

1 HB502
2 218847-1
3 By Representatives Brown (C), Marques, Sorrells, Stringer,
4 Isbell, Faust, Almond, Oliver, Wilcox, Stadthagen, Wood (D),
5 Lipscomb, Hurst and Moore (P)
6 RFD: Economic Development and Tourism
7 First Read: 15-MAR-22

8 SYNOPSIS: This bill would implement the constitutional
9 amendment proposed in House Bill __ of the 2022
10 Regular Session, which establishes the Alabama
11 Education Lottery under the regulation of the
12 Alabama Education Lottery Commission.

13 This bill would further provide for the
14 powers, membership, and duties of the commission.

15 This bill would create the Enforcement
16 Division within the commission and provide for its
17 powers and duties.

18 This bill would establish the Alabama
19 Education Lottery Trust Fund and would provide for
20 the administration and distribution of the funds
21 therein.

22 This bill would provide for the issuance of
23 lottery retailer licenses.

24 This bill would authorize the commission to
25 assess civil penalties for violations and would
26 provide a process for hearings and appeals of a
27 violation.

1 This bill would provide for the disposition
2 of proceeds from the Alabama Education Lottery
3 Trust Fund, including establishing scholarship
4 programs to be administered by the Alabama
5 Commission on Higher Education, and would provide
6 for the implementation and administration of those
7 programs.

8 This bill would provide criminal penalties
9 for certain violations.

10 This bill would also levy a state tax on net
11 lottery revenues and would provide for the
12 distribution of license fees and tax proceeds.

13 Amendment 621 of the Constitution of Alabama
14 of 1901, as amended by Amendment 890, now appearing
15 as Section 111.05 of the Official Recompilation of
16 the Constitution of Alabama of 1901, as amended,
17 prohibits a general law whose purpose or effect
18 would be to require a new or increased expenditure
19 of local funds from becoming effective with regard
20 to a local governmental entity without enactment by
21 a 2/3 vote unless: it comes within one of a number
22 of specified exceptions; it is approved by the
23 affected entity; or the Legislature appropriates
24 funds, or provides a local source of revenue, to
25 the entity for the purpose.

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to the Alabama Education Lottery
12 Commission; to add Chapter 30 to Title 41 of the Code of
13 Alabama 1975, to provide for the powers, membership, and
14 duties of the Alabama Education Lottery Commission; to provide
15 for the personnel of the commission; to create an enforcement
16 division within the commission; to provide for representation
17 of the commission by the Attorney General; to provide for the
18 licensure of lottery ticket retailers and the regulation
19 thereof; to provide certain license fees and the distribution
20 of the fees; to provide for the assessment of civil penalties;
21 to provide for criminal penalties for certain violations; to
22 provide for a hearing and appeals process; to provide for the
23 licensure and regulation of lottery game activities; to
24 provide rulemaking authority; to provide for certain reporting
25 requirements by the commission; to levy a state tax on lottery
26 revenues and provide for the distribution thereof; to
27 establish the Alabama Education Lottery Trust Fund; to

1 establish scholarship programs to be administered by the
2 Alabama Commission on Higher Education; to provide for the
3 implementation and administration of those programs; and in
4 connection therewith would have as its purpose or effect the
5 requirement of a new or increased expenditure of local funds
6 within the meaning of Amendment 621 of the Constitution of
7 Alabama of 1901, as amended by Amendment 890, now appearing as
8 Section 111.05 of the Official Recompilation of the
9 Constitution of Alabama of 1901, as amended.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Chapter 30 is added to Title 41 of the
12 Code of Alabama 1975, to read as follows:

13 Chapter 30. Alabama Education Lottery Commission.

14 §41-30-1. Definitions.

15 For the purposes of this chapter, the following
16 words shall have the following meanings:

17 (1) ACHE. The Alabama Commission on Higher
18 Education.

19 (2) COMMISSION. The Alabama Education Lottery
20 Commission created by the proposed House Bill __ of the 2022
21 Regular Session and further provided for in this chapter.

22 (3) DIRECTOR OF ENFORCEMENT. The Director of the
23 Enforcement Division.

24 (4) ELIGIBLE HIGH SCHOOL. A program of secondary
25 education that is administered by any of the following:

26 a. An Alabama public secondary school.

1 b. An Alabama nonpublic secondary school subject to
2 the requirements of Section 16-1-11.3.

3 c. An Alabama private tutor subject to the
4 requirements of Section 16-28-5.

5 d. An Alabama public charter school as defined in
6 Section 16-6F-4.

7 e. A secondary school operated by the United States
8 Department of Defense on a military base that is located in
9 whole or in part in this state.

10 f. An out-of-state public secondary school located
11 in a county bordering this state that residents of this state
12 are authorized to attend.

13 g. An out-of-state boarding school attended by a
14 bona fide resident of this state that is accredited by (i) a
15 regional accrediting association or (ii) is a member of the
16 National Association of Independent Schools Commission on
17 Accreditation.

18 (5) ELIGIBLE POSTSECONDARY INSTITUTION. A
19 state-supported institution of higher education or a private
20 nonprofit institution of higher education that satisfies all
21 of the following requirements:

22 a. It is located in Alabama.

23 b. It is accredited.

24 c. It is eligible to receive Title IV federal
25 student aid program funds.

26 (6) ELIGIBLE POSTSECONDARY PROGRAM. With respect to
27 the Alabama GRADs Two-year College and Workforce Development

1 Scholarship Program, a curriculum of courses leading to a
2 certificate, diploma, or associate degree at an eligible
3 postsecondary institution. With respect to the Alabama GRADs
4 Four-year College Scholarship Program, a curriculum of courses
5 leading to a bachelor's degree or the equivalent at an
6 eligible postsecondary institution. Courses taken at a
7 postsecondary institution prior to admission in, or that
8 fulfill prerequisite requirements for, an eligible
9 postsecondary program shall not be considered part of the
10 eligible postsecondary program.

11 (7) ELIGIBLE RECIPIENT. A resident of Alabama who
12 satisfies the requirements for one of the programs established
13 by this chapter and who is found to be eligible pursuant to
14 rules adopted by ACHE.

15 (8) ENFORCEMENT DIVISION. The Enforcement Division
16 established by this chapter.

17 (9) EXECUTIVE DIRECTOR. The Executive Director of
18 the Alabama Education Lottery Commission.

