

MAYNARD

COOPER GALE

2021 Legislative Update: Week 12

Overview

The 2021 Regular Session is quickly winding down. Legislators met for two legislative days – Tuesday and Thursday – during the 12th week of the 2021 Regular Legislative Session and have now completed 25 of the session's 30 legislative days. Since it takes a minimum of five legislative days for a bill to become law, Tuesday, April 27, is the last day of the session that a viable bill can be introduced.

The Senate on Thursday passed several bills related to the state's election law. The House gave final passage to legislation dealing with broadband internet as well as a package of bills recommended by the Alabama Innovation Commission. Other bills related to college athletes, vaccine passports, and banking also advanced, with the state's operating budgets on tap for next week.

Election Bills

Numerous bills related to election administration and voting have been introduced in both chambers this session. The Senate on Thursday debated and passed six of those measures – four Senate bills and two House bills – while one particularly controversial bill was stalled for the time being.

- Senate Bill 305, sponsored by Senator Clay Scofield (R-Guntersville) and Representative Chris Blackshear (R-Phenix City), would prohibit double voting or any attempt by an individual to double vote in or outside the state of Alabama in a single election.
- Senate Bill 326, sponsored by Senator Dan Roberts (R-Mountain Brook) and Representative Jim Carns (R-Vestavia Hills), would require the implementation date of any legislation affecting conduct of the General Election to be at least six months prior.
- House Bill 538, sponsored by Senator Chris Elliott (R-Daphne) and Representative Alan Baker (R-Brewton), would update absentee ballot application deadlines to accommodate for delays with the Postal Service and allows for the opening of absentee ballots at 7 AM on Election Day to allow for the timely processing of ballots.
- Senate Bill 272, sponsored by Senator Will Barfoot (R-Pike Road) and Representative David Wheeler (R-Vestavia Hills), to allow precinct election officials who are registered to vote in a given county to serve in any precinct in that county.
- House Bill 116, sponsored by Senator Billy Beasley (D-Clayton) and Representative David Standridge (R-Hayden), to authorize a one-time post-election pilot audit by the Secretary of State to determine the correctness of the originally reported outcome of the 2022 General Election.
- Senate Bill 121, sponsored by Senator Rodger Smitherman (D-Birmingham) and Representative Andy Whitt (R-Harvest), would require municipal candidates to file campaign finance reports with the Secretary of State, consistent with state and county candidates.

Another bill related to voting, House Bill 285, was carried over after lengthy debate. Sponsored by Representative Wes Allen (R-Troy) and Senator Dan Roberts (R-Mountain Brook), this bill would ban curbside voting. The bill was passed by the House 74-25 on March 18.

Rural Broadband

The topic of improving Alabamians' access to affordable, high-speed internet has only gained steam during the coronavirus pandemic, particularly as rural students were struggling to learn in a virtual environment. Senate Bill 215 aims to help tackle this problem by creating a Digital Expansion Authority and tasking the group with developing a "statewide connectivity plan." Sponsored by Senator Del Marsh (R-Anniston) and Representative Danny Garrett (R-Trussville), the legislation was substituted and amended by the House before a final vote on Thursday of 95-0. The bill heads now back to the Senate, where the upper chamber will either concur in the House changes or send the bill to a conference committee. Importantly, funding for digital expansion is tied, at least partially, to passage of the comprehensive gaming bill. Even if the gaming bill fails, proponents of Senate Bill 215 still believe that legislation related to broadband is critical for the state.

Innovation Commission

Governor Ivey created the Alabama Innovation Commission in July 2020 as the first statewide panel focused on innovation, technology, and entrepreneurship. Two key legislative ideas recommended by the commission were advanced out of the House on Thursday. The House first passed House Bill 540. Sponsored by Representative Bill Poole (R-Tuscaloosa), who chaired the commission, this bill would establish the Alabama Innovation Corporation, a public-private partnership to promote specific initiatives in support of statewide entrepreneurship, rural businesses, research and development at existing companies, and access to advanced tech skills. The second bill passed by the House was House Bill 609. Sponsored by Representative Jeremy Gray (D-Opelika), a member of the commission, would create the Innovate Alabama Matching Grant Program, giving Alabama companies the ability to access matching federal grant awards geared to small business innovation and technology. The bills now head to the Senate.

Compensation to College Athletes

Governor Ivey signed House Bill 404 into law this week, legislation sponsored by Representative Kyle South (R-Fayette) and Senator Gerald Allen (R-Tuscaloosa) that allows a college athlete to earn compensation for the use of their name, image, or likeness. The compensation would be "commensurate with the market value." Overseeing the matter in Alabama would be the Alabama Collegiate Athletics Commission, which was created by this bill. Similar bills have passed in other states, including Florida, and the concept is dependent on groups such as the NCAA adopting rules that will allow college athletes to profit from their names and likenesses.

Vaccine Passports

Legislation related to something known as "vaccine passports" advanced out of a House committee and is one step closer to the Governor's desk. Senate Bill 267 by Senator Arthur Orr (R-Decatur) and Representative Paul Lee (R-Dothan) would prohibit the issuance of vaccine passports by state and local governments and would prohibit state and local governmental entities from requiring an individual to receive an immunization as a condition for receiving a government benefit or service. The legislation would also prohibit businesses from refusing to provide goods or services to an individual based on immunization status. The bill advanced out of the House Health Committee and is now in position to be considered by the full House.

LIBOR, RIN Bills Advance

Senate Bill 279 by Senator Dan Roberts (R-Mountain Brook) and Representative Danny Garrett (Trussville) passed the Legislature this week and now awaits Governor Ivey's signature. The legislation would govern how contracts exclusively tied to LIBOR, a major international interest rate benchmark, would proceed once LIBOR ceases to be published. The legislation matches a similar bill recently enacted in New York.

Senate Bill 275 by Senator Sam Givhan (R-Huntsville) and Representative Andy Whitt (R-Harvest) codifies a notarization method known as “remote ink notarization.” This type of notarization allows a notary public to validate a signature that was witnessed via a videoconferencing platform rather than in public. The legislation largely places in state law the same RIN procedures established by Governor Ivey in an Emergency Executive Order issued last year.

ETF, SGF Budgets Next Week

Next week, the House and Senate plan to tackle the state’s two operating budgets for the next fiscal year, which begins on October 1. The House plans to take up the FY 2022 Education Trust Fund budget and associated bills on Tuesday, while the Senate will likely consider the FY 2022 State General Fund budget and associated bills next Thursday. Even with the pandemic, both budgets are in excellent condition and will most likely pass both chambers without issue.

Statistics

Through 25 of a possible 30 legislative days, Representatives and Senators have introduced 1,042 bills - 642 in the House and 400 in the Senate – and 345 resolutions. As of this writing, 282 of these measures have been enacted into law.

The session must end on or before Monday, May 17. Legislators will return to Montgomery on Tuesday, April 27, for the 26th legislative day.

The schedule for the rest of the session calls for two legislative days per week for the next three weeks, followed by a one week break, followed by the 30th and final day of the session on May 17.

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