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3 MARSH SUBSTITUTE FOR SB214  
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8 SYNOPSIS: Under existing law, lotteries and gift  
9 enterprises are prohibited by Section 65 of the  
10 Constitution of Alabama of 1901.

11 This bill proposes an amendment to Section  
12 65 of the Constitution of Alabama of 1901, to  
13 establish the Alabama Education Lottery and the  
14 Alabama Education Lottery Corporation and require  
15 the Legislature to enact one or more general laws  
16 to provide for the duties, powers, authority, and  
17 composition of the corporation.

18 The proposed amendment would also create the  
19 Alabama Gaming Commission to supervise the conduct  
20 of bingo, charitable bingo and raffles, sports  
21 wagering, and casino-style games in the state.

22 The proposed amendment would provide that  
23 casino-style games and sports wagering may be  
24 operated only at Greenetrack, the Birmingham Race  
25 Course, the Greyhound Racing Facility in Mobile,  
26 VictoryLand, the Crossing at Big Creek in Houston  
27 County, an additional site operated by the Poarch

1 Band of Creek Indians in Jackson or DeKalb County,  
2 and on lands held in trust for the Poarch Band of  
3 Creek Indians pursuant to a compact. The proposed  
4 amendment would impose specified license fees for a  
5 license to operate casino-style games and sports  
6 wagering for specified terms and a nominal license  
7 fee established by the commission for charitable  
8 bingo and raffle operations.

9 The amendment would impose a tax on the net  
10 gaming revenues of the gaming operations in the  
11 state except operations on lands held in trust for  
12 the Poarch Band of Creek Indians.

13 The proposed amendment would also require  
14 the Governor to negotiate in good faith a compact  
15 with the Poarch Band of Creek Indians to authorize  
16 casino-style games on lands held in trust for the  
17 Poarch Band of Creek Indians and require the  
18 Legislature to enact implementing legislation.

19  
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23  
24 Proposing an amendment to Section 65 of the  
25 Constitution of Alabama of 1901, to establish an Alabama  
26 Education Lottery and the Alabama Education Lottery  
27 Corporation; to establish the Alabama Gaming Commission to

1 regulate the conduct of bingo, charitable bingo and raffles,  
2 sports wagering, and casino-style games; to authorize the  
3 operation of casino-style games at Greenetrack, the Birmingham  
4 Race Course, the Greyhound Racing Facility in Mobile,  
5 VictoryLand, the Crossing at Big Creek in Houston County, and  
6 an additional site operated by the Poarch Band of Creek  
7 Indians in Jackson or DeKalb County; to impose license fees  
8 and a tax on certain gaming proceeds; to authorize the  
9 commission to adopt rules governing the licensing,  
10 administration, and conduct of sports wagering; to authorize  
11 the Governor to negotiate a compact with the Poarch Band of  
12 Creek Indians for the operation of casino-style games on lands  
13 held in trust by the United States for the benefit of the  
14 Poarch Band of Creek Indians; and to require the Legislature  
15 to meet in special session to enact implementing legislation.  
16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. The following amendment to the  
18 Constitution of Alabama of 1901, as amended, is proposed and  
19 shall become valid as a part thereof when approved by a  
20 majority of the qualified electors voting thereon and in  
21 accordance with Sections 284, 285, and 287 of the Constitution  
22 of Alabama of 1901, as amended:

23 PROPOSED AMENDMENT

24 "Section 65.

25 "Part I.

26 "~~The legislature~~ Except as provided in Part II and  
27 Part III, the Legislature shall have no power to authorize

1 lotteries or gift enterprises for any purposes, and shall pass  
2 laws to prohibit the sale in this state of lottery or gift  
3 enterprise tickets, or tickets in any scheme in the nature of  
4 a lottery; and, except as provided in Part II and Part III,  
5 all acts, or parts of acts heretofore passed by the  
6 ~~legislature~~ Legislature of this state, authorizing a lottery  
7 or lotteries, and all acts amendatory thereof, or supplemental  
8 thereto, are hereby ~~avoided~~ voided.

9 "Part II.

10 "Section 1. Declarations. The People of Alabama find  
11 that: Lotteries have been enacted in many states and the  
12 revenues generated from the lotteries benefit those states;  
13 many Alabamians participate in lotteries in other states; an  
14 official state lottery would benefit Alabama if fairly and  
15 honestly administered and if the proceeds improve quality of  
16 life in the state; gaming facilities and resorts are allowed  
17 in many states and generate revenues that benefit economic  
18 development and increased tourism in those states; many  
19 Alabamians already visit gaming facilities and resorts in  
20 nearby states; and Alabamians support gaming in Alabama if it  
21 is effectively and honestly regulated to protect consumers and  
22 to promote integrity within the gaming industry, if it is  
23 effectively taxed to produce revenues that improve quality of  
24 life in the state, and if it is effectively limited to  
25 designated locations to preserve the aesthetic character of  
26 the state. Therefore, the purposes of this amendment are: (1)  
27 to establish and provide for a fair and honest Alabama

1 Education Lottery to generate revenue for postsecondary  
2 education scholarships; (2) to limit and regulate gaming to  
3 designated locations and to subject all gaming to regulation;  
4 (3) to levy taxes on gaming at those locations to generate  
5 revenue for the benefit of the state; (4) to support the  
6 state's tourism industry and economic development; (5) to  
7 require the Governor to negotiate a compact for gaming with  
8 the Poarch Band of Creek Indians; and (6) to establish the  
9 Alabama Education Lottery Corporation and the Alabama Gaming  
10 Commission to regulate gaming in the state.