19 (10) FINANCIAL AID YEAR. The fall, spring, and
20 summer semesters beginning in one calendar year and ending in
21 the next.

22 (11) FISCAL YEAR. The fiscal year of the State of
23 Alabama that begins on October 1 and ends on September 30.

24 (12) FULL-TIME. Enrollment in a minimum of 12
25 semester hours.

26 (13) GIFT AID. Scholarships and grants from any
27 source that do not require repayment, including funds provided

1 through the federal Pell grant program. Student loans and
2 work-study awards shall not be considered gift aid.

3 (14) LOTTERY GAMES. Any lottery approved by the
4 commission. The term may include, but is not limited to, a
5 state lottery, a multistate lottery, instant tickets,
6 scratch-off tickets, or any other draw-based lottery when
7 approved by the commission.

8 (15) LOTTERY RETAILER LICENSE. A license issued by
9 the commission to authorize lottery tickets to be sold on the
10 premises of the location.

11 (17) RESIDENT OF ALABAMA. A resident of Alabama as
12 established by a current, valid Alabama driver license or
13 nondriver identification card; a current, valid Alabama
14 vehicle registration; or a current, valid Alabama voter
15 registration card.

16 (18) RESIDENT STUDENT. A student classified as a
17 resident student for purposes of admission, or application for
18 admission, to a postsecondary institution, in accordance with
19 Chapter 64, Title 16.

20 (19) SEMESTER. Fall, spring, or summer semester at
21 an eligible postsecondary institution, if the institution is
22 on a semester system, or the equivalent, if the institution is
23 on a system other than a semester system.

24 §41-30-2. Alabama Education Lottery Commission
25 created.

26 The Alabama Education Lottery Commission is created
27 as a state agency to regulate the conduct of all lottery games

1 conducted within this state, as authorized by the Constitution
2 of Alabama of 1901, and this chapter. The commission shall be
3 located in Montgomery County.

4 §41-30-3. Commission board of directors.

5 (a) The commission shall be governed by a board of
6 directors, as constituted pursuant to House Bill ___ of the
7 2022 Regular Session.

8 (b) Members of the board shall be subject to the
9 Ethics Law, Section 36-25-1, et seq.

10 (c) (1) The board shall meet at least quarterly and
11 at other times as called by the chair or a majority of the
12 board.

13 (2) Members of the board may participate in a
14 meeting of the board in person, by means of telephone
15 conference, video conference, or other similar communications
16 equipment so that all individuals participating in the meeting
17 may hear each other at the same time. Participation by any
18 such means shall constitute presence in person at a meeting
19 for all purposes, including for purposes of establishing a
20 quorum, and the affirmative vote of a majority of the members
21 in attendance shall be necessary for any action of the board.

22 (3) Meetings of the board shall be subject to the
23 Alabama Open Meetings Act.

24 (d) (1) A majority of board members shall constitute
25 a quorum for the transaction of any business and for the
26 exercise of any power or function of the board.

1 (2) Action may be taken on motions and resolutions
2 adopted by the board at any meeting of the board by an
3 affirmative vote of a majority of present and voting board
4 members, a quorum being present.

5 (e) No vacancy in the membership of the board shall
6 impair the right of the members to exercise all the powers and
7 perform all the duties of the board.

8 §41-30-4. Compensation of board members.

9 Members of the board of directors of the commission
10 shall receive compensation equal to that of a member of the
11 Legislature, including per diem and travel allowances as
12 provided for state employees.

13 §41-30-5. Executive director and deputy director of
14 the commission.

15 (a) (1) The board of directors of the commission
16 shall appoint an executive director who shall direct the
17 day-to-day operations and management of the commission and
18 shall be vested with all powers and duties as specified by the
19 commission and by law. The executive director shall serve at
20 the pleasure of the board.

21 (2) The executive director shall meet all of the
22 following qualifications:

23 a. Shall be an attorney licensed to practice law in
24 this state and be a person of good moral character.

25 b. May not have any felony convictions or
26 convictions for property offenses, fraud, or offenses
27 involving moral turpitude.

1 c. May not be an officer of a political party or
2 serving in an official position in a political party.

3 d. May not be a public official.

4 e. May not be actively engaged in the business of a
5 lottery retailer licensee.

6 f. May not be a supplier of devices or equipment
7 used in the play of lottery games.

8 g. Possess any other qualifications adopted by the
9 commission by rule.

10 (3) The executive director shall devote his or her
11 entire time and attention to the duties required under this
12 act and the business of the commission and may not pursue any
13 other business or occupation or hold any other office of
14 profit.

15 (4) The executive director shall receive an annual
16 salary determined by the commission.

17 (b) (1) With the approval of the board, the executive
18 director may appoint a deputy director who shall perform any
19 and all duties designated by the executive director.

20 (2) The deputy director shall receive an annual
21 salary determined by the commission.

22 §41-30-6. Powers and duties of the executive
23 director.

24 The executive director shall direct and supervise
25 all administrative and technical activities in accordance with
26 this chapter and with the rules, policies, and procedures

1 adopted by the commission. The duties of the executive
2 director shall include all of the following:

3 (1) Sue and be sued on behalf of the commission.

4 (2) Acquire real property in accordance with
5 existing law and make improvements thereon on behalf of the
6 commission.

7 (3) Make, execute, and effectuate any and all
8 agreements or contracts, including contracts for the purchase
9 of goods and services as are necessary for the conduct of the
10 business of the commission.

11 (4) Employ and direct such personnel as deemed
12 necessary.

13 (5) Employ by contract and compensate persons and
14 firms as deemed necessary for the operation and administration
15 of the commission.

16 (6) Prepare a budget for the approval of the
17 commission.

18 (7) Report quarterly to the Governor, the
19 Legislative Council, and the commission a full and complete
20 statement of revenues and expenses for the preceding quarter.

21 (8) Perform other duties as necessary to implement
22 and administer this chapter.

23 §41-30-7. Duties of the commission.

24 The commission shall adopt, amend, or repeal rules
25 in accordance with the Alabama Administrative Procedure Act,
26 and shall have all of the following powers and duties:

1 (1) To issue subpoenas and compel the production of
2 documents or items and the attendance of witnesses, to
3 administer oaths, to require testimony under oath, and to
4 enforce its orders.

5 (2) To appoint impartial hearing examiners who may
6 administer oaths and receive evidence and testimony under oath
7 and make recommendations to the commission.

