**Alabama Legislative Report**

**March 8, 2024**

**Governor Ivey Signs School Choice Bill into Law**

Surrounded by a group of smiling students and legislative leaders, Governor Ivey signed her top legislative priority into law on Thursday. This new law, called the CHOOSE Act, creates a statewide program called Education Savings Accounts (ESAs), which enables school choice for many Alabama parents and students.

The Senate passed the bill on Wednesday with a vote of 23-9.

***How the CHOOSE Act Works***

* **Funding:** The program will receive at least $100 million per year from the state's education fund, starting in fiscal year 2027. For the first two years, funding will come from additional sources without affecting the main education budget.
* **Eligibility:** For the first two years, families with students who have special needs or whose income falls below 300% of the federal poverty level will be eligible. In subsequent years, eligibility is expanded to all Alabama students.  These families can use up to $7,000 per year per student on alternatives to public schools, including private schools. Funds can also be used for other approved expenses.
* **Homeschooling:** Families who homeschool their children can receive up to $2,000 per student, or $4,000 per family, through ESAs.
* **Expansion:** Starting in 2027, all students in Alabama will be eligible to participate in the program.

**Alabama Legislature Acts Quickly to Protect IVF**

The Alabama Legislature passed Senator Tim Melson's SB159 to protect in-vitro fertilization (IVF) services in the state. Governor Ivey immediately signed the bill into law. This comes after a recent Alabama Supreme Court ruling declared frozen embryos to be legally children.

***What the Law Does***

SB159 grants immunity, both criminal and civil, to anyone involved in providing or receiving IVF services. This immunity applies to any damage or death of an embryo.

***Impact and Future***

With the law passed, fertility clinics across the state announced they would reopen. However, the issue isn't entirely settled. The Supreme Court's original decision referenced an amendment protecting unborn children. This raises the question of whether someone could still sue under the Wrongful Death of a Minor Act.

Lawmakers anticipate that future lawsuits could force the Supreme Court to clarify how the immunity bill interacts with the constitutional amendment. They're prepared to introduce further legislation if necessary.

**Senate Advances Gaming, Lottery Legislation**

The Alabama Senate passed a scaled-back version of the gaming and lottery proposal after more than 10 hours of debate on Thursday. The vote for the constitutional amendment was 22-11, and 23-10 for the enabling legislation.

***What Each Chamber Wants***

* **House Version:** Originally included a lottery, state gambling commission, casinos, sports betting, and negotiations with the Poarch Creek Indians for casino gambling at their existing facilities. Revenue could be spent on various projects chosen by the Legislature.
* **Senate Version:** Kept the lottery and tribal compact but removed casinos and sports betting. Instead, it allows dog racing and historic horse racing machines at seven existing locations. Revenue is split three ways between the General Fund, Education Trust Fund, and Road and Bridge Fund.

***Key Differences and Next Steps***

* **Special Election:** The Senate wants a special election on September 10th, while the House preferred the November general election.
* **Conference Committee:** The House will likely send the issue to a conference committee where members from both chambers will reconcile the differences before a final vote in each chamber.
* **Resolution Timeline:** With a scheduled recess next week, lawmakers will resume negotiations the week of March 18.

**Ballot Harvesting/Absentee Ballots**

SB1, sponsored by Senator Garlan Gudger, cleared the House on Thursday following revisions in a House committee. This legislation aims to curb ballot harvesting and the unauthorized completion of absentee ballots. The bill prohibits individuals from knowingly offering payment or gifts to third parties to obtain or deliver a voter's absentee ballot application. An exemption is included for individuals requiring assistance due to blindness, disability, or literacy challenges. The bill garnered a party-line vote of 75-28 and now moves back to the Senate for a review of the House changes.

**Alabama House Approves Bill Limiting DEI Programs**

Senator Will Barfoot's SB129, which prohibits state agencies, local school boards, and public universities from funding or conducting Diversity, Equity, and Inclusion (DEI) programs, passed the House and now awaits further action in the Senate.

The bill specifically targets programs where attendance is mandatory based on race, sex, ethnicity, or other factors. It would effectively close down DEI offices and departments within public universities.

**House Committee Unanimously Advances Ethics Reform Bill (HB227)**

Representative Matt Simpson's ethics reform bill, HB227, cleared a hurdle on Wednesday with a unanimous committee vote. However, the bill's future remains uncertain.

