

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 17-0308.01 Thomas Morris x4218

SENATE BILL 17-232

SENATE SPONSORSHIP

Fenberg, Court

HOUSE SPONSORSHIP

Rosenthal,

Senate Committees

State, Veterans, & Military Affairs

House Committees

Business Affairs and Labor

A BILL FOR AN ACT

101 **CONCERNING CONTINUATION UNDER THE SUNSET LAW OF THE**
102 **BINGO-RAFFLE ADVISORY BOARD, AND, IN CONNECTION**
103 **THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE**
104 **2016 SUNSET REPORT OF THE DEPARTMENT OF REGULATORY**
105 **AGENCIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - Senate State, Veterans, and Military Affairs Committee. The bill implements the recommendations of the sunset

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 27, 2017

SENATE
3rd Reading Unamended
March 31, 2017

SENATE
Amended 2nd Reading
March 30, 2017

review and report on the licensing of bingo and other games of chance through the secretary of state by:

- ! Extending the automatic termination date of the Colorado bingo-raffle advisory board to September 1, 2026, pursuant to the sunset law (**sections 1 and 2** of the bill);
- ! Reducing the number of times that the board must meet each year from 6 to 2 (**section 3**);
- ! Specifying that a person whose license has been revoked or surrendered in lieu of revocation must wait for 3 years to reapply for a license (**sections 4 through 6**);
- ! Clarifying that a licensee may not change the location of a pull-tab device without the secretary's approval (**section 7**);
- ! Prohibiting a person who has been convicted of a felony or a misdemeanor involving gambling from being a games manager, caller, or caller assistant (**sections 8 and 12**);
- ! Allowing a person who has not been convicted within the previous 10 years of a felony or a gambling-related offense to apply for a license (**sections 9 through 11**);
- ! Clarifying that licensees may donate bingo equipment to entities that offer free bingo and other licensees (**section 13**); and
- ! Making a variety of technical changes to the law (**sections 4, 5, 11, and 13 through 16**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **amend**
3 **(27)(a) introductory portion; repeal (12)(a)(IV) and (12)(a)(V); and add**
4 **(25)(a)(XV) and (25)(a)(XVI) as follows:**

5 **24-34-104. General assembly review of regulatory agencies**
6 **and functions for repeal, continuation, or reestablishment - legislative**
7 **declaration - repeal.** (12)(a) The following agencies, functions, or both,
8 will repeal on July 1, 2017:

9 (IV) The licensing of bingo and other games of chance through
10 the secretary of state in accordance with article 9 of title 12, C.R.S.;

11 (V) The Colorado bingo-raffle advisory board created in section
12 12-9-201, C.R.S.;

1 (25) (a) The following agencies, functions, or both, will ARE
2 SCHEDULED FOR repeal on September 1, 2024:

3 (XV) THE LICENSING OF BINGO AND OTHER GAMES OF CHANCE
4 THROUGH THE SECRETARY OF STATE IN ACCORDANCE WITH PART 5 OF
5 ARTICLE 21 OF THIS TITLE 24;

6 (XVI) THE COLORADO BINGO-RAFFLE ADVISORY BOARD CREATED
7 IN SECTION 24-21-530.

8 **SECTION 2.** In Colorado Revised Statutes, add with amended
9 **and relocated provisions** part 5 to article 21 of title 24 as follows:

10 PART 5

11 BINGO AND RAFFLES LAW

12 **24-21-501. [Formerly 12-9-101] Short title.** This article shall be
13 known and may be cited as THE SHORT TITLE OF THIS PART 5 IS the "Bingo
14 and Raffles Law".

15 **24-21-502. [Formerly 12-9-102] Definitions.** As used in this
16 article PART 5, unless the context otherwise requires:

17 (1) "Bingo" means a game of chance played, with or without the
18 aid of an electronic device, for prizes using cards or sheets containing five
19 rows of five squares bearing numbers, except for the center square which
20 is a free space. Traditional bingo also requires that the letters "B I N G O"
21 appear in order over each column. The holder of a card or sheet matches
22 the numbers on such card or sheet to numbers randomly drawn. The game
23 is won when a previously designated arrangement of numbers on such
24 card or sheet is covered.

25 ~~(1.1)~~ (2) "Bingo aid computer system" means a computer system
26 that interfaces with and controls the use of electronic devices used as aids
27 in the game of bingo.

1 ~~(1.2)~~(3) "Bingo-raffle licensee" means any qualified organization
2 to which a bingo-raffle license has been issued by the licensing authority.

3 ~~(1.3)~~(4) "Bingo-raffle manufacturer" means a person, other than
4 a bingo-raffle licensee, who makes, assembles, produces, or otherwise
5 prepares pull tabs, bingo cards or sheets, electronic devices used as aids
6 in the game of bingo, or other equipment or parts thereof for games of
7 chance. as defined in subsection (7) of this section. "Bingo-raffle
8 manufacturer" does not include a person who prints raffle tickets, other
9 than pull tabs, for and at the request of a bingo-raffle licensee.