8 (3) To demand access to and inspect, examine,
9 photocopy, and audit all papers, books, and records necessary
10 to carry out its duties.

11 (4) To impose reasonable civil fines and penalties
12 on any individual or entity for violations of this chapter or
13 violations of rules adopted by the commission.

14 (5) To provide for the issuance of licenses for the
15 operation of lottery activities and to provide for the
16 renewal, modification, extension, suspension, revocation,
17 transfer, or forfeiture of a license.

18 (6) To regulate and supervise the conduct and
19 operation of the state lottery.

20 (7) To review all lottery activities conducted and
21 operated within the state.

22 (10) To adopt rules limiting access to lottery games
23 by minors and other susceptible individuals.

24 §41-30-8. Audits and reports.

25 (a) To ensure the financial integrity of the
26 operation of lottery retailers in this state, the commission
27 shall do all of the following:

1 (1) Submit annual reports to the Governor and the
2 Legislative Council disclosing the total lottery revenues,
3 operating and administrative expenses of the commission,
4 information relating to the number of licenses issued,
5 suspended, revoked, or transferred during the reporting
6 period. The annual report shall additionally describe the
7 organizational structure of the commission and summarize the
8 functions performed by each organizational division within the
9 commission.

10 (2) Adopt a system of internal audits and audits of
11 licensed operators.

12 (3) Contract with a certified public accountant or
13 firm for an annual financial audit of the commission. The
14 certified public accountant or firm shall have no financial
15 interest in any vendor with whom the commission is under
16 contract. The certified public accountant or firm shall
17 present an audit report not later than four months after the
18 end of the fiscal year. The certified public accountant or
19 firm shall evaluate the internal auditing controls in effect
20 during the audit period. The cost of this annual financial
21 audit shall be an operating expense of the commission.

22 (b) The Department of Examiners of Public Accounts
23 may perform an audit or examination of the commission.

24 §41-30-9. Employees of the commission.

25 (a) (1) An employee of the commission may not have a
26 financial interest in any vendor doing business or proposing

1 to do business with the commission or a lottery retailer
2 licensee.

3 (2) An employee of the commission with
4 decision-making authority may not participate in any decision
5 involving a licensed operator with whom the employee has a
6 financial interest.

7 (b) An employee of the commission who leaves the
8 employment of the commission may not represent any vendor,
9 management services contract provider, or licensed operator
10 before the commission for a period of two years following
11 termination of employment with the commission.

12 (c) An applicant for employment with the commission
13 shall submit to the executive director, on a form sworn to by
14 the applicant, his or her name, date of birth, Social Security
15 number, and two complete sets of fingerprints for completion
16 of a criminal history background check through the Enforcement
17 Division. Costs associated with conducting a criminal history
18 background check may be paid by the commission.

19 (d) An individual who has been convicted of a
20 felony, a crime involving moral turpitude, or a crime
21 involving unlawful gambling may not be employed by the
22 commission.

23 (e) The commission shall bond commission employees
24 with access to commission funds in such an amount as provided
25 by the commission and may bond other employees as deemed
26 necessary.

1 (f) Employees of the commission shall not be state
2 Merit System employees, but shall be entitled to insurance,
3 retirement, and other state employees' benefits.

4 (g) Employees of the commission shall be subject to
5 the Ethics Laws, Sections 36-25-1, et seq.

6 (a) Any employee of the commission may not purchase
7 lottery tickets or otherwise engage in lottery activity at any
8 lottery retailer.

9 (b) An employee of a lottery retailer licensee may
10 not purchase lottery tickets from any lottery retailer
11 licensee for whom he or she is employed.

12 §41-30-11. Records of the commission.

13 (a) Except as provided in subsection (b), records of
14 the commission shall be public records for purposes of Section
15 36-12-40.

16 (b) The commission may determine which information
17 and records relating to its operations are confidential and
18 not subject to public disclosure. The information includes
19 trade secrets; security measures, systems, or procedures;
20 security reports; employee personnel information unrelated to
21 compensation, duties, qualifications, or responsibilities; and
22 information obtained pursuant to investigations which is
23 otherwise confidential. Information deemed confidential
24 pursuant to this section shall be exempt from public
25 disclosure.

26 §41-30-12. Minority business participation.

1 It is the intent of the Legislature that the
2 commission encourage participation by minority businesses.
3 Accordingly, the commission shall adopt a plan that achieves
4 to the greatest extent possible a level of participation by
5 minority businesses taking into account the total number of
6 all licensed operators. The commission may administer training
7 programs and other educational activities to enable eligible
8 minority businesses to compete for licenses on an equal basis.
9 The commission shall monitor the results of minority business
10 participation and shall report the results of minority
11 business participation to the Governor and the Legislature at
12 least on an annual basis.

13 §41-30-13. Enforcement Division established.

14 The Enforcement Division within the commission is
15 established. The enforcement division shall have independent
16 and primary authority and jurisdiction to investigate
17 violations of lottery laws and rules and enforce the general
18 laws and rules of the commission. The enforcement division
19 shall have all power and authority to take any means necessary
20 to aid the commission in the administration and enforcement of
21 lottery laws and rules of the commission.

22 §41-30-14. Director of the Enforcement Division.

23 (a) (1) The position of Director of the Enforcement
24 Division is created. The director of enforcement shall be
25 appointed by the board of directors of the commission and
26 shall hold office at the pleasure of the board.

1 (2) The director of enforcement shall have overall
2 supervision and management of the functions and duties of the
3 Enforcement Division, subject to approval of the commission,
4 including the power to change the working title of any
5 position in the enforcement division or organize the
6 enforcement division in a manner to efficiently administer the
7 duties of the enforcement division.

8 (b) The director of enforcement shall satisfy all of
9 the following qualifications:

10 (1) Be certified by the Alabama Peace Officers'
11 Standards and Training Commission or become certified within
12 one year of appointment.

13 (2) Have a bachelor's or equivalent degree from an
14 accredited institution of higher education.

15 (3) Have an extensive law enforcement background of
16 at least 10 years, including executive level experience with
17 specific participation in complex investigations of financial
18 crimes, conspiracy, racketeering, and other related crimes.

19 (4) Have general knowledge and experience with
20 criminal investigations.

21 (c) The salary of the director of enforcement shall
22 be set by the commission. The director of enforcement shall be
23 employed in the exempt service.

