

# HB243 INTRODUCED



1 HB243  
2 D4S8NHH-1  
3 By Representative Givens (Constitutional Amendment)  
4 RFD: Economic Development and Tourism  
5 First Read: 27-Feb-24



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SYNOPSIS:

This bill would propose an amendment to the Constitution of Alabama of 2022, relating to Baldwin County, to authorize and regulate the conduct of certain charitable raffles, traditional paper bingo, and similar charitable games in the county.

A BILL  
TO BE ENTITLED  
AN ACT

To propose an amendment to the Constitution of Alabama of 2022, relating to Baldwin County, to authorize and regulate the conduct of certain charitable raffles, traditional paper bingo, and similar charitable games in the county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

(a) As used in this amendment, the following terms have the following meanings:

(1) CASINO-STYLE GAME. Any commercial or house banked game that is played with cards, dice, equipment, or any other mechanical or electronic device or machine, and that is played



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29 for money, property, checks, credit, or any other  
30 representative of value. The term includes, but is not limited  
31 to, any of the following:

32 a. Table games, including, but not limited to,  
33 blackjack, baccarat, roulette, craps, twenty-one, poker, Texas  
34 hold'em, cassino, five-card draw, three-card draw, chemin de  
35 fer (shimmy), pai gow poker, yablon (red dog), let it ride  
36 poker, caribbean stud, casino war, video poker, or any  
37 variation thereof.

38 b. Gaming machines, including, but not limited to, any  
39 slot machines as defined in 15 U.S.C. § 1171(a)(1), pachinko,  
40 video lottery terminals, and video poker.

41 c. Pari-mutuel wagering, whether electronic, simulcast,  
42 or otherwise.

43 d. Any other house banked game or game of chance in  
44 which the house takes a fee, as determined by the commission  
45 by rule.

46 (2) CHARITABLE GAME. A non-casino-style game, approved  
47 by the Baldwin County Commission, that is operated by a  
48 charitable organization for charitable fundraising purposes.  
49 The term includes, but is not limited to, the following  
50 non-casino-style games: Traditional raffles, traditional paper  
51 bingo, cake walks or musical chairs, and turkey or clay target  
52 shoots. The term does not include any house banked game,  
53 casino-style game, any game requiring the use of gaming  
54 equipment, or any wagers on animal racing or sports events.

55 (3) CHARITABLE ORGANIZATION. An organization to which  
56 all of the following apply:



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57 a. The organization is either of the following:

58 1. Organized and operated exclusively for any of the  
59 following purposes: charitable, religious, veterans,  
60 educational, scientific, literary, public safety, or the  
61 prevention of cruelty to children or animals.

62 2. An elementary or secondary school or nonprofit  
63 elementary or secondary school-sponsored club or organization,  
64 or any nonprofit elementary or secondary school-affiliated  
65 group, including a parent-teacher organization or booster  
66 club, whose membership may be composed of individuals other  
67 than students.

68 b. None of the organization's net proceeds or earnings  
69 inure to any private shareholder or individual.

70 (4) HOUSE BANKED GAME. Any game of chance that is  
71 played with the house as a participant in the game; where the  
72 house takes on players, collects from losers, and pays  
73 winners; and where the house can win. The term also includes  
74 any game in which the house collects a percentage of what is  
75 at risk or collects a fee as a condition for participation.

76 (5) TRADITIONAL BINGO. A game in which players provide  
77 something of value to receive a prize according to the rules  
78 of the game commonly known as bingo, which includes each of  
79 the following elements: a. The game requires human interaction  
80 and skill, including attentiveness and discernment and  
81 physical, visual, auditory, and verbal interaction by and  
82 between those persons who are playing and a person, commonly  
83 known as the "announcer" or "caller," who is responsible for  
84 calling out the randomly drawn designations and allowing time



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85 between each call for the players to check their cards and to  
86 physically mark them accordingly. The game requires the player  
87 to use actual physical cards made of cardboard, paper, or some  
88 functionally similar material that is flat and is preprinted  
89 with the grid and the designations referenced above.

90 (6) TRADITIONAL RAFFLE. A means of raising money by  
91 selling numbered tickets on paper or other tangible material,  
92 one or more of which are subsequently drawn at random, the  
93 holder or holders of such tickets winning a prize.

94 (b) A charitable organization desiring to conduct a  
95 charitable game for charitable purposes in Baldwin County or a  
96 municipality therein shall apply to the Baldwin County  
97 Commission or governing body of the respective municipality  
98 for a charity fundraising permit, which shall be valid for the  
99 duration of the single fundraising event described in the  
100 application.

101 (c) The county commission shall adopt regulations  
102 relating to the conduct, operation, and reporting requirements  
103 of permitted charitable gaming activity conducted under this  
104 amendment, including the establishment of a permit fee and the  
105 production of an application for regulating.

106 (d) A charitable organization issued a permit under  
107 this amendment shall comply with all rules adopted by the  
108 county commission.

109 (e) A charitable game permitted under this amendment  
110 may not be operated outside of this state or through the use  
111 of a video lottery terminal or any other mechanical,  
112 electromechanical, or other electronic device or machine that



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113 performs all the functions of a lottery by itself when  
114 networked with other similar devices or machines.

115 (f) All charitable game ticket sales shall be limited  
116 to individuals who are physically located in this state at the  
117 time of purchase.

118 (g) A permit holder under this article may not do  
119 either of the following:

120 (1) Compensate any individual for the provision of  
121 supplies or prizes used in the operation of a charitable game,  
122 except to pay the actual fair market value of the prizes or  
123 supplies necessary for the operation of the charitable game.

124 (2) Provide any additional compensation to an  
125 individual who is a regular employee of the charitable  
126 organization for the individual's services in organizing or  
127 operating a charitable game.

128 Upon ratification of this constitutional amendment, the  
129 Code Commissioner shall number and place this amendment as  
130 appropriate in the constitution omitting this instructional  
131 paragraph and may make the following nonsubstantive revisions:  
132 change capitalization, hierarchy, spelling, and punctuation  
133 for purposes of style and uniformity; correct manifest  
134 grammatical, clerical, and typographical errors; revise  
135 internal or external citations and cross-references; and  
136 translate effective dates.

137 END PROPOSED AMENDMENT

138 Section 2. An election upon the proposed amendment  
139 shall be held in accordance with Sections 284, 284.01, and 285  
140 of the Constitution of Alabama of 2022, and the election laws



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141 of this state. The appropriate election official shall assign  
142 a ballot number for the proposed constitutional amendment on  
143 the election ballot and shall set forth the following  
144 description of the substance or subject matter of the proposed  
145 constitutional amendment:

146 "Relating to Baldwin County, proposing an amendment to  
147 the Constitution of Alabama of 2022, to authorize and regulate  
148 the conduct of charitable raffles, traditional paper bingo,  
149 and similar charitable games within the county.

150 Proposed by Act \_\_\_\_."

151 This description shall be followed by the following  
152 language:

153 "Yes( ) No( )."

154 Section 3. The proposed amendment shall become valid as  
155 part of the Constitution of Alabama of 2022, when approved by  
156 a majority of the qualified electors voting thereon.  
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