

CHAPTER 340

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 99-1187

BY REPRESENTATIVES Johnson, Bacon, Decker, Gotlieb, McKay, Spence, Takis, Tochtrop, T. Williams, Witwer, Young, Kaufman, and Sinclair;
also SENATORS Dennis, Anderson, Perlmutter, Phillips, and Tebedo.

AN ACT

CONCERNING THE REGULATION OF GAMES OF CHANCE, AND, IN CONNECTION THEREWITH, CREATING A BINGO-RAFFLE ADVISORY BOARD IN THE DEPARTMENT OF STATE, CONTINUING LICENSING POWERS CONFERRED UPON THE SECRETARY OF STATE BY THE COLORADO CONSTITUTION, REDESIGNATING THE SECRETARY OF STATE AS THE ADMINISTRATIVE AND ENFORCEMENT AUTHORITY FOR BINGO AND OTHER GAMES OF CHANCE, AND MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 9 of title 12, Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 9
Bingo and Raffles Law

PART 1
GENERAL PROVISIONS

12-9-101. Short title. This article shall be known and may be cited as the "Bingo and Raffles Law".

12-9-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Bingo" means a game of chance played for prizes using cards or sheets containing five rows of five squares bearing numbers, except for the center square which is a free space. Traditional bingo also requires that the letters "B I N G O" appear in order over each column. The holder of a card or sheet covers the numbers on such card or sheet when objects similarly numbered are randomly drawn. The

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

game is won when a previously designated arrangement of numbers on such card or sheet is covered.

(1.2) "Bingo-raffle licensee" means any qualified organization to which a bingo-raffle license has been issued by the licensing authority.

(1.3) "Bingo-raffle manufacturer" means a person, other than a bingo-raffle licensee, who makes, assembles, produces, or otherwise prepares pull tabs, bingo cards or sheets, or other equipment or parts thereof for games of chance, as defined in subsection (7) of this section. "Bingo-raffle manufacturer" does not include a person who prints raffle tickets, other than pull tabs, for and at the request of a bingo-raffle licensee.

~~(1.5)~~ (1.4) "Bingo-raffle supplier" means a person, other than a bingo-raffle licensee, who sells, distributes, or otherwise furnishes pull tabs, bingo cards or sheets, or other games of chance equipment, as defined in subsection (5) of this section. "Bingo-raffle supplier" does not include a person who prints raffle tickets, other than pull tabs, for and at the request of a bingo-raffle licensee.

(1.5) "BOARD" MEANS THE COLORADO BINGO-RAFFLE ADVISORY BOARD CREATED IN SECTION 12-9-201.

(1.6) "CHARITABLE GAMING" MEANS BINGO, PULL TAB GAMES, AND RAFFLES, AS DEFINED IN SUBSECTIONS (1), (18.1), AND (19.3) OF THIS SECTION.

(1.7) "Charitable organization" means any organization, not for pecuniary profit, ~~which~~ THAT is operated for the relief of poverty, distress, or other condition of public concern within this state and ~~which~~ THAT has been so engaged for five years prior to making application for a license under this article.

(2) "Chartered branch or lodge or chapter of a national or state organization" means any such branch or lodge or chapter ~~which~~ THAT is a civic or service organization, not for pecuniary profit, and authorized by its written constitution, charter, articles of incorporation, or bylaws to engage in a fraternal, civic, or service purpose within this state and ~~which~~ THAT has been so engaged for five years prior to making application for a license under this article.

(2.3) "Commercial bingo facility" means premises rented by a bingo-raffle licensee for the purpose of conducting games of chance.

(2.5) "Commercial landlord" means any person renting or offering to rent a commercial bingo facility to any bingo-raffle licensee.

(3) "Dues-paying membership" means those members of an organization who pay regular monthly, annual, or other periodic dues or who are excused from paying such dues by the bylaws, articles of incorporation, or charter of the organization and those who contribute voluntarily to the corporation or organization to which they belong for the support of such corporation or organization.

(4) "Educational organization" means any organization within this state, not organized for pecuniary profit, whose primary purpose is educational in nature and

designed to develop the capabilities of individuals by instruction and ~~which~~ THAT has been in existence for five years prior to making application for a license under this article.

(5) "Equipment" means: With respect to bingo or lotto, the receptacle and numbered objects drawn from it, the master board upon which such objects are placed as drawn, the cards or sheets bearing numbers or other designations to be covered and the objects used to cover them, the board or signs, however operated, used to announce or display the numbers or designations as they are drawn, public address system, and all other articles essential to the operation, conduct, and playing of bingo or lotto; or, with respect to raffles, implements, devices, and machines designed, intended, or used for the conduct of raffles and the identification of the winning number or unit and the ticket or other evidence or right to participate in raffles.

(5.5) "Exempt organization" means an organization ~~which~~ THAT complies with each of the following criteria:

(a) That is exempt from taxation under section 501 (c) (3) of the federal "Internal Revenue Code of 1954", as amended through December 31, 1984;

(b) Of the type commonly known as a community chest, which organizes and carries out intensive, limited-time, and community-wide fund drive campaigns by volunteer workers soliciting charitable contributions from a broad base of citizens and businesses in the community with the objective of providing financial support to other organizations ~~which~~ THAT are exempt from taxation under section 501 (c) (3) of the federal "Internal Revenue Code of 1954", as amended through December 31, 1984, and ~~which~~ THAT provides charitable, educational, civic, health, or human services within the same community and ~~which~~ THAT has the further objective of minimizing the necessity for multiple, overlapping, and competing fund drives by such recipient organizations to enable them to deliver such services;

(c) That assists in acquiring noncash prizes donated by participating private businesses or government agencies as an ancillary means of creating interest in a charitable fund-raising drive held by such business or agency;

(d) That collects voluntary contributions and distributes more than eighty percent of such contributions to other organizations ~~which~~ THAT are exempt from taxation under section 501 (c) (3) of the federal "Internal Revenue Code of 1954", as amended through December 31, 1984, and ~~which~~ THAT provide charitable, educational, civic, health, or human services;

(e) On behalf of whose fund-raising drives drawings are held by participating private businesses or government agencies, which drawings are open only to the employees of such businesses or agencies and are not open to the general public;

(f) Whose fund-raising drives are jointly planned and managed by the participating private businesses and government agencies; and

(g) Whose fund-raising drives include only the awarding of noncash prizes by the participating private businesses or government agencies.

(6) "Fraternal organization" means any organization within this state, ~~except~~ INCLUDING college and high school fraternities, not for pecuniary profit, ~~which~~ THAT is a branch, lodge, or chapter of a national or state organization and exists for the common business, brotherhood, or other interests of its members and ~~which~~ THAT has so existed for five years prior to making application for a license under this article. "Fraternal organization" also includes a graduate or alumni division or branch of a college fraternity, which division or branch holds a charter issued by the state of Colorado and ~~which~~ THAT meets all other criteria set forth in this subsection (6). As used in this subsection (6), "fraternity" includes a sorority.

(7) "Game of chance" means that specific kind of game of chance commonly known as bingo or lotto in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and that specific kind of game of chance commonly known as raffles ~~which~~ THAT is conducted by drawing for prizes or the allotment of prizes by chance, by the selling of shares or tickets or rights to participate in such a game.

(8) "Gross receipts" means receipts from the sale of shares, tickets, or rights in any manner connected with participation in a game of chance or the right to participate therein, including any admission fee or charge, the sale of equipment or supplies, and all other miscellaneous receipts.

(9) "Labor organization" means any organization, not for pecuniary profit, within this state ~~which~~ THAT exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and ~~which~~ THAT has existed for such purpose and has been so engaged for five years prior to making application for a license under this article.

(9.5) "Landlord licensee" means the holder of a current, valid commercial landlord license.

(10) "Lawful purposes" means the lawful purposes of organizations permitted to conduct games of chance, as provided in section 2 of article XVIII of the state constitution.

(11) "Lawful use" means the devotion of the entire net proceeds of a game of chance exclusively to lawful purposes.

(11.5) "LICENSE" MEANS ANY LICENSE ISSUED BY THE LICENSING AUTHORITY PURSUANT TO THIS ARTICLE.

(12) "Licensed agent" means an individual who holds a current, valid agent's license for a bingo-raffle manufacturer or supplier.

(12.5) "LICENSEE" MEANS THE HOLDER OF ANY LICENSE ISSUED BY THE LICENSING AUTHORITY PURSUANT TO THIS ARTICLE.

(13) "Licensing authority" means the secretary of state or his OR HER duly authorized deputy.

(13.3) "Manufacturer's agent" means an individual who represents a manufacturer in any of its activities in connection with the presales, driver sales, or distribution with excess stock of pull tabs, bingo cards or sheets, or other games of chance equipment, except employees of commercial delivery services.

(13.5) "Manufacturer licensee" means the holder of a current, valid Colorado manufacturer license.

(14) "Member" means an individual who has qualified for membership in a qualified organization pursuant to its bylaws, articles of incorporation, charter, rules, or other written statement.

(15) "Net proceeds" means the receipts less such expenses, charges, fees, and deductions as are specifically authorized under this article.

(16) "Occasion" means a single gathering or session at which a series of successive bingo or lotto games is played, not to exceed thirty-five in number.

(17) "Person" means a natural person, firm, association, corporation, or other legal entity.

(18) "Premises" means any room, hall, enclosure, or outdoor area used for the purpose of playing a game of chance.

(18.1) "Pull tab game" means the specific game of chance commonly known as a pickle, break-open, or jar raffle for which tickets are preprinted with markings distinguishing winners and nonwinners, each ticket so made that its markings and winning or nonwinning status cannot be known or revealed until the ticket is broken or torn apart.

(19) "Qualified organization" means any bona fide chartered branch, lodge, or chapter of a national or state organization or any bona fide religious, charitable, labor, fraternal, educational, voluntary firefighters', or veterans' organization operating without profit to its members ~~which~~ THAT has been in existence continuously for a period of five years immediately prior to the making of an application for a license under this article and ~~which~~ THAT has had, during the entire five-year period, a dues-paying membership engaged in carrying out the objects of said corporation or organization, and the Colorado state fair authority.

