

1 SB475  
2 118872-1  
3 By Senator Dunn (Constitutional Amendment)  
4 RFD: Tourism and Marketing  
5 First Read: 25-FEB-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, 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 the City of Bessemer  
22 in Jefferson County to permit the operation of  
23 bingo by nonprofit organizations for charitable,  
24 educational, or other lawful purposes.

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

2  
3 Proposing an amendment to the Constitution of  
4 Alabama of 1901, relating to legalizing certain operations of  
5 bingo games for prizes or money for charitable or educational  
6 purposes in the City of Bessemer in Jefferson County.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 PROPOSED AMENDMENT

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

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

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

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

1 organization which operates without profit to its members and  
2 which either has been in existence continuously as such an  
3 organization for a period of three years or is exempt from  
4 taxation by virtue of having been classified as a tax exempt  
5 nonprofit organization by the Internal Revenue Service, United  
6 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 the City of Bessemer in  
10 Jefferson County. The Bessemer City Council shall promulgate  
11 rules and regulations for the licensing, permitting, and  
12 operation of bingo games within the county. The chief of  
13 police shall insure compliance with such rules or regulations  
14 and all of the following:

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

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

23 (3) A nonprofit organization may not enter into any  
24 contract with any individual, firm, association, or  
25 corporation to have the individual or entity operate bingo  
26 games or concessions on behalf of the nonprofit organization.  
27 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 city council. If the city council allows a nonprofit  
21 organization to advertise bingo, the nonprofit organization  
22 shall indicate in the advertisement the purposes for which the  
23 net proceeds will 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 city council shall determine by regulation  
2 the days of operation during any calendar week and the hours  
3 of operation.

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

6           Section 2. An election upon the proposed amendment  
7 shall be held in accordance with Amendment 555 to the  
8 Constitution of Alabama of 1901, now appearing as Section  
9 284.01 of the Official Recompilation of the Constitution of  
10 Alabama of 1901, as amended, 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 the City of Bessemer in Jefferson  
18 County, proposing an amendment to the Constitution of Alabama  
19 of 1901, authorizing the operation of bingo games by nonprofit  
20 organizations for charitable, educational, and other lawful  
21 purposes.

22           "Proposed by Act \_\_\_\_\_."

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

25           "Yes ( ) No ( )."