24 (d) For purposes of the immunity afforded in
25 Section 6-5-338, the director of enforcement shall be deemed a
26 law enforcement officer.

1 (e) The director of enforcement shall have arrest
2 powers.

3 (f) The director of enforcement may issue subpoenas
4 and compel the production of documents or items.

5 (g) The director of enforcement shall establish
6 operational policy and procedures for the administration of
7 the duties of the enforcement division.

8 §41-30-15. Assistant Director of the Enforcement
9 Division.

10 (a) The director of enforcement may appoint an
11 assistant director of enforcement and may delegate any of his
12 or her duties to the assistant director of enforcement. The
13 assistant director of enforcement shall serve at the pleasure
14 of the director of enforcement.

15 (b) The assistant director of enforcement shall
16 satisfy the following qualifications:

17 (1) Be certified by the Alabama Peace Officers'
18 Standards and Training Commission or become certified within
19 one year of appointment.

20 (2) Have an extensive law enforcement background of
21 at least five years, including specific participation in
22 complex investigations of financial crimes, conspiracy,
23 racketeering, and other related crimes.

24 (3) Have general knowledge or experience with
25 criminal investigations.

26 (c) The salary of the assistant director of
27 enforcement shall be set by the director of enforcement. The

1 assistant director of enforcement shall be employed in the
2 exempt service.

3 (d) The assistant director of enforcement shall have
4 arrest powers.

5 (e) For purposes of the immunity afforded in Section
6 6-5-338, the assistant director of enforcement shall be deemed
7 a law enforcement officer.

8 §41-30-16. Personnel of the Enforcement Division.

9 (a) The Director of the Enforcement Division shall
10 hire all personnel necessary for the operation of the
11 enforcement division subject to qualifications set by the
12 director of enforcement, with the approval of the commission.
13 Personnel may include, but not be limited to, the following:

14 (1) Investigators.

15 (2) Auditors and forensic accountants.

16 (3) Compliance officers.

17 (4) Investigative technology experts.

18 (5) Administrative staff.

19 (6) Any other staff necessary for the operation of
20 the enforcement division.

21 (b) The enforcement division may employ consultants
22 to render professional services, including, but not limited
23 to, reviewing business records, providing expert testimony in
24 contested cases, assisting in audits performed by the
25 enforcement division, and conducting technology reviews and
26 implementation, to aid the commission in carrying out its
27 duties under this chapter. Consultants shall be compensated

1 for professional services at rates established by the
2 commission.

3 (c) (1) The personnel of the enforcement division
4 shall be employed in the exempt service and shall serve at the
5 pleasure of the director of enforcement.

6 (2) Notwithstanding any other provision of local or
7 general law, a retired state or local law enforcement officer
8 may be employed by the enforcement division without suspension
9 or modification of his or her state or local retirement
10 benefits.

11 (d) The personnel employed by the enforcement
12 division who are certified by the Alabama Peace Officers'
13 Standards and Training Commission shall have arrest powers.

14 (e) For purposes of the Alabama Criminal Justice
15 Information Center (ACJIC) and the National Crime Information
16 Center (NCIC), personnel of the enforcement division shall be
17 considered an originating agency identifier for the purposes
18 of criminal background checks and access to criminal history
19 data.

20 (f) For purposes of the immunity afforded in Section
21 6-5-338, personnel of the enforcement division certified by
22 the Alabama Peace Officers' Standards and Training Commission
23 shall be deemed law enforcement officers.

24 (g) Personnel of the enforcement division shall
25 comply with all initial and continuing education requirements
26 in Section 41-30-18.

1 §41-30-17. Duties and powers of the Enforcement
2 Division.

3 (a) For the protection of the public and in the
4 public interest in accordance with the policy of this state,
5 the Director of the Enforcement Division, personnel of the
6 enforcement division, or any individual operating under the
7 authority of the enforcement division or the commission, may
8 do any of the following:

9 (1) Inspect and examine licensed locations or the
10 premises of where devices or equipment associated with lottery
11 games are manufactured, sold, or distributed.

12 (2) Inspect all equipment and supplies on the
13 premises of a licensed location.

14 (3) Enforce compliance with this chapter and rules
15 of the commission.

16 (4) Enforce all laws of this state, including those
17 not relating to lottery activities.

18 (5) Have primary jurisdiction over any crime that
19 occurs on the property of a licensed operator at a licensed
20 location.

21 (6) Summarily seize and remove from the premises of
22 a licensed location and impound any equipment or supplies for
23 the purpose of examination and inspection.

24 (7) Make arrests of violators of laws of this state
25 and rules of the commission.

26 (8) Demand access to and inspect, examine,
27 photocopy, and audit all papers, books, and records of

1 applicants for licensure, licensed operators, and management
2 services providers on their premises or elsewhere as
3 practicable, in the presence of the licensed operator or an
4 agent relating to the proceeds generated by any activities
5 regulated by the commission and all other matters affecting
6 the enforcement of this chapter or rules adopted thereunder.

7 (9) Make determinations and impose and enforce civil
8 penalties for violations of this chapter and rules of the
9 commission.

10 (10) Conduct investigations of applicants for
11 licenses to establish and assess suitability compliance and
12 related issues as provided in Section 41-30-22.

13 (11) Take any other action deemed necessary and
14 appropriate by the enforcement division in the administration
15 of its duties under this chapter.

16 (b) No less than on an annual basis, and upon
17 request of the commission or the Legislative Council, the
18 enforcement division shall provide to the commission and
19 Legislative Council reports of all investigative and
20 enforcement activity conducted by the division.

21 §41-30-18. Confidentiality of records.

22 All of the following shall be privileged and
23 confidential, unless presented as evidence at a public hearing
24 of the commission:

25 (1) All reports of investigations by the enforcement
26 division.

1 (2) Documents subpoenaed by the commission in
2 furtherance of an investigation or other activity of the
3 enforcement division.

4 (3) Reports of any investigative action by the
5 enforcement division.

6 (4) Memoranda of the personnel of the enforcement
7 division relating to an investigation.

8 (5) Statements of persons interviewed by the
9 enforcement division.

10 (6) All information, interviews, reports,
11 statements, or memoranda of any nature furnished to the
12 enforcement division.

13 (7) Any findings, conclusions, or recommendations
14 resulting from proceedings of the enforcement division.

15 (8) All information containing proprietary trade
16 secret information.

