

# FINE GEDDIE

GOVERNMENT RELATIONS

## THE FINE GEDDIE REPORT 2022 REGULAR SESSION · WEEK SIX FEBRUARY 18, 2022

### *BILL TO ALLOW CONCEALED HANDGUNS WITHOUT PERMITS MOVES FORWARD, MILITARY STABILITY PACKAGE CLEARS SENATE*

Lawmakers are nearing the midpoint of a regular session that has been largely lackluster to date. A divided Republican supermajority has struggled for years with calls to loosen firearms regulations, with a powerful gun lobby counterbalanced by law enforcement and a business community concerned with workplace safety, but a concealed carry proposal narrowly advanced this week. HB272 by Rep. Shane Stringer (R—Citronelle) would **repeal Alabama’s requirement for a permit to carry a concealed handgun** on your person or in your vehicle, and the bill came out of the House Public Safety and Homeland Security Committee with two amendments (1, 2). The go-ahead vote came from Rep. Randall Shedd (R—Cullman), newly appointed to fill a vacancy on the panel, although similar bills have been assigned to the House Judiciary Committee in years past.

In the Senate, recommendations from the **Alabama Military Stability Commission**, chaired by Lt. Gov. Will Ainsworth, moved ahead on Tuesday. Among the highlights, SB141 by Sen. Tom Butler (R—Madison) would smooth the transition associated with relocating in Alabama for military spouses whose professions are regulated by certain licensing boards, and SB116 by Sen. Tom Whatley (R—Auburn) would permit advance school enrollment for children of military families. SB99 by Sen. Andrew Jones (R—Centre) addresses licensure hurdles for professional counselors, and SB167 by Sen. Chris Elliott (R—Fairhope) does the same for psychologists.

Partisan tensions were evident in activity surrounding HB2 by Rep. Allen Treadaway (R—Morris) to create the crimes of **aggravated riot and assault against a first responder**. Treadaway, who is retired from the Birmingham Police Department, drafted the bill after a summer protest in Birmingham following the death of George Floyd in Minneapolis. The bill appeared on the House’s working agenda for Wednesday, sparking the first late-night filibuster of the session, as Democrats used delaying tactics to slow work on the floor. They have said the riot definition is subjective, asserting that a similar Florida statute has been blocked by a federal judge. Noting the late hour on Wednesday, Treadaway moved for his bill to be carried over to the call of chair during debate on a preliminary, procedural motion. It is unclear when the bill and its three pending amendments (1, 2, 3) will be considered again.

Looking ahead, budgets could come up as early as next week in the Senate. Party primaries are May 24 in Alabama, and lawmakers seem eager to press ahead with the work of the session so they can return to their districts.

## OTHER ISSUES TO WATCH

### BROADBAND EXPANSION

- State lawmakers recently directed \$277 million of federal funds to broadband expansion. However, local governments in Alabama cannot provide a thing of value to companies, which could hinder the optimal investment of these dollars. HB255 by Rep. Randall Shedd (R—Cullman) proposes a statewide referendum to specifically **authorize the state, counties and cities to give federal broadband dollars to public and private entities**. The bill passed the House on Tuesday.

### ECONOMIC DEVELOPMENT & PORT-RELATED ISSUES

- The **Alabama Port Authority could build intermodal and multi-modal facilities** such as the recently announced project in Montgomery County with passage of HB250 by Rep. Kenyatte Hassell (D—Montgomery). The bill passed the House on Tuesday, and the Senate passed the companion version, sponsored by Sen. Kirk Hatcher (D—Montgomery), the same day.

### EMPLOYMENT LAW

- SB150 by Sen. Arthur Orr (R—Decatur) related to **designation of independent contractor status with regard to certain marketplace platforms** received a floor amendment Tuesday before passing the Senate.

### INSURANCE

- Alabama's ban on **texting and driving** would be replaced with new prohibitions on device usage with passage of HB24 by Rep. K.L. Brown (R—Jacksonville), which lost a procedural vote necessary to bring it up on the House floor this week.
- A lengthy revision of insurance law – pertaining to **deferred annuities, reporting requirements for insurance holding company systems and small company alternative valuation** – passed the House this week. HB78 is by Rep. Kerry Rich (R—Guntersville. This week the companion bill – SB166 by Sen. Chris Elliott (R—Fairhope) – was scheduled for consideration by the Senate Banking and Insurance Committee but no action was taken.
- Under HB102 by Rep. Kyle South (R—Fayette), the **Center for Risk and Insurance Research** would be established by the insurance commissioner. The bill passed the House on Wednesday with a floor amendment.

### EDUCATION

- The Alabama Senate confirmed several university trustees this week:
  - **Auburn University** – Caroline Aderholt and Zeke Smith
  - **University of Alabama** – Karen Brooks, Harris Morrissette and Ken Simon

- The selection and procurement of **textbooks and other instructional materials** would be revised under SB15 by Sen. Tim Melson (R—Florence). This week, it received a favorable report from the House Education Policy Committee.
- SB200 by Sen. Rodger Smitherman (D—Birmingham) would **delay implementation of the Alabama Literacy Act’s third-grade retention requirements** for three years – from the current school year to 2024-2025. The Senate Education Policy Committee conducted a public hearing, amended the bill by changing it to a two-year delay and gave it a favorable report this week.
- **Transgender students in public, K-12 schools** would be required to use school bathrooms and locker rooms corresponding to their biological sex assigned at birth under HB322 by Rep. Scott Stadthagen (R—Hartselle). The measure received a favorable report this week from the House Education Policy Committee.

