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COOPER GALE

2021 Legislative Update: Week 14

Overview

The 28th and 29th legislative days of the 2021 Regular Session, not surprisingly, were the longest and most contentious of the year. One final legislative day remains before the Alabama Legislature adjourns the session for good, after which legislators will return to Montgomery either when Governor Ivey calls them into a special session or when the next Regular Session convenes on January 11.

Procedurally, any bills the legislature passes on the 30th legislative day, May 17th, become law only with the Governor's signature; bills passed that day that go unsigned by the Governor are considered to have been "pocket vetoed" and do not become law. Conversely, if the Governor vetoes any bills the legislature passed this week, legislators will have the opportunity to override the veto on the session's final day.

This week's debate on the House floor focused almost exclusively on the subject of medical marijuana. And while it may not have been discussed very much on the floor, the comprehensive gaming/lottery legislation was also a hot topic on the 5th floor of the State House. While the House was engaged in filibusters, the Senate gave final passage to several important pieces of legislation, including bills supported by the Alabama Innovation Commission. Outside of chambers, the group of legislators charged with overseeing the drafting of redistricting maps held its first meeting and adopted its framework for the process.

Medical Marijuana

While Senate Bill 46, legislation sponsored by Sen. Tim Melson (R-Florence) that legalized cannabis use for certain medicinal purposes, passed the Senate in February, it wasn't until this week that the bill finally made its way to the House floor for the first time. In a rare move, the legislation had been referred by Speaker McCutcheon to two House committees, Health and Judiciary, each of which made numerous changes to the Senate-passed version of the bill. So, when Rep. Mike Ball (R-Huntsville) stepped to the podium Tuesday afternoon, opponents to the legislation were able to use these committee changes to lengthen what would have already been a long debate. And lengthen it they did, so much so that after 9 hours of discussion, the Legislature was forced to adjourn and take up the bill once more on Thursday morning.

Speeches on the House floor illustrated just how far apart supporters and detractors of the bill were from each other, even though many on both sides of this issue were members of the same political party. One representative stated that the bill would "change the very fabric of the state," while others described in personal and intimate details how cannabis improved or would have improved the quality of a loved one's life. When the filibuster was no longer sustainable, the House took a final vote and approved the bill 68-34. Later Thursday, the Senate concurred in the House changes on a 20-9 vote, sending the bill to Governor Ivey's desk for her signature.

If signed into law, Senate Bill 46 would make Alabama the 37th state to legalize medical marijuana in some form. Rather than being smoked or vaped, Melson's bill would only allow for cannabis doses to be prescribed in tasteless pill form and only for the medical purposes enumerated in the law.

Gambling

The twists and turns taken by the gambling/lottery legislation will be talked about for years to come. But as of this writing, the House has yet to pass either a constitutional amendment allowing citizens to vote on approving a lottery or the ever-important enabling legislation that would be triggered in the event the amendment was ratified. And the future of these bills, to put it mildly, looks doubtful. For a brief moment on Thursday, it appeared that the House would at least consider the constitutional amendment, but that process was abandoned after tempers flared on the House floor. A group of conservative Republicans are staunchly opposed to the bill, meaning support from House Democrats would be crucial for the bill to pass. Yet, the Democrats report that they have been largely left out of behind-the-scenes negotiations over the bill, chilling their support. Outside of the ideological divides, there are still significant disagreements over how existing gaming sites would be treated, what level of influence the Poarch Band of Creek Indians are having in the process, and how gaming revenue would be distributed. Next week's legislative break might provide opponents and proponents with a perfect opportunity to hammer out these differences, but those chances seem slimmer than ever to anyone who watched yesterday's House floor debate.

Innovation Bills

The Alabama Senate gave final passage to two bills recommended by the newly created Alabama Innovation Commission. The first, House Bill 540 by Rep. Bill Poole (R-Tuscaloosa), establishes the Alabama Innovation Corporation, a public-private partnership promoting entrepreneurship, rural businesses, research and development, and advanced technology skills. The second, House Bill 609 by Rep. Jeremy Gray (D-Opelika), creates the Innovate Alabama Matching Grant Program, which will provide matching funds to federal Small Business Innovation Research and Small Business Technology Transfer Research awardees.

Economic Development

The Senate also gave final passage to House Bill 473, a bill aimed at encouraging economic developing in agribusinesses and minority owned businesses in rural areas. Sponsored by Representative Danny Garrett (R-Trussville) and Senator Bobby Singleton (D-Greensboro), the Alabama Rural, Agribusiness, and Opportunity Zone Jobs Act could see up to \$50 million invested in certain areas of the state that are economically disadvantaged. Using \$25 million in private capital and \$25 million in federal stimulus funds, the legislation would help mitigate the lending risk of certified rural or small business investment funds that invest in small businesses (under 200 employees) located in small counties (under 50,000 citizens), federal opportunity zones, or areas of the state in which a federal "new market" tax credit could be earned. The House will need to concur in the Senate's changes before the bill can be transmitted to Governor Ivey.

Notable Bills

- House Bill 273 by Rep. Barbara Drummond (D-Mobile) raises the age to buy, possess, or use nicotine products, including alternative nicotine products, from age 19 to age 21. The bill is now ready for Governor Ivey's signature.
- House Bill 281 by Rep. Victor Gaston (R-Mobile) extends the Historic Rehabilitation Tax Credit Program to 2027. The bill is now ready for Governor Ivey's signature.
- House Bill 246 by Rep. Jeremy Gray (D-Opelika) authorizes local boards of education to offer yoga to students in grades K-12. Senate amendments to the bill, among other things, require the parents or guardians of students participating in yoga to sign a release form that acknowledges an understanding that yoga is part of the Hinduism religion. The next step will be for the House to either concur in the Senate changes or appoint a conference committee to take up the differences between the two chambers.
- Senate Bill 388 by Sen. Steve Livingston (R-Scottsboro) provides that Alabama would observe Daylight Saving Time year-round upon an act by Congress to amend the existing prohibition in federal law. This bill is now ready for Governor Ivey's signature.

Reapportionment

While the US Census Bureau recently announced that Alabama would retain all 7 of its current seats in the US House of Representatives, county- and city-specific Census data may not be available for a few more months. That information is critical to legislatures such as Alabama's because it forms the basis for drawing the boundary lines for congressional, state House, state Senate, and state Board of Education seats. The committee charged with overseeing this process, the Joint Reapportionment Committee, held its first meeting of the year this week to begin discussing the framework by which the redistricting maps would be crafted. Led by Rep. Chris Pringle (R-Mobile) and Sen. Jim McClendon (R-Springville), the most significant change in the latest guidelines, according to one report, relate to population deviation between districts. During the last redistricting process, map makers endeavored to draw state legislative districts within 1% of the same population totals. This year they will allow for a 5% deviation. The committee plans to host a series of public meetings around the state to allow for citizen input. Redistricting maps require legislative approval, which usually is achieved during a special session devoted to the topic.

Statistics

Through 29 of a possible 30 legislative days, representatives and senators have introduced 1,047 bills – 648 in the House and 405 in the Senate – and 421 resolutions. As of this writing, 390 of these measures have been enacted into law.

The session will end on May 17. Unless they are called into a special session beforehand, Legislators will subsequently return to Montgomery on Jan. 11, 2022, for next year's regular session.

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