11 "Section 2. Definitions.

12 "For the purposes of this part and Part III, the  
13 following terms shall have the following meanings:

14 "(1) ADDITIONAL SITE. A single site operated by the  
15 Poarch Band of Creek Indians offering casino-style games and  
16 sports wagering located in Jackson or DeKalb County.

17 "(2) ALABAMA EDUCATION LOTTERY. Any large-scale  
18 intrastate, multistate, or multi-sovereign lottery approved by  
19 the commission for operation by the Alabama Education Lottery  
20 Corporation such as Pick-3, Pick-4, Mega Millions, or  
21 Powerball. The term includes instant tickets. The term does  
22 not include a video lottery or video lottery terminal.

23 "(3) BINGO. The game commonly or traditionally known  
24 as bingo and defined by the following characteristics, when  
25 players provide something of value to play and receive  
26 something of value for winning:

1           "a. Each player uses one or more cards with spaces  
2 arranged in five columns and five rows, with an alphanumeric  
3 or similar designation assigned to each space.

4           "b. Alphanumeric or similar designations are  
5 randomly drawn and announced one by one.

6           "c. In order to play, each player must pay attention  
7 to the value announced; if one of the values matches a value  
8 on one or more of the player's cards, the player must  
9 physically act by marking his or her card accordingly.

10           "d. A player can fail to pay proper attention or to  
11 properly mark his or her card, and thereby miss an opportunity  
12 to be declared winner.

13           "e. A player must recognize that the player's card  
14 has a predetermined pattern of matching values, and in turn  
15 announce to the other players and the announcer that this is  
16 the case before any other player does so.

17           "f. The game of bingo contemplates a group activity  
18 in which multiple players compete against each other to be the  
19 first to properly mark a card with the predetermined winning  
20 pattern and announce that fact.

21           "g. The game of bingo is played with actual physical  
22 cards made of cardboard, paper, or some functionally similar  
23 material that is flat and is preprinted with the grid and the  
24 designations referenced in this subdivision. The game of bingo  
25 may not be played with an electronic, computer, or other  
26 technologic aid.

27           "The term does not include electronic bingo.

1           "The term does not apply to any game operated on  
2 Poarch Band of Creek Indians trust lands and at covered  
3 locations.

4           "(4) CASINO-STYLE GAME. Any casino game, activity,  
5 or device approved by the commission that is accessed for play  
6 by physical presence at the location site of the game,  
7 activity, or device, including, but not limited to: Slot  
8 machines; a video lottery; video lottery terminals; electronic  
9 representations of pari-mutuel wagering games, including, but  
10 not limited to, historical horse racing machines, historical  
11 sporting event machines, machines of any kind that are based  
12 on historic events, and other technological aids and  
13 electronic facsimiles of these games; banking or banked card  
14 games, including, but not limited to, poker, baccarat, chemin  
15 de fer, and blackjack; all dice games; roulette; all table  
16 games and electronic representations of such games; all  
17 electronic sweepstakes games, terminals, or devices; and any  
18 electronic gaming device used to play these games. The term  
19 includes electronic bingo. The term does not include the  
20 Alabama Education Lottery or pari-mutuel wagering on simulcast  
21 and live racing events.

22           "(5) CHARITABLE BINGO AND RAFFLES. Bingo, as defined  
23 in subdivision (3), conducted by or for the benefit of a bona  
24 fide religious, educational, youth, service, senior citizens',  
25 fraternal, veterans', or other eleemosynary organization that  
26 operates without profit to its members and that either has  
27 been in existence continuously as such an organization for a

1 period of three years or is exempt from taxation by virtue of  
2 having been classified as a tax exempt nonprofit organization  
3 by the Internal Revenue Service, United States Government. The  
4 term includes charitable raffles and draw downs. The term does  
5 not include electronic bingo.

6 "(6) COMMISSION. The Alabama Gaming Commission  
7 created by this amendment.

8 "(7) COVERED LOCATION. The Greenetrack location,  
9 Jefferson County location, Mobile County location, VictoryLand  
10 location, the Houston County location, and the additional  
11 site.

12 "(8) COVERED OPERATOR. The owner of a covered  
13 location or a wholly owned subsidiary entity of the owner of a  
14 covered location.

