



2018 Legislative Report- Week 7

General Fund Budget Passes Senate; Heads to House

The Senate voted 26-2 on Tuesday to pass a \$2 billion General Fund Budget. Department of Corrections funding for next fiscal year will increase by \$56 million under the plan, including \$4.7 for the Perry County Correction Center in Alabama's Black Belt. A \$30 million supplemental appropriations measure was passed out of committee on Wednesday that will increase General Fund appropriations for the current fiscal year in an effort to enhance general and mental health care for Department of Corrections' inmates. Other year-over-year increases under the proposed plan include Medicaid (\$54 million), the Department of Health (\$8 million), the Department of Economic and Community Affairs (\$4.7 million), and the Alabama Law Enforcement Agency (\$3.2 million). Most other agencies were level funded. Governor Ivey's proposed 3-percent pay increase for state employees was debated but not voted on this week. The measure is expected to ultimately pass. The budget proposal now moves to the House for consideration.

Attorney General's Ethics Bill Introduced

Senate President Pro Tem Del Marsh introduced SB 383 Thursday on behalf of Attorney General Steve Marshall's office. The bill is intended to clarify ethics laws and close potential loopholes regarding the conduct of public officials and employees, but many are concerned with the unintended consequences of the proposal. The proposal, among other things, attempts to:

- Clarify that public officials cannot serve as consultants for businesses having interests before the Legislature
- Revise the definition of a "principal"
- Revise the definition of a "thing of value"
- Create crime of extortion for attempting to corruptly influence a public official/employee
- Exempt low-profile public employees such as teachers and police officers from certain provisions

The fate of the proposal is unknown.

Gun Bills Introduced

Representative Juandalynn Givan (D-Birmingham) introduced a bill this week that would raise the minimum age to buy an “assault weapon” in Alabama from 18 years of age to 21. Specifically, the proposed legislation would prohibit the sale or transfer of an “assault weapon” to any person under 21 years of age and would make it illegal for anyone under 21 from possessing an “assault weapon.” “Assault weapons” as defined in the bill include semiautomatic rifles with detachable magazines and one or more other features, such as a pistol grip and second handgrip. House Speaker Mac McCutcheon (R-Monrovia) said he does not expect the bill to advance next week.

Representative Will Ainsworth (R-Guntersville) introduced a bill to allow trained, certified teachers and administrators to carry a pistol on school campuses. Teachers and administrators who carried guns would be required to receive 40 hours of training through the Alabama Peace Officers Standards and Training Commission and a mental health evaluation. The state would pay the cost of training but not the cost of the guns.

Both measures appear to be a response to tragic school shooting in Parkland, FL.

Senate Approves Capital Punishment Measure

The Senate voted 29-0 Thursday to approve a bill that would allow inmates on death row the opportunity to choose execution by nitrogen hypoxia instead of by electrocution or lethal injection. Alabama would be the first to offer nitrogen hypoxia to carry out an execution. The proposed legislation now goes to House Judiciary for consideration.

House Passes Extension of Law Enforcement Benefits

The Philip Davis Act passed the House by an 80-3 vote this week. The bill would extend workers’ compensation benefits to children of fallen law enforcement officers until the children are 18 years old, instead of on a limited 10-year basis. The bill would also extend the benefits to the officers’ spouses.

Senate Judiciary Approves Day Care Proposal

On Wednesday, the Senate Judiciary Committee unanimously approved the Child Care Safety Act, which would require certain day cares to be licensed. Under the proposal, church-affiliated day care facilities would be required to be licensed by the state in the event they receive state or federal subsidies or operate for a profit. Additionally, other facilities that may remain exempt from licensing would nonetheless be subject to new state regulations enforced by the Department of Human Resources. The bill was previously passed 86-5 by the House and can now move to the full Senate floor for consideration.

Committee Approves Sexual Harassment Bill

The Senate Committee on Governmental Affairs unanimously approved a bill that would prohibit the Alabama Board of Adjustment from using state funds to pay for sexual harassment or sexual assault claims brought against state employees and public officials. The provision would apply to any state official. The bill can now move to the Senate floor.