10 ~~(1.4)~~(5) "Bingo-raffle supplier" means a person, other than a
11 bingo-raffle licensee, who sells, distributes, or otherwise furnishes pull
12 tabs, bingo cards or sheets, electronic devices used as aids in the game of
13 bingo, or other games of chance equipment. as defined in subsection (5)
14 of this section. "Bingo-raffle supplier" does not include a person who
15 prints raffle tickets, other than pull tabs, for and at the request of a
16 bingo-raffle licensee.

17 ~~(1.5)~~(6) "Board" means the Colorado bingo-raffle advisory board
18 created in section ~~12-9-201~~ 24-21-530.

19 ~~(1.6)~~(7) "Card" means either a disposable and nonreusable paper
20 bingo card identified by color, serial number, and card number, or a
21 reusable bingo card intended for repeated use, including but not limited
22 to a hard card or shutter card. "Card" does not include an electronic
23 representation or electronic image of a bingo card.

24 ~~(1.7)~~(8) "Charitable gaming" means bingo, pull tab games, and
25 raffles. as defined in subsections (1), (18.1), and (19.3) of this section.

26 ~~(1.8)~~(9) "Charitable organization" means any organization, not
27 for pecuniary profit, that is operated for the relief of poverty, distress, or

1 other condition of public concern within this state and that has been so
2 engaged for five years prior to making application for a license under this
3 article PART 5.

4 (2) (10) "Chartered branch or lodge or chapter of a national or
5 state organization" means any such branch or lodge or chapter that is a
6 civic or service organization, not for pecuniary profit, and authorized by
7 its written constitution, charter, articles of incorporation, or bylaws to
8 engage in a fraternal, civic, or service purpose within this state and that
9 has been so engaged for five years prior to making application for a
10 license under this article PART 5.

11 (2.3) (11) "Commercial bingo facility" means premises rented by
12 a bingo-raffle licensee for the purpose of conducting games of chance.

13 (2.5) (12) "Commercial landlord" means any person renting or
14 offering to rent a commercial bingo facility to any bingo-raffle licensee.

15 (2.7) (13) "Deal" means each separate package or series of
16 packages of pull tabs with the same name, form number, serial number,
17 and color code.

18 (3) (14) "Dues-paying membership" means those members of an
19 organization who pay regular monthly, annual, or other periodic dues or
20 who are excused from paying such dues by the bylaws, articles of
21 incorporation, or charter of the organization and those who contribute
22 voluntarily to the corporation or organization to which they belong for the
23 support of such corporation or organization.

24 (4) (15) "Educational organization" means any organization within
25 this state, not organized for pecuniary profit, whose primary purpose is
26 educational in nature and designed to develop the capabilities of
27 individuals by instruction and that has been in existence for five years

1 prior to making application for a license under this article PART 5.

2 (5) (16) "Equipment" means: With respect to bingo or lotto, the
3 receptacle and numbered objects drawn from it, the master board upon
4 which such objects are placed as drawn, the cards or sheets bearing
5 numbers or other designations to be covered and the objects used to cover
6 them, the board or signs, however operated, used to announce or display
7 the numbers or designations as they are drawn, public address system, and
8 all other articles essential to the operation, conduct, and playing of bingo
9 or lotto; or, with respect to raffles, implements, devices, and machines
10 designed, intended, or used for the conduct of raffles and the
11 identification of the winning number or unit and the ticket or other
12 evidence or right to participate in raffles. "Equipment" includes electronic
13 devices used as aids in the game of bingo.

14 (5.5) (17) "Exempt organization" means an organization: that
15 complies with each of the following criteria:

16 (a) That is exempt from taxation under section 501 (c)(3) of the
17 federal "Internal Revenue Code of 1954", as amended; through December
18 31, 1984;

19 (b) Of the type commonly known as a community chest, which
20 organizes and carries out intensive, limited-time, and community-wide
21 fund drive campaigns by volunteer workers soliciting charitable
22 contributions from a broad base of citizens and businesses in the
23 community with the objective of providing financial support to other
24 organizations that are exempt from taxation under section 501 (c)(3) of
25 the federal "Internal Revenue Code of 1954", as amended, through
26 December 31, 1984, and that provides charitable, educational, civic,
27 health, or human services within the same community and that has the

1 further objective of minimizing the necessity for multiple, overlapping,
2 and competing fund drives by such recipient organizations to enable them
3 to deliver such services;

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

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

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

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

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

22 (6) (18) "Fraternal organization" means any organization within
23 this state, including college and high school fraternities, not for pecuniary
24 profit, that is a branch, lodge, or chapter of a national or state
25 organization and exists for the common business, brotherhood, or other
26 interests of its members and that has so existed for five years prior to
27 making application for a license under this article PART 5. "Fraternal

1 organization" also includes a graduate or alumni division or branch of a
2 college fraternity, which division or branch holds a charter issued by the
3 state of Colorado and that meets all other criteria set forth in this
4 subsection ~~(6)~~ (18). As used in this subsection ~~(6)~~ (18), "fraternity"
5 includes a sorority.

