



**House Economic Development and Tourism Reported
Substitute for HB152**

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A BILL
TO BE ENTITLED
AN ACT

Relating to gaming activities; to establish the Alabama Gaming Control Act; to add Chapter 30 to Title 41, Code of Alabama 1975, to implement the constitutional amendment proposed in House Bill ___ of the 2024 Regular Session, to provide legislative intent; to provide definitions; to establish and provide for the powers, membership, and duties of the Alabama Gaming Commission; to provide for the personnel of the commission; to create an enforcement division within the commission and provide for the duties thereof; to provide for representation of the commission by the Attorney General; to provide for the licensure and regulation of casino-style gaming activities; to provide for the licensure and regulation of sports wagering activities; to provide for the regulation and permitting of certain charitable gaming activities; to provide certain license fees and the distribution of the fees; to establish the Gaming Trust Fund and provide for the distribution of funds therein; to provide for the assessment of civil penalties imposed by the commission; to provide for criminal penalties for certain violations; to provide for a



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29 hearing and appeals process; to provide the commission with
30 rulemaking authority; to provide for certain reporting
31 requirements by the commission; to levy a state tax on certain
32 casino-style gaming and sports wagering revenues; to provide
33 various anticorruption prohibitions and a criminal penalty for
34 a violation; to create a state lottery to be administered by
35 the Alabama Lottery Corporation and to provide for the
36 creation and operation of the corporation; to provide for the
37 governance of the corporation by a board of directors and
38 provide for the appointment and duties of the board; to
39 provide for the appointment of a president of the corporation
40 and provide for the powers and duties thereof; to establish
41 the Lottery Proceeds Fund in the State Treasury for the
42 purpose of receiving all monies and other revenues collected
43 by the corporation; to establish the Lottery for Education
44 Fund and provide for the distribution of funds therein through
45 an independent supplemental appropriation bill; to provide the
46 Court of Civil Appeals with original jurisdiction to hear
47 various appeals of actions of the commission;, to amend
48 Sections 13A-12-20, 13A-12-21, 13A-12-22, 13A-12-23,
49 13A-12-24, 13A-12-25, 13A-12-26, 13A-12-27, 13A-12-28,
50 13A-12-30, Code of Alabama 1975, and Section 13A-11-9, Code of
51 Alabama 1975, as last amended by Act 2023-245, 2023 Regular
52 Session, to update and increase certain criminal penalties for
53 various unlawful gaming activities; to add Sections 13A-12-32
54 through 13A-12-39 to the Code of Alabama 1975, to prescribe
55 certain activity relating to gaming as unlawful and to provide
56 for criminal penalties for violations; to amend Sections



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57 8-1-150 and 8-1-151, Code of Alabama 1975, to authorize
58 certain contracts based on lawful gaming activity; to amend
59 Section 38-4-14, Code of Alabama 1975, to prohibit the use of
60 public welfare monies to participate in gaming activity; to
61 add Section 17-5-15.2 to the Code of Alabama 1975, to provide
62 restrictions on campaign finance contributions relating to
63 gaming activity; to repeal Section 11-47-111, Code of Alabama
64 1975, relating to prohibition of gambling houses; to repeal
65 Section 13A-12-29, Code of Alabama 1975, relating to lotteries
66 drawn outside the state; to repeal Divisions 2, 3, and 4 of
67 Article 2 of Chapter 12 of Title 13A, Code of Alabama 1975,
68 relating to suppression of gambling places, transportation of
69 lottery paraphernalia, and the federal waging occupational tax
70 stamp; to provide for the repeal of the act under certain
71 specified conditions; and in connection therewith would have
72 as its purpose or effect the requirement of a new or increased
73 expenditure of local funds within the meaning of Section
74 111.05 of the Constitution of Alabama of 2022.

75 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

76 Section 1. Chapter 30 is added to Title 41, Code of
77 Alabama 1975, to read as follows:

78 Chapter 30. Alabama Gaming Control Act.

79 Article 1. General Provisions.

80 §41-30-1. Short title.

81 This chapter shall be known and may be cited as the
82 Alabama Gaming Control Act.

83 §41-30-2. Definitions.

84 For the purposes of this chapter, the following words



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85 have the following meanings:

86 (1) CASINO-STYLE GAME. Any commercial or house banked
87 game that is played with cards, dice, equipment, or any other
88 mechanical or electronic device or machine, and that is played
89 for money, property, checks, credit, or any other
90 representative of value.

91 a. The term includes, but is not limited to, any of the
92 following:

93 1. Table games, including, but not limited to,
94 blackjack, baccarat, roulette, craps, twenty-one, poker, Texas
95 hold'em, cassino, five-card draw, three-card draw, chemin de
96 fer (shimmy), pai gow poker, yablon (red dog), let it ride
97 poker, caribbean stud, casino war, video poker, or any
98 variation thereof.

99 2. Gaming machines, including, but not limited to, any
100 slot machines as defined in 15 U.S.C. § 1171(a)(1), pachinko,
101 video lottery terminals, and video poker.

102 3. Pari-mutuel wagering, whether electronic, simulcast,
103 or otherwise.

104 4. Any other house banked game or game of chance in
105 which the house takes a fee, as determined by the commission
106 by rule.

107 b. The term does not include any non-commercial social
108 game or charitable game operating in accordance with this
109 chapter. The term does not include bingo, electronic bingo, or
110 any games similar to bingo, including pull-tabs, lotto, punch
111 boards, tip jars, or instant bingo, whether or not played with
112 an electronic, computer, or other technological aid. The term



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113 does not include any other form of gaming activity.

114 (2) CASINO-STYLE GAMING ACTIVITY. To operate, carry on,
115 conduct, maintain, or expose for play one or more casino-style
116 games.

117 (3) CHARITABLE FUNDRAISER PERMIT. A permit issued by
118 the commission to a charitable organization to conduct a
119 charitable game in accordance with this chapter.

120 (4) CHARITABLE GAME. A traditional raffle or
121 traditional bingo that is operated by a charitable
122 organization in accordance with this chapter and pursuant to a
123 permit issued by the commission. The term does not include any
124 casino-style game or sports wagering.

125 (5) CHARITABLE ORGANIZATION. An organization to which
126 all of the following apply:

127 a. The organization is either of the following:

128 1. Organized and operated exclusively for exempt
129 purposes set forth under 26 U.S.C. § 501(c)(3), including
130 charitable, religious, veterans, educational, scientific,
131 literary, public safety, and the prevention of cruelty to
132 children or animals.

133 2. An elementary or secondary school or nonprofit
134 elementary or secondary school-sponsored club or organization,
135 or any nonprofit elementary or secondary school-affiliated
136 group, including a parent-teacher organization or booster
137 club, whose membership may be composed of individuals other
138 than students.

139 3. A domestic fraternal society, order, or association
140 under 26 U.S.C. § 501(c)(10) that devotes its net earnings



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141 exclusively to religious, charitable, scientific, literary,
142 educational, or fraternal purposes.

143 b. None of the organization's net proceeds or earnings
144 inure to any private shareholder or person.

145 c. The organization does not attempt to influence
146 legislation as a substantial part of its activities and does
147 not participate in any campaign activity for or against
148 political candidates.

149 (6) COMMISSION. The Alabama Gaming Commission
150 established by this chapter.

151 (7) ENFORCEMENT DIVISION. The Gaming Enforcement
152 Division established by this chapter.

153 (8) EXECUTIVE DIRECTOR. The Executive Director of the
154 Alabama Gaming Commission.

155 (9) GAMING ACTIVITY. Any casino-style game, lottery
156 game, or sports wagering activity.

157 (10) GAMING EMPLOYEE. Any employee, contractor, or
158 other representative of a gaming establishment or sports
159 wagering platform whose job pertains to the operation,
160 control, or outcome of any casino-style gaming activity or
161 sports wagering, or the access, transport, or review of any
162 gaming revenues.

163 a. The term includes all of the following:

164 1. Accounting or internal auditing personnel who are
165 directly involved in any recordkeeping or the examination of
166 records associated with revenue from gaming activities.

167 2. Cage and counting room personnel.

168 3. Slot personnel.



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- 169 4. Table games personnel.
- 170 5. Keno personnel.
- 171 6. Sports wagering platform personnel.
- 172 7. Pari-mutuel wagering personnel.
- 173 8. Individuals whose duties are directly involved with
- 174 the manufacture, repair, sale, or distribution of gaming
- 175 equipment.
- 176 9. Individuals who perform, or who supervise the
- 177 performance of, the function of receiving and transmitting
- 178 sports wagers.
- 179 10. Information technology personnel who have
- 180 operational or supervisory control over information technology
- 181 systems associated with any of the matters related to gaming
- 182 activities or sports wagering.
- 183 11. Hosts or other individuals empowered to extend
- 184 credit or complimentary services related to gaming activities.
- 185 12. Gaming machine mechanics.
- 186 13. Odds makers and line setters.
- 187 14. Gaming establishment security personnel.
- 188 15. Gaming establishment shift or pit bosses.
- 189 16. Shills.
- 190 17. Supervisors or managers of any individual described
- 191 in this subdivision.
- 192 18. Any other individual as determined by the
- 193 commission by rule.
- 194 b. The term does not include any gaming establishment
- 195 employee, contractor, or other individual whose duties do not
- 196 involve gaming activities; any individual engaged exclusively



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197 in preparing or serving food or beverages; or any individual
198 involved solely in the resort or hotel functions of a licensed
199 gaming establishment.

200 (11) GAMING EQUIPMENT. Any mechanical,
201 electromechanical, or electronic contrivance, component, or
202 machine used in connection with any casino-style game. The
203 term includes, but is not limited to, a system for processing
204 information that can alter the normal criteria of a random
205 selection, that affects the operation of any game, or that
206 determines the outcome of a game. The term does not include a
207 system or device that affects a game solely by stopping its
208 operation so that the outcome remains undetermined.

209 (12) GAMING ESTABLISHMENT. A physical location for
210 which the commission has issued a license to authorize
211 casino-style gaming activity to be conducted therein.

212 (13) GAMING ESTABLISHMENT LICENSE. A license issued by
213 the commission to operate, carry on, conduct, maintain, or
214 expose for play one or more casino-style games.

215 (14) GAMING ESTABLISHMENT LICENSEE. The holder of a
216 gaming establishment license.

217 (15) GAMING-RELATED ACTIVITY. Any conduct, whether or
218 not approved by the commission, to which any of the following
219 apply:

220 a. Is ancillary to the operation of a gaming
221 establishment.

222 b. Is subject to regulation by the commission.

223 c. Occurs on the premises of a gaming establishment.

224 (16) GAMING SERVICES. Goods or services offered to a



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225 gaming establishment licensee by a contractor, employee, or
226 third party which directly relate to the gaming establishment
227 or casino-style gaming activity, including, but not limited
228 to, gaming equipment manufacturers, suppliers, and repairers;
229 gaming management services; gaming employees; security
230 services; and similar services ancillary to the operation of
231 casino-style gaming activities at a licensed gaming
232 establishment. The term does not include non-gaming auxiliary
233 services, including, but not limited to, restaurants, bars,
234 clubs, and other food and beverage services; spas; retail
235 establishments; entertainment services; hotel, concierge, and
236 valet services; laundry services; and landscaping and other
237 non-gaming property management services.

238 (17) GAMING SERVICES CONTRACT. A contract between a
239 gaming establishment licensee and a gaming services provider.

240 (18) GAMING SERVICES PROVIDER. A person licensed to
241 provide gaming services to or on behalf of a gaming
242 establishment licensee.

243 (19) HOUSE BANKED GAME. Any game of chance that is
244 played with the house as a participant in the game; where the
245 house takes on players, collects from losers, and pays
246 winners; and where the house can win. The term also includes
247 any game in which the house collects a percentage of what is
248 at risk or collects a fee as a condition for participation.

249 (20) IN-PERSON SPORTS WAGERING LICENSE. A license
250 issued by the commission to conduct sports wagering, subject
251 to the policies and procedures of the commission and this
252 chapter, through in-person on-premises play at the licensed



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253 gaming establishment.

254 (21) LOTTERY or LOTTERY GAME. A draw-based game of
255 chance that generally involves the drawing of numbers at
256 random for a prize. The term includes any game deemed a
257 lottery by rule of the commission. The term may include, but
258 is not limited to, a state lottery, instant lottery game, a
259 multi-jurisdiction lottery, or other draw-based lottery that
260 is approved and conducted through the Alabama Lottery
261 Corporation. The term does not include video lottery
262 terminals. The term does not include bingo, electronic bingo,
263 or any game similar to bingo, including pull-tabs, lotto,
264 punch boards, tip jars, or instant bingo, whether or not
265 played with an electronic, computer, or other technological
266 aid. The term does not include any other form of gaming
267 activity.

268 (22) LOTTERY RETAILER. As defined under Section
269 41-30-401.

270 (23) LOTTERY TICKET. Any tangible evidence of proof of
271 participation in, or a right, privilege, or possibility of
272 becoming a winner in, a lottery game.

273 (24) ONLINE SPORTS WAGERING LICENSE. A license to
274 operate, carry on, conduct, maintain, or expose for play
275 sports wagering through an online sports wagering platform.

276 (25) ONLINE SPORTS WAGERING PLATFORM. A person that,
277 for commercial gain, offers sports wagering over the Internet,
278 including on websites or mobile devices, or both.

279 (26) NET GAMING REVENUE. The total amount of money or
280 value in any form received as a result of any gaming activity,



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281 whether or not approved by the commission, excluding free bets
282 and promotional credits, less federal excise taxes, voided
283 wagers, and the total money or value in any form paid as
284 prizes or winnings, including the cash equivalent of any
285 merchandise or thing of value awarded as a prize.

286 (27) PARI-MUTUEL WAGERING. A type of wagering in which
287 bets of a particular type are placed together in a pool
288 conducted by a person and in which the person takes a fee
289 prior to distributing the pool among all winning bets.

290 (28) PERSON. An individual, corporation, partnership,
291 association, or other legal or commercial entity. The term
292 includes any federally recognized Indian tribe.

293 (29) POARCH BAND OF CREEK INDIANS or PCI. The federally
294 recognized Indian tribe within the State of Alabama known as
295 the Poarch Band of Creek Indians. The term includes a wholly
296 owned subsidiary of the tribe.

297 (30) PRINCIPAL OWNER OR INVESTOR. Any person who has or
298 controls, whether directly or indirectly, 10 percent or more
299 ownership, income, or profit interest in an applicant for
300 licensure under this chapter or a gaming establishment
301 licensee.

302 (31) SPORTING EVENT. Any sport, athletic contest, game,
303 match, race, motor race, electronic sports event, competitive
304 video game event, or similar competitive event, whether
305 amateur, interscholastic, collegiate, or professional,
306 involving two or more competitors, in which the winner is
307 determined by score or placement. The term does not include
308 any public or private K-12 school or other amateur youth



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309 sports or athletic event.

310 (32) SPORTS WAGERING. The acceptance of wagers that
311 have a basis in a sporting event that has not yet occurred or
312 is already underway, including the outcome of the sporting
313 event or the individual performance statistics of one or more
314 athletes in a sporting event, or a combination thereof by any
315 system or method of wagering. The term includes, but is not
316 limited to, any of the following that have a basis in a
317 sporting event: Single-game bets, teaser bets, parlays,
318 over-under, moneyline, pools, exchange wagering, in-game
319 wagering, in-play bets, proposition bets, and straight bets.
320 The term does not include wagers on fantasy sports contests
321 authorized under general law. The term does not include bingo,
322 electronic bingo, or any games similar to bingo, including
323 pull-tabs, lotto, punch boards, tip jars, or instant bingo,
324 whether or not played with an electronic, computer, or other
325 technological aid. The term does not include any other form of
326 gaming activity.

327 (33) TRADITIONAL BINGO. A game in which players provide
328 something of value to receive a prize according to the rules
329 of the game commonly known as bingo, which includes each of
330 the following elements:

331 a. The game requires human interaction and skill,
332 including attentiveness and discernment and physical, visual,
333 auditory, and verbal interaction by and between those persons
334 who are playing and a person, commonly known as the
335 "announcer" or "caller," who is responsible for calling out
336 the randomly drawn designations and allowing time between each



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337 call for the players to check their cards and to physically
338 mark them accordingly.

339 b. The game requires the player to use actual physical
340 cards made of cardboard, paper, or some functionally similar
341 material that is flat and is preprinted with the grid and the
342 designations referenced above.

343 (34) TRADITIONAL RAFFLE. A means of raising money by
344 selling numbered paper tickets where one or more numbered
345 paper tickets are subsequently drawn at random and the holder
346 or holders of a matching ticket wins a prize. The term does
347 not include bingo, electronic bingo, or any game similar to
348 bingo, including pull-tabs, lotto, punch boards, tip jars, or
349 instant bingo, whether or not played with an electronic,
350 computer, or other technological aid. The term does not
351 include any other form of gaming activity.

352 §41-30-3. Compliance with federal laws.

353 The State of Alabama, in accordance with 15 U.S.C. §
354 1172, hereby declares that any and all lottery and gaming
355 activity equipment, and the materials, paraphernalia, and
356 supplies thereof, may be transported in interstate commerce
357 into or out of the state, including Poarch Band of Creek
358 Indians trust land, without violating that section, or any
359 other applicable federal law, if the equipment, materials,
360 paraphernalia, and supplies are used, to be used, or have been
361 used in the conduct of gaming activities at licensed gaming
362 establishments or on Poarch Band of Creek Indians trust land.

363 §41-30-4. Disclaimer.

364 Nothing in this chapter shall be deemed to apply to,



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365 authorize state or commission regulation or taxation of, or
366 require state or commission approval of, gaming activities or
367 sports wagering conducted on land held in trust by the United
368 States for the Poarch Band of Creek Indians, except to the
369 extent that the provision is expressly incorporated into a
370 tribal-state gaming compact entered into by the State of
371 Alabama and the Poarch Band of Creek Indians.

372 §41-30-5. No property rights awarded.

373 Any license or permit awarded under this chapter to
374 conduct any form of gaming activity shall be deemed the
375 granting of the privilege to conduct the activity. Nothing in
376 this chapter shall be construed as awarding to any person any
377 property right or interest.

378 Article 2. Alabama Gaming Commission.

379 §41-30-50. Alabama Gaming Commission created.

380 The Alabama Gaming Commission is created in the
381 executive branch as a state agency to license and regulate the
382 conduct of all lawful sports wagering, charitable gaming
383 activities, lotteries, and casino-style gaming activities
384 conducted within this state, as authorized by the Constitution
385 of Alabama of 2022, and this chapter, and to effectively
386 eradicate any unlawful gaming activity and unlawful
387 gaming-related activity in this state. The commission shall be
388 located in Montgomery County.

389 §41-30-51. Commission membership.

390 (a) The membership of the commission shall include all
391 of the following:

392 (1) Four members of the public, appointed by the



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393 Governor.

394 (2) One member of the public, appointed by the Speaker
395 of the House of Representatives.

396 (3) One member of the public, appointed by the
397 President Pro Tempore of the Senate.

398 (4) One member of the public, appointed by the
399 Lieutenant Governor.

400 (5) One member of the public, appointed by the
401 President Pro Tempore of the Senate from a list of two
402 nominees submitted by the Minority Leader of the Senate.

403 (6) One member of the public, appointed by the Speaker
404 of the House of Representatives from a list of two nominees
405 submitted by the Minority Leader of the House of
406 Representatives.

407 (b) (1) Initial appointments of the commission shall be
408 made no later than July 1, 2024. The initial appointees shall
409 serve immediately upon appointment and shall continue to serve
410 until confirmed or rejected by the Senate at the first regular
411 or special session of the Legislature held after the initial
412 appointments.

413 (2) The initial appointees shall hold an organizational
414 meeting of the commission not later than October 1, 2024. At
415 the organizational meeting, the membership of the commission
416 shall select a chair and a vice chair, who shall serve in that
417 position for two years. Members of the commission shall draw
418 lots to determine which three appointees shall serve for an
419 initial two-year term; which three appointees shall serve for
420 an initial three-year term; and which three appointees shall



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421 serve for an initial four-year term.

422 (c) After the expiration of the initial terms, members
423 appointed to the commission shall serve for four-year terms
424 and shall be confirmed with the advice and consent of the
425 Senate at the first regular or special session of the
426 Legislature held after the appointment. Members may serve two
427 complete terms and any portion of an initial term of less than
428 four years or any portion of an unexpired term to which
429 appointed.

430 (d) All appointing authorities shall coordinate their
431 appointments to assure the commission membership is inclusive
432 and reflects the racial, gender, geographic, urban, rural, and
433 economic diversity of the state.

434 (e) Each member of the commission shall satisfy all of
435 the following qualifications:

436 (1) Shall be a citizen of the United States and a
437 resident of the State of Alabama for at least five years
438 immediately preceding appointment.

439 (2) Shall be 30 or more years of age.

440 (3) Shall have no conviction for any federal or state
441 felony offense or any misdemeanor property offense, offense
442 involving fraud, or offense involving moral turpitude as
443 provided under Section 17-3-30.1.

444 (4) May not be the executive director of the commission
445 or an employee of the commission.

446 (5) May not be an officer of a political party or the
447 occupant of an official position in a political party.

448 (6) May not be a public official, as defined under



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449 Section 36-25-1.

450 (7) May not be actively engaged in the business of a
451 gaming establishment or in the operation of casino-style
452 gaming activities, lottery games, or sports wagering.

453 (8) May not be a supplier of devices or equipment used
454 in gaming activities.

455 (9) May not have a financial interest in any of the
456 following:

457 a. A gaming establishment licensee.

458 b. An online sports wagering platform.

459 c. A lottery retailer or vendor.

460 d. A gaming services provider.

461 e. A contractor doing business or proposing to do
462 business with the commission, the Alabama Lottery Corporation,
463 or any of the entities described in paragraphs a. through d.

464 (f) Any vacancy occurring on the commission shall be
465 filled for the unexpired term by the respective appointing
466 authority. The appointee shall serve immediately upon
467 appointment and shall continue to serve until confirmed or
468 rejected by the Senate at the first regular or special session
469 of the Legislature held after the appointment.

470 (g) Each member of the commission shall serve for the
471 duration of the member's term and until either the member's
472 successor is appointed and confirmed by the Senate or, if no
473 successor is appointed, for a period of not more than 18
474 months following the expiration of the member's term.

475 (h) Members of the commission shall be subject to the
476 state ethics code under Chapter 25 of Title 36.



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477 (i) Any member of the commission may be removed **for**
478 **cause** by his or her respective appointing authority.

479 §41-30-52. Commission meetings.

480 (a) The commission shall meet at least quarterly and at
481 other times as called by the chair or a majority of the
482 commission members.

483 (b) Meetings of the commission shall be subject to the
484 Alabama Open Meetings Act; provided, that members of the
485 commission may participate in a meeting of the commission in
486 person, by means of telephone conference, video conference, or
487 other similar communications equipment so that all individuals
488 participating in the meeting may hear each other at the same
489 time. Participation by such means shall constitute presence in
490 person at a meeting for all purposes, including for purposes
491 of establishing a quorum, and the affirmative vote of a
492 majority of the members necessary for any action of the
493 commission.

