

1 HB446  
2 198799-1  
3 By Representatives Rogers, Coleman, Alexander and Moore (M)  
4 (Constitutional Amendment)  
5 RFD: Jefferson County Legislation  
6 First Read: 16-APR-19

8 SYNOPSIS: Under existing law, bingo may be played in  
9 Jefferson County pursuant to Amendment 386 to the  
10 Constitution of Alabama of 1901, as amended by  
11 Amendment 600. This bill proposes an amendment to  
12 the Constitution of Alabama of 1901, to provide  
13 that electronic bingo may be played in Jefferson  
14 County and the municipalities located in the county  
15 on any machine or device that is authorized by the  
16 National Indian Gaming Commission pursuant to the  
17 Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et  
18 seq., and which is operated by any Native American  
19 tribe in Alabama.  
20

21 A BILL  
22 TO BE ENTITLED  
23 AN ACT  
24

25 Proposing an amendment to the Constitution of  
26 Alabama of 1901, relating to legalizing certain operations of  
27 electronic bingo games for prizes or money for charitable or

1 educational purposes in Jefferson County and the  
2 municipalities located in the county; to authorize the county  
3 and municipalities to license electronic bingo games; and to  
4 prohibit persons under the age of 18 from playing electronic  
5 bingo.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

11 PROPOSED AMENDMENT

12 (a) The operation of bingo games, including  
13 electronic bingo, for prizes or money by nonprofit  
14 organizations for charitable, educational, or other lawful  
15 purposes, shall be legal in Jefferson County and the  
16 municipalities located in the county. The county commission  
17 and the city council of each municipality shall have the  
18 authority to promulgate rules and regulations for the  
19 licensing and operation of bingo games and shall insure  
20 compliance pursuant to any ordinance and the following  
21 provisions:

22 (1) Bingo may be played on any machine or device  
23 that is authorized by the National Indian Gaming Commission  
24 pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. § 2701  
25 et seq., and which is operated by any Native American tribe in  
26 Alabama.

1           (2) No person under the age of 18 years shall be  
2 permitted to play any game or games of bingo, nor shall any  
3 person under the age of 19 years be permitted to conduct or  
4 assist in the operation of any game of bingo.

5           (3) A bingo license may not be issued to any  
6 nonprofit organization unless the organization has been in  
7 existence for at least two years immediately prior to the  
8 issuance of the license.

9           (4) Bingo games shall be operated only on the  
10 premises owned or leased by the nonprofit organization  
11 operating the bingo game. If the premises are leased, the rate  
12 of rental may not be based on a percentage of receipts or  
13 profits resulting from the operation of bingo games unless the  
14 percentage is established by rules and regulations adopted by  
15 the county commission or the city council of the municipality  
16 where bingo games are operated.

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

24           (6) A nonprofit organization may not lend its name  
25 or allow its identity to be used by another person or entity  
26 in the operating or advertising of a bingo game in which the

1 nonprofit organization is not directly and solely operating  
2 the bingo game.

3 (7) Prizes given by any nonprofit organization for  
4 the playing of bingo games may not exceed the cash amount or  
5 gifts of equivalent value set by regulations.

6 (b) The county commission and the city council of  
7 each municipality may provide for the implementation of this  
8 amendment by the adoption of any resolution or ordinance.

9 (c) Any person who violates the regulations provided  
10 under the provisions of this amendment shall be guilty of a  
11 Class C misdemeanor upon the first conviction under this  
12 amendment and any subsequent violation shall be a Class A  
13 misdemeanor.

14 Section 2. An election upon the proposed amendment  
15 shall be held in accordance with Amendment 555 to the  
16 Constitution of Alabama of 1901, now appearing as Section  
17 284.01 of the Official Recompilation of the Constitution of  
18 Alabama of 1901, as amended, and the election laws of this  
19 state.

20 Section 3. The appropriate election official shall  
21 assign a ballot number for the proposed constitutional  
22 amendment on the election ballot and shall set forth the  
23 following description of the substance or subject matter of  
24 the proposed constitutional amendment:

25 "Proposing an amendment to the Constitution of  
26 Alabama of 1901, relating to Jefferson County and the  
27 municipalities located in the county, proposing an amendment

1 to the Constitution of Alabama of 1901, authorizing the  
2 operation of electronic bingo games by nonprofit organizations  
3 for charitable, educational, and other lawful purposes in  
4 Jefferson County and the municipalities located in the county  
5 and providing that such bingo may be played on any machine or  
6 device that is authorized by the National Indian Gaming  
7 Commission pursuant to the Indian Gaming Regulatory Act, 25  
8 U.S.C. §. 2701 et seq., and operated by any Native American  
9 tribe in Alabama.

10 "Proposed by Act \_\_\_\_\_."

11 This description shall be followed by the following  
12 language:

13 "Yes ( ) No ( )."