

# FINE GEDDIE

GOVERNMENT RELATIONS

## THE FINE GEDDIE REPORT

2021 REGULAR SESSION · WEEK TEN

APRIL 16, 2021

### *MORE PROGRESS FOR MEDICAL MARIJUANA IN HOUSE, SENATE REVIVES HOPES FOR LOTTERY AND CASINOS*

The Alabama Legislature recorded another productive week, highlighted by advancement for medical marijuana and gambling. Generally, senators worked together smoothly, although friction slowed work on the House floor occasionally.

**Medical marijuana** cleared a major hurdle Thursday, when it received a favorable report from the House Health Committee, the second House committee to vet the bill. SB46 by Sen. Tim Melson (R—Florence) was the subject of a public hearing in the committee on Wednesday. Changes in the committee substitute include requiring a single and universal flavor for chewables, the submission of reports to the attorney general, establishment of a registration fee for doctors, removal of certain qualifying conditions, and a clarification to some research provisions. SB46 is expected on the House floor as soon as next week.

Earlier this session, a **lottery and casino proposal** failed in the Senate by just two votes, but on Tuesday night, senators voted 23-9 to put the question before Alabama voters. As it passed, SB319 by Sen. Jim McClendon (R—Springville) would set up a statewide referendum on whether to establish a state lottery and authorize nine casino sites. Gambling expansion has long been a controversial issue in the state, and McClendon's bill reflects careful negotiation with existing gambling operations. A small amount of money generated by the lottery would go toward education, including a college scholarship program. Other gaming revenue would first support broadband expansion. Forty-five states already have lotteries, and the bill has been assigned to the House Economic Development and Tourism Committee.

### *OTHER ISSUES TO WATCH*

#### ELECTION REFORMS

- **Last-minute changes to election law** would be prohibited under HB388 by Rep. Jim Carns (R—Birmingham). Subject to a statewide referendum, Carns' bill, which received a favorable report Wednesday from the Senate Fiscal Responsibility and Economic Development Committee, would prevent changes to state election law within six months of a general election.

## HEALTHCARE & PUBLIC HEALTH

- The House Health Committee conducted a public hearing Thursday on a proposed expansion of the **scope of practice for podiatrists**, HB291 by Rep. Scott Stadthagen (R—Hartselle). The companion – SB371 by Sen. Linda Coleman-Madison (D—Birmingham) – was on the Senate Healthcare Committee’s agenda Wednesday but the meeting was cancelled.
- The Senate passed a bill Tuesday to codify **civil liability protection for private mental health facilities** that step into the shoes of the state in providing care. SB289 is by Sen. Greg Albritton (R—Atmore). It has been assigned to the House Health Committee.
- **Vaccine passports** would be prohibited under SB267 by Sen. Arthur Orr (R—Decatur), but concerns have emerged that it is overly broad because it is not exclusive to COVID-19 vaccinations. The bill has already passed the Senate and was carried over in the House Health Committee on Thursday.
- During the COVID-19 pandemic, **healthcare facilities would be required to allow one caregiver or visitor per patient** with passage of HB521 by Rep. Debbie Wood (R—Valley). The bill received a favorable report as amended this week from the Senate Fiscal Responsibility and Economic Development Committee. The companion – SB307 by Sen. Garlan Gudger (R—Cullman) – was considered on the Senate floor briefly Tuesday. It is carried over with a pending amendment.
- SB143 by Sen. Bobby Singleton (D—Greensboro) would revise the authority of the State Board of Health to enforce the **Alabama Lead Reduction Act**. It passed the Senate Thursday.
- The Board of Nursing could establish standards for **student nurse apprenticeships** and certified medication assistants under SB179 by Sen. Linda Coleman-Madison (D—Birmingham), which passed the House Tuesday. It is now pending with the governor.
- **Nurses in residential community health settings** would be authorized to **delegate certain tasks to unlicensed healthcare workers** in accordance with rules from the Alabama Board of Nursing under SB183 by Sen. Vivian Figures (D—Mobile), which is on the House’s working agenda for Tuesday.