494 (d) (1) A majority of members shall constitute a quorum
495 for the transaction of any business and for the exercise of
496 any power or function of the commission.

497 (2) Action may be taken on motions and resolutions
498 adopted by the commission at any meeting of the commission by
499 an affirmative vote of a majority of present and voting
500 commission members, a quorum being present.

501 (e) No vacancy in the membership of the commission
502 shall impair the right of the members to exercise all the
503 powers and perform all the duties of the commission.

504 §41-30-53. Compensation of members.



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505 Each member of the commission shall receive annual
506 compensation equal to one-half of that of a member of the
507 Legislature and the same per diem and travel allowances
508 provided for state employees.

509 §41-30-54. Identification, regulation, and taxation of
510 current gaming activities.

511 The commission may adopt temporary continuing operation
512 rules to implement and administer this chapter and Section
513 65(e) of the Constitution of Alabama of 2022. These rules are
514 exempt from the requirements of the Alabama Administrative
515 Procedures Act and shall expire on January 1, 2027.

516 §41-30-55. Powers and duties of the commission.

517 The commission shall adopt, amend, or repeal rules in
518 accordance with the Alabama Administrative Procedure Act and
519 shall have all powers necessary and convenient to fulfilling
520 its duties with respect to gaming activity, gaming-related
521 activity, traditional raffles, and traditional bingo. These
522 powers include:

523 (1) To issue subpoenas and compel the production of
524 documents or items and the attendance of witnesses, to
525 administer oaths, to require testimony under oath, and to
526 enforce its orders.

527 (2) To appoint impartial hearing examiners who may
528 administer oaths and receive evidence and testimony under oath
529 and make recommendations to the commission.

530 (3) To demand access to or inspect, examine, photocopy,
531 and audit papers, books, records, equipment, supplies, and
532 premises necessary to carry out its duties.



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533 (4) To seize and impound any equipment, supplies, or
534 premises used in violation of laws or commission rules
535 governing the conduct of gaming activities, subject to the
536 procedures provided under Section 20-2-93.

537 (5) To procure goods and services as provided under the
538 state procurement code, Article 5 of Chapter 4 of Title 41.

539 (6) To impose reasonable civil penalties on any person
540 for violations of this chapter or violations of rules adopted
541 by the commission.

542 (7) To provide for the issuance of licenses for the
543 operation of casino-style gaming activities and sports
544 wagering and to provide for the renewal, modification,
545 extension, suspension, revocation, transfer, or forfeiture of
546 a license.

547 (8) To regulate and supervise the conduct and operation
548 of gaming activities.

549 (9) To adopt rules and procedures to address the
550 failure of a licensee to timely remit taxes, fees, and fines
551 and penalties.

552 (10) To adopt rules related to the reasonable operation
553 and investment level for each gaming establishment.

554 (11) To adopt rules limiting access to gaming
555 activities by minors and other susceptible individuals,
556 including a program of voluntary self-exclusion for
557 individuals struggling with problem gaming.

558 §41-30-56. Audits and reports.

559 (a) To ensure the financial integrity of the operation
560 of gaming establishments in this state, the commission shall



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561 do all of the following:

562 (1) Not later than the second legislative day of each
563 regular session, submit an annual report to the Governor and
564 the Legislature disclosing the total gaming revenues,
565 operating and administrative expenses of the commission, and
566 information relating to the number of licenses issued,
567 suspended, revoked, or transferred during the reporting
568 period. The annual report shall additionally describe the
569 organizational structure of the commission and summarize the
570 functions performed by each organizational division within the
571 commission. The annual report shall be displayed on the
572 website of the commission.

573 (2) Adopt a system of internal audits and audits of
574 licensees.

575 (3) Contract with a certified public accountant or firm
576 for an annual financial audit of the commission. The certified
577 public accountant or firm shall have no financial interest in
578 any vendor with whom the commission is under contract or any
579 licensee of the commission. The certified public accountant or
580 firm shall present an audit report not later than four months
581 after the end of the fiscal year. The certified public
582 accountant or firm shall evaluate the internal auditing
583 controls in effect during the audit period. The cost of this
584 annual financial audit shall be an operating expense of the
585 commission.

586 (b) The Department of Examiners of Public Accounts
587 shall perform an audit or examination of the commission on an
588 annual basis or more frequently as deemed necessary by the



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589 Chief Examiner.

590 §41-30-57. Executive director and deputy director of
591 the commission.

592 (a) (1) The commission shall appoint an executive
593 director who shall direct the day-to-day operations and
594 management of the commission and shall be vested with all
595 powers and duties as specified by the commission and by law.
596 The executive director shall serve at the pleasure of the
597 commission.

598 (2) The executive director shall meet all of the
599 following qualifications:

600 a. Shall be a person of good moral character who has
601 not engaged in conduct involving dishonesty, fraud, or
602 misrepresentation.

603 b. May not have a conviction for any felony offense and
604 may not have a conviction for any misdemeanor offense that
605 reflects adversely on the individual's honesty or
606 trustworthiness.

607 c. May not be an officer of a political party or the
608 occupant of an official position in a political party.

609 d. May not be a public official, as defined under
610 Section 36-25-1.

611 e. May not be actively engaged in the business of a
612 gaming establishment or in the operation of casino-style
613 gaming activities, lottery games, or sports wagering.

614 f. May not be a supplier of gaming equipment.

615 g. Shall possess any other qualifications adopted by
616 the commission by rule.



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617 (3) The executive director shall devote his or her full
618 time and attention to the duties required under this chapter
619 and may not hold any other office of profit or perform any
620 other services for profit or any other gain.

621 (4) The executive director shall receive an annual
622 salary as determined by the commission and approved pursuant
623 to Section 36-6-6 as if he or she were an officer or employee
624 appointed in the exempt service.

625 (b) (1) The executive director may appoint a deputy
626 director who shall perform duties designated by the executive
627 director.

628 (2) The deputy director shall receive an annual salary
629 as determined by the executive director and approved pursuant
630 to Section 36-6-6 as if he or she were an officer or employee
631 appointed in the exempt service.

632 (c) For purposes of the Merit System Act, Article 1 of
633 Chapter 26 of Title 36, the executive director and deputy
634 director shall be employed in the exempt service.

635 (d) The executive director and any deputy director may
636 not have a financial interest in any of the following:

637 (1) A gaming establishment licensee.

638 (2) An online sports wagering platform.

639 (3) A lottery retailer or vendor.

640 (4) A gaming services provider.

641 (5) A contractor doing business or proposing to do
642 business with the commission, the Alabama Lottery Corporation,
643 or any of the entities described in subdivisions (1) through
644 (4).



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645 §41-30-58. Powers and duties of the executive director.

646 (a) The executive director shall direct and supervise
647 all administrative and technical activities in accordance with
648 this chapter and with the rules, policies, and procedures
649 adopted by the commission.

650 (b) The powers and duties of the executive director
651 shall include all of the following:

652 (1) Sue and be sued on behalf of the commission.

653 (2) Acquire real property in accordance with existing
654 law and make improvements thereon on behalf of the commission.

655 (3) Make, execute, and effectuate agreements or
656 contracts, including contracts for the purchase of goods and
657 services, as are necessary for the conduct of the business of
658 the commission.

659 (4) Employ and direct such personnel as deemed
660 necessary.

661 (5) Employ by contract and compensate persons as deemed
662 necessary for the operation and administration of the
663 commission.

664 (6) Prepare a budget for the approval of the
665 commission.

666 (7) Prepare an annual report on behalf of the
667 commission as provided in Section 41-30-56.

668 (8) Perform other duties as necessary to implement and
669 administer this chapter.

670 §41-30-59. Employees of the commission.

671 (a) (1) An employee of the commission may not have a
672 financial interest in any of the following:



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- 673 a. A gaming establishment licensee.
674 b. An online sports wagering platform.
675 c. A lottery retailer or vendor.
676 d. A gaming services provider.
677 e. A contractor doing business or proposing to do
678 business with the commission, the Alabama Lottery Corporation,
679 or any of the entities described in paragraphs a. through d.

680 (2) An employee of the commission with decision-making
681 authority may not participate in any decision involving a
682 gaming establishment licensee with whom the employee has a
683 financial interest.

684 (b) An employee of the commission who leaves the
685 employment of the commission may not represent any vendor,
686 gaming services provider, or gaming establishment licensee
687 before the commission for a period of two years following
688 termination of employment with the commission.

689 (c) An applicant for employment with the commission
690 shall submit to the executive director, on a form sworn to by
691 the applicant, his or her name, date of birth, Social Security
692 number, and two complete sets of fingerprints for completion
693 of a criminal history background check through the State
694 Bureau of Investigation. Costs associated with conducting a
695 criminal history background check may be paid by the
696 commission.

697 (d) An individual who has been convicted of any federal
698 or state felony offense or any misdemeanor property offense,
699 offense involving fraud, or offense involving moral turpitude
700 as provided under Section 17-3-30.1, may not be employed by



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701 the commission.

702 (e) The commission shall bond commission employees with
703 access to commission funds in such an amount as provided by
704 the commission and may bond other employees as deemed
705 necessary.

706 (f) For purposes of the Merit System Act, Article 1 of
707 Chapter 26 of Title 36, the employees of the commission shall
708 be employed in the unclassified service and shall be entitled
709 to insurance, retirement, and other state employees' benefits.

710 (g) Employees of the commission shall be subject to the
711 state ethics code under Chapter 25 of Title 36.

712 §41-30-60. Employee participation prohibition.

713 (a) An employee of the commission may not engage in
714 gaming activity at any gaming establishment except as
715 necessary to perform their regulatory duties as an employee of
716 the commission.

717 (b) An employee of a licensed gaming establishment may
718 not engage in any gaming activity at any gaming establishment
719 at which he or she is employed. This subsection does not apply
720 to employees of a gaming establishment while operating as a
721 dealer or while playing on behalf of the house to facilitate
722 any gaming activity.

723 §41-30-61. Records of the commission.

724 (a) Except as provided in subsection (b) and Section
725 41-30-105, records of the commission shall be public records
726 for purposes of Section 36-12-40.

727 (b) The commission may determine which information and
728 records relating to its operations are confidential and not



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729 subject to public disclosure. Confidential information, at a
730 minimum, shall include trade secrets; security measures,
731 systems, or procedures; security reports; employee personnel
732 information unrelated to compensation, duties, qualifications,
733 or responsibilities; and information obtained pursuant to
734 investigations which is otherwise confidential. Information
735 deemed confidential pursuant to this section shall be exempt
736 from public disclosure.

737 §41-30-62. Minority business participation.

738 It is the intent of the Legislature that the commission
739 encourage participation by minority businesses. Accordingly,
740 the commission shall adopt a plan that achieves, to the
741 greatest extent possible, a level of participation by minority
742 businesses taking into account the total number of all gaming
743 establishment licensees. The commission shall administer
744 training programs and other educational activities to enable
745 eligible minority businesses to compete for licenses on an
746 equal basis. The commission shall monitor the results of
747 minority business participation and shall report the results
748 of minority business participation to the Governor and the
749 Legislature at least on an annual basis.

750 §41-30-63. Rulemaking authority.

751 The commission may adopt rules to implement and
752 administer this chapter, including rules to interpret the
753 terms "casino-style game" and "sports wagering."

754 Article 3. Gaming Enforcement Division.

755 §41-30-100. Gaming Enforcement Division established.

756 The Gaming Enforcement Division within the commission



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757 is established. The enforcement division shall have
758 independent and primary authority and jurisdiction to
759 investigate violations of this chapter and enforce the general
760 laws and rules of the commission. The enforcement division may
761 take any means necessary to aid the commission in the
762 administration and enforcement of this chapter, the gaming
763 laws, and rules of the commission, and to effectively
764 eradicate any unlawful gaming activity or unlawful
765 gaming-related activity in the state.

766 §41-30-101. Director of the Gaming Enforcement
767 Division.

768 (a) (1) The position of Gaming Enforcement Officer is
769 created. The Gaming Enforcement Officer shall be appointed by
770 the executive director of the commission and shall hold office
771 at the pleasure of the executive director.

772 (2) The Gaming Enforcement Officer shall have general
773 supervision and management of the functions and duties of the
774 Gaming Enforcement Division, subject to approval of the
775 executive director, including the power to change the working
776 title of any position in the enforcement division or organize
777 the enforcement division in a manner to efficiently administer
778 the duties of the enforcement division.

779 (b) The Gaming Enforcement Officer shall satisfy all of
780 the following qualifications:

781 (1) Be certified by the Alabama Peace Officers'
782 Standards and Training Commission or become certified within
783 one year of appointment.

784 (2) Have a bachelor's or equivalent degree from an



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785 accredited institution of higher education.

786 (3) Have a law enforcement background of at least 10
787 years, including executive level experience with specific
788 participation in complex investigations of financial crimes,
789 conspiracy, racketeering, and other related crimes.

790 (c) The salary of the Gaming Enforcement Officer shall
791 be set by the executive director. For purposes of the Merit
792 System Act, Article 1 of Chapter 26 of Title 36, the Gaming
793 Enforcement Officer shall be employed in the exempt service.

794 (d) For purposes of the immunity afforded in Section
795 6-5-338, the Gaming Enforcement Officer shall be deemed a law
796 enforcement officer.

797 (e) The Gaming Enforcement Officer shall have arrest
798 powers.

799 (f) The Gaming Enforcement Officer may request the
800 Attorney General or any local district attorney to issue
801 subpoenas and compel the production of documents or items for
802 purposes of enforcing this chapter, the gaming laws, and rules
803 of the commission.

804 (g) The Gaming Enforcement Officer shall establish
805 operational policy and procedures for the administration of
806 the duties of the enforcement division.

807 §41-30-102. Personnel of the Gaming Enforcement
808 Division.

809 (a) The Gaming Enforcement Officer shall hire all
810 personnel necessary for the operation of the Gaming
811 Enforcement Division, subject to approval by the executive
812 director. Personnel shall include, but not be limited to, the



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813 following:

814 (1) Investigators.

815 (2) Auditors and forensic accountants.

816 (3) Compliance officers.

817 (4) Investigative technology experts.

818 (5) Administrative staff.

819 (6) Any other staff necessary for the operation of the
820 division.

821 (b) To assist the executive director in carrying out
822 his or her duties under this chapter, the Gaming Enforcement
823 Division may employ consultants to render professional
824 services, including, but not limited to, reviewing gaming
825 records and other related records or items, providing expert
826 testimony in contested cases, assisting in audits performed by
827 the enforcement division, and conducting technology reviews
828 and implementation. Consultants shall be compensated for
829 professional services at rates established by the commission.

830 (c) (1) The personnel of the Gaming Enforcement Division
831 shall serve at the pleasure of the Gaming Enforcement Officer.

832 (2) Notwithstanding any other provision of local or
833 general law, a retired state or local law enforcement officer
834 may be employed by the Gaming Enforcement Division without
835 suspension or modification of his or her state or local
836 retirement benefits.

837 (d) The personnel employed by the enforcement division
838 who are certified by the Alabama Peace Officers' Standards and
839 Training Commission shall have the power of arrest.

840 (e) For purposes of the Alabama Criminal Justice



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841 Information Center and the National Crime Information Center,
842 personnel of the Gaming Enforcement Division shall be
843 considered an originating agency identifier for the purposes
844 of criminal background checks and access to criminal history
845 data.

846 (f) For purposes of the immunity afforded in Section
847 6-5-338, personnel of the Gaming Enforcement Division who are
848 certified by the Alabama Peace Officers' Standards and
849 Training Commission shall be deemed law enforcement officers.

850 (g) Personnel of the Gaming Enforcement Division shall
851 comply with all initial and continuing education requirements
852 in Section 41-30-103.

853 §41-30-103. Continuing education requirements.

854 (a) By October 1, 2025, the Alabama Peace Officers'
855 Standards and Training Commission, in consultation with the
856 Executive Director of the Alabama Gaming Commission and the
857 Gaming Enforcement Officer, shall develop the following:

858 (1) An initial training curriculum for law enforcement
859 officers relating to enforcement of gaming laws and rules,
860 including associated activities.

861 (2) An annual continuing education curriculum to
862 supplement the initial training curriculum relating to
863 investigations and enforcement of gaming laws and rules of the
864 Alabama Gaming Commission, including associated activities.

865 (b) The Alabama Peace Officers' Standards and Training
866 Commission shall determine the number of hours necessary for
867 the required training and shall consult with national gaming
868 associations and other entities for inclusion of national



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869 standards relating to gaming investigations and enforcement in
870 the training curriculum.

871 (c) The Gaming Enforcement Officer shall identify those
872 individuals subject to the training requirements in this
873 section and a schedule for completion of the required
874 curriculum by division personnel.

875 §41-30-104. Duties and powers of the Gaming Enforcement
876 Division.

877 (a) For the protection of the public and in accordance
878 with the policy of this state, the Gaming Enforcement Officer,
879 personnel of the Gaming Enforcement Division, and any
880 individual operating under the direct authority of the Gaming
881 Enforcement Division may do any of the following:

882 (1) Inspect and examine any gaming establishment,
883 lottery retailer, or the premises of where gaming equipment is
884 manufactured, sold, or distributed.

885 (2) Inspect all equipment and supplies on the premises
886 of a gaming establishment or lottery retailer.

887 (3) Enforce compliance with this chapter, the gaming
888 laws, and the rules of the commission.

889 (4) Enforce all laws of this state with respect to
890 unlawful gaming activities and unlawful gaming-related
891 activities.

892 (5) Have primary jurisdiction over any violation of
893 this chapter or Article 2 of Chapter 12 of Title 13A that
894 occurs on the property of a licensed gaming establishment.

895 (6) Summarily seize and remove from the premises of a
896 gaming establishment or lottery retailer and impound any



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897 gaming equipment or other equipment or supplies for the
898 purpose of examination and inspection.

899 (7) Make arrests of violators of this chapter, the
900 gaming laws and rules of the commission, and any other laws of
901 this state.

902 (8) Demand access to and inspect, examine, photocopy,
903 and audit all papers, books, and records of applicants for
904 licensure, licensees, and gaming service providers on their
905 premises or elsewhere as practicable, in the presence of the
906 licensee or an agent relating to the proceeds generated by any
907 activities regulated by the commission and all other matters
908 affecting the enforcement of this chapter or commission rules.

909 (9) Make determinations and impose and enforce civil
910 penalties for violations of gaming laws and rules of the
911 commission.

912 (10) Conduct investigations of applicants for licensure
913 to establish and assess suitability compliance and related
914 issues as provided in Section 41-30-73.

915 (11) Take any other action deemed necessary and
916 appropriate by the enforcement division in the administration
917 of its duties under this chapter.

918 (12) Conduct criminal investigations into any
919 unlicensed or otherwise unlawful gaming activity conducted in
920 this state and make arrests where appropriate for violations.

921 (b) No less than on an annual basis, and upon request
922 of the commission or the Legislative Council, the enforcement
923 division shall provide to the commission and Legislative
924 Council reports of all investigative and enforcement activity



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925 conducted by the division.

926 §41-30-105. Confidentiality of records.

927 All of the following shall be privileged and
928 confidential, unless presented as evidence at a public hearing
929 of the commission:

930 (1) All reports of investigations by the enforcement
931 division.

932 (2) Documents subpoenaed by the commission in
933 furtherance of an investigation or other activity of the
934 enforcement division.

935 (3) Reports of any investigative action by the
936 enforcement division.

937 (4) Memoranda of the personnel of the enforcement
938 division relating to an investigation.

939 (5) Statements of individuals interviewed by the
940 enforcement division.

941 (6) All information, interviews, reports, statements,
942 or memoranda of any nature furnished to the enforcement
943 division.

944 (7) Any findings, conclusions, or recommendations
945 resulting from proceedings of the enforcement division.

946 (8) All information containing proprietary trade secret
947 information.

948 §41-30-106. Assistance by the Attorney General and
949 district attorneys.

950 The Gaming Enforcement Officer may request assistance
951 from the Attorney General, district attorneys, or other
952 prosecuting attorneys of this state. The Attorney General,



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953 district attorneys, or other prosecuting attorneys, upon
954 request, shall assist in any action for injunction or any
955 prosecution based on a violation of this chapter, any gaming
956 law, or a rule of the commission.

957 Article 4. Casino-style gaming activities.

958 §41-30-150. License required.

959 Except to the extent authorized under Section 41-30-54,
960 casino-style gaming activities may only be operated, carried
961 on, conducted, maintained, or exposed for play by a gaming
962 establishment licensee or as otherwise authorized by this
963 chapter.

964 §41-30-151. Limitations on the issuance of licenses.

965 (a) Subject to the receipt of local approval under
966 Section 41-30-152, the commission may issue no more than seven
967 gaming establishment licenses, including the license reserved
968 for the Poarch Band of Creek Indians pursuant to Section 65.04
969 of the Constitution of Alabama of 2022. Licenses may be
970 awarded pursuant to criteria established by the commission by
971 rule, which shall include a competitive open bidding process,
972 to applicants who have been deemed suitable pursuant Section
973 41-30-155. The licenses awarded shall be limited by the
974 following conditions:

975 (1) Four of the licenses shall be reserved for issuance
976 as follows: one in Greene County, one in the portion of the
977 City of Birmingham that is within Jefferson County, one in
978 Macon County, and one in Mobile County.

979 (2) One license shall be reserved for issuance in
980 accordance with the terms of a gaming compact as provided



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981 under Section 41-30-158.

982 (3) Two licenses shall be reserved for initial issuance
983 in the following counties: one in Houston County and one in
984 Lowndes County.

985 (b) The commission shall adopt rules establishing a
986 competitive open bidding process for the award of gaming
987 establishment licenses as described in subsection (a). The
988 competitive open bidding process shall require the commission
989 to consider all of the following with regard to a suitable
990 applicant:

991 (1) The applicant's proposed capital investment at the
992 location, including the applicant's commitment to offer
993 amenities such as restaurants and entertainment venues.

994 (2) The applicant's existing or past investments in the
995 relevant local jurisdiction and the state.

996 (3) The applicant's past paid taxes to the state and
997 the relevant local jurisdiction.

998 (4) The applicant's experience in the operation of a
999 gaming establishment.

1000 (5) The applicant's familiarity with the local market.

1001 (6) The applicant's ties to, and community support
1002 within, the State of Alabama and the jurisdiction of the
1003 proposed gaming establishment.

1004 (7) The applicant's anticipated annual revenues.

1005 (8) The applicant's commitment to employ local citizens
1006 and to pay them competitive wages.

1007 (9) The applicant's plans for recruiting a diverse
1008 workforce.



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1009 (10) The applicant's plans for ensuring the opportunity
1010 for participation by minority owned businesses as contractors,
1011 vendors, and other affiliates.

1012 (11) The maximum license fee the applicant is willing
1013 to pay.

1014 (c) In selecting an applicant for licensure, the
1015 commission shall endeavor to preserve and maintain the
1016 historical minority diversity of ownership of sites listed in
1017 subsection (a). If the commission receives a bid from a
1018 suitable applicant meeting the minority diversity
1019 requirements, the commission may give the applicant enhanced
1020 consideration if the applicant's bid is no more than 10
1021 percent less than the highest bid received.

