

1 SB477  
2 118127-1  
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 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 ( )."