

SB257 INTRODUCED



1 SB257
2 CXAZ8WJ-1
3 By Senators Coleman, Stewart, Hatcher, Coleman-Madison,
4 Figures, Smitherman (Constitutional Amendment)
5 RFD: Tourism
6 First Read: 03-Feb-26

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4 SYNOPSIS:

5 Under the Constitution of Alabama of 2022, the
6 Legislature has no power to authorize lotteries or gift
7 enterprises for any purposes.

8 This bill would propose an amendment to the
9 Constitution of Alabama of 2022, to authorize the
10 Legislature to establish a state lottery and authorize
11 in-person casino-style games and in-person and online
12 sports wagering activities.

13 This bill would establish a commission to
14 license and regulate all gaming activities in the
15 state.

16 This bill would prohibit the enactment or
17 ratification of any new local amendment to the
18 Constitution of Alabama of 2022, relating to gaming
19 activities.

20 This bill would authorize the Governor to
21 negotiate a Tribal-State gaming compact with the Poarch
22 Band of Creek Indians.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT
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Proposing an amendment to the Constitution of Alabama of 2022, relating to lotteries and gift enterprises; to repeal and replace Section 65 of the Constitution of Alabama of 2022; to provide that the Legislature may establish a state lottery and authorize certain forms of gaming activities; to establish a commission to license and regulate all gaming activities in the state; to prohibit any new local amendment to the Constitution of Alabama of 2022, relating to gaming activities; and to authorize the Governor to negotiate a Tribal-State gaming compact with the Poarch Band of Creek Indians.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

Section 65 of the Constitution of Alabama of 2022, is repealed and in lieu thereof the following language shall be adopted as Section 65:

Section 65

(a) The Legislature, by general law, may authorize and provide for the following gaming activities:

(1) An official state lottery.

(2) Casino-style games played only in person on the premises of a licensed gaming establishment.

(3) Sports wagering activities conducted in person or through the Internet.

(4) Any other kind of gaming activity, if approved by a vote of three-fifths of all members elected to each house of



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the Legislature taken by roll call vote and entered upon the journals thereof.

(b) There is established a commission within the executive branch of government to license and regulate all gaming activities authorized by the Legislature. The Legislature, by general law, shall provide for the membership, powers, and duties of the commission and shall establish a law enforcement division within the commission to police and effectively eradicate any unlawful gaming activity.

(c) Beginning on the ratification date of this amendment, any future amendment to this constitution applicable to less than the entire state relating to gaming, including lotteries, gift enterprises, casino-style games, sports wagering, raffles, and bingo, may not take effect and shall be void.

(d) (1) The Governor may negotiate a Tribal-State compact with the Poarch Band of Creek Indians for the operation and regulation of Class III games and sports wagering on lands held in trust by the United States for the benefit of the Poarch Band of Creek Indians, as provided under the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq.

(2) Following execution of the compact, the Governor shall file the compact with the Secretary of State and the commission. The Secretary of State shall forward an executed copy of the compact to the United States Secretary of the Interior for review and approval in accordance with, and to the extent required by, federal law.

(3) The state's immunity to suit in federal court under



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the Eleventh Amendment to the United States Constitution is expressly waived for the sole purpose of resolving disputes arising under the terms of any compact negotiated pursuant to this section. The waiver of the state's immunity under this section is contingent upon an equivalent submission in the compact by the Poarch Band of Creek Indians to the jurisdiction of federal court.

(e) The provisions of this amendment shall not be deemed to repeal or supersede any existing local amendment to the Constitution of Alabama of 2022, relating to bingo.

Upon ratification of this constitutional amendment, the Code Commissioner shall number and place this amendment as appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, hierarchy, spelling, and punctuation for purposes of style and uniformity; correct manifest grammatical, clerical, and typographical errors; revise internal or external citations and cross-references; harmonize language; and translate effective dates.

END OF PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 2022, and the election laws of this state. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:



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"Proposing an amendment to the Constitution of Alabama of 2022, to (1) authorize the Legislature to establish a state lottery and authorize certain forms of gambling activities; (2) establish a commission to license and regulate all gambling activities in the state; (3) prohibit any future local amendment to the Constitution of Alabama of 2022, relating to gaming activities; and (4) authorize the Governor to negotiate a Tribal-State gaming compact with the Poarch Band of Creek Indians.

Proposed by Act ____."

This description shall be followed by the following language:

"Yes() No()."

Section 3. The proposed amendment shall become valid as a part of the Constitution of Alabama of 2022, when approved by a majority of the qualified electors voting thereon.