

1 HB471
2 164774-1
3 By Representatives Ford, Jackson, Lindsey, Robinson,
4 Coleman-Evans, Alexander, Scott, Moore (M), Rogers, Buskey,
5 Daniels, Givan, Hall, Clarke, Drummond, Forte, England,
6 Melton, Bracy, Clouse, Lawrence, Knight, Beech, Grimsley
7 and Bandy (Constitutional Amendment)
8 RFD: Constitution, Campaigns and Elections
9 First Read: 09-APR-15

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 programs
13 within the Alabama Medicaid Agency, to create an
14 Alabama Lottery Corporation to implement and to
15 regulate the operation of such lottery, and to
16 prohibit the operation of casinos in the State.

17 The amendment dedicates the net proceeds
18 from the lottery to the State General Fund for
19 programs within the Alabama Medicaid Agency. The
20 amendment establishes the Lottery Trust Fund and
21 authorizes the Legislature to pass general laws to
22 implement the amendment.

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

1 prohibit the sale in this state of lottery or gift enterprise
2 tickets, or tickets in any scheme in the nature of a lottery;
3 and all acts, or parts of acts heretofore passed by the
4 Legislature of this state, authorizing a lottery or lotteries,
5 and all acts amendatory thereof, or supplemental thereto, are
6 hereby avoided.

7 "PART II.

8 "(a) Establishment of an Alabama Lottery.

9 "The Legislature shall, by general law, provide for
10 the establishment, administration, operation, and regulation
11 of an Alabama Lottery.

12 "(b) Lottery Trust Fund.

13 "The proceeds from the Alabama Lottery shall be
14 applied first to the payment of the expenses of administering
15 and operating the Alabama Lottery, including, without
16 limitation, the payment of all prizes, without any further
17 appropriation required by law, and the balance of such
18 proceeds remaining after such payments shall be deposited, as
19 provided by general law, and held in a special, separate
20 account in the State Treasury hereby created and designated
21 the "Lottery Trust Fund" until such time as such proceeds are
22 disbursed pursuant to this amendment.

23 "(c) Alabama Lottery Corporation.

24 "The administration of the Alabama Lottery shall be
25 vested in a corporation hereby created and designated the
26 "Alabama Lottery Corporation." The duties, powers, authority,

1 and composition of the Alabama Lottery Corporation shall be
2 provided by general law.

3 "(d) Allocations and Disbursements.

4 "(1) Monies in the Lottery Trust Fund shall be
5 allocated and disbursed annually to the State General Fund to
6 be used exclusively for programs within the Alabama Medicaid
7 Agency.

8 "(e) Agreements with other Jurisdictions.

9 "The Alabama Lottery Corporation may enter into
10 reciprocal agreements with other jurisdictions for the
11 operation and promotion of games which are permitted to be
12 operated, utilized, or conducted by the Alabama Lottery.

13 "(f) Limitation on activities.

14 "The Alabama Lottery may authorize, conduct, employ,
15 include, or utilize only those games of chance approved by the
16 Alabama Lottery Corporation which may include, without
17 limitation, the sale of lottery tickets; provided, however,
18 that the Alabama Lottery is prohibited from operating, using,
19 or employing, or authorizing the operation, use, or employment
20 of, directly or indirectly, a casino or casinos and is further
21 prohibited from authorizing, conducting, employing, including,
22 or utilizing, directly or indirectly, any form of casino
23 gambling.

24 "(g) Implementation.

25 "The Legislature may enforce and implement this
26 section by appropriate general law. Any act or acts that are
27 enacted by the Alabama Legislature during the same session of

1 the Legislature at which this amendment is proposed and which
2 are in implementation and furtherance of the purposes of this
3 amendment and the authority granted by this amendment, and all
4 actions heretofore taken pursuant to such act or acts, are
5 hereby validated, ratified, and confirmed as effective as of
6 the date on which such act or acts were so enacted in
7 accordance with the Constitution of Alabama of 1901, as
8 amended, and as of the respective dates on which such actions
9 were taken.

10 "(h) Nothing in this amendment affects, prohibits,
11 or limits any activity which was legal at the time this
12 amendment becomes effective including, without limitation,
13 pari-mutuel betting and nonprofit bingo as provided for by
14 specific laws. Any games which are authorized by the National
15 Indian Gaming Commission pursuant to the Indian Gaming
16 Regulatory Act, 25 U.S.C. § 2701 et seq., and which are
17 operated by any Native American tribe in Alabama, may be
18 played at a location licensed by a pari-mutuel racing
19 commission at the time of the adoption of this amendment in
20 any county where the game of bingo may be played pursuant to a
21 constitutional amendment enacted after January 1, 2003.

22 "(i) The terms and provisions of this amendment and
23 of any enabling legislation enacted by the Alabama Legislature
24 with respect to this amendment shall supersede and take
25 precedence over any other provision of law which may conflict
26 or be inconsistent with this amendment or such legislation,
27 and this amendment and such enabling legislation shall operate

1 and be construed without regard to such conflict or
2 inconsistency."

3 Section 2. An election upon the above proposed
4 amendment shall be held, in accordance with the provisions of
5 Sections 284 and 285 of the Constitution of Alabama of 1901,
6 now appearing as Sections 284 and 285 of the Official
7 Recompilation of the Constitution of Alabama of 1901, as
8 amended, and the general election laws of Alabama.

9 Section 3. The appropriate election official shall
10 assign a ballot number for the proposed constitutional
11 amendment on the election ballot and shall set forth the
12 following description on the proposed constitutional
13 amendment:

14 "Proposing an amendment to the Constitution of
15 Alabama of 1901, to establish an Alabama Lottery and an
16 Alabama Lottery Trust Fund, to distribute net lottery proceeds
17 to the State General Fund for programs within the Alabama
18 Medicaid Agency; to create an Alabama Lottery Corporation to
19 regulate and administer the lottery; to prohibit the operation
20 of casinos; and to allow the Legislature to implement the
21 Alabama Lottery through appropriate general law."

22 This description shall be followed by the following
23 language:

24 "Yes () No ()."