



# ALABAMA HOUSE MAJORITY CAUCUS

ALABAMA STATE HOUSE

MONTGOMERY, ALABAMA 36130

NATHANIEL LEDBETTER  
MAJORITY LEADER

## 2021 REGULAR LEGISLATIVE SESSION ACCOMPLISHMENTS

### EDUCATION TRUST FUND BUDGET

- For the third consecutive year, the Alabama House on Tuesday approved a record Education Trust Fund budget, which, at \$7.6 billion, provides targeted funding increases in various areas of emphasis.
  - Spending in the budget for K-12 public schools, community colleges, and four-year public universities rose by about 6%, or \$452 million overall.
  - The state's Department of Early Childhood Education received a \$29 million increase while the Alabama Department of Education saw its total funding balloon by roughly \$56 million.
  - Alabama's award-winning "First Class" pre-kindergarten program, which is considered by many to be a national model, received an increase of almost 20%, which translates to \$24 million.
  - The Alabama Community College System saw its appropriation grow by 10% while four-year universities received a 6% boost.
  - The popular career tech program, which allows high school students to receive workforce job training while still in school, grew by almost \$11 million.
  - The Advancement and Technology Fund, which can be used for specific items like technology upgrades, school security improvements, and debt reduction, increased by more than \$280 million when K-12 and higher ed are combined.
- K-12 public school teachers and community college employees will receive a 2% cost-of-living pay raise under legislation that was approved by the Legislature, and another measure will provide middle school and high school math and science teachers as much as \$10,000 to \$15,000 in additional salary if they meet certain certification metrics and commit to specific employment requirements.

- Those who accept assignments in hard-to-staff schools would be eligible for incentive pay, as well.
- After the Senate concurred with slight House modifications, the Fiscal Year 2022 Education Trust Fund budget was sent to Gov. Kay Ivey's desk for consideration and signature.
- It is important to note that much of the recent success and improvement in education funding is a direct result of conservative budgeting practices and other reforms put in place when Republicans captured control of the Legislature in 2010 following 136 years of Democrat rule.
  - While other states are currently struggling to meet obligations as a result of COVID-19, Alabama's conservative budgeting in the current fiscal year and the impressive rebound of our economy have spared us similar financial pains.
  - The Republican-passed Proration Prevention Act, often known as prior-year budgeting, has also allowed Alabama to avoid the painful and disruptive mid-year education spending cuts known as proration.
    - Under Democrat rule, proration was declared on an average of every other year, but since Republicans took control in 2010, the Education Trust Fund has never been prorated.

## **GENERAL FUND BUDGET**

- The Alabama Legislature approved a record-setting, \$2.47 billion General Fund budget for Fiscal Year 2022 that includes across-the-board increases for state services and agencies.
  - House Ways and Means General Fund Chairman Steve Clouse (R - Ozark) credited much of the additional spending, which totals \$78.5 million more than FY2021, to increased revenues from the state's sales tax on Internet purchases, 75% of which are earmarked for the General Fund.
  - In addition, the healthy General Fund, which often struggled financially under Democrat rule, results from conservative budgeting practices and reforms that Republicans have implemented since taking control of the Alabama Legislature in 2010.

- A recent study released by Moody’s Analytics also showed that Alabama’s economy is recovering faster than those in most other states, and we currently rank fifth in the nation on the survey’s rebound ratings.
  - With an unemployment rate of almost 13% at the height of the COVID-19 pandemic, Alabama had a 3.9% jobless rate at the end of December 2020, which is the most up-to-date monthly statistic currently available.
    - Alabama’s economy grew by 35% in the third quarter of 2020, 4% in the fourth quarter, and 3.1% growth is forecasted for 2021.
- Even with the record General Fund spending, Clouse said the budget still “leaves some money on the table that will help us get ready for any other surprises that are coming down the road,”
- Some of the more notable appropriates in the FY2022 General Fund budget are:
  - The Alabama Department of Corrections received a \$26.3 million increase, most of which will be used to improve healthcare and mental health services provided to inmates.
    - A federal judge last year ordered the state to improve its medical and mental health care within the prison system after ruling both to be “horribly inadequate.”
  - A \$10 million increase was awarded to the Alabama Department of Mental Health in order to provide an additional crisis intervention center in the Birmingham/Tuscaloosa metropolitan area, which will join other new centers being opened in Huntsville, Mobile, and Montgomery.
  - The Alabama Law Enforcement Agency will receive an additional \$7.9 million in order to fund tighter State House security and improve services in the Drivers License Division, under the House-approved spending plan.
  - Following years of higher and higher funding demands needed to meet federal requirements and generate matching dollars in the Alabama Medicaid Agency, the state will spend \$51 million less on the healthcare program in FY2022.
    - An adjustment in the Federal Medical Assistance Percentage, or FMAP, which determines the ratio that states must pay for Medicaid services,

reduced Alabama's Medicaid obligation by roughly \$51 million, and state spending requirements in the Children's Health Insurance Program, more commonly known as CHIP, fell by \$12 million,

- The budget also included an expected 2% cost-of-living pay raise for employees in General Fund state agencies.
  - The salary increase equates to \$867 a year for a state employee earning an average salary of \$43,346.

