

Lyons Law Firm

Alabama Legislative Report

Final Report

2022 Regular Session

April 22, 2022

The Alabama Legislature met for the final days of the 2022 Regular Session on Tuesday, April 5 through Thursday, April 7, adjourning Sine Die close to midnight.

As there is additional money to come to Alabama from the American Rescue Plan Act, it is anticipated that a Special Session will be called by the Governor for the Legislature to appropriate those funds. Speculation centers around late June or August.

In the event a Special Session is not called by the Governor, the next meeting of the Legislature will be the 2023 Organizational Session that will convene on Tuesday, January 10, 2023. The 2023 Regular Session will convene on Tuesday, March 7, 2023.

There were a number of bills passed in the final days of the Session which must be signed by the Governor within 10 days or they receive a Pocket Veto. She signed and sent to the Secretary of State all but one, a Colbert County local bill.

SUMMARY STATISTICS

	HOUSE BILLS	SENATE BILLS	TOTALS
Bills Introduced	534	339	873
Bills which have passed house of origin	240	183	423
Bills which have passed both houses	169	128	297
Bills which are pending Governor's signature	0	0	0
Bills which have been pocket vetoed	0	1	1
Constitutional Amendment Bills pending referendum	12	5	17
Bills enacted	157	122	279

NOTABLE BILLS ENACTED

BILL NO.	SPONSOR	SUBJECT	ACT NO.
HB76	Rep. South	To repeal Act 2021-227 which allowed student athletes to receive compensation for use of his or her name, image, or likeness.	2022-2
SB17	Sen. Gudger	To provide for enhanced criminal penalties for the act of damaging a critical infrastructure while committing the crime of unauthorized entry of a critical infrastructure and doing so while operating certain unmanned aircraft systems.	2022-34

NOTABLE BILLS ENACTED

BILL NO.	SPONSOR	SUBJECT	ACT NO.
HB231	Rep. Carns	To provide that the reduction in the individual federal income tax deduction associated with the federal child tax credits would be calculated as if the individual paid the federal income tax that would otherwise have been paid.	2022-37
SB22	Sen. Price	To provide that a retail table wine licensee may dispense wine for off-premises consumption in containers approved by the Alcoholic Beverage Control Board.	2022-39
SB36	Sen. Albritton	To further define gas to include certain additional gases for the purpose of regulation of underground storage facilities.	2022-40
SB64	Sen. Chambliss	To authorize the establishment of entertainment districts within certain community development districts.	2022-50
HB82	Rep. Garrett	Small Business Relief and Revitalization Act of 2022, cancellation of indebtedness income exempt from income tax, financial institution excise tax and corporate income tax due date extension, certain business tangible personal property ad valorem tax exemption, deposit of certified funds with Revenue in lieu of one-time surety bond for licensure, average monthly sales tax liability for estimated payments increased.	2022-53
SB152	Sen. Roberts	To provide that the reduction in the individual federal income tax deduction associated with the federal child tax credits would be calculated as if the individual paid the federal income tax that would otherwise have been paid.	2022-75
SB28	Sen. Whatley	To provide for the inclusion of the Space National Guard within the Alabama National Guard if the federal government creates the Space National Guard in the National Defense Authorization Act by fiscal year 2025.	2022-88
SB116	Sen. Whatley	To establish a program for advance school enrollment of children of military families.	2022-90
SB119	Sen. Barfoot	To provide that scholarship benefits acquired through the Alabama G.I. and Dependents' Educational Benefit Act may be used for instruction at any public or private institution of higher education located in the state that receives state funds.	2022-91
SB141	Sen. Butler	To extend the timeframe for which a temporary occupational permit is effective for a military spouse.	2022-92
HB213	Rep. Drummond	To abolish the Office of the Mobile County Treasurer upon the expiration of the current term of office.	2022-95

