

FINE GEDDIE

GOVERNMENT RELATIONS

THE FINE GEDDIE REPORT 2022 REGULAR SESSION · WEEK FOUR FEBRUARY 4, 2022

PRIMARY BALLOTS LARGELY FINALIZED

In election news, the field of candidates for the state's May 24 party primaries is largely finalized now after qualifying closed a week ago for all but U.S. House races. The trend of Republican dominance continues, with Democratic candidates competing in less than half of the statewide contests. Re-election is already in sight for four GOP constitutional statewide incumbents who are unopposed in the primary and general elections – Lt. Gov. Will Ainsworth, Supreme Court Justice Kelli Wise, Agriculture Commissioner Rick Pate and Treasurer Young Boozer. However, crowded contests for other such offices mean there will be no shortage of campaign fundraising. ***Contributors are urged follow campaign finance and ethics rules carefully.***

Incumbent Gov. Kay Ivey has eight challengers in the GOP gubernatorial primary: Lindy Blanchard (*the former Slovenian Ambassador under the Trump Administration who recently terminated her bid for the U.S. Senate*), Robert “Lew” Burdette, Stacy Lee George, Tim James (*his second formal bid for the office held by his father Fob James (1979-1983, 1995-99)*), Donald Trent Jones, Dean Odle, Dave Thomas and Dean Young. Democratic voters have six options for the state's chief executive: Yolanda Rochelle Flowers, Patricia Salter Jamieson, Arthur Kennedy, Chad “Chig” Martin, Malika Sanders Fortier and Doug “New Blue” Smith.

There's a packed field on both sides of the aisle to succeed the retiring U.S. Sen. Richard Shelby. The Republicans are Lillie Boddie, Katie Britt (*most successful in-state fundraiser, only Alabama native (Enterprise), most-endorsed, most momentum*), Mo Brooks (*sitting congressman from Huntsville; initially endorsed by Trump before other candidates entered the race*), Karla M. Dupriest, Mike Durant (*self-funding veteran*) and Jake Schafer. On the Democratic ticket are Will Boyd, Brandaun Dean, Lanny Jackson and Victor Keith Williams.

Attorney General Steve Marshall faces challenger Harry Bartlett Still III in the GOP primary. In the absence of incumbents, Republican primaries for Alabama Supreme Court (place 1), Secretary of State and State Auditor could be lively. Over at the Public Service Commission, GOP incumbents Jeremy Oden and Chip Beeker both face multiple challengers.

In the 35-member **Alabama Senate**, redistricting has yielded reliably red and blue districts – and made the May 24th primaries paramount. A total of 16 incumbent senators are unopposed in the primary and general elections.

- **Open Senate Seats**

Three Republicans are retiring from the Senate, and these open seats have generated great interest. Two Republicans are vying to succeed Jim McClendon of Springville in SD11. In east Alabama, there are three GOP candidates to succeed Del Marsh of Anniston in SD12. At the southern end of the state, Republican voters in SD31 also have three options to follow Jimmy Holley of Elba; this field includes House Rules Committee Chairman Mike Jones of Andalusia.

On the Democratic side, there are two open seats, and SD23 generated some excitement on the last day of qualifying. Incumbent Malika Sanders-Fortier of Selma is running for governor, and her father surprised many people when he qualified to succeed her. Hank Sanders, who represented the district for many years, is in a five-way primary race. In the Birmingham area, Priscilla Dunn of Bessemer is retiring; two House members are vying to succeed her – Merika Coleman and Louise Alexander.

- **Senate Incumbents with Contested Primaries**

These nine GOP senators have primary opposition – Tim Melson, Tom Butler, Andrew Jones, Randy Price, Dan Roberts, Shay Shelnett, Gerald Allen, Greg Albritton and Tom Whatley. SD2 in the Huntsville area is of particular interest with former State Senator Bill Holtzclaw qualifying on the last day to reclaim the seat he retired from four years ago currently held by Sen. Butler. Note that the two men have come head to head before, when Holtzclaw prevailed in the 2010 General Election against Butler, a two-term incumbent and Democrat at the time.