## TAX REFORM

- A bill to “**un-tax**” some **American Rescue Plan benefits** in Alabama made big progress again this week. HB231 by Rep. Jim Carns (R—Birmingham) passed the House on Tuesday, received a favorable report Wednesday from the Senate Finance and Taxation Committee on Education and then passed the Senate on Thursday. It is now pending with the governor.
- Two bills to give **tax breaks to retirees** advanced this week. Up to \$6,000 of taxable retirement income would be exempted from state income tax for Alabamians 65 or older under SB18 by Sen. Arthur Orr (R—Decatur). A floor substitute version of the bill passed the Senate on Wednesday. A similar bill – HB162 by Rep. Lynn Greer (R—Rogersville) – received a favorable report as substituted from the House Ways and Means Committee on Education this week.
- **Individual income tax revenue** would take a \$13,000,000 cut this year with changes to the dependent exemption and standard deductions included in SB19 by Sen. Arthur Orr (R—Decatur). The bill received a favorable report this week from the House Ways and Means Committee on Education.
- The **Small Business Relief and Revitalization Act** of 2022 proposes multiple tax adjustments favorable to small business operations including a \$40,000 exemption of tangible business personal property from state ad valorem tax and simplification of sales tax remittance for many small retailers. HB82 by Rep. Danny Garrett (R—Trussville) received a favorable report from the Senate Finance and Taxation Committee on Education this week, passed the Senate on Thursday and is headed for the governor’s desk.

## HEALTHCARE

- On Thursday, the House passed bills by Rep. Steve Clouse (R—Ozark) related to the routine review of assessments on three types of healthcare providers: HB285 extending the privilege assessments and surcharge per **nursing home bed**; HB286 (with floor amendment) extending the private assessment and Medicaid funding program for **hospitals**; and HB287 establishing the assessment on **emergency medical transport providers**.

- **Prosthetists and orthotists’ scope of practice** would be revised under SB4 by Sen. Billy Beasley (D—Clayton), which received a favorable report this week from the House Health Committee.

## ENERGY

- Unauthorized entry of **critical infrastructure** is a crime, and this protection would be extended to pipelines, mining operations and mining infrastructure under SB17 by Sen. Garland Gudger (R—Cullman). The bill, which would also enhance penalties for violations, is pending with the governor.
- The State Oil and Gas Board would gain authority to **allow for and regulate underground storage of carbon dioxide and hydrogen** by SB36 by Sen. Greg Albritton (R—Atmore). The bill is pending with the governor after receiving final passage in the House on Tuesday.
- As an accountability tool, each year the legislature reviews the effectiveness of a set of state agencies. This week the House gave final passage to a recommendation for the **Surfacing Mining Commission** among other agencies to continue operations through 2026.
- **Motor fuel retailers** would be shielded from unreasonable prohibitions at the local government level by HB363, introduced this week by Rep. Wes Kitchens (R—Arab). The Senate bill is sponsored by Sen. Steve Livingston (R—Scottsboro).

## ELECTION REFORM

- In the name of **election security**, SB46 by Sen. Clyde Chambliss (R—Prattville) would prohibit electronic vote counting systems that are capable of connecting to the internet or cell phone networks. The House Constitution, Campaigns and Elections Committee amended the bill this week to bolster the definition of remote connectivity and gave it a favorable report. The committee also gave a favorable report to Chambliss’ SB47 requiring **electronic vote counting systems** to utilize paper ballots.

## TRANSPORTATION

- **Motor vehicle dealers** would gain new flexibility to sell and deliver vehicles to customers at their home or place of business without needing a supplemental license under SB112 by Sen. Jabo Waggoner (R—Vestavia Hills). The bill received a favorable report from the House Commerce and Small Business Committee this week. Meanwhile, the companion version, sponsored by Rep. Chris Blackshear (R—Phenix City), passed the House this week.

## ALCOHOLIC BEVERAGE MARKETPLACE

- Under current law, **retail table wine licensees** can only dispense wine for off-premises consumption in original, unopened containers. SB22 by Sen. Randy Price (R—Opelika), which would allow them to dispense for off-premises consumption in approved containers, passed the House this week and is pending with the governor.

## GENERAL BUSINESS

- **Online marketplaces** would be required to collect specific information from their

**high-volume, third-party sellers** in order for those sellers to remain active under HB318 by Rep. Gil Isbell (R—Gadsden). The bill was scheduled for consideration in the House Commerce and Small Business Committee this week but did not advance. The Senate companion bill, SB194, is sponsored by Sen. Jabo Waggoner (R—Vestavia).

#### TECHNOLOGY

- SB10 by Sen. Arthur Orr (R—Decatur) seeks to protect **online freedom of speech** for users of interactive computer service providers (social media), and the bill received a favorable report this week from the Senate Judiciary Committee.

#### WATER & SEWER

- New audit requirements would apply to some **nonprofit corporations providing water service** to the public with SB33 by Sen. Andrew Jones (R—Centre). The bill received a favorable report from the House State Government Committee this week.

*The Alabama Legislature will reconvene on Tuesday, February 22,  
for the thirteenth day of the regular session.  
Once again, lawmakers are expected to work an aggressive schedule, going into  
formal session three days next week.*