

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

H.J.R.

1008

4 By: Representative Willems

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## HOUSE JOINT RESOLUTION

8 FOR A PROPOSED AMENDMENT TO ARTICLE 19, SECTION 14, OF THE  
9 CONSTITUTION OF THE STATE OF ARKANSAS TO REMOVE FROM THE  
10 DEFINITION OF LOTTERY AS CONTAINED IN ARTICLE 19, SECTION  
11 14, OF THE CONSTITUTION OF THE STATE OF ARKANSAS, CERTAIN  
12 GAMES OF BINGO AND RAFFLES WHEN CONDUCTED BY CERTAIN  
13 AUTHORIZED ORGANIZATIONS IN ACCORDANCE WITH THE AMENDMENT.

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### Subtitle

16 FOR A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE  
17 OF ARKANSAS TO REMOVE FROM THE DEFINITION OF LOTTERY  
18 CERTAIN CHARITABLE GAMES OF BINGO AND CHARITABLE RAFFLES.

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20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTIETH GENERAL  
21 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL  
22 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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24 That the following is hereby proposed as an amendment to the  
25 Constitution of the state of Arkansas, and upon being submitted to the  
26 electors of the state for approval or rejection at the next general election  
27 for Representatives and Senators, if a majority of the electors voting  
28 thereon at such election, adopt such amendment, the same shall become a part  
29 of the Constitution of the state of Arkansas, to wit:

30 "(a) No lottery shall be authorized by this state, nor shall the sale  
31 of lottery tickets be allowed. The game of bingo, when conducted by an  
32 authorized organization at authorized times and in an authorized manner shall  
33 not be deemed a lottery prohibited by this section. A raffle, when conducted  
34 by an authorized organization at authorized times and in an authorized manner  
35 shall not be deemed a lottery prohibited by this section.

1           (b)(1) For the purpose of this section, the term game of bingo  
2 shall mean a single game of the activity commonly known as bingo in which  
3 the participants pay a sum of money for the use of one or more bingo cards.  
4 Only bingo games where the winner receives a pre-announced, fixed dollar  
5 prize and in which the winner is determined by the matching of letters and  
6 numbers on a bingo card, or facsimile thereof, (imprinted with at least  
7 twenty-four [24] numbers) with letters and numbers appearing on objects  
8 randomly drawn and announced by a caller, in contemporaneous competition  
9 among all players in the game, shall be considered bingo for the purposes of  
10 this section.

11           (2) For the purpose of this section, the term raffle shall mean a  
12 game in which a participant buys a ticket for a chance at a prize with the  
13 winner determined by a random drawing to take place at a location and date  
14 printed upon the ticket.

15           (c) Authorized organization shall mean any non-profit tax exempt  
16 religious, educational, veteran\_s, fraternal, service, civic, medical,  
17 volunteer rescue service, volunteer fire fighter\_s organization, or volunteer  
18 police organization which has been issued a current license to conduct a  
19 bingo game as provided for by law. An organization is tax exempt if it has  
20 received from the Internal Revenue Service a determination letter that is  
21 currently in effect stating that the organization is exempt from federal  
22 income taxation under Section 501(a), and if it is described in Section  
23 501(c)(3), (10), or (19) or Section 528 of the Internal Revenue Code as  
24 amended. To qualify as an authorized organization under this section, an  
25 organization shall have been in continuing existence, as such, in this state  
26 for a period of not less than five (5) years immediately prior to making  
27 application for a bingo license.

28           (d) For games of bingo, conducted at authorized times means a  
29 single program of bingo games conducted between the hours of 12:00 noon and  
30 12:00 midnight, no more often than two (2) days per any one (1) calendar  
31 week. No building, facility or other type of physical location shall house  
32 bingo games more frequently than two (2) days per week or on behalf of more  
33 than one (1) authorized organization. For raffles, conducted at authorized  
34 times means no more frequently than twice in any given calendar year.

35           (e) Conducted in an authorized manner means bingo games or raffles

1 conducted in accordance with the following requirements:

2 (1) All net receipts over and above the actual cost of  
3 conducting the game or raffle shall be used only for charitable, religious or  
4 philanthropic purposes, and no receipts shall be used to compensate in any  
5 manner any person who works for or is in any way affiliated with the licensed  
6 organization;

7 (2) The prize for any one bingo game shall not exceed two  
8 hundred dollars (\$200.00) (whether in cash or a prize of equivalent cash  
9 value); and the total prizes awarded during any one bingo program shall not  
10 exceed three thousand dollars (\$3,000) total value. No more than one (1)  
11 bingo program on behalf of a single authorized organization shall be  
12 conducted at any one (1) location on any given day. The *prize* limit for  
13 raffles shall be fifty thousand dollars (\$50,000).

14 (3) No person shall participate in the management, conduct or  
15 operation of any bingo game or raffle unless that person:

16 (A) Has been a bona fide member of the authorized  
17 organization for the two (2) years immediately preceding such participation,  
18 and volunteers without compensation of any sort the time and service  
19 necessary to conduct the game or raffle, and is not a paid staff person or  
20 employee of the authorized organization;

21 (B) Is not and has never been a professional gambler or  
22 professional gambling promoter;

23 (C) Has never purchased a tax stamp for wagering or  
24 gambling activity;

25 (D) Has never been convicted of any felony;

26 (E) Has never been convicted of or pleaded nolo  
27 contendere to any illegal gambling activity; and

28 (F) Is of good moral character.

29 (4) Any person, any officer or director of any firm or  
30 corporation, and any partner of any partnership renting or leasing to an  
31 authorized organization, any equipment or premises for use in the game or  
32 raffle shall meet all the qualifications of paragraph 3 except (a).

33 (5) No good or service utilized in the conducting of the bingo  
34 games or raffles, including, but not limited to, the cost for the use of the  
35 bingo facility, the cost for the use of the bingo equipment, the cost for



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