Two sitting senators face opposition in the Democratic primary – Linda Coleman-Madison (Birmingham) and Billy Beasley (rural area that tracks the Georgia line between Dothan and Auburn). Beasley is the only white Democrat

The **Alabama House of Representatives** has 105 seats, and a total of 47 House incumbents are unopposed in the primary and general elections. Like the Senate, most districts are reliably red or blue, but the House has at least one possible swing district this year. After redistricting, HD74 is something of a toss-up, with two Democrats seeking to challenge incumbent Charlotte Meadows of Montgomery in November.

- **Open House Seats**

Altogether, there are 20 open seats in the House – 18 Republican and 2 Democratic. Given the stable party preferences within districts, it is interesting to note that 10 of the districts have candidates from both major parties. Nine more will be decided after the primaries (and primary runoffs, if necessary), but HD89 has only one qualified candidate, putting Republican Marcus Paramore in a strong position to succeed Wes Allen of Troy, who is seeking the GOP nomination for Secretary of State.

- **House Incumbents with Contested Primaries**

Twenty-six incumbent House members are in contested primaries: Phillip Pettus, Nathaniel Ledbetter Parker Moore, Proncey Robertson, Tim Wadsworth, Tommy Hanes, Gil Isbell, Debbie Wood, Ginny Shaver, Dickie Drake, Jim Carns, Russell Bedsole, Brett Easterbrook, Jeff Sorrells, Will Dismukes, Rhett Marques, Joe Faust and Matt Simpson.

In the House Democratic Caucus, eight members face party opposition – John Rogers, Neil Rafferty, Rod Scott, Juandalynn Givan, Prince Chestnut, Ralph Howard, Pebblin Warren and Sam Jones.

Meanwhile, substantial uncertainty remains for **Alabama’s seven Congressional districts**. The federal court rejected the redistricting map drawn by the legislature, and the case is currently pending before the U.S. Supreme Court. The lower court ruling mandated an extended qualifying deadline for these positions. While the legislature is tasked with developing a new map that would aim to provide more equal representation of minority voters, state lawmakers have suggested they will defer to the court for new district lines.

LEGISLATURE RESUMES REGULAR BUSINESS

After a two-week recess for a special session, legislators had a productive week on regular session business. Inside the statehouse, the relative ease of face-to-face interactions with officials marked a welcome return to the era before COVID-19. Masks are still required on some floors of the building, but lawmakers seemed eager to engage with members of the public on an in-person basis. But along with the productivity, controversies are brewing. Several bills that would loosen Alabama’s gun laws are opposed by law enforcement but unequivocally supported by the gun lobby present, according to many, no-win situations for Republican members who are avid second amendment supporters and also champions for public safety. Private property owners and those with a need to control their premises find themselves in the middle of this debate. Most notably, the filing of divisive education legislation this week has triggered an undeniably contentious undercurrent we expect to grow more intense in the weeks to come (even if its veiled in debate on other topics). A sweeping **school choice** proposal from Sen. Del Marsh (R—Anniston) was introduced this week and made rapid progress. SB140, which would set up education savings accounts, received a favorable report and two amendments (1 and 2) from the Senate Education Policy Committee on Wednesday. The bill reflects a school choice concept in its purest sense – in short, the bill would allow tax dollars to travel with the student with their parents having the freedom to choose where they go to school, with limitations. The Alabama Education Association, among others, oppose it. Democrats, and likely some Republicans though we may never know who, will be in no hurry to lift the gate for the measure to advance at any stage. They will use the rules to stop it at every step of the process.

EMPLOYMENT LAW

- SB150 by Sen. Arthur Orr (R—Decatur) related to designation of **independent contractor status with regard to certain marketplace platforms** was introduced this week. A similar measure, SB100 by Sen. Chris Elliott (R—Fairhope) received a favorable report as amended from the Senate Fiscal Responsibility and Economic Development Committee.
- Employers would be required to provide **family leave for adoptions** under SB31 by Sen. Andrew Jones (R—Centre). The bill passed the Senate this week.
- **Firearms bills** were considered this week as discussed above. The Senate Judiciary Committee gave favorable reports to SB1 and SB2 (as amended), both from Sen. Gerald Allen (R—Tuscaloosa) despite objections from law enforcement and many large employers to preserve existing safety protections. SB12 by Sen. Tim Melson (R—Florence) remains pending in committee after being carried over. In the House, the Public Safety and Homeland Security Committee conducted a public hearing on HB66 by Rep. Shane Stringer (R—Citronelle) but no bills have advanced in that chamber.