(19.3) "Raffle" means a game in which a participant buys a ticket for a chance at a prize with the winner determined by a random drawing to take place at a set location and date or a pull tab ticket as ~~defined~~ DESCRIBED in subsection (18.1) of this section. The term "raffle" does not mean and shall not be interpreted to include any activity ~~which~~ THAT is authorized or regulated by the state lottery division pursuant to part 2 of article 35 of title 24, C.R.S., or the "Limited Gaming Act of 1991", article 47.1 of this title.

(20) "Religious organization" means any organization, church, body of communicants, or group, not for pecuniary profit, gathered in common membership for mutual support and edification in piety, worship, and religious observances or a society, not for pecuniary profit, of individuals united for religious purposes at a

definite place ~~which~~ THAT organization, church, body of communicants, group, or society has been so gathered or united for five years prior to making application for a license under this article.

(20.3) "Supplier's agent" means an individual who represents a bingo-raffle supplier in the course of the bingo-raffle supplier's presales, driver sales, or distribution with excess bingo-supplier stock or chance equipment on hand, except employees of commercial delivery services.

(20.5) "Supplier licensee" means the holder of a current, valid Colorado supplier license.

(21) "Veterans' organization" means any organization within this state or any branch, lodge, or chapter of a national or state organization within this state, not for pecuniary profit, the membership of which consists of individuals who were members of the armed services or forces of the United States, ~~which~~ THAT has been in existence for five years prior to making application for a license under this article.

(22) "Voluntary firefighters' organization" means any organization within this state, not for pecuniary profit, established by the state or any of its political subdivisions ~~which~~ THAT has been in existence for five years prior to making application for a license under this article.

12-9-102.3. Fraud and deception prohibited. (1) NO BINGO-RAFFLE LICENSEE, LANDLORD LICENSEE, BINGO-RAFFLE SUPPLIER, BINGO-RAFFLE MANUFACTURER, OR ANY MEMBER OR AGENT THEREOF ENGAGED IN ANY CHARITABLE GAMING ACTIVITY SHALL DIRECTLY OR INDIRECTLY:

- (a) EMPLOY ANY DEVICE, SCHEME, OR ARTIFICE TO DEFRAUD OR DECEIVE;
- (b) INTENTIONALLY MAKE ANY UNTRUE OR MISLEADING STATEMENT OF FACT; OR
- (c) ENGAGE IN ANY ACT, PRACTICE, OR COURSE OF CONDUCT CONSTITUTING FRAUD OR DECEIT.

12-9-102.5. Legislative declaration - consideration for tickets - "general admission" exception - conditions. (1) The general assembly hereby finds and declares that the conduct of free product giveaways through the use of free chances for purposes of commercial advertisement, the creation of goodwill, the promotion of new products, or the collection of names should not be subject to regulation under this article. ~~if such giveaways are incidental to events which are not conducted primarily or incidentally to raise money for any purpose through lotteries or games of chance. This section is enacted to remove~~ Such giveaways SHALL BE EXEMPT from regulation under this article when all of the conditions set forth in subsection (2) of this section are satisfied.

(2) ~~The~~ NO allotment of prizes by chance FOR A PURPOSE SET FORTH IN SUBSECTION (1) OF THIS SECTION shall ~~not~~ be deemed a lottery or game of chance, nor shall any share or ticket or right to participate in such allotment be deemed to have been sold or charged for, notwithstanding that such allotment is ~~restricted~~ MADE to persons who have paid a fee entitling them to general admission to the grounds or

premises on which such allotment is made, if

~~(a) each share or ticket by means of which the allotment is made is given away free of charge and without any obligation on the part of the person receiving it. and~~

~~(b) General admission to the grounds or premises entails admission to no fewer than ten separate events, displays, or performances which do not involve or incorporate any allotment of prizes by chance for which an additional fee or charge is required; and~~

~~(c) The owner of the grounds or premises does not conduct or participate in the allotment of prizes by chance and does not give to or receive from any person allotting prizes by chance any consideration which represents or is based upon any such allotment or the participation of any person therein.~~

~~(3) For purposes of this section, the fee charged for general admission shall be construed to include a registration fee, conference fee, meeting fee, or any other similar fee or charge, however designated, the payment of which wholly or in part entitles a person to admission to grounds or premises under the conditions set forth in subsection (2) of this section.~~

12-9-103. Licensing authority - powers - duties - license suspension or revocation proceedings. (1) The secretary of state is hereby designated as the "licensing authority" of this article. As state licensing authority, the secretary of state's powers and duties are as follows:

(a) (I) To grant or refuse TO GRANT BINGO-RAFFLE licenses under this article AND TO GRANT OR REFUSE TO GRANT LICENSES TO LANDLORDS, MANUFACTURERS, MANUFACTURERS' AGENTS, SUPPLIERS, AND SUPPLIERS' AGENTS. ALL SUCH LICENSES AND APPLICATIONS FOR SUCH LICENSES SHALL BE MADE AVAILABLE FOR INSPECTION BY THE PUBLIC. In addition, the licensing authority has the power and the responsibility, after investigation and hearing before an administrative law judge, to suspend or revoke any license issued by the licensing authority, in accordance with any order of such administrative law judge. When a license is ordered suspended or revoked, the licensee shall surrender the license to the licensing authority on or before the effective date of the suspension or revocation. No license is valid beyond the effective date of the suspension or revocation, whether surrendered or not. Any bingo-raffle license may be temporarily suspended for a period not to exceed ten days pending any prosecution, investigation, or public hearing.

(II) IN LIEU OF SEEKING A SUSPENSION OR REVOCATION OF ANY LICENSE ISSUED BY THE LICENSING AUTHORITY, THE LICENSING AUTHORITY MAY IMPOSE A REASONABLE FINE FOR ANY VIOLATION OF THIS ARTICLE OR ANY RULE ADOPTED PURSUANT TO THIS ARTICLE, NOT TO EXCEED ONE HUNDRED DOLLARS PER CITATION. THE IMPOSITION OF ANY SUCH FINE MAY BE APPEALED TO AN ADMINISTRATIVE LAW JUDGE.

(III) THE REFUSAL OF THE LICENSING AUTHORITY TO GRANT A LICENSE SHALL ENTITLE THE APPLICANT TO ADMINISTRATIVE REVIEW OF SUCH REFUSAL BY AN ADMINISTRATIVE LAW JUDGE IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION. FOR PURPOSES OF SUCH REVIEW, THE REFUSAL TO GRANT A LICENSE SHALL BE TREATED AS THE EQUIVALENT OF A SUSPENSION OR REVOCATION.

(b) To supervise the administration AND ENFORCEMENT of this article and, IN CONSULTATION WITH THE BOARD, to adopt, amend, and repeal rules and regulations governing the holding, operating, and conducting of games of chance, ~~the rental of premises~~; and the purchase of equipment AND THE ESTABLISHMENT OF A SCHEDULE OF REASONABLE FINES, NOT TO EXCEED ONE HUNDRED DOLLARS PER CITATION, FOR VIOLATION BY LICENSEES OF THIS ARTICLE OR OF RULES ADOPTED PURSUANT TO THIS ARTICLE, to the end that games of chance shall be held, operated, and conducted only by licensees for the purposes and in conformity with the state constitution and the provisions of this article;

(c) TO PROVIDE FORMS FOR AND SUPERVISE THE FILING OF ANY REPORTS MADE BY MAIL, COMPUTER, ELECTRONIC MAIL, OR ANY OTHER ELECTRONIC DEVICE BY ANY LICENSEE;

(d) UPON APPLICATION BY ANY LICENSEE, TO ISSUE A LETTER RULING GRANTING APPROVAL FOR ANY NEW CONCEPT, METHOD, TECHNOLOGY, PRACTICE, OR PROCEDURE THAT MAY BE APPLIED TO, OR USED IN THE CONDUCT OF, GAMES OF CHANCE THAT ARE NOT IN CONFLICT WITH THE CONSTITUTION OR THIS ARTICLE. APPLICATION FOR SUCH APPROVAL SHALL BE SUBMITTED IN A FORM PRESCRIBED BY THE LICENSING AUTHORITY. IF AN APPLICATION IS NOT ACTED UPON WITHIN FORTY-FIVE DAYS AFTER SUBMISSION, THE LICENSEE MAY IMPLEMENT SUCH CONCEPT, METHOD, TECHNOLOGY, PRACTICE, OR PROCEDURE SO LONG AS IT IS NOT IN CONFLICT WITH THE CONSTITUTION OR THIS ARTICLE. AN ADVERSE RULING ON SUCH APPLICATION MAY BE APPEALED TO AN ADMINISTRATIVE LAW JUDGE.

~~(e)~~ (e) To keep records of all actions and transactions ~~of the licensing authority~~ RELATING TO LICENSING AND ENFORCEMENT ACTIVITY;

~~(f)~~ (f) To prepare and transmit annually, in the form and manner prescribed by the heads of the principal departments pursuant to the provisions of section 24-1-136, C.R.S., a report accounting to the governor for the efficient discharge of all responsibilities assigned by law or directive to the authority, and to issue publications of the authority intended for circulation in quantity outside the executive branch in accordance with the provisions of section 24-1-136, C.R.S.

(g) TO LICENSE DEVICES FOR READING PULL TABS AS PROVIDED IN SECTION 12-9-107.7; EXCEPT THAT THE LICENSING AUTHORITY SHALL NOT IMPOSE OR COLLECT ANY FEE FOR THE ISSUANCE OF SUCH A LICENSE.

(2) The licensing authority may suspend or revoke a license pursuant to the provisions of section 24-4-104, C.R.S. Hearings that are held for the purpose of determining whether a licensee's license should be revoked or suspended shall be conducted by an administrative law judge appointed pursuant to part 10 of article 30 of title 24, C.R.S., and shall be held in the manner and pursuant to the rules and procedures described in sections 24-4-104, 24-4-105, and 24-4-106, C.R.S. Hearings shall be held and concluded, in accordance with such rules, with reasonable dispatch and without unnecessary delay, and a decision shall be issued within ten days ~~of~~ AFTER such hearing.

(3) (a) Upon a finding by an administrative law judge of a violation of this article or the rules, ~~and regulations~~, or both, such as would warrant the suspension or

revocation of a license, the administrative law judge, in addition to any other penalties ~~which~~ THAT may be imposed by the administrative law judge, may declare the violator ineligible to conduct a game of bingo and to apply for a license under said laws for a period not exceeding twelve months ~~thereafter~~ AFTER THE DATE OF SUCH DECLARATION. Such declaration of ineligibility may be extended to include, in addition to the violator, any of its subsidiary organizations, its parent organization, or otherwise, affiliated with the violator when, in the opinion of the licensing authority, the circumstances of the violation warrant such action.

