

2021 Legislative Update: Week 5

Overview

Though the Alabama Legislature typically meets for two days each week during session, Representatives and Senators just wrapped up their fourth three-day week of the 2021 Regular Session. The session's 10th, 11th, and 12th legislative days saw passage of two large packages of bills; a debate over hot topics such as marijuana, broadband internet, and the privatization of alcohol sales; the swearing-in of a new Senator; and the state's mask order being extended at the same time bills restricting the Governor's powers are being debated.

Military Bills

The House on Thursday gave final passage to a 12-bill package of legislation designed to strengthen Alabama's identity as a military-friendly state. The bills touch on a wide variety of subjects and were drafted by the Alabama Military Stability Commission, which was created in 2011 to bring together a variety of stakeholders interested in the state's military population and properties. Several of the bills focus on making it easier for professional licensees, such as Psychologists, Physical Therapists, and Speech-Language Pathologists, to practice in Alabama while stationed here. Other bills relate to educating military students; providing pistol, hunting, and fishing licenses to veterans; and increasing the survivor and education benefits provided to members of the National Guard. The bills enjoyed bipartisan support in both chambers.

Sunset Bills

While the House was considering the Military Package, the Senate was granting final passage to 25 bills that will allow certain public boards, agencies, and commissions to continue operating. Each year, a list of public agencies will cease to exist, or "sunset," unless their operation is continued by the Legislature. These agencies are routinely monitored by a group of legislators known as the Sunset Committee, who meet before, during, and after legislative sessions to study each impacted agency. This year's package of Sunset Bills allows for the continued operation, for example, of the Board of Dental Examiners, the Real Estate Commission, and the Home Builders Licensure Board, among other entities.

Hot Topics

- The debate over Sen. Tim Melson's medical marijuana bill will take center stage in the House over the next few weeks. In a rare move, Speaker Mac McCutcheon has announced that the bill will be referred to two committees, Judiciary and Health, and must be favorably reported by each committee before having a chance to come to the House floor. But another marijuana-related bill advanced out of committee this week. Senate Bill 149 by Senate Minority Leader Bobby Singleton of Greensboro revises the threshold amounts for the crimes of possession of marijuana in the first and second degree and revises the penalties associated with those crimes. The bill passed out of the Senate Judiciary Committee on Wednesday.

- The Senate unanimously approved a bill aimed at providing broadband internet to more Alabamians. Senate Bill 215, sponsored by Sen. Del Marsh of Anniston, creates a Digital Expansion Authority that would develop and execute a Statewide Connectivity Plan and establish and administer the Connect Alabama Program, including the awarding of broadband accessibility grants. The authority would have access to tax revenue generated at casinos, and the bill would only become law if a majority of citizens ratify the proposed gaming constitutional amendment included in Marsh's Senate Bill 214.
- The power of the Executive Branch was on display and up for debate this week. Gov. Kay Ivey on Thursday extended her Safer At Home order, including the mask-wearing requirements, until April 9, but announced that the mask requirement would not be extended further. Earlier in the week, a Senate committee approved a bill allowing the Legislature to call itself into special session, a power currently reserved only for the Governor. The House companion to this bill failed to pass out of a House committee, as did a bill prohibiting the Governor from changing or suspending an election law during a state of emergency. Finally, on Tuesday, the House approved House Bill 103 by Rep. Jamie Kiel of Russellville, a bill that would prohibit the Governor from shutting down a business or religious entity during a state of emergency so long as the entity was compliant with public safety precautions.
- Voting bills are still being heavily debated in both chambers. A bill by Sen. Dan Roberts of Mountain Brook that would ban curbside voting was advanced by a Senate committee this week. And a bill by Rep. Laura Hall of Huntsville that would provide for no-excuse absentee voting received a lot of attention before Rep. Hall had the bill carried over in committee. Public comments against the bill, for example, have been offered by numerous politicians, including several potential U.S. Senate candidates. The Secretary of State, John Merrill, offered comments this week that seemed to support Hall's legislation, but he subsequently clarified that he was not in favor of no-excuse absentee voting.
- As he has for several years, Sen. Arthur Orr of Decatur introduced a bill that would privatize alcohol sales, effectively shuttering the state's Alcoholic Beverage Control board. Orr's bill was advanced by the Tourism Committee, but committee chairman Del Marsh indicated that he was comfortable approving the bill only because he thought it deserved a thorough floor debate by the full Senate.

New Senator

The Alabama Senate welcomed its newest member on Tuesday night, when Rep. Kirk Hatcher of Montgomery won a special election to fill the vacancy in Senate District 26 with 78% of the vote. Hatcher was elected to represent House District 78 in 2018. With his win, there is one vacancy in the 35-member Senate and two vacancies in the 105-seat House of Representatives.

Statistics

Through twelve legislative days, Representatives and Senators have introduced 813 bills – 506 in the House and 307 in the Senate – and 157 resolutions. As of this writing, 46 of these measures have been signed into law.

The Legislature returns for its 13th legislative day next Tuesday, March 9. The Legislature is expected to meet for two legislative days next week as well as the following week, followed by a one-week Spring Break. The session can last no more than 30 legislative days and must end on or before midnight on Monday, May 17.

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