1   HB169

2   216372-1

3   By Representatives Rogers, Moore (M) and Morris

4   (Constitutional Amendment)

5   RFD: Economic Development and Tourism

6   First Read: 18-JAN-22

1   216372-1:n:01/13/2022:JLB/ma LSA2022-177

2

3

4

5

6

7

8   SYNOPSIS: Under existing law, lotteries and gift

9   enterprises are prohibited.

10   This bill would propose an amendment to

11   Section 65 of the Constitution of Alabama of 1901,

12   to establish an Alabama Lottery to fund education

13   and general fund programs; to create an Alabama

14   Lottery Corporation; to provide that lottery

15   proceeds will not supplant or replace existing

16   education revenues; to establish the Lottery Trust

17   Fund; to permit the Legislature to pass general

18   laws to implement the amendment; and to terminate

19   the lottery and the Alabama Lottery Corporation

20   after a specified period of time.

21

22   A BILL

23   TO BE ENTITLED

24   AN ACT

25

26   Proposing an amendment to Section 65 of the

27   Constitution of Alabama of 1901, now appearing as Section 65

1　of the Official Recompilation of the Constitution of Alabama

2　of 1901, as amended, to establish an Alabama Lottery; to

3　establish an Alabama Lottery Corporation; to establish the

4　Lottery Trust Fund, provide for its allocation for education

5　and general fund programs; to authorize the Legislature to

6　implement the amendment through enabling legislation; and to

7　terminate the lottery and the Alabama Lottery Corporation

8　after a specified period of time.

9　BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10　　　　Section 1. The following amendment to the

11　Constitution of Alabama of 1901, as amended, is proposed and

12　shall become valid as a part thereof when approved by a

13　majority of the qualified electors voting thereon and in

14　accordance with Sections 284, 285, and 287 of the Constitution

15　of Alabama of 1901, now appearing as Sections 284, 285, and

16　287 of the Official Recompilation of the Constitution of

17　Alabama of 1901, as amended:

18　　　　　　　　　　　　　PROPOSED AMENDMENT

19　　　　Section 65 of Article IV of the Constitution of

20　Alabama of 1901, is amended to read as follows:

21　　　　"Section 65.

22　　　　"Part I.

23　　　　"~~The legislature~~ Except as provided in Part II of

24　this section, the Legislature shall have no power to authorize

25　lotteries or gift enterprises for any purposes, and shall pass

26　laws to prohibit the sale in this state of lottery or gift

27　enterprise tickets, or tickets in any scheme in the nature of

1   a lottery; and all acts, or parts of acts heretofore passed by

2   the ~~legislature~~ Legislature of this state, authorizing a

3   lottery or lotteries, and all acts amendatory thereof, or

4   supplemental thereto, are hereby avoided.

5   "Part II.

6   "(a) The Legislature shall provide for the

7   establishment and regulation of an Alabama Lottery.

8   "(b) Funds deposited into the Education Trust Fund

9   pursuant to subsection (e) may not be used in any manner to

10   replace or supplant existing or any other funds dedicated or

11   intended for education.

12   "(c) The net proceeds from the Alabama Lottery shall

13   be deposited and held in a special, separate account in the

14   State Treasury to be known as the Lottery Trust Fund until

15   such time as the fund is allocated pursuant to this section.

16   "(d) The administration of the Alabama Lottery shall

17   be vested in a corporation, to be known as the Alabama Lottery

18   Corporation which is hereby created. The duties, powers,

19   authority, and composition of the Alabama Lottery Corporation

20   shall be provided by general law.

21   "(e) Monies in the Lottery Trust Fund shall be

22   allocated as follows: Forty percent shall be deposited into

23   the state General Fund, 40 percent shall be deposited into the

24   Education Trust Fund, and 20 percent is appropriated to the

25   Alabama Department of Corrections.

1   "(f) The Alabama Lottery Corporation may enter into

2   reciprocal agreements with other jurisdictions for the

3   operation and promotion of a lottery or lotteries.

4   "(g) All interest earnings on monies in the Lottery

5   Trust Fund shall be held in the fund and allocated only for

6   those items enumerated in subsection (e).

7   "(h) The Legislature may enforce and implement this

8   section by appropriate general law. The Legislature may

9   establish definitions to effectuate the implementation of this

10   amendment.

11   "(i) Nothing in this section affects any activity

12   which was legal at the time the amendment to this section

13   becomes effective.

14   "(j) The lottery and the Alabama Lottery Corporation

15   created and functioning pursuant to this amendment and any

16   enabling legislation authorized by this amendment shall

17   terminate on December 31 of the tenth year following the date

18   of ratification of this amendment. If this amendment is

19   ratified, the Alabama Lottery Commission shall begin winding

20   down lottery operations on January 1 of the tenth year

21   following the date of the ratification of this amendment."

22   Section 2. An election upon the proposed amendment

23   shall be held in accordance with Sections 284 and 285 of the

24   Constitution of Alabama of 1901, now appearing as Sections 284

25   and 285 of the Official Recompilation of the Constitution of

26   Alabama of 1901, as amended, and the election laws of this

27   state.

1   Section 3. The appropriate election official shall

2   assign a ballot number for the proposed constitutional

3   amendment on the election ballot and shall set forth the

4   following description of the substance or subject matter of

5   the proposed constitutional amendment:

6   "Proposing an amendment to the Constitution of

7   Alabama of 1901, to establish an Alabama Lottery; to create an

8   Alabama Lottery Corporation to regulate and administer the

9   lottery; to allocate the proceeds to the state General Fund,

10   the Education Trust Fund, and the Department of Corrections;

11   to allow the Legislature to implement the Alabama Lottery

12   through appropriate general law; and to terminate the lottery

13   and the Alabama Lottery Corporation after a specified period

14   of time."

15   "Proposed by Act _____."

16   This description shall be followed by the following

17   language:

18   "Yes ( ) No ( )."