

Recommendations to the Governors Special
Task Force on the reopening of Alabama in
the wake of the Coronavirus

RESTORE ALABAMA

**Responsible Efficient Solutions To
Open and Revive Economy**



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Dear Members of the Executive Committee of the Governors Special Task Force,

Thank you once again for the opportunity to provide input to this most important work. The Alabama Policy Institute has been earnestly reviewing the opportunities that exist for maximizing the social and economic well-being of our state in the wake of the pandemic shutdown. API has promoted the principles of free markets, limited government and strong families throughout its thirty-year existence. In that vein we are submitting the following for consideration and calling upon the Governor to call a special session of the Alabama Legislature to put six points in order that directly address the recovery effort .

Those points include:

- Legal protections
- Shared government accountability in future crises
- Increased broadband access
- Tax relief
- Extended lessening of licensure and CON restrictions
- Education reform

As before it is our continued hope that this proposal will be received in the manner in which it was drafted – with the utmost desire to see Alabama not just survive, but actually thrive in the wake of the pandemic and be better postured for future generations who might face such extreme circumstances.

Respectfully,

The Staff of the Alabama Policy Institute

**“THE BALANCING ACT MUST NOW TURN TO THE
INEXORABLE TENSION BETWEEN A HEALTHY CITIZENRY
AND A HEALTHY ECONOMY, BOTH OF WHICH COMBINE TO
FORM A HEALTHY SOCIETY”**

I. RESTORE Alabama Agenda

- a. The Alabama Policy Institute urges Governor Ivey to call the Alabama Legislature into special session within the next 30 days to implement what API has labeled the RESTORE Alabama Agenda. RESTORE is an acronym that stands for Responsible Efficient Solutions To Open and Revive Economy.
- b. Any special session of the Alabama House and Senate can only be conducted upon the limited and specific terms set by the sitting Governor who labels those matters to be legislated in “the Call”.
- c. API has conducted research on best practices nationwide, and reviewed the suggestions of state leaders in Alabama and proposes the following six-point plan for the Call:
 - i. The enactment of a bill sponsored previously by Senator Arthur Orr that would protect businesses, churches, non-profits, and others from frivolous and costly lawsuits related to the Coronavirus. API believes that Senator Orr’s Bill to limit the ability to bring frivolous and costly lawsuits against businesses, churches, and non-profits related to alleged corona infection must be given top priority.¹ Without such legislation it is to be expected that a host of lawsuits will be filed that will only serve to further ravage Alabamians who are just now putting the pieces of the private sector back together.
 - ii. Legislation that restructures how quarantines are handled and clarifies that the burden must be shared by both the legislative and executive branches of government. with some potential for controversy, legislation must be

¹ Senate Bill 330, Alabama 2020 Regular Legislative Session. <https://trackbill.com/bill/alabama-senate-bill-330-coronavirus-immunity-for-certain-entities-from-claims-relating-to-contraction-of-or-exposure-to-coronavirus/1921954/>

passed that puts the Alabama Legislature in as much of a position of responsibility for quarantines and economic shutdowns as the Governor. To be sure the Governor's office must be able to declare a state of emergency if and when needed. But no Governor should be required to carry that burden alone. And looking at the mess ongoing in other states we must also be aware that future Alabama Governors might be less judicious than Governor Ivey and therefore certain checks and balances should be emplaced. This is reasonable and represents a sharing of the load, a sharing of the grief, and checks and balances that make for good government.² API believes that any quarantine or economic shutdown that extends longer than thirty days should require legislative sanction and an equal share of the responsibility that goes with it.

- iii. Budget amendments should be passed, to both budgets, which allow appropriations to blanket the state in full access to broadband internet. Our children have been forced to home school.³ Businesses have taken to daily telecommuting to survive. Alabama's Court system nearly stalled until online hearings were established.⁴ Telemedicine is a real thing now. The Legislature must convene with the intent to completely blanket the state with internet access that assures its citizens that they will have equal access to education, business, medicine and the rule of law. Budget amendments should be considered for both the Education Trust Fund and the General Fund with appropriations to cover this measure. To be clear, API does not advocate incurring debt to accomplish this goal. To the extent possible state leaders should use one-time federal monies from the CARES Act and supplement that as needed with funds from Alabama's rainy day trust fund. This is too important and the past three months have only made it more apparent of the outright need.