17 §41-30-19. Assistance by the Attorney General and
18 district attorneys.

19 The enforcement division may request assistance from
20 the Attorney General, district attorneys, or other prosecuting
21 attorneys of this state. The Attorney General, district
22 attorneys, or other prosecuting attorneys, upon request, shall
23 assist in any action for injunction or any prosecution based
24 on the violation of this chapter or rule of the commission.

25 §41-30-20. Suitability requirements.

26 (a) The commission may not issue a license to an
27 applicant as required under this chapter until the applicant,

1 including any individual or entity who has or controls,
2 directly or indirectly, 10 percent or more ownership, income,
3 or profit interest in an applicant that has or will apply for
4 a license in accordance with this chapter, has demonstrated
5 suitability for licensure. For purposes of this section,
6 "suitability" means consideration of all the following:

7 (1) The moral character, honesty, and integrity of
8 the applicant.

9 (2) The reputation, experience, and financial
10 integrity of the applicant.

11 (3) The financial ability of the applicant to
12 purchase and maintain adequate liability and casualty
13 insurance and to provide an adequate surety bond as required
14 by this chapter.

15 (4) The past and present compliance of the
16 applicant, including whether the applicant has a history of
17 noncompliance with the licensing requirements of any other
18 jurisdiction.

19 (5) Whether the applicant has filed, or had filed
20 against it, a proceeding for bankruptcy or has ever been
21 involved in any formal process to adjust, defer, suspend, or
22 otherwise work out the payment of any debt.

23 (6) Whether the operator is or has been a defendant
24 in litigation involving its business practices.

25 (7) Prior activities, arrests, or criminal records,
26 if any, reputation, habits, and associations of an applicant
27 that may pose a threat to the public interest of this state or

1 to the effective regulation of the state lottery, and that may
2 create or enhance the dangers of unsuitable, unfair, or
3 unlawful practices, methods, and operations in the activities
4 authorized by this chapter and the financial arrangements and
5 activities incidental to the activities authorized by this
6 chapter.

7 (8) The likelihood of the applicant to conduct
8 business as authorized by this chapter in complete compliance
9 with this chapter.

10 (9) Whether the applicant owes the state, county, or
11 a municipality any delinquent sales taxes, penalties, or
12 interest, excluding items under formal appeal or protest as
13 provided by law.

14 (10) Any other factor or consideration deemed
15 relevant by the commission.

16 (b) Evidence of, or relating to, an arrest, summons,
17 charge, or indictment of an applicant, or the dismissal
18 thereof, shall be considered by the commission, where
19 applicable, even if the arrest, summons, charge, or indictment
20 results in acquittal, deferred adjudication, such as
21 participation in a pretrial diversion program, probation,
22 parole, or pardon.

23 (c) (1) All applicants for a license under this
24 chapter shall bear the obligation to establish their
25 suitability for a license under this section.

26 (2) An applicant for a license under this chapter
27 shall cooperate with the commission in providing information

1 and documentation as requested by the commission. The
2 commission shall conduct its suitability analysis of an
3 applicant and report its finding of suitability to the
4 commission in writing detailing the information supporting its
5 determination.

6 §41-30-21. Licenses required.

7 Upon passage and ratification of House Bill ___ of
8 the 2022 Regular Session, lottery activities in every form may
9 only be operated by a person licensed by the commission. The
10 commission may adopt rules prescribing the information an
11 applicant for licensure is required to submit to the
12 commission prior to the issuance of a license under this
13 chapter.

14 §41-30-22. Transfer of a license.

15 A license issued under this chapter may only be
16 transferred as provided by rule of the commission.

17 §41-30-23. Civil penalties.

18 (a) In addition to any criminal penalty provided by
19 law, the commission may assess a civil penalty, not to exceed
20 one hundred thousand dollars (\$100,000), on any person who
21 violates any provision of this chapter or a rule adopted by
22 the commission, whether or not the person is licensed under
23 this chapter.

24 (b) The assessment of a civil penalty may be
25 appealed by an aggrieved party as provided in this chapter or
26 commission rule.

27 §41-30-24. Hearing procedures.

1 (a) Except as otherwise provided by law or rule of
2 the commission, before the commission may take any adverse
3 action involving a licensee under this chapter, including the
4 assessment of a civil penalty under Section 41-30-32, the
5 commission shall give the person against whom the action is
6 contemplated an opportunity for a hearing before the
7 commission or a hearing officer designated by the commission.

8 (b) At least 30 days prior to any hearing under this
9 section, the commission shall give notice of the hearing to
10 the person by certified mail addressed to the last known
11 address of the person. The person may be represented by legal
12 counsel.

13 (c) (1) If a person fails to comply with a subpoena
14 issued for purposes of this section, on petition of the
15 commission, the Circuit Court of the Fifteenth Judicial
16 Circuit may compel obedience to the subpoena.

17 (2) If, after due notice, the person against whom
18 the action is contemplated fails or refuses to appear or
19 provide the item or items for which a subpoena was issued, the
20 commission or the commission's designated hearing officer may
21 hear and determine the matter.

22 (d) Within 30 days of a final order or decision of
23 the commission in a contested case, any person aggrieved by
24 the final order or decision may file a petition for appeal in
25 the Circuit Court of the Fifteenth Judicial Circuit.

26 §41-30-25. Duties of lottery retailer licensees.

1 A lottery retailer licensee shall do all of the
2 following:

3 (1) Promptly report to the commission any facts or
4 circumstances related to the operation of a lottery retailer
5 which would constitute a violation of state or federal law.

6 (2) Conduct all lottery activities and functions in
7 a manner that does not pose a threat to the public health,
8 safety, or welfare of the residents of this state and that
9 does not adversely affect the security or integrity of the
10 operation of those games in this state.

11 (3) Hold the commission and this state harmless
12 from, and defend and pay for the defense of, any and all
13 claims that may be asserted against a lottery retailer
14 licensee, the commission, or the state or employees thereof,
15 arising from the licensee's actions or omission while
16 conducting any lottery activity.

17 (4) Assist the commission in regulating the revenue
18 of lottery activity.

19 (5) Maintain all records required by the commission.

20 (6) Upon request by the commission, provide the
21 commission access to all records and the physical premises
22 where the licensee's lottery activities occur, for the purpose
23 of monitoring or inspecting the licensee's activities and
24 lottery equipment.