### **HONEST ELECTION REFORM**

- The Alabama Legislature awarded final approval to a measure by State Rep. Chris Blackshear (R - Smiths Station) that imposes criminal penalties on Alabamians who cast multiple ballots both within the state and out-of-state, as well.
  - The measure was necessary because Alabama law makes it a crime to cast more than one ballot in the same election within the state, but the statute did not cover individuals who cast an in-state ballot and then travel out-of-state to cast another ballot in the same election.
    - In towns like Phenix City, which borders neighboring Georgia and is included in Blackshear's legislative district, the temptation to cross state lines and cast an additional ballot naturally increases when elections are predicted to be especially close.
      - During the 2018 election, at least six individuals cast a ballot in Alabama and also cast a ballot in another state, according to Blackshear.
  - Under the compromise bill approved by both chambers, House Bill 167 makes multi-state balloting a Class A misdemeanor, which is the highest level of misdemeanor and carries penalties of up to one year in jail and a fine of \$6,000, for the first offense.
    - Subsequent offenses will be classified as a Class C felony, which is punishable by a jail term of 366 days to 10 years and a fine of up to \$15,000.
  - Some House Democrats opposed to the legislation argued during the original debate that limiting Alabamians to only one ballot per election constituted "voter suppression."

- The Legislature also approved a bill by State Rep. Wes Allen (R - Troy) that bans curbside voting in Alabama and prohibits voting machines from being set up outside a polling place.
  - House Bill 285 resulted from a court fight over the need to open up alternative methods to vote during the COVID-19 pandemic.
    - A federal judge last year ruled that Alabama can't prevent local election officials from offering curbside voting, but the order was later stayed by the U.S. Supreme Court.
  - Democrats in both the House and Senate staged lengthy filibusters against Allen's bill despite the fact that allowing polling officials to transport a ballot from curbside to tabulation machines located inside a precinct provides no security and allows ample opportunity for abuse.
- A constitutional amendment passed by State Rep. Jim Carns (R - Vestavia Hills) prevents legislative election law changes to be implemented within six months of an election.
  - The amendment, which must be ratified by voters before taking effect, ensures a fair and equal process for all candidates and prevents last-minute rules changes while an election is taking place.
  - Passage of the amendment would help protect Alabama elections from manipulation and mischief at a time when several states are under scrutiny because of questionable changes in their 2020 presidential balloting.
- A bill passed by State Rep. Alan Baker (R - Brewton) shortened the deadline to mail absentee voter applications from five days to seven days before an election.
  - Baker has said that slower post office delivery times requires the deadline to be adjusted so that applications can be received and processed in a timely manner.
  - Applications may still be submitted in-person within a five-day window, according to Baker's bill.

- The legislation also allows the counting of absentee ballots to begin at 7 a.m. on Election Day rather than after polls close as currently required.
- The Legislature also approved:
  - HB312 by State Rep. David Wheeler (R - Vestavia Hills), which allows poll workers registered to vote in one precinct to staff polling places in another precinct
  - HB116 by Rep. David Standridge (R - Hayden), which allows a one-time, post-election audit following the 2022 statewide balloting in order to determine the accuracy of the state's voting system
  - HB154 by State Rep. Andy Whitt (R - Harvest), which requires municipal candidates to file campaign finance reports with the Alabama Secretary of State.

### **“BORN ALIVE” BILL**

- State Rep. Ginny Shaver (R - Leesburg) secured final passage for House Bill 237, which requires physicians to work to save the lives of babies who are born alive after an attempted abortion.
  - Doctors who violate the law to be charged with a Class A felony, which carries a prison sentence of 10 to 99 years..
  - Women seeking an abortion would not be liable.
  - Because hospitals are regulated under different parameters, the bill applies only to abortion clinics.