## ALCOHOLIC BEVERAGE MARKETPLACE

- **Home delivery of beer, wine and spirits** will be legalized pursuant to SB126 by Sen. Jabo Waggoner (R—Vestavia Hills), which the governor signed into law this week. It is now Act 2021-188.
- **Small farm wineries** could sell directly to consumers and sell and deliver to licensed retailers with passage of SB294 by Sen. Andrew Jones (R—Centre). The bill received a favorable report as substituted Wednesday from the House Economic Development and Tourism Committee.

## TRANSPORTATION

- A streamlined sales and use **tax exemption for airport authorities** would be created by SB11 by Sen. Sam Givhan (R—Huntsville), and the exemption could be

extended to contractors working for the authorities in some situations. The bill, which passed the House Thursday with two amendments (1, 2), must go back to the Senate for concurrence.

- The proposed prohibition of **certain indemnity clauses in public works contracts** and subcontracts for roads and bridges passed the House Tuesday. SB220 by Sen. Clay Scofield (R—Guntersville) is pending with the governor.

## EDUCATION

- **Transgender athletes** would be prohibited from competing in public school sports unless the event specifically includes both genders under HB391 by Rep. Scott Stadthagen (R—Hartselle). It passed the Senate Thursday with three amendments, received House concurrence and is pending with the governor.
- In the Senate, Timothy Vines was confirmed to the **Auburn University Board of Trustees**. In addition, J.E.B. Shell, Valerie Gray, Goodrich Rogers and Llevelyn Rhone were all confirmed to the **Alabama Community College System Board of Trustees** this week.
- Rep. Kerry Rich (R—Guntersville) is sponsoring HB248 to provide for the **broadcast of public K-12 sporting events**, and the Senate Education Policy Committee gave the bill a favorable report this week. A House amendment alleviates concerns brought by local schools systems that the original bill would have created safety concerns and would have restricted schools' ability to monetize the broadcasts of events by opening broadcast to any willing broadcaster. The revised bill gives local schools discretions to designate who may broadcast events.

## PROCUREMENT

- SB77 by Sen. Arthur Orr (R—Decatur) to **reform the state procurement process** passed the House Thursday and is now pending with the governor.

## STATE AGENCIES

- Sen. Arthur Orr (R—Decatur) sponsored SB352 to **extend the April 15 payment due date for state income taxes and financial institutions excise taxes** to match due dates for corresponding federal payments, which the IRS extended for this year. Orr's bill passed the House this week and was signed into law by the governor.
- The Senate confirmed Wim J. Schaffers to the **Alabama State Board of Public Accountancy** this week.

## BANKING AND INSURANCE

- The commissioner of insurance would be authorized to establish a **state health insurance exchange** for the purchase and sale of qualified health insurance plans in the individual market under legislation introduced this week. HB612 is by Rep. Kerry Rich (R—Guntersville), and the companion, SB391, is by Sen. Shay Shelnett (R—Trussville).
- Some data and information that insurers file with the state would be considered **trade secrets and be shielded from public release** under HB132 by Rep. Chip Brown (R—Mobile). The bill passed the Senate Tuesday and is pending with the governor.

- Legislation to provide a process for a **trustee seeking to be released from duties to a trust** advanced in both houses this week. HB474 by Rep. Merika Coleman (D—Birmingham) received a favorable report from the Senate Banking and Insurance Committee; SB282 by Sen. Shay Shelnett (R—Trussville) received a favorable report from the House Financial Services Committee.
- HB261 by Rep. Kerry Rich (R—Guntersville) relating to group insurance offerings for state and local government employees passed the House on Tuesday.
- SB279 by Sen. Dan Roberts (R—Birmingham) would enact provisions relating to the discontinuance of **LIBOR, the London Interbank Offered Rate**, a benchmark for short-term interest rates used in certain financial contracts. This week, the House Financial Services Committee gave it a favorable report as substituted, and the bill is on the House’s working agenda for Tuesday.

