

SB324 INTRODUCED



1 92AIPM-1
2 By Senator Singleton (Constitutional Amendment)
3 RFD: Local Legislation
4 First Read: 16-May-23
5 2023 Regular Session



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SYNOPSIS:

This bill would propose an amendment to the Constitution of Alabama of 2022, relating to Greene County, to provide legislative findings, provide for the pari-mutuel wagering on historical horse racing on computerized machines, levy a tax on pari-mutuel wagering on historical horse races on computerized machines, provide for the application for licensure and the operation of a racetrack, and provide for the distribution of taxes, fees, and other funds collected by the commission.

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 2022, relating to Greene County, to provide legislative findings; to provide for the pari-mutuel wagering on historical horse racing on computerized machines; to levy a tax on pari-mutuel wagering on historical horse races on computerized machines; to provide for application for licensure and the operation of a racetrack; and to provide for the distribution of taxes, fees, and other monies collected by



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29 the commission.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. The following amendment to the Constitution
32 of Alabama of 2022, is proposed and shall become valid as a
33 part of the constitution when all requirements of this act are
34 fulfilled:

35

36 PROPOSED AMENDMENT

37 Part I.

38 (a) The Legislature hereby finds and declares that a
39 computerized machine that uses actual historical horse races
40 and allows pari-mutuel wagering on the races is a permissible
41 lawful activity at the racetracks in the State of Alabama. The
42 Legislature hereby further finds and declares that a uniform
43 local tax on the handle from pari-mutuel wagering on these
44 historical horse racing computerized machines is necessary for
45 the licensed racetrack located in Greene County.

46 (b) For purposes of this amendment, pari-mutuel
47 wagering on historical horse racing computerized machines may
48 be conducted without regard to any of the following: (i) The
49 type of graphics on the machine used to conduct the activity;
50 (ii) whether the patron chooses a specific horse upon which to
51 wager; and (iii) whether the patron watches all or part of the
52 historical race.

53 Part II.

54 A local tax shall be levied on pari-mutuel wagering on
55 historical horse races on computerized machines at the
56 racetrack in Greene County and shall be set by the Greene



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57 County Racing Commission at a rate of up to four percent, and
58 a state tax shall be levied thereon at a rate of one percent.
59 The local tax shall be collected, administered, and
60 distributed as provided in Part V of this amendment in the
61 same manner and on the same terms as are applicable to any
62 local pari-mutuel tax on live greyhound racing conducted at
63 the Greene County racetrack, provided that the total handle
64 from pari-mutuel wagering of historical horse races on these
65 computerized machines shall be separately calculated from any
66 other racing handle, live or simulcast, and provided further,
67 that the local tax shall be in lieu of any local tax on
68 pari-mutuel wagering on historical horse races on these
69 computerized machines that may otherwise be imposed under
70 local or general law.

71 Part III.

72 The qualifications and manner of appointment of members
73 of the Greene County Racing Commission shall be set by local
74 law. The salary or other compensation of a member of the
75 Greene County Racing Commission shall be set by the local
76 legislative delegation that represents Greene County in the
77 state Legislature.

78 Part IV.

79 (a) The Greene County Racing Commission, at its sole
80 discretion, shall set an application fee for a license to
81 conduct pari-mutuel wagering on historical horse racing on
82 computerized machines and the duration of the license.

83 (b) The Greene County Racing Commission shall not issue
84 any license that would permit any two racetracks in the county



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85 to operate on the same day.

86 (c) An application to operate a racetrack shall only be
87 granted to an individual who has been a resident of the State
88 of Alabama for at least five years immediately preceding the
89 date on which the license is issued, or to a corporation,
90 association, company, partnership, or other legal entity that
91 has been incorporated, organized, or otherwise established in
92 the State of Alabama for at least five years immediately
93 preceding the date on which the license is issued.

94 (d) The Greene County Racing Commission shall
95 establish, without any limitation thereon, the maximum number
96 of operating days and hours of operation of a licensee.

97 Part V.

98 All fees, commissions, local taxes, and other monies,
99 including fines and forfeitures, received by the Greene County
100 Racing Commission shall be paid to the Treasurer of Greene
101 County and deposited by the treasurer in the county treasury
102 to the account of the Greene County Racing Commission. All
103 monies remaining, after payment of expenses, including the
104 payment of the salaries and expenses of the members and
105 employees of the commission, shall be distributed on a
106 quarterly basis as follows:

107 (1) An amount, not to exceed two hundred thousand
108 dollars (\$200,000) per year, to the Greene County Commission
109 for any of the following purposes:

110 a. To pay principal of and interest on bonds, warrants,
111 or other securities at any time thereafter issued by the
112 Greene County Commission for the purpose of renovating,



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113 improving, and equipping existing jail facilities, or
114 constructing new jail facilities.

115 b. To enable the county to make lease rental payments
116 to any public corporation in an amount sufficient to retire
117 bonds or other securities issued by the public corporation for
118 the purpose of providing funds to pay the cost of renovating,
119 improving, and equipping existing jail facilities, or
120 constructing new jail facilities.

121 c. To pay principal of and any interest on bonds,
122 warrants, or other securities at any time hereafter issued by
123 the Greene County Commission for the purpose of providing
124 funds to pay costs of acquiring, providing, constructing, and
125 equipping a new county courthouse; or renovating, improving,
126 and equipping the existing county courthouse.