15 "(9) ELECTRONIC BINGO. Any game approved by the  
16 commission and referred to as bingo if played with an  
17 electronic, computer, or other technologic aid.

18 "(10) GREENETRACK LOCATION. The currently existing  
19 location in Greene County, Alabama, which is commonly known as  
20 Greenetrack, and any contiguous land that is later added to  
21 the existing location.

22 "(11) HISTORICAL HORSE RACING. A form of horse  
23 racing that creates pari-mutuel pools from wagers placed on  
24 previously conducted horse races.

25 "(12) HOUSTON COUNTY LOCATION. The Crossing at Big  
26 Creek located in Houston County.



1           "(13) INSTANT TICKET. A lottery game in which a  
2 player manipulates a ticket to determine if the player has  
3 won.

4           "(14) JEFFERSON COUNTY LOCATION. The currently  
5 existing location in Jefferson County, Alabama, which is  
6 commonly known as the Birmingham Race Course, and any  
7 contiguous land that is later added to the existing location.

8           "(15) MOBILE COUNTY LOCATION. The currently existing  
9 location in Mobile County, which is commonly known as the  
10 Mobile Greyhound Racing facility, and any contiguous land that  
11 is later added to the existing location.

12           "(16) NET GAMING REVENUE. The total amount of money  
13 or value in any form received by a covered operator with  
14 respect to the playing of a casino-style game less the total  
15 money or value in any form paid as prizes or winnings as a  
16 result of the play, free play, or promotional play.

17           "(17) POARCH BAND OF CREEK INDIANS. The federally  
18 recognized Indian tribe within the State of Alabama known as  
19 the Poarch Band of Creek Indians. The term includes a wholly  
20 owned subsidiary of the tribe.

21           "(18) POARCH BAND OF CREEK INDIANS TRUST LAND. Lands  
22 held in trust by the Secretary of the Department of the  
23 Interior for the benefit of the Poarch Band of Creek Indians.

24           "(19) SPORTING EVENT. Any amateur sport or athletic  
25 event, professional sport or athletic event, any collegiate  
26 sport or athletic event, motor race event, electronic sports  
27 event, competitive video game event, or any other event

1 authorized by the commission under this amendment. The term  
2 does not include any amateur youth sport or athletic event.

3 "(20) SPORTS WAGERING. The acceptance of wagers on  
4 sporting events or portions of sporting events, the individual  
5 performance statistics of athletes in a sporting event, or a  
6 combination of any of the same by any system or method of  
7 wagering authorized in general law. The term may include  
8 single-game bets, teaser bets, parlays, over-under, moneyline,  
9 pools, exchange wagering, in-game wagering, in-play bets,  
10 proposition bets, straight bets, and any other bet authorized  
11 by the commission. The term does not include wagers on fantasy  
12 sports contests authorized under Chapter 19F of Title 8, Code  
13 of Alabama 1975.

14 "(21) VICTORYLAND LOCATION. The currently existing  
15 location in Macon County, Alabama, which is commonly known as  
16 VictoryLand, and any contiguous land that is later added to  
17 the existing location.

18 "(22) VIDEO LOTTERY or VIDEO LOTTERY TERMINAL. Any  
19 electronic interactive game, machine, or device equipped with  
20 a video screen and buttons, keys, a keyboard, touchscreen or  
21 other input method allowing input by an individual player and  
22 into which the player inserts coins, tokens, currency, or  
23 other representation of value, including, but not limited to,  
24 an electronic card, ticket, or other thing on which value is  
25 electronically recorded, as consideration in order for play of  
26 a game to be available, and through which, as a result of play  
27 of a game to be available, and through which, as a result of

1 the play of the game, the player may receive free games,  
2 credits, redeemable for cash or a noncash prize, or some other  
3 thing of value, whether received directly from the device or  
4 otherwise, determined wholly or predominantly by chance. The  
5 term does not include electronic bingo.

6 "Section 3. Establishment of an Alabama Education  
7 Lottery.

8 "(a) The Legislature, by general law, shall provide  
9 for the establishment, administration, operation, and  
10 regulation of an Alabama Education Lottery consistent with  
11 this part and Part III.

12 "(b) (1) The proceeds from the Alabama Education  
13 Lottery shall be applied first to the payment of the expenses  
14 of administering, operating, and regulating the Alabama  
15 Education Lottery, including, without limitation, the payment  
16 of all prizes and the funding of programs that aid compulsive  
17 gambling to be administered through grants or other means by  
18 the commission subject to any limitations provided by general  
19 law, without any further appropriation required by law, and  
20 the balance of the proceeds after the payments shall be  
21 deposited in a special, separate account in the State Treasury  
22 hereby created and designated the Lottery Trust Fund. Proceeds  
23 in the Lottery Trust Fund shall be appropriated by and through  
24 an independent supplemental appropriation bill for education  
25 purposes and needs and a postsecondary scholarship program  
26 based on a combination of need, merit, and workforce needs in  
27 the state, which may include scholarships to four-year

1 institutions of higher education for in-demand fields, as  
2 provided in general law.

