

1 HB53  
2 196183-2  
3 By Representative Wood (R) (Constitutional Amendment)  
4 RFD: Economic Development and Tourism  
5 First Read: 05-MAR-19  
6 PFD: 03/04/2019

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8 SYNOPSIS: Current law places restrictions on operating  
9 bingo games within Calhoun County if the games are  
10 within 1,000 yards of any residence or residential  
11 area.

12 This bill would propose an amendment to the  
13 Constitution of Alabama 1901, to exclude bingo  
14 games within municipalities from that restriction,  
15 thereby allowing the governments of those  
16 municipalities to factor proximity to residences or  
17 residential areas into their decisions to allow or  
18 deny a bingo license on a case-by-case basis.

19 Bingo games within Calhoun County, but  
20 outside of any municipality or incorporated  
21 community, would still be prohibited if operated  
22 within 1,000 yards of any residence or residential  
23 area.

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT



1       respective jurisdictions; provided, however, that said  
2       governing bodies must ensure compliance pursuant to said law  
3       and the following provisions:

4               "(a) No person under the age of 19 shall be  
5       permitted to play any game or games of bingo, unless  
6       accompanied by a parent or guardian; nor shall any person  
7       under the age of 19 be permitted to conduct or assist in the  
8       conduct of any game of bingo;

9               "(b) No bingo permit or license shall be issued to  
10      any nonprofit organization, unless such organization shall  
11      have been in existence for at least 12 months immediately  
12      prior to the issuance of the permit or license;

13              "(c) Bingo games shall be operated only on the  
14      premises owned or leased by the nonprofit organization  
15      operating the bingo game. If the premises is leased, the rate  
16      or rental shall not be based on a percentage of receipts or  
17      profits resulting from the operation of bingo games;

18              "(d) No nonprofit organization shall enter into any  
19      contract with any individual, firm, association or corporation  
20      to have said individual or entity operate bingo games or  
21      concessions on behalf of the nonprofit organization, nor shall  
22      said nonprofit organization pay consulting fees to any  
23      individual or entity for any services performed in relation to  
24      the operation or conduct of a bingo game;

25              "(e) A nonprofit organization shall not lend its  
26      name or allow its identity to be used by any other person or  
27      entity in the operating or advertising of a bingo game in

1 which said nonprofit organization is not directly and solely  
2 operating said bingo game;

3 "(f) Prizes given by any qualified nonprofit  
4 organization for the playing of bingo games shall not exceed  
5 the cash amount or gifts of equivalent value, set by the  
6 legislature, during any bingo session. The legislature shall  
7 set a maximum amount for any calendar week;

8 "(g) No person or organization, by whatever name or  
9 composition thereof, shall take any expenses for the operation  
10 of a bingo game except as permitted by law.

11 "(h) No bingo permittee or licensee may operate any  
12 bingo game in the unincorporated areas of the county within  
13 1,000 yards of a residence or in a residential area.

14 "The provisions of this constitutional amendment  
15 shall be self-executing, but the legislature shall have the  
16 right and power by general, special or local act to adopt laws  
17 supplemental to this amendment or in furtherance of the  
18 general purposes and objectives herein set forth."

19 Section 2. An election upon the proposed amendment  
20 shall be held in accordance with Section 284.01 of the  
21 Constitution of Alabama of 1901, now appearing as Section  
22 284.01 of the Official Recompilation of the Constitution of  
23 Alabama of 1901, as amended, and the election laws of this  
24 state.

25 Section 3. The appropriate election official shall  
26 assign a ballot number for the proposed constitutional  
27 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 Calhoun County; proposing a local  
4 constitutional amendment to Amendment 508 of the Constitution  
5 of Alabama of 1901, now appearing as Section 1 of the Calhoun  
6 County Local Amendments of the Official Recompilation of the  
7 Constitution of Alabama of 1901, as amended, authorizing the  
8 operation of bingo games for prizes or money in the county, to  
9 prohibit any bingo permittee or licensee from operating bingo  
10 within 1,000 yards of a residential area within unincorporated  
11 areas of the county.

12 "Proposed by Act \_\_\_\_\_."

13 This description shall be followed by the following  
14 language:

15 "Yes ( ) No ( )."