(b) ~~The decision of the administrative law judge in suspending or revoking any license under this article~~ IN ANY CONTROVERSY CONCERNING LICENSING, THE IMPOSITION OF A FINE, OR THE APPROVAL OF ANY PROPOSED NEW CONCEPT, METHOD, TECHNOLOGY, PRACTICE, OR PROCEDURE shall be final and subject to review by the court of appeals, pursuant to the provisions of section 24-4-106 (11), C.R.S.

(4) THE LICENSING AUTHORITY SHALL FORWARD TO THE BINGO-RAFFLE ADVISORY BOARD, CREATED IN SECTION 12-9-201, WITHIN SEVEN DAYS AFTER RECEIPT, A COPY OF EVERY COMPLAINT AGAINST A LICENSEE THAT IS RECEIVED BY THE LICENSING AUTHORITY.

12-9-103.5. Bingo-raffle cash fund - creation. (1) ALL FEES COLLECTED BY THE LICENSING AUTHORITY PURSUANT TO THIS ARTICLE SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE BINGO-RAFFLE CASH FUND, ALSO REFERRED TO IN THIS SECTION AS THE "FUND", WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF FINANCING THE LICENSING AND ENFORCEMENT ACTIVITIES OF THE SECRETARY OF STATE AS SPECIFIED IN THIS ARTICLE. ANY UNEXPENDED BALANCE REMAINING IN SAID FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND.

(2) THERE SHALL BE NO COMMINGLING OF MONEYS BETWEEN THE FUND AND THE DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3) (b), C.R.S.

(3) FEES AUTHORIZED BY THIS ARTICLE SHALL BE ESTABLISHED BY THE LICENSING AUTHORITY, IN CONSULTATION WITH THE BOARD, IN AMOUNTS SUFFICIENT TO ENSURE THAT THE TOTAL REVENUE GENERATED BY THE COLLECTION OF SUCH FEES APPROXIMATES THE DIRECT AND INDIRECT COSTS INCURRED BY THE LICENSING AUTHORITY IN CARRYING OUT ITS DUTIES UNDER THIS ARTICLE. THE AMOUNTS OF ALL FEES SHALL BE REVIEWED ANNUALLY. THE LICENSING AUTHORITY SHALL ANNUALLY FURNISH TO THE BOARD AN ACCOUNTING OF ALL FEE REVENUES RECEIVED PURSUANT TO THIS ARTICLE, TOGETHER WITH A LIST OF ALL FEES IN EFFECT, FOR PURPOSES OF INCLUSION IN THE BOARD'S ANNUAL REPORT TO THE GENERAL ASSEMBLY PURSUANT TO SECTION 12-9-202 (1) (c).

(4) ALL FINES ASSESSED PURSUANT TO THIS ARTICLE SHALL BE PAID TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE GENERAL FUND OF THE STATE.

12-9-104. Bingo-raffle license - fee. (1) Any bona fide chartered branch, lodge, or chapter of a national or state organization or any bona fide religious, charitable, labor, fraternal, educational, voluntary firefighters', or veterans' organization or any association, successor, or combination of association and successor of any of the said

organizations ~~which~~ THAT operates without profit to its members and ~~which~~ THAT has been in existence continuously for a period of five years immediately prior to the making of application for a bingo-raffle license under this article and has had during the entire five-year period dues-paying members engaged in carrying out the objects of said corporation or organization is eligible for a bingo-raffle license to be issued by the licensing authority under this article. In the event any license is revoked, the bingo-raffle licensee and holder thereof is not eligible to apply for another license under subsection (2) of this section until after the expiration of the period of one year from the date of such revocation.

(2) The bingo-raffle licenses provided by this article shall be issued by the licensing authority to applicants qualified under this article upon payment of a fee of ~~sixty-two dollars and fifty cents.~~ ESTABLISHED IN ACCORDANCE WITH SECTION 12-9-103.5 (3). Licenses shall expire at the end of the calendar year in which they were issued by the licensing authority and may be renewed by the licensing authority upon the filing of an application for renewal thereof provided by the licensing authority and the payment of the fee of ~~sixty-two dollars and fifty cents~~ ESTABLISHED for such renewal. No license granted under this article or any renewal thereof shall be transferable. The fees required to be paid for a new or renewal license shall be deposited in the ~~department of state~~ BINGO-RAFFLE cash fund.

12-9-104.5. Landlord licensees - stipulations. (1) No person except a landlord licensee shall rent or offer to rent to any bingo-raffle licensee any premises to be used to conduct games of chance. A LEASE OF THE PREMISES FOR A BINGO OCCASION SHALL BE FOR A PERIOD OF AT LEAST FIVE CONSECUTIVE HOURS UNLESS THE LANDLORD LICENSEE AND BINGO-RAFFLE LICENSEE AGREE TO A SHORTER OR LONGER PERIOD. THE AMOUNT OF RENT TO BE CHARGED, AND THE METHOD USED TO CALCULATE SUCH RENT, SHALL BE ESTABLISHED BY AGREEMENT BETWEEN THE PARTIES.

(2) No landlord licensee or any employee of a landlord licensee shall require, ~~or~~ induce, OR COERCE a bingo-raffle licensee to enter into any contract, agreement, or lease contrary to the provisions of this article.

(3) No landlord licensee or any employee of a landlord licensee shall require, INDUCE, OR COERCE a bingo-raffle licensee to purchase supplies or equipment from a particular supplier, distributor, or manufacturer as a condition of conducting games of chance at a commercial bingo facility.

(4) Rent charged a bingo-raffle licensee by a landlord licensee for the use of a commercial bingo facility shall cover all expenses and items reasonably necessary for the use of the commercial bingo facility for a bingo occasion including, but not limited to, insurance and maintenance for such facility, adequate and secure storage space, restrooms, janitorial services, and utilities.

(5) No activity or business other than licensed games of chance may be conducted in a commercial bingo facility WITHIN SPACE LEASED TO A BINGO-RAFFLE LICENSEE during the time allocated to the bingo-raffle licensee with the exception of the sale of food, and beverages, ~~at a concession stand separated from the playing area by walls, partitions, or counters, and such activities as are conducted in rooms other than those included in the licensee's rental and those in which games of chance are held~~

BINGO-RELATED MERCHANDISE AND SUPPLIES, THE OPERATION OF AN AUTOMATED CASH SERVICE DEVICE, AND SUCH OTHER ACTIVITIES AND BUSINESSES AS THE BINGO-RAFFLE LICENSEE MAY AGREE TO. A LANDLORD LICENSEE MAY CONDUCT OTHER BUSINESSES AND ACTIVITIES IN SPACE NOT INCLUDED IN THE BINGO-RAFFLE LICENSEE'S RENTAL AGREEMENT AND IN WHICH GAMES OF CHANCE ARE NOT HELD.

(6) No landlord licensee or any employee or agent of a landlord licensee shall be a party responsible for or assisting with the conduct, management, or operation of any game of chance within Colorado; except that a landlord licensee ~~which~~ THAT is also a bingo-raffle licensee may conduct such activities as its bingo-raffle license allows exclusively on its own behalf.

(7) NOTWITHSTANDING SUBSECTION (6) OF THIS SECTION, A LANDLORD, SUPPLIER, OR MANUFACTURER LICENSEE MAY INSTRUCT AND TRAIN A BINGO-RAFFLE LICENSEE IN THE REPAIR, OPERATION, AND MAINTENANCE OF BINGO-RAFFLE EQUIPMENT, SUBJECT TO SPECIFIC CRITERIA ESTABLISHED BY RULE.

(8) EVERY LANDLORD LICENSEE SHALL FILE WITH THE LICENSING AUTHORITY ALL LEASES, AGREEMENTS, AND OTHER DOCUMENTS REQUIRED IN ORDER FOR A BINGO-RAFFLE LICENSEE TO LEASE ITS COMMERCIAL BINGO FACILITY.

12-9-105. Application for bingo-raffle license. (1) Each applicant for a bingo-raffle license to be issued under the provisions of this section shall file with the licensing authority a written application in the form prescribed by the licensing authority, duly executed and verified, and in which shall be stated:

(a) The name and address of the applicant;

(b) Sufficient facts relating to its incorporation and organization to enable the licensing authority to determine whether or not it is a bona fide chartered branch, lodge, or chapter of a national or state organization or a bona fide religious, charitable, labor, fraternal, educational, voluntary firefighters', or veterans' organization ~~which~~ THAT operates without profit to its members, has been in existence continuously for a period of five years immediately prior to the making of said application for such license, and has had during the entire five-year period dues-paying members engaged in carrying out the objectives of said applicant;

(c) The names and addresses of its officers;

(d) The specific kind of games of chance intended to be held, operated, and conducted by the applicant;

(e) (I) The place where such games of chance are intended to be held, operated, and conducted by the applicant under the license applied for; or

(II) In the case of the application of an exempt organization, the place or places where drawings are intended to be held, operated, and conducted by the organization under the license applied for;

(f) A statement that no commission, salary, compensation, reward, or recompense will be paid to any person for holding, operating, or conducting such games of chance

or for assisting therein except as otherwise provided in this article;

(g) Such other information deemed advisable by the licensing authority to insure that the applicant falls within the restrictions set forth by the state constitution.

(2) In each application there shall be designated active members of the applicant organization under whom the games of chance described in the application are to be held, operated, and conducted, and to the application shall be appended a statement executed by the applicant and by the members so designated that they will be responsible for the holding, operation, and conduct of such games of chance in accordance with the terms of the license and the provisions of this article. Each designated games manager shall have been an active member of the applicant for at least the six months immediately preceding his OR HER designation and must be certified by the licensing authority before assuming games management duties.

(3) In the event any premises are to be leased or rented in connection with the holding, operating, or conducting of any game of chance under this article, a written statement shall accompany the application signed and verified by the applicant, which shall state the address of the leased or rented premises and the amount of rent ~~which~~ THAT will be paid for said premises and which shall certify that the premises are to be rented from a landlord licensee.

