

PUBLICATION

Alabama Legislative Update - Week 10: As Session Moves Towards Close, Budgets Take Center Stage

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The 2014 session of the Alabama Legislature is winding and grinding down as lawmakers hammer out the General Fund and Education Trust Fund budgets. Last week saw progress, albeit slow.

On the 27th legislative day the Senate passed **HB 235**, the General Fund Budget, by Representative Steve Clouse, R-Ozark, on a 30-2 vote Thursday evening. The \$1.8 billion budget includes a one-time \$400 bonus for state employees, level funding for insurance and additional money for the Department of Corrections.

The Department of Corrections will receive an additional \$4.8 million, with \$3.5 million going toward renovations for the Wetumpka Women's Facility. It is expected to receive prisoners from the Julia Tutwiler Prison for Women, currently under investigation by the U.S. Department of Justice over allegations of sexual abuse and harassment of inmates at the prison.

The budget also provides an additional \$70 million for the Alabama Medicaid Agency, which consumes over a third of the General Fund budget and covers a fifth of Alabama's residents. The additional funding boosts Medicaid's budget to \$685 million. The agency initially sought \$700 million.

The House, which approved the General Fund Budget on February 26, will have to decide whether to concur or non-concur in the Senate version when they return from spring break April 1. If the House non-concurs, the budget will go to a conference committee.

The Education Trust Fund Budget passed the Senate. Last week, the House process to approve the budget came to a grinding halt as Democrats offered amendment after amendment and filibustered until a cloture vote ended debate and the budget passed by a vote of 51-47. The Senate quickly decided to send the budget to a conference committee and the House agreed.

Beginning early Thursday morning, House and Senate conferees met and before they left late Thursday, they had come close to agreement on an Education Trust Fund budget the Governor, House and Senate could all accept. On Friday afternoon, an agreement was announced between the Governor and legislators to increase The Public Education Employees' Health Insurance Plan funding to \$780 per individual per year. When the Legislature returns April 1, a conference committee will need to approve the changes before the bill goes back before the Senate for approval.

In the Alabama Senate

Constitutional Amendments were passed which will be on this year's ballots to be voted on include:

Passed **SB 367**, sponsored by Senator Del Marsh, R-Anniston, by 25-3 granting limited powers to county commissions in the state through home rule for limited power to establish personnel policies, community, transportation and emergency assistance programs, policies for operation of county offices and elections and polling places. The bill has been sent to the House.

Passed **SB 253**, by Senator Del Marsh, R-Anniston, to revive the impeachment article of the 1901 Alabama Constitution. It received a 26-3 vote and is now in the House.

Passed **SB 261**, sponsored by Senator Jerry Fielding, D-Sylacauga, to revive the separation of powers article of the 1901 Constitution. Now the House takes up the bill.

Passed **HB 151**, The Small Business Tax Relief Act, by Representative Barry Moore, R-Enterprise, on a 23-2 vote. This bill would increase the average monthly tax liability threshold, from \$1,000 to \$2,500, for businesses that make advance estimated sales tax payments. By increasing the threshold, between 4,000-6,000 businesses would be relieved from making estimated payments, allowing them to redirect those resources to other areas of their businesses. The bill passed in the House 96-2 in January and goes to the Governor.

Passed **SB 57** by Senator Jabo Waggoner, R-Vestavia Hills, to allow school staff with training to administer medication to diabetic students if the school does not have a nurse on staff. The bill passed 31-0 and is pending full House action.

Passed **SB 142** by Senator Gerald Dial, R-Lineville, by 28-0 to create an Alabama Spaceport Authority within the Alabama Department of Economic and Community Affairs to promote the research and development of new space exploration and spaceport technologies and support activities to advance the same. The bill is now in the House Technology and Research Committee.

Passed **SB 348** by Senator Greg Reed, R-Jasper, The Public Officials Rewards for Exemplary Public Service Act, on a 29-0 vote. The bill would allow state employees to be able to accept unsolicited awards from third parties for exceptional service in their jobs, under the current ethics law. The idea for the bill came after Alabama teachers and school staff who looked after students trapped by snowstorms were unable to accept rewards for their service offered by community and business leaders afterward. The bill goes to the House.

Passed **HB 233** by Representative Ron Johnson, R-Sylacauga, by 98-0. The bill would allow school students with dangerous allergies to keep and administer their own medicine in the event of an allergic reaction. The bill is in the Senate Health Committee for action.

