

1 SB34
2 179211-1
3 By Senator Smitherman (Constitutional Amendment)
4 RFD: Tourism and Marketing
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 "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 as provided for by specific law or laws. Further,
16 nothing in this amendment authorizes any other activity beyond
17 the Alabama Lottery authorized by this amendment.

18 "The terms and provisions of this amendment shall
19 supersede and take precedence over any other provision of the
20 law which may conflict or be inconsistent with this
21 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 Section 65 of the
7 Constitution of Alabama of 1901, to authorize an Alabama State
8 Lottery; to dedicate the proceeds from the lottery, after
9 operation expenses and payment of prizes, to the State General
10 Fund; to create and establish an Alabama Lottery Commission to
11 administer and regulate the operation of such lottery; and to
12 require the Legislature to implement this constitutional
13 amendment through passage of implementing legislation and
14 general laws."

15 "Proposed by Act _____."

16 This description shall be followed by the following
17 language:

18 "Yes () No ()."