

1 SB321  
2 193026-2  
3 By Senator Singleton (Constitutional Amendment)  
4 RFD: Local Legislation  
5 First Read: 18-APR-19

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To repeal Amendment 743 and to propose an amendment  
12 to the Constitution of Alabama of 1901, authorizing the  
13 conduct of bingo games in Greene County; to provide that the  
14 game of bingo authorized may be played in Greene County on any  
15 electronic machine or device that is authorized by specified  
16 federal law; to limit bingo gaming in Greene County to  
17 qualified persons licensed by the Greene County Gaming  
18 Commission; to levy a state gross receipts tax and a local  
19 gross receipts tax on bingo gaming revenue of each bingo  
20 licensee; to levy a tax on vendors of bingo gaming equipment;  
21 and to create the Greene County Gaming Commission to  
22 implement, regulate, and administer bingo gaming.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. An election upon the proposed amendment  
25 shall be held in accordance with Sections 284 and 284.01 of  
26 the Constitution of Alabama of 1901, now appearing as Sections  
27 284 and 284.01 of the Official ReCompilation of the

1 Constitution of Alabama of 1901, as amended, and the election  
2 laws of this state:

3 PROPOSED AMENDMENT

4 Section 1. For purposes of this amendment, the  
5 following words have the following meanings:

6 (1) BINGO. That specific kind of game of chance  
7 commonly known as bingo, whether or not played using paper or  
8 on a computer or using electronic or technological aids in  
9 connection therewith, in which prizes are awarded on the basis  
10 of designated numbers or symbols on a card conforming to  
11 numbers or symbols selected at random. The game of bingo may  
12 be played on any machine or device, electronic or otherwise.  
13 Sections 8-1-150, 13A-12-20 through 13A-12-30 of the Code of  
14 Alabama 1975, do not apply to any bingo games authorized by  
15 this amendment and operated in accordance with the rules  
16 adopted by the Greene County Gaming Commission.

17 (2) BINGO LICENSEE. A qualified person licensed by  
18 the Greene County Gaming Commission to conduct bingo gaming in  
19 Greene County.

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

1 device that is authorized or approved pursuant to 25 U.S.C. §  
2 2703(7).

3 (4) GAMING GROSS REVENUE. The total amount of money  
4 or value in any form received by a bingo licensee with respect  
5 to the playing of any form of bingo game, less the total money  
6 or value in any form paid as prizes or winnings to the players  
7 of a bingo game and free play or promotional credits, but  
8 before deduction of any expenses incurred in operating the  
9 establishment, including, but not limited to, depreciation or  
10 leasing costs of physical facilities and equipment, wages and  
11 other employment costs, utilities, interest, and taxes. Gaming  
12 gross revenue may not be included in a pari-mutuel pool for  
13 the purpose of determining any tax levied on pari-mutuel  
14 wagering or for any other purpose.

15 (5) QUALIFIED PERSON. An individual, corporation,  
16 limited liability company, or other business entity that is  
17 not prohibited from receiving a bingo license based on the  
18 disqualifiers set out below. The term does not include an  
19 individual or business entity, including its officers and any  
20 individual with a 15 percent or more ownership interest that:

21 a. Has been convicted of a gaming related felony.

22 b. Has been convicted of a felony involving theft by  
23 deception, including, but not limited to, embezzlement, and  
24 other thefts using fraud, trickery, illegal schemes, or the  
25 like.

26 c. Has been convicted of any felony involving fraud  
27 or misrepresentation, including, but not limited to, bad

1 checks, fraud, forgery, perjury, tax or welfare fraud, and  
2 crimes involving false documentation.

3 d. Is currently being prosecuted or facing pending  
4 charges, in any jurisdiction, for any of the above offenses,  
5 or on a deferred prosecution, or a deferred judgment or  
6 sentence for any of the above offenses.

7 Section 2. Bingo licensees may operate bingo games  
8 for prizes or money. The Greene County Gaming Commission shall  
9 adopt rules for the licensing, permitting, and operation of  
10 bingo games within the county. The Greene County Gaming  
11 Commission shall insure compliance with the rules and all of  
12 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 bingo licensee operating the  
19 bingo game.