1022 §41-30-152. Local approval of a gaming establishment.

1023 (a) The Alabama Gaming Commission may issue a gaming
1024 establishment license in a municipality or county only if
1025 local county or municipal approval is obtained in accordance
1026 with this section.

1027 (b) A county or municipality may grant local approval
1028 of a gaming establishment being located in the county or
1029 municipality by doing either of the following:

1030 (1) Passing a resolution approving the issuance of a
1031 gaming establishment license within the county or
1032 municipality.

1033 (2)a. Holding a local referendum in accordance with
1034 this subdivision. The governing body of the county or
1035 municipality may direct the judge of probate of the county to
1036 submit the question of whether to allow a gaming establishment



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1037 to be located in the applicable county or municipality to the
1038 qualified electors of the county or municipality.

1039 b. The election shall be held on the day designated by
1040 the judge of probate of the county. The notice of the election
1041 shall be given by the judge of probate and the election shall
1042 be held, conducted, and the results canvassed in the same
1043 manner as other local elections. The election shall be held in
1044 conjunction with the next regularly scheduled state or local
1045 election to be held in the county, unless specially called by
1046 the judge of probate at an earlier time. A period of not less
1047 than 180 days must elapse between the date of any second or
1048 subsequent election in a local jurisdiction under this
1049 paragraph. The county or municipality, as applicable, shall
1050 pay any costs and expenses not otherwise reimbursed by a
1051 governmental agency which are incidental to the election.

1052 c. The question to the qualified electors shall be, "Do
1053 you favor the award of a gaming establishment license in this
1054 municipality/county (as applicable)?" The judge of probate
1055 may, in his or her sole discretion, identify the specific
1056 address of a proposed gaming establishment on the ballot.

1057 d. If a majority of the votes cast in the election are
1058 "Yes," local approval shall be deemed granted.

1059 e. The judge of probate shall certify the results of
1060 the election to the Secretary of State and the Alabama Gaming
1061 Commission.

1062 (c) Upon obtaining local approval, the commission may
1063 grant a license in the county or municipality.

1064 §41-30-153. Application to bid for licensure.



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1065 (a) A person desiring to operate, carry on, conduct,
1066 maintain, or expose for play casino-style gaming activities
1067 shall apply to be considered for licensure by the commission.
1068 The commission may adopt rules prescribing the information an
1069 applicant is required to submit to the commission prior to the
1070 consideration of the person as eligible for potential
1071 licensure under this section. The commission shall by rule
1072 establish an application fee that must be paid as an
1073 application requirement.

1074 (b) An application for consideration under this section
1075 shall include all of the following by sworn affidavit:

1076 (1) The names and addresses of the principal owners and
1077 investors of the applicant, showing the ownership percentage
1078 of each.

1079 (2) Any business records required by the commission.

1080 (3) The types of casino-style games to be offered at
1081 the location.

1082 (4) The number of gaming machines, casino-style game
1083 tables, or other devices used to conduct gaming activities.

1084 (5) The physical location of the gaming establishment.

1085 (6) A set of fingerprints for each gaming employee for
1086 purposes of a criminal history background check. The
1087 enforcement division shall submit the information collected
1088 pursuant to this subdivision to the State Bureau of
1089 Investigation for purposes of conducting the required criminal
1090 history background check. The applicant shall pay the cost of
1091 conducting the criminal history background check.

1092 (7) Information, documentation, and assurances



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1093 concerning the financial background and resources as may be
1094 required to establish the financial stability, integrity, and
1095 responsibility of the applicant, including bank references,
1096 business and personal income and disbursement schedules, tax
1097 returns and other financial reports filed with governmental
1098 agencies, and business and personal accounting and check
1099 records and ledgers. To meet the requirements of this
1100 subdivision, each applicant, in writing, shall authorize the
1101 examination of all bank accounts and records as may be deemed
1102 necessary by the commission. The applicant shall be presumed
1103 to be financially stable if the applicant establishes that it
1104 meets each of the following:

1105 a. The ability to assure the financial integrity of
1106 gaming establishment operations by the maintenance of a
1107 bankroll or equivalent provisions adequate to pay winnings
1108 when due.

1109 b. The ability to meet ongoing operating expenses that
1110 are essential to the maintenance of continuous and stable
1111 gaming establishment operations.

1112 c. The ability to pay, as and when due, all state and
1113 federal taxes.

1114 (8) Information, documentation, and assurances as may
1115 be required to establish that the applicant has sufficient
1116 business ability and gaming experience as to establish the
1117 likelihood of the creation and maintenance of a successful,
1118 efficient sports wagering operation, if applicable.

1119 (9) Any other information required by the commission.

1120 (c) Within a reasonable time after receiving an



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1121 application under this section, the commission shall determine
1122 and notify the applicant in writing whether the application is
1123 complete. If the commission determines the application is
1124 incomplete, the commission shall specifically identify the
1125 missing information and specify the requirement creating the
1126 obligation to submit the missing documents or information in
1127 the written notice. The processing deadlines shall restart on
1128 the date the applicant submits all the documents and
1129 information identified by the commission to render the
1130 application complete.

1131 (d) The commission, by rule, shall require an applicant
1132 pursuant to this section to demonstrate an ability to make a
1133 minimum capital investment of thirty-five million dollars
1134 (\$35,000,000) in the gaming establishment location. The
1135 commission shall consider any previous capital investments of
1136 the applicant and existing facilities and structures at the
1137 proposed site. In addition, for initial licensure, the
1138 commission shall require the applicant to demonstrate that any
1139 proposed construction or renovation of gaming establishment
1140 facilities would commence within 12 months of licensure.

1141 §41-30-154. Gaming establishment license fee.

1142 (a) The commission shall issue gaming establishment
1143 licenses for an initial 15-year term; provided, the
1144 commission, by rule, may provide for an extended initial
1145 license term for an applicant that proposes to make a minimum
1146 capital investment of five hundred million dollars
1147 (\$500,000,000) at the proposed site. License fees shall be not
1148 less than five million dollars (\$5,000,000), as determined by



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1149 the commission with respect to each applicant, based upon the
1150 following factors:

- 1151 (1) The number and type of gaming machines at the
1152 location.
- 1153 (2) The number and type of table games at the location.
- 1154 (3) The number and type of random number games at the
1155 location.
- 1156 (4) The proposed capital investment plan of the
1157 location.
- 1158 (5) The amount of any previous gross and net gaming
1159 revenues generated at the location.
- 1160 (6) The business plan of the applicant.
- 1161 (7) The market conditions of the location.
- 1162 (8) Any other factors deemed relevant by the
1163 commission.

1164 (b) One-half of the license fee shall be paid at the
1165 time of licensure. The remaining portion of the license fee
1166 shall be paid in consecutive equal monthly installments. The
1167 license fees shall be collected by the commission and remitted
1168 to the State Treasury to the credit of the Gaming Trust Fund.

1169 §41-30-155. Suitability requirements.

1170 (a) The commission may not issue a license to an
1171 applicant pursuant to this article until the applicant has
1172 demonstrated suitability for licensure.

1173 (b) For purposes of this section, "suitability" of an
1174 applicant means consideration of all of the following with
1175 respect to the applicant and any principal owner or investor
1176 of the applicant:



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1177 (1) The moral character, honesty, and integrity of the
1178 applicant.

1179 (2) The reputation, experience, and financial integrity
1180 of the applicant.

1181 (3) The financial ability of the applicant to purchase
1182 and maintain adequate liability and casualty insurance and to
1183 provide a surety bond as required by rule of the commission,
1184 based on cost of licensure, annual revenue, and other
1185 financial factors.

1186 (4) The past and present compliance of the applicant,
1187 including whether the applicant has a history of noncompliance
1188 with the gaming licensing requirements of any other
1189 jurisdiction.

1190 (5) Whether the applicant has filed, or had filed
1191 against it, a proceeding for bankruptcy or has ever been
1192 involved in any formal process to adjust, defer, suspend, or
1193 otherwise work out the payment of any debt.

1194 (6) Whether the applicant is or has been a defendant in
1195 litigation involving its business practices.

1196 (7) Whether awarding a license would undermine the
1197 public's confidence in the gaming industry in this state.

1198 (8) Prior activities, arrests, or criminal records, if
1199 any, and the general reputation, habits, and associations of
1200 any principal owner or investor of an applicant which may: (i)
1201 pose a threat to the public interest of this state or to the
1202 effective regulation of gaming in this state; and (ii) create
1203 or enhance the dangers of unsuitable, unfair, or unlawful
1204 practices, methods, and operations in the activities



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1205 authorized by this chapter and the financial arrangements and
1206 activities incidental to the gaming activities authorized by
1207 this chapter. For purposes of this subdivision, evidence of or
1208 relating to an arrest, summons, charge, or indictment of an
1209 applicant, or the dismissal thereof, shall be considered by
1210 the commission where applicable, even if the arrest, summons,
1211 charge, or indictment resulted in an acquittal, deferred
1212 adjudication such as participation in a pretrial diversion
1213 program, probation, parole, or pardon.

1214 (9) The likelihood of the applicant to conduct business
1215 in complete compliance with this chapter.

1216 (10) Whether the applicant has a tax lien assessed
1217 against it or owes any delinquent taxes, or penalties or
1218 interest thereon, excluding items under formal appeal or
1219 protest as provided by law.

1220 (11) Whether awarding a license to the applicant would
1221 create a monopoly or circumstances that would substantially
1222 lessen or harm competition in a manner that would deprive
1223 residents of the State of Alabama of the benefits of
1224 competition. To this end, a person may not hold a majority
1225 interest in more than two licensed gaming establishments or
1226 more than one percent in more than three licensed gaming
1227 establishments. The commission shall ensure that the award or
1228 transfer of a license on or after June 1, 2024, would not
1229 result in a violation of this subdivision.

1230 (12) Whether an applicant registered and accepted the
1231 regulation of the commission, became subject to taxation, and
1232 provided information required by the commission, as provided



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1233 under Section 65(e) of the Constitution of Alabama of 2022,
1234 and rules of the commission pursuant to Section 41-30-54. The
1235 commission may give an applicant enhanced consideration for
1236 satisfying this subdivision.

1237 (13) Any other factor or consideration deemed relevant
1238 by the commission.

1239 (c) Each applicant for a license under this article
1240 shall bear the obligation to establish its suitability for a
1241 license.

1242 (d) The executive director shall conduct a suitability
1243 analysis of each applicant for licensure. Each applicant shall
1244 provide any information and documentation requested by the
1245 executive director. The executive director shall report in
1246 writing his or her findings to the members of the commission,
1247 detailing the information supporting the determination,
1248 including a formal recommendation of whether the applicant is
1249 suitable or not suitable for licensure. The members of the
1250 commission, by majority vote, shall determine whether the
1251 applicant is suitable for licensure.

1252 §41-30-156. Renewal of licenses.

1253 (a) Upon application to and approval of the commission,
1254 any license granted to an applicant under this article may be
1255 serially renewed as provided by this section.

1256 (b) A licensee that has paid all applicable taxes and
1257 has continued to meet the suitability and other minimum
1258 licensing criteria established under this article shall be
1259 eligible for licensure renewal upon payment of any applicable
1260 license renewal fee. License renewal fees and license terms



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1261 shall be set by the commission one year prior to the
1262 expiration of the license term as provided by rule of the
1263 commission. In determining the renewal fee, the commission
1264 shall consider the licensing criteria under this article.

1265 (c) Upon making its determination under subsection (b),
1266 the commission shall provide written notice to the licensed
1267 gaming establishment of the renewal fee and the new term of
1268 the license, which shall be for a period of not less than 10
1269 years. The commission shall specify in the notice the
1270 timeframe in which the licensed gaming establishment may apply
1271 for renewal of the license.

1272 §41-30-157. Transfer of a license.

1273 (a) The commission shall approve any transfer of a
1274 license issued pursuant to this article, including any change
1275 of principal owner or investor of the licensee, prior to any
1276 transfer of the license. License transfers shall be subject to
1277 the application for licensure procedures set out under this
1278 article. The commission shall review any proposed transfer and
1279 may approve or deny the transfer in accordance with rules
1280 adopted by the commission.

1281 (b) Any proposed transfer of a license which would
1282 result in the gaming activities of a gaming establishment
1283 being transferred to a different county or municipality shall
1284 be subject to the local approval requirements of Section
1285 41-30-152.

1286 (c) The commission may not approve a transfer that
1287 would result in a gaming establishment being transferred
1288 within 50 miles of an existing gaming establishment licensed



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1289 by the commission or on trust lands.

1290 §41-30-158. Licensure under gaming compact.

1291 (a) Upon the State of Alabama entering into a compact
1292 with the Poarch Band of Creek Indians (PCI), as contemplated
1293 by the constitutional amendment enacted pursuant to House Bill
1294 ___ of the 2024 Regular Session, the commission shall issue
1295 PCI a license for one additional site outside of trust lands
1296 at a location approved pursuant to Section 41-30-152. The
1297 location shall be in a county that is wholly located north of
1298 U.S. Route 411 and that borders the State of Georgia, or a
1299 municipality within such a county.

1300 (b) The Poarch Band of Creek Indians shall submit its
1301 business plan relating to its proposed operation at the
1302 additional site for review by the commission. The commission
1303 shall review the plan considering the license fees and terms
1304 provided for the other gaming establishments in this article
1305 and make a determination regarding the license fee for a term
1306 as provided under Section 41-30-154(a); provided, the license
1307 fee and license term may not conflict with the terms of the
1308 compact.

1309 (c) Upon notice of this determination by the
1310 commission, PCI shall pay its first license fee installment as
1311 provided by this article and the commission shall issue the
1312 license.

1313 §41-30-159. Gaming services contracts.

1314 (a) A gaming establishment licensee may enter into a
1315 contract with a gaming services provider to provide gaming
1316 services only if all of the following conditions are



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1317 satisfied:

1318 (1) The gaming service provider is licensed by the
1319 commission pursuant to Section 41-30-160 to provide gaming
1320 services.

1321 (2) The contract is in writing.

1322 (3) The contract is approved by the commission.

1323 (4) The contract satisfies any other requirement
1324 adopted by the commission by rule.

1325 (b) A gaming establishment licensee shall submit any
1326 material change in a gaming services contract previously
1327 approved by the commission to the commission for its approval
1328 or rejection before the material change may take effect.

1329 (c) Any assignation or transfer of a gaming services
1330 contract, or the duties therein, to a third party shall be
1331 deemed a material change in the gaming services contract and
1332 may not take effect without approval by the commission
1333 pursuant to subsection (b).

1334 §41-30-160. Gaming services provider license.

1335 (a) The commission may issue a license to a person to
1336 provide gaming services under a gaming services contract to a
1337 licensed gaming establishment if the commission determines
1338 that the person meets the requirements of this section and any
1339 applicable rules of the commission.

1340 (b) Each applicant shall meet the following
1341 requirements for a gaming services license:

1342 (1) Possess good moral character, honesty, and
1343 integrity.

1344 (2) Possess the necessary experience and financial



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1345 ability to successfully carry out the functions of a gaming
1346 services provider.

1347 (3) Demonstrate that the gaming services that the
1348 applicant plans to offer conform to standards established by
1349 rules of the commission and this chapter. The commission may
1350 accept the approval of a gaming services provider by another
1351 jurisdiction that is specifically determined by the commission
1352 to have gaming services as evidence the applicant meets the
1353 standards established by the commission and this chapter.

1354 (4) Meet any other requirement established by rule of
1355 the commission.

1356 (c) An applicant for a license to provide gaming
1357 services shall do all of the following:

1358 (1) Submit an application to the commission in the form
1359 required by the commission, including adequate information to
1360 serve as a basis for a thorough background check.

1361 (2) Submit fingerprints to the State Bureau of
1362 Investigation for a state and national criminal background
1363 check through the Alabama Criminal Justice Information Center
1364 and the National Crime Information Center. The cost of the
1365 criminal background check shall be paid by the applicant.

1366 (3) Pay to the commission a nonrefundable application
1367 fee for deposit into the Gaming Trust Fund, in an amount to be
1368 determined by the commission by rule, to cover the
1369 administrative costs of processing the application.

1370 (4) Upon approval of the application, pay to the
1371 commission a license fee as provided in subsection (e).

1372 (d) A license to provide gaming services shall



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1373 authorize the licensee to provide gaming services at any
1374 licensed gaming establishment pursuant to a gaming services
1375 contract.

1376 (e) Prior to October 1 of each year, each gaming
1377 services provider shall pay to the commission an annual
1378 license fee, in an amount to be determined by the commission
1379 by rule, for deposit into the Gaming Trust Fund.

1380 (f) The commission shall authorize the renewal of a
1381 gaming services license upon verification that the gaming
1382 services provider continues to comply with all applicable
1383 statutory requirements and rules of the commission and has
1384 paid its annual license fee.

1385 §41-30-161. Judicial challenge of license award.

1386 (a) As used in this section, the term "unsuccessful
1387 gaming establishment license applicant" means any person or
1388 entity seeking, or who has sought, the award of a gaming
1389 establishment license from the Alabama Gaming Commission; or
1390 any person or entity that possesses a financial interest in
1391 any person or entity seeking, or who has sought, the award of
1392 such a license.

1393 (b) The award of a gaming establishment license by the
1394 Alabama Gaming Commission shall be deemed final and conclusive
1395 by the courts of this state as to any unsuccessful gaming
1396 establishment license applicant. No action, claim,
1397 counterclaim, defense, or other legal contention challenging
1398 the validity of such a license shall be brought or maintained
1399 in a court of this state by an unsuccessful gaming
1400 establishment license applicant, and the courts of this state



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1401 shall be powerless and without jurisdiction to issue to an
1402 unsuccessful gaming establishment license applicant an
1403 injunction, writ, order, or any other form of relief that
1404 would have the effect of preventing the commission from
1405 issuing a license or invalidating a license previously awarded
1406 by the commission.

1407 (c) A court shall promptly dismiss for lack of
1408 jurisdiction any such action, claim, counterclaim, defense, or
1409 other legal contention or any such request for an injunction,
1410 writ, order, or other form of relief.

1411 (d) Any court's injunction, writ, order, or other form
1412 of relief that would have the effect of preventing the
1413 commission from issuing a license or invalidating a license
1414 previously awarded shall be immediately appealable to the
1415 Alabama Supreme Court in the same manner as a final order in
1416 the action. The appeal may only be filed within 42 days of the
1417 issuance of the injunction, writ, order, or other form of
1418 relief. If the appeal is not the first appeal taken by the
1419 party, the subsequent appeal shall be considered by the court
1420 only to the extent that either the facts or controlling law
1421 relevant to the issuance of a gaming establishment license
1422 have changed from that which existed or controlled at the time
1423 of the earlier appeal.

1424 (e) During the pendency of any such appeal, the action
1425 in the trial court shall be stayed in all respects.

1426 Article 5. Operation of gaming establishments.

1427 §41-30-200. Duties of licensees.

1428 A gaming establishment licensee shall do all of the



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1429 following:

1430 (1) Promptly report to the commission any facts or
1431 circumstances related to the licensed gaming activity which
1432 would constitute a violation of state or federal law.

1433 (2) Conduct all licensed gaming activities and
1434 functions in a manner that does not pose a threat to the
1435 public health, safety, or welfare of the residents of this
1436 state and that does not adversely affect the security or
1437 integrity of the operation of those games in this state.

1438 (3) Hold the commission and this state harmless from,
1439 and defend and pay for the defense of, claims that may be
1440 asserted against a licensee, the commission or its members in
1441 their official capacity, or the state or employees thereof,
1442 arising from the licensee's actions or omission while
1443 conducting any licensed gaming activity.

1444 (4) Assist the commission in regulating the revenue of
1445 licensed gaming activity.

1446 (5) Maintain all records required by the commission.

1447 (6) Upon request by the commission, provide the
1448 commission access to all records and the physical premises
1449 where the licensee's gaming activity and related activities
1450 occur for the purpose of monitoring or inspecting the
1451 licensee's activities, the games, gaming equipment, and
1452 security equipment.

1453 (7) Keep current in all payments and obligations to the
1454 commission.

1455 (8) Acquire gaming activities and gaming equipment by
1456 purchase, lease, or other assignment and provide a secure



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1457 location for the placement, operation, and play of those games
1458 and gaming equipment.

1459 (9) Prohibit a person from tampering with or
1460 interfering with the operation of any gaming activity.

1461 (10) Ensure that all gaming activity is within the
1462 sight and control of designated employees of the licensee and
1463 under continuous observation by security equipment in
1464 conformity with specifications and requirements of the
1465 commission.

1466 (11) Ensure that gaming activity is placed and remains
1467 placed in the specific locations within designated gaming
1468 areas at the gaming establishment which have been approved by
1469 the commission. Gaming activity at a gaming establishment may
1470 only be relocated upon approval of the commission in
1471 accordance with its rules. Casino-style games shall only be
1472 available for in-person play on the premises of a licensed
1473 gaming establishment.

1474 (12) Maintain at all times sufficient cash and gaming
1475 tokens, chips, and electronic cards or other electronic media.

1476 (13) Install, post, and display conspicuously, at
1477 locations within or about the gaming establishment, signs,
1478 redemption information, and other promotional material as
1479 required by the commission.

1480 (14) Assume liability for stolen money from any gaming
1481 activity; provided, the licensee shall have a cause of action
1482 for such unlawful activity.

1483 (15) Sustain minimum levels of operation and investment
1484 as determined by commission rule.



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1485 §41-30-201. Floor plan submission requirement.

1486 (a) Prior to commencing the operation of any gaming
1487 activity at a gaming establishment, a gaming establishment
1488 licensee shall submit to the commission for its approval a
1489 detailed floor plan depicting the location of the designated
1490 gaming area in which gaming activity or gaming equipment will
1491 be located and the proposed arrangement thereof.

1492 (b) Any floor plan submission that satisfies the
1493 requirements of the rules adopted by the commission shall be
1494 considered approved by the commission unless the licensee is
1495 notified in writing to the contrary within one month of filing
1496 a detailed floor plan.

1497 §41-30-202. Game rules of play.

1498 (a) Each gaming establishment licensee shall have
1499 written rules of play for each type of gaming activity
1500 operated by the licensee, which must be approved by the
1501 commission before the game is offered to the public. Rules of
1502 play proposed by a licensee may be approved, amended, or
1503 rejected by the commission.

1504 (b) All gaming activity shall be conducted according to
1505 the specific rules of play approved by the commission. All
1506 wagers and pay-offs of winning wagers shall be made according
1507 to those rules of play, which shall establish any limitations
1508 necessary to assure the vitality of the game operations.

1509 (c) Each licensee shall make available in printed or
1510 electronic form to any patron, upon request of the patron, the
1511 complete text of the rules of play of any gaming activity in
1512 operation, pay-offs of winning wagers, and any other notice to



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1513 the patron required by the commission.

