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## 2021 Legislative Update: Week 7

### Overview

The 2021 Regular Session of the Alabama Legislature officially hit its halfway point this week as legislators met in chambers on Tuesday and Thursday for the 14<sup>th</sup> and 15<sup>th</sup> legislative days. Next week is a planned one-week Spring Break, after which representatives and senators will meet for five days over the subsequent two weeks. Public comments from legislative leaders indicate that the House and Senate will use its entire allotment of 30 legislative days and will not adjourn early.

In many ways, Week 7 was the most contentious of the session so far. While the Senate approved the Education Trust Fund for the next fiscal year and resurrected some gaming bills, lengthy debates over elections, abortions, and rioting marked a long week in the House.

### ETF Budget

The Senate unanimously approved the FY2022 Education Trust Fund budget on Thursday afternoon. Sponsored by Sen. Arthur Orr of Decatur, who chairs the Finance and Taxation Education Committee, the Senate-passed version of the bill appropriates \$7.67 billion from the Education Trust Fund, an increase of \$455 million over what is budgeted to be spent in the current fiscal year. Of that amount, over \$225 million will be allocated to local boards of education, \$87 million in increased funding will go to the state's public colleges and universities, the State Department of Education will see an increase of \$57 million, and the Alabama Community College System's increase will be just over \$41 million. The proposal also includes a 2 percent pay increase for education employees. In terms of total appropriations, this is the largest ETF budget in the state's history.

The budget will now travel to the House of Representatives, where it will be managed by Rep. Bill Poole of Tuscaloosa, who chairs the Ways and Means Education Committee. Next year's appropriations for the state's other primary operating budget, the State General Fund, have already been approved by the House. That bill, House Bill 309, was sponsored by Rep. Steve Clouse of Ozark and will be managed in the Senate by Sen. Greg Albritton of Atmore, who chairs the Senate Finance and Taxation General Fund Committee. Both bills are in a good position to pass the Legislature earlier than usual.

### Gaming Bills

The Alabama Senate Tourism Committee gave a favorable report on Wednesday afternoon to Senate Bill 319. Sponsored by Sen. Jim McClendon of Springville, this bill is known as the "clean" lottery bill. It proposes a constitutional amendment that, if ratified, would legalize a lottery in Alabama overseen by the newly-created Alabama Lottery Corporation and Alabama Lottery Commission. While the bill allows for games such as Powerball and Mega Millions, it notably excludes video lottery terminals or other similar casino-style games. Unlike Senate Bill 214, Sen. Del Marsh's comprehensive gaming legislation that failed to advance out of the Senate last week, McClendon's legislation evenly splits tax revenues between the State General

Fund and the Education Trust Fund and does not otherwise earmark how lottery proceeds are to be allocated.

### **“Agency Bills”**

The COVID-shortened session of 2020 impacted many different entities in a variety of ways. But possibly the most impacted group may have been state agencies, whose bills are not necessarily the highest profile in nature and may be pushed to the bottom of the stack. So legislative leaders in the House decided to put together a floor calendar of “agency bills” on Tuesday. The 36-bill calendar included bills related to the Department of Insurance, the Department of Pardons and Paroles, the State Board of Health, the Department of Veterans Affairs, and others. But tucked away on the calendar were several bills that stirred up hours of debate among representatives, causing the House to adjourn well into the night and long before the calendar had been completed.

The lengthiest debate of the night likely centered on House Bill 167, a bill sponsored by Rep. Chris Blackshear of Phenix City that penalized Alabama voters for voting more than once in any election in Alabama or from voting in the same election in Alabama as well as in another state. The sponsor indicated that while data from the 2020 elections was not available, 6 votes from the 2018 election would have been nullified had this law been in place at that time. Democrats also argued that this bill, and others like it, was aimed at voter suppression and not voter fraud. They also derided that harsh penalty for violating the law, which as introduced was a Class C felony. After some debate, the chamber eventually amended the bill, making the violation a Class A misdemeanor. The bill eventually passed the House 76-12. It heads to the Senate for further consideration.

### **“Controversial Bills”**

If the Tuesday calendar purposefully included “Agency Bills,” then Thursday’s calendar appeared to purposefully include bills that were more controversial in nature. Consider:

- House Bill 391 by Rep. Scott Stadhagen of Hartselle prohibits public K-12 schools from participating in athletic events at which athletes are allowed to participate in competition against athletes who are of a different biological gender, as indicated on a birth certificate, unless the event includes both biological genders.” The legislation passed the House on a 74-19 vote. A second bill related to transgender children, the Vulnerable Child Compassion and Protection Act, would have been on the calendar had the bill sponsor, Rep. Wes Allen of Troy, not been diagnosed with COVID late last week. Allen’s bill prohibits the performance of a medical procedure or the prescription or issuance of medication, upon or to a minor child that is intended to alter the appearance of the minor child’s gender or delay puberty. A House committee passed the Senate companion to this bill, Senate Bill 10 by Sen. Shay Shelnett of Trussville, earlier this week.
- House Bill 237 by Rep. Ginny Shaver of Leesburg passed, for the third year in a row, legislation that would criminalize doctors that don’t provide reasonable care for babies born alive during abortion procedures. The vote in the House was 76-12.
- House Bill 445 by Rep. Allen Treadaway of Morris establishes the crimes of assault against a first responder, amends the crimes of riot and inciting to riot, and establishes the crimes of aggravated riot and unlawful traffic interference. The sponsor claimed the bill was drafted to protect Alabama from the “kind of mob rule that took over the streets of Birmingham” last summer, while opponents countered that the bill infringed on a person’s constitutional right to peaceably assemble. The vote in the House was 74-25.
- House Bill 285 by Rep. Wes Allen of Troy prohibits curb side voting. Specifically, the bill prohibits a voting machine from being installed anywhere except on the inside of a polling place and prohibits a polling official from taking a ballot outside of a polling place except for transporting the ballots as part of established election procedures. The vote in the House was 74-25.

To illustrate the controversial nature of these bills, consider that House Democrats were filibustering every single bill on Thursday's calendar, forcing Republicans to cut off debate using a procedure known as a "cloture petition."

### **Medical Marijuana**

The House Judiciary was scheduled to hold a vote Wednesday on Senate Bill 46, the medical marijuana bill sponsored by Sen. Tim Melson of Florence. On Tuesday night, however, it was reported that Montgomery would likely experience severe weather the next day. In light of that news, the committee chairman, Rep. Jim Hill of Odenville, canceled the meeting. As a reminder, when and if it is reported out of committee, however, Speaker Mac McCutcheon of Monrovia has stated that the bill will also have to be referred to the Health Committee, which is chaired by Rep. Paul Lee of Dothan. The bill is being managed in the House by Rep. Mike Ball of Huntsville.

### **Statistics**

Through 16 legislative days, representatives and senators have introduced 914 bills – 563 in the House and 351 in the Senate – and 213 resolutions. As of this writing, 118 of those measures had been signed into law.

The legislature will take a planned one-week Spring Break next week and will return to the State House for the 17<sup>th</sup> legislative day on Tuesday, March 30. Legislators can meet for no more than 30 legislative days during a regular session and the session must adjourn on or before midnight on Monday, May 17<sup>th</sup>.

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