

FINE GEDDIE

GOVERNMENT RELATIONS

THE FINE GEDDIE REPORT 2022 REGULAR SESSION · WEEK FIVE FEBRUARY 11, 2022

BROADBAND EXPANSION PACKAGE MAKES PROGRESS, CONGRESSIONAL BALLOTS SETTLED

The Alabama Senate passed a three-bill package Thursday to streamline broadband expansion, and early in the week the U.S. Supreme Court settled the question of Alabama's Congressional district map, at least temporarily. At the Statehouse, caucuses worked together carefully to keep legislative business moving amid tensions caused by a controversial school choice proposal. There was no action this week on the Republican-sponsored school choice plan, but opposition stirred by the Alabama Education Association was evident.

State lawmakers had recently directed \$277 million of American Rescue Plan dollars to **broadband expansion**, and legislation moving this week is designed to maximize that investment. All three bills in the package are sponsored by Senate Majority Leader Clay Scofield (R—Guntersville), who also chairs the Alabama Digital Expansion Authority.

- SB123 updates the **Connect Alabama Act of 2021** by raising the minimum speed thresholds to 100 Mbps for downloads and 20 Mbps for uploads, authorizing the state to enter into nondisclosure agreements to protect proprietary information of service providers, expanding Connect Alabama Fund dollars available for middle mile and line extension programs, and removing some time limitations. It passed the Senate with an amendment from the Senate Fiscal Responsibility and Economic Development Committee.
- SB124 makes numerous adjustments to the state's **broadband accessibility grant program** administered by the Alabama Department of Economic and Community Affairs (ADECA). Significant provisions include raising minimum speed thresholds to 100 Mbps for downloads and 20 Mbps for uploads, extending grant eligibility to governmental entities in addition to non-governmental entities, and increasing the funding limits on projects in unserved areas. It passed the Senate with a committee amendment and a floor amendment.
- Under the Alabama constitution, local governments cannot provide a thing of value to companies, which could hinder the optimal use of available dollars. SB125 proposes a statewide referendum to amend the constitution to specifically **authorize the state, counties and cities to give federal**

broadband dollars to public and private entities. It was amended and no longer specifies when this referendum would take place.

The bills are currently pending in the House Urban and Rural Development Committee, chaired by Rep. Randall Shedd (R—Cullman), the Alabama Digital Expansion Authority’s vice chairman.

In **election news**, action by the U.S. Supreme Court announced Monday means that Alabama will use the **new Congressional district map drawn by the Republican-controlled legislature** for at least the 2022 election cycle. Litigation challenging the map is still alive and closely watched by other states, but district lines will not change in advance of Alabama’s May 24 primary elections. U.S. Rep. Mo Brooks of Huntsville is seeking the GOP nomination for U.S. Senate, leaving an open U.S. House seat in District 5. Republican primary voters there will select among Madison County Commission Chairman Dale Strong, former legislator Paul Sanford, Andy Blalock, John Roberts, Casey Wardynski and Harrison Wright. Of Alabama’s six Congressional incumbents who are seeking re-election, only Republican Mike Rogers in District 3 has a primary challenger. On the Democratic side, there are contested primaries in District 2 (Phyllis Harvey-Hall vs. Vimal Patel) and District 5 (Charlie Thompson vs. Kathy Warner-Stanton).

OTHER ISSUES TO WATCH

GOVERNMENT AFFAIRS

- A pair of bills by Sen. Gerald Allen (R—Tuscaloosa) designed to strengthen **protections for historical monuments** received favorable reports from the Senate Governmental Affairs Committee on Tuesday. Individuals who damage public monuments could be charged with a felony under SB53, while SB54 would increase the fine from \$25,000 total to \$5,000 per day for entities (typically local governments or school boards) that remove or rename monuments without receiving permission to do so.

EMPLOYMENT LAW

- SB150 by Sen. Arthur Orr (R—Decatur) related to **designation of independent contractor status with regard to certain marketplace platforms** received a favorable report this week from the Senate Fiscal Responsibility and Economic Development Committee.
- As reported last week, legislation to **loosen restrictions on firearms** has created pressure on GOP lawmakers because the gun lobby wants changes that are opposed by many in the law enforcement and business communities, and all three stakeholder groups tend to be Republican allies. While discussions are ongoing behind the scenes, the only formal activity came in a public hearing conducted Wednesday by the House Public Safety and Homeland Security Committee regarding HB272 by Rep. Shane Stringer (R—Citronelle). Committee members heard testimony but they did not vote. Stringer’s bill

would repeal Alabama’s requirement for a permit to carry a concealed handgun on your person or in your vehicle. The committee is expected to vote on the matter next week.

