

CHAPTER 97

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 08-1273

BY REPRESENTATIVE(S) Gallegos and Loooper, and Labuda;
also SENATOR(S) Romer.

AN ACT

CONCERNING CONTINUATION OF THE REGULATION OF GAMES OF CHANCE BY THE SECRETARY OF STATE, AND, IN CONNECTION THEREWITH, REPEALING THE COLORADO BINGO-RAFFLE ADVISORY BOARD.

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

SECTION 1. 12-9-102 (19), Colorado Revised Statutes, is amended to read:

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

(19) (a) "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 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 that has had, during the entire five-year period, a dues-paying membership engaged in carrying out the objects of said corporation or organization.

(b) "QUALIFIED ORGANIZATION" INCLUDES, WITHOUT LIMITATION:

(I) A POLITICAL PARTY; and

(II) The Colorado state fair authority.

SECTION 2. 12-9-102.5 (4) (a) and (4) (d), Colorado Revised Statutes, are amended to read:

12-9-102.5. Legislative declaration - consideration for tickets - conditions -

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

rules. (4) (a) ~~Notwithstanding subsection (2) of this section, and except as otherwise provided in paragraph (d) of this subsection (4), this section shall not authorize the award by a licensee, at premises where games of chance are conducted, of a cash prize in any amount, a prize that is redeemable for cash in any amount, or a prize of a product or service having a value greater than the amount established by the licensing authority pursuant to paragraph (d) of this subsection (4), whether or not a fee is paid for admission to the premises as a condition of participating in an award of prizes as set forth in subsection (2) of this section. Within ten days after the award of any prize, the licensee shall file with the licensing authority a written report containing a description of the prize, the value of the prize, and such other information as the licensing authority may require by rule. Any prize offered pursuant to this section shall be awarded by the end of the calendar quarter in which it was offered.~~

(d) The licensing authority may establish by rule the maximum amount or value of a CASH PRIZE OR A prize of a product or service that may be awarded; except that such maximum amount shall not be less than one thousand dollars.

SECTION 3. The introductory portion to 12-9-103 (1) and 12-9-103 (1) (b), Colorado Revised Statutes, are amended, and the said 12-9-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-9-103. Licensing authority - powers - rules - duties - license suspension or revocation proceedings - definitions. (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:

(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, ~~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;

(6) (a) THE SECRETARY OF STATE SHALL CONFER WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE OR HIS OR HER DESIGNEE CONCERNING:

(I) THE DESIRABILITY AND PRACTICABILITY OF TRANSFERRING THE RESPONSIBILITY FOR ENFORCEMENT, LICENSING, OR BOTH UNDER THIS ARTICLE FROM THE SECRETARY OF STATE TO THE DEPARTMENT OF REVENUE;

(II) THE CONSTITUTIONAL AND STATUTORY CHANGES THAT WOULD BE NECESSARY TO EFFECTUATE SUCH TRANSFER; AND

(III) THE RECOMMENDATIONS OF THE SECRETARY OF STATE AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE FOR ANY OTHER OR ADDITIONAL CONSTITUTIONAL OR STATUTORY CHANGES TO IMPROVE THE REGULATION OF BINGO AND RAFFLES IN COLORADO.

(b) ON OR BEFORE DECEMBER 31, 2008, THE SECRETARY OF STATE AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL JOINTLY PREPARE AND TRANSMIT A REPORT OF THEIR FINDINGS AND RECOMMENDATIONS TO THE HOUSE AND SENATE COMMITTEES ON FINANCE AND THE HOUSE AND SENATE COMMITTEES ON STATE, VETERANS, AND MILITARY AFFAIRS, OR THEIR SUCCESSOR COMMITTEES.

SECTION 4. Repeal. 12-9-105.3 (1) (e), Colorado Revised Statutes, is repealed as follows:

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:

(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~~

SECTION 5. 12-9-107 (7), Colorado Revised Statutes, is amended to read:

12-9-107. Persons permitted to conduct games of chance - premises - equipment - expenses. (7) No licensee may hold, operate, or conduct a game of bingo or lotto more often than ~~on one hundred fifty-eight occasions in any calendar year~~ AS SPECIFIED BY THE LICENSING AUTHORITY BY RULE, AFTER CONSULTATION WITH THE BOARD.

SECTION 6. 12-9-202 (2) (a), Colorado Revised Statutes, is amended to read:

12-9-202. Board - duties. (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, AND THE NUMBER OF OCCASIONS PER YEAR UPON WHICH A LICENSEE MAY HOLD, OPERATE, OR CONDUCT A GAME OF BINGO OR LOTTO;

SECTION 7. 12-9-301, Colorado Revised Statutes, is amended to read:

12-9-301. Repeal - review of functions. This article is repealed, effective ~~July 1, 2008~~ JULY 1, 2017. 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 8. Repeal. 24-34-104 (39) (b) (VIII) and (39) (b) (IX), Colorado Revised Statutes, are repealed as follows:

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 9. 24-34-104 (48), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (48) The following agencies, functions, or both, shall terminate on July 1, 2017:

(e) 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.;

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

SECTION 10. 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.

Approved: April 3, 2008