
2021 Legislative Update: Week 11

Overview

Legislators met for two legislative days – Tuesday and Thursday – during the 11th week of the 2021 Regular Legislative Session. Numerous House and Senate committees held meetings on Tuesday, Wednesday, and Thursday, a mark that the session is now in the homestretch.

Representatives and Senators dealt with a variety of topics this week that deserve attention in this report, including legislation related to transgender students, call centers, gaming, medical marijuana, expungement of criminal records, and the Second Amendment. But there was at least one moment of levity this week involving, of all things, a vegetable.

A New State Symbol

Every state, including Alabama, pays tribute to its heritage by bestowing upon a variety of items an “official state” title. In fact, an entire chapter of Alabama law is dedicated to our various state symbols, which range from items as general and well known as the official state flag to items as specific and unusual as the state’s official championship horseshoe tournament, which, so you’re aware, is held each fall in Stockton. Tuesday night, the Alabama Legislature added the latest item to the list of state symbols by passing Senate Bill 171, a bill sponsored by Sen. Garlan Gudger of Cullman naming the sweet potato as the state’s official vegetable.

While these bills always bring about moments of levity, Tuesday’s debate in the house, led by Rep. Randall Shedd of Cullman, took a bit longer than you might think. Many legislators took to the microphone to discuss why *other* vegetables deserved that title – there seem to be some okra fans among our elected officials – and how Wiregrass area farming was saved by the peanut. Like most recent bills of this type, the genesis for this legislation came from a classroom, this time the homeschool classroom of Kristin Smith of Harvest, Alabama.

Youth Sports Bill

A much-discussed piece of legislation related to public school sports passed the Legislature on Thursday. House Bill 391 by Rep. Scott Stadthagen of Hartselle would prohibit K-12 schools from participating in athletic events that allowed non-biological males to participate on a male-only team or non-biological females to participate on a female-only team. The Senate added two amendments to the bill before eventually passing it by a vote of 25-5. The first amendment, by Sen. Garlan Gudger of Cullman, added several paragraphs of legislative findings and declarations in order to frame the Legislature’s intent behind the bill. Gudger’s amendment also removed direct references to birth certificates, prohibited biological females from participating on a male team if there is a female team available, and prohibited biological males from participating on female teams. The second amendment, by Sen. Vivian Figures of Mobile, clarified that the bill’s prohibitions extended only to athletic events and competitions conducted within the state of Alabama. The House concurred in the Senate amendments late Thursday afternoon, sending the bill to Governor Ivey’s desk for her signature or veto.

Call Centers

The House this week also gave final approval to Senate Bill 249, legislation by Sen. Clay Scofield of Arab that is designed to more appropriately tailor how the state should react to business entities that decide to relocate a call center. An overly broad law enacted in 2019 would have imposed severe penalties on a business that relocated its call center without first notifying the state. The amendments passed by the Legislature this year will align the law with the Legislature's original intent, which was to penalize only those call centers that received an economic development incentive to locate in Alabama but that later relocated out of state without first giving the state at least 120 days' notice. Managed in the House by Rep. Andy Whitt of Huntsville, Senate Bill 249 now goes to the Governor for her signature or veto.

Gaming Legislation

Several weeks after a comprehensive gaming bill sponsored by Sen. Del Marsh of Anniston fell two votes shy of what it needed to pass the Senate, a practically identical bill by Sen. Jim McClendon of Springville passed the Senate with two votes to spare. Though it started as a "simple lottery" bill, after two substitutes and two amendments, Senate Bill 319 now allows Alabamians to vote on a constitutional amendment that would authorize a lottery, casino-style gaming, and sports wagering in the state. The bill was a part of a multi-bill package that controls how gaming of all types would be regulated and taxed, and how tax revenues would be distributed. The bills now go to the House, where they will be managed by Rep. Chris Blackshear of Phenix City.

Medical Marijuana

It's been a long, strange trip for Senate Bill 46, legislation by Sen. Tim Melson of Florence that legalizes the use of cannabis for certain medical purposes. After passing the Senate in late February, the bill is finally in a position to be considered on the House floor, where it will be managed by Rep. Mike Ball of Huntsville. Over the last two weeks, multiple public hearings have been held on the bill by two House committees, Judiciary and Health, the latter of which voted the bill out of committee on Thursday. So far, the bill has been substituted twice and amended 17 times. If the House passes the bill, the Senate will have to concur in the changes made on the House side. If they did not concur in those changes, the final version of the bill would be hammered out by a six-person Conference Committee.

Expungement

Rep. Chris England of Tuscaloosa has long been a proponent of legislation that expands the list of offenses a convicted person may seek to have his or her criminal record expunged. As he discussed on the House floor on Tuesday, the closest this legislation ever came to becoming law was 2009, when a flood in the State House delayed legislative proceedings just long enough to allow the bill to be vetoed by the Governor. The bill, Senate Bill 117 by Sen. Linda Coleman-Madison of Birmingham, passed the House by a vote of 57-38. The Senate on Thursday concurred in changes made on the House side, sending the bill to Governor Ivey's desk.

Second Amendment Preservation Act

The Senate on Thursday passed a bill by Sen. Gerald Allen of Tuscaloosa aimed at preventing the enforcement of federal firearms rules or regulations in Alabama. The Second Amendment Preservation Act, Senate Bill 358, would prohibit the state from participating in the enforcement of any federal law or regulation relating to firearms, firearm accessories, or ammunition and would provide that firearms, firearm accessories, and ammunition that are manufactured in this state and remain in this state are engaged only in intrastate commerce and are not subject to federal law or regulation, including registration. The bill passed by a vote of 22-5.

Vaccine Passports

Legislation by Sen. Arthur Orr of Decatur would prohibit public agencies from issuing “vaccine passports” in Alabama. Senate Bill 267 would also prohibit the receipt of public benefits from being conditioned on a vaccine passport and would prohibit a business from refusing to provide service to an individual based on that individual’s immunization status. The bill has passed the Senate and will be considered soon by the House Committee on Health, chaired by Rep. Paul Lee of Dothan.

Memorial Preservation Act

A bill designed to stiffen penalties on cities and counties that violate the Memorial Preservation Act of 2017. Under current law, the penalty for modifying or relocating certain architecturally significant buildings, memorial buildings, memorial streets, and monuments on public property, including memorial schools, is \$25,000. This bill imposes a *daily* fine of \$10,000 not only on any elected or appointed governmental official who violates the act but also on any individual member of a governing body of a governmental entity that votes to modify or relocate a covered item under their control. The House State Government Committee held a public hearing on the bill on Wednesday, but no vote was taken.

Statistics

Through 23 of a possible 30 legislative days, Representatives and Senators have introduced 1,027 bills - 633 in the House and 394 in the Senate - and 312 resolutions. As of this writing, 219 have been enacted into law. The session must end on or before Monday, May 17. Legislators will return to Montgomery on Tuesday, April 20, for the 24th legislative day. The schedule for the rest of the session calls for two legislative days per week for the next three weeks, followed by a one week break, followed by the 30th and final day of the session on May 17.

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