12-9-105.3. Application for landlord license - fee. (1) Each applicant for a landlord license shall file with the licensing authority a written application, duly executed and verified, in the form presented by the licensing authority, which application shall include, but not be limited to, the following information:

(a) The name and address of the landlord and, if such commercial landlord is a corporation, partnership, association, or other business entity, the names and addresses of all partners, associates, and persons holding an ownership interest of ten percent or more;

(b) The name and address of the landlord's resident agent if the commercial landlord does not reside in Colorado and the location in Colorado where its records will be available to the licensing authority;

(c) The location of the premises for which the applicant is seeking such license;

(d) A statement by the landlord or the chief executive officer of the landlord that the landlord is familiar with the provisions of this article as to commercial bingo facilities and landlords thereof and accepts responsibility for compliance with such provisions; ~~and~~

(e) A plan or blueprint of the facility to be rented and its dimensions, together with copies of the applicant's lease or deed to the premises and copies of all zoning, building, fire safety, and other clearances and permits for use of the premises as a commercial bingo facility; AND

(f) A STATEMENT BY THE LANDLORD OR THE CHIEF EXECUTIVE OF THE LANDLORD THAT THE PRIMARY PURPOSE OF THE PREMISES DESCRIBED IN PARAGRAPH (e) OF THIS SUBSECTION (1) IS THE CONDUCT OF BINGO OCCASIONS.

(2) Each application shall designate an individual who shall act as agent for the landlord and who shall receive all communications concerning the license.

(3) There shall be attached to each application an affidavit signed by the applicant stating that the landlord has not been convicted of any felony or any gambling-related offense as defined in article 10 of title 18, C.R.S. If the landlord is a corporation or partnership, such affidavit shall make such verification as to each officer and director or each partner and associate, respectively.

(4) A LANDLORD LICENSE SHALL EXPIRE AT THE END OF THE CALENDAR YEAR IN WHICH IT WAS ISSUED. EACH LICENSE ISSUED SHALL BE CONSPICUOUSLY DISPLAYED AT THE PREMISES FOR WHICH THE LICENSE HAS BEEN ISSUED. NO LANDLORD LICENSE IS TRANSFERABLE. THE ANNUAL FEE FOR EACH LANDLORD LICENSE SHALL BE ESTABLISHED IN ACCORDANCE WITH SECTION 12-9-103.5 (3).

12-9-105.5. Application for manufacturer license. (1) Each application for a manufacturer license shall include, but not be limited to, the following information:

(a) The name and address of the applicant;

(b) The name and address of the manufacturer and, if the manufacturer is a corporation, the name and address of each officer, director, and shareholder holding an ownership interest of ten percent or more;

(c) A description of the equipment manufactured in connection with games of chance activities in Colorado;

(d) The name and address of the resident agent of the manufacturer if the applicant does not reside in Colorado and the location in Colorado where the records of the manufacturer will be available to the licensing authority;

(e) The names and addresses of the Colorado suppliers and agents of the manufacturer; and

(f) A statement by the manufacturer or the chief executive officer of the manufacturer that such manufacturer is familiar with the provisions of this article as to bingo-raffle manufacturers and accepts responsibility for compliance with such provisions.

(2) To each application for a manufacturer license shall be attached a statement that the applicant or its owners or its officers or directors if a corporation, or its partners or associates if another business entity, has not been convicted of any felony or any offense involving gambling as defined in article 10 of title 18, C.R.S.

(3) Any bingo-raffle manufacturer, as defined in section 12-9-102 (1.3), upon filing a true, complete, written, verified application in the form presented by the licensing authority, together with the fee for the license, is eligible for a manufacturer license. A manufacturer license shall be renewed annually, on or before March 31 of each year in which such licensee engages in or anticipates engaging in a licensed activity. A manufacturer license is nontransferable. The annual fee for each license shall be determined and collected pursuant to section 24-21-104 (3), C.R.S. The fee

~~required to be paid for new and renewal licenses shall be deposited in the department of state cash fund created in said section~~ ESTABLISHED IN ACCORDANCE WITH SECTION 12-9-103.5 (3).

12-9-105.7. Application for supplier license. (1) Each application for a supplier license shall include, but not be limited to, the following information:

- (a) The name and address of the applicant;
- (b) The name and address of the supplier and, if the supplier is a corporation, the name and address of each officer, director, and shareholder holding an ownership interest of ten percent or more;
- (c) A description of the equipment and supplies sold or distributed in connection with games of chance activities in Colorado;
- (d) The name and address of the resident agent of the supplier if the applicant does not reside in Colorado and the location in Colorado where the records of the supplier will be available to the licensing authority;
- (e) The names and addresses of the Colorado agents of the supplier; and
- (f) A statement by the supplier or the chief executive officer of the supplier that such supplier is familiar with the provisions of this article as to bingo-raffle suppliers and accepts responsibility for compliance with such provisions.

(2) To each application for a supplier license shall be attached a statement that the applicant or its owners or its officers or directors if a corporation, or its partners or associates if another business entity, has not been convicted of any felony or any offense involving gambling as defined in article 10 of title 18, C.R.S.

(3) Any bingo-raffle supplier, as defined in section 12-9-102 ~~(1.5)~~ (1.4), upon filing a true, complete, written, verified application in the form presented by the licensing authority, together with the fee for the license, is eligible for a supplier license. A supplier license shall be renewed annually, on or before March 31 of each year in which such licensee engages in or anticipates engaging in a licensed activity. A supplier license is nontransferable. The annual fee for each license shall be ~~determined and collected pursuant to section 24-21-104 (3), C.R.S.~~ The fee required to be paid for new and renewal licenses shall be deposited in the department of state ~~cash fund created in said section~~ ESTABLISHED IN ACCORDANCE WITH SECTION 12-9-103.5 (3).

12-9-105.9. Application for manufacturer's agent license or supplier's agent license. (1) Each application for a manufacturer's agent license or supplier's agent license shall include, but not be limited to, the following information:

- (a) The name and address of the applicant;
- (b) The name and address of the supplier or manufacturer represented by the applicant;

(c) A statement by the applicant that he OR SHE has read, understands, and will comply with the provisions of this article as to manufacturer's and supplier's agents and the conditions of the agent's license;

(d) A statement by the chief executive officer of the manufacturer or supplier represented by the agent, which statement acknowledges consent to representation by the applicant; and

(e) The location in Colorado where the agent's records of sales and distributions of bingo and raffle equipment and supplies will be available to the licensing authority.

(2) To each agent's application shall be attached a statement that the applicant has not been convicted of any felony or any offense involving gambling as defined in article 10 of title 18, C.R.S.

(3) Any supplier's agent or manufacturer's agent as defined in section 12-9-102 (13.3) and (20.3), upon filing a complete, written, verified application in the form presented by the licensing authority, together with the fee for the license, is eligible for a manufacturer's or supplier's agent license. A manufacturer's or supplier's agent license shall be renewed annually, on or before March 31 of each year in which such licensee engages in or anticipates engaging in a licensed activity. Neither a manufacturer's agent license nor a supplier's agent license is transferable. The annual fee for each license shall be ~~determined and collected pursuant to section 24-21-104 (3), C.R.S. The fee required to be paid for new and renewal licenses shall be deposited in the department of state cash fund created in said section~~ ESTABLISHED IN ACCORDANCE WITH SECTION 12-9-103.5 (3).

12-9-106. Form of bingo-raffle licenses - display. (1) Each bingo-raffle license shall contain a statement of the name and address of the licensee and the place where such bingo or lotto games or the drawing of the raffles is to be held. Any such license issued for an exempt organization shall provide for the inclusion of the place or places where drawings are to be held. Each bingo-raffle license issued for the conduct of any such games of chance shall be conspicuously displayed at the place where the same is to be conducted or the drawings held at all times during the conduct thereof. An exempt organization may comply with the requirements of this section by providing written notice of such a license to all employees of a participating private business or government agency holding a fund-raising drive ~~which~~ THAT includes a drawing on behalf of such organization. Such notice shall state that the exempt organization shall make such license available for public inspection during reasonable business hours and shall specify where such license shall be maintained for inspection.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A BINGO-RAFFLE LICENSEE CONDUCTING A PULL TAB GAME FOR THE BENEFIT OF ITS MEMBERS AND GUESTS ON PREMISES THAT ARE OWNED BY IT, OR LEASED BY IT FOR PURPOSES OTHER THAN THE CONDUCT OF A BINGO OCCASION, MAY DISPLAY A COPY OF ITS LICENSE, IN A FORMAT APPROVED BY THE LICENSING AUTHORITY, ON SUCH PREMISES DURING ANY TIME THE LICENSEE IS ALSO CONDUCTING A BINGO OR RAFFLE OCCASION AT A SEPARATE LOCATION.

12-9-106.5. Form of landlord license - display - fee. (1) Each landlord license

shall contain a statement of the name and address of the licensee and the location of the premises. Each license issued shall be conspicuously displayed at the premises for which the license has been issued.

(2) A landlord license shall be issued to qualified applicants by the licensing authority upon payment of a fee and completion and approval of the landlord license application pursuant to section 12-9-105.3. Such license shall expire at the end of the calendar year in which it was issued by the licensing authority and may be renewed upon the filing and approval of an application for renewal provided by the licensing authority and the payment of a fee. No landlord license is transferable. The fees required to be paid for new and renewed licenses shall be established by the secretary of state and shall be deposited in the department of state cash fund created in section 24-21-104(3), C.R.S. ESTABLISHED IN ACCORDANCE WITH SECTION 12-9-103.5(3).

12-9-107. Persons permitted to conduct games of chance - premises - equipment - expenses. (1) (a) No games of chance shall be conducted by any person, firm, or organization within this state, unless a bingo-raffle license as provided in this article has been issued by the licensing authority. No person shall hold, operate, or conduct any games of chance under any license issued under this article except an active member of the organization to which the bingo-raffle license is issued, and no person shall assist in the holding, operating, or conducting of any games of chance under such license, except such an active member or a member of an organization or association ~~which~~ THAT is an auxiliary to the licensee, a member of an organization or association of which such licensee is an auxiliary, or a member of an organization or association ~~which~~ THAT is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as provided in this section. No item of expense shall be incurred or paid in connection with the holding, operating, or conducting of any game of chance held, operated, or conducted pursuant to any license issued under this article, except bona fide expenses in reasonable amount for goods, wares, and merchandise furnished or services rendered, reasonably necessary for the holding, operating, or conducting thereof.