NOTABLE BILLS ENACTED

BILL NO.	SPONSOR	SUBJECT	ACT NO.
SB9	Sen. Elliott	To provide for the expenditure of funds received by the Alabama Department of Conservation and Natural Resources for coastal conservation, restoration and protections pursuant to the "Gulf of Mexico Energy Security Act of 2006 (GOMESA)."	2022-103
SB52	Sen. Chesteen	To provide for the determination of reasonable compensation by motor vehicle manufacturers or similar entities for pre-delivery and warranty service by motor vehicle dealers.	2022-104
HJR88	Rep. Coleman	To provide for the ratification of the Constitution of Alabama of 2022, as proposed by the Director of the Legislative Services Agency with advise and recommendations from the Joint Interim Legislative Committee, removing all racist language, deleting duplicative and repealed provisions, consolidating provision regarding economic development, arranging all local amendments by county, and making no other changes.	2022-111
SB77	Sen. Givhan	To prohibit any state agency or institution from purchasing a U. S. Flag or Alabama flag that was not manufactured in the U.S.	2022-113
SB134	Sen. Chesteen	To provide certain requirements for the purchase, possession, and sale of certain used, detached catalytic converters, and provide criminal penalties for a violation.	2022-114
HB255	Rep. Shedd	A proposed Constitutional Amendment to authorize the state, a county, or a municipality to grant certain monies to public or private entities for broadband infrastructure.	2022-117
SB227	Sen. Figures	A proposed Mobile County Constitutional Amendment to provide for a judicial nominating commission in Mobile County, and to provide for the composition, duties and powers of the commission.	2022-118
SJR57	Sen. Figures	To honor the late Senator Michael A. Figures by naming the portion of the Interstate 165 corridor connecting Interstate 10 to Interstate 65 in Mobile County the "Michael A. Figures Freeway."	2022-119
SB104	Sen. Givhan	To prohibit a corporation from issuing scrip in bearer form, thereby requiring a corporation to register all issued scrip of fractional stock.	2022-124
SB123	Sen. Scofield	To increase the minimum service threshold for Internet under the Connect Alabama Act of 2021 to at least 100 megabits per second downstream and 20 megabits per second upstream.	2022-125

NOTABLE BILLS ENACTED

BILL NO.	SPONSOR	SUBJECT	ACT NO.
HB285	Rep. Clouse	To extend the privilege assessment and surcharge currently imposed on each bed in a nursing facility until August 31, 2025.	2022-126
HB286	Rep. Clouse	To extend the Hospital Provider Privilege Tax which provides funding for the Alabama Medicaid Agency until fiscal year 2025.	2022-127
HB287	Rep. Clouse	To impose an assessment on emergency medical transport providers to provide additional Medicaid enhancement payments for the maintenance and expansion of emergency medical transport services.	2022-128
HB272	Rep. Stringer	To authorize individuals to carry a firearm concealed at certain locations or in a vehicle without a permit.	2022-133
SB124	Sen. Scofield	To increase the minimum service threshold for high-speed broadband services at or above 100 megabits per second of download speed and 100 megabits per second of upload speed for the broadband accessibility grant program.	2022-138
SB175	Sen. Orr	To amend the Education Trust Fund Rolling Reserve Act to allow funds in the Education Trust Fund Advancement and Technology Fund to be used for capital outlay expenses.	2022-139
SB211	Sen. Elliott	To provide for the issuance by the Alabama Law Enforcement Agency (ALEA) of certificates of title on vessels and to require owners of vessels to obtain a certificate of title.	2022-144
SB178	Sen. Givhan	To authorize the investment of municipal funds and county funds into commercial paper with the highest credit rating at the time of purchase, or banker's acceptance, and would prohibit the investment of those funds into closed-end management type investment companies.	2022-146
HB39	Rep. C. Brown	To authorize the transfer from the Insurance Department Fund to the Strengthen Alabama Homes Fund any amount remaining in the Insurance Department Fund on September 30, 2022, which exceeded 25% of the amount appropriated for the Insurance Department Fund, for the fiscal year ending September 30, 2022.	2022-147
HB250	Rep. Hassell	To authorize the Alabama Port Authority to build intermodal and multi-modal transfer facilities.	2022-149
SB110	Sen. Albritton	To provide a 4% cost-of-living increase for state employees for the fiscal year beginning October 1, 2022.	2022-160

