

PUBLICATION

Alabama Legislative Update - Week 5: Legislature Moves Forward Despite Mother Nature's Threat

February 18, 2014

Facing the likelihood that they would not be able to reach Montgomery once ice and snow moved across their districts in North Alabama, legislators left in time to beat both Mother Nature and Old Man Winter. Senators and House Members were encouraged by Senate President Pro Tem Del Marsh (R – Anniston) and Speaker of the House Mike Hubbard (R – Auburn) to arrive early so both Chambers could have the required quorums to conduct business. Members responded and the Legislature convened on time last Tuesday in both Chambers.

Senate Action

As reported last week, the Senate is required to take action on sunset bills, beginning the tenth legislative day, and until all bills have been before the full Senate for votes. Sunset bills receive their name from the possible action of the Senate to let a board, commission or agency "fade into the sunset" and are not approved to continue operation. When the Senate convened last Tuesday, they approved each of the following sunset bills, sponsored by Senator Paul Bussman (R – Cullman): **Senate Bill 129**, continuing Board of Home Medical Equipment Service Providers; **SB 139**, continuing the Construction Recruitment Institute through 2018; **SB 140**, continuing the Alabama Surface Mining Commission through 2018; passed **SB 130**, continuing the Manufactured Housing Commission through 2017; passed **SB 128**, continuing the Radiation Control Agency and removing it from sunset review; approved **SB 131**, extending the Sickle Cell Oversight and Regulatory Commission through 2018; passed **SB 132**, extending the Alabama Athletic Commission through 2015. The Senate has sunset bills every session since various state agencies are granted continuance with staggered terms.

Senators approved **SB 179** by Pro Tem Del Marsh (R – Anniston) that would exempt barbers who have been working more than ten years from new regulations. The bill was transmitted to the House for action.

Last Thursday, the Senate voted 28 – 1 to go along with changes the House made in a bill sponsored by Senator Paul Bussman (R – Cullman). **SB 217** creates The Alabama Workforce Council, composed of business and industry leaders appointed by the governor and by other state officials. The group will advise the state's two-year college chancellor and state school superintendent on policies and programs affecting workforce development. The bill is part of the state's efforts to make sure Alabama has the skilled workers needed to recruit new industries and help existing industries expand. Governor Robert Bentley (R) said the bill implements a recommendation of his College and Career Ready Task Force and he is expected to sign the bill making it law. The day before, the House debated Representative Terri Collins's companion bill, **HB 345**, then substituted Senator Bussman's SB 217 and with amendments passed his bill on a 98 – 0 vote, which moved the bill to the Senate for final passage. Senators and Representatives often work together to pass companion bills regardless of which bill becomes law.

Senators gave approval to **SB 51** by Senator Tammy Irons (D – Florence) to raise the threshold where low-income Alabamians have to file an income tax return if they don't owe any taxes. The bill is now in the House.

On a 21 – 8 vote, the Senate passed **SB 168, The Smoke Free Act**, sponsored by Sen. Vivian Davis Figures (D – Mobile), after also approving amendments by Senator Bill Holtzclaw (R – Madison). Senator Figures

opposed his amendment to exempt private clubs since her bill exempted existing private clubs under a grandfather clause, but not those established after the law takes effect. Both Senators won as the ban was approved and it does not apply to private clubs. It now goes to the House.

The Senate also approved **SB 240**, sponsored by Sen. Roger Bedford (D – Russellville), banning the use of drones to harass hunters and those fishing.

The Senate, on a 22 – 7 vote, approved **SB 18** by Senator Gerald Allen (R – Tuscaloosa), which was labeled **The Merry Christmas Bill**, saying public schools can teach students the history of traditional winter observances, including Christmas and Hanukkah, and allows students and staff to exchange traditional greetings. Christmas and Hanukkah are the only celebrations mentioned in the bill. Senator Quinton Ross (D – Montgomery) tried to add the African-American observance of Kwanza, but his amendment fell two votes short of passing. The bill is now in the House.

SB 191, The Open Meetings Act by Senator Cam Ward (R – Alabaster) would provide that legislative meetings are open to the public, that private citizens can sue for government boards not having open meetings, and that board members can't use private meetings in small groups to avoid the whole board making decisions in open meetings. The Senate Judiciary Committee modified the last provision to make sure it is not a violation for board members to exchange information so long as they don't deliberate and try to influence how a person will vote while talking in small groups. Another revision specifies that gatherings to fill a position, such as a university president, are not serial meetings until the field is narrowed to three candidates or less. The bill goes to the full Senate.