The committee approved revisions to the bill, including:

* Restoring a $500 annual cap on gifts received by public officials
* Clarifying which family members are ineligible for public contracts

Concerns remain regarding the bill's broader impact, specifically:

* Elimination of criminal penalties for many ethics violations
* Placing the Ethics Commission's executive director under legislative oversight

Attorney General Steve Marshall joined Ethics Commission Director Tom Albritton in expressing concerns over the bill, saying it would weaken the prosecutorial powers of his office while “further empowering an Ethics Commission run amok.”

**Alabama House Committee Approves Property Tax Cap Bill (HB73)**

A bill limiting property tax increases won approval from an Alabama House committee on Wednesday.

Representative Phillip Pettus' bill (HB73) would cap annual assessment increases at 5% for most properties. This includes commercial buildings, businesses, single-family homes, and agricultural land. However, the cap wouldn't apply to newly assessed properties, those with new construction or improvements, or properties that change ownership.

The bill is now headed for a full vote by the House. However, it faces opposition from education and local government groups concerned about potential funding shortfalls if the caps are enacted.

**Alabama Senate Approves Birmingham Southern College Loan (SB31)**

Senator Jabo Waggoner's bill to provide financial assistance to Birmingham Southern College (BSC) was passed by the Alabama Senate this week. The bill aims to address concerns raised by critics of the original proposal.

The state will have a "first perfected security interest" in all assets BSC pledges as collateral for the loan. This resolves a sticking point related to BSC's current creditors and the previous disagreements between the college and Alabama State Treasurer Young Boozer.

The bill now moves to the House of Representatives, where it's expected to face further scrutiny.

