

1 HB738
2 120254-1
3 By Representatives Gordon and Mitchell (Constitutional
4 Amendment)
5 RFD: Mobile County Legislation
6 First Read: 23-MAR-10

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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 Mobile County to
19 permit the operation of bingo by nonprofit
20 organizations for charitable, educational, or other
21 lawful purposes and would repeal Amendment 440 to
22 the Constitution of Alabama of 1901, authorizing
23 bingo for charitable programs in Mobile County.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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Proposing an amendment to the Constitution of Alabama of 1901, relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Mobile County and repealing Amendment 440 to the Constitution of Alabama of 1901.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

(a) For purposes of this amendment, the following words have the following meanings:

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

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

(3) NONPROFIT ORGANIZATION. A bona fide religious, educational, service, senior citizens', fraternal, or

1 veterans' organization which operates without profit to its
2 members and which either has been in existence continuously as
3 such an organization for a period of three years or is exempt
4 from taxation by virtue of having been classified as a tax
5 exempt nonprofit organization by the Internal Revenue Service,
6 United States Government. This term includes a volunteer fire
7 department and a volunteer rescue squad.

8 (b) Bingo games for prizes or money may be operated
9 by a nonprofit organization in Mobile County. The sheriff
10 shall promulgate rules and regulations for the licensing,
11 permitting, and operation of bingo games within the county.
12 The sheriff shall insure compliance with such rules or
13 regulations and all of the following:

14 (1) No person under the age of 19 years shall be
15 permitted to play any game or games of bingo, nor shall any
16 person under the age of 19 years be permitted to conduct or
17 assist in the operation of any game of bingo.

18 (2) Bingo games shall be operated exclusively on the
19 premises owned or leased by the nonprofit organization
20 operating the bingo game. Such location shall be specified in
21 the application of the nonprofit organization.

22 (3) A nonprofit organization may not enter into any
23 contract with any individual, firm, association, or
24 corporation to have the individual or entity operate bingo
25 games or concessions on behalf of the nonprofit organization.
26 A nonprofit organization may not pay consulting fees to any

1 individual or entity for any services performed in relation to
2 the operation or conduct of a bingo game.

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

8 (5) All equipment shall be stamped or clearly marked
9 in letters no less than one-half inch in height and one-fourth
10 inch in width (except for the letter "I") with the name of the
11 nonprofit organization using the equipment. A nonprofit
12 organization or other person or entity may not use equipment
13 marked with the name of another nonprofit organization.

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

18 (7) A nonprofit organization may not advertise bingo
19 except to the extent and in the manner authorized by rule of
20 the sheriff. If the sheriff allows a nonprofit organization to
21 advertise bingo, the nonprofit organization shall indicate in
22 the advertisement the purposes for which the net proceeds will
23 be used by the nonprofit organization.

24 (8) A nonprofit organization shall display its bingo
25 license conspicuously at the location where the bingo game is
26 conducted.

1 (9) The sheriff shall determine by regulation the
2 days of operation during any calendar week and the hours of
3 operation.

4 (c) A violation of this amendment is a Class A
5 misdemeanor as specified by general law.

6 (d) Amendment 440 to the Constitution of Alabama of
7 1901, is repealed.

8 Section 2. An election upon the proposed amendment
9 shall be held in accordance with Amendment 555 to the
10 Constitution of Alabama of 1901, and the election laws of this
11 state.

12 Section 3. The appropriate election official shall
13 assign a ballot number for the proposed constitutional
14 amendment on the election ballot and shall set forth the
15 following description of the substance or subject matter of
16 the proposed constitutional amendment:

17 "Relating to Mobile County, proposing an amendment
18 to the Constitution of Alabama of 1901, authorizing the
19 operation of bingo games by nonprofit organizations for
20 charitable, educational, and other lawful purposes and
21 repealing Amendment 440 to the Constitution of Alabama of
22 1901.

23 "Proposed by Act _____ . "

24 This description shall be followed by the following
25 language:

26 "Yes () No ()."