

1 SB380
2 120376-3
3 By Senator Bedford (Constitutional Amendment)
4 RFD: Tourism and Marketing
5 First Read: 04-FEB-10

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To amend the Constitution of Alabama of 1901, to
12 authorize the conduct of bingo and operation of bingo games in
13 the state, to authorize the levy of taxes and license fees on
14 bingo games, to create a State Gaming Commission for the
15 regulation of bingo games and to provide for an Extraordinary
16 Legislative Session to be held for the implementation of the
17 provisions of this amendment.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. The following amendment to the
20 Constitution of Alabama of 1901, as amended, is proposed and
21 shall become valid as a part thereof when approved by a
22 majority of the qualified electors voting thereon and in
23 accordance with Sections 284, 285, and 287 of the Constitution
24 of Alabama of 1901, as amended:

25 PROPOSED AMENDMENT

26 Section 1. As used in this amendment, the following
27 terms shall have the following meanings:

1 (1) BINGO. A game of chance incorporating the
2 following elements: (i) the game must be played on a grid of
3 five horizontal rows intersected by five vertical rows, with
4 each row divided into five contiguous squares contained within
5 the grid; (ii) the game must be played by two or more players
6 with each player being assigned one or more grids; (iii) each
7 square of each of the grids used in playing the game must be
8 identified by a number or symbol, and all the numbers or
9 symbols so used to identify the squares of the grids available
10 for play must be included in an aggregation of such numbers or
11 symbols from which selection can be made, except that one of
12 the squares may be designated a "free" space; (iv) numbers or
13 symbols are selected by a procedure or mechanism entirely or
14 predominantly governed by chance and are covered or otherwise
15 marked on such grid; (v) the winner or winners of a particular
16 game are the players of those grids for which a previously
17 designated pattern or arrangement is first covered or marked;
18 (vi) every game must have one or more winners; (vii) monetary
19 wagers may be collected from the players for the opportunity
20 to participate in the game, and such wagers may vary in amount
21 to reflect the value of the prize for winning a particular
22 game, whether the wager is for participation in the whole game
23 or a particular phase thereof, as well as other factors
24 depending upon the interplay of the amount wagered, the size
25 of the prize and the probability of winning; and (viii) the
26 prizes for winning the game can be money or anything else of
27 value without limit as to amount, and consolation or interim

1 prizes may be awarded to players. Bingo may be played
2 utilizing bingo technologic aids.

3 (2) BINGO TECHNOLOGIC AID. Any mechanical,
4 electromechanical, electronic, or video machine or device, or
5 component thereof, that assists or allows a player to play a
6 game of bingo, including without limitation, machines or
7 devices that, once initiated by an action of a player, perform
8 all the operations of the game using digital computers or
9 micro-processors with or without further player interaction.
10 If the bingo technologic aid determines and signals the
11 winner, such bingo technologic aid shall be electronically
12 linked to ensure that two or more players are competing
13 against each other.

14 Section 2. Nothing contained herein shall repeal or
15 otherwise affect any local constitutional amendment
16 authorizing charity bingo; provided, however, any bingo
17 operator which is licensed by the State Gaming Commission
18 shall not be subject to the provisions of any previously
19 enacted local constitutional amendment concerning bingo.

20 Section 3. A tax on bingo games using bingo
21 technologic aid at various locations shall be levied on the
22 bingo revenue derived by the operator therefrom, with the
23 proceeds from the tax to be dedicated and appropriated to the
24 Education Trust Fund for the benefit of public schools in the
25 state, to the State General Fund for the benefit of the state
26 Medicaid program and senior programs administered by the
27 Alabama Department of Senior Services and the Alabama Area

1 Agencies on Aging and the Intellectual Disability/Mental
2 Retardation Waiting List administered by the Department of
3 Mental Health, and to the counties. Subject to the terms of
4 this amendment, the calculation, levy, allocation, and use of
5 the proceeds from such tax shall be determined by one or more
6 general laws enacted by the Legislature supplemental to this
7 amendment. Provided, however, the amount of the tax shall not
8 be less than 25 percent of the bingo revenue as defined and
9 calculated by one or more general laws, with a portion of the
10 tax equal to at least five percent of such bingo revenue being
11 distributed to the counties. The Legislature may also
12 establish license fees relating to the conduct of bingo at
13 each location.

14 Section 4. (a) There is hereby created a State
15 Gaming Commission which shall regulate, enforce gaming laws of
16 the state, and provide for licensing of all gaming operations
17 in the state.