3 "(2) The first fifteen million dollars (\$15,000,000)  
4 of any lottery prize money that remains unclaimed annually  
5 shall be used for agricultural grant programs as established  
6 by general law. Any remaining unclaimed prize money shall be  
7 used for scholarships as provided in subdivision (1).

8 "(c) The administration and operation of the Alabama  
9 Education Lottery shall be vested in a corporation hereby  
10 created and designated the Alabama Education Lottery  
11 Corporation. The duties, powers, authority, and composition of  
12 the Alabama Education Lottery Corporation shall be enumerated  
13 in one or more general laws enacted by the Legislature.

14 "Part III.

15 "Section 1. Limitation on Gaming in Alabama.

16 "(a) Casino-style games may be operated only through  
17 in-person, on-premises play at covered locations and shall be  
18 regulated by the commission. Casino-style games may be  
19 operated only on Poarch Band of Creek Indians trust land  
20 pursuant to a compact negotiated under Section 8 and regulated  
21 in a manner consistent with the terms of a negotiated compact.  
22 Electronic bingo on Poarch Creek Trust Land is not subject to  
23 approval or regulation of the commission.

24 "(b) Sports wagering may be operated as provided in  
25 general law and only pursuant to rules adopted by the  
26 commission.

1           "(c) Bingo and charitable bingo and raffles may be  
2 conducted only pursuant to rules adopted by the commission.  
3 Any definition of bingo in state or local law that varies from  
4 the definition of bingo in Section 2(b) of Part II is hereby  
5 superseded by the definition of bingo in Section 2(b) of Part  
6 II, and all previously ratified constitutional amendments  
7 relating to bingo or charitable bingo and raffles, including,  
8 but not limited to, Amendments 386, 387, 413, 440, 506, 508,  
9 549, 550, 565, 569, 599, 600, 612, 674, 692, 732, 743, and  
10 744, are repealed.

11           "Section 2. Award of Licenses to Covered Operators.

12           "(a) In the interim between the ratification of this  
13 amendment and the issuance of licenses as provided in this  
14 section, the electronic bingo and historical horse racing,  
15 including electronic facsimiles of these games, may be played  
16 at each covered location in operation at that time.

17           "(b) Each covered operator shall pay the applicable  
18 first license fee installment upon receipt of an invoice from  
19 the commission and as provided in Section 3 to the Gaming  
20 Trust Fund for the Greenetrack Location, Mobile County  
21 Location, VictoryLand Location, and the Jefferson County  
22 Location. Once the appropriate license fee is paid, the  
23 commission shall issue a license to the covered operator to  
24 conduct and operate casino-style games and sports wagering at  
25 the covered location for the term specified in Section 3.

26           "(c) The Poarch Band of Creek Indians shall select a  
27 site from a county in which an additional site may be located.

1 The Poarch Band of Creek Indians shall submit its business  
2 plan relating to its proposed operation at the additional site  
3 for review by the commission. The commission shall review the  
4 plan considering the license fees and terms provided in  
5 Section 3 for the other covered locations and make a  
6 determination regarding the license fee for a 10-year term to  
7 be paid for the operation at the additional site. The license  
8 fee may not be less than the lowest license fee for other  
9 covered locations under Section 3 nor more than the highest  
10 license fee for other covered locations under Section 3. Upon  
11 notice of this determination, the Poarch Band of Creek Indians  
12 shall pay its first license fee installment as specified by  
13 the commission to the Gaming Trust Fund for the additional  
14 site. Once the appropriate license fee is paid, the commission  
15 shall issue a license to the Poarch Band of Creek Indians to  
16 open a gaming facility and to conduct and operate casino-style  
17 games and sports wagering at the additional site for a 10-year  
18 term.

19 "(d) A license awarded pursuant to this section may  
20 be serially renewed, modified, extended, suspended, revoked,  
21 transferred, or forfeited by a covered operator as provided by  
22 general law and rules adopted by the commission. Suspension  
23 and revocation of a license shall be for cause.

24 "(e) If another constitutional amendment that  
25 provides for the operation of casino-style games or sports  
26 wagering at a location in the state other than a covered  
27 location or on Poarch Band of Creek Indians trust land is

1 ratified within 10 years of when this amendment is ratified,  
2 the remaining license fees due to be paid on the remaining  
3 portion of the initial license fee under Section 3 are no  
4 longer due and payable by the applicable covered operator.

5 "(f) Any other form of gambling that is not a game  
6 of chance or otherwise allowed by this amendment may not be  
7 authorized by general law for a period of 10 years from the  
8 date this amendment is ratified.

9 "Section 3. License Fees.