NOTABLE BILLS ENACTED

BILL NO.	SPONSOR	SUBJECT	ACT NO.
HB105	Rep. Gaston	To establish a registry for individuals who have been convicted of certain crimes against elders or who are found by the Department of Human Resources to have committed various forms of elder abuse or abuse against adults in need of protective services.	2022-161
HB319	Rep. Coleman	A proposed Constitutional Amendment to authorize the Code Commissioner, contingent upon the ratification of the Constitution of Alabama of 2022, to renumber and place ratified Constitutional Amendments, based on a logical sequence and the particular subject or topic of the amendment, and to provide for the transfer of existing annotations to any section of the Constitution of Alabama of 1901, to the section as it is numbered or renumbered in the Constitution of Alabama of 2022.	2022-177
SB30	Sen. Singleton	To provide for a funded one-time longevity bonus payment in addition to the retirement benefits of certain retirees and beneficiaries of the Teachers' Retirement System.	2022-178
SB83	Sen. Melson	To create the Alabama Airport Economic and Infrastructure Program, to fund and pay debt for improvements to general aviation airports, commercial service airports, and expand commercial air service in Alabama.	2022-180
HB77	Rep. Rich	To authorize the county tax assessing official to appear and defend the state in appeals when the taxable value of property is at issue and would provide that the action is considered an appearance of the state unless the Department of Revenue intervenes.	2022-183
HB40	Rep. C. Brown	To exempt from the crime of possession of a gambling device, under certain limited circumstances, slot machines manufactured before 1960.	2022-189
HB10	Rep. C. Brown	To exempt all vessels and equipment used in commercial fishing from ad valorem tax, create a sales and use tax differential of one and one-half percent for the purchase and storage of all vessels and machinery used in the process of commercial fishing, and exempt bait and all materials and equipment used in the process of commercial fishing from sales and use tax.	2022-199
HB46	Rep. Collins	To establish the State Seal of Bilingual program to recognize graduates who have attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English.	2022-200

NOTABLE BILLS ENACTED

BILL NO.	SPONSOR	SUBJECT	ACT NO.
HB70	Rep. Reynolds	To provide a statutory definition for the phrase "real and present threat of substantial harm to self and others," and would provide that the threat of substantial harm should be assessed in light of all relevant evidence and not just the individual's behavior.	2022-201
HB335	Rep. Blackshear	To authorize banks and financial institutions to charge a closing fee in a limited amount on loans of less than \$1,500, subject to partial refund upon prepayment of the loan.	2022-207
HB371	Rep. Ellis	To clarify that the tax collecting official of a county may conduct public tax lien auctions through an online method.	2022-208
HB134	Rep. Baker	To modify the retirement benefits for Tier II plan members of the Teachers' Retirement System by providing 30-year service retirement.	2022-222
SB42	Sen. Elliott	To provide that a homeowner's association or condominium association may not prohibit the displaying of the flag of the State of Alabama on residential property within the association.	2022-228
SB111	Sen. Albritton	To provide for a funded longevity bonus in addition to the retirement benefits of certain retirees and beneficiaries of the Employees' Retirement System.	2022-229
SB59	Sen. Singleton	To establish the Prison PREP Pilot Program for Small Business Development under the Board of Pardons and Paroles and the Department of Corrections.	2022-248
SB171	Sen. Orr	To prohibit the use of the Common Core State Standards in public K-12 schools, and to implement steps to improve mathematics proficiency of public school kindergarten to fifth grade students.	2022-249
HB391	Rep. Clouse	To provide for a reduced minimum business privilege tax of \$50 for taxable years beginning after December 31, 2022 and to provide a full exemption from the tax on amounts due of \$100 or less for taxable years beginning after December 31, 2023.	2022-252
SB191	Sen. Albritton	To make supplemental appropriations for the American Rescue Plan Act - State Small Business Credit Initiative Fund for the fiscal year ending September 30, 2022.	2022-254

NOTABLE BILLS ENACTED

BILL NO.	SPONSOR	SUBJECT	ACT NO.
SB196	Sen. Livingston	A proposed Constitutional amendment to require the Governor to provide notice to the Attorney General and a designated member of the victim's family prior to granting a reprieve or commutation to a person under sentence of death, and to provide for the voiding of a reprieve or commutation upon failure of the Governor to provide notice.	2022-256
HB350	Rep. Allen	To designate the Peanut as the Official State Legume of Alabama.	2022-261
SB72	Sen. Williams	To allow local boards of education and any other public educational entity that provides meals under the Child Nutrition Program of the Alabama State Department of Education, during an emergency or unanticipated event affecting public health or safety or causing supply chain disruptions, to purchase goods or services related to the program without advertisement or bidding if recommended by the State Superintendent of Education.	2022-264
SB106	Sen. Albritton	General Fund Budget.	2022-270
HB136	Rep. Garrett	To provide for a 4% pay increase for certain education employees for the fiscal year 2022-2023.	2022-285
HB458	Rep. Sorrells	A proposed Constitutional Amendment that would specify that counties and municipalities are exempt from the prohibition against issuing bonds to acquire real estate for economic and industrial development without a vote of the people.	2022-286
SB184	Sen. Shelnett	To prohibit the performance of a medical procedure or the prescription of medication, upon or to a minor child, that is intended to alter the minor child's gender or delay puberty.	2022-288
HB322	Rep. Stadthagen	To require public K-12 schools to designate all rooms that are accessible to multiple students of one sex to be used by male and female students on the basis of biological sex, and prohibited instruction or discussion on sexual orientation or gender identity for students in kindergarten through fifth grade.	2022-290
SB274	Sen. Livingston	To exempt from sales taxation producer value added agricultural products that are sold by the producer, the producer's family, or the producer's employees.	2022-291