1514 (d) Patrons are deemed to have agreed that the
1515 determination of whether the patron is a valid winner is
1516 subject to the game play rules and, in the case of any
1517 dispute, shall be determined by the commission. The
1518 determination by the commission shall be final and binding
1519 upon all patrons and licensees and shall not be subject to
1520 further review or appeal.

1521 §41-30-203. Betting limits, operations, and services
1522 for gaming activity.

1523 (a) A gaming establishment licensee, in the exercise of
1524 its business judgment, may determine and establish with the
1525 approval of the commission, all of the following relating to
1526 its licensed gaming activities:

1527 (1) Minimum and maximum wagers.

1528 (2) Promotions subject to rules of the commission.

1529 (3) Hours of operation.

1530 (4) Currency denominations accepted by any mechanical
1531 or electronic bill acceptors.

1532 (b) The commission may establish the following
1533 parameters for any licensed gaming activity of any kind:

1534 (1) Minimum and maximum payout percentages.

1535 (2) Any probability limits of obtaining the maximum
1536 payout for a particular play in conformance with industry
1537 standards.

1538 (3) Limitations on the types and amounts of financial
1539 transactions which a licensee may enter into with its patrons.

1540 §41-30-204. Posting of betting limits for table games.



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1541 (a) Gaming establishment licensees accepting bets or
1542 wagers shall post in a conspicuous location at each specific
1543 location where the gaming activity is occurring indicating the
1544 permissible minimum and maximum wagers pertaining to table
1545 games at that location.

1546 (b) A licensee may not require any wager to be greater
1547 than the stated minimum or less than the stated maximum.
1548 However, any wager actually made by a patron and not rejected
1549 by a licensee prior to the commencement of play shall be
1550 treated as a valid wager.

1551 §41-30-205. Complimentary service, gift, cash, or other
1552 item.

1553 (a) A gaming establishment licensee may not offer or
1554 provide any complimentary service, gift, cash, or other item
1555 of value to any patron, except under any of the following
1556 conditions:

1557 (1) The complimentary item consists of room, food,
1558 beverage, or entertainment expenses provided directly to a
1559 patron and his or her guests by the licensee or indirectly to
1560 a patron and his or her guests on behalf of the licensee by a
1561 third party.

1562 (2) The complimentary item consists of documented
1563 transportation expenses provided directly to a patron and his
1564 or her guests on behalf of a licensee by a third party,
1565 provided the licensee complies with the rules adopted by the
1566 commission to ensure that the documented transportation
1567 expenses of the patron and his or her guests are paid for or
1568 reimbursed only once.



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1569 (3) The complimentary item consists of coins, tokens,
1570 cash, or other complimentary items or services provided
1571 through any complimentary distribution program, the terms of
1572 which shall be filed with the commission upon implementation
1573 of the program or maintained pursuant to commission rule. Any
1574 change in the terms of a complimentary program shall be filed
1575 with the commission upon implementation of the change.

1576 (b) (1) Notwithstanding subsection (a), a gaming
1577 establishment licensee may offer and provide complimentary
1578 cash or non-cash gifts that are not otherwise included in that
1579 subsection to a patron; provided, however, any complimentary
1580 cash or non-cash gifts in excess of an amount per trip to be
1581 set by rule of the commission are supported by documentation
1582 regarding the reason the gift was provided to the patron and
1583 his or her guests, including, where applicable, the patron's
1584 player rating.

1585 (2) The documentation required under subdivision (1)
1586 shall be maintained by a licensee in accordance with
1587 commission rules. For purposes of this subsection, all gifts
1588 presented to a patron and a patron's guests directly by the
1589 licensee or indirectly on behalf of the licensee by a third
1590 party within any five-day period shall be considered to have
1591 been made during a single trip.

1592 §41-30-206. Prohibition on participation by minors.

1593 (a) An individual under 21 years of age may not play or
1594 engage in any casino-style games.

1595 (b) This section does not prohibit individuals under 21
1596 years of age from being allowed on the premises of a gaming



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1597 establishment where licensed gaming activity is being
1598 conducted, so long as those individuals are restricted to
1599 areas of the gaming establishment in which casino-style gaming
1600 activity is not being conducted.

1601 (c) An individual who is under 21 years of age but 18
1602 or more years of age may be employed at a gaming establishment
1603 in a non-gaming area of the gaming establishment. The
1604 individual may not serve alcoholic beverages.

1605 (d) The commission shall adopt rules to implement and
1606 administer this section.

1607 §41-30-207. Required reports.

1608 The holder of a gaming establishment license shall
1609 maintain daily records showing the gross receipts and adjusted
1610 gross receipts of the licensed activities and shall timely
1611 file with the commission any additional reports required by
1612 the commission by rule.

1613 Article 6. Sports wagering.

1614 §41-30-250. Sports wagering license required.

1615 (a) Sports wagering activities in every form, including
1616 by physical, electronic, or other means, may only be operated,
1617 carried on, conducted, maintained, or exposed for play in this
1618 state in accordance with this article and rules adopted
1619 thereunder.

1620 (b) A person desiring to operate, carry on, conduct,
1621 maintain, or expose for play sports wagering activities in
1622 this state shall apply for a sports wagering license from the
1623 commission.

1624 (c) Nothing in this article shall authorize any online



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1625 casino-style gaming activities or other in-person or online
1626 gaming activities, including lottery games, except sports
1627 wagering.

1628 §41-30-251. Sports wagering license application.

1629 (a) An applicant for licensure under this article shall
1630 submit an application on a form in a manner as required by the
1631 commission. The commission shall by rule establish an
1632 application fee that must be paid as an application
1633 requirement. The application shall include all of the
1634 following with respect to the applicant:

1635 (1) The names of each principal owner and investor.

1636 (2) Information, documentation, and assurances, as
1637 prescribed by rule of the commission, that may be required to
1638 establish the good character, honesty, and integrity of the
1639 principal owners and investors of the applicant and its gaming
1640 employees.

1641 (3) Notice and a description of all civil judgments
1642 obtained against the applicant.

1643 (4) A list of all jurisdictions where the applicant has
1644 conducted sports wagering operations.

1645 (5) Information, documentation, and assurances
1646 concerning the financial background and resources as may be
1647 required to establish the financial stability, integrity, and
1648 responsibility of the applicant, including, but not limited
1649 to, bank references, business and personal income and
1650 disbursement schedules, tax returns and other reports filed
1651 with governmental agencies, and business and personal
1652 accounting and check records and ledgers. To meet the



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1653 requirements of this subdivision, each applicant, in writing,
1654 shall authorize the examination of all bank accounts and
1655 related records as may be deemed necessary by the commission.
1656 The commission may consider any relevant evidence of financial
1657 stability. The applicant shall be presumed to be financially
1658 stable if the applicant establishes that it meets each of the
1659 following:

1660 a. The ability to assure the financial integrity of
1661 sports wagering operations by the maintenance of a bankroll or
1662 equivalent provisions adequate to pay winning wagers to
1663 bettors when due. An applicant is presumed to have met this
1664 standard if the applicant maintains, on a daily basis, a
1665 bankroll and equivalent provisions in an amount that is at
1666 least equal to the average daily minimum bankroll or
1667 equivalent provisions, calculated on a monthly basis, for the
1668 corresponding month in the previous year.

1669 b. The ability to meet ongoing operating expenses that
1670 are essential to the maintenance of continuous and stable
1671 sports wagering operations.

1672 c. The ability to pay, as and when due, all state and
1673 federal taxes.

1674 (6) If an applicant has not previously been engaged in
1675 business operations prior to applying for licensure, documents
1676 that establish that the applicant has made sufficient
1677 arrangements to fund its proposed sports wagering operations.

1678 (7) Information, documentation, and assurances as may
1679 be required to establish that the applicant has sufficient
1680 business ability and gaming experience as to establish the



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1681 likelihood of the creation and maintenance of a successful,
1682 efficient sports wagering operation.

1683 (8) Information, as required by rule of the commission,
1684 regarding the financial standing of the applicant, including,
1685 but not limited to, a listing of each individual or entity
1686 that has provided loans or financing to the applicant.

1687 (9) If the applicant intends to offer sports wagering
1688 through an online sports wagering platform, copies of any
1689 contracts with the online sports wagering platforms and any
1690 other information requested by the commission relating to the
1691 contract.

1692 (10) A nonrefundable application fee to be set by the
1693 commission by rule. If the application is approved, the
1694 application fee shall be applied to the initial license fee
1695 provided under Section 41-30-252.

1696 (11) Any additional information required by the
1697 commission by rule.

1698 (b) The executive director shall review each
1699 application for licensure. The executive director shall report
1700 in writing his or her findings to the members of the
1701 commission, detailing the information supporting the
1702 determination, including a formal finding of whether the
1703 applicant is recommended for licensure.

1704 (c) The commission shall approve or deny the license
1705 application by majority vote of the members of the commission
1706 within a reasonable time after receipt of the application.

1707 (d) Each person holding a license under this article
1708 has a continuing duty to immediately inform the commission of



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1709 any material change in status relating to any information that
1710 may disqualify the person from holding the license.

1711 §41-30-252. Sports wagering license fee.

1712 The license fee for a sports wagering license issued
1713 pursuant to Section 41-30-251 shall be for an amount and term
1714 of years to be determined by the commission by rule based on
1715 market factors and conditions and industry standards.

1716 §41-30-253. In-person and online sports wagering
1717 license.

1718 (a) The commission may issue licenses authorizing a
1719 licensee to operate, carry on, conduct, maintain, or expose
1720 for play sports wagering activities as follows:

1721 (1) The commission may issue to a gaming establishment
1722 licensee one in-person sports wagering license that authorizes
1723 the licensee to conduct in-person sports wagering on the
1724 premises of the licensee's gaming establishment.

1725 (2) The commission may issue an online sports wagering
1726 license to an applicant that authorizes the licensee to
1727 conduct sports wagering activities through an individually
1728 branded sports wagering platform website and through an
1729 associated mobile application bearing the same brand name.

1730 (b) The commission shall adopt rules prescribing a
1731 minimum and maximum number of online sports wagering licenses
1732 that may be issued. It is the intent of the Legislature that
1733 the number of licenses awarded foster a competitive
1734 environment.

1735 §41-30-254. Promotional credits.

1736 Sports wagering licensees may provide promotional



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1737 credits, incentives, bonuses, or similar benefits designed to
1738 induce sports bettors to wager. The commission shall adopt
1739 rules to govern this section.

1740 §41-30-255. Prohibited sports wagering activities.

1741 (a) A sports wagering licensee may not conduct any
1742 sports wagering activities on any public or private K-12
1743 school or other amateur youth sports or athletic events.

1744 (b) A sports wagering licensee may not authorize any
1745 individual under 21 years of age to engage in any sports
1746 wagering activities. A sports wagering platform may satisfy
1747 this requirement by using any reasonable commercially
1748 available age-verification software or program.

1749 (c) The commission shall adopt rules to implement and
1750 administer this section, including uniform civil penalties for
1751 a violation.

1752 §41-30-256. Deposit of fees.

1753 All fees collected under this article shall be
1754 deposited into the Gaming Trust Fund pursuant to Section
1755 41-30-453.

1756 §41-30-257. Required reports.

1757 The holder of a sports wagering license shall maintain
1758 daily records showing the gross receipts and adjusted gross
1759 receipts of the licensed activities and shall timely file with
1760 the commission any additional reports required by the
1761 commission by rule.

1762 §41-30-258. Rulemaking authority.

1763 The commission shall adopt rules governing the
1764 licensing, administration, and conduct of sports wagering,



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1765 which shall include all of the following:

1766 (1) Qualifications and conditions of licenses issued
1767 for the operation of sports wagering either in person or
1768 online.

1769 (2) The acceptance of wagers on a sporting event or a
1770 series of sporting events and acceptable forms of payment and
1771 advance deposit methods by patrons.

1772 (3) The method of accounting to be used by sports
1773 wagering licensees, including the types of records that shall
1774 be maintained by the licensee.

1775 (4) Protections for patrons placing wagers, including
1776 requirements to ensure responsible gaming.

1777 §41-30-259. Interstate sports wagering agreements.

1778 The commission may enter into sports wagering
1779 agreements with other states and jurisdictions to authorize
1780 individuals who are physically located in a signatory
1781 jurisdiction to participate in sports wagering activities.

1782 §41-30-260. Temporary sports wagering permit.

1783 (a) Notwithstanding any provision of this chapter to
1784 the contrary, the commission may award a temporary sports
1785 wagering permit to the operator of a racetrack for a live
1786 motor sports race event the attendance of which includes, on
1787 average, an estimated 60,000 or more individuals.

1788 (b) The temporary permit shall generally be valid for
1789 three consecutive calendar days; provided, the commission, by
1790 rule, may authorize limited exceptions to extend the number of
1791 calendar days if a race is canceled or delayed due to weather
1792 or other circumstances.



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1793 (c) The temporary permit shall authorize the operator
1794 of the racetrack to conduct in-person sports wagering on race
1795 events at the racetrack.

1796 (d) The commission, by rule, shall establish the
1797 temporary sports wagering permit fee. All fees collected by
1798 the commission under this section shall be deposited into the
1799 Gaming Trust Fund.

1800 Article 7. Charitable games.

1801 §41-30-300. Permit required.

1802 (a) Notwithstanding any provision of this chapter, a
1803 person desiring to conduct a traditional raffle or traditional
1804 bingo for charity fundraising shall apply to the commission
1805 for a charity fundraising permit under this article.

1806 (b) A permit issued under this article shall be valid
1807 for the duration of a single fundraising event described in
1808 the application.

1809 (c) The applicant shall pay a reasonable fee, not to
1810 exceed twenty-five dollars (\$25), for the charity fundraising
1811 permit, to be established by the commission by rule.

1812 (d) The fair market or cash value of any prize awarded
1813 pursuant to a charitable game conducted pursuant to this
1814 article may not exceed ten thousand dollars (\$10,000).

1815 (e) The commission shall adopt rules relating to the
1816 conduct, operation, and reporting requirements of permitted
1817 charitable games conducted under this article, including the
1818 production of a form for submission of applications for a
1819 permit under this article.

1820 (f) A person issued a permit under this article shall



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1821 comply with all rules adopted by the commission.

1822 (g) The commission shall ensure that a permit may only
1823 be awarded only to a bona fide charitable organization, as
1824 defined under Section 41-30-2, acting as an amateur fundraiser
1825 that is raising money for charitable purposes only.

1826 (h) All fees collected under this section shall be
1827 remitted to the Gaming Trust Fund.

1828 §41-30-301. Application for charitable fundraising
1829 permit.

1830 (a) The commission shall issue a charitable fundraising
1831 permit to an applicant who meets all of the requirements of
1832 this section.

1833 (b) An applicant for a charitable fundraising permit
1834 shall submit to the commission a sworn application in writing
1835 containing all of the following:

1836 (1) The name, address, and nature of the organization.

1837 (2) Proof, in a manner sufficient to the commission, to
1838 establish that the organization meets the definition of
1839 "charitable organization" as defined in this chapter.

1840 (3) The names of the officers or principals of the
1841 organization, and of any person responsible for the
1842 management, administration, or supervision of the
1843 organization's charitable game and associated activities.

1844 (4) An affirmation that the charitable game is to be
1845 conducted for a charitable purpose.

1846 (5) A description of any prize offered to be awarded
1847 for participation in the charitable game, including the cash
1848 or fair market value of the prize, and the names of any person



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1849 who donated or otherwise provided the prize.

1850 (6) A description of the intended use of any net gaming
1851 proceeds of the charitable game operated by the organization.

1852 (7) Any other information necessary to maintain the
1853 integrity of the authorized gaming activities conducted within
1854 the state at the sole discretion of the commission.

1855 (c) At the conclusion of a charitable game, the
1856 charitable organization shall file a sworn financial report on
1857 the charitable game, stating both of the following:

1858 (1) The expenses incurred in the operation of the
1859 charitable game.

1860 (2) The amount and use of the net proceeds of the
1861 charitable game.

1862 (d) The commission shall adopt rules providing for an
1863 online or other convenient method to register a traditional
1864 raffle or traditional bingo conducted pursuant to this
1865 article.

1866 §41-30-302. Prohibited activities.

1867 (a) A charitable game permitted under this article may
1868 not be operated out of this state or through the use of a
1869 video lottery terminal or any other mechanical,
1870 electromechanical, or other electronic device or machine that
1871 performs all the functions of a lottery by itself when
1872 networked with other similar devices or machines.

1873 (b) All traditional raffle ticket sales shall be
1874 limited to individuals who are physically located in this
1875 state at the time of purchase.

1876 (c) A permit holder under this article may not do



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1877 either of the following:

1878 (1) Compensate any person for the provision of supplies
1879 or prizes used in the operation of a charitable game, except
1880 to pay the actual fair market value of the prizes or supplies
1881 necessary for the operation of the charitable game.

1882 (2) Provide any additional compensation to an
1883 individual who is a regular employee of the organization for
1884 the individual's services in organizing or operating a
1885 charitable game.

1886 §41-30-303. Penalties.

1887 A person who knowingly violates this article shall be
1888 guilty of a Class C misdemeanor.

1889 Article 8. Social gaming.

1890 §41-30-350. Social gaming authorized.

1891 (a) There is no license requirement or tax levied on a
1892 social game that meets all of the following requirements, and
1893 such games are deemed lawful activity:

1894 (1) The game takes place pursuant to a bona fide social
1895 or employment relationship.

1896 (2) No person makes a profit or any other gain for
1897 operating or facilitating the game, except for an individual's
1898 winnings as a player.

1899 (3) The game is not tangential to any commercial
1900 activity.

1901 (4) The game is not played or operated with any gaming
1902 equipment, including any electronic form of bingo or a slot
1903 machine.

1904 (5) Each player competes on equal terms with one



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1905 another.

1906 (6) The game is not operated through a sports wagering
1907 platform.

1908 (7) The game is not a casino-style game, as defined
1909 under Section 41-30-2.

1910 (b) The commission may adopt rules to interpret the
1911 definition of social gaming and to implement and administer
1912 this section.

1913 Article 9. Alabama Lottery Corporation.

1914 §41-30-400. Accountability of the Alabama Lottery
1915 Corporation.

1916 The Legislature recognizes that the operations of a
1917 state lottery are unique activities for state government and
1918 that a corporate structure will best enable the lottery to be
1919 managed in an entrepreneurial and business-like manner. It is
1920 the intent of the Legislature that the Alabama Lottery
1921 Corporation shall be accountable to the Governor, the
1922 Legislature, and the people of the State of Alabama through a
1923 system of audits, reports, and disclosures as required by this
1924 article.

1925 §41-30-401. Definitions.

1926 As used in this article, the following words have the
1927 following meanings:

1928 (1) BOARD. The Alabama Lottery Corporation Board of
1929 Directors.

1930 (2) CORPORATION. The Alabama Lottery Corporation.

1931 (3) FISCAL YEAR. The fiscal year used by the State of
1932 Alabama government.



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1933 (4) INSTANT TICKET. A lottery game in which a player
1934 scratches or otherwise removes anything overlaying words or
1935 symbols to determine if the player has won, as indicated by
1936 the symbols and words that are displayed.

1937 (5) LOTTERY or LOTTERY GAME. As defined in Section
1938 41-30-2.

1939 (6) LOTTERY RETAILER. Any person with whom the
1940 corporation has contracted to sell lottery tickets to the
1941 public.

1942 (7) MAJOR PROCUREMENT. Any item, product, or service in
1943 the amount of one million dollars (\$1,000,000) or more,
1944 including, but not limited to, major advertising contracts,
1945 annuity contracts, prizes, products, and services unique to
1946 the state lottery.

1947 (8) NET PROCEEDS. Gross lottery revenues, minus amounts
1948 paid as prizes and expenses, of the operation of the lottery.

1949 (9) PERSON. Any individual, corporation, partnership,
1950 unincorporated association, or other legal entity.

1951 (10) PRESIDENT. The president and chief executive
1952 officer of the Alabama Lottery Corporation.

1953 (11) SECURITY. The protection of information that would
1954 provide an unfair advantage to any individual involved in the
1955 operation of the lottery; the protection and preservation of
1956 the integrity of lottery games and operations; and the
1957 measures taken to prevent crimes against the corporation and
1958 its retailers.

1959 (12) VENDOR. Any person who has entered into a contract
1960 with the corporation.



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1961 §41-30-402. Administration of the state lottery.

1962 (a) There is created a state lottery. The lottery shall
1963 be administered by a corporation to be known as the Alabama
1964 Lottery Corporation. The corporation shall be managed in a
1965 manner that enables the people of the State of Alabama to
1966 benefit from its profits and to ensure the integrity of the
1967 lottery.

1968 (b) The existence of the corporation shall begin upon
1969 the appointment of all seven members of the board as provided
1970 in Section 41-30-403.

1971 (c) The corporation shall be domiciled in the State of
1972 Alabama. The exclusive venue for any action or matter against
1973 the corporation arising out of or in connection with the
1974 issuance, nonissuance, delivery, or failure to deliver a
1975 lottery ticket or payment or nonpayment of a lottery prize in
1976 the county in which its corporate headquarters is located, and
1977 the circuit court for that county shall have exclusive
1978 jurisdiction over the action or matter. For purposes of the
1979 assessment of court costs only, the corporation shall be a
1980 private corporation.

1981 §41-30-403. Administration of the affairs of the
1982 Alabama Lottery Corporation.

1983 (a) The affairs of the corporation shall be
1984 administered by the Alabama Lottery Corporation Board of
1985 Directors. The board shall be composed of seven voting members
1986 appointed by the Governor with the advice and consent of the
1987 Senate. In addition, the Commissioner of Revenue and the State
1988 Treasurer shall serve as ex officio, nonvoting members.



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1989 (b) The voting members of the board shall be residents
1990 of the State of Alabama and may not be serving as a public
1991 official, as that term is defined in Section 36-25-1. The
1992 Governor, when making appointments to the board, shall
1993 coordinate the appointments so that diversity of gender, race,
1994 and geographical area is reflective of the makeup of the
1995 state.

1996 (c) The initial appointees of the board shall serve
1997 staggered terms as follows: (i) One term shall expire after
1998 one year; (ii) one term shall expire after two years; (iii)
1999 one term shall expire after three years; (iv) one term shall
2000 expire after four years; and (v) one term shall expire after
2001 five years. After the expiration of the initial terms, members
2002 of the board shall serve for terms of five years.

2003 (d) A member may serve beyond the end of his or her
2004 respective term until a successor has been appointed and
2005 confirmed by the Senate. No member may serve more than two
2006 consecutive five-year terms. Members serve at the pleasure of
2007 the Governor. The board shall elect a chair from among its
2008 voting members. As near as practical, the board chair shall
2009 serve a term of two years.

2010 (e) Appointed members of the board shall be entitled to
2011 per diem compensation paid by the corporation and shall be
2012 reimbursed by the corporation for necessary travel and other
2013 reasonable expenses incurred in the performance of their
2014 official duties. Members of the board shall not have any
2015 direct or indirect interest in an undertaking that puts their
2016 personal interest in conflict with that of the corporation,



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2017 including, but not limited to, an interest in a major
2018 procurement contract or a participating retailer.

