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Doyle Willis
Chairman

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Vice-Chairman

Members
James Hury
Delwin Jones
Nolan (Buzz) Robnett

General Investigating Committee
House of Representatives

P.O. Box 2910 • Austin, Texas 78768-2910

Committee Office:
242 Reagan Bldg
512-463-0780

L. DeWitt Hale
General Counsel

Michelle Romani
Committee Clerk

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Union Committee

The Honorable Dan Morales
Attorney General of Texas
8th Floor, Price Daniel, Sr. Bldg.
Austin, TX 78701

RE: Interpretation of Article 3, Section
47, Texas Constitution

Dear Dan:

At present, bingo is being played by all kinds of organizations. It is difficult to believe that all of them are doing it for charitable purposes. Those with whom I have talked agree with me that under Article 3, Section 47 (b), the Texas Constitution only allows bingo to be "conducted by church, synagogue, religious society, volunteer fire department, non-profit veterans organizations, fraternal organizations or non-profit organizations supporting medical research and treatment programs." I perceive that this wording strictly defines who can conduct bingo. Hundreds of these so-called charitable organizations who now have bingo permits probably do not come within the terms of the definition set out in Article 3, Section 47 (b).

It has always been my opinion that Article 3, Section 47 (b) (2), requires that an organization that has a permit to run bingo must either own the location where the games are played or have a valid lease on such place. Hundreds of so-called charitable institutions now have permits to play bingo. Many take their permits to lessors who have buildings and who then use the permits and require only one member of each organization to be present. This means that the permit-holder neither owns the building nor leases it. This would appear to be in direct violation of the constitutional provision.

Article 3, Section 47 (b)(3) requires that the games be "conducted, promoted and administered by members of the church, etc." I have talked to a lot of good lawyers and they have told me that to them, the word "administered" means that the

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members of the organization shall conduct the bingo games themselves. That is not being done at the present time. The organization that holds the bingo permit frequently sends only one member over to the commercial hall where the game is being played and does not conduct the game itself. I feel that this is a violation of this section of the Constitution in that the word "administered" means that the members of the organization shall conduct the bingo games themselves. At the present time, these commercial lessors are paying personnel not affiliated with the bingo permit holders to run bingo games.

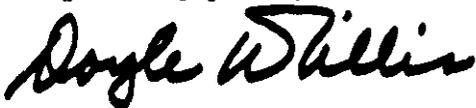
The Legislature passed a bill allowing hundreds of so-called charitable organizations to get a permit for bingo under the guise of being "fraternal organizations". I doubt that the Legislature has the power to change the meaning of the Constitution. Permitting these so-called charitable organizations to hold bingo permits was not the intent of Article 3, Section 47 (b).

I would like an opinion as to which organizations can play bingo under Article 3, Section 47 (b) and whether or not an organization which is not a church, synagogue, religious society, volunteer fire department, non-profit veterans organization, fraternal organization, or non-profit organization supporting medical research or treatment programs, comes within the purview of the Constitution.

Also, I would like an opinion interpreting the phrase "conducted, promoted and administered by members" used in Section 47 (b)(3), to clarify whether hired hands who are not members of the organization can actually run the game.

Since the General Investigating Committee is now scheduling a series of meetings on bingo operations, your prompt attention will be appreciated.

Respectfully yours,



Doyle Willis
Chairman
General Investigating Committee

DW/mmr