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COOPER GALE

2022 Legislative Update: Regular Session - Week Five

Overview

Week five of the 2022 Regular Session of the Alabama Legislature is in the books. Legislators met over three days last week and are now almost half way through the session. Legislators will return to Montgomery on Tuesday for the thirteenth day of the thirty legislative days permissible in a regular legislative session and are expected to be in session for three days.

Still No Hands Free

For years the Alabama Legislature has considered legislation to make it illegal to physically hold a cell phone while driving. On Wednesday, proponents of the current bill lacked three votes in the House of Representatives to advance the bill for further consideration in the Senate.

States all across the country have passed laws to deter distracted driving. Almost all states, including Alabama, have bans on texting by drivers and many others ban handheld cellphone use. This year the proposed legislation in Alabama would have prohibited drivers from watching, viewing, recording or taking pictures as well as holding a cellphone while using it during calls with very limited exceptions. Virtually all members of the House of Representatives agree that distracted driving is dangerous, but support for the bill was hard to get. Historically, this type of legislation has been defeated narrowly because some lawmakers are opposed to providing law enforcement with another reason to make traffic stops, and others aren't convinced that the State can legislate personal responsibility.

Anti-Aggravated Riot Act

After lengthy debate, multiple amendments and a partisan vote in the House Judiciary Committee last week, the proposed Anti-Aggravated Riot Act was on the calendar for consideration by the full House this week. Prior to the bill coming up, opponents made it clear that they intended to block the legislation. After hours of extended discussions on the House floor, the bill was removed for consideration.

The legislation defines a riot as five or more people engaging in conduct which creates an immediate danger and/or results in damage to property or injury to persons and further provides that attending or participating in any such gathering after an order to disperse by law enforcement would be a misdemeanor and mandates 30 days in jail as the penalty. Additionally, there would be a mandatory 24-hour initial jail detention without bail after an arrest.

Tax Breaks for Families, Seniors, Small Business and Farmers

Alabama families that received certain payments from the Federal Government last year won't have to pay additional state income taxes. The American Rescue Plan Act (ARPA) increased the child tax credit for 2021 and many Alabama families received money monthly to help offset costs related to the pandemic. Yesterday the Alabama Senate provided final passage of a bill that would exclude these payments from calculations of deductions for Federal taxes that reduce State income taxes.

Under ARPA child tax credits for last year increased from \$2,000 to \$3,600 for children under the age of six and to \$3,000 for children over six up to eighteen years old for head of households tax filers with income

less than \$112,500 and married tax filers making less than \$150,000. It is estimated that more than 550,000 families will benefit from the law which is expected to be signed off by the Governor.

Starting next year, seniors may have a chance to claim a state tax exemption on various distributions from 401K and IRA accounts. With a unanimous vote, the Senate passed a measure that would allow individual taxpayers who are 65 or older to claim up to \$6,000 as a personal exemption on Alabama state taxes. The legislation is now headed to the House of Representatives for further consideration.

The Small Business Relief and Revitalization Act received final passage and is headed to Governor Ivey before becoming law. The Act provides exemptions up to \$40,000 in business personal property from ad valorem taxes, allows sales tax licensees the option of a payment of certified funds instead of surety bonds and extends the due date for tax returns for Alabama financial institution excise taxpayers and corporate income tax taxpayers. The legislation also provides for the total exclusion of the amounts of certain loans provided to farmers under the American Rescue Plan Act as income and in determining federal income tax deductions.

Education

In 2019, the Alabama Literacy Act became law requiring third graders to test at grade level in order to be promoted to the next grade starting this year. At that time, no one anticipated a pandemic or the possibility of statewide school closures, remote learning and the many other challenges as the result of disruptions in traditional in-class teaching. This week the Senate Education Policy Committee voted to advance a bill that would postpone the requirement for two years until the 2023-2024 school year. This bill is similar to a bill that failed to become law last year.

The prior attempt was vetoed, but it is expected that some form of a delay in the retention requirement will become law this year. The Governor and many legislators have indicated support for enacting a bill that will provide a delay for one year similar to a bill currently making its way through the House of Representatives.

Social Media Free Speech

The Alabama Senate Judiciary Committee voted 5-3 to advance a bill for consideration by the full Senate that would prohibit large social media outlets from blocking or deleting the opinion or information shared by Alabama users. If passed, violators would be required to pay the affected user \$100,000 for each offense and an additional \$100,000 for each day of a continuing offense.

Guns

The House Public Safety and Homeland Security Committee voted to advance a bill that would repeal the requirement to have a permit to carry a gun or to have a loaded gun in a vehicle and on certain property within the State. The committee vote to have the legislation put before the House of Representatives was 8-5 with 2 abstentions.

In addition to repealing the requirement to obtain a permit, the legislation will allow gun owners to purchase permits and to have them for carrying in other states pursuant to reciprocity laws. The proposed measure has the endorsement of the House Republican Caucus and is co-sponsored by 38 members of the House.

Statistics

Through twelve legislative days, legislators have introduced 619 bills - 381 in the House and 238 in the Senate.

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