2019 (f) The board, upon the initial call of the Governor
2020 and the chair thereafter, shall meet each month for the first
2021 18 months following the effective date of this act and at such
2022 other times as the chair may determine. Five voting members of
2023 the board shall constitute a quorum. The board shall also meet
2024 upon the call of five or more of the voting members of the
2025 board. The board shall keep accurate and complete records of
2026 all its meetings.

2027 (g) Meetings of the board shall be subject to the
2028 Alabama Open Meetings Act; provided that members of the
2029 commission may participate in a meeting of the commission in
2030 person, by means of telephone conference, video conference, or
2031 other similar communications equipment so that all individuals
2032 participating in the meeting may hear each other at the same
2033 time. Participation by any such means shall constitute
2034 presence in person at a meeting for all purposes, including
2035 for purposes of establishing a quorum, and the affirmative
2036 vote of a majority of the members in attendance shall be
2037 necessary for any action of the commission.

2038 §41-30-404. Inspection of records.

2039 All records of the corporation shall be deemed public
2040 records and subject to public inspection pursuant to the
2041 Alabama Public Records Act, Chapter 25A of Title 36, unless
2042 any of the following apply:

2043 (1) The record relates to or was provided by a
2044 confidential source or informant and relates to lottery



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2045 security, applicant, vendor, or retailer qualifications or
2046 conduct.

2047 (2) The record involves a trade secret of the
2048 corporation or of a vendor.

2049 (3) The record pertains to the internal security
2050 operations of the lottery or its lottery retailers or the
2051 record is of such a sensitive nature that its disclosure would
2052 endanger the security of the lottery or its lottery retailers,
2053 including, but not limited to, records containing security
2054 procedures, investigative techniques, or internal security
2055 information.

2056 (4) The record is covered by another exemption under
2057 federal or state law.

2058 §41-30-405. Appointment of president of the Alabama
2059 Lottery Corporation.

2060 (a)(1) From time to time, the board may appoint an
2061 individual to serve as president of the corporation. The
2062 president shall serve at the pleasure of the board.

2063 (2) The Governor may approve or disapprove the
2064 appointment within 30 days of notice of the appointment. If
2065 the Governor does not disapprove the appointment as prescribed
2066 in this subsection, the appointment shall be deemed approved.

2067 (b) The president shall manage the daily affairs of the
2068 corporation and shall have the powers and duties specified by
2069 the board and this chapter and any rules adopted thereunder.

2070 (c) The president may employ personnel as he or she
2071 deems necessary. All personnel shall serve at the will and
2072 pleasure of the president, unless otherwise specified by the



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2073 president.

2074 (d) Following his or her appointment and during his or
2075 her entire employment by the board, the president shall reside
2076 in this state.

2077 §41-30-406. Duties of the board.

2078 The board shall have the following powers and duties:

2079 (1) Approve, disapprove, amend, or modify the budget
2080 recommended by the president for the operation of the
2081 corporation.

2082 (2) Recommend rules for adoption to the Alabama Gaming
2083 Commission as necessary to carry out and implement the
2084 operations of the corporation, the conduct of lottery games in
2085 general, and any other matters necessary or desirable for the
2086 efficient and effective operation of the lottery or
2087 convenience of the public.

2088 (3) Establish the salary of the president.

2089 (4) Acquire and hold, in its own name, real property
2090 and improvements thereon by purchase, gift, lease, lease with
2091 the option to purchase, or other lawful means, except eminent
2092 domain, to carry out its duties; and transfer, sell, or convey
2093 real property and any improvements thereon. Any obligations
2094 created in connection with the purchase or improvement of real
2095 property shall not create debts, obligations, or liabilities
2096 of the State of Alabama.

2097 (5) Provide for the conduct of specific lottery games
2098 and operations, including, but not limited to, the following:

2099 a. The types of lottery games that may be conducted.

2100 b. The sale price of tickets.



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- 2101 c. The number and amount of prizes.
- 2102 d. The methods that shall be used in selling tickets
2103 for lottery games.
- 2104 e. The methods and location of selecting or validating
2105 winning tickets.
- 2106 f. The manner of payment of prizes.
- 2107 g. The frequency of games and drawings.
- 2108 h. The manner and amount of compensation to lottery
2109 retailers, except all compensation shall be uniform.
- 2110 i. Any other matters necessary to carry out this act
2111 and necessary for the efficient and effective operation of the
2112 lottery.
- 2113 (6) Conduct hearings upon receiving a complaint
2114 alleging a violation of this article or rules adopted by the
2115 corporation or as otherwise provided by this article.
- 2116 (7) Periodically review the performance of the
2117 corporation and advise the president and make recommendations
2118 regarding operations of the corporation and identify potential
2119 statutory improvements to this article, the rules of the
2120 corporation, and the management of the corporation.
- 2121 (8) Request from the corporation any information the
2122 board determines to be relevant to its duties.
- 2123 (9) Conduct and administer lottery games to result in
2124 maximization of revenues to the State of Alabama. The
2125 corporation, its employees, and the members of the board shall
2126 provide for the efficient and effective operation of lottery
2127 games, ensure the integrity of the lottery, and maintain the
2128 dignity of the state and the general welfare of its residents.



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2129 (10) Supervise and administer the lottery in accordance
2130 with this article and the rules adopted by the commission
2131 governing this article.

2132 (11) Submit quarterly and annual reports to the
2133 Governor, the Lieutenant Governor, the Speaker of the House of
2134 Representatives, the State Treasurer, the State Auditor, the
2135 Joint Legislative Committee on Performance Evaluation and
2136 Expenditure Review, the Alabama Gaming Commission, the
2137 Director of Finance, and the Commissioner of Revenue
2138 containing financial information and projections which
2139 include, but are not limited to, disclosure of gross revenues,
2140 expenses, and net proceeds for the period.

2141 (12) Establish a system of continuous internal audits.

2142 (13) Maintain weekly or more frequent records of
2143 lottery transactions, including distribution of tickets to
2144 lottery retailers, revenues received, claims for prizes,
2145 prizes paid, and all other financial transactions of the
2146 corporation.

2147 (14) Establish a code of ethics for officers and
2148 employees of the corporation to carry out the standards of
2149 conduct established by this article.

2150 (15) Establish guidelines for the disposal of lottery
2151 property if the corporation is dissolved.

2152 (16) Sue and be sued in its corporate name.

2153 (17) Adopt a corporate seal and a symbol.

2154 (18) Hold patents, copyrights, trademarks, and service
2155 marks and enforce its rights with respect thereto.

2156 (19) Register to do business in the State of Alabama



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2157 and appoint agents upon which process may be served.

2158 (20) Enter into written agreements with one or more
2159 other states or sovereigns for the operation, marketing, and
2160 promotion of a joint lottery or joint-lottery games.

2161 (21) Make, solicit, and request proposals and offers,
2162 and execute and effectuate any and all agreements or
2163 contracts, including, but not limited to:

2164 a. Contracts that provide for the placement of
2165 commercial advertising on tickets.

2166 b. Contracts for the purchase or lease of real property
2167 as are necessary for the operation and promotion of the
2168 lottery.

2169 c. Contracts or agreements necessary for the
2170 implementation, operation, and promotion of the lottery and
2171 this article.

2172 (22) Adopt bylaws and recommend the adoption of rules
2173 to the Alabama Gaming Commission as necessary to administer
2174 this article.

2175 §41-30-407. Duties and obligations of the president.

2176 (a) The president, as chief executive officer of the
2177 corporation, shall do all of the following:

2178 (1) Direct and supervise all administrative and
2179 technical activities in accordance with this article and the
2180 rules adopted by the commission governing this article.

2181 (2) Supervise and administer the operation of the
2182 corporation, the lottery, and its games.

2183 (3) Employ, manage, and direct the personnel of the
2184 corporation and its facilities and services as necessary to



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2185 implement this article.

2186 (4) Enter into contracts with lottery retailers.

2187 (5) Make available for inspection by the board or any
2188 member of the board, upon request, all books, records, files,
2189 and other information and documents of his or her office.

2190 (6) Advise and make recommendations to the board for
2191 the adoption of rules or other actions to improve the
2192 operation and administration of the lottery and the
2193 corporation.

2194 (7) Enter into any contract pursuant to this article
2195 with any person for the promotion and operation of the lottery
2196 or for the performance of any of the functions as provided in
2197 this article or rule of the commission unless the contract
2198 constitutes a major procurement. A major procurement shall
2199 require approval from the board.

2200 (8) Attend meetings of the board or appoint a designee
2201 to attend on his or her behalf.

2202 (9) Not later than 30 days before the beginning of the
2203 corporation's fiscal year, submit the proposed annual budget
2204 of the corporation and projected net proceeds to the board for
2205 review and approval.

2206 (10) Subject to the approval of the board, amend or
2207 modify the budget at any time in any manner deemed necessary
2208 for the proper operation of the corporation.

2209 (11) Require bond from employees of the corporation as
2210 he or she deems necessary; provided, the president shall
2211 require bond, in an amount determined by the board, from
2212 employees with access to corporate funds or lottery funds.



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2213 (12) For good cause, suspend, revoke, or refuse to
2214 renew any contract entered into in accordance with this
2215 article or rule of the commission.

2216 (13) Upon specific or general approval of the board,
2217 conduct hearings and administer oaths to persons for the
2218 purpose of assuring the security or integrity of lottery
2219 operations, or to determine the qualifications or compliance
2220 by vendors and lottery retailers.

2221 (14) Upon receiving specific or general approval of the
2222 board, enter into contracts with consultants and technical
2223 assistants as may be required to implement and administer this
2224 article.

2225 (15) By agreement, secure information, goods, and
2226 services as necessary from any department, agency, or unit of
2227 the federal, state, or local government. To the extent allowed
2228 by federal or state law or rule, the president may compensate
2229 the department, agency, or unit of government for its
2230 information, goods, and services.

2231 (16) Supervise ticket validation and lottery drawings.

2232 (17) For just cause and subject to the terms of a
2233 vendor contract, inspect the facilities of any vendor in order
2234 to determine the integrity of the vendor's product and in
2235 order to determine whether the vendor is in compliance with
2236 its contract.

2237 (18) Report any suspected violations of this article to
2238 the Gaming Enforcement Division and the local district
2239 attorney or the Attorney General.

2240 (19) Upon request, provide assistance to the Gaming



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2241 Enforcement Division, local district attorney, and the
2242 Attorney General during an investigation into a violation of
2243 this article.

2244 (b) The president and the board shall conduct an
2245 ongoing examination of the operation and administration of
2246 lotteries in other states and countries, including reviewing
2247 available literature on the subject; federal laws and
2248 regulations which may affect the operation of the lottery; and
2249 the reaction of residents of this state to existing or
2250 proposed features of lottery games with a view toward
2251 implementing improvements that will tend to serve the purposes
2252 of this article.

2253 (c) The president may also establish one or more market
2254 or equipment research centers for lottery products and may
2255 establish lottery player information centers.

2256 (d) There shall be no liability on the part of, and no
2257 cause of action shall arise against, the corporation or its
2258 governing board, staff, agents, vendors, or employees, arising
2259 out of or in connection with their duties and obligations as
2260 provided for under this article.

2261 §41-30-408. Exemption from state procurement law.

2262 (a) The corporation may purchase, lease, or
2263 lease-purchase any goods or services as necessary for
2264 implementing and administering this article.

2265 (b) The corporation shall be exempt from the
2266 requirements of the state procurement law, Article 5 of
2267 Chapter 4 of Title 41, Code of Alabama 1975, and the
2268 requirements of Chapter 16 of Title 41, relating to the design



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2269 and operation of the lottery or purchase of lottery equipment,
2270 tickets, and related materials.

2271 (c) The corporation may make procurements necessary for
2272 the function of the lottery, including procurements for the
2273 design of lottery games, the distribution of lottery tickets
2274 to lottery retailers, the supply of goods and services, and
2275 advertising. In all procurement decisions, the corporation
2276 shall take into account the particularly sensitive nature of
2277 the state lottery and shall promote and ensure security,
2278 honesty, fairness, and integrity in the operation and
2279 administration of the lottery and the objectives of raising
2280 net proceeds for the benefit of the state.

2281 §41-30-409. Agreements with other entities; exemption
2282 from Alabama Public Records Law.

2283 (a) The corporation may enter into intelligence
2284 sharing, reciprocal use, or restricted use agreements with the
2285 federal government, law enforcement agencies, lottery
2286 regulation agencies, and gaming enforcement agencies of other
2287 jurisdictions that provide for and regulate the use of
2288 information provided and received pursuant to the agreement.

2289 (b) Records, documents, and information in the
2290 possession of the corporation received pursuant to an
2291 intelligence sharing, reciprocal use, or restricted use
2292 agreement entered into by the corporation pursuant to
2293 subsection (a) shall be exempt from the Alabama Public Records
2294 Law of Chapter 13 of Title 41. The corporation may not release
2295 the record, document, or other information without the written
2296 permission of the person or agency providing the record or



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2297 information to the corporation.

2298 §41-30-410. Advertising.

2299 (a) The corporation may enter into one or more
2300 commercial advertising contracts with a person for the purpose
2301 of promoting the lottery and the sale of lottery tickets.

2302 (b) The board shall recommend rules for adoption to the
2303 Alabama Gaming Commission which shall govern any advertising
2304 conducted pursuant to this section.

2305 §41-30-411. Criminal background checks.

2306 (a) The Alabama State Bureau of Investigation shall
2307 perform a criminal background check on potential vendors,
2308 including potential lottery retailers and potential employees
2309 of the corporation.

2310 (b) The required criminal background check shall be
2311 conducted prior to the finalization of any contract with a
2312 potential vendor or prior to the employment of any potential
2313 employee.

2314 (c) The corporation shall reimburse the Alabama State
2315 Bureau of Investigation for the actual costs of conducting the
2316 criminal background investigations.

2317 §41-30-412. Sale to minors; penalty, affirmative
2318 defense.

2319 (a) Any person who knowingly sells a lottery ticket to
2320 an individual under 18 years of age or permits an individual
2321 under 18 years of age to play a lottery game shall be guilty
2322 of a Class C misdemeanor and fined as follows:

2323 (1) On a first violation, not less than one hundred
2324 dollars (\$100) nor more than five hundred dollars (\$500).



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2325 (2) On a subsequent offense, not less than two hundred
2326 dollars (\$200) nor more than one thousand dollars (\$1,000).

2327 (b) It shall be an affirmative defense to a charge of
2328 violating this section that the retailer reasonably and in
2329 good faith relied upon presentation of proof of age in making
2330 the sale.

2331 §41-30-413. Claiming a prize.

2332 (a) The proceeds of any lottery prize of six hundred
2333 dollars (\$600) or more shall be subject to state and federal
2334 income tax withholding laws, as applicable. To claim a lottery
2335 prize of six hundred dollars (\$600) or more, an individual
2336 holding a winning lottery ticket must provide to the
2337 corporation the individual's name, address, and any other
2338 information required by rule of the Department of Revenue. The
2339 Department of Revenue shall adopt rules governing the
2340 administration of this subsection.

2341 (b) The corporation shall withhold any attachments,
2342 garnishments, or executions authorized and issued pursuant to
2343 law if timely served upon the process agent of the
2344 corporation.

2345 (c) The board shall adopt policies and procedures to
2346 establish a system of verifying the validity of tickets or
2347 shares claimed to win prizes and to effect payment of those
2348 prizes, subject to the following conditions:

2349 (1) No prize, portion of a prize, or right of a person
2350 to a prize shall be assignable. Any prize, or portion thereof,
2351 remaining unpaid at the death of a prizewinner shall be paid
2352 to the estate of the deceased prizewinner or to the trustee of



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2353 a trust established by the deceased prizewinner if a copy of
2354 the trust document or instrument has been filed with the
2355 corporation, along with a notarized letter of direction from
2356 the deceased prizewinner, and no written notice of revocation
2357 has been received by the corporation prior to the deceased
2358 prizewinner's death. Following a deceased prizewinner's death
2359 and prior to any payment to a trustee, the corporation shall
2360 obtain from the trustee and each trust beneficiary a written
2361 agreement to indemnify and hold the corporation harmless with
2362 respect to any claims that may be asserted against the
2363 corporation arising from payment to or through the trust.

2364 (2) No prize shall be paid arising from a claimed
2365 ticket that is stolen, counterfeit, altered, fraudulent,
2366 unissued, produced or issued in error, unreadable, not
2367 received, unclaimed or not recorded by the corporation within
2368 the applicable deadline, lacking in captions that conform and
2369 agree with the play symbols as appropriate to the lottery game
2370 involved, or not in compliance with any additional specific
2371 rules and public or confidential validation and security tests
2372 of the corporation appropriate to the particular lottery game
2373 involved.

2374 (3) No particular prize in any lottery game shall be
2375 paid more than once, and in the event of a determination by
2376 the corporation or a court that more than one claimant is
2377 entitled to a particular prize, the sole remedy of the
2378 claimants shall be to award to each of them an equal share in
2379 the prize.

2380 (4) A holder of a winning ticket from an Alabama



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2381 lottery game or from a multi-state or multi-jurisdiction
2382 lottery game shall claim a prize within the timeframe provided
2383 for by rule of the board. If a valid claim is not made for a
2384 prize within the applicable period, the prize shall constitute
2385 an unclaimed prize for purposes of this section.

2386 (5) The corporation shall not disclose the identity of
2387 the person holding a winning lottery ticket where the prize
2388 amount is in excess of one million dollars (\$1,000,000)
2389 without that person's written permission.

2390 (6) No prize shall be paid upon a lottery ticket
2391 purchased or sold in violation of this article or rule adopted
2392 thereunder. A lottery ticket purchased or sold in violation of
2393 this article or rule adopted thereunder shall constitute an
2394 unclaimed prize for purposes of this section.

2395 (d) Unclaimed prize money shall not constitute net
2396 lottery proceeds. Unclaimed prize money shall be held in trust
2397 by the corporation and used as provided in this section.
2398 Annually, the corporation shall distribute a portion of
2399 unclaimed prize money, not to exceed two hundred thousand
2400 dollars (\$200,000) each year, to the State General Fund to the
2401 credit of the Department of Mental Health for the treatment of
2402 compulsive gambling disorder and educational programs related
2403 to the disorder. In addition, unclaimed prize money may be
2404 added to the pool from which future prizes are to be awarded
2405 or used for special prize promotions.

2406 (e) The corporation is discharged of all liability upon
2407 payment of a prize.

2408 (f) No ticket shall be purchased by and no prize shall



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2409 be paid to any of the following persons:

2410 (1) Any member of the board.

2411 (2) Any member, officer, or employee of the Alabama
2412 Gaming Commission.

2413 (3) Any officer or employee of the corporation.

2414
2415 (4) Any spouse, child, brother, sister, or parent

2416 residing as a member of the same household in the principal
2417 place of abode of any individual listed in this subsection.

2418 §41-30-414. Withholding of lottery prizes of persons
2419 who have outstanding child support arrearages or debts owed to
2420 the state.

2421 (a) (1) The board shall coordinate with the Department
2422 of Human Resources to recommend rules for adoption to the
2423 Alabama Gaming Commission providing for the withholding of
2424 lottery prizes of individuals who have outstanding child
2425 support arrearages as reported to the corporation, beginning
2426 at prize levels to be determined by the board. The rules may
2427 require any agency reporting current child support arrearages
2428 to the corporation to provide information relating to the
2429 arrearages in a manner, format, or record approved by the
2430 corporation.

2431 (2) The corporation shall not be liable for withholding
2432 a lottery prize based upon child support arrearage information
2433 provided to the corporation.

2434 (b) (1) The corporation shall withhold any lottery prize
2435 of an individual who has had a delinquent debt claim reported
2436 by a state agency or a political subdivision of the state. The



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2437 Department of Revenue and the corporation shall cooperate to
2438 implement this section.

2439 (2) The corporation shall not be liable for withholding
2440 a lottery prize based upon a delinquent debt claim provided to
2441 it by the Department of Revenue.

2442 (3) The commission shall adopt rules to implement this
2443 subsection.

2444 §41-30-415. Monies received from the sale of lottery
2445 tickets; creation of funds.

2446 (a) There is established in the State Treasury the
2447 Lottery Proceeds Fund. All lottery proceeds received by the
2448 corporation, including all monies from the sale of lottery
2449 tickets and all other sources of revenue, shall be deposited
2450 into the fund. All lottery proceeds shall be the property of
2451 the corporation.

2452 (b) The corporation shall use monies in the fund to
2453 first pay for its reasonable operating expenses, second for
2454 the payment of prize money, and all remaining funds shall be
2455 transferred to the Lottery for Education Fund as provided
2456 under subsection (c). The corporation shall endeavor to
2457 maximize the amount of revenues that may be generated for
2458 deposit into the Lottery for Education Fund.

2459 (c) (1) The Lottery for Education Fund is established in
2460 the State Treasury.

2461 (2) On or before the twentieth day of each month, the
2462 corporation shall transfer, from the Lottery Proceeds Fund to
2463 the Lottery for Education Fund, the amount of all net proceeds
2464 described in subsection (b). Upon their deposit into the



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2465 Lottery for Education Fund, any monies representing net
2466 proceeds shall become the unencumbered property of the State
2467 of Alabama and the corporation shall have no power to agree or
2468 undertake otherwise. The monies shall be invested by the State
2469 Treasurer in accordance with state investment practices.

2470 §41-30-416. Funding of the corporation.

2471 (a) The corporation may enter into contracts to incur
2472 debt in its own name and enter into financing agreements with
2473 the state, agencies, or instrumentalities of the state, or
2474 with any commercial bank or credit provider. Any contract or
2475 financing agreement entered into pursuant to this subsection
2476 must be approved by the Finance Director of the Department of
2477 Finance. Any obligations created in connection with any
2478 contracts or financing agreements entered into pursuant to
2479 this section shall solely and exclusively be obligations of
2480 the corporation and shall not create debts, obligations, or
2481 liabilities of the State of Alabama.

2482 (b) The corporation shall be self-sustaining and
2483 self-funded. Monies in the State General Fund shall not be
2484 used or obligated to pay the prizes of the lottery, and no
2485 claim for the payment of an expense of the lottery or prizes
2486 of the lottery may be made against any monies other than
2487 monies credited to the Lottery Proceeds Fund.

2488 §41-30-417. Selection and maintenance of statewide
2489 network of lottery retailers.

2490 (a) The corporation shall develop and maintain a
2491 statewide network of lottery retailers that will serve the
2492 public convenience and promote the sale of lottery tickets,



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2493 while ensuring the integrity of the lottery operations, games,
2494 and activities.

2495 (b) A lottery game may not be played except as
2496 authorized by general law and rules adopted by the commission.
2497 A lottery game may not be operated through the use of a video
2498 lottery terminal or any other mechanical, electromechanical,
2499 or other electronic device or machine that performs all the
2500 functions of a lottery by itself when networked with other
2501 similar devices or machines.

2502 (c) A lottery ticket may not be sold except by a
2503 licensed lottery retailer in accordance with general law and
2504 rules adopted by the commission.