127 d. To enable the county to make lease rental payments
128 to any public corporation in an amount sufficient to retire
129 bonds or other securities issued by the public corporation for
130 the purpose of providing funds to pay the costs of renovating,
131 improving, and equipping the existing county courthouse, or
132 constructing a new county courthouse. When the principal and
133 interest bonds, warrants, or other securities heretofore
134 mentioned are satisfied, then the sum shall be prorated as
135 provided in subdivision (2).

136 (2) The remaining balance shall be distributed as
137 follows:

138 a. Twenty percent to the municipalities of Greene
139 County on a per capita basis according to the most recent
140 federal population figures used by the federal government for



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141 the purpose of revenue sharing, or if these figures are not
142 available, the most recent federal decennial census shall be
143 used.

144 b. Five percent to the Greene County Hospital Board.

145 c. Thirty percent to the Greene County Board of
146 Education.

147 d. Two percent to the county E-911 system.

148 e. Two percent to the Greene County Industrial
149 Development Authority, to be used first for the development
150 and provision of natural gas to the Crossroads of America
151 Industrial Park.

152 f. Forty-one percent to the General Fund of Greene
153 County to be distributed as follows:

154 1. Forty percent to the Greene County Commission to be
155 used in any manner provided by law for the benefit of the
156 residents of Greene County.

157 2. Ten percent to the Greene County Sheriff to be used
158 for law enforcement purposes.

159 3. Ten percent to the Greene County Commission to be
160 used for the benefit of the fire department.

161 4. Ten percent to the Greene County Commission for the
162 maintenance of a county ambulance service.

163 5. Six percent for the establishment and maintenance of
164 daycare centers within the county.

165 6. Three percent to the Greene County Library
166 Association for the use of the library system.

167 7. One percent to the Community Services Programs of
168 Tuscaloosa-Bibb Counties, Incorporated, to be used for



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169 assistance to low income residents of Greene County.

170 8. Two percent to the West Alabama Mental Health
171 Center, Incorporated, to be used for mental health services
172 within the county.

173 9. One percent to the Greene County Retired Senior
174 Volunteer Program (RSVP).

175 10. One percent to the Society of Folk Arts and
176 Culture, Incorporated, for culture and youth development.

177 11. One percent to the Greene County Commission to be
178 used as follows:

179 (i) One-third of the one percent to be used by the
180 county commission in cultural and historical preservation.

181 (ii) One-third of the one percent to the Greene County
182 Historical Society for their use in restoring and preserving
183 historic sites and buildings in the county.

184 (iii) One-third of the one percent to the Alabama Civil
185 Rights Educational Freedom Museum, Incorporated.

186 12. Two percent to the Greene County Health Department
187 to be used for general health care in the county and to
188 augment the Women, Infants and Children (WIC) program and
189 related health programs in the county.

190 13. Two and one-half percent to the Parks and
191 Recreation Board; provided, that no more than 15 percent of
192 the two and one-half percent may be used for maintenance and
193 development of the Greene County Golf Course.

194 14. Four and one-half percent to the Greene County
195 Community Improvement Association for the construction,
196 renovation, and operation of community centers in Tishabee,



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197 Clinton, Dollarhide, Knoxville, Mantua, and Mt. Hebron. When
198 the foregoing facilities have been constructed and renovated
199 in these communities, then the funds shall be designated for
200 the general use and operations of the Greene County Community
201 Improvement Association for the construction of additional
202 community centers and the operation of community centers in
203 Greene County.

204 15. One and three-quarters percent to be appropriated
205 to Branch Heights.

206 16. Three-quarters percent to be appropriated to the
207 Greene County Department of Human Resources.

208 17. One and one-half percent to Woman to Woman located
209 in Greene County.

210 18. Two percent to the Greene County Legislative
211 Delegation.

212 Upon ratification of this constitutional amendment, the
213 Code Commissioner shall number and place this amendment as
214 appropriate in the constitution omitting this instructional
215 paragraph and may make the following nonsubstantive revisions:
216 change capitalization, spelling, and punctuation for purposes
217 of style and uniformity; correct manifest grammatical,
218 clerical, and typographical errors; and correct incorrect
219 cross-references.

220 END OF PROPOSED AMENDMENT

221 Section 2. An election upon the proposed amendment
222 shall be held at the earlier of the 2024 Primary Election or
223 any special election held in Greene County, in accordance with
224 Sections 284 and 284.01 of the Constitution of Alabama of



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225 2022.

226 Section 3. The appropriate election official shall
227 assign a ballot number for the proposed constitutional
228 amendment on the election ballot and shall set forth the
229 following description of the substance or subject matter of
230 the proposed constitutional amendment:

231 "Relating to Greene County, proposing an amendment to
232 the Constitution of Alabama of 2022, to provide legislative
233 findings; to provide for the pari-mutuel wagering on
234 historical horse racing on computerized machines; to levy a
235 tax on pari-mutuel wagering on historical horse races on
236 computerized machines; to provide for application for
237 licensure and the operation of a racetrack; and to provide for
238 the distribution of taxes, fees, and other monies collected by
239 the commission.

240 Proposed by Act ____."

241 This description shall be followed by the following
242 language:

243 "Yes() No()."