

Lyons Law Firm

Alabama Legislative Report

Week Three

2019 Regular Session

April 5, 2019

The Alabama Legislature resumed its annual Regular Session on Tuesday, April 2 for Day 5. Twenty-seven committee meetings were held throughout the week to consider legislation. Both Houses met on Wednesday, April 3 for Day 6 and Thursday, April 4 for Day 7.

611 bills have been introduced to date.

The Legislature will return to Montgomery on Tuesday, April 9 for Day 8 of the Session with the House convening at 1:00 p.m. and the Senate at 3:00 p.m.

DURING THE WEEK:

Representative Dimitri Polizos of Montgomery (District 74) passed away the week of the break following a heart attack. His family was honored on the House floor and presented with a Resolution honoring his life and contribution to public service in the state. Governor Ivey has scheduled a special election to fill the vacant seat. The primary will be held on June 11 with a run-off, if necessary, scheduled for August 27. If no run-off is necessary, the general election will be held on August 27. If a run-off is necessary the general election will be held on November 12.

The U. S. Department of Justice released its 56 page report following a two and a half year investigation into Alabama's prisons. The Department concluded that there is reasonable cause to believe that conditions in Alabama prisons violate the Constitution. Governor Ivey released the following statement in response, "We appreciate the U.S. Department of Justice's efforts to ensure open lines of communication with the State of Alabama. DOJ has identified many of the same areas of concern that we have discussed publicly for some time. Over the coming months, my Administration will be working closely with DOJ to ensure that our mutual concerns are addressed and that we remain steadfast in our commitment to public safety, making certain that this Alabama problem has an Alabama solution."

SIGNIFICANT INTRODUCTIONS THIS WEEK:

A bill was introduced in both Houses that would make an abortion procedure a felony for a physician unless the abortion is necessary to prevent serious health risks to the mother [HB314 by Representative Terri Collins and SB211 by Senator Greg Albritton].

A bill was introduced in both Houses that would amend the Simplified Sellers Use Tax by modifying the definition of eligible seller, clarifying transactions from which simplified sellers us tax cannot be remitted, and adjusting the use tax rate [HB318 by Representative Rod Scott and SB218 by Senator Greg Albritton].

A bill was introduced in both Houses that would prohibit a local governing body from banning the use of plastic grocery bags [HB346 by Representative Nathaniel Ledbetter and SB244 by Senator Steve Livingston].

A bill was introduced in the House that would require dispensing veterinarians to notify pet owners of the option to purchase veterinary drugs from a pharmacy rather than the veterinarian's office. The bill is pending in the House Agriculture and Forestry Committee [HB293 by Representative Margie Wilcox].

A bill was introduced in the House that would allow a licensed wine manufacturer to obtain a wine direct shipper permit to ship directly to residents for personal use. The bill is pending in the House Commerce and Small Business Committee [HB350 by Representative Terri Collins].

A bill was introduced in the House that would require the owner of a vessel to obtain a certificate of title on the vessel. The bill is pending in the House State Government Committee [HB303 by Representative Connie Rowe].

Two bills were introduced in the House that would permit wagering on the results of certain professional or collegiate sports or athletic events. The bills are pending in the House Economic Development and Tourism Committee [HB315 and HB358 by Representative John Rogers].

A bill was introduced in the House that would allow the carrying or possession of a firearm on certain property or in a motor vehicle without a concealed pistol permit. The bill is pending in the House Public Safety and Homeland Security Committee [HB336 by Representative Andrew Sorrell].

A bill was introduced in the House that would require fire departments provide supplemental insurance coverage to pay the claims of a career firefighter who has served 12 consecutive months and has been diagnosed with cancer under certain conditions. The bill is pending in the House Ways and Means General Fund Committee [HB360 by Representative Phillip Pettus].

A bill was introduced in the House that would provide for the registration of certain fantasy sports operators, require the implementation of procedures for consumer protection, and exempt fantasy sports contests from the state prohibition against gambling. The bill is pending in the House Economic Development and Tourism Committee [HB361 by Representative Kyle South].

A bill was introduced in the House that would require the Strengthen Alabama Homes Program to maintain as confidential all documents and information submitted in support of grant applications. The bill is pending in the House Insurance Committee [HB363 by Representative Chip Brown].

A bill was introduced in the Senate that would revise the State Minimum Salary Schedule for education employees to reflect a 4% pay increase beginning October 1, 2019. The bill is pending in the Senate Finance and Taxation Education Committee [SB192 by Senator Arthur Orr].

