

HB243 INTRODUCED



1 HB243
2 D4S8NHH-1
3 By Representative Givens (Constitutional Amendment)
4 RFD: Economic Development and Tourism
5 First Read: 27-Feb-24



SYNOPSIS:

This bill would propose an amendment to the Constitution of Alabama of 2022, relating to Baldwin County, to authorize and regulate the conduct of certain charitable raffles, traditional paper bingo, and similar charitable games in the county.

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 2022, relating to Baldwin County, to authorize and regulate the conduct of certain charitable raffles, traditional paper bingo, and similar charitable games in the county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

(a) As used in this amendment, the following terms have the following meanings:

(1) CASINO-STYLE GAME. Any commercial or house banked game that is played with cards, dice, equipment, or any other mechanical or electronic device or machine, and that is played



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for money, property, checks, credit, or any other representative of value. The term includes, but is not limited to, any of the following:

a. Table games, including, but not limited to, blackjack, baccarat, roulette, craps, twenty-one, poker, Texas hold'em, cassino, five-card draw, three-card draw, chemin de fer (shimmy), pai gow poker, yablon (red dog), let it ride poker, caribbean stud, casino war, video poker, or any variation thereof.

b. Gaming machines, including, but not limited to, any slot machines as defined in 15 U.S.C. § 1171(a)(1), pachinko, video lottery terminals, and video poker.

c. Pari-mutuel wagering, whether electronic, simulcast, or otherwise.

d. Any other house banked game or game of chance in which the house takes a fee, as determined by the commission by rule.

(2) CHARITABLE GAME. A non-casino-style game, approved by the Baldwin County Commission, that is operated by a charitable organization for charitable fundraising purposes. The term includes, but is not limited to, the following non-casino-style games: Traditional raffles, traditional paper bingo, cake walks or musical chairs, and turkey or clay target shoots. The term does not include any house banked game, casino-style game, any game requiring the use of gaming equipment, or any wagers on animal racing or sports events.

(3) CHARITABLE ORGANIZATION. An organization to which all of the following apply:



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a. The organization is either of the following:

1. Organized and operated exclusively for any of the following purposes: charitable, religious, veterans, educational, scientific, literary, public safety, or the prevention of cruelty to children or animals.

2. An elementary or secondary school or nonprofit elementary or secondary school-sponsored club or organization, or any nonprofit elementary or secondary school-affiliated group, including a parent-teacher organization or booster club, whose membership may be composed of individuals other than students.

b. None of the organization's net proceeds or earnings inure to any private shareholder or individual.

(4) HOUSE BANKED GAME. Any game of chance that is played with the house as a participant in the game; where the house takes on players, collects from losers, and pays winners; and where the house can win. The term also includes any game in which the house collects a percentage of what is at risk or collects a fee as a condition for participation.

(5) TRADITIONAL BINGO. A game in which players provide something of value to receive a prize according to the rules of the game commonly known as bingo, which includes each of the following elements: a. The game requires human interaction and skill, including attentiveness and discernment and physical, visual, auditory, and verbal interaction by and between those persons who are playing and a person, commonly known as the "announcer" or "caller," who is responsible for calling out the randomly drawn designations and allowing time



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85 between each call for the players to check their cards and to
86 physically mark them accordingly. The game requires the player
87 to use actual physical cards made of cardboard, paper, or some
88 functionally similar material that is flat and is preprinted
89 with the grid and the designations referenced above.

90 (6) TRADITIONAL RAFFLE. A means of raising money by
91 selling numbered tickets on paper or other tangible material,
92 one or more of which are subsequently drawn at random, the
93 holder or holders of such tickets winning a prize.

94 (b) A charitable organization desiring to conduct a
95 charitable game for charitable purposes in Baldwin County or a
96 municipality therein shall apply to the Baldwin County
97 Commission or governing body of the respective municipality
98 for a charity fundraising permit, which shall be valid for the
99 duration of the single fundraising event described in the
100 application.

101 (c) The county commission shall adopt regulations
102 relating to the conduct, operation, and reporting requirements
103 of permitted charitable gaming activity conducted under this
104 amendment, including the establishment of a permit fee and the
105 production of an application for regulating.

106 (d) A charitable organization issued a permit under
107 this amendment shall comply with all rules adopted by the
108 county commission.

109 (e) A charitable game permitted under this amendment
110 may not be operated outside of this state or through the use
111 of a video lottery terminal or any other mechanical,
112 electromechanical, or other electronic device or machine that



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performs all the functions of a lottery by itself when networked with other similar devices or machines.

(f) All charitable game ticket sales shall be limited to individuals who are physically located in this state at the time of purchase.

(g) A permit holder under this article may not do either of the following:

(1) Compensate any individual for the provision of supplies or prizes used in the operation of a charitable game, except to pay the actual fair market value of the prizes or supplies necessary for the operation of the charitable game.

(2) Provide any additional compensation to an individual who is a regular employee of the charitable organization for the individual's services in organizing or operating a charitable game.

Upon ratification of this constitutional amendment, the Code Commissioner shall number and place this amendment as appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, hierarchy, spelling, and punctuation for purposes of style and uniformity; correct manifest grammatical, clerical, and typographical errors; revise internal or external citations and cross-references; and translate effective dates.

END PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284, 284.01, and 285 of the Constitution of Alabama of 2022, and the election laws



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of this state. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Relating to Baldwin County, proposing an amendment to the Constitution of Alabama of 2022, to authorize and regulate the conduct of charitable raffles, traditional paper bingo, and similar charitable games within the county.

Proposed by Act ____."

This description shall be followed by the following language:

"Yes() No()."

Section 3. The proposed amendment shall become valid as part of the Constitution of Alabama of 2022, when approved by a majority of the qualified electors voting thereon.