(b) No ~~such~~ games of chance shall be conducted with any equipment unless it is owned BY A BINGO-RAFFLE LICENSEE, OWNED OR LEASED by a ~~bingo-raffle licensee~~ ~~or any~~ landlord licensee, OR OWNED OR LEASED BY A BINGO-RAFFLE LICENSEE OPERATING SUCH EQUIPMENT ON PREMISES THAT ARE OWNED, LEASED, OR RENTED BY THE BINGO-RAFFLE LICENSEE, USED AS ITS PRINCIPAL PLACE OF BUSINESS, AND CONTROLLED SO THAT ADMITTANCE TO THE PREMISES IS LIMITED TO THE BINGO-RAFFLE LICENSEE'S MEMBERS AND BONA FIDE GUESTS.

(2) (a) The officers of a bingo-raffle licensee shall designate a bona fide, active member of the licensee to be in charge and primarily responsible for the conduct of the games of bingo or lotto on each occasion. The member in charge shall supervise all activities on the occasion for which he OR SHE is in charge and is responsible for the making of the required report thereof. The member in charge shall be familiar with the provisions of the state laws, the rules ~~and regulations~~ of the licensing authority, and the provisions of the license. ~~He~~ THE MEMBER IN CHARGE shall be present on the premises continuously during the games and for a period of at least thirty minutes after the last game.

(b) An exempt organization may designate more than one of its bona fide, active members in order to comply with the requirements of this subsection (2).

(3) The officers of a bingo-raffle licensee shall designate an officer to be in full charge and primarily responsible for the proper utilization of the entire net proceeds of any game in accordance with the state law.

(4) The entire net proceeds of any game shall be devoted to a lawful use or uses.

(5) (a) Each license issued for the conduct of games of chance shall be conspicuously displayed at the place where any game is being conducted at all times during the conduct of the game and for at least thirty minutes after the last game has been concluded.

(b) An exempt organization may comply with the requirements of this subsection (5) by providing written notice of such a license to all employees of a participating private business or government agency holding a fund-raising drive ~~which~~ THAT includes a drawing on behalf of such organization. Such notice shall state that the exempt organization shall make such license available for public inspection during reasonable business hours and shall specify where such license shall be maintained.

(6) The premises where any game of chance is being held, operated, or conducted, where it is intended that any game of chance be held, operated, or conducted, or where it is intended that any equipment be used, at all times, shall be open to inspection by the licensing authority, its agents and employees, and by peace officers of any political subdivision of the state.

(7) No licensee may hold, operate, or conduct a game of bingo or lotto more often than on one hundred ~~five~~ FIFTY-EIGHT occasions in any calendar year.

(8) When any merchandise prize is awarded in a game of bingo, its value shall be its current retail price. No merchandise prize shall be redeemable or convertible into cash directly or indirectly.

(9) Equipment, prizes, and supplies for games of bingo shall not be purchased or sold at prices in excess of the usual price thereof.

(10) No alcoholic beverage shall be offered or given as a prize in any such game.

(11) The net proceeds derived from the holding of games of chance must be devoted, within one year, to the lawful purposes of the organization permitted to conduct the same. Any organization desiring to hold the net proceeds of games of chance for a period longer than one year ~~must~~ SHALL apply to the licensing authority for special permission and, upon good cause shown, the LICENSING authority may grant the request.

(12) Any licensee ~~which~~ THAT does not report, during any one-year period, net proceeds will be required to show cause before the licensing authority why its right to conduct games of chance should not be revoked.

(13) No prize greater, in amount or value, than two hundred fifty dollars shall be

offered or given in any single game of bingo or lotto conducted under any such license; ~~and~~ EXCEPT THAT, NOT MORE THAN ONCE DURING A BINGO OCCASION, A SINGLE PRIZE IN AN AMOUNT OR VALUE GREATER THAN TWO HUNDRED FIFTY DOLLARS BUT NOT EXCEEDING FIVE HUNDRED DOLLARS MAY BE AWARDED IN A SINGLE GAME OF BINGO OR LOTTO. The aggregate amount of all prizes offered or given in all games played on a single occasion shall not exceed ~~fifteen~~ ONE THOUSAND FIVE hundred dollars.

(14) The equipment used in the playing of bingo and the method of play shall be such that each card has an equal opportunity to be a winner. The objects or balls to be drawn shall be essentially the same as to size, shape, weight, balance, and all other characteristics that may influence their selection. All objects or balls shall be present in the receptacle before each game is begun. All numbers announced shall be plainly and clearly audible to all the players present. Where more than one room is used for any one game, the receptacle and the caller must be present in the room where the greatest number of players are present, and all numbers announced shall be plainly audible to the players in the aforesaid room and also audible to the players in the other rooms.

(15) The receptacle and the caller must be visible to all the players at all times except where more than one room is used for any one game, in which case the provisions of subsection (14) of this section shall prevail.

(16) The particular arrangement of numbers required to be covered in order to win the game and the amount of the prize shall be clearly and audibly described and announced to the players immediately before each game is begun.

(17) Any player is entitled to call for a verification of all numbers drawn at the time a winner is determined and for a verification of the objects or balls remaining in the receptacle and not yet drawn. The verification shall be made in the immediate presence of the member designated to be in charge of the occasion, but if such member is also the caller, then in the immediate presence of any officer of the licensee.

(18) In the playing of bingo, no person who is not physically present on the premises where the game is actually conducted shall be allowed to participate as a player in the game.

(19) (a) No person shall act as a caller or assistant to the caller in the conduct of any game of bingo unless such person has been a member in good standing of the bingo-raffle licensee conducting such game or one of its licensed auxiliaries for at least three months immediately prior to the date of such game, is of good moral character, and never has been convicted of a felony.

(b) No person shall act as games manager in the conduct of any game of chance if such person has been convicted of a felony or a crime involving gambling.

(20) No owner, coowner, or lessee of premises or, if a corporation is the owner of the premises, any officer, director, or stockholder owning more than ten percent of the outstanding stock shall be a person responsible for or assisting in the holding, operating, or conducting of any game of bingo.

(21) The ~~secretary of state~~ LICENSING AUTHORITY shall not require an exempt organization to use ~~raffles~~ RAFFLE tickets in any particular form or displaying any particular information that would cause undue expense to the exempt organization and therefore interfere with the charitable fund-raising drive of such organization.

(21.5) EFFECTIVE SEPTEMBER 1, 1999:

(a) NO LICENSEE SHALL POSSESS, USE, SELL, OFFER FOR SALE, OR PUT INTO PLAY ANY COMPUTERIZED OR ELECTROMECHANICAL FACSIMILE OF A PULL TAB GAME.

(b) NO LICENSEE SHALL POSSESS, USE, SELL, OFFER FOR SALE, OR PUT INTO PLAY ANY DEVICE THAT REVEALS THE WINNING OR NONWINNING STATUS OF A PULL TAB TICKET UNLESS SUCH DEVICE HAS BEEN TESTED, APPROVED, AND LICENSED PURSUANT TO SECTION 12-9-107.7 AND NOT SUBSEQUENTLY ALTERED OR TAMPERED WITH.

(c) ANY OF THE FOLLOWING PERSONS THAT ARE FOUND TO HAVE VIOLATED PARAGRAPH (b) OF THIS SUBSECTION (21.5) SHALL BE SUBJECT TO IMMEDIATE AND PERMANENT REVOCATION OF ALL LICENSES ISSUED UNDER THIS ARTICLE:

(I) THE MANUFACTURER OF THE DEVICE;

(II) THE SUPPLIER THROUGH WHICH THE DEVICE WAS SUPPLIED;

(III) THE LANDLORD LICENSEE ON WHOSE PREMISES THE DEVICE WAS FOUND; AND

(IV) THE BINGO-RAFFLE LICENSEE OF THE OCCASION DURING WHICH THE DEVICE WAS PRESENT.

(22) No licensee shall possess, use, sell, offer for sale, or put into play any bingo or pull tab game, ticket, card, or sheet unless it conforms to the definitions and requirements of this article, and was purchased by the licensee from a licensed bingo-raffle manufacturer or supplier or licensed agent thereof.

(23) No licensee shall possess, use, sell, offer for sale, or put into play any bingo or pull tab game, ticket, card, or sheet for which it does not have, at the location of the game, an invoice from its licensed supplier showing at least the name, description, color code (if any), and serial number of the pull tab, card, or sheet.

(24) No licensee shall sell, offer for sale, or put into play any pull tab ticket except at the location of and during its licensed bingo occasions or upon premises ~~owned by or in the sole control of the licensee~~ THAT ARE:

(a) OWNED, LEASED, OR RENTED BY THE BINGO-RAFFLE LICENSEE, USED AS ITS PRINCIPAL PLACE OF BUSINESS, AND CONTROLLED SO THAT ADMITTANCE TO THE PREMISES IS LIMITED TO THE BINGO-RAFFLE LICENSEE'S MEMBERS AND BONA FIDE GUESTS; OR

(b) OWNED, LEASED, OR RENTED BY A LANDLORD LICENSEE.

(25) No person or licensee shall permit any person who has not attained the age of eighteen years to purchase the opportunity to participate in any game of chance or

purchase pull tab games.

(26) No person or licensee shall permit any person who has not attained the age of fourteen years to assist in the conduct of bingo or pull tabs.

(27) No operator shall reserve or allow to be reserved any bingo cards for use by players except braille cards or other cards for use by legally blind players. Legally blind players may use their personal braille cards when a licensed organization does not provide such cards. A licensed organization has the right to inspect and to reject any personal braille card. A legally blind or disabled person may use a braille card or hard card in place of a purchased disposable paper bingo card.

12-9-107.5. Persons permitted to manufacture and distribute games of chance equipment - reporting requirements. (1) No person other than a manufacturer licensee or licensed agent shall act as a bingo-raffle manufacturer within Colorado. Printing of raffle tickets other than pull tabs, as designed and requested by a licensee, does not constitute the manufacture of games of chance equipment.

~~(2) No person, other than a supplier or manufacturer licensee or licensed agent or a bingo-raffle licensee in the course of conducting licensed activities shall sell, furnish, or distribute any pull tab, bingo card or sheet, or other games of chance equipment to any person within Colorado.~~

(3) No individual shall act for or represent a LANDLORD, manufacturer, or supplier licensee with respect to an activity covered by such license unless such individual is the licensee's owner, officer, director, PARTNER, MEMBER, or ten percent or more shareholder of record with the ~~secretary of state~~ LICENSING AUTHORITY, or is the manufacturer's or supplier's licensed agent. No manufacturer or supplier licensee shall allow any person not authorized by this subsection (3) to represent it or serve as its agent with regard to any Colorado transaction.

