



Spring Thaw in the Alabama Legislature Allows Bills to Start to Move

The General Fund Budget made its first appearance last week as the spring thaw hit the Alabama State House and some important bills started to move.

Gov. Robert Bentley's prison bill also started to stir, although not in the form he had originally introduced. Last Thursday, the Alabama Senate Judiciary approved a compromise bill by Committee Chairman Cam Ward (R-Alabaster) to build new state prisons by borrowing \$755 million for constructing as many as three new prisons and renovating others. Gov. Robert Bentley had proposed an \$800 million bond issue for 4 new prisons.

While altering the bottom line of Gov. Bentley's funding bill by \$25 million, Chairman Ward's substitute bill would also strike certain "design-build" language and replace it with language to establish a more traditional state bidding process. Chairman Ward's bill would create an opportunity for local communities to build their own prisons, which the Alabama Department of Corrections could then lease and makes it more likely that the existing women's prison in Elmore County will be renovated and not rebuilt.

Although the Judiciary Committee approved Chairman Ward's bill, there is disagreement within the Alabama Senate in particular and the Alabama Legislature in general about the best way to solve Alabama's decades-long prison problem. Not helping are pending lawsuits in federal court that put tremendous pressure on the state to act on reducing overcrowding and on addressing mental health treatment deficiencies within the prison system. "It's not an easy bill (to pass)," Senator Ward said. "It's not an easy subject. There are four or five different issues on prisons. This is one small part."

It is also finally dawning on lawmakers that borrowing hundreds of millions of dollars for prisons a year before they stand for reelection could be a recipe for political disaster. Not helping is the number of plans and the ever increasing involvement of county officials and

sheriffs into the process, which has made a very complex issue exponentially more complicated.

Input in drafting legislation is a necessary part of the process, but too much input can be detrimental to a bill's prospects. For example, some local officials would like to have more state inmates posted to their jails where federal court orders have forced state inmates back into an overcrowded state system. Further, some local law enforcement agencies have come to rely on the labor those inmates can provide in their areas. Overriding it all is the economic impact on some local jurisdictions where the existing state prison is the most important economic driver for nearby counties and cities.

Despite all of these issues, Senator Ward, relying on the power of his chairmanship of the Senate Judiciary Committee and the fact that he is seen by many as the key cog in the prison reform wheel got his bill out of committee where it will next appear before the full Senate for consideration. But from here on out, all bets are off.

Meanwhile, in the Alabama House, the General Fund Budget made its way out of committee. The first of the state's two major funding budgets (the other is the Education Budget) took its first step toward passage last Wednesday when the House Ways and Means General Fund Committee approved a proposal that would spend \$1.843 billion for non-education state functions.

Unfortunately for state employees, there is no money for state workers to receive a pay raise in and there will be less money for the State Medicaid Agency. House sponsor Steve Clouse (R-Ozark) said he hopes the House can vote on the proposed budget before lawmakers go on spring break later this month. The proposed budget is \$4.75 million less than the current year's budget and about \$61 million short of what Gov. Bentley requested. The Budget now goes to the full House for consideration.

IN OTHER ACTION:

- **Judicial Override.** The ability of Alabama judges to override the decisions of juries in death penalty cases came one step closer to ending last Wednesday as the House Judiciary Committee approved a bill to end the practice once and for all. The bill, sponsored by Sen. Dick Brewbaker (R-Pike Road) now goes to the Senate floor.
- **Bill Would Allow Sheriffs to Pass Along Some Healthcare Costs to Medicaid.** Last Thursday, the Alabama House of Representatives passed a bill sponsored by Rep. John England (D-Tuscaloosa) to allow sheriff departments in Alabama to pass along some of their healthcare costs to Medicaid. Under current law, the county sheriff's office is responsible for all of the costs of healthcare for prisoners in the county jail. However, the proposed bill would shift those costs to Medicaid. These costs generally come into play

when a sheriff has to transport a prisoner to a hospital or other facility for healthcare for 24 hours or more.

- **Monuments Bill Advances.** Last Thursday, a bill was approved by the Alabama Senate that would prevent cities from removing historic monuments. The chamber voted 24 to 7 for the bill after a three-hour debate in which critics said the legislation interfered with local communities' sovereignty. The bill's sponsor, Sen. Gerald Allen (R-Tuscaloosa) said his aim is simply "to protect history." The bill now moves to the House for consideration where a similar bill has been filed.
- **Assisted Suicide Legislation.** Last Wednesday, the Senate Health Committee approved bills outlawing assisted suicide and allowing health care providers to refuse services that violate their conscience. Both bills move on to the full Senate.
- **"License to Wed' Nears an End.** Last Tuesday evening, the Alabama Senate approved a bill that would end requirements for probate judges to issue marriage licenses. The legislation was sponsored by Sen. Greg Albritton (R-Range) and passed by margin of 22 to 6. Sen. Albritton first introduced the bill in 2015 after the Alabama Supreme Court and a federal court got into a dispute over the legality of same-sex marriage in Alabama, but before the U.S. Supreme Court's ruling in *Obergefell v. Hodges* legalized same-sex marriage throughout the country. Some Alabama probate judges have resisted issuing marriage licenses to same-sex couples. Sen. Albritton said that *Obergefell* was a "catalyst," but that he wanted to bring uniformity to the issue. "Right now, you have in this state some (probate judges) who are doing it, and some who aren't," Sen. Albritton said. "We need to get that unified."

This Week: The House convenes tomorrow at 1:00PM and the Senate convenes at 2:00PM.

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