2505 §41-30-418. Selection of lottery retailers.

2506 (a) To govern the selection of lottery retailers, the
2507 board shall recommend rules for adoption to the Alabama Gaming
2508 Commission which shall provide a list of objective criteria
2509 upon which the selection of lottery retailers shall be based.
2510 The criteria shall include, but not be limited to, the
2511 following with regard to the applicant:

2512 (1) Financial responsibility.

2513 (2) Location and security of place of business or
2514 activity.

2515 (3) Character, integrity, and reputation.

2516 (4) Whether the applicant is current in the filing of
2517 all applicable tax returns and the payment of all applicable
2518 taxes, interest, and penalties owed to the state or any
2519 political subdivision thereof, excluding items under formal
2520 appeal.



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2521 (b) No person shall be selected as a lottery retailer
2522 for the sale of lottery tickets if the person has done any of
2523 the following:

2524 (1) Has been convicted of a criminal offense related to
2525 the security or integrity of the lottery in this state or any
2526 other jurisdiction.

2527 (2) Has been convicted of any illegal gambling
2528 activity, false statements, false swearing, or perjury in this
2529 state or any other jurisdiction.

2530 (3) Has been convicted of any felony in this state,
2531 unless more than five years have elapsed from the date of the
2532 individual's release from incarceration without a subsequent
2533 conviction of a crime described in this subsection.

2534 (4) Has been found to have violated this chapter or any
2535 rule adopted under this chapter, unless either 10 or more
2536 years have passed since the violation, or the president and
2537 the board find the violation both minor and unintentional in
2538 nature.

2539 (5) Is a vendor or an employee or agent of any vendor
2540 doing business with the corporation.

2541 (6) Resides in the same household as an officer or
2542 board member of the corporation.

2543 (7) Has knowingly made a false statement of material
2544 fact to the corporation.

2545 (c) The board shall not consider the applicant's
2546 political affiliation, political activities, or monetary
2547 contributions to political organizations or candidates for any
2548 public office.



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2549 §41-30-419. Cancellation, denial, revocation,
2550 suspension, renewal rejection, or termination of contract with
2551 lottery retailer.

2552 (a) Any contract executed by the corporation with a
2553 lottery retailer pursuant to this article shall specify the
2554 reasons for which any contract may be canceled, denied,
2555 revoked, suspended, renewal rejected, or terminated by the
2556 corporation, including, but not limited to, the following:

2557 (1) Violation of this article or a rule adopted
2558 thereunder.

2559 (2) Failure to accurately account for lottery tickets,
2560 revenues, or prizes as required by this article and rules
2561 adopted thereunder.

2562 (3) Commission of any fraud, deceit, or
2563 misrepresentation.

2564 (4) Insufficient sale of tickets.

2565 (5) Conduct prejudicial to public confidence in the
2566 lottery.

2567 (6) Filing for or being placed in bankruptcy or
2568 receivership.

2569 (7) Any material change in any matter considered by the
2570 corporation in executing the contract with the lottery
2571 retailer.

2572 (8) Failure to meet any of the objective criteria
2573 established by the board pursuant to this article.

2574 (b) (1) Following a public hearing on the matter, if the
2575 president determines that the cancellation, denial,
2576 revocation, suspension, rejection of renewal, or termination



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2577 of a lottery retailer contract is in the best interest of the
2578 lottery, the public welfare, or the State of Alabama, the
2579 president may cancel, deny, revoke, suspend, reject the
2580 renewal, or terminate the contract.

2581 (2) Notwithstanding subdivision (1), the president may
2582 temporarily suspend for not more than 60 consecutive calendar
2583 days any lottery retailer contract without prior notice,
2584 pending any investigation, prosecution, and public hearing.

2585 §41-30-420. Treatment of lottery proceeds by lottery
2586 retailers; insolvency.

2587 (a) (1) All proceeds from the sale of lottery tickets
2588 received by a lottery retailer shall be held in trust by the
2589 lottery retailer until paid to the corporation either directly
2590 or through the corporation's authorized collection
2591 representative.

2592 (2) A lottery retailer shall have a fiduciary duty to
2593 preserve and account for lottery proceeds and shall be
2594 personally liable for the lottery proceeds.

2595 (3) Lottery proceeds shall include unsold instant
2596 tickets received by a lottery retailer, cash proceeds of the
2597 sale of any lottery products, the net amount of allowable
2598 sales commissions, and credit for lottery prizes to winners by
2599 lottery retailers.

2600 (4) Sales proceeds and unused instant tickets shall be
2601 delivered to the corporation or its authorized collection
2602 representative upon demand.

2603 (b) (1) The board shall require each lottery retailer to
2604 place all lottery proceeds due the corporation in a bank



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2605 account in an institution insured by the Federal Deposit
2606 Insurance Corporation not later than the close of the next
2607 banking day after the date of collection by the lottery
2608 retailer until the date the proceeds are paid over to the
2609 corporation.

2610 (2) Each lottery retailer shall establish a separate
2611 bank account for lottery proceeds. The lottery proceeds shall
2612 be kept separate and apart from all other funds and assets and
2613 shall not be commingled with any other funds or assets.

2614 (c) A lottery retailer shall receive seven percent of
2615 the sales of lottery tickets sold by the lottery retailer.

2616 (d) Whenever any individual who receives proceeds from
2617 the sale of lottery tickets in the capacity of a lottery
2618 retailer becomes insolvent, or dies insolvent, the proceeds
2619 due the corporation from the individual or his or her estate
2620 shall have preference over all other debts or demands.

2621 §41-30-421. Illegal lottery devices prohibited.

2622 (a) A lottery retailer or agent, associate, employee,
2623 or representative of a lottery retailer may not allow any
2624 illegal lottery device to be on the licensed premises of the
2625 lottery retailer. For purposes of this section, an illegal
2626 lottery device is any machine or other device that sells
2627 lottery tickets or otherwise participates in a lottery not
2628 approved by the corporation.

2629 (b) The corporation may assess a fine against a lottery
2630 retailer who violates this section, as follows:

2631 (1) For a first offense, a fine of not less than one
2632 hundred dollars (\$100) nor more than five hundred dollars



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2633 (\$500).

2634 (2) For a subsequent offense, a fine of not less than
2635 two hundred dollars (\$200) nor more than one thousand dollars
2636 (\$1,000). In addition, the corporation may suspend, revoke, or
2637 take other disciplinary action against the lottery retailer
2638 license of the lottery retailer.

2639 §41-30-422. Sale to minors prohibited.

2640 (a) A lottery retailer or agent, associate, employee,
2641 or representative of a lottery retailer may not sell a lottery
2642 ticket to any individual unless the individual submits any one
2643 of the following forms of identification to establish that the
2644 individual is 18 years of age or older:

2645 (1) A valid and current Alabama driver license
2646 containing a photograph of the individual presenting the
2647 driver license.

2648 (2) A valid and current driver license of another state
2649 containing a photograph of the individual presenting the
2650 driver license.

2651 (3) A valid and current nondriver identification card
2652 issued by the State of Alabama containing a photograph of the
2653 individual presenting the identification card.

2654 (4) A valid and current passport or visa issued by the
2655 federal government or another country or nation which contains
2656 a permanently attached photograph of the individual presenting
2657 the passport or visa.

2658 (5) A valid and current military or federal
2659 identification card issued by the federal government
2660 containing a photograph of the individual presenting the



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2661 identification card.

2662 (6) A valid and current tribal identification card
2663 issued by a federally recognized Indian tribe containing a
2664 photograph of the individual presenting the identification
2665 card.

2666 (b) (1) Each form of identification listed in subsection
2667 (a) must on its face establish the age of the individual as 18
2668 years of age or older and there must be no reason to doubt the
2669 authenticity or correctness of the identification.

2670 (2) No form of identification shall be accepted as
2671 proof of age if it is expired, defaced, mutilated, or altered.
2672 If the form of identification used is a duplicate, the
2673 presenting individual shall submit additional identification
2674 which contains the name, date of birth, and photograph of the
2675 individual.

2676 (3) An educational institution identification card,
2677 check-cashing identification card, or employee identification
2678 card shall not be considered as lawful identification for the
2679 purposes of this section.

2680 (c) The corporation shall assess a fine against any
2681 lottery retailer who sells a lottery ticket to an individual
2682 under 18 years of age in violation of this section, as
2683 follows:

2684 (1) For a first offense, a fine of not less than one
2685 hundred dollars (\$100) nor more than five hundred dollars
2686 (\$500).

2687 (2) For a subsequent offense, a fine of not less than
2688 two hundred dollars (\$200) nor more than one thousand dollars



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2689 (\$1,000). In addition, the corporation may suspend, revoke, or
2690 take other disciplinary action against the lottery retailer
2691 license of the lottery retailer.

2692 §41-30-423. Underage purchase of lottery ticket;
2693 penalty.

2694 (a) It is unlawful for any individual under 18 years of
2695 age to purchase a lottery ticket.

2696 (b) An individual who violates this section shall be
2697 guilty of a violation and fined not more than one hundred
2698 dollars (\$100) and shall be subject to the citation and arrest
2699 procedures of Section 11-45-9.1.

2700 §41-30-424. Counterfeit lottery tickets prohibited.

2701 (a) It shall be unlawful for any person, with intent to
2702 defraud, to falsely make, alter, forge, utter, pass, or
2703 counterfeit a lottery ticket.

2704 (b) A violation of this section is a Class C felony.

2705 §41-30-425. Theft of lottery prize by deception or
2706 fraud.

2707 (a) It shall be unlawful for any person to influence or
2708 attempt to influence the winning of a lottery prize through
2709 the use of coercion, fraud, or deception or by tampering with
2710 lottery equipment or materials.

2711 (b) A violation of this section is a Class B felony.

2712 §41-30-426. Prohibited actions for current and former
2713 board members and officers of the corporation.

2714 (a) A current or former board member or officer of the
2715 corporation, or a corporation or other entity owned in whole
2716 or in part by a former board member or officer of the



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2717 corporation, may not solicit, accept employment, or enter into
2718 a contract for compensation of any kind with a vendor of the
2719 corporation during the member's service with the corporation
2720 or within one year after termination of service with the
2721 corporation.

2722 (b) The name of any individual who is a board member or
2723 an officer or employee of the corporation shall not appear
2724 upon any lottery ticket, lottery game, lottery form, or paper
2725 used in playing any lottery game.

2726 (c) A board member or an officer or employee of the
2727 corporation who violates this section shall be removed from
2728 office or dismissed from employment.

2729 (d) The prohibitions of subsection (a) and subsection
2730 (c) do not apply to ex officio members of the board.

2731 (e) The State Ethics Commission shall administer and
2732 enforce this section. The procedures and penalties provided
2733 for in Chapter 25 of Title 36 shall apply to the
2734 administration and enforcement of this section.

2735 §41-30-427. Skimming of lottery proceeds.

2736 (a) An individual may not knowingly exclude, or take
2737 any action in an attempt to exclude, anything or its value
2738 from the deposit, counting, collection, or computation of
2739 gross revenues or net proceeds from lottery activities. A
2740 person who violates this section commits the crime of skimming
2741 of lottery proceeds.

2742 (b) An individual who commits the crime of skimming of
2743 lottery proceeds shall be punished as follows:

2744 (1) If the offense involves less than one thousand



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2745 dollars (\$1,000), the individual is guilty of a Class D
2746 felony.

2747 (2) If the offense involves one thousand dollars
2748 (\$1,000) or more but less than ten thousand dollars (\$10,000),
2749 the individual shall be guilty of a Class C felony. The
2750 individual shall serve a minimum period of incarceration of
2751 not less than three years without benefit of probation,
2752 parole, or suspension of sentence.

2753 (3) If the offense involves ten thousand dollars
2754 (\$10,000) or more, the individual shall be guilty of a Class B
2755 felony and shall serve a period of incarceration of not less
2756 10 years nor more than 25 years without benefit of probation,
2757 parole, or suspension of sentence.

2758 §41-30-428. Reserved.

2759 Reserved.

2760 §41-30-429. Lottery tickets.

2761 (a) The board may recommend rules for adoption to the
2762 Alabama Gaming Commission providing for the form of lottery
2763 tickets sold pursuant to this article.

2764 (b) Lottery tickets, including instant tickets, shall
2765 be printed onto paper, plastic, or other tangible material;
2766 provided, the form of any multi-jurisdiction lottery ticket
2767 shall be subject to any requirement to participate in any
2768 multi-jurisdiction draw-based lottery.

2769 §41-30-430. Financial integrity of lottery.

2770 (a) To ensure the financial integrity of the lottery,
2771 the corporation through its board shall do all of the
2772 following:



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2773 (1) Compile and submit quarterly and annual reports and
2774 financial statements.

2775 (2) Contract with an independent auditor who is a
2776 certified public accountant or firm to conduct an annual
2777 financial audit of the books and records of the corporation.
2778 The cost of this annual financial audit shall be an operating
2779 expense of the corporation. The independent auditor shall have
2780 no financial interest in any vendor with whom the corporation
2781 is under contract.

2782 (b) A contract for an independent auditor under this
2783 section shall be reviewed by and subject to the approval of
2784 the Examiner of Public Accounts to ensure that the independent
2785 auditor is qualified to perform the audit.

2786 (c) The audit shall be completed by January 1 of each
2787 year.

2788 (d) A contract for audit services may not exceed a
2789 period of five years and the same firm may not receive two
2790 consecutive audit contracts.

2791 §41-30-431. Distribution of lottery funds.

2792 (a) Proceeds in the Lottery for Education Fund shall be
2793 annually appropriated by and through an independent
2794 supplemental appropriation bill for any non-recurring expenses
2795 related to education, including, but not limited to, the
2796 following:

2797 (1) The establishment and support of problem gaming and
2798 gaming addiction treatment centers and programs.

2799 (2)a. The establishment and provision of a last-dollar
2800 postsecondary scholarship program for public two-year



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2801 community and technical colleges to provide degrees,
2802 certifications, course credit, and credentials for in-demand
2803 fields to meet instructional and workforce training needs
2804 throughout the state. For the purposes of this section, a
2805 last-dollar postsecondary scholarship is financial aid awarded
2806 to an applicant based on the gap between what has already been
2807 awarded to the applicant and what is still needed to help a
2808 student meet the cost of attendance at a postsecondary
2809 two-year community or technical college.

2810 b. To receive a scholarship under this scholarship
2811 program, an applicant must meet the following requirements:

2812 1. Have an Alabama driver license or Alabama nondriver
2813 identification card as provided in Division 1 of Article 1 of
2814 Chapter 6 of Title 32.

2815 2. Provide proof of current residency in the State of
2816 Alabama.

2817 3. Provide proof of residency in the State of Alabama
2818 for the immediately preceding 12 months prior to the filing of
2819 the application.

2820 4. Have received a high school diploma or G.E.D.
2821 equivalent within the immediately preceding five years prior
2822 to the filing of the application.

2823 c. Following receipt of a scholarship under this
2824 program, each student must maintain a minimum GPA of 2.0 or
2825 higher on a 4.0 scale and satisfy any other requirement of the
2826 Board of Trustees of the Alabama Community College System to
2827 maintain his or her scholarship.

2828 (3) Support of dual enrollment costs at any public



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2829 two-year or four-year university in the state. Monies
2830 distributed under this subdivision may be available to any
2831 high school student who attends a public or private high
2832 school or is homeschooled, who resides in this state, and who
2833 has a 2.5 GPA or higher on a 4.0 scale and who obtain written
2834 approval from his or her principal or administrator
2835 equivalent.

2836 (4) Distribution to local boards of education, based on
2837 average daily membership, for capital or other nonrecurring
2838 expenses, and school security purposes, including the hiring
2839 of student resource officers and the purchase of security
2840 doors.

2841 (5) The provision of funding for four-year colleges for
2842 research purposes.

2843 (b) Proceeds in the Lottery for Education Fund shall
2844 not be used for prison construction.

2845 §41-30-432. Rulemaking authority.

2846 The Alabama Gaming Commission may adopt rules subject
2847 to the Alabama Administrative Procedure Act under Chapter 22
2848 of Title 41 to implement and administer this article.

2849 Article 10. State Tax on Gaming Revenue.

2850 §41-30-450. State tax on casino-style gaming revenues;
2851 distribution of proceeds.

2852 (a) Within 20 days after the end of each calendar
2853 month, a gaming establishment licensee shall pay to the
2854 commission a tax of 24 percent of the net gaming revenues for
2855 casino-style gaming activities for the immediately preceding
2856 calendar month. The commission shall timely remit all of the



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2857 proceeds for deposit as follows:

2858 (1) First, to the General Fund Budget Reserve Fund
2859 established in Section 29-13-3, until the total balance in the
2860 fund is at least three hundred million dollars (\$300,000,000).

2861 (2) Upon the completion of payments described under
2862 subdivision (1), to the following:

2863 a. Ninety-five percent of the total gaming revenue
2864 generated each month shall be allocated to the Gaming Trust
2865 Fund.

2866 b. Three percent of the total gaming revenue generated
2867 each month shall be allocated among the counties where gaming
2868 establishments are located on a pro rata basis based on the
2869 share of net gaming revenue generated in each county. A
2870 minimum of 15 percent of the amount received by each county
2871 commission under this paragraph shall be distributed by the
2872 commission to nonprofit organizations within the respective
2873 county.

2874 c. Two percent of the total gaming revenue generated
2875 each month shall be allocated among the municipalities where
2876 gaming establishments are located on a pro rata basis based on
2877 the share of net gaming revenue generated in each
2878 municipality. If a gaming establishment is not located within
2879 the corporate limits of a municipality, the percentage
2880 distributed pursuant to this paragraph shall be remitted to
2881 the county commission of the county in which the licensed
2882 gaming establishment is located.

2883 (b) If the net gaming revenues under subsection (a)
2884 properly reflect a net loss, as substantiated by audit, for a



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2885 calendar month, an adjustment for the amount of any remaining
2886 net loss shall be carried forward on the subsequent tax and
2887 fee schedules until the loss is offset by the entity's net
2888 gaming revenues.

2889 §41-30-451. State tax on sports wagering revenues;
2890 distribution of proceeds.

2891 (a) Within 20 days after the end of each quarter of the
2892 fiscal year, a sports wagering licensee shall pay to the
2893 commission a tax of 17 percent of the net gaming revenues for
2894 sports wagering activities for the immediately preceding
2895 quarter. The commission shall timely remit all of the proceeds
2896 for deposit into as follows:

2897 (1) Ninety percent to the Gaming Trust Fund.

2898 (2) Ten percent to be allocated among each county
2899 commission of the state to be used exclusively for law
2900 enforcement purposes of the respective sheriff's department.

2901 All monies received by a county commission under this
2902 subdivision shall be distributed, within 30 days of receipt,
2903 to the respective sheriff's office to be expended at his or
2904 her discretion. A county commission shall not retain any
2905 portion of monies received pursuant to this subdivision. The
2906 county commission shall not be responsible for the expenditure
2907 of any monies received pursuant to this subdivision. All funds
2908 received by a sheriff under this subdivision shall be in
2909 addition to any other funding sources for the sheriff and may
2910 not reduce or replace those funds.

2911 (b) If the net gaming revenues under subsection (a)
2912 properly reflect a net loss, as substantiated by audit, for a



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2913 quarter, an adjustment for the amount of any remaining net
2914 loss shall be carried forward on the subsequent tax and fee
2915 schedules until the loss is offset by the entity's net gaming
2916 revenues.

2917 §41-30-452. Gaming taxes in lieu of state and local
2918 taxes.

2919 (a) (1) Except for any fees levied pursuant to this
2920 chapter, the tax on net gaming revenues levied under this
2921 article shall be in lieu of all other state or local taxes,
2922 license fees, or franchise fees levied with respect to the
2923 conduct of any gaming activities or the operation of any
2924 machines used to conduct casino-style gaming activities or
2925 sports wagering activities.

2926 (2) Any gaming establishment license fee or sports
2927 wagering license fee payable to the state pursuant to this
2928 chapter shall be in lieu of all other state or local license
2929 fees or franchise fees levied with respect to a licensee
2930 providing hotel services, dining, or services ancillary to its
2931 gaming activities, if the activities are conducted at gaming
2932 establishments, but such providers of hotel services, dining,
2933 other facilities, or ancillary services must meet the
2934 environmental, fire, health, and safety requirements of other
2935 similarly situated license holders in the county and
2936 municipality in which the facility is located.

2937 (3) Notwithstanding the foregoing, all gaming
2938 establishment licensees and sports wagering licensees are
2939 liable for all state and local property taxes, lodging taxes,
2940 **tobacco taxes,** and sales and use taxes on merchandise sold in



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2941 gift shops or retail stores, and food and beverages. The taxes
2942 are generally applicable at uniform rates to all similarly
2943 situated businesses operating in the county and municipality
2944 in which the gaming establishment is located, and except with
2945 respect to those taxes, fees, or expenses expressly addressed
2946 in this chapter, all other state or local taxes which are
2947 generally imposed by the state or a local taxing entity if the
2948 taxes are generally applied at rates uniformly applied within
2949 reasonable classifications among all businesses operating in
2950 the county or municipality, or both.

2951 §41-30-453. Gaming Trust Fund created; distribution of
2952 gaming proceeds.

2953 (a) The Gaming Trust Fund is created within the State
2954 Treasury. Except as otherwise provided for lottery proceeds in
2955 Article 9, all state gaming tax proceeds as provided in
2956 Sections 41-30-450 and 41-30-451 and all other fines, fees,
2957 and other revenues collected under this chapter shall be
2958 deposited into the fund and allocated and appropriated as
2959 provided in this section.

2960 (b) Proceeds in the fund shall be applied first to the
2961 payment of the reasonable annual expenses of the commission
2962 and the repayment of any startup costs appropriated to the
2963 commission for the establishment and initial operation of the
2964 commission; provided, all such startup costs shall be repaid
2965 by the commission to the State General Fund no later than
2966 September 30, 2028. The commission shall report annually in
2967 writing to the Governor and the Legislature regarding its
2968 operational and administrative expenses.



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2969 (c) Net proceeds remaining in the fund after payment of
2970 the expenses of the commission shall be annually appropriated
2971 by and through an independent supplemental appropriation bill
2972 for non-recurring, non-education purposes only, including, but
2973 not limited to, the following:

2974 (1) The provision of mental health care, including the
2975 care and treatment of individuals with behavioral health needs
2976 and developmental disabilities and associated prevention,
2977 treatment, and recovery services and supports.

2978 (2) The provision of rural health care services and
2979 telemedicine and virtual health care and the purchase of
2980 qualified health benefit plans for adults with income below
2981 138 percent of the federal poverty level and parents or other
2982 caretaker relatives of dependent children with income between
2983 14 and 138 percent of the federal poverty level to ensure
2984 residents have adequate health care services and ambulatory
2985 care. The Legislature shall determine which areas of the state
2986 have a critical lack of health care services and ambulatory
2987 care and shall each year prioritize these critical areas in
2988 the supplemental appropriation.

2989 (3) The improvement, repair, and construction of roads,
2990 bridges, and other infrastructure in counties and
2991 municipalities.