Passed **SB 355** by Senator Cam Ward, R-Alabaster on a 26-0 vote. This bill would amend Alabama's stormwater law to expand the current stormwater act to cover the entire state and not just Jefferson and Shelby counties and their respective cities. The bill provides for a push back against the Environmental Protection Agency (EPA) and prohibits the EPA from mandating onerous requirements on the state unless the EPA undertakes the appropriate rulemaking process. After Senate passage, the bill was favorably reported by the House Commerce and Small Business Committee and is poised for full House action.

Passed **SB 398**, sponsored by Sen. Gerald Dial, R-Lineville, by 27-1 allowing prosecutors to gain access to certain juvenile court records concerning children.

In Senate Committees

Gave a favorable report to the Grandparents Bill of Rights, **HB 289** sponsored by Representative Harry Shiver, R-Bay Minette, which would establish procedures by which certain grandparents can petition for visitation rights with their grandchildren. It requires the petitioning grandparent to prove they have an existing relationship with the grandchild and that the visitation is in the best interest of the child. The bill now goes to the full Senate and passed the House on a 98-1 vote earlier this month.

The Senate Health Committee gave a favorable report on **HB 379**, The Lethal Injection Secrecy Act, by Representative Lynn Greer, R-Rogersville, which would make secret the suppliers and manufacturers of lethal chemical cocktails used for executions. The bill was amended to give judges the authority to make the information discoverable in court. The bill passed the House earlier and now goes to the Senate.

In the Alabama House of Representatives

Passed **HB 558** by Representative Chad Fincher, R-Semmes, on a 63-39 vote after long debate and a cloture vote to cut off discussion. The bill changes provisions of the Alabama Accountability Act Scholarship Program to remove the \$7,500 cap on tax credits individuals can claim to up to one-half of their tax liability and it changes from September 15 to May 15 each year the date scholarship funds can be released to students from failing schools. The bill is on the calendar in the Senate Financial Responsibility and Accountability Committee for April 1.

Passed **SB 174**, Carly's Law, on a 97-0 vote Thursday morning at 2:10 a.m. Sponsored by Senator Paul Sanford, R-Huntsville, and Representative Allen Farley, R-McCalla. the bill would authorize a study by the University of Alabama in Birmingham's Department of Neurology to determine the medicinal uses of an oil derivative of marijuana (CBD) and then to approve treatments using CBD for individuals diagnosed with severe epilepsy and neurological disorders. A \$1 million line item for the research was added to the Education Budget. The Senate approved the bill 34-0 two weeks ago. Governor Bentley now has the bill and is expected to sign it into law.

Passed **SB 11** by Senator Jimmy Holley, R-Elba, The Legislative Oversight Reorganization Act, on a 64-30 vote. The bill would reduce the size of the joint House-Senate Legislative Council from 32 members to 20 members with ten from each chamber and replace three standing legislative committees with the new 20-member Legislative Council. The Senate non-concurred 29-0 and had appointed conference committee members but then reconsidered and kept the bill in the status of carried over.

Passed **HB 108** by Representative Greg Wren, R-Montgomery, with a vote of 99-0. The bill would provide an optional non-itemized short form for filing a business personal property tax return for taxpayers whose original acquisition costs were less than \$10,000 prior to October 1. The bill also received a 7-0 favorable report last week in the Senate Job Creation and Economic Development Committee. It is now ready for full Senate action.

Passed **SB 22** by Senator Phil Williams, R-Rainbow City, by 70-14 and it is now pending action by Governor Bentley. The Senate approved the bill 23-8 on February 13. The Licensure Freedom Act would prohibit the granting of any health care provider's license on the condition of participating in any type of public or private health insurance plan, public health care system, initiative or emergency room coverage.

In House Committees

The House Commerce Committee gave a favorable and unanimous report to **SB 12**, The Wind Bill Conversion Act, by Senator Phil Williams, R-Rainbow City. The bill would require that windmills would have to be set back from a property line a distance equal to five times their heights. A plan would have to be in place for dismantling turbines if the project failed. It also regulates noise levels. The Alabama Public Service Commission and local governments would have the authority to approve windmill projects. The bill passed the Senate February 27 and now goes to the full House for final legislative action.

The House Technology and Research committee approved **SB 174**, Carly's Law, by Senator Paul Sanford, R-Huntsville on a voice vote with no dissent. Wednesday's committee action made final passage possible last week.

Following Spring Break, the Alabama House returns on April 1, 2014 at 1:00 p.m. The Alabama Senate returns on April 1, 2014 at 2:00 p.m. There are three legislative days remaining in the last Alabama Legislative Session of this quadrennium. The Alabama State Public Policy Team will continue to monitor all proposed and pending legislation and maintain a presence in the State House throughout the legislative session.