1   HB326

2   116512-1

3   By Representative Gordon (Constitutional Amendment)

4   RFD: Mobile County Legislation

5   First Read: 19-JAN-10

1   116512-1:n:01/19/2010:LLR/tan LRS2010-348

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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. Specific

13   counties which ratified local constitutional

14   amendments permitting the operation of bingo for

15   certain charitable or educational purposes are

16   removed from the prohibition.

17   This bill would propose a local

18   constitutional amendment for the City of Prichard

19   in Mobile County to permit the operation of bingo

20   by nonprofit organizations for charitable,

21   educational, or other lawful purposes.

22

23   A BILL

24   TO BE ENTITLED

25   AN ACT

26

1	Proposing an amendment to the Constitution of

2	Alabama of 1901, relating to legalizing certain operations of

3	bingo games for prizes or money for charitable or educational

4	purposes in the City of Prichard in Mobile County.

5	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6	Section 1. The following amendment to the

7	Constitution of Alabama of 1901, is proposed and shall become

8	valid as a part of the Constitution when all requirements of

9	this act are fulfilled:

10	PROPOSED AMENDMENT

11	The operation of bingo games for prizes or money by

12	nonprofit organizations for charitable, educational, or other

13	lawful purposes shall be legal in the City of Prichard in

14	Mobile County. The city council shall promulgate rules and

15	regulations for the licensing and operation of bingo games

16	within the city. The city council shall insure compliance

17	pursuant to any rule or regulation and the following

18	requirements:

19	(1) No person under the age of 19 years shall be

20	permitted to play any game or games of bingo, nor shall any

21	person under the age of 19 years be permitted to conduct or

22	assist in the operation of any game of bingo.

23	(2) No bingo license shall be issued to any

24	nonprofit organization, unless the organization shall have

25	been in existence for at least three years in the city

26	immediately prior to the issuance of the permit or license.

1   (3) Bingo games may be operated on the premises

2   owned or leased by the nonprofit organization operating the

3   bingo game.

4   (4) A nonprofit organization may enter into a

5   contract with any individual, firm, association, or

6   corporation to have the individual or entity operate bingo

7   games or concessions on behalf of the nonprofit organization.

8   A nonprofit organization may pay consulting fees to any

9   individual or entity for any services performed in relation to

10   the operation or conduct of a bingo game.

11   (5) A nonprofit organization may lend its name or

12   allow its identity to be used by another person or entity in

13   the operating or advertising of a bingo game in which the

14   nonprofit organization is not directly and solely operating

15   the bingo game.

16   (6) Prizes given by any nonprofit organization for

17   the playing of bingo games may not exceed the cash amount or

18   gifts of equivalent value set by rule or regulation during any

19   bingo session during any calendar week.

20   Section 2. An election upon the proposed amendment

21   shall be held in accordance with Amendment 555 to the

22   Constitution of Alabama of 1901, and the election laws of this

23   state.

24   Section 3. The appropriate election official shall

25   assign a ballot number for the proposed constitutional

26   amendment on the election ballot and shall set forth the

1   following description of the substance or subject matter of

2   the proposed constitutional amendment:

3   "Relating to the City of Prichard in Mobile County,

4   proposing an amendment to the Constitution of Alabama of 1901,

5   authorizing the operation of bingo games by nonprofit

6   organizations for charitable, educational, and other lawful

7   purposes.

8   "Proposed by Act _____. "

9   This description shall be followed by the following

10   language:

11   "Yes ( ) No ( )."