INSURANCE

- A lengthy revision of insurance law – pertaining to **deferred annuities, reporting requirements for insurance holding company systems and small company alternative valuation** – received a favorable report as amended from the House Insurance Committee this week. HB78 is by Rep. Kerry Rich (R—Guntersville, and Sen. Shay Shelnett (R—Trussville) is sponsoring the Senate version.
- Under current law, an individual’s **driver license or driving privilege can be suspended** for failure to appear in court or failure to pay court-ordered fines, fees, court costs or restitution resulting from a traffic infraction. SB117 by Sen. Will Barfoot (R—Pike Road) would block driver license suspension for failure to appear in court for a post-adjudication compliance review of court-ordered conditions. The bill would also block driver license suspension for failure to pay fines, fees, court costs or restitution resulting from a traffic infraction. The bill was considered on the Senate floor Tuesday and is currently carried over. An amendment from the Senate Judiciary Committee is pending.
- Under HB102 by Rep. Kyle South (R—Fayette), the **Center for Risk and Insurance Research** would be established by the insurance commissioner in connection with a state university. The House Insurance Committee voted it a favorable report this week, and the bill is scheduled for floor consideration in the House on Tuesday.

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 passed the bill as substituted in committee.
- SB200 by Sen. Rodger Smitherman (D—Birmingham) would **delay implementation of the Alabama Literacy Act’s third-grade retention requirements** from the current school year to 2024-2025. Introduced this week, it is pending with the Senate Education Policy Committee.

TAX REFORM

- A bill to “**un-tax**” some **American Rescue Plan benefits** in Alabama made progress this week. HB231 by Rep. Jim Carns (R—Birmingham) received a favorable report as amended from the House Ways and Means Committee on Education, and the bill is scheduled for floor consideration in the House on Tuesday.

HEALTHCARE

- **Prosthetists and orthotists’ scope of practice** would be revised under HB22 by Rep. Steve Hurst (R—Munford), which passed the House on Tuesday. The

Senate version of the measure – SB4 by Sen. Billy Beasley (D—Clayton) – passed the upper chamber on the same day.

- **Transgender medical treatment for minors** would be criminalized under SB184 by Sen. Shay Shelnett (R—Trussville). The Senate Health Committee conducted a public hearing on the bill Wednesday before giving it a favorable report as amended.

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, received a favorable report this week from the House Public Safety and Homeland Security Committee before earning final passage in the House on Thursday. It is now pending with the governor.
- 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 received a favorable report from the House Transportation, Utilities and Infrastructure Committee on Wednesday. Rep. Barbara Drummond (D—Mobile) is sponsoring the House version. Both Drummond’s and Albritton’s versions are scheduled for floor consideration in the House on Tuesday.

ELECTION REFORM

- Public officials and employees would be prohibited from spending **public funds to advocate for or against ballot measures** pursuant to HB125 by Rep. Andrew Sorrell (R—Muscle Shoals). The bill received a favorable report as amended from the House State Government Committee this week.
- **Voter registration access** would be expanded under a pair of bills that won passage in the House this week: HB115 by Rep. Proncey Robertson (R—Mount Hope) to increase the meeting days of registrars in Lawrence and Limestone counties and HB98 by Rep. Corley Ellis (R—Columbiana) for Shelby County.

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 containers approved by the Alcoholic Beverage Control Board, received a favorable report this week from the House Economic Development and Tourism Committee. Price’s bill is scheduled for consideration on the House floor on Tuesday. The House version – HB149 by Rep. Gil Isbell (R—Gadsden) – passed the House on Tuesday and then received a favorable report this week from the Senate Tourism Committee.
- HB119 by Rep. Gil Isbell (R—Gadsden) would allow **drive-through and walk-up sales** of alcoholic beverages, and it passed the House on Thursday.

- Regulation of **direct wine shippers and wine fulfillment centers** would be revised under SB172 by Sen. Bobby Singleton (D—Greensboro), which was the subject of a public hearing this week in the Senate Fiscal Responsibility and Economic Development Committee.

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 House Judiciary Committee, which conducted a public hearing on the proposal last week, voted to give the bill with its three amendments (1, 2, 3) a favorable report this week.
- A bill to give the attorney general new **wiretapping authority in felony drug cases** failed in the Senate Thursday on a 13-13 tie vote. SB26 by Sen. Tom Butler (R—Madison) had bipartisan support and bipartisan opposition on the floor. Earlier in the week, it had received a favorable report as amended from the Senate Judiciary Committee.

MANUFACTURING

- **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). The bill is pending with the Senate Transportation and Energy Committee, chaired by the sponsor.

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, which received a favorable report this week from the House State Government Committee, is scheduled for consideration on the House floor on Tuesday. The Senate version by Sen. Kirk Hatcher (D—Montgomery) received a favorable report from the Senate Fiscal Responsibility and Economic Development Committee this week.

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 passed the Senate on Thursday. Meanwhile, the House Commerce and Small Business Committee gave a favorable report to the proposal's House version, sponsored by Rep. Chris Blackshear (R—Phenix City).

GENERAL BUSINESS

- Sen. Jabo Waggoner (R—Vestavia Hills) introduced SB194 this week to require **online marketplaces** to collect specific information from their **high-volume, third-party sellers** in order for those sellers to remain active. The bill would

also give authority to the attorney general to obtain civil remedies for violations. A House version is sponsored by Rep. Gil Isbell (R—Gadsden).

The Alabama Legislature will reconvene on Tuesday, February 15, for the tenth day of the regular session. Once again, lawmakers are expected to work an aggressive schedule, going into formal session three days next week.