

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 65

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES GARDNER (Sponsor), BUTLER, ELLINGTON, MIMS,  
NEWMAN, DUNN AND ELLINGER (Co-sponsors).

4843H.011

D. ADAM CRUMBLISS, Chief Clerk

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### JOINT RESOLUTION

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

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

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

Section A. Section 39(b), article III, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 39, to read as follows:

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

15       2. The money received by the Missouri State lottery commission from the sale of  
16 Missouri lottery tickets, and from all other sources, shall be deposited in the "State Lottery  
17 Fund", which is hereby created in the state treasury.

18       3. The monies received from the Missouri state lottery shall be governed by  
19 appropriation of the general assembly. Beginning July 1, 1993, monies representing net proceeds  
20 after payment of prizes and administrative expenses shall be transferred by appropriation to the  
21 "Lottery Proceeds Fund" which is hereby created within the state treasury and such monies in the  
22 lottery proceeds fund shall be appropriated solely for public institutions of **early childhood**,  
23 elementary, secondary and higher education.

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

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

29       6. Until July 1, 1993, any person possessing a department of revenue retail sales license  
30 as provided by law or any chartered civic, fraternal, charitable or political organization or labor  
31 organization shall be eligible to obtain a license to act as a lottery ticket sales agent except a  
32 license to act as an agent to sell lottery tickets shall not be issued to any person primarily engaged  
33 in business as a lottery ticket sales agent. Until July 1, 1993, the general assembly may impose  
34 additional qualifications on such persons to obtain a lottery ticket sales agent license as it deems  
35 appropriate. Until July 1, 1993, the commission is also authorized to sell lottery tickets at its  
36 office and at special events as provided by law. Beginning July 1, 1993, the general assembly  
37 shall enact laws governing lottery ticket sales.

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

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