INSURANCE

- This week Sen. Shay Shelnett (R—Trussville) introduced SB166, a lengthy revision of insurance law relating to **deferred annuities, reporting requirements for insurance holding company systems and small company alternative valuation**.

MEDICAL CANNABIS COMMISSION

- Thirteen members of the **Alabama Medical Cannabis Commission** received Senate confirmation this week – Dr. William P. Saliski, Sam Blakemore, Dwight Gamble, Rex Vaughn, Charles Price, Dr. Steven Hold Stokes, Dr. Eric L. Jensen, Loree J. Skelton, Dr. Angela Martin, Taylor Hatchett, B. James Harwell, Dion Robinson and Dr. Jerzy Szaflarski. Bryan Taylor, the commission’s final appointee, was scheduled for consideration by the Senate Confirmations Committee this week, but no action was taken. Taylor was appointed by the Attorney General to succeed his original selection.

EDUCATION

- The selection and procurement of **textbooks and other instructional materials** would be revised under SB15 by Sen. Tim Melson (R—Florence). This week, the Senate Education Policy Committee gave it a favorable report as substituted.
- The **Alabama Numeracy Act** proposes a range of interventions to improve math instruction in public K-12 schools while also prohibiting use of Common Core standards. Sen. Arthur Orr (R—Decatur) introduced SB171 this week.

TAX REFORM

- HB82 by Rep. Danny Garrett (R—Trussville) advanced rapidly this week. 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. The House Ways and Means Committee on Education conducted a public hearing Wednesday before giving the bill a favorable report as amended, and then the House of Representatives passed the bill on Thursday without further changes. Sen. Garlan Gudger (R—Cullman) is sponsoring the companion version.

- **Expanded federal tax credits in the American Rescue Plan Act** would inadvertently increase tax bills for some Alabamians, but SB152 by Sen. Dan Roberts (R—Birmingham) would resolve the problem. The bill passed the Senate this week. Rep. Jim Carns (R—Birmingham) is sponsoring the House version.

HEALTHCARE

- **Prosthetists and orthotists' scope of practice** would be revised under HB22 by Rep. Steve Hurst (R—Munford), which received a favorable report from the House Health Committee on Wednesday. The Senate version, sponsored by Sen. Billy Beasley (D—Clayton), received a favorable report from the Senate Healthcare Committee this week.
- **Optometrists' scope of practice** would be revised under SB120 by Sen. Del Marsh (R—Anniston), and the bill received a favorable report from the Senate Healthcare Committee this week, on a voice vote over the objections of most committee members.
- Measures were introduced this week in both chambers to **criminalize transgender medical treatment for minors**. HB266 is by Rep. Wes Allen (R—Troy); and SB184 is by Sen. Shay Shelnett (R—Trussville).

AGRICULTURE

- **Ownership of agricultural land** would generally be restricted to U.S. citizens and resident aliens under SB14 by Sen. Tim Melson (R—Florence). Other landowners would be required to register with the secretary of state. The bill was scheduled for consideration in the Senate Agriculture, Conservation and Forestry Committee on Wednesday but it did not advance.

STUDENT ATHLETES

- A 2021 law allowing collegiate **student athletes to accept compensation** for use of their name, image, or likeness has now been repealed. HB76 by Rep. Kyle South (R—Fayette) passed the Senate this week, and Gov. Kay Ivey signed it Thursday, making it Act 2022-2. The repealed law was more restrictive than NCAA rules.

ENERGY

- **Motor fuel retailers** would be shielded from unreasonable mandates at the local government level by SB182, introduced this week by Sen. Steve Livingston (R—Scottsboro).
- As an accountability tool, each year the legislature reviews the effectiveness

of a set of state agencies. This week the Senate approved a recommendation for the **Surfacing Mining Commission** among other agencies to continue operations through 2026, sending the matter to the House for consideration.

- Unauthorized entry of **critical infrastructure** is a crime, and protection would be extended to pipelines, airports, mining operations and mining infrastructure with passage of SB17 by Sen. Garland Gudger (R—Cullman). The bill, which would also enhance penalties for violations, passed the Senate Tuesday with an amendment. The companion bill – HB21 by Rep. Scott Stadthagen (R—Hartselle) – received a favorable report as amended from the House Public Safety and Homeland Security Committee on Wednesday.
- The State Oil and Gas Board’s authority to **allow for underground storage of carbon dioxide and hydrogen** would be revised with passage of SB36 by Sen. Greg Albritton (R—Atmore). The bill is scheduled for consideration by the House Transportation, Utilities and Infrastructure Committee next week.