A bill was introduced in the Senate that would require a county or municipality to include a schedule of all of the debt obligations of the county or municipality with the bond financing agreement documents. The bill is pending in the Senate Governmental Affairs Committee [SB202 by Senator Arthur Orr].

A bill was introduced in the Senate that would provide for the procedure for depositing of material from the dredging of the inlets of the state. The bill is pending in the Senate Transportation and Energy Committee [SB215 by Senator David Sessions].

A proposed Constitutional Amendment was introduced in the Senate that would establish a lottery, provide for the sale of paper lottery tickets including instant tickets and multi-state lottery games, and provide for the distribution of proceeds, first to repayment to the Alabama Trust Fund for transfers made to the General Fund, then one-half to the Alabama Trust Fund and one-half to the General Fund. The bill is pending in the Senate Tourism Committee [SB220 by Senator Greg Albritton].

A bill was introduced in the Senate that would require the Department of Agriculture and Industries to develop a plan for monitoring and regulating the production of hemp. The bill is pending in the Senate Agriculture, Conservation and Forestry Committee [SB225 by Senator Tim Melson].

A bill was introduced in the Senate that would move from the ethics code to the criminal code certain provisions relating to the ethics law and revise certain provision regarding public officials. The bill is pending in the Senate Governmental Affairs Committee [SB230 by Senator Greg Albritton].

A bill was introduced in the Senate that would allow certain licensed small farm wineries to sell directly to consumers. The bill is pending in the Senate Agriculture, Conservation and Forestry Committee [SB234 by Senator Tom Whatley].

A bill was introduced in the Senate that would allow the use of medical marijuana if a person has a qualifying condition and a valid medical cannabis card. The bill is pending in the Senate Judiciary Committee [SB236 by Senator Tim Melson].

SIGNIFICANT COMMITTEE ACTION THIS WEEK:

The House Ways and Means General Fund Committee substituted and gave a favorable report to the 2.1 billion General Fund Budget which includes a \$40 million increase to the Department of Corrections, a \$5.7 million increase to the Alabama Law Enforcement Agency (ALEA), a \$52 million decrease to Medicaid (which will be offset by federal funds), and an \$8 million increase to the Department of Mental Health. The bill now goes to the full House [HB152 by Representative Steve Clouse].

The House Ways and Means General Fund Committee amended and gave a favorable report to a bill that would provide for a cost-of-living increase for state employees beginning October 1, 2019. The bill now goes to the full House [HB166 by Representative Dimitri Polizos].

The Senate Governmental Affairs Committee gave a favorable report to a bill that would require all business license and permit applicants who employ five or more persons to prove enrollment in E-Verify prior to the issuance of a business license or permit by a municipality or county. The bill now goes to the full Senate [SB71 by Senator Arthur Orr].

The Senate Tourism Committee held a public hearing, but did not vote, on three lottery bills [SB116 and SB130 by Senator Jim McClendon, and SB220 by Senator Greg Albritton].

The House Insurance Committee amended and gave a favorable report to a bill that would require insurance companies writing homeowners insurance policies to offer an endorsement that upgrades a home to a fortified standard adopted when the insured incurs roof damage covered by the policy that will require a roof to be replaced. The bill now goes to the full House [HB283 by Representative Chip Brown].

The Senate Fiscal Responsibility and Economic Development Committee gave a favorable report to a bill that would allow the state and its political subdivisions to utilize waiver valuations, in lieu of an appraisal, to determine the value of real property for the right-of-way acquisitions. The bill now goes to the full Senate [SB139 by Senator Billy Beasley].

The Senate Fiscal Responsibility and Economic Development Committee and the House State Government Committee gave favorable reports to companion bills that would provide that a local employer participating in the Employees' Retirement System could elect to provide the same retirement benefits given to Tier I plan members to its Tier II plan members [SB147 by Senator Jabo Waggoner and HB61 by Representative Nathaniel Ledbetter].

The House Economic Development and Tourism Committee gave a favorable report to a bill that would provide that Alabama would observe Daylight Saving Time year-round if Congress amends the existing federal prohibition. The bill now goes to the full House [HB172 by Representative April Weaver].

The Senate Tourism Committee gave a favorable report to a bill that would exclude certain rentals that are not for overnight accommodations from the lodging tax. The bill now goes to the full Senate [SB171 by Senator Garlan Gudger].

The Senate Finance and Taxation General Fund Committee held a public hearing, but did not vote, on a bill that would exclude places or spaces for tent camping or marine slips, or in parks for recreational vehicles from the state transient occupancy tax or lodging tax [SB19 by Senator Gerald Allen].

