

AN EDUCATIONAL UPDATE FROM
THE SOUTHEAST LAW INSTITUTE™, INC.

To: Interested Persons
Date: May 2017
From: A. Eric Johnston
Re: Interim Update – 2017 Alabama Legislative Regular Session

As the session began, one lobbyist with whom we work on moral issues observed he felt a very dark cloud. It was the feeling of spiritual repression. That feeling was prescient and shared. As we moved into the session, we realized there would be many attacks on religious freedom. We have, however, by God's grace, been successful to this point. We pray for a strong finish. SLI has worked with Eagle Forum, The Alabama Pro-Life Coalition (APLC), ALCAP, The Alabama Christian Education Association (ACEA), elected officials and others on a number of issues which we will summarize briefly below. We will give a complete report when the session is over.

Church Daycare Exemption

Thirty-five years ago a law was passed to protect the very important daycare ministry of churches. These ministries developed as a help to church members as well as an outreach to the community. High quality, safe, local and genuine daycare could be provided at costs usually subsidized by the church. However, there has been brewing an effort, which materialized this year, to remove that exemption. HB277 was a bill to completely, totally and absolutely remove all exemptions from church daycare. Church daycares would be put under the control of the Department of Human Relations ("DHR"). The faulty basis for the effort was that churches were providing substandard care. However, all of the examples they gave before legislative committees dealt with health issues. Church daycares are already subject to Health Department laws. The proponents of the bill refused to negotiate in good faith. Only after a significant effort by ACEA and local churches did proponents realize they must compromise.

If we did not reach a compromise, we would be back next year. Also, we know that there are some "for profit" organizations masquerading as churches that abuse the law. Therefore, it was important to have some minimum adjustments to the law in keeping with constitutional constraints on state action burdening religious freedom. At this point, we have arrived at a compromise bill which still remains to go through the Senate and then back to the House for concurrence. Much is left to be done. This bill was all about religious freedom and control of the church.

Pro-Life

APLC asked the Legislature to consider three bills for the legislative year. These were bills that we believed were constitutional, would not bring court actions later and which would serve significant purposes. The bills were HB95/SB185 - The Healthcare Rights of Conscience Act; HB96/SB198 - The Assisted Suicide Ban Act; and HB24/SB145 - The Alabama Child Placing Agency Inclusion Act. An additional bill, HB98, is a constitutional amendment making a public policy statement that Alabama supports life. All of these bills were supported by House and Senate leadership and passed with significant majorities in both chambers. The Conscience and Suicide Ban bills have already gone to the Governor for signature and we expect that to be done without problem. HB98 will be on the ballot in the next general election.

However, the Inclusion Act ran into significant problems. This bill protects religious adoption organizations in Alabama, very important alternatives to abortion. Because of the *Obergefell* Supreme Court opinion legalizing same sex marriage, we were concerned that DHR would require same sex marriage placements. This bill protects church and religious nonprofit child placing agencies from that requirement. There was significant opposition to this bill by the Human Rights Campaign (an LGBTQ lobbying organization) and, we are told, Google, Apple and AT&T have brought pressure on Governor Ivey to put a superfluous and questionable executive amendment on the law when it reaches her desk. While the amendment could potentially cause problems with the law, more importantly, it may delay the law getting back to the Legislature for concurrence by both chambers and the bill die when the session ends. This bill is about religious freedom. Lobbyists told committees that Christians are intolerant and discriminate because they refuse to do same sex adoption placement. Of course, you ask yourself who is really intolerant?

Gambling

Although Robert Bentley is no longer the Governor, his Advisory Council on Gaming still lives. Gamblers hoped for an early report, but it will be too late to impact this session. We still expect it. Not having the catalyst effect of a helpful report, few gambling bills were filed. The Daily Fantasy Sports Bill (HB354), to permit online fantasy sports gambling, is clearly unlawful, but it passed the House and is poised to pass the Senate.

Conclusion

After the session concludes we will explain most of these bills. The organizations who have lobbied these bills strongly are committed to the final mile. Please join them with prayer for their success. More importantly, it is important to understand we are praying for religious freedom and the sanctity of life.