

1 HB234  
2 116208-1  
3 By Representative Rogers  
4 RFD: Tourism and Travel  
5 First Read: 12-JAN-10

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8 SYNOPSIS: Currently, there is not a state gaming  
9 commission to regulate gambling in Alabama.

10 This bill would establish the Alabama Gaming  
11 Commission to regulate all aspects of gambling in  
12 the state; would provide for the appointment of the  
13 members, the meetings and compensation, the duties  
14 and responsibilities of the commission; and would  
15 provide penalties for violations of the act.

16 Amendment 621 of the Constitution of Alabama  
17 of 1901, now appearing as Section 111.05 of the  
18 Official Recompilation of the Constitution of  
19 Alabama of 1901, as amended, prohibits a general  
20 law whose purpose or effect would be to require a  
21 new or increased expenditure of local funds from  
22 becoming effective with regard to a local  
23 governmental entity without enactment by a 2/3 vote  
24 unless: it comes within one of a number of  
25 specified exceptions; it is approved by the  
26 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to  
2 the entity for the purpose.

3 The purpose or effect of this bill would be  
4 to require a new or increased expenditure of local  
5 funds within the meaning of the amendment. However,  
6 the bill does not require approval of a local  
7 governmental entity or enactment by a 2/3 vote to  
8 become effective because it comes within one of the  
9 specified exceptions contained in the amendment.

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT  
14

15 To establish the Alabama Gaming Commission to  
16 regulate all aspects of gambling in the state; to provide for  
17 the appointment of the members, the meetings and compensation,  
18 the duties and responsibilities of the commission; to provide  
19 for criminal and civil penalties for violations; and in  
20 connection therewith would have as its purpose or effect the  
21 requirement of a new or increased expenditure of local funds  
22 within the meaning of Amendment 621 of the Constitution of  
23 Alabama of 1901, now appearing as Section 111.05 of the  
24 Official Recompilation of the Constitution of Alabama of 1901,  
25 as amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. (a) There is hereby created the Alabama  
2 Gaming Commission consisting of five members appointed by the  
3 Governor and subject to confirmation by the Senate. Each  
4 member of the commission shall be a resident of this state. No  
5 member shall have pled guilty to or shall have been convicted  
6 of a felony or gambling-related offense. No member shall be an  
7 elected official. The membership shall be inclusive and  
8 reflect the racial, gender, geographic, urban/rural, and  
9 economic diversity of the state.

10           (b) The initial members of the commission shall be  
11 appointed as follows: One shall be appointed for a one-year  
12 term, two shall be appointed for two-year terms, and two shall  
13 be appointed for three-year terms. Thereafter, all members  
14 shall serve for three-year terms. No member shall serve more  
15 than two full terms. The Governor shall designate one member  
16 as the chair. Any member may be removed from office for  
17 malfeasance or neglect of duty in office.

18           (c) The commission shall meet at least quarterly.  
19 Special meetings may be called by the chair or any two members  
20 upon 24-hour written notice to each member. No action of the  
21 commission shall be binding unless taken at a meeting at which  
22 three of the five members are present and shall vote in favor  
23 thereof. Members shall receive as compensation the amount of  
24 one hundred dollars (\$100) for every day in which the  
25 commission holds a meeting and shall be reimbursed for  
26 reasonable expenses incurred in the performance of their  
27 duties. The chair shall receive as additional compensation one

1 hundred dollars (\$100) for each month he or she serves on the  
2 commission in that capacity.

3 Section 2. The commission shall regulate all aspects  
4 of gaming and gambling in Alabama. Notwithstanding any other  
5 provision of law, the commission shall issue a license to each  
6 facility for the operation of bingo games, horse racing, dog  
7 racing, excursion gambling boats, casinos, or other forms of  
8 gambling. The commission shall establish the amount of each  
9 fee for the license to operate each form of gaming in Alabama.  
10 The commission shall promulgate rules to implement and  
11 administer this act, subject to the Alabama Administrative  
12 Procedure Act.

13 Section 3. No person shall operate any facility for  
14 the operation of bingo games, horse racing, dog racing,  
15 excursion gambling boats, casinos, or other forms of gambling  
16 without first obtaining a license issued by the commission.  
17 Any person violating the provisions of this act shall, upon  
18 conviction, be guilty of a Class B felony and in addition  
19 shall be subject to an administrative fine in the amount of  
20 one thousand dollars (\$1,000) per day for each day the  
21 facility is in operation.

22 Section 4. All license fees and fines generated  
23 pursuant to this act shall be deposited into the State General  
24 Fund.

25 Section 5. Although this bill would have as its  
26 purpose or effect the requirement of a new or increased  
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now  
2 appearing as Section 111.05 of the Official ReCompilation of  
3 the Constitution of Alabama of 1901, as amended, because the  
4 bill defines a new crime or amends the definition of an  
5 existing crime.

6 Section 6. This act shall become effective on  
7 January 1, 2011, following its passage and approval by the  
8 Governor, or its otherwise becoming law.