

1 SR7  
2 171669-2  
3 By Senators Hightower, Glover, Shelnutt, Stutts, and Brewbaker  
4 RFD: Rules  
5 First Read: 10-SEP-15

1 171669-2:n:09/10/2015:MCS/agb LRS2015-2853R1

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8 REQUESTING AN OPINION OF THE ALABAMA SUPREME COURT  
9 ON SB7 OF THE 2015 SECOND SPECIAL SESSION.

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11 BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF  
12 ALABAMA, That we respectfully request the Honorable Chief  
13 Justice and Associate Justices of the Alabama Supreme Court,  
14 or a majority of them, to give this body their written  
15 opinions on a constitutional question that has arisen  
16 concerning pending Senate Bill, SB7 of the 2015 Second Special  
17 Session, relating to a lottery.

18 Section 65 of the Constitution of Alabama of 1901,  
19 provides as follows: "The legislature shall have no power to  
20 authorize lotteries or gift enterprises for any purposes, and  
21 shall pass laws to prohibit the sale in this state of lottery  
22 or gift enterprise tickets, or tickets in any scheme in the  
23 nature of a lottery; and all acts, or parts of acts heretofore  
24 passed by the legislature of this state, authorizing a lottery  
25 or lotteries and all acts amendatory thereof, or supplemental  
26 thereto, are hereby avoided."

1 SB7 proposes to amend Section 65 to allow for the  
2 operation and regulation of a lottery in Alabama.

3 Because this proposed constitutional amendment is  
4 silent on the operation and regulation of gaming, there exists  
5 uncertainty as to whether amending Section 65 pursuant to SB7  
6 would be interpreted as authorization for removing the general  
7 ban on gambling and gaming in Alabama. As such, in deference  
8 to this legislative body so that we may properly and  
9 constitutionally perform the duties of our office, a written  
10 opinion is requested concerning the following important  
11 constitutional question:

12 (1) Would an amendment of Article IV, Section 65 of  
13 the Alabama Constitution of 1901, to grant the Legislature  
14 power to authorize a state operated lottery, result in removal  
15 of the existing general ban on gambling or gaming activities  
16 in the state and thus result in legalizing Class III or other  
17 casino style gaming in the state with or without further  
18 legislative act?

19 BE IT FURTHER RESOLVED, That the Secretary of the  
20 Senate provide sufficient true copies of this pending bill and  
21 this request to the Clerk of the Supreme Court of Alabama for  
22 consideration of this request.