EDAA

| **Bill** | **Sponsors** | **Title** | **Last Action** | **Latest Version** |
| --- | --- | --- | --- | --- |
| AL 2024rs [HB 253](https://url.emailprotection.link/?b2aaqrjXafBNu7dOi_ppJrm757R3HnhTsg_5pNN9TIriYp4A6fn4Q4hchziIayTY-FwraKG8RjJXyyrIW-ukxi9_HqEVqkd8xfVsElAqRuOvY7tumGD-qwgXyv3j9-Xws) | [Chip Brown](https://url.emailprotection.link/?b28w2vmm_MayzQ2CG4Qq9RGBc4ttU_P7pkSeDGJgLkVYlAeRnUObQkHduC-xN84DK_RrWh3JjG2Qcr8sbxcByc0B_XCfxOzTi9p69ShW9XE4O8zBvBzIfDmHBlmkxHbuT) | State Port Authority; provide that authority is a body corporate and may employ non-merit system employees  **House Calendar:**Special Order Calendar (March 7, 2024)  **Position:**4 | House • Mar 07, 2024: Engrossed | [Engrossed](https://url.emailprotection.link/?b16X8mbFIfMyEIEcu67F7D_iIg7rGoPtGskKhU2aFBf2LjxU7oUuRUNrF_twIJtVXkM4iCx1Kl8IWgSfEvdPJxm5ICs0-Sc5Z3hQ-jwcrAPthKrNOEPcACKWnqvlkJP0qIdlkFIxYHK8JlZkf6DbYq4FozxAYpy-jiw_nGRUlaNo~) |
| AL 2024rs [HB 227](https://url.emailprotection.link/?bfb7x4uMpfCsd4T6oc12TL5RDEgp3OA_z-IT-2MyBLe6xHRtDSSQLJwjbC1ZrP-ScPeCvZuNTZGtWODcmRf3DDOqJb3qsZ_8oPsQPjU3qQVmPLunb_rbL-Glc89XCYP_5) | [Matt Simpson](https://url.emailprotection.link/?bolDdOGTgLxzb-dOYmCxYjShlYGy6cDM1tdiiPwjeB1WP9ZPeNSlhv65BbA3LMoPFPLp1W9NENgdLTQqoMNvpagV7K43dxjFIkJggksF-KgVT0poG_vOGOTSrt4PPjD06) | Ethics; laws pertaining to public officials and public employees revised  **House Calendar:**Regular Calendar (March 19, 2024)  **Position:**28 | House • Mar 06, 2024: Instrument Change Adopted FYEG555-1 (Ethics and Campaign Finance) | [Introduced](https://url.emailprotection.link/?bjr0JfZfXmNBADmr1Cxc-48AwaZj8GS4sm_hAqqw_EAAtYom_mcGd6q-TbDDJhfZl9MvQ-dSP-wcAlqiFbr2XIFNRNbV5tYrNxHtWPbsdYQ3cJ6eNJ6N5Dcxrubq83BHO) |
| AL 2024rs [SB 168](https://url.emailprotection.link/?bfaPrRtVOD7Mpj5KoqOxXO1TcqXSZkJLOZG_HRZnJINTw8gDOgzzUk9y_aDF21awbuzCo4TpU2d4UQq8ef3ZofcaLT8G3Lv9xsYDHX76brR75Vzt3Ju1WuEn8Eupp9RKq) | [April Weaver](https://url.emailprotection.link/?bolDdOGTgLxzb-dOYmCxYjShlYGy6cDM1tdiiPwjeB1WP9ZPeNSlhv65BbA3LMoPFp8pHNBhSH00MTCBJuFSapQVnfiYJw9P3uKleHCt6GPfWDSS2rNkdSN6ZBk1VgowN) | Municipalities, commercial development authorities, project defined to include single commercial enterprises  **Senate Calendar:**Regular Calendar (March 19, 2024)  **Position:**66 | Senate • Mar 06, 2024: Read Second Time In House of Origin (County and Municipal Government) | [Introduced](https://url.emailprotection.link/?bs1lMMTkfbVbmSSzf5CmFVyAbGzUVkN9PFcvzx4QEjXhZo5ue5Ne3GFJABznvfoM4LZCp-eA-JlWOxg1CtFsht-HmMeW5KkirvQ6vUVy2Mxr8yk-Q7vPKf2bnQaLxEeSK) |
| AL 2024rs [SB 176](https://url.emailprotection.link/?bnJ3MnUII7yITQ-_IEjtixrIYPRAuWqOx4mxE5ZJ4Tc-xhHm3QvJF36tNOGpTK1jYDT-r3fgjm9jEfXa4KPg2e02g_JDAkwvuyfpaf7lG2njWnvjdgylyiPhy0_x2TmX_) | [Donnie Chesteen](https://url.emailprotection.link/?bolDdOGTgLxzb-dOYmCxYjShlYGy6cDM1tdiiPwjeB1WP9ZPeNSlhv65BbA3LMoPFw2RcsQ6P6rykuYyAsVIiZucPXmBiYleyRph83hu5-VJz4DmvZMk19DrgaFPO56Yv) | Public K-12 education and two-year institutions of higher education, Alabama Career RoadMap Act, Alabama Community College System required to develop career readiness module to be added to high school graduation