

1 SB435
2 118534-1
3 By Senator Sanders
4 RFD: Tourism and Marketing
5 First Read: 17-FEB-10

2
3
4
5
6
7
8 SYNOPSIS: This bill creates a state charitable bingo
9 licensure commission and provides for the powers
10 and duties of the commission.
11

12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 To create a state charitable bingo licensure
17 commission and to provide for the powers and duties of the
18 commission.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. The Legislature finds that considerable
21 disagreement exists in the state about charitable bingo, and
22 the Legislature desires to establish a commission with the
23 authority to issue state licenses to applicants who wish to
24 operate charitable bingo in the state.

25 Section 2. As used in this act, the following terms
26 shall have the following meanings:

1 (1) Commission. The Alabama Charitable Bingo
2 Licensure Commission created by this act.

3 (2) License. A charitable bingo license issued by
4 the Commission.

5 (3) Local Constitutional Amendment. Any amendment to
6 the Constitution of Alabama of 1901, which authorizes
7 charitable bingo to be played in a particular county or
8 municipality.

9 Section 3. There is created the Alabama Charitable
10 Bingo Licensure Commission. The Commission shall be composed
11 of one member appointed by the Governor; one member appointed
12 by the Attorney General; one member appointed by the
13 Lieutenant Governor; one member appointed by the Speaker of
14 the House of Representatives; one member appointed by the
15 Chief Justice of the State Supreme Court; one member appointed
16 by the President Pro Tempore of the Senate; and one member
17 appointed by the President Pro Tempore of the House of
18 Representatives. Members shall be appointed as soon as
19 possible, but not later than twenty-one days following the
20 effective date of this act. Members of the commission shall be
21 residents of the State of Alabama and shall not have been
22 convicted of a felony. No person actively engaged or having a
23 direct pecuniary interest in charitable bingo activities shall
24 be a member of the commission. No elected official shall be a
25 member of the commission. Members shall serve without
26 compensation but shall receive per diem and travel expenses in
27 the same amount as state employees receive.

1 Section 4. The Commission shall appoint an executive
2 director, who shall serve at the pleasure of the Commission.
3 The Commission shall set the salary of the executive director.
4 The executive director may, at his or her discretion, and
5 without regard to the State Merit System Law, appoint
6 additional personnel as may be necessary to carry out the
7 duties and functions of the Commission.

8 Section 5. (a) No person shall be authorized to
9 conduct charitable bingo in the state until the person first
10 receives a license from the Commission.

11 (b) The Commission shall set appropriate fees for
12 issuing licenses. Fees collected by the Commission shall be
13 used to fund the operations of the Commission. For the fiscal
14 year ending September 30, 2010, any fees received are hereby
15 appropriated to the Commission.

16 (c) Prior to issuing any license, the Commission
17 shall do all of the following:

18 (1) Inspect and examine the application to determine
19 whether or not the applicant proposes to operate charitable
20 bingo that is in compliance with the local constitutional
21 amendment applicable to the location at which the applicant
22 proposes to operate charitable bingo.

23 (2) Inspect and examine all equipment and devices
24 that the applicant proposes to use in operating charitable
25 bingo to determine whether or not such equipment and devices
26 are in compliance with the applicable local constitutional

1 amendment and any case law governing the operation of
2 charitable bingo in the state.

3 (d) If satisfied that a person is eligible to
4 receive a license to conduct charitable bingo, and upon the
5 payment of the applicable license fee to the Commission, the
6 Commission shall issue a license to the person, and the person
7 shall be authorized to conduct charitable bingo.

8 Section 6. The Commission may deny any application
9 and may revoke, suspend, or limit any license previously
10 issued by the Commission. The decisions made by the Commission
11 shall be final and shall not be subject to administrative
12 review. Any challenges to the decisions made by the Commission
13 shall be made in the circuit court of Montgomery County.

14 Section 7. The Commission shall be exempt from the
15 Alabama Administrative Procedure Act for one year following
16 the effective date of this act.

17 Section 8. The provisions of this act shall
18 terminate and the Commission shall be dissolved upon the
19 establishment by statute or constitutional amendment of a
20 statewide gaming commission.

21 Section 9. This act shall become effective
22 immediately following its passage and approval by the Governor
23 or its otherwise becoming law.