10 "(a) With respect to a charitable bingo and raffle  
11 operation, the operator shall pay the commission a nominal  
12 license fee established by the commission. At the end of the  
13 original term, the license may be serially renewed for a fee  
14 established by the commission.

15 "(b) With respect to the Greenetrack Location, the  
16 Houston County Location and the Mobile County Location, the  
17 covered operator shall pay the commission a license fee of  
18 five million dollars (\$5,000,000), payable in 10 consecutive  
19 annual equal installments of five hundred thousand dollars  
20 (\$500,000) each, for a license term of 10 years.

21 "(c) With respect to the VictoryLand Location, the  
22 covered operator for the VictoryLand Location shall pay the  
23 commission a license fee of twenty million dollars  
24 (\$20,000,000), payable in 10 consecutive annual equal  
25 installments of two million dollars (\$2,000,000) each, for a  
26 license term of 10 years.

1           "(d) With respect to the Jefferson County Location,  
2 the covered operator shall pay the commission a license fee of  
3 thirty-five million dollars (\$35,000,000), payable in 10  
4 consecutive annual equal installments of three million five  
5 hundred thousand dollars (\$3,500,000) each, for a license term  
6 of 10 years.

7           "(e) The commission shall extend the initial license  
8 term to 30 years upon request of a covered operator and upon  
9 demonstration to the commission of a capital investment in the  
10 covered location that is 10 or more times greater than the  
11 initial license fee.

12           "(f) Renewal fees for licenses awarded under this  
13 section to covered operators shall be set by the commission as  
14 provided in general law, not to exceed the original license  
15 fee plus an inflationary adjustment.

16           "Section 4. State Tax on Net Gaming Revenues and Use  
17 of Tax Proceeds.

18           "(a) Within 20 days after the end of each calendar  
19 month, a covered operator shall pay the commission a tax of 20  
20 percent of the net gaming revenues for the location for the  
21 immediately preceding calendar month. The commission shall  
22 timely remit the proceeds to the Gaming Trust Fund, created in  
23 Section 5, the county commission of a county in which a  
24 covered operator is located, and the governing body of a  
25 municipality in which a covered operator is located, including  
26 its police jurisdiction, as provided by general law.



1           "(b) Within 20 days after the end of each calendar  
2 month, the covered operator and any management services  
3 provider shall pay the commission a tax of 20 percent of the  
4 net gaming revenues for sports wagering, as defined by general  
5 law, for the location for the immediately preceding calendar  
6 month. The commission shall timely remit all of the proceeds  
7 for deposit as provided by general law.

8           "(c) The tax rates under subsections (a) and (b) may  
9 be amended by the Legislature in general law, upon  
10 recommendation of the commission, every five years after the  
11 ratification of this amendment and every five years  
12 thereafter; provided, however, any amendment to the tax rate  
13 shall not be more than 2 percent each time it is considered,  
14 and the tax rate shall never exceed 30 percent.

15           "(d) The tax on net gaming revenue and net gaming  
16 revenue on sports wagering shall be in lieu of all other state  
17 or local taxes, license fees, or franchise fees levied with  
18 respect to the conduct of any casino-style games or the  
19 operation of any machines used to conduct casino-style games  
20 or sport wagering. The license fee payable to the state shall  
21 be in lieu of all other state or local license fees or  
22 franchise fees levied with respect to a licensee providing  
23 hotel services, dining, other facilities, or services  
24 ancillary to its gaming activities, if the activities are  
25 conducted in conjunction with this act at covered locations,  
26 but such providers of hotel services, dining, other  
27 facilities, or ancillary services must meet the environmental,

1 fire, health, and safety requirements of other similarly  
2 situated license holders in the county and municipality in  
3 which the facility is located. Notwithstanding the foregoing,  
4 all covered locations are liable for all state and local  
5 property taxes, lodging taxes, and sales and use taxes on  
6 merchandise sold in gift shops or retail stores, food, and  
7 beverages generally applicable at uniform rates to all  
8 similarly situated businesses operating in the county and  
9 municipality in which the covered location is located, and  
10 except with respect to those taxes, fees, or expenses  
11 expressly addressed in this act, all other state or local  
12 taxes which are generally imposed by the state or a local  
13 taxing entity if the taxes are generally applied at rates  
14 uniformly applied within reasonable classifications among all  
15 businesses operating in the county or municipality, or both.

16 "Section 5. Establishment of the Gaming Trust Fund.

17 "(a) (1) The Gaming Trust Fund shall be created  
18 within the State Treasury. Proceeds received by the Alabama  
19 Gaming Commission from license fees pursuant to Sections 2 and  
20 3, fees from a compact negotiated under Section 8, fines and  
21 penalties collected by the commission pursuant to Section 7,  
22 and a portion of the proceeds of the tax on net gaming revenue  
23 pursuant to Section 4(a) shall be deposited in the fund as  
24 provided by general law. Proceeds in the fund shall be  
25 appropriated by general law for the following purposes as  
26 further provided in general law:

1           "a. For information technology infrastructure, with  
2 the first one billion dollars (\$1,000,000,000) appropriated in  
3 general law for the development and expansion of broadband.