requirements, each public high school student required to complete Career RoadMap Postsecondary Opportunity as defined by Alabama Community College System, Alabama Community College System and State Board of Education required to adopt rules (Education Policy) | Senate • Feb 29, 2024: Pending Committee Action In House Of Origin (Education Policy) | [Introduced](https://url.emailprotection.link/?bv-1ZHKi1hymtHn4fgkghjV-Aewi42ons6Vo0PWg26-zn8YaZhBuAxlZiIFC59Gm5gKRjoFObE0TRB4q5UX3T0GvCNRJg-3sADGfu2nqopoHakP-1gLI0LnpPzSK13Uih) |
| AL 2024rs [HB 177](https://url.emailprotection.link/?bTCmWgHJKBMq8RTfQknL4yzyEjF9glQOYPq-OLeX8AZp-L07E4L3AWTBR4-TknJFPtlzwp5s12x5mjsNQHjiQYkvk-d_2uKksaQ2T8Kq8kBed4vVPCUntaj7hEGc7wWAR) | [Chris Sells](https://url.emailprotection.link/?bolDdOGTgLxzb-dOYmCxYjShlYGy6cDM1tdiiPwjeB1WP9ZPeNSlhv65BbA3LMoPFVib0DWVhJxx_pYbLx5e00XpZOqtNzKY2WgkVp6BO6LVIFJyepbJAq3CbZ1Q0-vZo) | Commerce Dept; secretary and deputy secretary salary revised (Fiscal Responsibility and Economic Development)  Companion bills: [SB 106](https://url.emailprotection.link/?bolDdOGTgLxzb-dOYmCxYjRpxqPg2Sz6Hvlgb1Wm9lqk-RRsCxAtrI0STalamNEzr70Upie2yF-uUAhDNNwgjKefwqPT0ZCMhl09May5-5Mc-67woEwUG5mGovFMFHdds) | Senate • Feb 28, 2024: Pending Committee Action In Second House (Fiscal Responsibility and Economic Development) | [Introduced](https://url.emailprotection.link/?b6JPx8RsWyOeoON07RKzV050bHOzmqVldW8ZEp2tzM0_gNI-nz5a7OL9tiEczfxH7RzNJIpDOCjcQkx8YmA1MB6TpH4TqnUr9gXgZBet9dl38M9w5Ej4xYVyIGrBrFnYZ) |
| AL 2024rs [SB 167](https://url.emailprotection.link/?bdtXDYCt_j7HosrafFLEjw9EJ-_CK5Qv6YKN7U9SygH0ETaQeitgGT2nHAYq5x61-irvrOB6zvEap_s3ZGRkN2zFXV2sHAiCvzaRB6ug9m56cxobMHtjdeXOd8zdd2nc9) | [Merika Coleman](https://url.emailprotection.link/?bolDdOGTgLxzb-dOYmCxYjShlYGy6cDM1tdiiPwjeB1WP9ZPeNSlhv65BbA3LMoPFLfJnB8uDzqaR_uLjVQaQJJztleZKu1TVLu4osXeHZ_KhFedPtp3w_GpGZmf9eylP) | Alabama Jobs Act; requirements for approved companies revised (Fiscal Responsibility and Economic Development) | Senate • Feb 27, 2024: Pending Committee Action In House Of Origin (Fiscal Responsibility and Economic Development) | [Introduced](https://url.emailprotection.link/?bv-1ZHKi1hymtHn4fgkghjV-Aewi42ons6Vo0PWg26-zn8YaZhBuAxlZiIFC59Gm5gKRjoFObE0TRB4q5UX3T0Jzwc6u4oG5sWzaamxTZg4lOMPhRMUdd8I2B95wu6jNw) |
| AL 2024rs [HB 181](https://url.emailprotection.link/?bN2lGvCzNJWLIWQqGbE5IByoLJc8_uGCII5H0O0PA22CsqQh-dbX_24cOr329OBFR_yeQz80AStiCrUGmEwn__PXZyEhWyPQFHxoZrhdT5cxgLMOUC0qMHDKGjZslPGXc) | [Craig Lipscomb](https://url.emailprotection.link/?bolDdOGTgLxzb-dOYmCxYjShlYGy6cDM1tdiiPwjeB1WP9ZPeNSlhv65BbA3LMoPFtxZVN66ltRIkuFT6Oq6zAhYAKPSbvxDeJcJFOLJCAYNwKCgjsxWbKD-44JGpRgqn) | State Waters, Alabama Waters Task Force created (Ports, Waterways & Intermodal Transit) | House • Feb 15, 2024: Pending Committee Action In House Of Origin (Ports, Waterways & Intermodal Transit) | [Introduced](https://url.emailprotection.link/?besWsqOShlD0X7AbgQLH1nQByG-VjlY82C-SibCxGx3kwfxWyifPkRYF-48-PdL4MScPQazLvYAuBTVcRNH7o_JaV1s7Tyt2ptXgzjeexKY6Ft0c2Bl0pPLWKlssr8S8s) |