² Senate Bill 334, Alabama 2020 Regular Legislative Session. <https://trackbill.com/bill/alabama-senate-bill-334-state-health-officer-order-issued-in-response-to-outbreak-of-a-disease-has-full-force-of-law-if-approved-by-governor-and-filed-with-secretary-of-state-in-state-of-emergency-secs-22-2-8-31-9-8-amd/1921993/>

³ Crain, Trisha Powell. "Alabama Schools Closed for the Rest of Year, Instruction Goes Online." AL.com. Alabama Media Group, March 26, 2020. <https://www.al.com/news/2020/03/alabama-k-12-schools-can-finish-academic-year-at-home-ivey-says.html>.

⁴ WVTM. "Coronavirus Precautions to Affect Some Alabama Court Systems." WVTM. WVTM, March 14, 2020. <https://www.wvtm13.com/article/coronavirus-precautions-to-affect-some-alabama-court-systems/31557720#>.

- iv. Extension of the Governor's recent "temporary" suspension of the restrictive regulations governing licensure and the establishment of healthcare services for at least a full year. On April 2nd Governor Ivey rightfully suspended the licensure and certificate of need ("CON") requirements for medical practitioners and first responders to enable them to more easily come to Alabama's assistance during the pandemic.⁵ And guess what? The sky did not fall. If licensure is a hurdle that must be removed for emergencies then the legislature considered removing those barriers to essential personnel and medical facilities for more than just this present day. API has long advocated for the reduction of licensure and CON barriers. But for now the Governor should call upon the legislature to enact her current suspension of licensures and CON requirements for the next 12 months to ensure that we get fully past this current crisis. After a year the leaders of our State can reassess the implementation of both. API calls upon the Alabama's elected officials to remove the barriers that impede private enterprise and restrict the availability of quality healthcare by suspending licensure and CON requirements now.

- v. Legislation which encourages business owners to reinvest in their businesses and which ensures no business in Alabama is taxed for receiving federal monies due to the Coronavirus. State legislators must return to the debate on the renewal of the Alabama Jobs Act to incentivize the growth of existing business and the recruitment of new employers to the State. As we come out of the corona shutdown this legislation must by necessity also include incentives to small businesses who have suffered losses to invest in their own infrastructure and to hire/rehire from Alabama's great labor pool. Additionally, tax relief should be granted so that federal funds received for relief do not become taxable income to the State, and to grant an income tax credit for any federal relief for which repayment to the feds is necessary. The Governor, the House and the Senate must show the people of this State that they will not attempt to earn revenue for government on the backs of suffering private citizens.

⁵Fifth Supplemental State of Emergency: Coronavirus (COVID-19). The Office of Alabama Governor Kay Ivey. April 2, 2020. <https://governor.alabama.gov/newsroom/2020/04/fifth-supplemental-state-of-emergency-coronavirus-covid-19/>

- vi. The expansion of school choice opportunities so that recent developments which further hindered the education of Alabama's children is more fully addressed. Any post-pandemic review must include a discussion on education. Alabama ranks dead last in the nation for education quality.⁶ In just the past week an independent review of the state Department of Education called for education leaders in Alabama to embrace and own reforms. For the past two months our children have been forced to adjust on the run, many seniors lost their graduation ceremonies, and if you think that failing schools got better you're dreaming. It is time for the Legislature to give firm debate to the concept of education savings accounts for any child who is in a failing school to be allowed to move to a school that better serves their needs. Education tax dollars are for the education of the child, not to feed a failing system. This is a fair and equitable solution to a problem that is not going away without game-changing action.

A call of the legislature, to accomplish the six points of this RESTORE Alabama Agenda will not only benefit the here and now, but will ensure that future citizens of this great state look back and see a government that truly lead from the front. The staff of the Alabama Policy Institute stands ready to assist in any way necessary.

Thank you for your consideration.

⁶ Crain, Trisha Powell. "Dead-Last State Test Scores Wake-up Call for Officials." AL.com. Alabama Media Group, November 2, 2019. <https://www.al.com/news/2019/11/alabamas-dead-last-test-scores-wake-up-call-for-officials.html>.