20 (3) A bingo licensee may enter into a contract with  
21 any individual, firm, association, or corporation to have the  
22 individual or entity operate bingo games or concessions on  
23 behalf of the bingo licensee, provided that the contract is  
24 approved by the Greene County Gaming Commission. A bingo  
25 licensee may pay consulting fees to any individual or entity  
26 for any services performed in relation to the operation or  
27 conduct of bingo games.

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

6           (5) All equipment shall be approved by the Greene  
7 County Gaming Commission.

8           Section 3. State and Local Gross Receipts Tax.

9           (a) (1) A state gross receipts tax of two percent is  
10 levied on the gaming gross revenue of each bingo licensee.

11           (2) The state gross receipts tax on gaming gross  
12 revenue for each calendar month shall be paid by each bingo  
13 licensee to the Department of Revenue on or before the 20th  
14 day of the next succeeding calendar month for deposit in the  
15 state General Fund.

16           (b) (1) A local gross receipts tax of 10 percent is  
17 levied on the gaming gross revenue of each bingo licensee.

18           (2) The local gross receipts tax on gaming gross  
19 revenue for each calendar month shall be paid to the Greene  
20 County Gaming Commission on or before the 20th day of the next  
21 succeeding calendar month.

22           (3) The Greene County Gaming Commission shall retain  
23 the proceeds from one-half of one percent of the local gross  
24 receipt tax to provide for all reasonable and necessary  
25 expenses incurred by the commission in the furtherance of its  
26 duties to license and regulate bingo gaming in Greene County.

1                   (4) The Greene County Gaming Commission shall  
2 appportion the remainder of the local gross receipts tax as  
3 follows:

4                   a. The proceeds from one-half of one percent to the  
5 Greene County Commission.

6                   b. The proceeds from two percent to the Greene  
7 County Commission which shall be appportioned among the  
8 municipalities in the county on the basis of the ratio of the  
9 population of the municipality to the population of all the  
10 municipalities in the county and paid to the municipalities  
11 forthwith.

12                   c. The proceeds from one-half of one percent to the  
13 Greene County Firefighters Association.

14                   d. The proceeds from two percent to the Greene  
15 County Board of Education.

16                   e. The proceeds from one-half of one percent to the  
17 Greene County E-911 Communications District.

18                   f. The proceeds from one percent to the Greene  
19 County Hospital and Nursing Home.

20                   g. The proceeds from one-quarter of one percent to  
21 the Greene County Industrial Development Board.

22                   h. The proceeds from one-quarter of one percent to  
23 the Greene County Ambulance Service.

24                   i. The proceeds from three-quarters of one percent  
25 to the Greene County Housing Authority.

26                   j. The proceeds from the remaining three-quarters of  
27 one percent of the local gross receipts tax, based upon

1 criteria adopted by the Greene County Gaming Commission, shall  
2 be awarded by the Greene County Gaming Commission to nonprofit  
3 organizations that provide services to the residents of Greene  
4 County.

5 (c) (1) A local bingo game vendor tax is hereby  
6 levied on bingo game vendors conducting business in Greene  
7 County in an amount equal to three percent of the gross  
8 revenues collected by the bingo game vendor from leases or  
9 other revenue sharing arrangements with a bingo licensee.

10 (2) A bingo game vendor shall pay the local bingo  
11 game vendor tax for each calendar month to the Greene County  
12 Gaming Commission on or before the twentieth day of the next  
13 succeeding calendar year. Two-thirds of the proceeds of the  
14 local bingo game vendor tax shall be deposited into the county  
15 general fund to be distributed between the Eutaw Police  
16 Department and the Greene County Sheriff's Department on the  
17 basis of the ratio of the population of the municipality to  
18 the population of the county. The remaining one-third of the  
19 proceeds shall be awarded by the Greene County Gaming  
20 Commission to nonprofit organizations that provide services to  
21 the residents of Greene County.

22 (d) The state gross receipts of tax on gaming gross  
23 revenue, the local gross receipts tax on gaming gross revenue,  
24 and the local bingo game vendor tax shall be in lieu of all  
25 other state or local taxes or license fees levied with respect  
26 to the conduct of bingo games by a bingo licensee in Greene  
27 County. Notwithstanding the foregoing, a bingo licensee is



1       liable for all income taxes, franchise taxes, property taxes,  
2       lodging taxes, and sales and use taxes on merchandise, food,  
3       and beverage generally applicable at uniform rates to all  
4       businesses operating in the county.