2992 (4) The development and improvement of state parks and
2993 historical sites.

2994 (5) The provision of non-recurring capital expenditures
2995 for volunteer fire departments.

2996 (6) Bonuses to state and education employees and



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2997 bonuses to retirees of the Employees' Retirement System and
2998 the Teachers' Retirement System.

2999 (7) Establishment and support of drug courts, veteran's
3000 courts, and other court-approved deferred prosecution
3001 programs.

3002 Article 11. Disciplinary procedures.

3003 §41-30-500. Suspension, revocation, and forfeiture of
3004 licenses.

3005 (a) A license issued under this chapter may be
3006 suspended or revoked for cause by the commission for any of
3007 the following reasons:

3008 (1) Failure to pay a license fee to the commission.

3009 (2) Failure to remit applicable state taxes on gaming
3010 revenues as required by this chapter.

3011 (3) Failure to pay any fines and penalties assessed by
3012 the commission.

3013 (4) A violation of a law governing gaming activities,
3014 rules of the commission relating to the gaming activities of
3015 the licensee, or Section 17-5-15.2 for which all appeals have
3016 been exhausted.

3017 (5) Failure to maintain the reasonable operation and
3018 investment level, as determined by the commission, at the
3019 gaming establishment for a period of 18 consecutive months.

3020 (b) In the event a gaming establishment license is
3021 revoked as provided in subsection (a), the commission may
3022 award the revoked license to another qualified applicant
3023 pursuant to a competitive process and in accordance with the
3024 application procedures set out under this chapter.



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3025 (c) The commission shall adopt rules to implement and
3026 administer this section.

3027 §41-30-501. Civil penalties.

3028 In addition to any criminal penalty provided by law,
3029 the commission may assess a civil penalty, not to exceed one
3030 hundred thousand dollars (\$100,000), on any person who
3031 violates any provision of this chapter or a rule adopted by
3032 the commission, whether or not the person is licensed under
3033 this chapter.

3034 §41-30-502. Hearing procedures.

3035 (a) Except as otherwise provided by law, before the
3036 commission may take any adverse action involving a licensee
3037 under this article, including the assessment of a civil
3038 penalty under Section 41-30-501, the commission shall give the
3039 person against whom the action is contemplated an opportunity
3040 for a hearing before the members of the commission or a
3041 hearing officer designated by the commission.

3042 (b) At least 30 days prior to any hearing under this
3043 section, the commission shall give notice of the hearing to
3044 the person by certified mail addressed to the last known
3045 address of the person. The person may be represented by legal
3046 counsel.

3047 (c) (1) If a person fails to comply with a subpoena
3048 issued for purposes of this section, on petition of the
3049 commission, the Court of Civil Appeals may compel obedience to
3050 the subpoena.

3051 (2) If, after due notice, the person against whom the
3052 action is contemplated fails or refuses to appear or provide



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3053 the item or items for which a subpoena was issued, the
3054 commission or the commission's designated hearing officer may
3055 hear and determine the matter.

3056 (d) Within 30 days of a final order or decision of the
3057 commission in a contested case, any person aggrieved by the
3058 final order or decision may file a petition for appeal in the
3059 Court of Civil Appeals.

3060 Article 12. Prohibited conduct.

3061 §41-30-550. False statement on application prohibited.

3062 (a) It is unlawful for a person to knowingly make a
3063 false statement on any application for a license under this
3064 chapter or on an application for renewal of a license issued
3065 under this chapter.

3066 (b) A person who violates this section shall be guilty
3067 of a Class A misdemeanor.

3068 §41-30-551. Unlawful exertion of influence.

3069 (a) For the purposes of this section, the phrase
3070 "person who is connected with a licensee" includes, but is not
3071 limited to, any gaming establishment licensee or sports
3072 wagering licensee, or any officer or employee of the licensee.

3073 (b) A person who is connected with a licensee may not
3074 do any of the following:

3075 (1) Offer, promise, or give anything of value or
3076 benefit to a person who has an ownership or financial interest
3077 in, is employed by, or has a gaming services contract with a
3078 licensee or to that person's spouse or any dependent child or
3079 dependent parent, pursuant to an agreement or arrangement, in
3080 fact or implied from the circumstances, with the intent that



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3081 the promise or thing of value or benefit will influence the
3082 actions of the person in order to affect or attempt to affect
3083 the outcome of any casino-style gaming activity or sports
3084 wager, or to influence official action of a member of the
3085 commission.

3086 (2) Solicit or knowingly accept or receive a promise of
3087 anything of value or benefit while the person is connected
3088 with a licensee under this chapter, pursuant to an
3089 understanding or arrangement in fact or implied from the
3090 circumstances, with the intent that the promise or thing of
3091 value or benefit will influence the actions of the person to
3092 affect or attempt to affect the outcome of any gaming activity
3093 or sports wager, or to influence official action of a member
3094 of the commission.

3095 (c) A person who violates this section shall be guilty
3096 of a Class C felony and shall be required to pay a fine of not
3097 more than one hundred thousand dollars (\$100,000).

3098 Section 2. (a) The Court of Civil Appeals shall have
3099 and exercise original jurisdiction in all cases where the
3100 Alabama Gaming Commission is made a party to the case and in
3101 all appeals of a final order or decision of the Alabama Gaming
3102 Commission under Article 11 of Chapter 30 of Title 41, Code of
3103 Alabama 1975.

3104 (b) When exercising its original jurisdiction under
3105 this section, the Court of Civil Appeals may appoint, from
3106 time to time, a hearing officer for the purpose of presiding
3107 over and conducting hearings as may be necessary to the
3108 orderly conduct of the cases that arise under this section.



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3109 The hearing officer shall be an attorney in good standing with
3110 the Alabama State Bar. The hearing officer may not have an
3111 interest in or be related to any of the parties. The
3112 compensation of the hearing officer shall be fixed by the
3113 Court of Civil Appeals and all expenses associated with the
3114 compensation shall be paid out of the Gaming Trust Fund as
3115 operating expenses of the Alabama Gaming Commission.

3116 (c) The general duties of the hearing officer shall be
3117 to preside over and direct the course of cases arising under
3118 this section for the purpose of preparing a report as
3119 described in subsection (d). The hearing officer may do the
3120 following on behalf of the Court of Civil Appeals:

3121 (1) Issue procedural orders setting dates, deadlines,
3122 and timetables by which parties must submit or disclose
3123 evidentiary material or notices related to the orderly conduct
3124 of a contested case. The hearing officer may grant
3125 continuances or postponements of hearings at his or her
3126 discretion.

3127 (2) Issue subpoenas, protective orders, and discovery
3128 orders upon application of a party. The hearing officer may
3129 impose reasonable conditions and limitations on discovery in a
3130 contested case through limited written interrogatories,
3131 document production, and depositions.

3132 (3) Impose reasonable conditions and limitations on the
3133 parties' presentations during a contested case including, but
3134 not limited to, prescribing reasonable limitations on
3135 argument, prescribing the length of time allotted for the
3136 presentation of a party's case, directing that evidence



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3137 relevant to the general character and reputation of the
3138 licensee be submitted in writing by affidavit, prescribing
3139 reasonable limitations upon the number of witnesses permitted
3140 to testify as to the character and reputation of the licensee,
3141 and requiring the parties to submit briefs or memoranda on
3142 issues put forth before the court.

3143 (4) Issue orders and rulings related to the attendance
3144 of parties, attorneys, and witnesses at hearings and
3145 conferences.

3146 (5) Hold and preside over pre-conferences of parties as
3147 may be necessary to the orderly conduct of the case.

3148 (6) Issue orders and rulings on all other matters of
3149 procedure and law necessary to the orderly conduct of the
3150 case. Dismissal of a complaint may only occur upon order of
3151 the Court of Civil Appeals.

3152 (7) Administer oaths and certify the authenticity of
3153 documents when required in the discharge of their duties as
3154 the hearing officer in the case.

3155 (d) The hearing officer shall prepare a report upon the
3156 matters submitted to the hearing officer by the order of
3157 reference and, if required to make findings of fact and
3158 conclusions of law, the hearing officer shall set them forth
3159 in the report. The hearing officer shall file the report with
3160 the clerk of the court and serve on all parties notice of the
3161 filing. The hearing officer shall include with the report a
3162 transcript of the proceedings and of the evidence of the
3163 original exhibits. The hearing officer shall serve a copy of
3164 the report on each party.



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3165 (e) Where no hearing officer is appointed by the Court
3166 of Civil Appeals, the presiding judge of the court shall
3167 preside during hearings and perform all other duties of the
3168 hearing officer.

3169 (f) All proceedings under this section shall be
3170 conducted insofar as practicable in the same manner as a civil
3171 action in accordance with the applicable Alabama Rules of
3172 Civil Procedure.

3173 Section 3. Sections 13A-12-20, 13A-12-21, 13A-12-22,
3174 13A-12-23, 13A-12-24, 13A-12-25, 13A-12-26, 13A-12-27,
3175 13A-12-28, 13A-12-30, Code of Alabama 1975, and Section
3176 13A-11-9, Code of Alabama 1975, as last amended by Act
3177 2023-245, 2023 Regular Session, are amended to read as
3178 follows:

3179 "§13A-12-20

3180 The following definitions apply to this article:

3181 ~~(1) ADVANCE GAMBLING ACTIVITY. A person "advances~~
3182 ~~gambling activity" if he engages in conduct that materially~~
3183 ~~aids any form of gambling activity. Conduct of this nature~~
3184 ~~includes but is not limited to conduct directed toward the~~
3185 ~~creation or establishment of the particular game, contest,~~
3186 ~~scheme, device or activity involved, toward the acquisition or~~
3187 ~~maintenance of premises, paraphernalia, equipment or apparatus~~
3188 ~~therefor, toward the solicitation or inducement of persons to~~
3189 ~~participate therein, toward the actual conduct of the playing~~
3190 ~~phases thereof, toward the arrangement of any of its financial~~
3191 ~~or recording phases or toward any other phase of its~~
3192 ~~operation. A person advances gambling activity if, having~~



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3193 ~~substantial proprietary control or other authoritative control~~
3194 ~~over premises being used with his knowledge for purposes of~~
3195 ~~gambling activity, he permits that activity to occur or~~
3196 ~~continue or makes no effort to prevent its occurrence or~~
3197 ~~continuation.~~

3198 ~~(2) BOOKMAKING. Advancing gambling activity by~~
3199 ~~unlawfully accepting bets from members of the public as a~~
3200 ~~business, rather than in a casual or personal fashion, upon~~
3201 ~~the outcome of future contingent events.~~

3202 ~~(3) CONTEST OF CHANCE. Any contest, game, gaming scheme~~
3203 ~~or gaming device in which the outcome depends in a material~~
3204 ~~degree upon an element of chance, notwithstanding that skill~~
3205 ~~of the contestants may also be a factor therein.~~

3206 (1) CASINO-STYLE GAME. As defined under Section
3207 41-30-2.

3208 (2) COMMISSION. The Alabama Gaming Commission.

3209 ~~(4) GAMBLING. A person engages in gambling if he stakes~~
3210 ~~or risks something of value upon the outcome of a contest of~~
3211 ~~chance or a future contingent event not under his control or~~
3212 ~~influence, upon an agreement or understanding that he or~~
3213 ~~someone else will receive something of value in the event of a~~
3214 ~~certain outcome. Gambling does not include bona fide business~~
3215 ~~transactions valid under the law of contracts, including but~~
3216 ~~not limited to contracts for the purchase or sale at a future~~
3217 ~~date of securities or commodities, and agreements to~~
3218 ~~compensate for loss caused by the happening of chance,~~
3219 ~~including but not limited to contracts of indemnity or~~
3220 ~~guaranty and life, health or accident insurance.~~



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3221 (3) GAME or GAMING. Engaging in a casino-style game or
3222 sports wagering or otherwise staking or risking something of
3223 value upon the outcome of a contest of chance or future
3224 contingent event not under his or her control or influence,
3225 upon an agreement or understanding that he or she or someone
3226 else will receive something of value in the event of a certain
3227 outcome. The term does not include participation in charitable
3228 games or social gaming conducted in accordance with Chapter 30
3229 of Title 41.

3230 ~~(5) GAMBLING~~ (4) GAMING DEVICE. Any device, machine,
3231 paraphernalia, or equipment that is normally used or usable in
3232 the playing phases of any ~~gambling activity, whether that~~
3233 ~~activity consists of gambling between persons or gambling by a~~
3234 ~~person involving the playing of a machine. However, gaming~~
3235 authorized by law and approved by the commission. The term
3236 does not include lottery tickets, ~~policy slips and~~ other items
3237 used in the playing phases of lottery ~~and policy schemes are~~
3238 ~~not gambling devices within this definition, or antique slot~~
3239 machines authorized under existing law.

3240 (5) GAMING ESTABLISHMENT. Any facility licensed by the
3241 commission to conduct casino-style gaming activity.

3242 ~~(6) LOTTERY or POLICY. An unlawful gambling scheme in~~
3243 ~~which:~~

3244 ~~a. The players pay or agree to pay something of value~~
3245 ~~for chances, represented and differentiated by numbers or by~~
3246 ~~combinations of numbers or by some other medium, one or more~~
3247 ~~of which chances are to be designated by the winning ones; and~~

3248 ~~b. The winning chances are to be determined by a~~



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3249 ~~drawing or by some other fortuitous method; and~~

3250 ~~e. The holders of the winning chances are to receive~~
3251 ~~something of value.~~

3252 (6) LOTTERY or LOTTERY GAME. As defined under Section
3253 41-30-2.

3254 (7) LOTTERY TICKET or TICKET. Tickets or other tangible
3255 evidence of participation used in lottery games or gaming
3256 systems.

3257 ~~(7)~~ (8) PARI-MUTUEL WAGERING, MUTUEL or THE NUMBERS
3258 ~~GAME. A form of lottery.~~ Wagering in which the winning chances
3259 or plays are not determined upon the basis of a drawing or
3260 other act on the part of persons conducting or connected with
3261 the scheme, but upon the basis of the outcome of a future
3262 contingent event or events otherwise unrelated to the
3263 particular scheme.

3264 ~~(8)~~ (9) PLAYER. A person who engages in any form of
3265 ~~gambling~~ gaming solely as a contestant or bettor, without
3266 receiving or becoming entitled to receive any profit therefrom
3267 other than personal ~~gambling~~ gaming winnings, and without
3268 otherwise rendering any material assistance to the
3269 establishment, conduct, or operation of the particular
3270 ~~gambling~~ gaming activity.

3271 ~~(9)~~ (10) PROFIT FROM GAMBLING UNLAWFUL GAMING ACTIVITY.
3272 ~~A person "profits from gambling activity" if he accepts or~~
3273 ~~receives~~ The acceptance or receipt of money or other property
3274 pursuant to an agreement or understanding with any person
3275 whereby he or she shares or is to share in the proceeds of
3276 ~~gambling~~ unlawful gaming activity.



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3277 ~~(10)~~ (11) SLOT MACHINE. A ~~gambling~~gaming device that, as
 3278 a result of the insertion of a coin or other object, operates,
 3279 either completely automatically or with the aid of some
 3280 physical act by the player, in ~~such~~ a manner that, depending
 3281 upon elements of chance, ~~it~~ the gaming device may eject
 3282 something of value. A device so constructed or readily
 3283 adaptable or convertible to such use is no less a slot machine
 3284 because it is not in working order or because some mechanical
 3285 act of manipulation or repair is required to accomplish its
 3286 adaptation, conversion, or workability. Nor is it any less a
 3287 slot machine because apart from its use or adaptability as
 3288 such it may also sell or deliver something of value on a basis
 3289 other than chance. The term includes any gaming device that
 3290 meets the definition of slot machine as defined under 15
 3291 U.S.C. § 1171(a)(1).

3292 ~~(11)~~ (12) SOMETHING OF VALUE. Any money or property, any
 3293 token, object, or article exchangeable for money or property,
 3294 or any form of credit or promise directly or indirectly
 3295 contemplating a transfer of money or property or of any
 3296 interest therein, or involving extension of a service
 3297 entertainment or a privilege of playing at a game or scheme
 3298 without charge.

3299 (13) SPORTING EVENT. As defined under Section 41-30-2.

3300 (14) SPORTS WAGERING. As defined under Section 41-30-2.

3301 ~~(12)~~ (15) UNLAWFUL GAMING ACTIVITY. Not A game or gaming
 3302 activity that is not specifically authorized by general law or
 3303 rule of the commission."

3304 "§13A-12-21



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3305 (a) A person commits the crime of ~~simple~~
3306 ~~gambling~~unlawful gaming if he or she knowingly ~~advances or~~
3307 profits from or participates in unlawful ~~gambling~~gaming
3308 activity as a player.

3309 (b) It is a defense to a prosecution under this section
3310 that a person charged ~~with being a player~~with violating this
3311 section was engaged in playing a social game ~~in a private~~
3312 ~~place~~pursuant to Section 41-30-350. The burden of injecting
3313 the issue is on the defendant, but this does not shift the
3314 burden of proof.

3315 (c) ~~Simple gambling~~Unlawful gaming is a Class ~~CA~~
3316 misdemeanor."

3317 "§13A-12-22

3318 (a) A person commits the crime of promoting ~~gambling~~
3319 unlawful gaming activity if he or she knowingly ~~advances or~~
3320 profits from unlawful ~~gambling~~ gaming activity otherwise than
3321 as a player, or if having substantial proprietary control or
3322 other authoritative control over premises being used to
3323 conduct unlawful gaming activity, he or she permits that
3324 unlawful gaming activity to occur or makes no effort to
3325 prevent its occurrence or continuation.

3326 (b) (1) Promoting ~~gambling~~ unlawful gaming activity is a
3327 ~~Class A misdemeanor~~Class D felony.

3328 (2) Notwithstanding subdivision (1), on a second or
3329 subsequent conviction of this section, promoting unlawful
3330 gaming activity is a Class B felony."

3331 "§13A-12-23

3332 (a) A person commits the crime of conspiracy to promote



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3333 ~~gambling~~unlawful gaming activities if ~~h~~the person conspires
3334 to ~~advance or~~ profit from ~~gambling~~unlawful gaming activity
3335 otherwise than as a player.

3336 (b) ~~"Conspire"~~For the purposes of this section,
3337 "conspire" means to engage in activity constituting a criminal
3338 conspiracy as defined in Section 13A-4-3.

3339 (c) (1) Conspiracy to promote ~~gambling~~unlawful gaming
3340 activity is a ~~Class A misdemeanor~~Class D felony.

3341 (2) Notwithstanding subdivision (1), on a second or
3342 subsequent conviction of this section, conspiracy to promote
3343 unlawful gaming activity is a Class B felony."

3344 "§13A-12-24

3345 (a) A person commits the crime of unlawful possession
3346 of ~~gambling~~gaming records in the first degree if, with
3347 knowledge of the contents thereof, ~~h~~the person possesses any
3348 writing, paper, instrument, or article commonly used in any of
3349 the following:

3350 (1) ~~Of a kind commonly used in the operation or~~
3351 ~~promotion of a bookmaking scheme or enterprise,~~The operation
3352 or promotion of any sports wagering activity not authorized by
3353 general law or rule of the commission~~and~~ constituting,
3354 reflecting, or representing more than five ~~bets,~~wagers or more
3355 than ~~\$500.00; or~~five thousand dollars (\$5,000).

3356 (2) ~~Of a kind commonly used in the operation, promotion~~
3357 ~~or playing of a lottery or mutuel scheme or enterprise,~~The
3358 operation, promotion, or playing of a lottery game not
3359 authorized by general law or the Alabama Lottery Corporation
3360 ~~and~~ constituting, reflecting, or representing more than five



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3361 plays or chances ~~therein~~.

3362 (3) The operation, promotion, or playing of a
3363 casino-style game not authorized by general law or rule of the
3364 commission.

3365 (b) (1) ~~Possession of gambling~~Unlawful possession of
3366 gaming records in the first degree is a ~~Class A~~
3367 ~~misdemeanor~~Class D felony.

3368 (2) Notwithstanding subdivision (1), on a second or
3369 subsequent conviction of this section, unlawful possession of
3370 gaming records in the first degree is a Class B felony."

3371 "§13A-12-25

3372 (a) A person commits the crime of unlawful possession
3373 of ~~gambling~~ gaming records in the second degree if, with
3374 knowledge of the contents thereof, he or she possesses any
3375 writing, paper, instrument, or article commonly used in either
3376 of the following:

3377 (1) ~~Of a kind commonly and peculiarly used in the~~The
3378 operation or promotion of ~~a bookmaking scheme or enterprise;~~
3379 ~~or~~ sports wagering not authorized by general law or rule of the
3380 commission.

3381 (2) ~~Of a kind commonly and peculiarly used in the~~The
3382 operation, promotion, or playing of a lottery ~~or mutuel scheme~~
3383 ~~or enterprise~~ game not authorized by general law or rule of
3384 the commission.

3385 (b) (1) ~~Possession~~Unlawful possession of ~~gambling~~gaming
3386 records in the second degree is a ~~Class A misdemeanor~~Class D
3387 felony.

3388 (2) Notwithstanding subdivision (1), on a second or



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3389 subsequent conviction of this section, unlawful possession of
3390 gaming records in the second degree is a Class B felony."

3391 "§13A-12-26

3392 A person does not commit the crime of unlawful
3393 possession of ~~gambling~~ gaming records ~~in either degree~~ pursuant
3394 to Sections 13A-12-24 or 13A-12-25 if the writing, paper,
3395 instrument, or article possessed by the defendant is neither
3396 used nor intended to be used in the operation or promotion of
3397 ~~a bookmaking scheme or enterprise~~ unlawful sports wagering, or
3398 in the operation, promotion, or playing of ~~a~~ an unlawful
3399 ~~lottery or mutuel scheme or enterprise~~ as described under
3400 Section 13A-12-24(a) (2). The burden of injecting the issue is
3401 on the defendant, but this does not shift the burden of
3402 proof."

3403 "§13A-12-27

3404 (a) A person commits the crime of unlawful possession
3405 of a ~~gambling~~ gaming device if, with knowledge of the character
3406 ~~thereof~~ of the gaming device, he or she manufactures, sells,
3407 transports, places, or possesses, or conducts or negotiates
3408 any transaction affecting or designed to affect ownership,
3409 custody, or use of, either of the following:

3410 (1) A ~~slot machine, unless exempted pursuant to~~
3411 ~~subsection (c); or~~ casino-style game not authorized by law or
3412 rule of the commission.

3413 (2) ~~Any other gambling device, with the intention that~~
3414 ~~it~~ A gaming device to be used in ~~the advancement of~~ any
3415 unlawful ~~gambling~~ gaming activity.

3416 (b) (1) ~~Possession~~ Unlawful possession of a ~~gambling~~



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3417 gaming device is a Class ~~A misdemeanor~~ D felony.

3418 (2) Notwithstanding subdivision (1), on a second or
3419 subsequent conviction of this section, unlawful possession of
3420 a gaming device is a Class B felony.