4           "b. For the provision of health care services,  
5 including rural health care services.

6           "c. For the provision of mental health services.

7           "(2) When the amount distributed under paragraph  
8 (1)a. cumulatively reaches one billion dollars  
9 (\$1,000,000,000) for the development and expansion of  
10 broadband, the proceeds shall be appropriated as provided by  
11 general law for capital or other nonrecurring expenses, the  
12 provision of health care services, including rural health care  
13 services, information technology infrastructure, mental health  
14 care services, and grant programs awarded to municipalities  
15 and counties that do not have a gaming facility within their  
16 corporate limits or police jurisdiction.

17           "(b) Proceeds from other sources shall be  
18 appropriated for purposes established in the general laws  
19 enacted by the Legislature subsequent to and supplemental to  
20 this amendment.

21           "Section 6. Creation of the Alabama Gaming  
22 Commission.

23           "(a) There is created the Alabama Gaming Commission.

24           "(b) The commission shall consist of seven members,  
25 appointed as follows:

26           "(1) Three by the Governor.

1           "(2) One by the Speaker of the House of  
2 Representatives.

3           "(3) One by the President Pro Tempore of the Senate.

4           "(4) One by the Lieutenant Governor.

5           "(5) One by the State Treasurer.

6           "(c) All members shall be appointed with the advice  
7 and consent of the Senate. Initial appointments shall be made  
8 within 60 days after ratification of this amendment. The  
9 appointing authorities of the commission shall coordinate  
10 their appointments to assure the commission membership is  
11 inclusive and reflects the racial, gender, geographic,  
12 urban/rural, and economic diversity of the state.

13           "(1) The commission may not take official action  
14 until all members have been appointed. At its initial meeting,  
15 the commission shall elect a chair from its membership.

16           "(2) Members of the commission shall satisfy  
17 qualifications provided by general law.

18           "(3) The term of office of members of the commission  
19 shall be provided by general law.

20           "(4) The appointing authority may at any time remove  
21 his or her appointee to the commission for cause, which shall  
22 include neglect of duty, malfeasance, misfeasance, or  
23 nonfeasance in office.

24           "(d) The Legislature, by general law, shall provide  
25 for the personnel of the commission and may create an advisory  
26 board to the commission to assist the commission in the  
27 performance of its duties.

1           "(5) The commission and its members and employees  
2 shall be subject to the Ethics Law, Section 36-25-1, et seq.,  
3 Code of Alabama 1975; the Alabama Open Records Act, as  
4 amended; the Alabama Open Meetings Act, as amended; and the  
5 Alabama Administrative Procedure Act, as amended, provided,  
6 however, that the appeal of any contested case shall be as  
7 provided in general law.

8           "(6) The compensation of the members of the  
9 commission shall be provided by general law.

10           "Section 7. Powers and Duties of the Commission.

11           "(a) The commission may adopt rules necessary to  
12 implement this amendment and related legislation. All rules  
13 relative to hearings and licenses shall include due process  
14 for those involved, including for covered operators. The  
15 commission shall adopt, amend, or repeal rules in accordance  
16 with the Alabama Administrative Procedure Act, and shall have  
17 all of the following powers and duties:

18           "(1) In addition to other enforcement powers granted  
19 by general law, and subject to Rule 45 of the Alabama Rules of  
20 Civil Procedure, for which purpose the commission shall be in  
21 the place of a court, as to matters within the commission's  
22 jurisdiction, the commission may establish an enforcement  
23 division and may issue subpoenas and compel the production of  
24 documents or items and the attendance of witnesses, to  
25 administer oaths, to require testimony under oath, and to  
26 enforce its orders. Any person making a false oath in any  
27 matter before the commission is subject to a criminal perjury

1 charge. The Legislature, by general law, may require law  
2 enforcement agencies to assist the commission in the  
3 enforcement of gaming laws and regulations.

4 "(2) The commission may appoint impartial hearing  
5 examiners who may administer oaths and receive evidence and  
6 testimony under oath and make recommendations to the  
7 commission.

8 "(3) The commission may demand access to and  
9 inspect, examine, photocopy, and audit all papers, books, and  
10 records respecting net gaming revenues and net gaming revenues  
11 for sports wagering and any other matters necessary to carry  
12 out its duties.

13 "(4) The commission may impose reasonable civil  
14 finances and penalties on any individual or entity for violations  
15 of this amendment, violations of general law enacted pursuant  
16 to this amendment, or violations of rules adopted by the  
17 commission.

18 "(5) The commission shall regulate the Alabama  
19 Education Lottery Corporation in the operation and conduct of  
20 the Alabama Education Lottery as provided in Section 3 of Part  
21 II.