### **COVID-RELATED LEGISLATIVE MEASURES**

- The Alabama Legislature awarded final passage to House Bill 170 by State Rep. Danny Garrett (R - Trussville) that, among other things, exempts federal CARES Act dollars and other COVID relief funding from state tax liability.
  - More than \$7.2 billion in federal CARES Act funding was distributed to businesses and individuals in 2020, and another round of economic stimulus checks was awarded in 2021.

- The payments to individuals and businesses have already been exempted from federal taxes, but no mechanism has yet been passed that will exempt the dollars from Alabama tax liability.
- Garrett’s bill, which now goes to Gov. Ivey’s desk for signature, would exempt stimulus payments, business loans, SBA subsidies, and other COVID funding that has already been distributed, and it also covers future COVID relief funding that may be awarded throughout the rest of 2021, as well.
- The Alabama Legislature also gave final passage to a bill that was carried in the House by State Rep. David Faulkner (R - Mountain Brook) and protects businesses and other groups from frivolous lawsuits related to COVID-19.
  - The bill is designed to provide “safe harbor” to entities that took proper steps and followed Center for Disease Control and Alabama Department of Public Health recommended protocols to mitigate the spread of COVID-19.
  - Businesses and other groups that failed to mandate and maintain social distancing or take other basic precautions would not fall under the bill’s umbrella.
  - Entities covered by the legislation include businesses and nonprofit groups, health care providers, educational institutions, churches, governmental bodies and cultural institutions.

## **RURAL BROADBAND**

- The Alabama Legislature gave final approval to legislation that works to spur broadband expansion in rural Alabama.
  - Senate Bill 215 establishes the Alabama Digital Expansion Authority, which will develop a statewide connectivity plan to expand high-speed internet across the state and determine which parts of the state qualify as rural, underserved, or unserved.
  - Under the bill, which was carried in the House by Rep. Danny Garrett (R - Trussville) and sponsored by Sen. Del Marsh (R - Anniston), the Alabama Digital Expansion Authority would be in charge of ongoing upgrades to networks, technological equipment, and end user devices necessary to expand access.

- The authority is also tasked with developing the most cost-effective way to expand fiber network throughout the state.

## **HEALTH EMERGENCY VISITATION LEGISLATION**

- The Alabama Legislature awarded final passage to a measure by State Rep. Debbie Wood (R - Valley) that requires hospitals and nursing homes to allow at least one family member or caregiver to visit patients or residents during public health emergencies.
  - Wood offered her legislation, which previously passed the House by an 83 - 4 margin, because thousands of Alabamians died or suffered alone in hospitals and nursing homes because of COVID-19 restrictions and guidelines that were in place.
  - Wood's own mother, Peggy Hamby, passed away from COVID-19 in January.
- House Bill 521 sets "minimum standards for visitation when visitation may be limited due to a public health emergency" and also provides civil immunity to hospitals and nursing homes that comply with the legislation.
  - A visitor would have to follow any rules that may be in place, such as social-distancing protocols or mask-wearing requirements.
  - A portion of the bill specifically states, "The Legislature finds that it is in the best interests of the residents of Alabama to continue to have access to their loved ones receiving acute care or residing in long-term care facilities during a public health emergency and that companionship with one's loved ones during that time can provide support and peace of mind that positively impacts the healing process."

## **VACCINE PASSPORT PROHIBITION**

- The Legislature passed a measure carried in the House by State Rep. Paul Lee (R - Dothan) which would prohibit state and local government agencies from requiring "vaccine passports" in order to access services or enter public spaces.
  - Likewise, the legislation also mandates that an entity or individual doing business in Alabama can't refuse to provide goods or services to anyone based on their immunization status or lack of documentation.

- It provides certain exceptions, such as vaccine requirements for public schools that are required under state law, and colleges, universities, and medical practices and facilities would be exempt, as well.
- The measure was introduced after the Biden administration indicated it was working on a vaccine passport system similar to other nations that are building databases of vaccinated citizens, but the president later changed direction after negative public outcry resulted.

### **DENIAL OF BAIL FOR VIOLENT OFFENDERS**

- The Legislature awarded final approval to “Aniah’s Law,” a constitutional amendment sponsored by State Rep. Chip Brown (R - Mobile) that allows prosecutors and judges broader discretion in requesting and denying bail to those accused of committing violent crimes.
- Section 16 of the 1901 Constitution of Alabama currently requires that "all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required."
  - Brown’s measure amends the state constitution to allow judges to deny bail to individuals facing violent crime charges who they believe will place the public at risk with their release.
  - The amendment is named after 19-year-old college student Aniah Blanchard, who prosecutors allege was killed by Ibraheed Yazeed after he was released on bond for several violent offenses including kidnapping and attempted murder.
    - Yazeed, who is currently being held on capital murder charges, had been awarded bail despite more than a dozen priors, which included drug and robbery arrests.
  - In addition, Tuscaloosa police officer Dornell Cousette was killed in September of 2018 by a suspect who was free on bail for robbery and assault charges at the time.
- The constitutional amendment must be ratified by voters in a referendum election before taking effect.

