



2017 Regular Session Legislative Report

March 10, 2017

The Alabama Legislature met for two legislative days again this week, completing the 9th and 10th days of the constitutionally-allotted 30 legislative days per session. Legislative leadership has indicated that the Legislature will meet for three days next week before the bodies take a two-week spring break during the weeks of March 20th and 27th. Below is a look at some of the important developments from the past week in Montgomery.

Personnel Change in Attorney General's Office

Chief Deputy Attorney General Alice Martin is leaving her position and will rejoin the Alabama Examiners of Public Accounts. Martin will be replaced by Clay Crenshaw, a 30-year veteran of the Attorney General's office. Crenshaw was previously the head of the Appeals Division, overseeing the office's death penalty and criminal cases.

Bentley Impeachment Investigation to Move Forward

The House Judiciary Committee met twice this week regarding the investigation of Governor Robert Bentley. On Tuesday, the Committee rejected a motion that would have paused the investigation for at least another month while the Attorney General's Office and the Alabama Ethics Commission continue their work on the matter. The meeting was held after the committee chairman received a letter from acting Assistant Attorney General Ellen Brooks that raised concerns about the potential of double jeopardy surrounding impeachment and criminal prosecution, citing the Alabama Supreme Court decision in *State v. deGraffenried (1933)*.

On Wednesday, the Committee unanimously passed a resolution directing Special Counsel Jack Sharman to "resume his activities and investigation and to coordinate as much as is practical and possible with any other related investigations and proceedings so that we will stand better ready to move forward with public hearings when appropriate."

If the House votes to impeach, Bentley will be suspended immediately and will remain suspended unless he is acquitted in a Senate trial. The Judiciary Committee has not announced when they will meet again to discuss impeachment.

House General Fund Budget Includes Cuts for Medicaid, No Raise for State Employees

The House Ways and Means General Fund Committee approved a 2018 General Fund budget on Wednesday. The Committee's \$1.8 billion budget was largely similar to Governor Bentley's proposal, but it did not include the Governor's recommended 4% raise for state employees. The bill also reduces funding for Medicaid by approximately \$40 million compared to the Governor's budget. The changes made by the House committee will result in around \$97 million being set aside to address future funding needs. House leadership believes this cushion is necessary to offset the loss of one-time revenue in 2019. The budget is expected to be considered by the full House on Tuesday.

Prison Bill Approved by Senate Committee

A scaled-back version of a bill (SB 59) authorizing state prison construction and renovation was approved by the Senate Judiciary Committee on Thursday. The bill would cap the cost of the initiative at \$775 million instead of the original \$800 million and would renovate the Tutwiler women's prison instead of replacing it. Most of the existing men's prisons would close and be consolidated into three larger, regional prisons at sites not yet named. City and county governments would be allowed to form authorities that could issue bonds to build prisons and then lease those facilities to the state, with the lease payments pledged to the bond debt. The "design-build" method to award the construction contracts was eliminated from this version of the bill. The bill, which will likely be amended or substituted on the Senate floor, now moves to the full Senate, where it could be considered next week.

Senate and House Committees Hold Hearing on Fantasy Sports Bills

The Senate Tourism and Marketing Committee and the House State Government Committee held public hearings on Wednesday addressing SB 270 and HB 354. The bills would exempt fantasy contests from the state's prohibition on gambling and require operators to register with the State. The debate has primarily revolved around whether fantasy sports is a game of chance or skill. The senate sponsor of the bill, Senator Paul Sanford, R-Madison, said that the bill would benefit Alabama by bringing money into the State via taxes imposed on both the companies and the winners. Proponents of the legislation also argue that the bill would effectively prevent anyone under 19 from participating in fantasy contests. Both committees are expected to vote on the proposals next week.

Bill Ending Judicial Override in Capital Cases Approved by Committee

On Wednesday, the House Judiciary Committee approved a bill (SB 16) that would prohibit judges from overriding a jury's sentence in capital murder cases. Alabama is the only state that currently allows a judge to override a jury's recommendation in such cases. The bill has already been passed by the Senate and would only affect future capital cases – not inmates currently on death row.

Senate Passes Bill to Eliminate Marriage Licenses

The Senate passed a bill (SB 20) on Tuesday that would eliminate marriage licenses and instead have marriages recorded by probate judges. Under the bill, a couple would submit to the probate judge a signed document that would include notarized affidavits certifying that they are of legal age, not already married, and not related by blood or adoption. The bill now moves to the House.

Bill Preserving Historic Monuments Passes Senate

A bill (SB 60) was passed by the Senate Thursday that would protect certain monuments on public land. The bill in its original form protected monuments and buildings that have been standing for longer than 50 years, but passed as amended with a time requirement of 20 years following concerns that structures memorializing the Civil Rights movement would not be protected by the original version. Monuments and buildings less than 20 years old could only be moved or renamed by seeking a waiver from the 12-member Committee on Alabama Monument Protection. Memorial streets at least 15 years old could only be renamed via the same process. The bill now moves to the House for consideration. On Wednesday, the House State Government Committee gave a favorable report to a similar bill (HB 349).

Pro-Gun Bill Receives Favorable Report from Committee

SB 2, a bill to prevent local governments from adding special taxes on guns and ammunition, received a favorable report on Wednesday from the House State Government Committee. The bill would also prevent sheriffs from adding requirements such as writing essays to get a concealed carry permit. The legislation, which has already passed the senate, now moves to the full House for consideration.

Bill	Member	Subject	Committee	Status	Last Updated	Related
SB241	Gerald Allen	Industrial Access Fund, expanded to include certain military property and non-industrial sites, Sec.		Introduced	about 18 hours ago	
SB262	J.T. Waggoner	Historic buildings, income tax credit authorized for rehabilitation of		Introduced	about 18 hours ago	
HB345	Victor Gaston	Historic buildings, income tax credit authorized for rehabilitation of	Ways and Means Education	Introduced	7 days ago	
HB277	Pebblin Warren	Child care facilities, church based, licensing required, Secs. 13A-6-29, 38-7-2, 38-7-3, 38-13-2, 38-		Introduced	7 days ago	
SB160	Bobby Singleton	Labor, restriction on the percentage of temporary employees a company that received incentives may em	Fiscal Responsibility and Economic Development	Introduced	7 days ago	
SB67	Linda Coleman-	Corporate income tax, combined reporting of income required,	Fiscal Responsibility and Economic	Introduced	7 days ago	

Bill	Member	Subject	Committee	Status	Last Updated	Related
	Madison	Secs. 40-18-36, 40-18-38, 40-18- 38.1 add	Development			
SB1	n/a	Civil Rights, privacy, public rest rooms gender appropriate, Alabama Privacy Act established	Judiciary	Introduced	about 2 months ago	

AL Bills list sent to jblades@bradley.com on behalf of jblades@bradley.com from the BillStat.us legislation tracking and reporting platform.