

1 HB53
2 196183-2
3 By Representative Wood (R) (Constitutional Amendment)
4 RFD: Economic Development and Tourism
5 First Read: 05-MAR-19
6 PFD: 03/04/2019

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8 SYNOPSIS: Current law places restrictions on operating
9 bingo games within Calhoun County if the games are
10 within 1,000 yards of any residence or residential
11 area.

12 This bill would propose an amendment to the
13 Constitution of Alabama 1901, to exclude bingo
14 games within municipalities from that restriction,
15 thereby allowing the governments of those
16 municipalities to factor proximity to residences or
17 residential areas into their decisions to allow or
18 deny a bingo license on a case-by-case basis.

19 Bingo games within Calhoun County, but
20 outside of any municipality or incorporated
21 community, would still be prohibited if operated
22 within 1,000 yards of any residence or residential
23 area.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 Relating to Calhoun County; proposing a local
3 constitutional amendment to Amendment 508 to the Constitution
4 of Alabama 1901, now appearing as Section 1 of the Calhoun
5 County Local Amendments of the Official ReCompilation of the
6 Constitution of Alabama of 1901, as amended, authorizing the
7 operation of bingo games for prizes or money in the county, to
8 prohibit any bingo permittee or licensee from operating bingo
9 near any residential area within unincorporated areas of the
10 county.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. The following amendment to the
13 Constitution of Alabama of 1901, is proposed and shall become
14 valid as a part of the Constitution when all requirements of
15 this act are fulfilled:

16 PROPOSED AMENDMENT

17 "Amendment 508.

18 "The operation of bingo games for prizes or money by
19 certain nonprofit organizations for charitable, educational,
20 or other lawful purposes shall be legal in Calhoun county,
21 subject to the provisions of any resolution or ordinance by
22 the county governing body or the governing bodies of the
23 respective cities and towns, within their respective
24 jurisdictions as provided by law regulating such operation.
25 The said governing bodies shall have the authority to
26 promulgate rules and regulations for the issuance of permits
27 or licenses and for operation of bingo games, within their

1 respective jurisdictions; provided, however, that said
2 governing bodies must ensure compliance pursuant to said law
3 and the following provisions:

4 "(a) No person under the age of 19 shall be
5 permitted to play any game or games of bingo, unless
6 accompanied by a parent or guardian; nor shall any person
7 under the age of 19 be permitted to conduct or assist in the
8 conduct of any game of bingo;

9 "(b) No bingo permit or license shall be issued to
10 any nonprofit organization, unless such organization shall
11 have been in existence for at least 12 months immediately
12 prior to the issuance of the permit or license;

13 "(c) Bingo games shall be operated only on the
14 premises owned or leased by the nonprofit organization
15 operating the bingo game. If the premises is leased, the rate
16 or rental shall not be based on a percentage of receipts or
17 profits resulting from the operation of bingo games;

18 "(d) No nonprofit organization shall enter into any
19 contract with any individual, firm, association or corporation
20 to have said individual or entity operate bingo games or
21 concessions on behalf of the nonprofit organization, nor shall
22 said nonprofit organization pay consulting fees to any
23 individual or entity for any services performed in relation to
24 the operation or conduct of a bingo game;

25 "(e) A nonprofit organization shall not lend its
26 name or allow its identity to be used by any other person or
27 entity in the operating or advertising of a bingo game in

1 which said nonprofit organization is not directly and solely
2 operating said bingo game;

3 "(f) Prizes given by any qualified nonprofit
4 organization for the playing of bingo games shall not exceed
5 the cash amount or gifts of equivalent value, set by the
6 legislature, during any bingo session. The legislature shall
7 set a maximum amount for any calendar week;

8 "(g) No person or organization, by whatever name or
9 composition thereof, shall take any expenses for the operation
10 of a bingo game except as permitted by law.

11 "(h) No bingo permittee or licensee may operate any
12 bingo game in the unincorporated areas of the county within
13 1,000 yards of a residence or in a residential area.

14 "The provisions of this constitutional amendment
15 shall be self-executing, but the legislature shall have the
16 right and power by general, special or local act to adopt laws
17 supplemental to this amendment or in furtherance of the
18 general purposes and objectives herein set forth."

19 Section 2. An election upon the proposed amendment
20 shall be held in accordance with Section 284.01 of the
21 Constitution of Alabama of 1901, now appearing as Section
22 284.01 of the Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, and the election laws of this
24 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 "Relating to Calhoun County; proposing a local
4 constitutional amendment to Amendment 508 of the Constitution
5 of Alabama of 1901, now appearing as Section 1 of the Calhoun
6 County Local Amendments of the Official ReCompilation of the
7 Constitution of Alabama of 1901, as amended, authorizing the
8 operation of bingo games for prizes or money in the county, to
9 prohibit any bingo permittee or licensee from operating bingo
10 within 1,000 yards of a residential area within unincorporated
11 areas of the county.

12 "Proposed by Act _____."

13 This description shall be followed by the following
14 language:

15 "Yes () No ()."