## **SEXUAL ASSAULT SURVIVORS BILL OF RIGHTS**

- The Alabama Legislature awarded final passage to another measure by State Rep. Chip Brown (R - Hollinger's Island) that creates a "Sexual Assault Survivors Bill of Rights" and provides fundamental protections and guarantees to those who have suffered from certain violent crimes.
- Under the provisions of Brown's legislation, individuals who report they suffered non-consensual sexual acts must be informed in writing that they qualify for the "Sexual Assault Survivors Bill of Rights" and are afforded the following under state law:
  - To not be prevented or charged for receiving a medical forensic examination
  - To have the sexual assault evidence collection kit preserved without charge for at least 20 years or, if the assault occurred while a minor, until age 40
  - To be informed by law enforcement of test results, such as DNA profile matches, from the examination kit if such information does not comprise or impede an investigation
  - To receive notification from a law enforcement agency at least 60 days before a sexual assault evidence kit is disposed or destroyed
  - To be granted preservation of an evidence kit for an additional 20 years if the survivor requests.
- The legislation also requires the Alabama attorney general to create written notification, which will be distributed by law enforcement agencies, that notifies sexual abuse survivors of the aforementioned rights and provides information about:
  - The availability and information of a sexual assault advocate
  - The availability of protection orders and the process of securing them
  - The policies regarding the preservation, storage, and disposal of a sexual assault evidence kit
  - The process to request test results from an evidence kit or request its preservation
  - The availability of state or federal compensation funds to cover medical costs, costs related to the case, or victim compensation and restitution payments.
- Another provision within the measure instructs the attorney general to create a Sexual Assault Task Force, which will be comprised of law enforcement representatives, elected officials, victims' advocates, medical professionals and others.

- The panel will be responsible for developing and implementing best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence kits.
- The task force will be required to consult with various stakeholder groups and individuals and must issue its final report and findings within two years of enactment of Brown's legislation.

### **STATE PARKS BOND ISSUE**

- If ratified by voters, a constitutional amendment passed by State Rep. Nathaniel Ledbetter (R - Rainsville) would allow Alabama to issue \$80 million in bonds for improvements in the state parks system.
  - Most of the bonds' proceeds will be used to expand and improve campground and recreational facilities at Alabama's 21 state parks.
    - Specific projects include expanding campgrounds, modernizing day-use areas, adding cabins or swimming pools and providing internet connectivity to overnight accommodations.
- The COVID-19 pandemic and extended lockdowns prompted an additional 1.2 million Alabamians to utilize the state parks and the outdoor activities they offer.
- In 1998, voters approved a \$110 million bond issue for improvements at state parks and historic sites, and those bonds have been essentially paid off, which allows the state to borrow these funds at no additional cost.
  - The fiscal note on the legislation indicates it would increase General Fund spending by roughly \$5 million annually, but because the new issue would replace the previous bonds, the costs is actually flat-lined.
- State parks are not funded by the State General Fund, but, instead, generate 80-90% of their revenue directly through entrance, rental, lodging, golf and other recreational fees.
- In 2016 Alabama voters approved a constitutional amendment that would prevent future reallocation of state park funds for other uses in the state's budgets.
  - It is estimated that state parks have a \$375 million economic impact on Alabama's economy.

## **LIFETIME CONCEAL CARRY PERMITS**

- The Alabama Legislature awarded final passage to a bill carried in the House chamber by State Rep. Proncey Robertson (R - Mount Hope) that allows Alabamians to acquire lifetime conceal/carry firearm permits, which saves the trouble and inconvenience of having to travel to the local sheriff's office and reapply each time a current permit expires.
  - The bill also allows law enforcement officers to better protect our families by providing tools to identify convicted felons and other individuals who have had to surrender their gun rights after judges ruled they pose a danger to the public.
  - It streamlines the permitting process so it is handled in the same manner in each of the 67 counties rather than the haphazard, patchwork quilt of varying processes that are currently in place.
  - A number of groups ranging from Alabama sheriffs, local district attorneys, the National Rifle Association, and other gun rights advocates were consulted as the legislation was drafted and progressed through the process, and their input was incorporated into the final version.

