

1 SR154
2 132021-1
3 By Senators Taylor, Reed, McGill, Beason, Waggoner, Pittman,
4 Williams, Sanford, Allen, Holtzclaw, Scofield, and Brooks
5 RFD:
6 First Read: 31-MAY-11

2
3
4
5
6
7
8 REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF
9 THE SUPREME COURT RELATIVE TO SENATE BILL 234 OF THE 2011
10 REGULAR SESSION.
11

12 BE IT RESOLVED BY SENATE OF THE LEGISLATURE OF
13 ALABAMA, That we respectfully request the Honorable Chief
14 Justice and Associate Justices of the Supreme Court, or a
15 majority of them, to give this body their written opinions on
16 the following important constitutional question which has
17 arisen concerning the pending bill, Senate Bill 234, a copy of
18 which is attached to this resolution and made a part thereof
19 by reference.

20 By way of background, Senate Bill 234 provides that
21 possession of a slot machine or other gambling device in
22 violation of Section 13A-12-27 of the Code of Alabama 1975,
23 shall be a Class C felony.

24 We understand that Section 65 of the Constitution of
25 Alabama of 1901, provides: "The legislature shall have no
26 power to authorize lotteries or gift enterprises for any
27 purposes, and shall pass laws to prohibit the sale in this

1 state of lottery or gift enterprise tickets, or tickets in any
2 scheme in the nature of a lottery; and all acts, or parts of
3 acts, heretofore passed by the legislature of this state,
4 authorizing a lottery or lotteries, and all acts amendatory
5 thereof, or supplemental thereto, are hereby avoided."

6 We further understand, however, that the operation
7 of bingo games is authorized in some locales under certain
8 circumstances pursuant to local constitutional amendments, to
9 wit: Amendments 386, 387, 413, 440, 506, 508, 542, 549, 550,
10 565, 569, 599, 612, 674, 692, 732, 743, and 744 (hereinafter
11 referred to as the "local bingo amendments").

12 In view of the local bingo amendments, an important
13 constitutional question has arisen concerning legislative
14 action on Senate Bill 234, a general law with statewide
15 application. Senate Bill 234 does not contain an exception for
16 slot machines used in the operation of bingo games under the
17 local bingo amendments.

18 Accordingly, pursuant to Section 12-2-10 of the Code
19 of Alabama 1975, and in deference to this legislative body, so
20 that we may properly and constitutionally dispatch the duties
21 of our office, written opinions are respectfully requested
22 concerning the following important constitutional question:

23 Do the local bingo amendments authorize slot
24 machines for the operation of bingo games such that Senate
25 Bill 234 is in conflict with and superseded by the local bingo
26 amendments in their respective locales with respect to such

1 devices and needs to be a constitutional amendment in order to
2 be enforceable with respect to such devices?