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, which had been amended by the Senate Governmental Affairs Committee, passed the Senate this week without further changes.

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. It passed the Senate Wednesday along with his SB47 requiring **electronic vote counting systems** to utilize paper ballots.
- **Voter registration access** would be expanded under a pair of bills advanced by the House Ways and Means Committee on the General Fund this week. The committee issued a favorable report to HB115 by Rep. Proncey Robertson (R—Mount Hope) to increase the meeting days of registrars in Lawrence and Limestone counties. A similar bill for Shelby County – HB98 by Rep. Corley Ellis (R—Columbiana) – received a favorable report as amended.

ARTIFICIAL INTELLIGENCE

- Usage of **artificial intelligence** technology would be regulated with passage of SB56 by Sen. Arthur Orr (R—Decatur) to prohibit an arrest solely based on artificial intelligence. The bill, which passed the Senate on Tuesday, is scheduled for consideration by the House Judiciary Committee next week.

ALCOHOLIC BEVERAGE MARKETPLACE

- Senators also voted to approve SB22 by Sen. Randy Price (R—Opelika) to allow retail table wine licensees to **dispense wine for off-premises consumption**. The House version, sponsored by Rep. Gil Isbell (R—Gadsden), received a favorable report this week from the House Economic Development

and Tourism Committee.

- In the same vein, the House Economic Development and Tourism Committee also gave a favorable report to HB119 Rep. Gil Isbell (R—Gadsden), allowing **drive-through and walk-up sales** of alcoholic beverages.
- Regulation of **direct wine shippers and wine fulfillment centers** would be revised under SB172 by Sen. Bobby Singleton (D—Greensboro), which was introduced this week.

GOVERNMENT PROCUREMENT

- An **emergency exemption from competitive bid laws** would be created for public education entities under SB72 by Sen. Jack Williams (R—Wilmer), which passed the Senate on Tuesday.

DISTRACTED DRIVING

- Alabama’s ban on **texting and driving** would be strengthened with new prohibitions on device usage with passage of HB24 by Rep. K.L. Brown (R—Jacksonville), which received a favorable report from the House Public Safety and Homeland Security Committee this week.

PUBLIC SAFETY

- The crimes of **aggravated riot and assault against a first responder** would be established by HB2 by Rep. Allen Treadaway (R—Morris). The bill was the subject of a public hearing in the House Judiciary Committee this week.

MANUFACTURING

- Separate from solid waste disposal, **advanced recycling** would be defined as a manufacturing process to convert post-use materials into basic hydrocarbon raw materials under SB131 by Sen. Gerald Allen (R—Tuscaloosa), which was introduced this week.

ECONOMIC DEVELOPMENT & PORT- RELATED ISSUES

- The Alabama Port Authority could build an intermodal and multi-modal facility in Montgomery County with passage of HB250 by Rep. Kenyatte Hassell (D—Montgomery). The bill, which was introduced this week, is scheduled for consideration by the House State Government Committee next week. A companion version in the Senate is sponsored by Sen. Kirk Hatcher (D—Montgomery).

JUDICIAL BRANCH OF GOVERNMENT

- **Additional circuit and district judgeships** would be created by SB173 by Sen. Tom Whatley (R—Auburn), which was introduced this week.

CONFIRMATIONS

The following appointments were introduced this week and are currently pending with the Senate Confirmations Committee:

- Auburn University Board of Trustees: Caroline Aderholt and Zeke Smith
- University of Alabama Board of Trustees: Karen P. Brooks, Harris V. Morrissette and Kenneth O. Simon

- Commission on Higher Education: Jody Singleton
- Manufactured Housing Commission Advisory Board: Joe Taylor and Michael Wade
- Banking Board: Hope Johnson
- Alabama Trust Fund Board: Linda Green, Alvin K. Hope and John Norris
- Surface Mining Commission: Steve Newton
- Committee on Monument Protection: General Edward F. Crowell

The Alabama Legislature will reconvene on Tuesday, February 8, for the seventh day of the regular session. Lawmakers are expected to work an aggressive schedule, going into formal session three days next week.