

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

To: Interested Persons
Date: June 2024
From: A. Eric Johnston
RE: 2024 Regular Session Legislative Report

Throughout the years, SLI has been privileged to provide legal assistance to legislators on important cultural issues, including sanctity of life, religious freedom, parental rights, protection of children, and similar issues. We live in a culture that threatens historic and traditional protections. Here is some of the sad news from this session.

GAMBLING

We begin by reporting the overwhelmingly largest obstacle for passing necessary laws was the legislative leadership's emphasis on legalizing gambling. For more than half of the session, gambling appeared to be the only issue with which leadership was concerned. Working with others, we provided legal analysis on the various iterations of the proposed constitutional amendment (HB151) and the enabling legislation (HB152). The CA is necessary in order to amend the Alabama Constitution to allow gambling. Except for the Bingo laws, gambling is prohibited. The enabling legislation is what then details the ability to gamble in the state.

The bills ranged from actual casinos to electronic gambling only. These would be virtual casinos. There were efforts to allow online sports and casino gambling, the most destructive of all the forms of gambling. Some legislators wanted a "clean lottery". The long and short of it is that the worst versions of the bills would have allowed numerous Indian and non-Indian casinos around the state, with a lottery and online gambling. For those legislators who wanted the clean lottery, they failed to understand or agree that such a simple lottery would be Class III gaming under the Indian Gaming Regulatory Act. This may have allowed the Indian venues to have any kind of gambling. Online gambling ostensibly restricted to Indian land could be accessed online from anywhere in the state.

Fortunately, all of those bills died. It was not for want of trying by the pro-gambling legislators. Even in the last minutes of the last day, they were trying to find a way to bring the gambling bill back up for a vote in the Senate, where it had already actually failed by one vote. There were many efforts to try to regain that vote and vote again on the bill. It was our opinion this would have violated the Alabama Constitution, and we were prepared to file a lawsuit if the Senate tried that. The Governor's office even engaged in twisting arms with threats to change some votes. While many good pro-family organizations worked to protect the state from the potential ravages of gambling, much of the reason the bills failed was the greed among the gamblers when they could not come to a consensus on what would be allowed and who would have it.

Those legislators leading the effort repeatedly testified and explained how very good and necessary it was to have legalized gambling in Alabama. They spoke with such pomposity and condescension the media, as well as others, bought into their hubris. They must have believed we were either deaf or idiots (formerly a DSM IQ classification). We have been dealing with the gambling issue since the 1990's. We have seen every effort, subtle and otherwise, to legalize gambling. The Draculaesque gambling bills rise again and again. They have not succeeded yet. They may someday, but it was not today.

By a scant one vote in the Senate, the gambling CA failed. This shows there are good members in the legislature. They must be given credit for standing fast. They resisted temptation and threats. They understood the danger of gambling expansion to the state and its people. We owe them a great debt.

Our hope is that if the gamblers return next year, at least some legislators will listen to our expert analysis, believe it and act on it. The mantra "Let the People Vote," misleads the people. If legislators do not understand the deception, how can they expect voters to understand. Just as in gambling, politics is a shell game.

IVF

Another issue that essentially dominated two weeks of the session was the fallout from the Alabama Supreme Court opinion that the IVF fertilized frozen egg is a person within the meaning of Alabama law. The opinion was a result of a damage lawsuit filed by parents whose embryonic children had been lost by the negligence of an IVF clinic. In response to the potential for hundreds of plaintiffs'

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lawsuits for similar damages, the legislature simply passed a law (SB159) giving total immunity even for intentional acts, for the IVF clinics. While we understood the exigency of that situation, the legislature failed to come back and properly address the issue. We prepared a four-page memorandum for legislative leadership on why and how to begin the process. Nothing further was done. The pro-life community will insist they come back next year to address the issue. There is no IVF regulation in Alabama. The pro-life community does not generally oppose IVF, but insists upon proper regulation in order to protect the process, including parents who may have IVF as the only option for having children.

LEGISLATION THAT FAILED

As a result of these two issues, we must give the Alabama Legislature a failing grade for 2024. Its emphasis was in the wrong direction. And it was not only these two issues that were a problem, but as a result many very necessary and important bills died or could not be filed. These include:

- Representative Susan DuBose's HB 111 which would have defined what is a man and what is a woman for Alabama law.
- Representative Susan Dubose's HB 195 which would have strengthened the law regulating public school sex instruction.
- Representative Chris Sells' HB 167 smartphone and tablet filter bill which would protect children from accessing pornography.
- Arnold Mooney's amendment to the Alabama Anti-Obscenity Enforcement Act (HB385) to protect minor children from books and conduct, principally in public libraries, related to sexual and gender publications and conduct harmful to them.
- Representative Jamie Kiel's HB 356 would have provided Alabama income tax credits for contributions to pregnancy resource centers.
- Representative Mark Gidley's HB 128 would have permitted church exemption from Historic Preservation Laws that burden their growth and ministries.

An important bill the pro-life community anticipated filing was the regulation of the internet purchase of abortifacients. A growing number, more than half by now, of abortions are done chemically. Drugs come into Alabama from out of the country beyond our legal jurisdiction. The bill would also cover states like California who ship abortifacients here, in violation of the Alabama Human Life Protection Act, but refuse to honor our extradition of criminals with so-called "shield laws." This bill would not have had an opportunity to pass this year.

LEGISLATION THAT PASSED

Two important bills passed. Senator April Weaver's and Representative Matt Woods HB 128 expanded the child pornography law to include AI images. Representative Leigh Hulsey's HB 125 amended the law applying criminal sanctions for sex abuse of minors to clergy.

The CHOOSE Act (HB129) by Representative Danny Garrett and supported by Governor Kay Ivey, became law. It allows education savings accounts to be set up through the Department of Revenue making state funds available to parents to be used for paying expenses of nonpublic education. It is relevant that in some places public education fails to provide a necessary education. Many parents want a religious based education for their child, which is prohibited in public schools. Additionally, many lower income parents do not have the funds to send their children to nonpublic schools. This Act is a good beginning but will require adjustments in the future.

CONCLUSION

SLI provided bill drafting assistance and advice on all of these bills. We are glad to lend our legal expertise and experience to avoid constitutional and other issues with enacted laws. SLI does not expend its funds on lobbying activities. There are many good organizations in the state who have worked very hard on these bills. It is likely most bills will come back for another effort next year. Our hope is that leadership will look to making Alabama a better place to live, rather than being guided by financial interests from many sources, most of whom are motivated by less than admirable motives.