

1 HB575
2 118127-1
3 By Representatives Coleman, Hilliard and McAdory
4 (Constitutional Amendment)
5 RFD: Jefferson County Legislation
6 First Read: 16-FEB-10

2
3
4
5
6
7
8 SYNOPSIS: Under existing constitutional law,
9 lotteries, gift enterprises, and any schemes in the
10 nature of a lottery are prohibited. Bingo has been
11 established by case law to be prohibited by Section
12 65 of the Constitution of Alabama of 1901, now
13 appearing as Section 65 of the Official
14 Recompilation of the Constitution of Alabama of
15 1901, as amended. Specific counties which ratified
16 local constitutional amendments permitting the
17 operation of bingo for certain charitable or
18 educational purposes are removed from the
19 prohibition.

20 This bill would propose a local
21 constitutional amendment for Jefferson County to
22 permit the operation of bingo by nonprofit
23 organizations for charitable, educational, or other
24 lawful purposes.

25 This bill would repeal Amendment No. 386 to
26 the Constitution of Alabama of 1901, now appearing
27 as Section 2, Local Amendments, Jefferson County,

1 Official Recompilation of the Constitution of
2 Alabama of 1901, as amended, relating to the
3 operation of bingo games by or on behalf of
4 nonprofit organizations in Jefferson County.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT
9

10 Proposing an amendment to the Constitution of
11 Alabama of 1901, relating to legalizing certain operations of
12 bingo games for prizes or money for charitable or educational
13 purposes in Jefferson County; to repeal Amendment No. 386 to
14 the Constitution of Alabama of 1901, now appearing as Section
15 2, Local Amendments, Jefferson County, Official Recompilation
16 of the Constitution of Alabama of 1901, as amended, relating
17 to the operation of bingo games by or on behalf of nonprofit
18 organizations in Jefferson County.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. The following amendment to the
21 Constitution of Alabama of 1901, is proposed and shall become
22 valid as a part of the Constitution when all requirements of
23 this act are fulfilled:

24 PROPOSED AMENDMENT

25 (a) Amendment No. 386 to the Constitution of Alabama
26 of 1901, now appearing as Section 2, Local Amendments,
27 Jefferson County, Official Recompilation of the Constitution

1 of Alabama of 1901, as amended, relating to the operation of
2 bingo games by or on behalf of nonprofit organizations in
3 Jefferson County, is repealed.

4 (b) For purposes of this amendment, the following
5 words have the following meanings:

6 (1) BINGO. That specific kind of game commonly known
7 as bingo in which prizes are awarded on the basis of
8 designated numbers or symbols on a card or electronic marking
9 machine conforming to numbers or symbols selected at random.

10 (2) EQUIPMENT. The receptacle and numbered objects
11 drawn from it, the master board upon which such objects are
12 placed as drawn, the cards or sheets bearing numbers or other
13 designations to be covered and the objects used to cover them
14 or electronic card making machines, and the board or signs,
15 however operated, used to announce or display the numbers of
16 designations as they are drawn.

17 (3) NONPROFIT ORGANIZATION. A bona fide religious,
18 educational, service, senior citizens, fraternal, or veterans
19 organization which operates without profit to its members and
20 which either has been in existence continuously as such an
21 organization for a period of three years or is exempt from
22 taxation by virtue of having been classified as a tax exempt
23 nonprofit organization by the Internal Revenue Service, United
24 States Government. This term includes a volunteer fire
25 department and a volunteer rescue squad.

26 (c) Bingo games for prizes or money may be operated
27 by a nonprofit organization in Jefferson County. The sheriff

1 shall promulgate rules and regulations for the licensing,
2 permitting, and operation of bingo games within the county.
3 The sheriff shall insure compliance with such rules or
4 regulations and all of the following:

5 (1) No person under the age of 19 years shall be
6 permitted to play any game or games of bingo, nor shall any
7 person under the age of 19 years be permitted to conduct or
8 assist in the operation of any game of bingo.

9 (2) Bingo games shall be operated exclusively on the
10 premises owned or leased by the nonprofit organization
11 operating the bingo game. Such location shall be specified in
12 the application of the nonprofit organization.

13 (3) A nonprofit organization may not enter into any
14 contract with any individual, firm, association, or
15 corporation to have the individual or entity operate bingo
16 games or concessions on behalf of the nonprofit organization.
17 A nonprofit organization may not pay consulting fees to any
18 individual or entity for any services performed in relation to
19 the operation or conduct of a bingo game.

20 (4) A nonprofit organization may not lend its name
21 or allow its identity to be used by another person or entity
22 in the operating, promoting, or advertising of a bingo game in
23 which the nonprofit organization is not directly and solely
24 operating the bingo game.

25 (5) All equipment shall be stamped or clearly marked
26 in letters no less than one-half inch in height and one-fourth
27 inch in width (except for the letter "I") with the name of the

1 nonprofit organization using the equipment. A nonprofit
2 organization or other person or entity may not use equipment
3 marked with the name of another nonprofit organization.

4 (6) Prizes given by any nonprofit organization for
5 the playing of bingo games shall not exceed ten thousand
6 dollars (\$10,000) in cash or gifts of equivalent value during
7 any bingo session.

8 (7) A nonprofit organization may not advertise bingo
9 except to the extent and in the manner authorized by rule of
10 the sheriff. If the sheriff allows a nonprofit organization to
11 advertise bingo, the nonprofit organization shall indicate in
12 the advertisement the purposes for which the net proceeds will
13 be used by the nonprofit organization.

14 (8) A nonprofit organization shall display its bingo
15 license conspicuously at the location where the bingo game is
16 conducted.

17 (9) The sheriff shall determine by regulation the
18 days of operation during any calendar week and the hours of
19 operation.

20 (d) A violation of this amendment is a Class A
21 misdemeanor as specified by general law.

22 Section 2. An election upon the proposed amendment
23 shall be held in accordance with Amendment 555 to the
24 Constitution of Alabama of 1901, now appearing as Section
25 284.01 of the Official Recompilation of the Constitution of
26 Alabama of 1901, as amended, and the election laws of this
27 state.

1 Section 3. The appropriate election official shall
2 assign a ballot number for the proposed constitutional
3 amendment on the election ballot and shall set forth the
4 following description of the substance or subject matter of
5 the proposed constitutional amendment:

6 "Relating to Jefferson County, proposing an
7 amendment to the Constitution of Alabama of 1901, authorizing
8 the operation of bingo games by nonprofit organizations for
9 charitable, educational, and other lawful purposes.

10 "Proposed by Act _____."

11 This description shall be followed by the following
12 language:

13 "Yes () No ()."