elderly or vulnerable adults. It received

a favorable report from the House Financial Services Committee this week, while the companion – [SB166](#) from Sen. Shay Shelnett (R—Trussville) – received a favorable report from the Senate Banking and Insurance Committee this week.

- **Reinsurance** regulations would be revised by [HB70](#) sponsored by Rep. Kerry Rich (R—Guntersville). It received a favorable report this week from the House Insurance Committee, and the companion is [SB54](#) by Sen. Shay Shelnett (R—Trussville).
- The **Residential Mortgage Satisfaction Act** – [HB21](#) by Rep. Chris Pringle (R—Mobile) – received a favorable report from the House Financial Services Committee this week.

ALCOHOLIC BEVERAGE MARKETPLACE

- **Wine festivals** would be permitted subject to [SB37](#) by Sen. Andrew Jones (R—Centre), and the bill received a favorable report as amended this week from the Senate Tourism Committee.
- A revised **definition of beer** received a favorable report as amended from the Senate Tourism Committee this week. [SB184](#) is by Sen. David Sessions (R—Mobile).

MISCELLANEOUS

- Known as the **Alabama State of Emergency Consumer Protection Act**, [HB194](#) by Rep. Matt Simpson (R—Daphne) would make it a felony offense for unlicensed contractors to perform certain services on homes and businesses damaged in a declared disaster. The bill, backed by Attorney General Steve Marshall, received a favorable report from the House Judiciary Committee this week. The companion is [SB135](#) by Sen. Randy Price (R—Opelika).
- **Smoking inside a motor vehicle while children are present** would be prohibited by [HB46](#) from Rep. Rolanda Hollis (D—Birmingham). The bill received its third reading as amended in the House this week.
- The **revolving door provision** of the state ethics law limits the activities of former public officials and employees for the first two years after leaving their public positions, and [SB177](#) by Sen. Garlan Gudger (R—Cullman) would make it possible for former officials and employees to work for the same or another public employer during that time period. This week the bill received a favorable report as amended from the Senate Fiscal Responsibility and Economic Development Committee. [HB114](#) is the companion.
- The **definition of a landfill** would be clarified by [HB140](#) by Rep. Alan Baker (R—Brewton). The bill received its third reading as amended in the House this week and is scheduled for consideration in the Senate Fiscal

Responsibility and Economic Development Committee next week. The companion is SB117 from Sen. Greg Albritton (R—Atmore).

- Violators of the **Memorial Preservation Act** would be subject to increased penalties under SB127 by Sen. Gerald Allen (R—Tuscaloosa), which is scheduled for consideration in the Senate Governmental Affairs Committee on Tuesday.
- Pursuant to HB158, **private auditing or tax collecting firms** working on behalf of a county or municipality would be barred from recovering certain costs from taxpayers. The bill from Rep. Paul Lee (R—Dothan) received its third reading in the House on Thursday. Meanwhile, the Senate Fiscal Responsibility and Economic Development Committee gave a favorable report to the companion, SB130 by Sen. Clay Scofield (R—Guntersville).
- Two members of the **University of Alabama Board of Trustees** received Senate confirmation this week – Vanessa Leonard and Evelyn VanSant Mauldin.
- The much-criticized rewrite of Alabama’s **open records** law is scheduled for a public hearing in the Senate Governmental Affairs Committee on Tuesday. SB57 by Sen. Cam Ward (R—Alabaster) is supported by the Alabama Press Association.
- The “**sunset bills**” affecting the State Insurance Department and the Alabama Board of Public Accountancy received their third readings in the Senate this week. It has been recommended that both agencies continue operations through 2024. A separate proposal to continue operation of the Public Service Commission through 2024 received a favorable report this week from the Senate Governmental Affairs Committee.
- The loan payback period for **wastewater treatment facilities** would be extended under HB13 by Rep. Randy Wood (R—Anniston), which received a favorable report this week from the House Transportation, Utilities and Infrastructure Committee.
- A bill creating a **gun violence protective order** was introduced this week by Rep. Merika Coleman (D—Birmingham). One provision of HB291 would require individuals to surrender their firearms and ammunition.

The House and Senate will reconvene on Tuesday, February 25. There are 24 meeting days remaining in the 2020 Regular Session.