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COOPER GALE

2022 Legislative Update: Regular Session - Week Six

Overview

The conclusion of week six of the 2022 Regular Session of the Alabama Legislature marks the halfway point for lawmakers. Legislators met over three days this week and have exhausted fifteen of the thirty legislative days they are allowed to meet. Legislators will return to Montgomery on Tuesday and are expected to be in session for three days again next week.

Largest General Fund Budget

This week the Senate voted to approve a \$2.7 billion budget for fiscal year 2023 which, if approved, will be the State's largest General Fund Budget ever. The increased budget includes a four percent pay raise for state employees, hefty debt payments for some of the State's outstanding obligations and a provides for fully funding the General Fund reserve account.

Ten years ago Alabamians voted to allow the State to borrow nearly a half billion dollars from the Alabama Trust fund which was established to collect funds from offshore drilling and royalties from natural gas production in the State. The loan was structured to have a payback plan through 2026. If the House of Representatives agree with the Governor and the Senate the loan will be repaid in full next year using funds from the proposed budget.

Lawmakers also included a payment of approximately \$25 million to the General Fund reserve account to put it at its statutory cap. Additionally, the budget provides \$30 million for the Corrections Institution Finance Authority for debt service for new prisons and \$12 million to the Department of Mental Health for two crisis diversion centers.

Concealed Carry

After lengthy debate regarding the pros and cons of Alabamians being able to carry concealed handguns on their person and in cars without first obtaining a permit the House of Representatives votes 65-37 to pass House Bill 272. The legislation now goes to the Senate for further consideration.

The legislation has been at the center of multiple debates since being introduced three weeks ago. Many members of law enforcement oppose the measure and argue that removing the permit requirements create dangers to officers as well as the general public. Proponents argue that Alabamians have certain constitutional rights that should not be subject to permitting or fees. Permits will remain available for gun owners that want them and for the purpose of carrying firearms in states that have reciprocity with Alabama.

Anti-Aggravated Riot Act

Last Wednesday the House of Representatives came to an impasse and the business of the body came to a halt after extensive debate over what constitutes a riot and the discretion law enforcement will have to determine if one is in progress. This Wednesday the debate continued and the Anti-Aggravated Riot Act passed with a vote of 75-27. The legislation will now go to the Senate where the debate is expected to continue.

Many of the legislators that voted against the legislation argued that the definition of a riot is too subjective and that law enforcement would be free to declare who is a rioter and arrest rioters and others in attendance

that are spectating or lawfully exercising their freedom of speech. The definition provides that a riot occurs when five or more people engage in conduct which creates an immediate danger and/or results in damage to property or injury to persons. The legislation further provides that attending or participating in a riot after an order to disperse by law enforcement would be a misdemeanor and mandates 30 days in jail as the penalty. Additionally, there is a mandatory 24-hour initial jail detention without bail after an arrest.

Transgender Minors

On Thursday the Alabama Senate voted to approve legislation that criminalizes providing puberty-blockers, hormones or medical procedures to transgender minors. Under the proposed legislation it would be a felony with a potential ten year prison sentence for any doctor to do so. A companion bill is currently before the House Judiciary Committee.

Earlier in the week the House of Representatives approved a bill that would require transgender students to only be able to use multi-person school bathrooms and locker rooms that match the sex on their birth certificate. The bill is now up for consideration in the Senate.

Education

The Alabama Literacy Act became law in 2019 and requires third graders to test at grade level in order to be promoted to the next grade starting this year. Last year many legislators unsuccessfully sought to delay the retention requirement of the Act because of statewide school closures, remote learning and the other challenges to traditional in-class teaching due to the pandemic. This year at the suggestion of Governor Ivey legislators appear to be reaching an agreement on a one year delay of the requirement.

On Tuesday the Senate passed a measure that calls for a two year delay. On Wednesday the House of Representatives passed legislation modifying the Act without any delay. Following the passing of the bill in the House legislators indicated that a compromise of some delay period is being worked on and is expected to be reached soon.

On Wednesday a public hearing was held to debate a bill banning “divisive concepts” from being part of any curriculum in K-12 schools in the House State Education Committee. According to the legislation divisive concepts include any theories or teachings that suggest that the United States of America is inherently racist or sexist and that anyone should be required to acknowledge, affirm, or assent to a sense of guilt, complicity or a need to work harder on the basis of his or her race or gender. Opponents of the legislation, including educators, claim that the restrictions on what can be taught removes parts of the nation’s history and facts from classrooms. Proponents claim that the legislation is necessary and advanced the concept of a colorblind America. The committee did not take any official action on the bill.

Statistics

Through twelve legislative days, legislators have introduced 679 bills - 415 in the House and 264 in the Senate.