22 "(6) The commission shall regulate and supervise the  
23 conduct and operation of casino-style games at covered  
24 locations and charitable bingo and raffles. The commission  
25 shall regulate sports wagering.

26 "(7) The commission shall approve all casino-style  
27 games and Alabama Education Lottery games.

1           "(8) The commission shall adopt rules and procedures  
2 to address the failure of an operator to timely remit  
3 applicable state tax on net gaming revenues, net gaming  
4 revenues on sports wagering, license fees, and fines and  
5 penalties assessed by the commission. The rules shall clearly  
6 state the actions that can be taken against the operator and  
7 the operator's license, including, but not limited to,  
8 suspension or revocation of the license.

9           "(9) The commission shall cooperate with the  
10 Attorney General and the local district attorneys in enforcing  
11 all laws related to legal gaming and illegal gaming. Nothing  
12 in this amendment shall be construed to diminish the supreme  
13 executive power of the Governor or the power of either the  
14 Governor or the Attorney General with respect to litigation  
15 affecting the state.

16           "(10) The commission shall adopt rules related to  
17 the reasonable operation level for each covered location.

18           "(11) The commission shall adopt rules limiting  
19 access to casino-style games and sports wagering by minors and  
20 other susceptible individuals.

21           "(b) Appeal of decisions of the commission shall be  
22 as prescribed by general law.

23           "(c) In addition to the powers granted in this  
24 section, additional powers of the commission with respect to  
25 regulation and supervision of covered locations and charitable  
26 bingo and raffles shall be enumerated in one or more general  
27 laws enacted by the Legislature and supplemental to this

1 amendment to further its purposes and provide for its  
2 implementation.

3 "(d) The number of casino-style games in operation  
4 at a covered location may not be restricted by the commission.

5 "(e) The commission may coordinate with local  
6 communities and covered locations to develop educational  
7 programs and other social programs to enhance public awareness  
8 of gaming-related issues.

9 "(f) The existing local racing commissions at each  
10 of the covered locations shall not interfere with the issuance  
11 of licenses under this amendment or operation of casino-style  
12 games or sports wagering at the covered locations. The  
13 existing local racing commission at each covered location  
14 shall continue to have jurisdiction over pari-mutuel wagering  
15 and racing at such covered location, but the regulatory and  
16 supervisory power of each local racing commission over  
17 pari-mutuel wagering and racing at the covered location shall  
18 be subordinate to the regulatory and supervisory power of the  
19 commission, with any enforcement action of the commission to  
20 control and prevail.

21 "Section 8. Compact with the Poarch Band of Creek  
22 Indians.

23 "(a) The Governor, or the Governor's designee, shall  
24 negotiate in good faith and conclude a compact for the  
25 operation and regulation of casino-style games and sports  
26 wagering with the Poarch Band of Creek Indians on Poarch Band  
27 of Creek Indians trust land. The compact may include



1 provisions providing for revenue-sharing payments to the state  
2 in exchange for meaningful concessions that provide  
3 substantial economic benefits to the Poarch Band of Creek  
4 Indians. Meaningful concessions may include the grant of  
5 licenses to operate casino-style games at an additional site  
6 pursuant to Section 2(b).

7 "(b) Following execution of a compact, the Governor,  
8 or the Governor's designee, shall file the executed compact  
9 with the Secretary of State and the commission. The Secretary  
10 of State shall immediately forward an executed copy of the  
11 compact to the Secretary of the Interior for that person's  
12 review and approval in accordance with 25 U.S.C. § 2710  
13 (d) (8).

14 "(c) In addition to any and all other powers of the  
15 office which may exist now or hereafter, the Governor, or the  
16 Governor's designee, may negotiate, execute, and deliver any  
17 and all documents on behalf of the state, and enter into any  
18 agreement or compact, or both, on behalf of the state, with  
19 the Poarch Band of Creek Indians. If negotiated in good faith  
20 by the state, any consideration received or to be received by  
21 the state pursuant to this amendment, whether monetary or  
22 otherwise, shall be adequate and no action shall be had for  
23 private inurement or other unlawful waste, use, or  
24 misappropriation of public funds.

25 "(d) The state's immunity to suit in federal court  
26 under the Eleventh Amendment of the United States Constitution  
27 is expressly waived for the sole purpose of resolving disputes

1 arising under the terms of any compact negotiated pursuant to  
2 this section. The waiver of the state's immunity under this  
3 subsection is contingent upon an equivalent submission in the  
4 compact by the Poarch Band of Creek Indians to the  
5 jurisdiction of federal court.

6 "(e) Disputes between the state and the Poarch Band  
7 of Creek Indians relating to compliance with compact  
8 provisions may also be resolved through arbitration procedures  
9 as set forth in the compact.

10 "Section 9. Criminal laws related to gambling.

