

# PUBLICATION

---

## Alabama Legislative Update - Week 3: Mother Nature and Old Man Winter Disrupt Legislative Schedule

February 04, 2014

Alabama was taken by storm last week. Among the thousands stranded on highways or the fortunate ones at home or at work were scores of State Legislators who could not get to Montgomery or who could not leave Montgomery. The result was one of the most unusual weeks in the entire history of the Alabama Legislature. The House could not convene Tuesday due to lack of a quorum, with 62 members unable to be present. Twenty-two Senators were present and they were able to conduct business but could not return home and stayed in area hotels. Neither Chamber was able to meet Wednesday, nor were numerous committees that were scheduled to meet. By Thursday, both the House and Senate were able to convene with 59 of 102 House members present for a quorum (others arrived later in the day) and 22 of 35 Senators present.

### Senate Action

**SB 121, The Anti-Patent Trolling Infringement Act**, by Senator Arthur Orr (R – Decatur), passed the Senate on a 20 to 1 vote and was transmitted to the House, where it received its first reading and assignment to the Technology and Research Committee. The bill prevents so-called "patent trolls" from exploiting businesses by asserting a claim of patent infringement. The term "patent troll" commonly refers to Patent Assertion Entities (PAEs), or groups that acquire broadly-worded patents with the goal of suing other companies for illegally infringing on those patents. This bill prohibits a person or company from asserting a claim of patent infringement in bad faith and provides for investigation and prosecution. It provides a deterrent to what the bill sponsor says is now "legal extortion."

**HB 105, The Taxpayer Bill of Rights Act**, by Representative Paul DeMarco (R – Homewood), was poised for final passage Thursday, but Senate President Pro Tempore Del Marsh told Senators that many of their colleagues who were not present because of the weather wanted to vote for the bill and he asked that it be carried over. The bill is expected to receive Senate approval this week for final passage. The Business Council of Alabama has actively supported approval of this legislation the last four years and considers it a high priority bill for business. When enacted, the legislation will abolish the Department of Revenue's Administrative Law Division and create an independent Alabama Tax Appeals Commission under the Executive Branch. It will allow local governments the option of using the new tax appeals commission for their existing appeals process to settle local tax disputes. The bill promotes tax fairness and compliance and conforms to federal law.

**SB 38, The Changes to Regulation of Private and Church Schools Act**, by Senator Dick Brewbaker (R – Montgomery), received Senate approval. It would prohibit any public two-year or four-year institution of higher education from denying admittance to an otherwise qualified student on the basis that the student was home schooled or attended private, nonpublic, or church school. This bill would also prohibit the State Department of Education from denying certification to an otherwise qualified person on the basis that the person was employed by an elementary or secondary private, nonpublic, or church school. The bill was transmitted to the House, received First Reading and was assigned to the House Education Policy Committee.

**SB 89, The Equalize Penalties For Automobile and Boating Alcohol Related Deaths Act**, by Senator Bryan Taylor (R – Prattville), when enacted, will make the penalty for alcohol-related boating deaths the same as the penalty for deaths caused while drinking and driving an automobile. "A life is a life, and driving a car or a

boat while drunk is equally irresponsible. The penalty should be the same," said Senator Taylor to fellow Senators who then voted 18 to 1 for passage. The legislation is now in the House Judiciary Committee. The House companion bill, HB 58, by Representative Paul Beckman (R – Prattville), has already received approval in this same committee and was unanimously approved by the House. The bill that first receives approval by both the House and Senate will go to the Governor for his signature.

**SB 86, The Military Auto License Plate Act**, by Senator Bryan Taylor (R – Prattville), provides military personnel deployed overseas with an additional 30 days from the date their deployment ends to renew their car tags without incurring the standard \$15 late fee plus interest charges. Senate approval sent the bill to the House, where it was assigned to the Military and Veterans Affairs Committee.

The Senate delayed action on **SB 168, The Ban On Smoking In Work Places and Public Places Act**, by Senator Vivian Figures (D – Mobile). If enacted, it will do exactly what the bill title says, prohibit smoking in work places and public places.

### House Action

The first action in the House of Representatives this week was the unanimous passage of two resolutions by Speaker Mike Hubbard (R – Auburn): House Joint Resolutions 84 and 85 honoring the heroic acts of First Responders and Good Samaritans and Teachers and School Staff during the January 27, 2014 winter storm.

**HB 129, Private School Sales and Use Taxes**, by Representative Mary Sue McClurkin (R- Indian Springs), simply clarifies that, along with public schools operating within the state, private schools and educational institutions operating in the state are exempt from sales and use taxes on tangible personal property, and also establishes that both public and private educational institutions in Alabama are exempt from sales and use taxes for lunches provided to K-12 students that are not sold for a profit and provided within the school buildings. The bill was approved by the House and will be assigned to a Senate committee this week.

**HB 88, The Unemployment Benefits Act**, sponsored by Representative Jack Williams (R-Vestavia), passed the House on a 79 to 4 vote. The legislation is designed to encourage individuals to get off of government assistance and work for themselves, revising a formula that has not been revisited since the 1960s. The bill increases the amount people are allowed to earn while receiving unemployment benefits without having their benefits reduced. Currently, individuals can only make \$15 a week without their unemployment benefits being cut. This legislation increases the threshold an individual can earn to a third of their benefit, meaning that a person drawing a \$265 unemployment check, the maximum currently allowed in Alabama, could make to up to \$88 a week without their benefit being reduced. The bill is now awaiting assignment to a Senate committee.

**HB 44, The Farm Vehicle Tags Act**, by Representative Alan Boothe (R- Troy), received approval. This legislation allows farmers to buy more than one vehicle tag at a reduced cost for vehicles that are used to haul farm products only. Previously, farmers could only purchase one tag at the reduced cost. The bill will now be assigned to a Senate committee.

### School Make-Up Days Not Required

Thanks to legislation approved by the Legislature and signed into law by Governor Robert Bentley after the 2011 tornado outbreak across Alabama, students and school systems won't have to make up days missed because of the winter storm last week. Senator Arthur Orr (R – Decatur) also included a component in his bill, which is now state law, stating that missed school days can be excused if the Governor declares a state of emergency and the State School Superintendent approves the request to forgive the missed days.

## **Special Elections Delayed**

Special elections, which were scheduled for last Tuesday to fill three vacancies in the Alabama House of Representatives, were postponed as part of Governor Bentley's emergency declaration due to weather. Voting in the three House districts was rescheduled for Tuesday, February 4. The districts are HD 104 in Mobile County, HD 31 in parts of Elmore and Coosa Counties and HD 53 in Birmingham.

The Legislature returns to work Tuesday, February 4. The House convenes at 1 p.m. and the Senate convenes at 2 p.m. The Alabama State Public Policy Team will continue to monitor all proposed and pending legislation and maintain a presence in the State House throughout the legislative session.