

# SOUTHEAST LAW INSTITUTE™

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TO: Members

FROM: A. Eric Johnston

RE: Substitute for HB 151

DATE: March 6, 2024

The sub for HB151 will allow unlimited PCI gambling, including all casino style games. The operative language of the sub adopted March 5, 2024, is found at lines 245 to 252:

- (a) The Governor shall negotiate and may execute a Tribal-State compact with the Poarch Band of Creek Indians, as contemplated under the Indian Gaming Regulatory Act, 25 U.S.C. § 2701, et seq., ***to provide for any and all activities allowable under that act;*** provided, the Governor may not grant authority for any activity to be conducted outside of lands held in trust by the United States for the benefit of the Poarch Band of Creek Indians. *Emphasis added.*

The referenced 25 U.S.C. §2701, *et seq.*, begins the federal law of the Indian Gaming Regulatory Act. “*Et seq.*” is an abbreviation for what follows. In this case, 25 U.S.C. §2703 follows and defines Classes I, II, and III of all permitted Indian “gaming”, from simple home games to unlimited casino games. So, when the bill says, “any and all activities allowable under the Act”, it means the Governor may agree with the PCI to have casinos on tribal lands.

Additionally, retired Alabama Supreme Court Justice Glenn Murdoch provided insight into what may include tribal lands. The Secretary of the Interior may add land into a Tribal trust land status if he determines it is in the tribe’s interest. Therefore, it is anticipated the PCI may have added lands in Birmingham, Huntsville, Baldwin County or other places in which to operate casinos.

It was stated in committee this bill did not include Class III gaming. Quite the contrary! It permits PCI to have every type of gambling at more places than its existing three. The charade to deceive Alabama citizens continues.

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