11 "In order to further the regulation of gaming as  
12 imposed by this amendment, the Legislature shall amend Article  
13 2 of Chapter 12 of Title 13A of the Code of Alabama 1975,  
14 specifically, Sections 13A-12-22 through 13A-12-25 and  
15 13A-12-27, in order to provide felony penalties for the crimes  
16 specified in those sections.

17 "Section 10. Campaign Contribution Prohibition.

18 "(a) The Legislature:

19 "(1) Shall, by general law, enact as strict a  
20 prohibition as may be enacted consistent with federal law on  
21 the making of political contributions by any natural person or  
22 legal entity, including but not limited to a federally  
23 recognized Indian tribe, that has a financial interest in any  
24 gaming license or compact authorized by this amendment to a  
25 principal campaign committee or a political action committee  
26 that contributes to any candidate for state or local office in  
27 Alabama.

1           "(2) Shall, by general law, establish criminal and  
2 civil penalties for any person who violates the prohibitions  
3 authorized by this amendment or any subsequent gaming  
4 legislation enacted by the Legislature, including but not  
5 limited to, the revocation of a gaming license or compact  
6 authorized by this amendment or any subsequent gaming  
7 legislation enacted by the Legislature.

8           "(3) May enact by general law additional,  
9 supplemental prohibitions or restrictions as permitted by  
10 federal law on any natural person or legal entity, including  
11 but not limited to a federally recognized Indian tribe, that  
12 has a financial interest in any gaming license or compact  
13 authorized by this amendment.

14           "(b) Any gaming license and any compact authorized  
15 by this amendment shall expressly include and incorporate by  
16 reference the prohibitions and restrictions authorized by this  
17 section.

18           "(c) The anticorruption prohibitions authorized by  
19 this section are necessary conditions of the gaming and  
20 compact authorizations contained in this amendment. Should any  
21 anticorruption prohibitions authorized by this section be held  
22 unconstitutional or unenforceable, the Legislature, by general  
23 law, shall enact a new prohibition or restriction that is as  
24 strict as may be enacted consistent with federal law.

25           "Section 11. Special Session.

26           "For the exclusive purpose of enacting general laws  
27 to implement this amendment, the Governor shall call the

1 Legislature into a special session. If the Governor does not  
2 call the Legislature into a special session, the Legislature  
3 shall convene in special session beginning on the fourth  
4 Tuesday after the ratification of this amendment. This section  
5 does not apply if the Legislature enacts general laws to  
6 implement this amendment contingent upon, and prior to, the  
7 ratification of this amendment.

8 "Section 12. Conflicting Provisions.

9 "The operation of this amendment is not subject to,  
10 or prohibited, limited, or impaired by, any constitutional  
11 provision, statute, regulation, court decision, ordinance,  
12 resolution, or other law that is inconsistent with this  
13 amendment. Specifically, this amendment, and its implementing  
14 legislation, does not violate the ban on irrevocable or  
15 exclusive grants of special privileges or immunities in  
16 Section 22, and the licenses authorized pursuant to this  
17 amendment do not violate the prohibition on grants or  
18 franchises, privileges, or immunities in Section 22."

19 Section 2. At the November 2022 general election,  
20 the election upon the proposed amendment shall be held in  
21 accordance with Sections 284 and 285 of the Constitution of  
22 Alabama of 1901, now appearing as Sections 284 and 285 of the  
23 Official Recompilation of the Constitution of Alabama of 1901,  
24 as amended, and the election laws of this state.

25 Section 3. The appropriate election official shall  
26 assign a ballot number for the proposed constitutional  
27 amendment on the election ballot and shall set forth the

1 following description of the substance or subject matter of  
2 the proposed constitutional amendment:

3 "Proposing an amendment to the Constitution of  
4 Alabama of 1901, to authorize the Alabama Education Lottery;  
5 to authorize, limit, and regulate casino-style games at  
6 Greenetrack in Greene County, at the Birmingham Race Course in  
7 Jefferson County, the Mobile Greyhound Racing Facility in  
8 Mobile County, at VictoryLand in Macon County, the Crossing at  
9 Big Creek located in Houston County, and an additional site to  
10 be operated by the Poarch Band of Creek Indians in Jackson or  
11 DeKalb County; to impose license fees and a tax on the gaming  
12 revenues on those operations; to create the Alabama Education  
13 Lottery Corporation to operate the lottery and the Alabama  
14 Gaming Commission to supervise and regulate bingo, charitable  
15 bingo and raffles and casino-style games authorized by the  
16 amendment; to authorize sports wagering and to allow the  
17 commission to adopt rules governing the licensing,  
18 administration, and conduct of sports wagering; and to require  
19 the Governor to negotiate a compact with the Poarch Band of  
20 Creek Indians.

21 "Proposed by Act \_\_\_\_\_."

22 This description shall be followed by the following  
23 language:

24 "Yes ( ) No ( )."