

SECOND REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 49

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CUNNINGHAM.

Read 1st time February 11, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5882S.011

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## JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 39(b) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state lottery.

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*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on  
2 Tuesday next following the first Monday in November, 2014, or at a special  
3 election to be called by the governor for that purpose, there is hereby submitted  
4 to the qualified voters of this state, for adoption or rejection, the following  
5 amendment to article III of the Constitution of the state of Missouri:

Section A. Section 39(b), article III, Constitution of Missouri, is repealed  
2 and one new section adopted in lieu thereof, to be known as section 39(b), to read  
3 as follows:

Section 39(b). 1. The general assembly shall have authority to authorize  
2 a Missouri state lottery by law. If such legislation is adopted, there shall be  
3 created a "State Lottery Commission" consisting of five members who shall be  
4 appointed by the governor with the advice and consent of the senate and who may  
5 be removed, for cause by the governor and who shall be chosen from the state at  
6 large and represent a broad geographic spectrum with no more than one member  
7 chosen from each federal congressional district. Each member at the time of his  
8 **or her** appointment and qualification shall have been a resident of this state for  
9 a period of at least five years next preceding his **or her** appointment and  
10 qualification and shall also be a qualified elector therein and be not less than  
11 thirty years of age. No more than three members of the commission shall be  
12 members of the same political party. Members of the commission shall have

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 three-year terms as provided by law. Members of the commission shall receive  
14 no salary but shall receive their actual expenses incurred in the performance of  
15 their responsibilities. The commission shall employ such persons as provided by  
16 law. The commission shall have the authority to join other states and  
17 jurisdictions for the purpose of conducting joint lottery games.

18           2. The money received by the Missouri State lottery commission from the  
19 sale of Missouri lottery tickets, and from all other sources, shall be deposited in  
20 the "State Lottery Fund", which is hereby created in the state treasury. **No later**  
21 **than July 1, 2015, the state lottery commission shall develop and begin**  
22 **selling a "Veterans Lottery Ticket", and all net proceeds received from**  
23 **the sales of such tickets shall be deposited solely in the veterans**  
24 **commission capital improvement trust fund, as provided by law.**

25           3. [The] **Except as provided in subsection 2 of this section, the**  
26 monies received from the Missouri state lottery shall be governed by  
27 appropriation of the general assembly. Beginning July 1, 1993, monies  
28 representing net proceeds after payment of prizes and administrative expenses  
29 shall be transferred by appropriation to the "Lottery Proceeds Fund" which is  
30 hereby created within the state treasury and such monies in the lottery proceeds  
31 fund shall be appropriated solely for public institutions of elementary, secondary  
32 and higher education.

33           4. A minimum of forty-five percent of the money received from the sale of  
34 Missouri state lottery tickets shall be awarded as prizes.

35           5. The commission shall have the authority to purchase and hold title to  
36 any securities of the United States government or its agencies and  
37 instrumentalities thereof for prizes, as provided by law.

38           6. Until July 1, 1993, any person possessing a department of revenue  
39 retail sales license as provided by law or any chartered civic, fraternal, charitable  
40 or political organization or labor organization shall be eligible to obtain a license  
41 to act as a lottery ticket sales agent except a license to act as an agent to sell  
42 lottery tickets shall not be issued to any person primarily engaged in business as  
43 a lottery ticket sales agent. Until July 1, 1993, the general assembly may impose  
44 additional qualifications on such persons to obtain a lottery ticket sales agent  
45 license as it deems appropriate. Until July 1, 1993, the commission is also  
46 authorized to sell lottery tickets at its office and at special events as provided by  
47 law. Beginning July 1, 1993, the general assembly shall enact laws governing  
48 lottery ticket sales.

49           7. Revenues produced from the conduct of a state lottery shall not be part  
50 of "total state revenues" as defined in sections 17 and 18 of article X of this  
51 constitution and the expenditure of such revenue shall not be an "expense of state  
52 government" under section 20 of article X of this constitution.

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Unofficial

Bill

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