## **MILITARY STABILITY PACKAGE**

- The Alabama Legislature awarded final passage a package that is designed to retain, protect, and improve the federal military presence and investment across Alabama.
  - Among the bills in the package are measures that will allow military dependents attending public colleges and universities in Alabama to pay in-state tuition while stationed here, expand services for military veterans, guarantee the acceptance of out-of-state occupational licenses for military dependents in various professions, and others.
    - When the Department of Defense recently released its grading system that determined Space Command Headquarters would locate in Huntsville, one of the few areas in which Alabama scored low was professional license reciprocity for military spouses.
      - This package addresses that specific need, among others, and helps ensure that other states can no longer compete with us in any category.

- The federal military bases located in Alabama play an important role in our state's economy and job climate, so retaining and, when possible, expanding their footprint must always be a top priority.
  - Mayors in the cities and counties that house military bases will attest to how vital our military bases are in providing employment opportunities and revenues in local economies across the state.
- Even the smallest advantage we put in place can tip the balance of whether a base stays here, leaves here, or expands here, and the legislative package that was given final passage by the House signals that Alabama is serious about keeping and building upon our military bases.
  - Offering items like in-state college tuition and additional job opportunities for military dependents not only makes Alabama more attractive to Pentagon decision-makers, it also demonstrates a needed measure of our state's famous southern hospitality.

### **ECONOMIC DEVELOPMENT INCENTIVES**

- The Alabama Legislature gave final passage to a bill by State Rep. Bill Poole (R - Tuscaloosa) that renews and improves job creation incentives found in the Alabama Jobs Act and Growing Alabama Act.
  - The incentives require businesses to achieve minimum benchmarks, such as number of jobs created, before going into effect.
  - The Alabama Jobs Act alone has been credited with attracting 183 projects and more than 32,000 jobs to the state.
  - An example of the program's success is the Toyota Mazda plant in Huntsville, which was recruited to Alabama with the help of the Jobs Act and promises to hire 4,000 people at full production.

### **INNOVATION COMMISSION LEGISLATION**

- The Alabama Legislature also approved another bill by State Rep. Bill Poole (R - Tuscaloosa) that creates a public-private partnership to promote entrepreneurship and other business development across the state.

- House Bill 540 creates the Alabama Innovation Corporation, which seeks to boost entrepreneurship, rural business development, research initiatives at existing companies, and access to advanced tech skills that will drive a modern workforce.
- The corporation is charged with serving as a catalyst for transforming Alabama into a technology and innovation center, triggering growth and fostering job skills not just in urban but also rural areas.
- The board of the corporation will consist of five ex-officio members, which includes the governor and members of the legislative leadership, and six unpaid at-large members appointed by the governor from across the state.
  - Among the qualifications for the governor’s appointees is having served as angel investors, having had experience in entrepreneurship, possessing a background in research and development, and others.
- The corporation, its initiatives, and other associated programs will fall under the “Innovate Alabama” marketing umbrella.

### **SCHOOL CONSTRUCTION COST-SAVINGS LEGISLATION**

- The Alabama Legislature approved a measure by House Majority Leader Nathaniel Ledbetter (R - Rainsville) that will save millions of taxpayer dollars by reforming the Department of Construction Management’s oversight of building projects in the K-12 public schools, community colleges, and the state’s four-year universities.
  - The bill was proposed because two years ago, a high school in Ledbetter’s legislative district had a leaky gym roof and received a bid from a licensed and bonded contractor to make the necessary repairs for roughly \$12,000
  - Before the work could begin, the Department of Construction Management, a division of the Alabama Department of Finance, demanded to review the project, and the months-long bureaucratic process and needless add-ons inflated the cost to an estimated \$150,000.
  - But at the same time the unnecessary review was taking place at a snail’s pace, the roof continued to leak, the gym floor sustained major damage, and the final cost of the project inflated from the original \$12,000 bid to more than \$300,000.

- The difference of almost \$290,000 could have been used in the school's classrooms or for other education needs within the district, but, instead, it was devoted to feeding the insatiable appetite of a rogue and out-of-control bureaucracy.
- Supported by the Alabama Association of School Boards and the Alabama Community College System, the legislation allows boards governing K-12 public schools and community colleges to approve and oversee construction projects while the Department of Construction Management will continue to regulate projects on the campuses of four-year public colleges and universities.
- An executive amendment added by the governor and accepted by the Legislature creates an ad hoc committee that will be tasked with implementing the legislation and making recommendations for needed changes and improvements as it goes into effect.