House Action

Fifty-seven members answered roll last Tuesday shortly after the scheduled time of 1:00 p.m. Two weeks ago, only 40 House members made it to Montgomery. There are 104 House members, and a minimum of 53 are needed to conduct business.

The House passed **HB 269**, sponsored by Speaker Pro Tem Victor Gaston (R – Mobile), which would raise the threshold required for competitive bids for certain state agencies from \$7,000 to \$15,000.

The Fair and Open Competition Governmental Construction Act, **HB 195**, sponsored by Rep. Mack Butler (R – Southside), passed on a 74 – 18 vote last Wednesday and was assigned to the Senate Committee on Governmental Affairs on Thursday. If either Representative Butler's bill or the Senate version by Senator Paul Sanford (R – Huntsville) becomes law, neutrality would be ensured in government contracts and would prohibit project labor agreements stipulating union employment. The bill would require state and local public agencies, with some valid exceptions, remain neutral by prohibiting requirements to use union labor in public improvement contracts, unless there is an imminent threat to public health or safety. The Senate bill is on the Senate calendar this week.

HB 59, gained approval as sponsored by Representative John Merrill (R – Tuscaloosa), which would allow electronic voter registration lists to be made available to election officials in other states upon request. If enacted, this bill could result in the removal of names on Alabama voter lists of those who have moved from Alabama and are now registered to vote in other states.

On a 100 – 0 vote last Thursday, the Alabama House of Representatives approved **HB 384, The Alabama Future Workforce Initiative Act** by Representative Mac Buttram (R – Cullman) to expand a dual enrollment program that lets high school students take job training classes at two-year colleges. The bill would create up to \$10 million in scholarships by authorizing a 50 percent tax credit for personal or corporate donations to a

dual-enrollment scholarship program. The \$10 million will allow 9,542 new students to participate in Alabama's dual-enrollment program. In 2013, only 2,100 students or 6.7 percent of the eligible 31,500 students could participate. The bill was transmitted to the Senate where it was assigned to the Senate Education Committee where it will be considered this week.

HB 6, if enacted, would prevent the state from requiring doctors, dentists and other medical professionals to accept Medicaid — or any other specific type of insurance — to keep their licenses. The bill's sponsor is Representative Becky Nordgren (R – Gadsden). The bill would protect doctors from being forced into accepting insurance they can't afford to take according to lawmakers. The bill passed 77 – 16 and was transmitted to the Senate.

The House approved **HB 155**, sponsored by Representative Mike Hill (R – Columbiana), which specifies that the Public Service Commission would not have jurisdiction over customer complaints related to retail telecommunications not regulated by the commission.

Members approved **HB 347** by Representative Alan Booth (R – Troy) allowing the governor to declare a state of emergency for specific counties rather than declaring a statewide emergency. The bill is now in the Senate.

Members passed **HB 254** by Representative Ron Johnson (R – Sylacauga) on a 92 – 2 vote to ban children the age of 15 and under from using tanning beds. 15-year-olds would need parental permission and a parent present while 16- and 17-year-olds would require only parental permission. This bill is now in the Senate.

Committee Action

The Senate Constitution, Ethics, and Elections Committee favorably reported **HB 26** by Rep. Mary Sue McClurkin (R – Indian Springs). The House-passed proposed Constitutional amendment, if ratified, would prohibit the state from forcing local school boards to use local funds to meet state mandates, with certain exclusions, without a two-thirds vote of the Legislature. The Legislature also could bypass the ban on unfunded mandates by appropriating funding. The Senate version, **SB 7** sponsored by Senator Dick Brewbaker (R – Pike Road), is on the House calendar. If either is approved by the Legislature, the constitutional amendment would be on statewide November general election ballots. If voters approve, any unfunded mandate that would cost local boards more than \$50,000 would require a two-thirds majority legislative vote.

The Senate Judiciary Committee approved **HB 58** by Representative Paul Beckman (R – Prattville) to make the penalty for alcohol-related boating deaths the same as deaths caused while drinking and driving an automobile. The committee action positions this bill for final Legislative approval as the House approved it 83 – 0.

The House Education Policy Committee will hold a Public Hearing on **HB 281** by Representative Mack Butler (R – Rainbow City). The Student Religious Liberty Act would allow students to express their religious beliefs in their academic work.

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.