(4) EXCEPT TO THE EXTENT OTHERWISE PROVIDED IN SECTION 12-9-107 (1), no manufacturer or supplier licensee or licensed agent shall buy, receive, sell, LEASE, furnish, or distribute any pull tabs, bingo cards or sheets, or other games of chance equipment from or to any person within Colorado other than manufacturer or supplier licensees or agents and bingo-raffle licensees; except that:

(a) A LANDLORD LICENSEE, supplier, or manufacturer or its agent may sell or distribute cards, sheets, and equipment for the playing of bingo not for resale to ~~such~~ nursing homes and other entities ~~as~~ THAT distribute the cards or sheets and allow playing of the game free of charge, without consideration given or received by any person for the privilege of playing; AND

(b) A BINGO-RAFFLE LICENSEE MAY SELL ITS USED EQUIPMENT TO ANOTHER BINGO-RAFFLE LICENSEE.

(5) Every manufacturer and supplier licensee shall file, upon forms prescribed by the licensing authority, quarterly reports on its licensed activities within Colorado. Such reports shall be accompanied by quarterly fees established by the ~~secretary of state~~ LICENSING AUTHORITY IN ACCORDANCE WITH SECTION 12-9-103.5 (3) and

deposited in the ~~department of state~~ BINGO-RAFFLE cash fund. ~~and~~ SUCH REPORTS shall be filed ~~in the office of the secretary of state~~ WITH THE LICENSING AUTHORITY no later than April ~~15~~ 30, July ~~15~~ 31, October ~~15~~ 31, and January ~~15~~ 31 of each year licensed, and each report shall cover the preceding calendar quarter. Reports shall enumerate by quantity, purchaser, and price the pull tabs, bingo cards or sheets, and other games of chance equipment manufactured, conveyed, or distributed within Colorado or for use or distribution in Colorado and shall include the licensee's total sales, INCLUDING AMOUNTS REALIZED FROM LEASES, of equipment as defined in section 12-9-102 (5) and the names and addresses of all Colorado suppliers or agents of the licensee and shall be signed and verified by the owner or the chief executive officer of the licensee. These quarterly reports shall not be public records as defined in section 24-72-202, C.R.S.

(6) Every manufacturer or supplier licensee, and every licensed agent for such licensee, shall keep and maintain complete and accurate records, in accord with generally accepted accounting principles, of all licensed activities. The records shall include invoices for all games of chance equipment conveyed or distributed within Colorado, or for use or distribution in Colorado, which invoices are specific as to the nature, description, quantity, and serial numbers of the pull tabs, bingo cards or sheets, and other equipment so conveyed or distributed. The records shall also show all receipts and expenditures made in connection with licensed activities, including, but not limited to, records of sales by dates, purchasers, and items sold, monthly bank account reconciliations, disbursement records, and credit memos for any returned items. These records shall be maintained for a period of at least three years.

(7) No manufacturer or supplier licensee or licensed agent shall be a person responsible for or assisting in the conduct, management, or operation of any game of chance within Colorado.

12-9-107.7. Pull tab reading devices - approval required - tracking of transactions - repeal. (1) EVERY MECHANICAL, ELECTRONIC, OR ELECTROMECHANICAL DEVICE THAT REVEALS THE WINNING OR NONWINNING STATUS OF A PULL TAB TICKET SHALL BE TESTED, INSPECTED, AND LICENSED BY THE LICENSING AUTHORITY BEFORE BEING USED IN CHARITABLE GAMING. THE LICENSING AUTHORITY SHALL EMPLOY AN INDEPENDENT CONTRACTOR TO CONDUCT SUCH TESTS AND INSPECTIONS, THE COST OF WHICH SHALL BE BORNE BY THE MANUFACTURER OR SUPPLIER SEEKING APPROVAL OF THE DEVICE. NO LICENSE SHALL BE ISSUED FOR A DEVICE UNTIL THE DEVICE IS SECURED IN A MANNER PRESCRIBED BY THE LICENSING AUTHORITY AND THE CONTRACTOR RECEIVES PAYMENT IN FULL FOR THE COST OF SUCH TESTS AND INSPECTIONS.

(2) EVERY PERSON SHIPPING OR IMPORTING INTO COLORADO A DEVICE SUBJECT TO SUBSECTION (1) OF THIS SECTION SHALL PROVIDE THE LICENSING AUTHORITY WITH A COPY OF THE SHIPPING INVOICE AT THE TIME OF SHIPMENT. SUCH INVOICE SHALL CONTAIN, AT A MINIMUM, THE DESTINATION OF THE SHIPMENT AND THE SERIAL NUMBER AND DESCRIPTION OF EACH DEVICE BEING TRANSPORTED.

(3) EVERY PERSON RECEIVING A DEVICE SUBJECT TO SUBSECTION (1) OF THIS SECTION SHALL, UPON RECEIPT OF THE DEVICE, PROVIDE THE LICENSING AUTHORITY WITH THE SERIAL NUMBER AND DESCRIPTION OF EACH DEVICE RECEIVED AND INFORMATION DESCRIBING THE LOCATION OF EACH SUCH DEVICE. THE REQUIREMENTS

OF THIS SUBSECTION (3) SHALL APPLY REGARDLESS OF WHETHER THE DEVICE IS RECEIVED FROM A LICENSED SUPPLIER OR FROM ANY OTHER SOURCE.

(4) A DEVICE LICENSED PURSUANT TO THIS SECTION SHALL BE LICENSED FOR AND MAY ONLY BE USED IN ONE SPECIFIC LICENSED LOCATION IDENTIFIED BY THE LICENSING AUTHORITY. ANY MOVEMENT OF THE DEVICE FROM SUCH LICENSED LOCATION FOR USE AT ANOTHER LICENSED LOCATION SHALL BE REPORTED TO THE LICENSING AUTHORITY IN ADVANCE.

(5) THE LICENSING AUTHORITY MAY ADOPT RULES AND PRESCRIBE ALL NECESSARY FORMS IN FURTHERANCE OF THIS SECTION.

(6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE LICENSING AUTHORITY SHALL NOT LICENSE:

(a) A PULL TAB GAME THAT IS STORED, ELECTRONICALLY OR OTHERWISE, WITHIN A DEVICE AND DESIGNED TO BE PLAYED ON SUCH DEVICE; OR

(b) ANY DEVICE THAT QUALIFIES AS A SLOT MACHINE PURSUANT TO SECTION 9(4)(c) OF ARTICLE XVIII OF THE COLORADO CONSTITUTION.

(7) THE PROHIBITION CONTAINED IN SUBSECTION (6) OF THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT THE LICENSING OF:

(a) A DEVICE THAT MERELY DISPENSES PULL TAB TICKETS TO PLAYERS; OR

(b) A DEVICE THAT MERELY READS OR VALIDATES A PULL TAB TICKET INSERTED BY A PLAYER, IF:

(I) THE PULL TAB TICKET ITSELF DISPLAYS ITS WINNING OR NONWINNING STATUS SO THAT USE OF THE DEVICE IS NOT REQUIRED TO DETERMINE SUCH STATUS; AND

(II) THE DEVICE CANNOT BE USED IN A MANNER THAT WOULD QUALIFY IT AS A SLOT MACHINE PURSUANT TO SECTION 9(4)(c) OF ARTICLE XVIII OF THE COLORADO CONSTITUTION.

(8) (a) THIS SECTION SHALL TAKE EFFECT SEPTEMBER 1, 1999, AND SHALL APPLY TO DEVICES USED ON OR AFTER SAID DATE.

(b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2000.

12-9-108. Bingo-raffle licensee's statement of receipts - expenses - fee.

(1) (a) On or before April ~~15~~ 30, July ~~15~~ 31, October ~~15~~ 31, and January ~~15~~ 31 of each year, every bingo-raffle licensee shall file with the licensing authority upon forms prescribed by the licensing authority a duly verified statement covering the preceding calendar quarter showing the amount of the gross receipts derived during said periods from games of chance, the expenses incurred or paid, and a brief description of the classification of such expenses, ~~the name and address of each person to whom has been paid three hundred dollars or more and the purpose of such expenditure~~, the net proceeds derived from ~~each such game~~ GAMES of chance, and the uses to which such net proceeds have been or are to be applied. ~~and~~ It is the duty of

each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such report.

(b) Exempt organizations shall not be subject to the requirements of this subsection (1), except to the extent that they shall file with the state licensing authority statements showing the amount of the gross proceeds from their fund-raising drives and identifying all organizations receiving portions of such proceeds and the amounts received by each such organization.

(2) (a) If a bingo-raffle licensee fails to file reports within the time required or if reports are not properly verified or not fully, accurately, and truthfully completed, any existing license may be suspended until such time as the default has been corrected.

(b) Exempt organizations shall be subject to the requirements of this subsection (2) only to the extent that such requirements apply to paragraph (b) of subsection (1) of this section.

(3) (a) All moneys collected or received from the sale of admission, extra regular cards, special game cards, sale of supplies, and all other receipts from the games of bingo, raffles, and pull tab games shall be deposited in a special checking or savings account, or both, of the licensee, which shall contain only such money. All funds shall be withdrawn from said account by consecutively numbered checks or withdrawal slips, duly signed by specified officers of the licensee and payable to a specific person or organization. There shall also be written on the check or withdrawal slip the nature of the item for which the check is drawn or withdrawal slip made. No check or withdrawal slip shall be drawn to "cash" or a fictitious payee.

(b) Exempt organizations shall not be subject to the requirements of this subsection (3).

(4) No part of the net proceeds, after they have been given over to another organization, shall be used by the donee organization to pay any person for services rendered or materials purchased in connection with the conducting of bingo by the donor organization.

(5) No item of expense shall be incurred or paid in connection with holding, operating, or conducting any game of chance pursuant to any bingo-raffle license except bona fide expenses of a reasonable amount. Such expenses include those incurred in connection with all games of chance, for the following purposes: The purchase of goods, wares, and merchandise furnished; payment for services rendered ~~which~~ THAT are reasonably necessary for repairs of equipment and operating or conducting games of chance; for rent if the premises are rented or for janitorial services if not rented; for accountant's fees; and license fees.