18 (b) The State Gaming Commission shall consist of
19 five members of which one member shall be appointed by the
20 Governor with the advice and consent of the Senate, one member
21 shall be appointed by the Attorney General with the advice and
22 consent of the Senate, one member shall be appointed by the
23 Lieutenant Governor with the advice and consent of the Senate,
24 one member shall be appointed by the Speaker of the House of
25 Representatives with the advice and consent of the Senate, and
26 one member shall be appointed by the Chief Justice of the
27 state Supreme Court with the advice and consent of the Senate.

1 The appointment of the initial members of the State Gaming
2 Commission shall be made by those officials holding office on
3 the effective date of this amendment without the advice and
4 consent of the Senate and shall be made within 60 days of the
5 effective date of this amendment. The members, where possible,
6 shall represent the gender and racial diversity of the state,
7 provided that no more than two members can reside in the same
8 Congressional District.

9 (1) Members of the State Gaming Commission shall be
10 residents of the State of Alabama, United States citizens,
11 shall be prominent persons in their businesses or professions,
12 shall not have been convicted of a felony, not have been
13 employed by the gaming industry for a period of five years
14 prior to his or her appointment or following his or her
15 service. No elected official shall be a member of the State
16 Gaming Commission.

17 (2) Except for the initial term of office, members
18 shall serve for terms of five years, but no more than 12
19 years. Any vacancy occurring on the State Gaming Commission
20 shall be filled for the unexpired term by the appointing
21 authority as described in this section. The initial term of
22 office upon the effective date of this amendment shall be one
23 year for the member appointed by the Speaker of the House of
24 Representatives, two years for the member appointed by the
25 Governor, three years for the member appointed by the Attorney
26 General, four years for the member appointed by the Lieutenant
27 Governor, and five years for the member appointed by the Chief

1 Justice of the state Supreme Court. Each member of the State
2 Gaming Commission shall serve for the duration of his or her
3 term and until his or her successor shall be duly appointed
4 and confirmed by the Alabama State Senate; provided, however,
5 that in the event that a successor is not duly appointed and
6 confirmed within 120 days after the expiration of the member's
7 term, a vacancy shall be deemed to exist.

8 (c) The State Gaming Commission shall license
9 operators to conduct bingo using bingo technologic aid at
10 various locations in the state in accordance with one or more
11 general laws supplemental to and subsequent to this amendment
12 to further its purposes and provide for its implementation.
13 Provided, however, members shall be subject to the Alabama
14 Ethics Law and all meetings of the commission shall be subject
15 to the Open Meetings Act and the Alabama Administrative
16 Procedure Act. The commission shall have subpoena power. The
17 powers, procedures, and operations of the State Gaming
18 Commission, shall be enumerated in one or more general laws
19 enacted by the Legislature subsequent to and supplemental to
20 this amendment to further its purposes and provide for its
21 implementation.

22 (d) A licensee or an applicant for a license at any
23 location is prohibited from making a campaign contribution to
24 any public official authorized to make an appointment to the
25 State Gaming Commission.

26 Section 5. For the exclusive purpose of enacting
27 general laws to implement the provisions of this amendment,

1 the Legislature shall meet in Extraordinary Session on the
2 fourth Tuesday in January 2011 for no more than 12 legislative
3 days prior to the commencement of the 2011 Regular Session.
4 There shall be no other items of legislation considered during
5 the Extraordinary Session.

6 Section 6. In the event that any clause, sentence,
7 paragraph, section, or other part, portion, or provision of
8 this amendment is held unconstitutional, such holding shall
9 not affect the remainder of this amendment; it being hereby
10 declared to be the intent of the Legislature that should any
11 part or portion whatsoever of this amendment be held
12 unconstitutional the remainder shall be in full force and
13 effect, and that the Legislature would have passed this
14 amendment without such invalid portion.

15 Section 2. In order to more fully inform the
16 residents of this state concerning the provisions of this
17 amendment, the notice of the election and the provisions of
18 this amendment shall be advertised in every newspaper of
19 general circulation published in this state. An election upon
20 the proposed amendment shall be held in accordance with
21 Sections 284 and 285 of the Constitution of Alabama of 1901,
22 now appearing as Sections 284 and 285 of the Official
23 Recompilation of the Constitution of Alabama of 1901, as
24 amended, and the election laws of this 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 "Proposing an amendment to the Constitution of
4 Alabama of 1901, to authorize the conduct of bingo and
5 operation of bingo games in the state, to authorize the levy
6 of taxes and license fees on bingo operations, and to create a
7 State Gaming Commission to regulate bingo in Alabama.

8 "Proposed by Act _____."

9 This description shall be followed by the following
10 language:

11 "Yes () No ()."

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Senate

Read for the first time and referred to the Senate committee on Tourism and Marketing	04-FEB-10
Read for the second time and placed on the calen- dar	09-FEB-10
Read for the third time and passed as amended ...	30-MAR-10

Yeas 21
Nays 13

McDowell Lee
Secretary