5                   Section 4. The Greene County Gaming Commission.

6                   (a) There is hereby created the Greene County Gaming  
7       Commission. The commission shall regulate and supervise the  
8       operation and conduct of bingo games in Greene County, shall  
9       implement, regulate, administer, and supervise all laws and  
10      rules related to the operation and conduct of bingo games by a  
11      bingo licensee in Greene County, and shall cooperate with the  
12      local district attorney in enforcing all laws related to  
13      illegal gambling.

14                  (b) The Greene County Gaming Commission shall  
15      consist of five members. Each member of the commission shall  
16      be appointed by the local legislative delegation. The  
17      appointed members shall represent the gender and racial  
18      diversity of the state. At least three of the appointed  
19      members must be residents of Greene County.

20                  (1) Members of the commission shall be residents of  
21      the State of Alabama, residents in the congressional district  
22      which includes Greene County, United States citizens, and  
23      prominent persons in their businesses or professions, may not  
24      have been convicted of a felony, and may not be the executive  
25      director of or another employee of the commission, an officer  
26      of or occupy an official position in any political party, an

1       elected official, or actively engaged in the business of, or  
2       have a pecuniary interest in, a racetrack or casino.

3               (2) Appointed members shall serve a term of five  
4       years and may serve two complete terms and any portion of an  
5       initial term of less than five years or any portion of an  
6       unexpired term to which appointed. Any vacancy occurring on  
7       the commission shall be filled for the unexpired term by the  
8       appointing authority as described in this section. The initial  
9       term of office upon the effective date of this amendment shall  
10      be five years for the member appointed by the local  
11      legislative delegation, three years for the remaining three  
12      members appointed by the local legislative delegation. Each  
13      member of the commission shall serve for the duration of his  
14      or her term and until his or her successor is duly appointed;  
15      provided, however, that if a successor is not appointed within  
16      120 days after the expiration of a member's term, a vacancy  
17      shall be deemed to exist.

18              (3) The commission and its members and employees  
19      shall be subject to the Ethics Law, Section 36-25-1, et seq.,  
20      Code of Alabama 1975; the Open Records Act, Section 36-12-40,  
21      Code of Alabama 1975; the Open Meetings Act, Section 36-25A-1,  
22      et seq., Code of Alabama 1975; and the Administrative  
23      Procedure Act, Section 41-22-1, et seq., Code of Alabama 1975.

24              (c) Nothing in this amendment prohibits, limits, or  
25      alters the authority of any local racing commission with  
26      respect to the continued regulation and supervision of racing  
27      and pari-mutuel wagering at a racetrack.

1           Section 2. Amendment 743 of the Constitution of  
2 Alabama of 1901, is repealed.

3           END OF PROPOSED AMENDMENT

4           Section 3. An election upon the proposed amendment  
5 shall be held in accordance with Section 284 and Section  
6 284.01 of the Official ReCompilation of the Constitution of  
7 Alabama of 1901, and the election laws of this state.

8           Section 4. The appropriate election official shall  
9 assign a ballot number for the proposed constitutional  
10 amendment on the election ballot and shall set forth the  
11 following description of the substance or subject matter of  
12 the proposed constitutional amendment:

13           "Relating to Greene County, proposing an amendment  
14 to the Constitution of Alabama of 1901, to repeal Amendment  
15 743, authorizing and regulating bingo gaming in Greene County;  
16 to provide that the game of bingo may be played on any  
17 electronic machine or device that is authorized pursuant by  
18 federal law; to limit bingo gaming in Greene County to a bingo  
19 licensee licensed by the Greene County Gaming Commission; to  
20 levy a state gross receipts tax and a local gross receipts tax  
21 on bingo gaming revenue of the bingo licensee; to levy a tax  
22 on vendors of bingo gaming equipment; to provide for the  
23 allocation of the tax proceeds; and to create the Greene  
24 County Gaming Commission to implement, regulate, and  
25 administer bingo gaming.

26           "Proposed by Act \_\_\_\_\_."

1                    This description shall be followed by the following  
2       language:  
3                    "Yes ( ) No ( )."

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Senate

Read for the first time and referred to the Senate committee on Local Legislation.....	18-APR-19
Read for the second time and rereferred to commit- tee Tourism.....	23-APR-19
Read for the third time and passed as amended ....	30-APR-19

Yeas 21  
Nays 0  
Abstaining 2

Patrick Harris,  
Secretary.