Senate Committee Approves Marijuana Bill; House Committee Votes Against Similar Bill

Legislation affecting the criminalization of marijuana was debated in both chambers of the Legislature this week, meeting approval on one side and disapproval on the other.

The Senate Judiciary Committee voted 6-4 on Wednesday to report favorably SB 251, which would effectively decrease the criminal penalties for possession of marijuana. Specifically, the bill would reclassify possession of the following amounts accordingly:

- 1 ounce or less: fine only
- more than 1 ounce but less than 2 ounces: Class-D felony
- more than 2 ounces: Class-C felony

Similar legislation was also considered in the House. The House Judiciary Committee voted 7-5 against a bill that would have lessened the penalties for marijuana possession, but with significantly different provisions. The House bill would have imposed the following consequences for possession of one ounce or less:

- 1st offense: fine up to \$250; violation only
- 2nd offense: fine up to \$250; violation only
- 3rd and subsequent offenses: fine up to \$500; violation only

This bill is likely dead for the session.

Legislative Tracking Report

[AL - HB97 Transportation network companies, Public Service Commission permit required to operate, minimum requirements imposed](#)

Last Action: Read for the first time and referred to the House of Representatives committee on Commerce and Small Business (January 9, 2018)

Primary Sponsor: [Representative David Faulkner \(R\)](#)

AL - HB173 Ad valorem taxes, co. commission authorized to abate taxes for Class III property taxed at current use when converted to other taxable use for projects under Ala. Jobs Act, consent of municipality if in corporate limits, Sec. 40-7-25.4 added

Last Action: Read for the first time and referred to the House of Representatives committee on Economic Development and Tourism (January 11, 2018)

Primary Sponsor: [Representative Danny Crawford \(R\)](#)

AL - HB190 Transportation network companies, Public Service Commission permit required to operate, minimum requirements imposed

Last Action: Clerk of the House Certification (February 15, 2018)

Primary Sponsor: [Representative David Faulkner \(R\)](#)

Amendments:

[190833-1](#)

AL - HB317 Economic Development, notification and confidentiality provisions revised for certain economic incentives, State Industrial Development Authority, bonds for industrial development and site preparation, auth., Alabama Jobs Enhancement Act, Secs. 41-29-501 to 41-29-507, inclusive, added; Sec. 41-29-3 am'd.

Last Action: Read for the second time and placed on the calendar 1 amendment (February 1, 2018)

Primary Sponsor: [Representative Ken Johnson \(R\)](#)

AL - HB430 Commerce, recapture benefit extended to call centers that relocate out of state

Last Action: Read for the first time and referred to the House of Representatives committee on State Government (February 15, 2018)

Primary Sponsor: [Representative Phil Williams \(R\)](#)

AL - SB65 Transportation network companies, Public Service Commission permit required to operate, minimum requirements imposed

Last Action: Read for the first time and referred to the Senate committee on Transportation and Energy (January 9, 2018)

Primary Sponsor: [Senator Bobby D. Singleton \(D\)](#)

AL - SB98 Ad valorem taxes, co. commission authorized to abate taxes for Class III property taxed at current use when converted to other taxable use for projects under Ala. Jobs Act, consent of municipality if in corporate limits, Sec. 40-7-25.4 added

Last Action: Enrolled (January 30, 2018)

Primary Sponsor: [Senator Arthur Orr \(R\)](#)

AL - SB143 Transportation network companies, Public Service Commission permit required to operate, minimum requirements imposed

Last Action: Read for the second time and placed on the calendar 1 amendment (February 1, 2018)

Primary Sponsor: [Senator Bobby D. Singleton \(D\)](#)

AL - SB187 Tax credits, exemptions, deductions, enacted in 2019 Reg. Sess., or thereafter, expiration within seven years from effective date, const. amend.

Last Action: Read for the first time and referred to the Senate committee on Fiscal Responsibility and Economic Development (January 16, 2018)

Primary Sponsor: [Senator Bill Hightower \(R\)](#)

Scheduled Hearing:

[Fiscal Responsibility and Economic Development \(Senate\)](#)

Date: February 28, 2018

Time: 2:30pm (CST)

Location: Room 727