

# FINE GEDDIE

GOVERNMENT RELATIONS

## THE FINE GEDDIE REPORT 2017 REGULAR SESSION · WEEK TWO

### *ALABAMA LEGISLATURE COMPLETES SECOND WEEK*

The Alabama Legislature adjourned early on Thursday, upon completion of the fourth legislative day. The House had extended debate this week on a resolution expressing support for the Trump Administration. The House also approved a bill that would prohibit state institutions of higher education from establishing sanctuary policies in violation of state or federal immigration law. The sanctuary bill must go to the Senate for consideration.

The Senate debated and passed several bills on Tuesday and Thursday of this week. Among those bills were legislation to establish the **Judicial Resources Allocation Commission** and a bill adding a six-year statute of limitations and clarifying the criminal intent requirement for **Medicaid fraud**. The bill applies to individuals and corporations alike.

The Revised Uniform Fiduciary Access to Digital Accounts (RUFADA) legislation was approved in committee this week. SB110 by Sen. Ward (R—Alabaster) was approved by the Senate Judiciary Committee, and HB138 by Rep. Givan (D—Birmingham) was approved by the House Judiciary Committee. Last year, Alabama lawmakers proposed a modified version of the Uniform Law Commission's RUFADA model legislation; custodian entities objected to that modified version because it failed to include critical language giving a custodian unlimited ability to seek or require a court order to determine whether to grant third-party access to digital assets. SB110 and HB138 restore that important language.

Senate Majority Leader Quintin Ross (D—Montgomery) has introduced “**ban the box**” legislation. Previous versions would have prohibited private and public employers from inquiring about a person’s criminal history on a job application. SB200 only applies to public agencies, reflecting compromises made with various private employer interests. This bill would prohibit the state, its agencies and subdivisions from inquiring about a person’s criminal history on a job application until a conditional offer is made, unless the law bars employment under the circumstances and the criminal activity is directly related to the position sought. Once information about a prospective employee’s history is produced, the bill provides factors the public employer may weigh in determining whether to hire the applicant.

Legislation to establish the **Alabama Network of Statewide Workforce and Education Related Statistics (ANSWERS)** was approved in committee this week. SB153 by Sen. Singleton (D—Greensboro) was approved by the Senate Government Affairs Committee. The House version, HB97 by Rep. Collins (R—Decatur) was approved by the House Education Policy Committee. The House committee amended the bill to add technical fixes, as well as to include the appointment of a representative from the University of South Alabama to the ANSWERS advisory board. The data system will be designed to collect certain data related to student demographics, enrollment, retention, GPA, remediation, credential attainment and courses taken, as well as information about the state workforce. The data will be used to assess return on investment for education and workforce programs, as well as to better inform students about potential career paths.

## *NEW ATTORNEY GENERAL TAKES OATH; RECUSES HIMSELF FROM BENTLEY INVESTIGATION*

On Monday, Steve Marshall was sworn in as Attorney General of the State of Alabama. Marshall, a former district attorney from Marshall County, was appointed by Governor Robert Bentley to fill the office vacated by Luther Strange. Strange was appointed by Governor Bentley a few days earlier to fill the U.S. Senate seat left vacant when former Senator Jeff Sessions resigned to become the U.S. Attorney General.

After taking the oath administered by Judge Liles Burke of the Alabama Court of Criminal Appeals, Marshall addressed a large crowd about his priorities which include establishing best practices for internal law enforcement operations and tackling issues such as drug abuse, public corruption and human trafficking. Marshall noted that he considers U.S. Circuit Court Judge Bill Pryor, a former attorney general, to be the "gold standard" for leading the Office of the Attorney General, and indicated that he hoped to run his office the same way.

A few days later, Marshall wasted no time in announcing that he is recusing himself from a state criminal investigation of Governor Bentley. Marshall has appointed former Montgomery County District Attorney Ellen Brooks to oversee that investigation. His recusal appears to be acknowledgment that there has been an ongoing investigation of the governor.

## *UPDATE ON BENTLEY IMPEACHMENT PROCEEDINGS*

The House of Representatives appears ready to resume impeachment proceedings against Governor Bentley. An impeachment investigation has been on hold at the request of former Attorney General Strange. The chairman of the committee overseeing the investigation, Rep. Mike Jones (R—Andalusia), indicated that the committee will likely be resuming work soon with a goal of completing its investigation by the end of the legislative session. Speaker of the House Mac McCutcheon (R—Monrovia) indicated that he expects the House to vote on articles of impeachment this session. Several members of the House were circulating a resolution this week that would bypass the committee and bring the articles of impeachment directly to the House floor without an investigation. That resolution has not been introduced.

Upon a vote of the House to impeach the governor, he would immediately be suspended from office pending a trial in the Senate. A two-thirds vote in the Senate is required to permanently remove the governor.

## *BILLS OF INTEREST TO ASCPA*

SB128 by Sen. Melson, related to tax preparers, is scheduled to be considered by the Senate Fiscal Responsibility Committee next Wednesday, Feb. 22. The bill would require tax preparers to include their federal preparer identification number on all Alabama income tax returns. Additionally, the bill directs Alabama Business Privilege Tax return due dates to correspond with federal income tax return dates; for financial institutions, the return due date shall be the same as the excise tax return.

*The House and Senate will reconvene on Tuesday, February 21. There are 26 meeting days remaining in the 2017 Regular Session.*