

1 HB12
2 179052-1
3 By Representative Harper (Constitutional Amendment)
4 RFD: Economic Development and Tourism
5 First Read: 15-AUG-16

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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 authorize an Alabama Lottery and dedicate the
13 proceeds from the lottery, after expenses and
14 prizes, to the state General Fund, for the ordinary
15 expenses of the executive, legislative and judicial
16 departments of the state.

17 The amendment would establish an Alabama
18 Lottery Commission to implement, administer, and
19 regulate the operation of such State Lottery. The
20 amendment would further require the Legislature to
21 pass general laws necessary to implement this
22 constitutional amendment.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 "Proposing an amendment to Section 65 of the
2 Constitution of Alabama of 1901 to authorize an Alabama
3 Lottery; to provide for the allocation of the lottery proceeds
4 to the State General Fund; to establish an Alabama State
5 Lottery Commission; and to require the Legislature to
6 implement the constitutional amendment through passage of
7 implementing legislation."

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. The following amendment to the
10 Constitution of Alabama of 1901, as amended, is proposed and
11 shall become valid as a part thereof when approved by a
12 majority of the qualified electors voting thereon and in
13 accordance with Sections 284, 285 and 287 of the Constitution
14 of Alabama of 1901, as amended.

15 PROPOSED AMENDMENT

16 "PART I.

17 "Except as provided in Part II of this section
18 authorizing an Alabama Lottery, the Legislature shall have no
19 power to authorize lotteries or gift enterprises for any
20 purposes, and shall pass laws to prohibit the sale in this
21 state of lottery or gift enterprise tickets, or tickets in any
22 scheme in the nature of a lottery; and all acts, or parts of
23 acts heretofore passed by the Legislature of this state,
24 authorizing a lottery or lotteries, and all acts amendatory
25 thereof, or supplemental thereto, are hereby avoided."

26 "PART II.

27 "(a) Authorization of an Alabama State Lottery.

1 "Notwithstanding Part I of this Section and the
2 existing and continued constitutional prohibitions on
3 lotteries and gift enterprises, there is authorized the
4 establishment of an Alabama Lottery restricted in its
5 operations to those activities authorized by this amendment.

6 "(b) Lottery Proceeds to General Fund.

7 "The proceeds from the Alabama Lottery shall be
8 applied first to the payment of the expenses of administering
9 and operating the Alabama Lottery by the Lottery Commission
10 and the payment of all prizes, without any further
11 appropriation required by law, and the balance of the proceeds
12 shall be deposited in the State General Fund for the ordinary
13 expenses of the executive, legislative, and judicial
14 departments of the state and for principal and interest
15 payments on the public debt.

16 "(c) Establishment of an Alabama State Lottery
17 Commission.

18 "There is further established an Alabama State
19 Lottery Commission, which shall function to administer and
20 regulate the Alabama Lottery. The Lottery Commission shall be
21 comprised of seven (7) members who will serve upon appointment
22 by the Governor to be confirmed by the Senate at the next
23 regular session.

24 "(d) Duty of the Legislature to Enact Implementing
25 Legislation.

26 "In accordance with the authorization of this Part
27 II, the Legislature shall enforce and implement this amendment

1 by passage of implementing legislation to provide for the
2 administration, operation and regulation of the Alabama
3 Lottery and for the duties and authorities of the Lottery
4 Commission.

5 "(e) Authorization of Activities.

6 "The Alabama Lottery shall include only the sale of
7 lottery tickets. The Lottery Commission may enter into
8 reciprocal agreements with other jurisdictions for the
9 operation and promotion of the activities authorized by this
10 amendment.

11 "(f) Effect of Amendment.

12 "Nothing in this amendment affects, prohibits, or
13 limits any activity which was legal at the time this amendment
14 becomes effective, including, without limitation, pari-mutuel
15 betting and nonprofit, traditional bingo, as provided for by
16 specific law or laws. Further, nothing in this amendment
17 authorizes any other activity beyond the Alabama Lottery
18 authorized by this amendment.

19 "The terms and provisions of this amendment shall
20 supersede and take precedence over any other provision of the
21 law which may conflict or be inconsistent with this
22 amendment."

23 Section 2. An election upon the proposed amendment
24 shall be held in accordance with Sections 284 and 285 of the
25 Constitution of Alabama of 1901, now appearing as Sections 284
26 and 285 of the Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this
2 state.

3 Section 3. The appropriate election official shall
4 assign a ballot number for the proposed constitutional
5 amendment on the election ballot and shall set forth the
6 following description of the substance or subject matter of
7 the proposed constitutional amendment:

8 "Proposing an amendment to Section 65 of the
9 Constitution of Alabama of 1901, to authorize an Alabama State
10 Lottery; to dedicate the proceeds from the lottery, after
11 operation expenses and payment of prizes, to the State General
12 Fund; to create and establish an Alabama Lottery Commission to
13 administer and regulate the operation of such lottery; and to
14 require the Legislature to implement this constitutional
15 amendment through passage of implementing legislation and
16 general laws."

17 "Proposed by Act _____."

18 This description shall be followed by the following
19 language:

20 "Yes () No ()."