

HB184 INTRODUCED



1 HB184
2 D4WUTTT-1
3 By Representatives Rogers, Moore (M) (Constitutional
4 Amendment)
5 RFD: Economic Development and Tourism
6 First Read: 15-Feb-24



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SYNOPSIS:

Under existing law, lotteries and gift enterprises are prohibited.

This bill would propose an amendment to the Constitution of Alabama of 2022, to establish an Alabama Lottery to fund education and general fund programs; to create an Alabama Lottery Corporation; to provide that lottery proceeds will not supplant or replace existing education revenues; to establish the Lottery Trust Fund; to permit the Legislature to pass general laws to implement the amendment; and to terminate the lottery and the Alabama Lottery Corporation after 10 years.

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to Section 65 of the Constitution of Alabama of 2022, to establish an Alabama Lottery; to establish an Alabama Lottery Corporation; to establish the Lottery Trust Fund; to provide for its allocation for education and general fund programs; to authorize the Legislature to implement the amendment through



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29 enabling legislation; and to terminate the lottery and the
30 Alabama Lottery Corporation after ten years.

31 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

35 "~~Sec.~~Section 65.

36 Part I.

37 ~~The legislature~~ Except as provided in Part II of this
38 section, the Legislature shall have no power to authorize
39 lotteries or gift enterprises for any purposes, and shall pass
40 laws to prohibit the sale in this state of lottery or gift
41 enterprise tickets, or tickets in any scheme in the nature of
42 a lottery; and all acts, or parts of acts heretofore passed by
43 the ~~legislature~~ Legislature of this state, authorizing a
44 lottery or lotteries, and all acts amendatory thereof, or
45 supplemental thereto, are hereby avoided.

46 Part II.

47 (a) The Legislature shall provide for the establishment
48 and regulation of an Alabama Lottery.

49 (b) Funds deposited into the Education Trust Fund
50 pursuant to subsection (e) may not be used in any manner to
51 replace or supplant existing or any other funds dedicated or
52 intended for education.

53 (c) The net proceeds from the Alabama Lottery shall be
54 deposited and held in a special, separate account in the State
55 Treasury to be known as the Lottery Trust Fund until such time
56 as the fund is allocated pursuant to this section.



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57 (d) The administration of the Alabama Lottery shall be
58 vested in a corporation, to be known as the Alabama Lottery
59 Corporation, which is hereby created. The duties, powers,
60 authority, and composition of the Alabama Lottery Corporation
61 shall be provided by general law.

62 (e) Monies in the Lottery Trust Fund shall be allocated
63 as follows: Forty percent shall be deposited into the State
64 General Fund, 40 percent shall be deposited into the Education
65 Trust Fund, and 20 percent is appropriated to the Alabama
66 Department of Corrections.

67 (f) The Alabama Lottery Corporation may enter into
68 reciprocal agreements with other jurisdictions for the
69 operation and promotion of a lottery or lotteries.

70 (g) All interest earnings on monies in the Lottery
71 Trust Fund shall be held in the fund and allocated only for
72 those items enumerated in subsection (e).

73 (h) The Legislature may enforce and implement this
74 section by appropriate general law. The Legislature may
75 establish definitions to effectuate the implementation of this
76 amendment.

77 (i) Nothing in this section affects any activity which
78 was legal at the time the amendment to this section becomes
79 effective.

80 (j) The lottery and the Alabama Lottery Corporation
81 created and functioning pursuant to this amendment and any
82 enabling legislation authorized by this amendment shall
83 terminate on December 31 of the tenth year following the date
84 of ratification of this amendment. If this amendment is



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85 ratified, the Alabama Lottery Commission shall begin winding
86 down lottery operations on January 1 of the tenth year
87 following the date of the ratification of this amendment."

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

97 END OF PROPOSED AMENDMENT

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

106 "Proposing an amendment to the Constitution of Alabama
107 of 2022, to establish an Alabama Lottery; to create an Alabama
108 Lottery Corporation to regulate and administer the lottery; to
109 allocate the proceeds to the State General Fund, the Education
110 Trust Fund, and the Department of Corrections; to allow the
111 Legislature to implement the Alabama Lottery through
112 appropriate general law; and to terminate the lottery and the



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113 Alabama Lottery Corporation after ten years.

114 Proposed by Act ____."

115 This description shall be followed by the following
116 language:

117 "Yes () No()."

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