

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

To: Interested Persons
Date: July 2019
From: A. Eric Johnston
Re: 2019 Legislative Wrap Up

Last month we reported on the passage of the Alabama Human Life Protection Act. That was the most significant achievement of the regular session. We will report further on the new law as it makes its way through the court system. The following are additional bills that were considered:

HB361 – Fantasy Sports Contests: This was the most dangerous gambling bill introduced in the legislative session and unfortunately became law. Internet gambling is as close as your computer and is probably the most addictive of any form of gambling. What was previously called daily fantasy football is expanded under this law to include sports contests of every description. The law exempts itself from application of the Criminal Code and Section 65 of the Alabama Constitution, both prohibiting gambling, meaning the activities are above the law. This should never be the case. It is legal for the Legislature to exempt an activity from criminal statutes, but it cannot exempt, by statute, a constitutional provision. We firmly believe this law permits gambling in violation of Section 65 and should be contested. Amendments were offered in the legislative process to remove these unconscionable exemptions, but the Republican-led Legislature tabled them. This was perhaps the most regrettable action committed by legislators in the session.

SB116 & SB130 – Lottery: While SB116 proposed a lottery, its most dangerous provision was that it created “video lottery terminals.” It went far beyond normal paper ticketed lottery and created a form of electronic gambling which could only be compared to the electronic slot machine gambling which is commonly referred to as bingo and outlawed by the Alabama Supreme Court. SB130 was a companion bill known as the “Alabama Lottery Act” which would have provided a commission to regulate the lotteries. The electronic lottery gambling would take place at the Mobile, Macon, Jefferson County and Greene County racetrack facilities. Neither of the bills passed.

HB545/SB321 – Greene County Bingo: These were companion bills to permit electronic bingo gambling at Greenetrack. As proposed constitutional amendments, these would permit the unlawful slot machine gambling that is currently taking place due to unenforcement of criminal laws and which have been outlawed by the Alabama Supreme Court. The bills did not pass.

HB422 – Macon County Bingo: This was a constitutional amendment to permit electronic slot machine “bingo” games to be played at VictoryLand. As a constitutional amendment it would have circumvented Alabama law the same as explained on the Greenetrack bills above. It did not pass.

HB291 – Alabama Released Time Credit Act: This bill became law. It permits students in public schools to leave school premises to attend Bible studies or other religious functions and receive an hour of elective credit. It will be up to the local board of education to adopt a policy, but if it decides to do so, it will be permitted. This is an important free exercise of religion law for public school students, since they cannot get religious instruction in the schools. We will provide a more detailed analysis of this law in next month’s Educational Update, so it may be shared with parents around the state for the purposes of encouraging time released programs.

HB449 – Yoga Instruction: Our September 13, 2018 Educational Update was a letter to the Alabama Board of Education advising them not to remove restrictions on the teaching of yoga in Alabama public schools. There was an effort to amend an existing Alabama Administrative Code provision which prohibited teaching of yoga because it is a religious exercise. We had subsequent communications with the Board of Education in their efforts to amend the Alabama Administrative Code. The board abandoned that idea but the issue was raised in a bill to permit the teaching of yoga in public schools. We provided testimony that it was clearly religious activity by comparative religion expert Reverend Clete Hux and additional legal testimony that to permit the teaching of yoga would be a violation of the Establishment Clause. The bill made no progress after the committee hearing.

HB498 – Free Speech: Speech on college campuses has been curtailed by unlawful activities of students, often encouraged by professors, and sometimes condoned by administrators. Usually, hostility is directed at conservative speakers. This bill sets standards for assuring free speech rights to everyone at all public institutions of higher education, i.e., two and four year colleges and universities. The bill passed and will go into effect next year.

There were other bills that dealt with medical marijuana (did not pass but a study commission was formed), born alive bill (requiring doctors to take measures to save the life of a baby born alive from attempted abortion), civil forfeiture reporting law (last year a bill was proposed that would have damaged law enforcement’s ability to seize gambling machines and this year was changed to a reporting requirement), female genital mutilation (a bill to stop this heinous practice on young girls) and Andy’s Law (to permit recovery of damages from groups supporting terrorist acts). These bills did not pass. There were numerous other bills of lesser or greater concern, none of which passed. If you have questions on any particular bill from the past session, let us know and we will be glad to assist you.