
2021 Legislative Update: Week 16

Legislative Update: Post-session Edition

The 2021 Regular Session of the Alabama Legislature ended its 30th and final legislative day at 11:59 p.m. on Monday, May 17, bringing an end to what may have been one of the more unusual sessions in recent memory. Though business was conducted in a State House largely inaccessible to the general public, Representatives and Senators considered legislation on numerous hot topics in the political world. As is typical, the last legislative day was full of procedural gamesmanship in both the House of Representatives and Senate. And when the dust settled, several items were unexpectedly prevented from crossing the finish line.

In addition to examining the Top 3 pass/fail items from the session's last day, this update includes a report on the medical marijuana bill and a brief election update.

What Passed on Day 30

1. *Vaccine Passports*

The session's final day began on the House floor, where Rep. Paul Lee (R-Dothan) was carrying Senate Bill 267, a bill sponsored by Sen.2 Arthur Orr (R-Decatur) related to "vaccine passports." Specifically, Orr's bill prohibits the issuance of vaccine passports – documentation that a person has received a COVID-19 vaccine – and prevents a governmental entity or a business from requiring a person to have a vaccine passport as a condition for receiving goods or services. Rep. Lee added a friendly amendment that clarified the bill's application to employees, and the House approved the legislation 76-16. The Senate concurred in the House changes shortly thereafter, sending the legislation to Governor Ivey's desk for her signature.

2. *Curbside Voting*

In the Senate, some of the lengthiest debate on the last day surrounded House Bill 285, legislation by Rep. Wes Allen (R-Troy) prohibiting what is known as "curbside voting." After passing the House in mid-March, Allen's bill first came to the Senate floor in late April, but a Democratic filibuster prompted Sen. Dan Roberts (R-Mountain Brook), the bill's Senate sponsor, to carry the legislation over to another day. When the bill was brought back up on the session's last day, Senate Democrats once again led a filibuster. This time, however, Senate Republicans cut off debate before taking a final vote. The bill passed along party lines and is expected to be signed into law soon.

3. *State General Fund*

The state's constitution imposes one requirement on the Alabama Legislature for each Regular Session: pass the budgets. In other words, if the budgets do not pass during a Regular Session, a special session becomes mandatory rather than optional. While Governor Ivey had already signed next year's Education Trust Fund budget into law, differences in the House-passed and Senate-passed versions of next year's State General Fund had yet to be ironed out when the 30th day began. But late in the afternoon, both chambers approved a

Conference Committee report and sent the budget to the governor. As previously reported, the FY 2022 State General Fund budget is the largest in the state's history. Rep. Steve Clouse (R-Ozark) and Sen. Greg Albritton (R-Bay Minette) led the charge in the House and Senate.

What Failed on Day 30

1. Gambling Legislation

From a “simple lottery” to the most comprehensive package of gaming bills in at least a decade, Representatives and Senators considered a wide variety of gambling-related legislation during the 2021 session. While legislation by Sen. Jim McClendon (R-Springville) almost made it to the House floor on the 29th legislative day, House leadership, including Speaker Mac McCutcheon (R-Monrovia) announced prior to the final day that there would not be enough time to bring up gaming bills on the last day. Not surprisingly, his prediction became reality. Unlike past attempts at bills of this type, legislators generally seem supportive of the concept of gaming. Reaching consensus on where casinos would be located and how gambling-related tax revenue would be distributed seems difficult. But there is a better-than-average chance that legislators are called into a special session to consider a package of gaming bills.

2. Transgender Legislation

Senate Bill 10, sponsored by Sen. Shay Shelnett (R-Trussville), would have prohibited a minor from receiving a medical procedures or prescription that was intended to alter the appearance of the minor child's gender or delay puberty. Known as the Vulnerable Child and Compassion Act, the legislation was strongly supported by several conservative advocacy groups. After passing the Senate 23-4 on March 2, the legislation languished in the House. In fact, while it was included on several House floor calendars, including one on the session's final day, Senate Bill 10 never made it to the House floor.

3. Emergency Orders

On the session's first day, Sen. Tom Whatley (R-Auburn) introduced Senate Bill 97, legislation that would have terminated a Governor's State of Emergency Order after 14 days unless extended by legislative action. A direct response to the current COVID situation, the legislation finally passed the Senate in early April. But on the session's last day, while being carried in the House by Rep. Mike Holmes (R-Wetumpka) the bill failed to garner enough support to pass a procedural hurdle, a rare sight during the 2021 session.

Several other bills were sent to Governor Ivey's desk on the 30th and final day of the session. The Governor has until May 27th to sign those bills into law, else they are considered to have been “pocket vetoed.”

Medical Marijuana

After a winding, sometimes confusing legislative journey, Senate Bill 46 was signed into law by Governor Ivey. Sponsored by Senator Tim Melson (R-Florence) and managed in the House by Representative Mike Ball (R-Huntsville), the legislation makes Alabama the 37th state to offer medical cannabis in some form. Alabama's new law prohibits smoke-able or vape-able cannabis but paves the way for a person to receive a prescription for cannabis use. The legislation sets up regulatory parameters, from the cultivation of cannabis plants to selling products in licensed dispensaries. The 101-page new law creates the Alabama Medical Cannabis Study Commission, which must begin accepting applications for licenses by September 1, 2022.

2022 Elections

Legislation that would have changed the date of the 2022 Primary Election was introduced but failed to pass, meaning that the Primary Election will be held on May 24, 2022. Consequently, fundraising for the 2022 Election Cycle can begin exactly one year prior, on May 24, 2021. Several legislators have already indicated their plans for next year. Representative Wes Allen (R-Troy) has announced that he will run for Secretary of

State, while at least two senators, Senator Jim McClendon (R-Springville) and Senator Del Marsh (R-Anniston) have announced that they will not seek reelection. More than likely, other retirement announcements will be forthcoming.

There are still three vacancies in the Alabama Legislature, two in the House and one in the Senate, that will be filled in special elections scheduled for the near future. But the winners of these races will have to run for office again next year in order to hold their seats in the House and Senate.

Statistics

Representatives and Senators introduced 1,047 bills – 648 in the House and 405 in the Senate – and 449 resolutions during the session. As of this writing, 472 of these measures have been enacted into law. Bills and resolutions passed on the 30th legislative day must be signed into law, if at all, by May 27th.

There is some speculation that legislators could be called back to the State House for special sessions on redistricting, gambling, and/or prison construction. Unless they are called into a special session beforehand, legislators will return to Montgomery on Jan. 11, 2022, for next year's regular session.

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