SIGNIFICANT FLOOR ACTION THIS WEEK:

The House passed a bill that would provide circumstances under which an individual acting as an economic development professional is not considered a lobbyist. The bill now goes to the Senate [HB289 by Representative Alan Baker].

The House passed a bill that would authorize the Town of Dauphin Island to establish up to three entertainment districts within its corporate limits if certain qualifications are met. The bill now goes to the Senate [HB224 by Representative Chip Brown].

The House substituted, amended and passed a bill that would require retailers of alternative nicotine products, to obtain a tobacco license, prohibit certain advertisements, prohibit the sale to minors, and require the Alabama Alcoholic Beverage Control Board to regulate retail sales of alternative nicotine devices as with sales of tobacco products. The bill now goes to the Senate [HB41 by Representative Shane Stringer].

The Senate amended and passed a bill that would allow public schools to offer elective courses focusing on the study of the Bible in grades 6 to 12 and allow for the display of artifacts, monuments, symbols, and texts related to the study of the Bible. The bill now goes to the House [SB14 by Senator Tim Melson].

The Senate carried over a bill that would establish procedures and conditions for asset forfeitures. The bill now goes to the House [SB191 by Senator Arthur Orr].

The Senate carried over a bill that would require the owner of a vessel to obtain a certificate of title on the vessel [SB152 by Senator Billy Beasley].

The House amended and passed a bill that would authorize the county commission of a wet county to permit and regulate the sale of alcoholic beverages on Sunday. The bill now goes to the Senate [HB168 by Representative Reed Ingram].

The House passed a bill that would allow a county housing authority to have the option of electronic posting of the notice to potential purchasers of bonds, eliminate the requirement for bids to be advertised for three weeks and publicly let to the lowest responsible bidder, and exclude municipal, county and regional housing authorities from the requirement of obtaining prior written consent of the Department of Finance to issue and sell bonds. The bill now goes to the Senate [HB63 by Representative Steve McMillan].

The House passed a bill that would allow the state and its political subdivisions to utilize waiver valuations, in lieu of an appraisal, to determine the value of real property for the purposes of right-of-way acquisitions. The bill now goes to the Senate [HB98 by Representative Corley Ellis].

The House carried over a bill that would provide for the Governor to fill vacancies in the U. S. Senate until the next general election [HB23 by Representative Steve Clouse].

The Senate amended and passed a bill that would criminalize the act of recording or attempting to record any image or video of private, intimate body parts of another person without that person’s consent. The bill now goes to the House [SB26 by Senator Clyde Chambliss].

The Senate passed a bill that would authorize the taking of whitetail deer or feral swine by means of bait when a person purchases a baiting privilege license from the Department of Conservation and Natural Resources. The bill now goes to the House [SB66 by Senator Jack Williams].

ON THE LIGHTER SIDE:

A joint Senate and House resolution congratulating the band *Alabama* on their 50th Anniversary passed the Senate and is pending in the House Rules Committee [SJR26 by Senator Steve Livingston].

A joint Senate and House resolution to make Autauga County Artesian Water the Official State Water passed the Senate and is pending in the House Rules Committee [SJR17 by Senator Clyde Chambliss].

BUDGETS

BILL NO.	SPONSOR	SUBJECT	STATUS
HB141	Rep. Poole	Education Trust Fund Budget	Pending in House Ways and Means Education Committee
HB152	Rep. Clouse	General Fund Budget	Substituted and reported favorable from the House Ways and Means General Fund Committee
SB85	Sen. Albritton	General Fund Budget	Pending in the Senate Finance and Taxation General Fund Committee
SB199	Sen. Orr	Education Trust Fund Budget	Pending in the Senate Finance and Taxation Education Committee

The Senate Local Legislation Mobile County Committee will meet next Wednesday morning. The House Mobile County Legislation Committee will meet next Wednesday afternoon.

MOBILE COUNTY AND CITY BILLS INTRODUCED

BILL NO.	SPONSOR	SUBJECT	STATUS
HB83	Rep. Simpson	To provide for additional court costs in the district court and the circuit court in civil and criminal cases, including domestic relations cases, but excluding certain other types of cases; to provide for the establishment of a judicial administration fund in the county; and to provide for the distribution of monies in the fund	Pending in House Mobile County Legislation Committee
HB85	Rep. Stringer	To provide for midrange pay for certain initial employees as police officer and firefighter and a minimum number of eligible persons for initial applicants for police officer and firefighter positions	Pending in House Mobile County Legislation Committee
HB104	Rep. Brown	To provide for the local collection and enforcement of all county privilege, license, or excise taxes on the sale, distribution, storage, use, or other consumption of tobacco products in the county	Pending in House Mobile County Legislation Committee
HB194	Rep. Bracy	To provide that any federal Program of All Inclusive Care for the Elderly (PACE Program) in a Class 2 municipality would be allotted by the Alabama Medicaid Agency a minimum of 200 participants each fiscal year beginning October 1, 2019, and thereafter	Pending in House Mobile County Legislation Committee

