

1 SB220
2 198522-1
3 By Senators Albritton and Marsh (Constitutional Amendment)
4 RFD: Tourism
5 First Read: 02-APR-19

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8 SYNOPSIS: Under existing law, lotteries and gift
9 enterprises are prohibited by Section 65 of the
10 Constitution of Alabama of 1901.

11 This bill proposes an amendment to Section
12 65 of the Constitution of Alabama of 1901 to
13 establish an Alabama Lottery statewide; to provide
14 for the sale of lottery tickets, including instant
15 tickets and multi-state lottery games; to provide
16 for the distribution of lottery proceeds; and to
17 require the Legislature to pass general laws to
18 implement the amendment.
19

20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 Proposing an amendment to Section 65 of the
25 Constitution of Alabama of 1901, to establish an Alabama
26 Lottery statewide; to provide for the sale of lottery tickets
27 including instant tickets and multi-state lottery games; to

1 provide for the distribution of lottery proceeds; and to
2 require the Legislature to pass general laws to implement the
3 amendment.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

11 PROPOSED AMENDMENT

12 "Section 65.

13 "Part I.

14 "Except as provided in Part II, the ~~The~~ legislature
15 shall have no power to authorize lotteries or gift enterprises
16 for any purposes, and shall pass laws to prohibit the sale in
17 this state of lottery or gift enterprise tickets, or tickets
18 in any scheme in the nature of a lottery; and, except as
19 provided in Part II, all acts, or parts of acts heretofore
20 passed by the legislature of this state, ~~authorizing a lottery~~
21 or lotteries, and all acts amendatory thereof, or supplemental
22 thereto, are hereby avoided.

23 "Part II.

24 "Section 1. Declarations. The Legislature finds that
25 lotteries have been enacted in many states and the revenues
26 generated from those lotteries have contributed to the benefit
27 of those states. Many Alabamians already participate in other

1 state lotteries. Therefore, the purpose of the proposed
2 amendment is to establish and provide for a lottery statewide
3 to generate revenue for the state.

4 "Section 2. Establishment of an Alabama Lottery.

5 "(a) The Legislature, by general law, shall provide
6 for the establishment, administration, operation, and
7 regulation of an Alabama Lottery consistent with this part.

8 "(b) Each fiscal year, the proceeds from the Alabama
9 Lottery shall be applied first to the payment of the expenses
10 of administering and operating the Alabama Lottery, including,
11 without limitation, the payment of all prizes, without any
12 further appropriation required by law, and the balance of the
13 proceeds remaining after the payments shall be deposited in
14 the Alabama Trust Fund for the repayment of transfers made to
15 the State General Fund in the fiscal years 2013, 2014 and
16 2015.

17 (c) Upon full repayment of the transfers mentioned
18 in subsection (b), the balance of proceeds remaining after the
19 payment of the expenses of administering and operating the
20 Alabama Lottery in each fiscal year shall be distributed as
21 follows:

22 "(1) one-half of the remaining proceeds shall be
23 deposited into the Alabama Trust Fund;

24 "(2) the remaining proceeds shall be deposited into
25 the state General Fund.

26 "(d) The lottery games authorized by this part shall
27 be limited to the sale of paper tickets for various intrastate

1 and multistate or multisoovereign lottery games and instant
2 tickets, but specifically excluding any form of "video
3 lottery" or use of "video lottery terminal" as defined or any
4 mobile or Internet-based or monitor-based interactive game, or
5 any simulated casino-style game, including video poker, video
6 roulette, slot machines or video blackjack, or any variant of
7 these prohibited games.

8 "(e) "Instant tickets" authorized by this part shall
9 mean a lottery game in which a player manipulates a paper
10 ticket to determine if the player has won.

11 "(f) "Video lottery" or "video lottery terminal"
12 excluded by this part shall mean any electronic interactive
13 game, machine, or device equipped with a video screen and
14 buttons, keys, a keyboard, touchscreen or other input method
15 allowing input by an individual player and into which the
16 player inserts coins, tokens, currency, or other
17 representation of value (including, but not limited to, an
18 electronic card, ticket, or other thing on which value is
19 electronically recorded) as consideration in order for play of
20 a game, the player may receive free games, credits (redeemable
21 for cash or noncash prize), or some other thing of value,
22 whether received directly from the device or otherwise,
23 determined wholly or predominantly by chance.

24 "(g) The legislature shall enact legislation
25 regulating the control, management, and operation of the
26 lottery.

1 "(h) Nothing in this amendment affects, prohibits,
2 or limits any activity which was legal at the time this
3 amendment becomes effective."

4 END OF PROPOSED AMENDMENT

5 Section 2. An election upon the proposed amendment
6 shall be held in accordance with Sections 284 and 285 of the
7 Constitution of Alabama of 1901, now appearing as Sections 284
8 and 285 of the Official Recompilation of the Constitution of
9 Alabama of 1901, as amended, and the election laws of this
10 state on March 3, 2020.

11 Section 3. The appropriate election official shall
12 assign a ballot number for the proposed constitutional
13 amendment on the election ballot and shall set forth the
14 following description of the substance or subject matter of
15 the proposed constitutional amendment:

16 "Proposing an amendment to the Constitution of
17 Alabama of 1901, to establish an Alabama Lottery; to provide
18 for the sale of lottery tickets utilizing paper tickets or
19 receipts, including instant tickets and multi-state lottery
20 games; to provide for the distribution of lottery proceeds;
21 and to require the Legislature to pass general laws to
22 implement the amendment.

23 "Proposed by Act _____."

24 This description shall be followed by the following
25 language:

26 "Yes () No ()."