

ELECTRONIC BINGO

Guin: Bingo legal, Bishop bill not

By **ED HOWELL**
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House Majority Leader Ken Guin, D-Carbon Hill, said Tuesday that the current bingo laws allow for electronic bingo and that local bills from state Sen. Charles Bishop, R-Arley, that would outlaw electronic bingo are unconstitutional.

"The easy, politically expedient thing would be to go along with Senator Bishop's blatantly unconstitutional bill. But it would be an intellectually dishonest vote," Guin said in an e-mailed four-page statement Tuesday.

Bishop responded by saying he will seek a ruling from the Attorney General's Office and the Alabama Ethics Commission to see if Guin can even vote on the bill because of his association with the bingo industry. Guin's name, as a local attorney, has appeared on a court document representing a bingo hall in recent months. Bishop also questioned whether Guin has a financial interest in the industry.

Guin e-mailed a reply to the senator's statements that Bishop "is nuts," saying it was on the record.

Bishop said he will pass his bill in the Senate and send it to the House, where he hopes Guin will change his mind.

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Guin pointed out that the 1992 state constitutional amendment passed in Walker County, Amendment 549, which he said allowed the commission authority to regulate bingo: "The governing body (the commission) may promulgate rules and regulations for issuing permits or licenses, and for opening bingo games..."

"Just as the Constitution of the United States placed much authority on the states

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through the 10th Amendment, so too has the state of Alabama placed much authority on the Walker County Commission regarding the playing of bingo in Amendment 549," Guin said.

"It has often been said that government closest to the people governs best. I tend to believe this. It is government closest to the people that truly understands and has the ability to meet the needs of the population. Thus, it is good that the county commission is vested with this authority."

Guin referred to the new electronic form of bingo introduced to the county last year.

"Some will say this isn't 'bingo,'" Guin said. "However, we must keep in mind that a constitution provides a broad framework for government. Amendment 549 simply states 'bingo' is permissible in Walker County."

He goes on to talk about how he learned as a child to play solitaire on a deck of cards when home computers were not invented. Now he uses a computer, and the same can be said of bingo, Guin said.

Guin also said the commerce clause in Article I of the U.S. Constitution — "To regulate Commerce with foreign Nations, and among the several States and with Indian Tribes — has been used for many diverse purposes since 1787, including a means to enforce civil rights and anti-discrimination laws, and railroads, automobiles and airplanes were not anticipated at the time.

Commission should regulate

In 1992, electronic bingo was not even thought of, he said.

"But it is a natural result of the technology that we have seen in the past 15 years. Does this make electronic bingo

illegal? No, it does not," Guin said. "Should the Walker County Commission regulate bingo? Yes, it should."

Guin called on the commission to adopt regulations and provide a way to audit bingo halls. He said the charities operating bingo games should be required periodically to report to the commission. He said if charities are limited to two session of bingo per week for 10 hours, the commission should not allow an entity with only a few charities to operate 24 hours a day, six days per week, and in some cases seven days a week.

"I have reviewed a list of charities receiving funds from bingo. Are all legitimate charities? I doubt it. This is where the regulation of licensing is important," he said.

"These facilities have proliferated over the course of the past several months in part because of the lack of regulations. It is time for the commission to adopt meaningful regulations. The commissioners are faced with a difficult job. They may be concerned that if they impose regulations that will be seen as approving of these facilities," he said. "However, by the passage of regulations it is doing nothing more than what the constitution requires and each commissioner has taken an oath to support the Constitution of the United States and the Constitution of the state of Alabama."

On the other hand, if the commission attempted to close the bingo halls, that might violate the state constitution, as Guin said it allows for playing bingo.

"If bingo were ceased by government act, at the same time funding should be provided for many of these worthwhile charities," Guin said. "As a lawyer, I represent many of the volunteer fire departments, schools and other charities that participate in

Walker County Charity Bingo. I have seen first hand how these charities are putting their proceeds from this to good use."

He said the Walker County Humane Society (which needs a new building), fire departments (which spent much of their time fundraising instead of training), the Northwest Mental Health Center, the Arc of Walker County, Beacon House and many schools need the bingo funding.

Bill unconstitutional

"Some have said the Legislature should act," Guin said. "What I have outlined above is the reason why the Legislature cannot act in the present case. The state of Alabama by means of its constitution has delegated the responsibility regarding the regulation of bingo to the county, not to the state, i.e. the Legislature.

"For this reason, I will not participate in legislation that is sure to result in litigation which will be unsuccessful and cost the taxpayers of this county many thousands of dollars. I have never voted for a measure in the Legislature which I felt to be unconstitutional. I will not begin now."

Bishop said Tuesday afternoon that he was glad to see Guin explain his position why he won't support the bills. He said the bills have been studied by skilled constitutional attorneys with a different opinion.

"I'm going to work hard to send those bills to him in case he has a change of heart," Bishop said. "If not, Representative (Tommy) Sherer can sign the bills and we can put them in the House in a posture for passage.

"Then I will go to the Ethics Committee because of his conflict of interest in working with the bingo industry here that I feel like is unconstitu-

tional in the way it is being operated here today. I will ask them and the attorney general to give me an opinion on whether or not he would be allowed to vote on these bills."

That quote was e-mailed to Guin, who e-mailed back, "He is nuts. You can quote me."

Bishop expects to get an opinion quickly.

"If it was suggested by the Ethics Committee or the Attorney General's Office that he abstain, the bills could still go forward," he said.

Bishop said there is "not a dime's worth of difference" between Guin's case and the case of District 2 Commissioner Larry Farris, who will abstain on voting for bingo regulations because he is receiving lease revenue from a building in Eldridge now used as a bingo hall. Farris got an opinion from the Association of County Commissions of Alabama on that vote.

Bishop said Guin can claim the difference is he is an attorney, "but there is a big question on whether or not he has an interest in this rather than as an attorney in this industry." He said more will come out before the issue is resolved on who locally is financially involved in this new industry, as well as out-of-state backers.

"I think the people of this county are entitled to know the answers to those questions," he said.

In a related development, Dr. Randy Brinson, the chairman of the Christian Coalition of Alabama, will hold a press conference against electronic bingo at the steps of the Walker County Courthouse at 2 p.m. today. The group staged a protest Thursday against electronic bingo in Houston County, according to WTVY in Dothan.

Jasper

the area affects our ability to attract prospects and is not painting a good ride. We don't go to and provide service in Inc. these areas on a regular basis. but I don't