

1 HB576
2 118148-2
3 By Representatives Coleman, Scott, Hilliard and McAdory
4 (Constitutional Amendment)
5 RFD: Jefferson County Legislation
6 First Read: 16-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 Fairfield
22 in Jefferson County to permit the operation of
23 bingo by nonprofit organizations for charitable,
24 educational, or other lawful purposes.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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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 Fairfield 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 Fairfield in
10 Jefferson County. The Fairfield 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 Fairfield 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 ()."