

1 HB580
2 118146-1
3 By Representatives Coleman and Hilliard (Constitutional
4 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. Specific
13 counties which ratified local constitutional
14 amendments permitting the operation of bingo for
15 certain charitable or educational purposes are
16 removed from the prohibition.

17 This bill would propose a local
18 constitutional amendment for the City of Midfield
19 in Jefferson County to permit the operation of
20 bingo by nonprofit organizations for charitable,
21 educational, or other lawful purposes.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

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

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 PROPOSED AMENDMENT

11 (a) For purposes of this amendment, the following
12 words have the following meanings:

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

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

24 (3) NONPROFIT ORGANIZATION. A bona fide religious,
25 educational, service, senior citizens, fraternal, or veterans
26 organization which operates without profit to its members and
27 which either has been in existence continuously as such an

1 organization for a period of three years or is exempt from
2 taxation by virtue of having been classified as a tax exempt
3 nonprofit organization by the Internal Revenue Service, United
4 States Government. This term includes a volunteer fire
5 department and a volunteer rescue squad.

6 (b) Bingo games for prizes or money may be operated
7 by a nonprofit organization in the City of Midfield in
8 Jefferson County. The Midfield City Council shall promulgate
9 rules and regulations for the licensing, permitting, and
10 operation of bingo games within the city. The city council
11 shall insure compliance with such rules or regulations and all
12 of the following:

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

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

21 (3) A nonprofit organization may not enter into any
22 contract with any individual, firm, association, or
23 corporation to have the individual or entity operate bingo
24 games or concessions on behalf of the nonprofit organization.
25 A nonprofit organization may not pay consulting fees to any
26 individual or entity for any services performed in relation to
27 the operation or conduct of a bingo game.

1 (4) A nonprofit organization may not lend its name
2 or allow its identity to be used by another person or entity
3 in the operating, promoting, or advertising of a bingo game in
4 which the nonprofit organization is not directly and solely
5 operating the bingo game.

6 (5) All equipment shall be stamped or clearly marked
7 in letters no less than one-half inch in height and one-fourth
8 inch in width (except for the letter "I") with the name of the
9 nonprofit organization using the equipment. A nonprofit
10 organization or other person or entity may not use equipment
11 marked with the name of another nonprofit organization.

12 (6) Prizes given by any nonprofit organization for
13 the playing of bingo games shall not exceed ten thousand
14 dollars (\$10,000) in cash or gifts of equivalent value during
15 any bingo session.

16 (7) A nonprofit organization may not advertise bingo
17 except to the extent and in the manner authorized by rule of
18 the city council. If the city council allows a nonprofit
19 organization to advertise bingo, the nonprofit organization
20 shall indicate in the advertisement the purposes for which the
21 net proceeds will be used by the nonprofit organization.

22 (8) A nonprofit organization shall display its bingo
23 license conspicuously at the location where the bingo game is
24 conducted.

25 (9) The city council shall determine by regulation
26 the days of operation during any calendar week and the hours
27 of operation.

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

3 Section 2. An election upon the proposed amendment
4 shall be held in accordance with Amendment 555 to the
5 Constitution of Alabama of 1901, now appearing as Section
6 284.01 of the Official Recompilation of the Constitution of
7 Alabama of 1901, as amended, and the election laws of this
8 state.

9 Section 3. The appropriate election official shall
10 assign a ballot number for the proposed constitutional
11 amendment on the election ballot and shall set forth the
12 following description of the substance or subject matter of
13 the proposed constitutional amendment:

14 "Relating to the City of Midfield in Jefferson
15 County, proposing an amendment to the Constitution of Alabama
16 of 1901, authorizing the operation of bingo games by nonprofit
17 organizations for charitable, educational, and other lawful
18 purposes.

19 "Proposed by Act _____."

20 This description shall be followed by the following
21 language:

22 "Yes () No ()."