MOBILE COUNTY AND CITY BILLS INTRODUCED

BILL NO.	SPONSOR	SUBJECT	STATUS
HB195	Rep. Bracy	To amend and reenact Act 2015-258 of the 2015 Regular Session, authorizing the Mobile County Commission to create a North Mobile County Volunteer Fire Department Board to review and evaluate the delivery of volunteer fire services to property owners within the unincorporated area in Mobile County Commission District 1 and any incorporated area in the district served by a volunteer fire department; to provide further for the date to implement the fire protection and suppression plan and a fire protection and suppression service fee on certain owners of dwellings and commercial buildings in Mobile County Commission District 1; to provide for certain exemptions and collection of the service fee; to provide for audits; to provide that municipal funding shall not be diminished; and to provide for the distribution of funds derived from the service fee	Pending in House Mobile County Legislation Committee
HB214	Rep. Pringle	To clarify Legislative intent regarding the transfer of duties, responsibilities, and liabilities from the Judge of Probate of Mobile County to the Mobile County Revenue Commissioner with regard to the sale of land sold for failure to pay taxes	Pending in House Mobile County Legislation Committee
HB219	Rep. Pringle	To amend Section 32-13-6, Code of Alabama 1975, to provide that any Class 2 municipality that owns and operates an impound facility and sells abandoned motor vehicles at public auction shall retain the proceeds from the sale in the general fund of the municipality	Pending in House Mobile County Legislation Committee
HB281	Rep. Brown	To further provide for the acceptance of certain unimproved roads and regulating the construction of certain other unimproved roads in Mobile County	Pending in House Mobile County Legislation Committee
SB112	Sen. Figures	To provide procedures for any Class 2 municipality to establish additional self-help business improvement districts for the purpose of promoting tourism, including the creation of nonprofit district management corporations to manage the districts	Pending in Senate Local Legislation Mobile County Legislation Committee

STATEWIDE BILLS WITH SPECIFIC LOCAL IMPACT

BILL NO.	SPONSOR	SUBJECT	STATUS
HB38	Rep. Drummond	To provide that property owners whose property is taken by a Class 2 municipality through eminent domain would receive the replacement cost of any property taken	Pending in House County and Municipal Government Committee
HB224	Rep. Brown	To authorize the Town of Dauphin Island to establish up to three entertainment districts within its corporate limits if certain qualifications are met	Passed by House; pending in Senate Tourism Committee

MOBILE COUNTY AND CITY BILLS ADVERTISED BUT NOT YET INTRODUCED

SUBJECT	ADVERTISING DATES
To abolish the office of Constable in Mobile County	11/7/18 - 11/28/18
To repeal Section 33-4-1 through 33-4-57, Code of Alabama 1975; to establish a State Pilotage Commission in a Class 2 municipality; to provide for licensing and regulations of Bar Pilots whose principal place of business is within a Class 2 municipality	2/6/19 - 2/27/19
To provide further for the employees and operations of the Mobile County Legislative Delegation Office.	3/6/19 - 3/27/19
Relating to Mobile County; to amend Act No. 470, H. 952 of the 1939 Regular Session (Acts 1939, p. 298), as amended, which creates and establishes the countywide Civil Service System in Mobile County; to establish procedures and timelines for the Mobile County Personnel Board to submit an applicants list to an appointing authority; to establish certain procedures for voluntary self-recruitment and hiring by an appointing authority pursuant to an agreement with the Mobile County Personnel Board; and to provide for the adoption by the governing body or delegated authority, or the Mobile County Personnel Board to adopt guidelines and operational standards for recruitment of applicants and submission to the appointing authority.	3/20/19 - 04/10/19

SUMMARY STATISTICS

	HOUSE BILLS	SENATE BILLS	TOTALS
Bills Introduced	365	246	611
Bills which have passed house of origin	55	42	97
Bills which have passed both houses	1	0	1
Bills which are pending Governor's signature	1	0	1
Bills which have been vetoed	0	0	0
Constitutional Amendment Bills pending referendum	0	0	0
Bills enacted	0	0	0

Beth Marietta Lyons
Lyons Law Firm
9 North Conception Street
Mobile, Alabama 36602
BethMLyons@bellsouth.net
Office: 251/690-9111
Cell: 251/680-9710