3421 (c) The crime of unlawful possession of a ~~gambling~~
3422 gaming device does not apply to a slot machine manufactured
3423 before 1960, with the intention that the slot machine be used
3424 only for the personal and private use of the owner or for
3425 public display as a historical artifact in a manner that the
3426 slot machine is not accessible to the public."

3427 "§13A-12-28

3428 (a) Proof of possession of any ~~gambling~~gaming device,
3429 as defined ~~by subdivision (5) of~~in Section 13A-12-20, or any
3430 ~~gambling~~unlawful gaming record, as specified in Sections
3431 13A-12-24 and 13A-12-25, is prima facie evidence of possession
3432 ~~thereof~~ with knowledge of its character or contents.

3433 (b) In any prosecution under this article in which it
3434 is necessary to prove the occurrence of a sporting event,
3435 either of the following shall be admissible and shall be prima
3436 facie proof of the occurrence of the event:

3437 (1) ~~a~~A published report of its occurrence in any daily
3438 newspaper, magazine, or other periodically printed publication
3439 of general circulation, ~~or~~.

3440 (2) ~~evidence~~Evidence that a description of some aspect
3441 of the event was written, printed, or otherwise noted at the
3442 place in which a violation of this chapter is alleged to have
3443 been committed, ~~shall be admissible in evidence and shall~~
3444 ~~constitute prima facie proof of the occurrence of the event."~~



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3445 "§13A-12-30

3446 (a) Any ~~gambling~~gaming device or ~~gambling~~gaming record
3447 unlawfully possessed or used in violation of this article ~~is~~
3448 ~~forfeited to the state, and shall by court order be destroyed~~
3449 ~~or otherwise disposed of as the court directs~~shall be subject
3450 to forfeiture pursuant to the procedures set forth in Section
3451 20-2-93.

3452 (b) Any vehicle possessed or used in violation of this
3453 article ~~may be forfeited to the state and disposed of by court~~
3454 ~~order as authorized by law~~shall be subject to forfeiture
3455 pursuant to the procedures set forth in Section 20-2-93.

3456 (c) Money used as ~~bets~~wagers or stakes in
3457 ~~gambling~~unlawful gaming activity in violation of this article
3458 ~~is forfeited to the state and by court order shall be~~
3459 ~~transmitted to the General Fund of the state~~shall be subject
3460 to forfeiture pursuant to the procedures set forth in Section
3461 20-2-93."

3462 "§13A-11-9

3463 (a) A person commits the crime of loitering if he or
3464 she does any of the following:

3465 (1) Loiters, remains, or wanders about in a public
3466 place for the purpose of begging.

3467 (2) Loiters or remains in a public place for the
3468 purpose of ~~gambling~~unlawful gaming activity.

3469 (3) Loiters or remains in a public place for the
3470 purpose of engaging or soliciting another person to engage in
3471 prostitution or sodomy, as defined under Section 13A-6-60.

3472 (4) Being masked, loiters, remains, or congregates in a



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3473 public place.

3474 (5) Loiters or remains in or about a school, college,
3475 or university building or grounds after having been told to
3476 leave by any authorized official of the school, college, or
3477 university, not having any reason or relationship involving
3478 custody of or responsibility for a pupil or any other
3479 specific, legitimate reason for being there, and not having
3480 written permission from a school, college, or university
3481 administrator.

3482 (6) Loiters or remains in any transportation facility,
3483 unless specifically authorized to do so, for the purpose of
3484 soliciting or engaging in any business, trade, or commercial
3485 transactions involving the sale of merchandise or services.

3486 (7) Loiters or remains in any place with one or more
3487 persons for the purpose of unlawfully using or possessing a
3488 dangerous drug.

3489 (8) Loiters, or remains, on a public roadway maintained
3490 by the state or the right-of-way of a public roadway
3491 maintained by the state.

3492 (b) A person does not commit a crime under subdivision
3493 (a) (4) if he or she is going to or from or staying at a
3494 masquerade party, or is participating in a public parade or
3495 presentation of an educational, religious, or historical
3496 character or in an event as defined in Section 13A-11-140.

3497 ~~(c) Sodomy in subdivision (a) (3) is defined as in~~
3498 ~~Section 13A-6-60.~~

3499 ~~(d) (c) Dangerous drug in subdivision (a) (7)~~ As used in
3500 this section, "dangerous drug" means any narcotic, drug, or



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3501 controlled substance as defined in Chapter 2 of Title 20 and
3502 any schedule incorporated therein.

3503 ~~(e)~~ (d) Loitering is a violation. A second or subsequent
3504 violation of this section in the same jurisdiction is a Class
3505 C misdemeanor.

3506 ~~(f)~~ ~~(1)~~ (e) (1) Prior to making an arrest for a violation
3507 of subdivision (a) (1), a law enforcement officer may instruct
3508 any person in violation of subdivision (a) (1) to immediately
3509 and peaceably exit the public roadway maintained by the state
3510 or the right-of-way of the public roadway maintained by the
3511 state.

3512 (2)a. Prior to making an arrest for an initial
3513 violation of subdivision (a) (1), a law enforcement officer may
3514 offer to transport any person in violation of subdivision
3515 (a) (1) to a location in the jurisdiction that offers emergency
3516 housing, if applicable.

3517 b. If a person accepts an offer made pursuant to
3518 subdivision (1), a law enforcement officer may transport the
3519 person accordingly.

3520 ~~(g)~~ (f) Any actions undertaken by a law enforcement
3521 officer pursuant to this section shall be subject to Section
3522 36-1-12."

3523 Section 4. Sections 13A-12-32 through 13A-12-39,
3524 inclusive, are added to Division 1 of Article 2 of Chapter 12
3525 of Title 13A, Code of Alabama 1975, to read as follows:

3526 §13A-12-32

3527 (a) It is unlawful to intentionally use or possess, at
3528 a gaming establishment, an electronic, electrical, or



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3529 mechanical device that is designed, constructed, or programmed
3530 to assist the user or another person to do any of the
3531 following:

3532 (1) Predict the outcome of any casino-style game.

3533 (2) Keep track of cards dealt or in play.

3534 (3) Analyze the probability of the occurrence of an
3535 event relating to any casino-style game.

3536 (4) Analyze the strategy for playing or wagering to be
3537 used in any casino-style game, except as permitted by the
3538 commission.

3539 (5) Obtain an advantage in playing any casino-style
3540 game.

3541 (b) A gaming establishment shall post notice of this
3542 prohibition and the penalties for violations in a manner
3543 determined by the commission.

3544 (c) A violation of this section is a Class A
3545 misdemeanor.

3546 §13A-12-33

3547 (a) It is unlawful for any individual to cheat at any
3548 casino-style game or sports wagering activity.

3549 (b) A violation of this section is a Class A
3550 misdemeanor.

3551 §13A-12-34

3552 (a) It is unlawful to manufacture, sell, or distribute
3553 any cards, chips, die, game, or device that is intended to be
3554 used to violate Chapter 30 of Title 41, this chapter, or the
3555 rules of the commission.

3556 (b) It is unlawful for any individual to use



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3557 counterfeit chips in any casino-style game.

3558 (c) It is unlawful for any individual, in playing a
3559 casino-style game designed to be played with, received, or be
3560 operated by chips or tokens approved by the commission or
3561 lawful coins of the United States of America, to knowingly use
3562 chips or tokens not approved by the commission or otherwise
3563 not lawful currency of the United States of America.

3564 (d) A violation of this section is a Class D felony.
3565 §13A-12-35

3566 (a) It is unlawful to instruct an individual in
3567 cheating or in the use of a device for that purpose, with the
3568 knowledge or intent that the information or use may be
3569 employed to violate Chapter 30 of Title 41, this chapter, or
3570 rules adopted by the commission.

3571 (b) A violation of this section is a Class D felony.
3572 §13A-12-36

3573 (a) It is unlawful to place, increase, or decrease a
3574 wager or determine the course of play after acquiring
3575 knowledge, not available to all players, of the outcome of any
3576 casino-style game or sports wagering or event that affects the
3577 outcome of the game or that is the subject of the wager, or to
3578 aid an individual in acquiring such knowledge for the purpose
3579 of placing, increasing, or decreasing a wager or determining
3580 the course of play contingent on that event or outcome.

3581 (b) A violation of this section is a Class D felony.
3582 §13A-12-37

3583 (a) (1) It is unlawful to knowingly claim, collect,
3584 take, or attempt to claim, collect, or take money or anything



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3585 of value into or from a casino-style game with the intent to
3586 defraud, without having made a wager contingent thereon.

3587 (2) It is unlawful to knowingly claim, collect, or take
3588 any amount of money or anything of value greater than the
3589 amount won in a casino-style game or sports wagering.

3590 (b) A violation of this section is a Class D felony.

3591 §13A-12-38

3592 (a) It is unlawful for an individual, other than a
3593 gaming establishment employee or agent acting in furtherance
3594 of his or her employment, to have in his or her possession on
3595 the grounds of a gaming establishment, or grounds contiguous
3596 to the gaming establishment, any device intended to be used to
3597 violate Chapter 30 of Title 41, this chapter, or a rule of the
3598 commission.

3599 (b) A violation of this section is a Class D felony.

3600 §13A-12-39

3601 (a) It is unlawful for an individual, other than a
3602 gaming establishment employee or agent acting in furtherance
3603 of his or her employment, to have in his or her possession,
3604 within a gaming facility, a key or device known to have been
3605 designed for the purpose of opening, entering, or affecting
3606 the operation of any casino-style game, drop box, or any
3607 electronic or mechanical device connected thereto, or for
3608 removing money, tokens, chips, or any other contents.

3609 (b) A violation of this section is a Class D felony.

3610 Section 5. Section 17-5-15.2 is added to Chapter 5,
3611 Title 17 of the Code of Alabama 1975, to read as follows:

3612 §17-5-15.2. Prohibited contributions by gaming



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3613 interests.

3614 (a) The Legislature finds as follows:

3615 (1) Concerns with gaming-related corruption have long
3616 been a motivating factor for maintaining strict prohibitions
3617 on gaming in Alabama.

3618 (2) Notwithstanding the state's historically strict
3619 prohibitions on gaming, the state has experienced multiple
3620 instances of actual or apparent corruption in which
3621 gaming-related interests have sought, or appear to have
3622 sought, to corruptly influence public officials in the
3623 exercise of their official duties.

3624 (3) The state also recognizes the history of
3625 gaming-related corruption that has occurred outside of the
3626 State of Alabama.

3627 (4) The purpose of this section is to prevent quid pro
3628 quo corruption and any appearance thereof. Avoiding corruption
3629 and the appearance of corruption is a necessary condition of
3630 authorizing any type of gaming in the State of Alabama.

3631 (b) The following persons are prohibited or otherwise
3632 restricted from making contributions or expenditures to a
3633 principal campaign committee of a candidate for state or local
3634 office in the State of Alabama or a political action committee
3635 that contributes to any candidate for state or local office in
3636 the State of Alabama or from making an electioneering
3637 communication:

3638 (1) A person that holds a license issued by the Alabama
3639 Gaming Commission or a person that holds any interest greater
3640 than one percent in an entity that holds a license issued by



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3641 the commission.

3642 (2) A person that executes a compact with the state
3643 pursuant to Section 65.04 of the Constitution of Alabama of
3644 2022, or a person that holds any interest greater than one
3645 percent in an entity that executes such a compact with the
3646 state.

3647 (3) A person that holds any interest greater than one
3648 percent in the buildings, facilities, or rooms connected,
3649 adjacent, or ancillary to the conduct of any gaming activity
3650 pursuant to a license issued by the commission or pursuant to
3651 a compact with the state pursuant to Section 65.04 of the
3652 Constitution of Alabama of 2022.

3653 (4) An officer or managerial employee of any person
3654 identified in this subsection.

3655 (5) A person that holds any interest greater than one
3656 percent in any entity identified in this subsection.

3657 (6) A separate segregated fund, including a fund
3658 established under Section 17-5-14.1, of any person identified
3659 in this subsection.

3660 (7) Any manufacturer or provider of gaming equipment,
3661 as defined under Section 41-30-2.

3662 (8) Any gaming services provider, as defined under
3663 Section 41-30-2.

3664 (c) Any person identified in subsection (b) is also
3665 prohibited from making contributions to a principal campaign
3666 committee or a political action committee that contributes to
3667 any candidate for state or local office in the State of
3668 Alabama through a legal entity established, directed, or



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3669 controlled by that person.

3670 (d) No agent of a principal campaign committee of a
3671 candidate for state or local office in the State of Alabama or
3672 a political action committee shall knowingly accept a
3673 contribution from any person identified in subsection (b) if
3674 the principal campaign committee or political action committee
3675 has contributed to a candidate for state or local office in
3676 the State of Alabama or is reasonably likely to contribute to
3677 a candidate for state or local office in the State of Alabama.

3678 (e) No person identified in subsection (b) shall
3679 provide a monetary or in-kind donation to an inaugural
3680 committee or legislative caucus organization in this state;
3681 and no agent of an inaugural committee or legislative caucus
3682 organization shall accept a monetary or in-kind donation from
3683 a person known by the agent to be a person identified in
3684 subsection (b).

3685 (f) Any person who knowingly or intentionally violates
3686 this section shall be guilty of a Class A misdemeanor.

3687 (g) For the purposes of this section, "person" includes
3688 a federally recognized Indian tribe.

3689 Section 6. Sections 8-1-150 and 8-1-151, Code of
3690 Alabama 1975, are amended to read as follows:

3691 "§8-1-150

3692 (a) All contracts founded in whole or in part on ~~a~~
3693 ~~gambling~~unlawful gaming consideration are void. Any ~~person~~
3694 individual who has paid any money or delivered any thing of
3695 value lost upon any unlawful game or wager may recover such
3696 money, thing, or its value by an action commenced within six



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3697 months from the time of such payment or delivery.

3698 (b) Any other person may also recover the amount of
3699 such money, thing, or its value by an action commenced within
3700 12 months after the payment or delivery thereof for the use of
3701 ~~the wife or, if no wife, the~~ the individual's spouse or
3702 children or, if no children, the next of kin ~~of the loser~~.

3703 (c) A judgment under either subsection (a) or (b) for
3704 the amount of money paid, thing delivered, or its value is a
3705 good defense to any action brought for such money, thing, or
3706 its value under the provisions of the other subsection.

3707 (d) A judgment recovered under ~~the provisions of~~ this
3708 section is a defense to any proceeding on any garnishment
3709 served after the recovery of such judgment, and the court may
3710 make any order staying proceedings as may be necessary to
3711 protect the rights of the defendant.

3712 (e) For purposes of this section, a game, wager, or
3713 gaming consideration is unlawful if it is part of any of
3714 gaming activity that is not approved by the Alabama Gaming
3715 Commission."

3716 "§8-1-151

3717 (a) Any creditor of a losing party under ~~a gambling~~an
3718 unlawful gaming contract may garnish the winner as other
3719 debtors are garnished at any time within two years from the
3720 payment of such money or delivery of such thing, ~~and if such~~.
3721 If the garnishee fails to appear, judgment may be entered
3722 against him or her as against other garnishees failing to
3723 answer, but the answer of a garnishee shall not be evidence
3724 against him or her in a criminal prosecution.



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3725 (b) A judgment recovered by a creditor under ~~the~~
3726 ~~provisions of~~ this section is a defense to any action brought
3727 by any person under ~~the provisions of~~ Section 8-1-150.

3728 (c) For purposes of this section, a game, wager, or
3729 gaming consideration is unlawful if it is part of any of
3730 gaming activity that is not approved by the Alabama Gaming
3731 Commission."

3732 Section 7. Section 38-4-14, Code of Alabama 1975, is
3733 amended to read as follows:

3734 "§38-4-14

3735 (a) For the purposes of this section, the term "public
3736 assistance benefits" means money or property provided directly
3737 or indirectly to eligible persons through programs of the
3738 federal government, the state, or any political subdivision
3739 thereof, and administered by the Alabama Department of Human
3740 Resources.

3741 (b) (1) A recipient of public assistance benefits may
3742 not use any portion of the benefits for the purchase of any
3743 alcoholic beverage, tobacco product, or lottery ticket or for
3744 playing any form of gaming activity, as defined under Section
3745 41-30-2, without regard to whether the activity is authorized
3746 by or conducted in accordance with Section 65 of the
3747 Constitution of Alabama of 2022, and the laws of this state.

3748 Any person who violates this subsection shall reimburse the
3749 Alabama Department of Human Resources for the purchase and
3750 shall be subject to the following sanctions:

3751 a. Upon the first violation, the person shall be
3752 disqualified from receiving public assistance benefits by



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3753 means of direct cash payment or an electronic benefits
3754 transfer access card for one month.

3755 b. Upon the second violation, the person shall be
3756 disqualified from receiving public assistance benefits by
3757 means of direct cash payment or electronic benefits transfer
3758 access card for three months.

3759 c. Upon a third or subsequent violation, the person
3760 shall be permanently disqualified from receiving public
3761 assistance benefits by means of direct cash payment or an
3762 electronic benefits transfer access card.

3763 (2) A person who is disqualified from receiving public
3764 assistance benefits under this subsection shall have the right
3765 to a hearing pursuant to the Alabama Administrative Procedure
3766 Act.

3767 (c) (1) A cash recipient of public assistance benefits
3768 may not withdraw or use cash benefits by means of an
3769 Electronic Benefits Transfer transaction for the purchase of
3770 goods or services in a retail establishment the primary
3771 purpose of which is the sale of alcoholic beverages, a casino,
3772 a tattoo or body piercing facility, a facility providing
3773 psychic services, or an establishment that provides
3774 adult-oriented entertainment in which performers disrobe or
3775 perform in an unclothed state. Any person who violates this
3776 subsection shall reimburse the [Alabama](#) Department of Human
3777 Resources for the amount withdrawn and used and shall be
3778 subject to the following sanctions:

3779 a. Upon the first violation, the person shall be
3780 disqualified from receiving public assistance benefits by



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3781 means of direct cash payment or an electronic benefits
3782 transfer access card for a period of one month.

3783 b. Upon the second violation, the person shall be
3784 disqualified from receiving public assistance benefits by
3785 means of direct cash payment or electronic benefits transfer
3786 access card for a period of three months.

3787 c. Upon a third or subsequent violation, the person
3788 shall be permanently disqualified from receiving public
3789 assistance benefits by means of direct cash payment or an
3790 electronic benefits transfer access card.

3791 (2) A person who is disqualified from receiving public
3792 assistance benefits under this subsection shall have the right
3793 to a hearing pursuant to the Alabama Administrative Procedure
3794 Act.

3795 (d) If a parent is deemed permanently disqualified from
3796 receiving public assistance benefits under subsection (b) or
3797 (c), the dependent child or other adult family member's
3798 eligibility for public assistance benefits is not affected.

3799 (1) An appropriate protective payee shall be designated
3800 to receive benefits on behalf of the child members.

3801 (2) The parent may choose to designate another person
3802 to receive benefits for the minor child members. The
3803 designated person must be an immediate family member or, if an
3804 immediate family member is not available or the family member
3805 declines the option, another person may be designated. The
3806 designated person must be approved by the department.

3807 (e) The [Alabama](#) Department of Human Resources shall
3808 inform all applicants for and recipients of public assistance



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3809 benefits of the restrictions contained in this section and the
3810 penalties for violating those restrictions through any means
3811 practical.

3812 (f) (1) The [Alabama](#) Department of Human Resources shall
3813 consult with providers of automatic teller machine services to
3814 consider the implementation of a program or method of blocking
3815 access to cash benefits from an electronic benefits transfer
3816 access card issued by the department at automatic teller
3817 machines located in or at a retail establishment the primary
3818 purpose of which is the sale of alcoholic beverages, a casino,
3819 a tattoo facility, a facility providing psychic services, or
3820 an establishment that provides adult-oriented entertainment in
3821 which performers disrobe or perform in an unclothed state. If
3822 the department determines the implementation of a program is
3823 feasible, the department shall initiate the program by October
3824 1, 2015.

3825 (2) If the department requires a federal waiver to
3826 comply with this section, the department shall apply
3827 immediately for the federal waiver.

3828 (g) The [Alabama](#) Department of Human Resources shall
3829 adopt rules to implement this section.

3830 (h) (1) The Alabama Department of Human Resources shall
3831 perform a monthly incarceration match to obtain information to
3832 assist in determining eligibility for public assistance
3833 benefits based on incarceration status.

3834 (2) If the department determines that a recipient of
3835 public assistance benefits is incarcerated at the time the
3836 incarceration match is performed, the department shall not



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3837 issue an electronic benefits transfer access card to the
3838 incarcerated recipient. If an electronic benefits transfer
3839 access card has already been issued to the incarcerated
3840 recipient, the department shall deactivate the card.

3841 (i) The department shall perform a monthly match using
3842 the United States Social Security Death Index Database to
3843 determine if a recipient is deceased. If the department
3844 determines that the recipient is deceased at the time the
3845 index match is performed, the department shall not issue an
3846 electronic benefits transfer access card. If an electronic
3847 benefits transfer access card has already been issued to the
3848 deceased recipient, the department shall deactivate the card."

3849 Section 8. The following sections of the Code of
3850 Alabama 1975 are repealed:

3851 (1) Section 11-47-111, Code of Alabama 1975, relating
3852 to prohibition of gambling houses.

3853 (2) Section 13A-12-29, Code of Alabama 1975, relating
3854 to lotteries drawn outside of the state.

3855 (3) Division 2, comprised of Sections 13A-12-50 through
3856 13A-12-58, of Article 2 of Chapter 12 of Title 13A, Code of
3857 Alabama 1975, relating to suppression of gambling places.

3858 (4) Division 3, comprised of Sections 13A-12-70 through
3859 13A-12-76, of Article 2 of Chapter 12 of Title 13A, Code of
3860 Alabama 1975, relating to the transportation of lottery
3861 paraphernalia.

3862 (5) Division 4, comprised of Sections 13A-12-90 through
3863 13A-12-92, of Article 2 of Chapter 12 of Title 13A, Code of
3864 Alabama 1975, relating to the federal wagering occupational



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3865 tax stamp.

3866 Section 9. In the event the proposed constitutional
3867 amendment in House Bill ___ of the 2024 Regular Session is not
3868 ratified at the November 2024 General Election, this act shall
3869 be repealed.

3870 Section 10. Although this bill would have as its
3871 purpose or effect the requirement of a new or increased
3872 expenditure of local funds, the bill is excluded from further
3873 requirements and application under Section 111.05 of the
3874 Constitution of Alabama of 2022, because the bill defines a
3875 new crime or amends the definition of an existing crime.

3876 Section 11. Between the effective date of this act and
3877 the passage of the constitutional amendment proposed in House
3878 Bill ___ of the 2024 Regular Session, this act shall be
3879 implemented to whatever extent it is not in conflict with the
3880 Constitution of Alabama of 2022. Nothing in this act shall be
3881 construed to authorize any gaming activity prior to
3882 ratification of the constitutional amendment proposed by House
3883 Bill ___ of the 2024 Regular Session.

3884 Section 12. This act shall become effective June 1,
3885 2024, following its passage and approval by the Governor or
3886 its otherwise becoming law.