25 (7) Keep current in all payments and obligations to
26 the commission.

1 (8) Prohibit a person from tampering with or
2 interfering with the operation of any lottery activity.

3 (9) Ensure that all lottery activity is in
4 conformity with specifications and requirements of the
5 commission.

6 (10) Install, post, and display conspicuously at
7 locations within or about the lottery retailer signs and other
8 promotional material as required by the commission.

9 §41-30-26. Required reports.

10 The holder of a lottery retailer license shall
11 maintain daily records showing the gross receipts and adjusted
12 gross receipts of the licensee and shall timely file with the
13 commission any additional reports required by the commission
14 by rule.

15 §41-30-27. Lottery games.

16 (a) The commission shall adopt rules governing the
17 licensing, administration, and conduct of lottery games and
18 the retail sale of lottery tickets thereof.

19 (b) No person other than the holder of a lottery
20 retailer license may sell lottery tickets in connection with
21 any lottery game.

22 (c) License fees for a lottery retailer license
23 shall be set by the commission. The lottery retailer license
24 term shall be set by the commission. All license fees shall be
25 remitted to the State Treasury to the credit of the Alabama
26 Education Lottery Trust Fund.

1 (d) The commission may not grant a lottery retailer
2 license until it determines that each person who has control
3 of the applicant meets all qualifications for licensure as
4 established by rule of the commission. For purposes of this
5 subsection, "control of the applicant" means any owner of 10
6 percent or more of the applicant, its chief executive officer,
7 and any individual who has ultimate responsibility for the
8 applicant's operations in this state.

9 (e) A lottery retailer license authorizes the retail
10 sale of lottery tickets only at the licensed facility of the
11 licensee.

12 (f) A lottery retailer licensee shall submit to the
13 commission such documentation or information as the commission
14 may require demonstrating that the licensee continues to meet
15 the requirements of the law and rules of the commission.

16 (g) The commission may enter into agreements with
17 other states and jurisdictions to authorize individuals who
18 are physically located in a signatory jurisdiction to
19 participate in lottery games conducted by one or more
20 operators licensed by the signatory states and jurisdictions.

21 §41-30-28. Alabama Education Lottery Trust Fund
22 created; distribution of proceeds.

23 (a) The Alabama Education Lottery Trust Fund is
24 created in the State Treasury.

25 (b) (1) The proceeds from any lottery approved by the
26 commission shall be applied first to the payment of the
27 expenses of administering, operating, and regulating the

1 Alabama Education Lottery and any scholarship program created
2 under Section 41-30-29, including, without limitation, the
3 payment of all prizes, without any further appropriation
4 required by law.

5 (2) The balance of the proceeds after the payments
6 are applied pursuant to subdivision (1) shall be deposited
7 into the Alabama Education Lottery Trust Fund.

8 (c) Remaining proceeds in the fund shall be annually
9 appropriated by and through an independent supplemental
10 appropriation bill, as follows:

11 (1) The first five hundred thousand dollars
12 (\$500,000) for the creation and operation of inpatient,
13 residential, and outpatient problem gaming treatment centers
14 and programs.

15 (2) Seven and one-half percent to the Education
16 Retirees' Trust Fund created by Act 2021-464 (2021 Regular
17 Session) to be used to provide retired teachers and education
18 support staff with periodic bonuses.

19 (3) Not more than five hundred thousand dollars
20 (\$500,000) for the payment of dues and fees for school-aged
21 children to attend and participate in agricultural education
22 programs, including programs by the Future Farmers of America
23 (FFA) and 4-H organizations.

24 (4) All remaining proceeds shall be used for the
25 creation and administration of educational scholarship
26 programs created under this chapter.

27 §41-30-29. Program Creation and Administration.

1 (a) There is hereby created the Alabama Graduate
2 Retention and Development (Alabama GRADs) Two-year College and
3 Workforce Development Scholarship Program, the Alabama
4 Graduate Retention and Development (Alabama GRADs) Four-year
5 College Scholarship Program, and the Alabama Graduate
6 Retention and Development (Alabama GRADs) Four-year College
7 Student Loan Repayment Program. The programs shall be
8 administered by ACHE.

9 (b) ACHE may adopt rules to establish all of the
10 following:

11 (1) Deadlines for applications to each program.

12 (2) Appeal procedures for the denial or revocation
13 of any scholarship or loan repayment amount awarded pursuant
14 to this act

15 (3) Any other rule necessary to implement and
16 administer the programs established by this section.

17 (c) ACHE shall not distribute any award under this
18 chapter until the amounts in the Alabama Education Lottery
19 Trust Fund reach the amounts required in House Bill ___ of the
20 2022 Regular Session.

21 §41-30-30. Alabama GRADs Two-year College and
22 Workforce Development Scholarship Program - Eligibility.

23 (a) To be initially eligible for the Alabama GRADs
24 Two-year College and Workforce Development Scholarship
25 Program, a student shall:

26 (1) Satisfy either of the following:

1 a. The student shall be admitted to, and enrolled
2 full-time, in an eligible postsecondary program within three
3 years of any of the following:

4 1. Graduation from an eligible high school.

5 2. Obtaining a high school equivalency certificate
6 or diploma; provided, that the student obtains the high school
7 equivalency certificate or diploma prior to the student
8 reaching 19 years of age.

9 3. Graduation from an out-of-state secondary school
10 operated by the government of the United States accredited by
11 the appropriate regional accrediting association for the state
12 in which the school is located, or accredited by an
13 accrediting association recognized by the foreign nation in
14 which the school is located. This subparagraph shall apply
15 only to a dependent child of a military parent.

16 b. The student shall be enrolled in an eligible high
17 school and engaged in a dual enrollment program through an
18 eligible postsecondary program.

19 (2) The student shall be a citizen or lawful
20 permanent resident of the United States.

21 (b) (1) To maintain eligibility for the Alabama GRADs
22 Two-year College and Workforce Development Scholarship
23 Program, an eligible recipient shall meet both of the
24 following requirements:

25 a. Except as provided in subsection (2) and (3),
26 continue to be admitted to, and enrolled full-time in, an
27 eligible postsecondary program.

1 b. Maintain a grade point average of 2.0 or above in
2 the eligible postsecondary program.

3 (2) An eligible recipient with a documented learning
4 disability shall enroll each semester in the maximum number of
5 semester hours that is established by the eligible
6 postsecondary institution as feasible for the student to
7 attempt with respect to his or her eligible postsecondary
8 program.