#### RETIREMENT SYSTEMS OF ALABAMA

- The **State Employees’ Retirement System Board of Control** would be expanded with an additional local government representative and an additional at-large representative to better reflect the participating membership under SB79 by Sen. Garlan Gudger (R—Cullman). The bill passed the House as amended on Tuesday and now needs Senate concurrence.

#### ECONOMIC DEVELOPMENT & PORT-RELATED ISSUES

- This week the House Urban and Rural Development Committee conducted a public hearing on a sweeping, multi-pronged proposal from Sen. Del Marsh (R—Anniston) to **expand broadband access** in Alabama. SB215 creates a new state agency to oversee expansion and award grants, an advisory board to guide the effort, a research alliance of higher education and a finance corporation, authorized to issue up to \$250 million in bonds annually.
- A bill to **prohibit certain animal byproduct processing facilities in Etowah County** failed in the Senate this week. SB246 is by Sen. Andrew Jones (R—Centre).
- The proposed **Alabama Rural, Agribusiness and Opportunity Zone Jobs Act** – HB473 by Rep. Danny Garrett (R—Trussville) – would establish a \$50 million pool of capital that must be invested in small businesses in rural and economically impoverished (opportunity zones) communities. It would also set targets for investing in minority-owned businesses. Federal SSBCI grants from the American Rescue Plan would be used to match private sector investments on a 1:1 ratio to raise capital for the fund, which would in turn be invested by the fund managers into small businesses with growth potential. Access to capital has been found to be one of the primary barriers faced by entrepreneurs in rural and impoverished areas and for minority businesses. This week the bill received a favorable report as substituted from the House Ways and Means Committee on the General Fund, and it is on the House’s working agenda for Tuesday.
- The **Alabama Innovation Corporation**, a public corporation responsible for promoting entrepreneurship and innovation within the state, would be created by HB540 by Rep. Bill Poole (R—Tuscaloosa). The bill received a favorable report as

substituted from the House Boards, Agencies and Commissions Committee this week. The committee also gave a favorable report as substituted to HB609 by Rep. Jeremy Gray (D—Opelika), which would allow the corporation to make **matching grants of up to \$250,000** to entities that have received a federal Small Business Innovation Research grant or a federal Small Business Technology Transfer Research grant

#### LABOR LAW

- More people would be eligible for **criminal record expungement** with SB117 by Sen. Linda Coleman-Madison (D—Birmingham). The bill passed the House Tuesday, received Senate concurrence on Thursday and is pending with the governor.
- The Alabama Department of Labor would be required to adopt policies to recover **improper overpayments of unemployment benefits** under SB373 by Sen. Arthur Orr (R—Decatur), which passed the Senate Tuesday.

#### REMOTE NOTARIZATION

- **Remote notarizations** would be permissible in some situations under SB275 by Sen. Sam Givhan (R—Huntsville), which would also retroactively ratify remote notarizations done under emergency conditions. The bill, with a pending committee amendment, was scheduled for consideration on the House floor Thursday, but it was not taken up. There were delaying tactics in both chambers Thursday because House bills were not advancing in the Senate and vice versa. Givhan's bill is on the House's working agenda for Tuesday.

#### ANKLE MONITORING

- SB178 by Sen. Linda Coleman-Madison (D—Birmingham) would adjust procedures for handling parole violators, including the use of **GPS monitoring devices**. It received a favorable report Wednesday from the House Judiciary Committee.

#### JUDICIAL COMPENSATION

- The House Ways and Means Committee on the General Fund gave favorable reports Wednesday to two separate proposals to establish a **uniform pay plan for judges** and eliminate local salary supplements and expense allowances. In doing so, the committee prolonged an underlying controversy about district attorney compensation. SB292 is by Sen. Greg Albritton (R—Atmore), and HB584 is by Rep. Prince Chestnut (D—Selma).

*The Alabama Legislature will reconvene on Tuesday, April 20.  
Seven legislative days remain in the regular session.*