(6) For the purposes enumerated in subsection (5) of this section, the following terms shall have the following meanings: "Goods, wares, and merchandise" means prizes, equipment as defined in section 12-9-102 (5), and articles of a minor nature; ~~such as pencils, crayons, tickets, envelopes, paper clips, and coupons necessary to the conduct of games of chance;~~ "services rendered" means repair to equipment, compensation to bookkeepers or accountants, not more than two in the aggregate, for services in preparing financial reports for a reasonable amount as determined by the

~~secretary of state~~ LICENSING AUTHORITY in rules ~~and regulations~~ for each occasion, rental of premises in a reasonable amount as determined by the ~~secretary of state~~ LICENSING AUTHORITY in rules ~~and regulations~~ for each occasion, ~~except upon prior approval of a greater amount by the licensing authority~~ a reasonable amount for janitorial service for each occasion as determined by the ~~secretary of state~~ LICENSING AUTHORITY in rules ~~and regulations~~ FOR EACH OCCASION, and a reasonable amount for security expense based on established need as determined by the licensing authority IN RULES FOR EACH OCCASION. There shall be paid to the ~~state~~ licensing authority an administrative fee, ESTABLISHED IN ACCORDANCE WITH SECTION 12-9-103.5 (3), upon the gross receipts of any game of chance held, operated, or conducted under the provisions of this article; except that ~~the state licensing authority shall not charge~~ an exempt organization SHALL NOT BE CHARGED more than twenty dollars per year. All administrative ~~receipts and fees, including license~~ fees collected by the ~~state~~ LICENSING AUTHORITY under this article shall be deposited in the ~~department of state~~ BINGO-RAFFLE cash fund created in section ~~24-21-104(3), C.R.S.~~ 12-9-103.5.

(7) Each licensee, at the time each financial report is submitted to the licensing authority, shall pay to the order of the licensing authority the amount of administration expense provided in subsection (6) of this section.

12-9-109. Examination of books and records. The licensing authority and its agents have power to examine or cause to be examined the books and records of any licensee to which any license is issued pursuant to this article insofar as they may relate to any transactions connected with activities under the license.

12-9-110. Forfeiture of license - ineligibility to apply for license. Any person who makes any false statement in any application for any such license or in any statement annexed thereto, fails to keep sufficient books and records to substantiate the quarterly reports required under section 12-9-108, falsifies any books or records insofar as they relate to any transaction connected with the holding, operating, and conducting of any game of chance under any such license, or violates any of the provisions of this article or of any term of such license, if convicted, in addition to suffering any other penalties ~~which~~ THAT may be imposed, shall forfeit any license issued to it under this article and shall be ineligible to apply for a license under this article for at least one year thereafter.

12-9-111. Volunteer services - legislative declaration - immunity. (1) THE COLORADO CONSTITUTION RECOGNIZES THAT THE CONDUCT OF CHARITABLE GAMING ACTIVITIES IS DIRECTLY RELATED TO THE NEED OF NONPROFIT ORGANIZATIONS TO FULFILL THEIR LAWFUL PURPOSES. NOTWITHSTANDING THIS RECOGNITION, HOWEVER, THE WILLINGNESS OF BINGO-RAFFLE VOLUNTEERS TO OFFER THEIR SERVICES HAS BEEN INCREASINGLY DETERRED BY A PERCEPTION THAT THEY PUT PERSONAL ASSETS AT RISK SHOULD A TORT ACTION BE FILED SEEKING DAMAGES ARISING FROM THEIR VOLUNTEER ACTIVITIES.

(2) ALL BINGO-RAFFLE VOLUNTEERS SHALL BE IMMUNE FROM CIVIL ACTIONS AND LIABILITIES PURSUANT TO SECTION 13-21-115.5, C.R.S., WHICH PROVIDES THAT VOLUNTEERS SHALL NOT BE PERSONALLY LIABLE FOR THEIR ACTS OR OMISSIONS IF THEY ARE ACTING IN GOOD FAITH AND WITHIN THE SCOPE OF THEIR OFFICIAL FUNCTION AND DUTY FOR A CHARITABLE ORGANIZATION, WITH RESPECT TO SUCH

ORGANIZATION'S CONDUCT OF GAMES OF CHANCE. BINGO-RAFFLE VOLUNTEERS SHALL NOT BE LIABLE UNDER THIS SECTION IF THE HARM IS NOT CAUSED BY WILLFUL AND WANTON MISCONDUCT, GROSS NEGLIGENCE, RECKLESS MISCONDUCT, OR A CONSCIOUS, FLAGRANT INDIFFERENCE TO THE RIGHTS OR SAFETY OF THE INDIVIDUAL HARMED.

12-9-112. Unfair trade practices. (1) THE PROVISIONS OF THE "UNFAIR PRACTICES ACT", ARTICLE 2 OF TITLE 6, C.R.S., AND THE "COLORADO ANTITRUST ACT OF 1992", ARTICLE 4 OF TITLE 6, C.R.S., ARE SPECIFICALLY APPLICABLE TO CHARITABLE GAMING ACTIVITIES CONDUCTED BY ANY LICENSEE. WITHIN THIRTY DAYS AFTER RECEIVING A COMPLAINT ALLEGING A VIOLATION OF EITHER OF SAID ACTS, THE LICENSING AUTHORITY SHALL TRANSMIT SUCH COMPLAINT TO THE ATTORNEY GENERAL.

(2) A LICENSEE THAT VIOLATES ANY PROVISION OF ARTICLE 2 OF TITLE 6, C.R.S., OR ARTICLE 4 OF TITLE 6, C.R.S., SHALL HAVE ITS LICENSE REVOKED BY THE LICENSING AUTHORITY FOR A PERIOD OF ONE YEAR FROM THE DATE OF THE FINDING OF SUCH VIOLATION. UPON THE EXPIRATION OF SUCH PERIOD, THE LICENSEE MAY APPLY FOR THE ISSUANCE OF A NEW LICENSE.

12-9-113. Enforcement. It is the duty of all sheriffs and police officers to enforce the provisions of this article, TO RECEIVE COMPLAINTS, TO INITIATE INVESTIGATIONS, and to arrest and complain against any person violating any provisions of this article. It is the duty of the district attorney of the respective districts of this state to prosecute all violations of this article in the manner and form as is now provided by law for the prosecutions of crimes and misdemeanors, and it is a violation of this article for any such person knowingly to fail to perform his duty under this section.

12-9-114. Penalties for violation. Every licensee and every officer, agent, or employee of the licensee and every other person or corporation who willfully violates or who procures, aids, or abets in the willful violation of this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

PART 2
COLORADO BINGO-RAFFLE
ADVISORY BOARD

12-9-201. Colorado bingo-raffle advisory board - creation. (1) THERE IS HEREBY CREATED, WITHIN THE DEPARTMENT OF STATE, THE COLORADO BINGO-RAFFLE ADVISORY BOARD.

(2) THE BOARD SHALL CONSIST OF NINE MEMBERS, ALL OF WHOM SHALL BE CITIZENS OF THE UNITED STATES WHO HAVE BEEN RESIDENTS OF THE STATE FOR AT LEAST THE PAST FIVE YEARS. NO MEMBER SHALL HAVE BEEN CONVICTED OF A FELONY OR GAMBLING-RELATED OFFENSE, NOTWITHSTANDING THE PROVISIONS OF SECTION 24-5-101, C.R.S. NO MORE THAN FIVE OF THE NINE MEMBERS SHALL BE MEMBERS OF THE SAME POLITICAL PARTY. AT THE FIRST MEETING OF EACH FISCAL YEAR, A CHAIR AND VICE-CHAIR OF THE BOARD SHALL BE CHOSEN FROM THE MEMBERSHIP BY A MAJORITY OF THE MEMBERS. MEMBERSHIP AND OPERATION OF THE BOARD SHALL ADDITIONALLY MEET THE FOLLOWING REQUIREMENTS:

(a) (I) THREE MEMBERS OF THE BOARD SHALL BE BONA FIDE MEMBERS OF A BINGO-RAFFLE LICENSEE THAT IS CLASSIFIED AS A RELIGIOUS ORGANIZATION, A CHARITABLE ORGANIZATION, A LABOR ORGANIZATION, AN EDUCATIONAL ORGANIZATION, OR A VOLUNTARY FIREFIGHTER'S ORGANIZATION; EXCEPT THAT NO MORE THAN ONE MEMBER SHALL BE APPOINTED FROM ANY ONE SUCH CLASSIFICATION;

(II) ONE MEMBER OF THE BOARD SHALL BE A BONA FIDE MEMBER OF A BINGO RAFFLE LICENSEE THAT IS A VETERANS' ORGANIZATION;

(III) ONE MEMBER OF THE BOARD SHALL BE A BONA FIDE MEMBER OF A BINGO-RAFFLE LICENSEE THAT IS A FRATERNAL ORGANIZATION;

(IV) ONE MEMBER OF THE BOARD SHALL BE A SUPPLIER LICENSEE;

(V) TWO MEMBERS OF THE BOARD SHALL BE LANDLORD LICENSEES; AND

(VI) ONE MEMBER OF THE BOARD SHALL BE A REGISTERED ELECTOR OF THE STATE WHO IS NOT A MEMBER OF, OR EMPLOYED BY, A LICENSEE.

(b) (I) OF THE FIVE MEMBERS OF THE BOARD WHO ARE CATEGORIZED AS BONA FIDE MEMBERS OF A BINGO-RAFFLE LICENSEE, TWO SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE, TWO SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND ONE SHALL BE APPOINTED JOINTLY BY THE PRESIDENT AND THE SPEAKER.

(II) OF THE TWO MEMBERS OF THE BOARD WHO ARE CATEGORIZED AS LANDLORD LICENSEES, ONE SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

(III) THE PRESIDENT OF THE SENATE SHALL APPOINT THE MEMBER OF THE BOARD WHO IS A SUPPLIER LICENSEE. THE SPEAKER OF THE HOUSE SHALL APPOINT THE MEMBER OF THE BOARD WHO IS A REGISTERED ELECTOR.