NOTABLE BILLS ENACTED

BILL NO.	SPONSOR	SUBJECT	ACT NO.
SB19	Sen. Orr	To increase the optional standard deduction and expand the adjusted gross income range allowable for the maximum optional standard deduction and the dependent exemption to increase the threshold at which the state imposes individual income taxes.	2022-292
HB20	Rep. Lee	To extend the existing sales and use tax exemption on parts, components, and systems used in the refurbishing of aircraft.	2022-293
HB162	Rep. Greer	To provide that up to \$6,000 of taxable retirement income is exempt from state income tax for individuals 65 and older.	2022-294
HB400	Rep. Kitchens	To provide that all grain bin structures and parts used for preparing a grain for market would be exempt from ad valorem taxation.	2022-295
HB415	Rep. Isbell	To prohibit a county from charging a farmer a license or other fee for the sale of farm products produced by the farmer, his or her immediate family, or his or her employees.	2022-296
HB163	Rep. Greer	To increase the optional standard income tax deduction and expand the adjusted gross income range allowable for the maximum optional standard deduction and the dependent exemption to increase the threshold at which the state imposes individual income taxes.	2022-297
SB224	Sen. Orr	To require an unemployed individual to search for work a certain number of times per week to be eligible to receive unemployment benefits.	2022-301
SB272	Sen. Roberts	To allow licensed physicians to practice telemedicine in the state and allow prescriptions of certain medications without the physician meeting a patient in person.	2022-302
HB194	Rep. Allen	To prohibit certain public officials responsible for the conduct of an election, or their employees, from soliciting, accepting, or using certain donations from an individual or non-governmental entity for the purpose of funding certain election-related expenses.	2022-321
HB143	Rep. Pettus	To provide that any person convicted of a crime that caused the death of another person would not be eligible for correctional incentive time.	2022-322

NOTABLE BILLS ENACTED

BILL NO.	SPONSOR	SUBJECT	ACT NO.
SB2	Sen. Allen	To create the Alabama Second Amendment Preservation Act to prohibit the state and political subdivisions of the state, and their law enforcement officers, agents, and employees, from participating in the implementation or enforcement of any federal act, law, order, rule, or regulation relating to firearms, firearm accessories, or ammunition.	2022-323
HB144	Rep. S. Jones	To eliminate the requirement for a run-off election where only two candidates run for election for a particular office in a municipal election.	2022-337
HB304	Sen. Baker	To provide that the governing body of a county or municipality has authority to approve or disapprove each new solid waste management site or a modified existing solid waste management site.	2022-338
HB504	Rep. Pettus	To provide that any state or local law enforcement officer may require and assist in moving a vehicle from the scene of an accident if the disabled vehicle creates a traffic hazard or obstructs traffic.	2022-340
HB91	Rep. Ingram	To allow a county licensing official to enter into a contract with a third party, upon approval of the county commission, to provide materials for print-on-demand validation decals, emblems, and registration receipt forms for license plate renewals.	2022-342
SB182	Sen. Livingston	To prohibit any governmental entity of the state from adopting rules, requirements, ordinances, or resolutions to prohibit the otherwise lawful operation of motor fuel retailers that are operating in compliance with existing state and federal law, when it is based solely on the type of motor fuel sold, processed, or delivered.	2022-354
SB71	Sen. Chambliss	To allow a county licensing official to enter into a contract with a third party, upon approval of the county commission, to provide materials for print-on-demand validation decals, emblems, and registration receipt forms for license plate renewals.	2022-356
HB395	Rep. Lovvorn	To create a new type of alcoholic beverage license that would authorize certain public universities that have a hospitality management program to produce, transfer, and sell alcoholic beverages on the licensed premises of the university in furtherance of its academic program.	2022-360.