9 (3) An eligible recipient who does not have a
10 documented learning disability may enroll in fewer than 12
11 semester hours if required by the eligible postsecondary
12 program in which the recipient is enrolled.

13 (c) An eligible recipient who has an approved
14 medical leave of absence from an eligible postsecondary
15 program may continue to receive the scholarship upon resuming
16 the recipient's education at an eligible postsecondary
17 institution so long as the recipient continues to meet all
18 applicable eligibility requirements. The sum of all approved
19 leaves of absence shall not exceed six months, except as
20 provided for in rules adopted by ACHE.

21 (d) (1) An eligible recipient may continue to receive
22 an Alabama GRADs Two-year College and Workforce Development
23 Program scholarship until the occurrence of the first of any
24 of the following events:

25 a. The recipient has earned a certificate, diploma,
26 or associate degree in an eligible postsecondary program from
27 a postsecondary institution.

1 b. The recipient has attended an eligible
2 postsecondary institution as an eligible recipient for five
3 semesters if the institution is on a semester system, or its
4 equivalent if the institution is on a system other than a
5 semester system. The semester limit shall not include an
6 approved leave of absence.

7 (2) An eligible recipient with a documented learning
8 disability shall be eligible for the Alabama GRADs Two-year
9 College and Workforce Development Program scholarship until
10 the occurrence of the first of any of the following events:

11 a. The recipient has earned a certificate, diploma,
12 or associate degree from a postsecondary institution in an
13 eligible postsecondary program.

14 b. The recipient has attended an eligible
15 postsecondary institution as an eligible recipient for the
16 minimum number of semesters the eligible postsecondary
17 institution establishes as feasible for the student to
18 complete the course work for his or her eligible postsecondary
19 program, not to exceed seven semesters, if the institution is
20 on a semester system, or its equivalent if the institution is
21 on a system other than a semester system. The semester limit
22 shall not include an approved leave of absence.

23 §41-30-31. Alabama GRADs Two-year College and
24 Workforce Development Scholarship Program - Benefit.

25 (a) An Alabama GRADs Two-year College and Workforce
26 Development Scholarship at an eligible postsecondary
27 institution shall be the lesser of either of the following:

1 (1) Two thousand five hundred dollars (\$2,500).

2 (2) The cost of tuition and mandatory fees at the
3 eligible postsecondary institution attended less all other
4 gift aid, not to exceed 90 percent of the cost of tuition and
5 mandatory fees. Gift aid shall be credited first to the
6 student's tuition and mandatory fees.

7 (b) ACHE shall pay to the appropriate eligible
8 postsecondary institution an amount equal to the amount
9 calculated under subsection (a) on behalf of each eligible
10 recipient at times to be determined by ACHE.

11 §41-30-32. Alabama GRADs Four-year College Student
12 Loan Repayment Program - Eligibility.

13 (a) To be eligible for the Alabama GRADs Four-year
14 College Student Loan Repayment Program, an applicant must
15 satisfy each of the following criteria:

16 (1) He or she must have earned a bachelor's degree
17 or the equivalent in an eligible postsecondary program from an
18 eligible postsecondary institution.

19 (2) He or she must have an outstanding balance of
20 federal student loans owed in connection with obtaining the
21 degree specified in subsection (a).

22 (3) He or she must be a resident of Alabama.

23 (4) He or she must be employed in Alabama as
24 established under rules adopted by ACHE.

25 (5) He or she must be a citizen or lawful permanent
26 resident of the United States.

1 (b) An applicant shall notify ACHE in writing of any
2 change in status within 30 days after the change. Failure to
3 notify ACHE of a change in status shall exclude the applicant
4 from future eligibility. All of the following constitute a
5 change in status:

6 (1) A change in name.

7 (2) A change in residence.

8 (3) A change in employment status.

9 (4) Repayment in full of any previously outstanding
10 balance of federal student loans.

11 (5) Any other change specified by ACHE.

12 (c) An applicant shall establish his or her initial
13 and continued eligibility in the manner, and at the times,
14 established under rules adopted by ACHE.

15 §41-30-33. Alabama GRADs Four-year College Student
16 Loan Repayment Program - Benefit.

17 (a) Annually, ACHE shall calculate the amount
18 available for the Alabama GRADs Four-Year College Student Loan
19 Repayment benefit by dividing the total amount of funds
20 appropriated out of the Alabama Education Lottery Trust Fund
21 for the scholarship by the total number of eligible
22 recipients.

23 (b) (1) Subject to subdivision (2), ACHE shall pay
24 each eligible recipient, in each of the four years following
25 his or her receipt of the degree specified in Section
26 41-30-34(a), an amount equal to the amount calculated under
27 subsection (a).

1 (2) Loan repayment awards shall be applied directly
2 to an outstanding federal student loan balance held by the
3 eligible recipient on a schedule determined by ACHE.

4 (3) If the award amount is larger than an eligible
5 recipient's outstanding loan balance, the award amount shall
6 be reduced to the amount of the loan balance.

7 (4) ACHE shall take reasonable steps to inform
8 eligible recipients that the Alabama GRADs Four-Year College
9 Student Loan Repayment benefit constitutes income for purposes
10 of federal and state income tax.

11 §41-30-34. Alabama GRADs Four-year College
12 Scholarship Program - Eligibility.

13 (a) To be initially eligible for the Alabama GRADs
14 Four-year College Scholarship Program, a student shall be
15 admitted to, and enrolled full-time in, an eligible
16 postsecondary program within three years of any of the
17 following:

18 (1) Graduation from an eligible high school.

19 (2) Obtaining a high school equivalency certificate
20 or diploma prior to the student reaching 19 years of age.

21 (3) Graduation from an out-of-state secondary school
22 operated by the government of the United States, accredited by
23 the appropriate regional accrediting association for the state
24 in which the school is located, or accredited by an
25 accrediting association recognized by the foreign nation in
26 which the school is located. This subdivision shall apply only
27 to a dependent child of a military parent.

1 (b) (1) Except as otherwise provided in subsections
2 (2) and (3), to maintain eligibility for the Alabama GRADs
3 Four-year College Scholarship Program, an eligible recipient
4 shall:

5 a. Continue to be admitted to, and enrolled
6 full-time in, an eligible postsecondary program.