(c) INITIAL MEMBERS SHALL BE APPOINTED TO THE BOARD AS FOLLOWS: TWO MEMBERS TO SERVE UNTIL JULY 1, 2000, TWO MEMBERS TO SERVE UNTIL JULY 1, 2001, TWO MEMBERS TO SERVE UNTIL JULY 1, 2002, AND THREE MEMBERS TO SERVE UNTIL JULY 1, 2003. ALL SUBSEQUENT APPOINTMENTS SHALL BE FOR TERMS OF FOUR YEARS. NO MEMBER OF THE BOARD SHALL BE ELIGIBLE TO SERVE MORE THAN TWO CONSECUTIVE TERMS.

(d) ANY VACANCY ON THE BOARD SHALL BE FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT. THE MEMBER APPOINTED TO FILL SUCH VACANCY SHALL BE FROM THE SAME CATEGORY DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) AS THE MEMBER VACATING THE POSITION.

(e) ANY MEMBER OF THE BOARD HAVING A DIRECT PERSONAL OR PRIVATE INTEREST IN ANY MATTER BEFORE THE BOARD SHALL DISCLOSE SUCH FACT ON THE BOARD'S RECORD. A MEMBER MAY DISQUALIFY HIMSELF OR HERSELF FOR ANY CAUSE DEEMED BY HIM OR HER TO BE SUFFICIENT.

(f) THE TERM OF ANY MEMBER OF THE BOARD WHO MISSES MORE THAN TWO

CONSECUTIVE REGULAR BOARD MEETINGS WITHOUT GOOD CAUSE SHALL BE TERMINATED AND SUCH MEMBER'S SUCCESSOR SHALL BE APPOINTED IN THE MANNER PROVIDED FOR APPOINTMENTS UNDER THIS SECTION.

(g) BOARD MEMBERS SHALL RECEIVE AS COMPENSATION FOR THEIR SERVICES FIFTY DOLLARS FOR EACH DAY SPENT IN THE CONDUCT OF BOARD BUSINESS, NOT TO EXCEED FIVE HUNDRED DOLLARS PER MEMBER PER YEAR, AND SHALL BE REIMBURSED FOR NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

(h) PRIOR TO COMMENCING HIS OR HER TERM OF SERVICE, EACH PERSON NOMINATED TO SERVE ON THE BOARD SHALL FILE WITH THE SECRETARY OF STATE A FINANCIAL DISCLOSURE STATEMENT IN THE FORM REQUIRED AND PRESCRIBED BY THE SECRETARY OF STATE AND AS COMMONLY USED FOR OTHER COLORADO BOARDS AND COMMISSIONS. SUCH STATEMENT SHALL BE RENEWED AS OF EACH JANUARY 1 DURING THE MEMBER'S TERM OF OFFICE.

(i) THE BOARD SHALL HOLD AT LEAST ONE MEETING EACH MONTH AND SUCH ADDITIONAL MEETINGS AS THE MEMBERS MAY DEEM NECESSARY. IN ADDITION, SPECIAL MEETINGS MAY BE CALLED BY THE CHAIR, ANY THREE BOARD MEMBERS, OR THE SECRETARY OF STATE IF WRITTEN NOTIFICATION OF SUCH MEETING IS DELIVERED TO EACH MEMBER AT LEAST SEVENTY-TWO HOURS PRIOR TO SUCH MEETING. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-6-402, C.R.S., IN EMERGENCY SITUATIONS IN WHICH A MAJORITY OF THE BOARD CERTIFIES THAT EXIGENCIES OF TIME REQUIRE THAT THE BOARD MEET WITHOUT DELAY, THE REQUIREMENTS OF PUBLIC NOTICE AND OF SEVENTY-TWO HOURS' ACTUAL ADVANCE WRITTEN NOTICE TO MEMBERS MAY BE DISPENSED WITH, AND BOARD MEMBERS AS WELL AS THE PUBLIC SHALL RECEIVE SUCH NOTICE AS IS REASONABLE UNDER THE CIRCUMSTANCES.

(j) A MAJORITY OF THE BOARD SHALL CONSTITUTE A QUORUM, AND THE CONCURRENCE OF A MAJORITY OF THE MEMBERS PRESENT SHALL BE REQUIRED FOR ANY FINAL DETERMINATION BY THE BOARD.

(k) THE BOARD SHALL KEEP A COMPLETE AND ACCURATE RECORD OF ALL ITS MEETINGS.

12-9-202. Board - duties. (1) IN ADDITION TO ANY OTHER DUTIES SET FORTH IN THIS PART 2, THE BOARD SHALL HAVE THE FOLLOWING DUTIES:

(a) TO CONDUCT A CONTINUOUS STUDY OF CHARITABLE GAMING THROUGHOUT THE STATE FOR THE PURPOSE OF ASCERTAINING ANY DEFECTS IN THIS ARTICLE OR IN THE RULES PROMULGATED PURSUANT TO THIS ARTICLE.

(b) TO FORMULATE AND RECOMMEND CHANGES TO THIS ARTICLE TO THE GENERAL ASSEMBLY;

(c) TO PREPARE AND MAKE AVAILABLE AN ANNUAL REPORT TO THE GENERAL ASSEMBLY AND THE LICENSING AUTHORITY SETTING FORTH THE FINDINGS AND RECOMMENDATIONS OF THE BOARD FOR CHANGES TO THIS ARTICLE OR THE RULES PROMULGATED THEREUNDER.

(2) THE BOARD SHALL OFFER ADVICE TO THE LICENSING AUTHORITY UPON SUBJECTS WHICH SHALL INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

(a) THE TYPES OF CHARITABLE GAMING ACTIVITIES TO BE CONDUCTED AND THE RULES FOR THOSE ACTIVITIES;

(b) THE REQUIREMENTS, QUALIFICATIONS, AND GROUNDS FOR THE ISSUANCE OF ALL TYPES OF PERMANENT AND TEMPORARY LICENSES REQUIRED FOR THE CONDUCT OF CHARITABLE GAMING;

(c) THE REQUIREMENTS, QUALIFICATIONS, AND GROUNDS FOR THE REVOCATION, SUSPENSION, AND SUMMARY SUSPENSION OF ALL LICENSES REQUIRED FOR THE CONDUCT OF CHARITABLE GAMING;

(d) ACTIVITIES THAT CONSTITUTE FRAUD, CHEATING, OR ILLEGAL ACTIVITIES;

(e) THE GRANTING OF LICENSES WITH SPECIAL CONDITIONS OR FOR LIMITED PERIODS, OR BOTH;

(f) THE ESTABLISHMENT OF A SCHEDULE OF REASONABLE FINES TO BE ASSESSED IN LIEU OF LICENSE REVOCATION OR SUSPENSION FOR VIOLATIONS OF THIS ARTICLE OR ANY RULE ADOPTED PURSUANT TO THIS ARTICLE;

(g) THE AMOUNT OF FEES FOR LICENSES ISSUED BY THE LICENSING AUTHORITY AND FOR THE PERFORMANCE OF ADMINISTRATIVE SERVICES PURSUANT TO THIS ARTICLE;

(h) THE ESTABLISHMENT OF CRITERIA UNDER WHICH A PERSON MAY SERVE AS A GAMES MANAGER;

(i) THE CONTENT AND CONDUCT OF CLASSES OR TRAINING SEMINARS TO BENEFIT BINGO-RAFFLE CHARITABLE LICENSEES, OFFICERS, AND VOLUNTEERS TO BETTER ACCOUNT FOR FUNDS COLLECTED FROM GAMES OF CHANCE;

(j) STANDARDIZED RULES, PROCEDURES, AND POLICIES TO CLARIFY AND SIMPLIFY THE AUDITING OF LICENSEES' RECORDS;

(k) THE TYPES OF CHARITABLE GAMING ACTIVITIES TO BE CONDUCTED IN THE FUTURE, BASED UPON A CONTINUING REVIEW OF THE AVAILABLE STATE OF THE ART OF EQUIPMENT IN COLORADO AND ELSEWHERE, AND THE POLICIES AND PROCEDURES APPROVED AND IMPLEMENTED BY OTHER STATES FOR THE CONDUCT OF THEIR CHARITABLE GAMING ACTIVITIES; AND

(l) THE CONDITIONS FOR A LICENSEE'S PLAN FOR DISPOSAL OF ANY EQUIPMENT AND THE DISTRIBUTION OF ANY REMAINING NET PROCEEDS UPON TERMINATION OF A BINGO-RAFFLE LICENSE FOR THE LICENSEE'S FAILURE TO TIMELY OR SUFFICIENTLY RENEW SUCH LICENSE.

PART 3
REPEAL OF ARTICLE

12-9-301. [Formerly 12-9-113] Repeal - review of functions. This article is

repealed, effective July 1, 1998 2008. Prior to such repeal, the licensing functions of the secretary of state AND THE FUNCTIONS OF THE COLORADO BINGO-RAFFLE ADVISORY BOARD IN THE DEPARTMENT OF STATE shall be reviewed as provided for in section 24-34-104, C.R.S.

SECTION 2. Repeal. 24-34-104 (27.1), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (27.1) ~~The function of licensing of bingo and other games of chance through the secretary of state in accordance with article 9 of title 12, C.R.S., shall terminate July 1, 1998.~~

SECTION 3. 24-34-104 (39) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (39) (b) The following agencies, functions, or both, shall terminate on July 1, 2008:

(VIII) THE FUNCTION OF LICENSING OF BINGO AND OTHER GAMES OF CHANCE THROUGH THE SECRETARY OF STATE IN ACCORDANCE WITH ARTICLE 9 OF TITLE 12, C.R.S.

(IX) THE COLORADO BINGO-RAFFLE ADVISORY BOARD CREATED IN SECTION 12-9-201, C.R.S.

SECTION 4. Adjustment to the 1999 long bill. (1) As a result of the passage of this act, appropriations made in the annual general appropriation act, to the department of state, for the fiscal year beginning July 1, 1999, shall be adjusted as follows:

(a) The appropriation for administration is increased by four thousand nine hundred dollars (\$4,900) for the conduct of commission business. Said sum shall be from the bingo-raffle cash fund created by this act.

(b) The letter notation designating the source of cash funds for the total cash funds appropriation for administration is adjusted to reflect a decrease in the amount of funds appropriated from the department of state cash fund of one million two hundred five thousand two hundred eight dollars (\$1,205,208) and is further adjusted to reflect that one million two hundred five thousand two hundred eight dollars (\$1,205,208) of the total cash funds appropriation is appropriated from the bingo-raffle cash fund created by this act.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Became Law: June 5, 1999