NOTABLE BILLS ENACTED

BILL NO.	SPONSOR	SUBJECT	ACT NO.
HB94	Rep. K. Brown	To extend the existence of the Alabama Commission on Tick Borne Illness until September 30, 2025.	2022-361
HB446	Rep. Standridge	To provide that an emergency communications district shall provide a transcript of an audio recording to any individual, upon request and payment of a reasonable fee, and provide that the emergency communications district may redact identifying information of the caller or any person involved in the facts, as well as any other personal identifying or sensitive information.	2022-363
SB321	Sen. Chesteen	To clarify that a business that provides rental and leasing services in a municipality, but has no other physical presence in the municipality, may be required to purchase a delivery license for not more than \$100, with certain exceptions, for delivering rented equipment or property.	2022-372
SB170	Sen. Orr	To exempt the academic performance of certain English as a second language students from consideration in the assigning of an academic achievement grade to a school or school system.	2022-374
HB50	Rep. Hollis	To establish a grant program for awarding funds to public schools to provide no cost feminine hygiene products to students.	2022-380
HB104	Rep. Gaston	To further provide for the conditions in which a felon qualifies for a posthumous pardon.	2022-382
HB176	Rep. South	To authorize bussers and servers between the ages of 18 and 20 to serve alcoholic beverages in restaurants provided they do not serve as bartenders.	2022-383
SB200	Sen. Smitherman	To postpone the implementation of the Alabama Literacy Act, which requires third grade students to demonstrate sufficient reading skills before being promoted to fourth grade, until the 2024-2025 school year.	2022-391
HB135	Rep. Garrett	Education Trust Fund Budget.	2022-393
HB347	Rep. P. Moore	To create an additional class of community development districts which would authorize the sale of alcoholic beverages within a district located in a dry county.	2022-406
SB336	Sen. Albritton	To establish the South Baldwin Regional Workforce Development Authority and provide for the composition, duties, and meetings of the board of directors of the authority.	2022-414

NOTABLE BILLS ENACTED

BILL NO.	SPONSOR	SUBJECT	ACT NO.
SB207	Sen. Singleton	To prohibit the operation of a vehicle that contains a false or secret compartment, the purpose of which is to conceal, hide, or prevent discovery of a controlled substance, contraband or a person concealed for an unlawful purpose.	2022-415
SB282	Sen. Gudger	To provide that only 10% of a municipalities budget may come from fines and penalties generated from traffic tickets with excess funds to be distributed to the Crime Victims' Compensation Fund and the Fair Trial Tax Fund.	2022-419
SB56	Sen. Orr	To prohibit state or local law enforcement from using facial recognition technology match results as the sole basis for making an arrest or for establishing probable cause in a criminal investigation.	2022-420
SB147	Sen. Orr	To provide that members of certain governmental bodies participating in a meeting by electronic means are present for all purposes so long as a certain number of members are physically present, and would remove a prohibition on participation in executive sessions by members through electronic means.	2022-421
SB260	Sen. Smitherman	To provide further for what constitutes a blighted or economically distressed area for the purposes of establishing a tax increment district and to allow the redevelopment or revitalization project to continue through the creation of a subsequent tax increment district after expiration of the existing district, but retain the original baseline.	2022-422
SB311	Sen. Williams	To allow certain land owners to register and pay a fee for an earlier deer season start date.	2022-423
SB203	Sen. Orr	To require the Administrative Office of Courts to establish a statewide database and public website to include data concerning fines and fees collected in each municipality, require each municipality to submit an Annual Municipality Financial Report to an online portal, and require the Chief Examiner or an independent certified public accountant to submit a written report summarizing collection activity by municipalities to the Legislature, Attorney General and Governor.	2022-425
SB313	Sen. Orr	To prohibit any public official or public employee from expending public funds to advocate in favor of or against statewide and local ballot measures.	2022-428

NOTABLE BILLS ENACTED

BILL NO.	SPONSOR	SUBJECT	ACT NO.
HB119	Rep. Isbell	To allow a retailer licensed to sell beer or wine for off-premises consumption to use a drive-through or walk-up window for the purchase of beer and wine.	2022-431
HB234	Rep. Rafferty	To provide for a food or beverage truck license in a Class 1 municipality (Birmingham) that would allow a food or beverage truck to sell alcoholic beverages for consumption in open containers within a defined boundary in the vicinity of the food truck.	2022-432
HB191	Rep. Oliver	To remove the requirement that a surrogate who has been designated to determine whether to provide, withdraw, or withhold life-sustaining treatment or artificially provided nutrition and hydration to a terminally ill patient must have his or her certification notarized.	2022-434
HB488	Rep. Shaver	To provide a COVID-19 death benefit for first responders and authorize the beneficiaries or dependents of deceased emergency medical services personnel to receive the death benefit.	2022-437
HB315	Rep. Givan	To create the crime of misrepresenting the police jurisdiction of a municipality and establish penalties for violations.	2022-439
HB123	Rep. Ledbetter	To establish and provide for the qualifications and duties of a mental health service coordinator and would require each local board of education in the state to employ a mental health service coordinator to serve those schools under the jurisdiction of the board.	2022-442