| AL 2024rs [HB 133](https://url.emailprotection.link/?b6Blqo0CiWiYYrh45IxT1dn4O5dqcm7VwT2rI1--e4zvvYswU5LI2bF5bCh5P-pbZn4M0lneNl1pBBnkAYI-FkO7xfAE2q5JnjV1a7sbRGMgPB2S43rnButa0miQ0dyet) | [Rex Reynolds](https://url.emailprotection.link/?bolDdOGTgLxzb-dOYmCxYjShlYGy6cDM1tdiiPwjeB1WP9ZPeNSlhv65BbA3LMoPFo4b1K6FGhbb4ezewKDk5S43Sr0-gjVHo7Wk7QZYb_Zwkmogwj2uOXCOgvhe8dTBM) | Supplemental appropriations from State General Fund to specified agencies for fiscal year ending September 30, 2024. (Ways and Means General Fund) | House • Feb 07, 2024: Pending Committee Action In House Of Origin (Ways and Means General Fund) | [Introduced](https://url.emailprotection.link/?bRAms8OAMLehEd00A226qJkPxIy_PVL0g78anQx_i5kJlMkjHgxlsZ0qXoTadORY_GgFQIHVoSdY-BQ8c-QcRHGlSQb4sanrZOeGGGDQnzSrJmwo4YtUwJrCzZd_0wlQM) |
| AL 2024rs [SB 66](https://url.emailprotection.link/?bN2lGvCzNJWLIWQqGbE5IByoLJc8_uGCII5H0O0PA22CsqQh-dbX_24cOr329OBFR_yeQz80AStiCrUGmEwn__PlYuzNbmp3pstLPzlHjfiIh8ty0nYDmqAfUYEHRFtzC) | [Greg Albritton](https://url.emailprotection.link/?bolDdOGTgLxzb-dOYmCxYjShlYGy6cDM1tdiiPwjeB1WP9ZPeNSlhv65BbA3LMoPFzGZbQu47FDP7JJ2Ielp6VVMgnc-zOko6v6dMQiZmAE8ZLClWhvwc1IObaIMCTPov) | Supplemental appropriations from State General Fund to specified agencies for fiscal year ending September 30, 2024. (Finance and Taxation General Fund) | Senate • Feb 07, 2024: Pending Committee Action In House Of Origin (Finance and Taxation General Fund) | [Introduced](https://url.emailprotection.link/?bQA5DgjLKbyeK5BK4zNTiWZ1Ec3q2rGZauWGQhzO7nwd4IQxm3ePldTXvCnphrTLy4-AHms68eWboxWYTGTNis3MzrFHvTfaf0kKWHwgsMQoh9AH4IDsR_1xNZa8xkR7s) |
| AL 2024rs [HB 118](https://url.emailprotection.link/?bj_PUQEiIt4f-H1_DbWgaUv1NGgRZKfK7rrtQI_0dEdlYGBgZ7PFAKlsA_CKjFE2DSTMkXgNbCCnuOGLcx9H5zlZO4rPxi4veE-Kt5HCzlNs-2M08hS9NPzVWMpTKUl9R) | [Ben Robbins](https://url.emailprotection.link/?bolDdOGTgLxzb-dOYmCxYjShlYGy6cDM1tdiiPwjeB1WP9ZPeNSlhv65BbA3LMoPFH5P2OUW3qpkkchMWvLqOrT1khGdzLEoCh6OXDHrI7QDJg2Gbv8SnEfXekaz8wVz0) | Establish income tax credit to recruited or remote workers (Ways and Means Education) | House • Feb 06, 2024: Pending Committee Action In House Of Origin (Ways and Means Education) | [Introduced](https://url.emailprotection.link/?besWsqOShlD0X7AbgQLH1nQByG-VjlY82C-SibCxGx3kwfxWyifPkRYF-48-PdL4MScPQazLvYAuBTVcRNH7o_LIdBfOSdglMdMkGje8g2YUsQjvh38CQqQVBJIrdNayN) |
| AL 2024rs [SB 60](https://url.emailprotection.link/?bJv6KR6-1NWQx93xxkkE0y6y26cpPLpUFn_AE5KQRQCYthT3iZByoJDSu_9rH6rPfOj8VE7GVLRPOgOAi5LS26zThxNjFdMqYg3fgJr9e8uYvveen3f05glEd_WqMBcB-) | [Arthur Orr](https://url.emailprotection.link/?byvXGdibqvwBkR1L2MhVCL0Zx7_rPQi63kmaAHdAiMrLLxkPiuQTdzdixO06e-72zmKTKUL_4YVOwKp6J8yD56B3jto-1E0gThzuV5Cfu6edPxfyrVKuQjTF53zfjcKGP) | Ports, inland facilities, $5 million of additional motor fuel tax levied by act 2019-2 transferred from Rebuild Alabama fund to ADECA, create inland port and intermodal fund (Finance and Taxation General Fund) | Senate • Feb 06, 2024: Pending Committee Action In House Of Origin (Finance and Taxation General Fund) | [Introduced](https://url.emailprotection.link/?bBxNbr7F5HcUorTjn1IFtg-sdtVE0Jh6QAssQyETT3TEDPEfijydWeG9P1IxxWPhmHWV6CPrdsM9qU4T2sXAPd7oHAPcceoJavIPXfsckxGcxvy1pGXorEzGMCuPMCCOd) |