7 b. Maintain a grade point average of 2.0 or above in
8 the eligible postsecondary program.

9 (2) An eligible recipient with a documented learning
10 disability shall enroll each semester in the maximum number of
11 semester hours that is established by the eligible
12 postsecondary institution as feasible for the student to
13 attempt with respect to his or her eligible postsecondary
14 program.

15 (3) An eligible recipient who does not have a
16 documented learning disability may enroll in fewer than 12
17 semester hours if required by the eligible postsecondary
18 program in which the recipient is enrolled.

19 (c) An eligible recipient who has an approved
20 medical leave of absence from an eligible postsecondary
21 program may continue to receive the scholarship upon resuming
22 the recipient's education at an eligible postsecondary
23 institution so long as the recipient continues to meet all
24 applicable eligibility requirements. The sum of all approved
25 leaves of absence shall not exceed six months, except as
26 provided for in rules adopted by ACHE.

1 (d) (1) An eligible recipient may continue to receive
2 an Alabama GRADs Four-Year College Scholarship until the
3 occurrence of the first of the following events:

4 a. The recipient has earned a bachelor's degree or
5 equivalent from a postsecondary institution.

6 b. The student has attended an eligible
7 postsecondary institution as an eligible recipient for nine
8 semesters if the institution is on a semester system, or its
9 equivalent if the institution is on a system other than a
10 semester system. Such semester limit shall not include an
11 approved leave of absence.

12 (2) A student with a documented learning disability
13 shall be eligible for the Alabama GRADs Four-Year College
14 Scholarship until the occurrence of the first of either of the
15 following events:

16 a. The recipient has earned a bachelor's degree or
17 equivalent from a postsecondary institution.

18 b. The recipient has attended an eligible
19 postsecondary institution as an eligible recipient for the
20 minimum number of semesters the eligible postsecondary
21 institution establishes as feasible for the student to
22 complete the course work for his or her eligible postsecondary
23 program, not to exceed 11 semesters, if the institution is on
24 a semester system, or its equivalent if the institution is on
25 a system other than a semester system. The semester limit
26 shall not include an approved leave of absence.

1 §41-30-35. Alabama GRADs Four-year College
2 Scholarship Program - Benefit.

3 (a) An Alabama GRADs Four-Year College Scholarship
4 shall be equal to the amount appropriated by the Legislature
5 from the Alabama Education Lottery Trust Fund for the
6 scholarship, divided by the total number of eligible
7 recipients.

8 (b) ACHE shall pay to the appropriate eligible
9 postsecondary institution an amount equal to the amount
10 calculated under subsection (a) on behalf of each eligible
11 recipient at times to be determined by ACHE.

12 §41-30-36. Reporting.

13 ACHE shall research and analyze data concerning the
14 programs created under this chapter, including, but not
15 limited to, student success and scholarship retention. ACHE
16 shall report its findings each year not later than March 15 to
17 the Governor, the Lieutenant Governor, the Speaker of the
18 House of Representatives, the President Pro Tempore of the
19 Senate, the Chair of the House Ways and Means Education
20 Committee, the Chair of the Senate Finance and Taxation
21 Education Committee, the Chair of the House Education Policy
22 Committee, and the Chair of the Senate Education Policy
23 Committee.

24 §41-30-37. Misdemeanor Lottery Offenses.

25 (a) A person may not do any of the following:

26 (1) Knowingly make a false statement on any
27 application for a license under this chapter or on an

1 application for renewal of a license issued under this
2 chapter.

3 (2) Operate a lottery game under any of the
4 following conditions:

5 a. Prior to obtaining a license.

6 b. After the person's license has expired and prior
7 to actual renewal of the license.

8 (b) A person who violates this section shall be
9 guilty of a Class A misdemeanor.

10 §41-30-38. Unlawful Purchase of Lottery Tickets.

11 (a) (1) It is unlawful for any individual under 21
12 years of age to purchase, use, or possess a lottery ticket, or
13 attempt to purchase, use, or possess a lottery ticket.

14 (2) Notwithstanding subdivision (1), it is not
15 unlawful for an individual under 21 years of age who is an
16 employee of a lottery retailer licensee to handle, transport,
17 or sell a lottery ticket if the employee is acting within the
18 line and scope of employment and the licensee, or an employee
19 of the licensee who is 21 years of age or older, is present.

20 (b) It is unlawful for any individual under 21 years
21 of age to present or offer to another person proof of
22 identification which is false, fraudulent, or not actually his
23 or her own proof of identification in order to buy, receive,
24 or otherwise obtain, or attempt to buy, receive, or otherwise
25 obtain, any lottery ticket.

1 (c) A violation of subsection (a) or (b) is a Class
2 C misdemeanor punishable by a fine of not less than fifty
3 dollars (\$50) nor more than five hundred dollars (\$500).

4 (d) The commission may levy a civil penalty against
5 any lottery retailer licensee who requests or requires an
6 employee under 21 years of age to handle, transport, or sell a
7 lottery ticket in a manner that violates subsection (a) as
8 follows:

9 (1) Two hundred fifty dollars (\$250) for a first
10 offense.

11 (2) Five hundred dollars (\$500) for a second or
12 subsequent offense.

13 (e) For purposes of this section, "proof of
14 identification" means any one or more of the following
15 documents used for purposes of determining the age of an
16 individual purchasing, or attempting to purchase, a lottery
17 ticket:

18 (1) A valid driver license issued by any state and
19 bearing the photograph of the presenting individual.

20 (2) United States Uniform Service Identification.

21 (3) A valid passport.

22 (4) A valid identification card issued by any state
23 agency for the purpose of identification and bearing the
24 photograph and date of birth of the presenting individual.

25 (f) The commission may adopt rules to provide
26 further requirements for the presentation of proof of

1 identification for the purchase of lottery tickets and
2 penalties for a violation.

3 Section 2. Although this bill would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds, the bill is excluded from further
6 requirements and application under Amendment 621, as amended
7 by Amendment 890, now appearing as Section 111.05 of the
8 Official Recompilation of the Constitution of Alabama of 1901,
9 as amended, because the bill defines a new crime or amends the
10 definition of an existing crime.

11 Section 3. This act shall become effective after its
12 passage and approval by the Governor, or its otherwise
13 becoming law and ratification of the constitutional amendment
14 proposed by House Bill _____ of the 2022 Regular Session.