6 ~~(7)~~ (19) "Game of chance" means that specific kind of game of
7 chance commonly known as bingo or lotto in which prizes are awarded
8 on the basis of designated numbers or symbols on a card conforming to
9 numbers or symbols selected at random and that specific kind of game of
10 chance commonly known as raffles that is conducted by drawing for
11 prizes or the allotment of prizes by chance, by the selling of shares or
12 tickets or rights to participate in such a game.

13 ~~(8)~~ (20) "Gross receipts" means receipts from the sale of shares,
14 tickets, or rights in any manner connected with participation in a game of
15 chance or the right to participate therein, including any admission fee or
16 charge, the sale of equipment or supplies, the sale or lease of electronic
17 devices used as aids in the game of bingo, and all other miscellaneous
18 receipts.

19 ~~(9)~~ (21) "Labor organization" means any organization, not for
20 pecuniary profit, within this state that exists for the purpose, in whole or
21 in part, of dealing with employers concerning grievances, labor disputes,
22 wages, rates of pay, hours of employment, or conditions of work and that
23 has existed for such purpose and has been so engaged for five years prior
24 to making application for a license under this article PART 5.

25 ~~(9.5)~~ (22) "Landlord licensee" means the holder of a current, valid
26 commercial landlord license.

27 ~~(10)~~ (23) "Lawful purposes" means the lawful purposes of

1 organizations permitted to conduct games of chance, as provided in
2 section 2 of article XVIII of the state constitution.

3 (11) (24) "Lawful use" means the devotion of the entire net
4 proceeds of a game of chance exclusively to lawful purposes.

5 (11.5) (25) "License" means any license or certification issued by
6 the licensing authority pursuant to this article PART 5, including, without
7 limitation, the certification of a games manager pursuant to section
8 12-9-105.1 24-21-510.

9 (12) (26) "Licensed agent" means an individual who holds a
10 current, valid agent's license for a bingo-raffle manufacturer or supplier.

11 (12.5) (27) "Licensee" means the holder of any license or
12 certification issued by the licensing authority pursuant to this article PART
13 5. "Licensee" includes the former holder of such license or certification
14 for purposes of investigation of activities that took place during the period
15 in which such license or certification was effective.

16 (13) (28) "Licensing authority" means the secretary of state or his
17 or her duly authorized deputy.

18 (13.3) (29) "Manufacturer's agent" means an individual who
19 represents a manufacturer in any of its activities in connection with the
20 presales, driver sales, or distribution with excess stock of pull tabs, bingo
21 cards or sheets, electronic devices used as aids in the game of bingo, or
22 other games of chance equipment; except employees of commercial
23 delivery services.

24 (13.5) (30) "Manufacturer licensee" means the holder of a current,
25 valid Colorado manufacturer license.

26 (14) (31) "Member" means an individual who has qualified for
27 membership in a qualified organization pursuant to its bylaws, articles of

1 incorporation, charter, rules, or other written statement.

2 (15) (32) "Net proceeds" means the receipts less such expenses,
3 charges, fees, and deductions as are specifically authorized under this
4 article PART 5.

5 (16) (33) "Occasion" means a single gathering or session at which
6 a series of successive bingo games is played.

7 (17) (34) "Person" means a natural person, firm, association,
8 corporation, or other legal entity.

9 (18) (35) "Premises" means any room, hall, enclosure, or outdoor
10 area used for the purpose of playing a game of chance.

11 (18.1) (36) "Pull tab game" means a type of game of chance
12 commonly known as a pickle, break-open, jar raffle, last sale ticket, or
13 seal card for which tickets are preprinted with markings distinguishing
14 winners and nonwinners, each ticket so made that its markings and
15 winning or nonwinning status cannot be known or revealed until the
16 ticket is broken or torn apart.

17 (19) (37) (a) "Qualified organization" means any bona fide
18 chartered branch, lodge, or chapter of a national or state organization or
19 any bona fide religious, charitable, labor, fraternal, educational, voluntary
20 firefighters', or veterans' organization operating without profit to its
21 members that has been in existence continuously for a period of five years
22 immediately prior to the making of an application for a license under this
23 article PART 5 and that has had, during the entire five-year period, a
24 dues-paying membership engaged in carrying out the objects of said
25 corporation or organization.

26 (b) "Qualified organization" includes, without limitation:

27 (I) A political party; and

1 (II) The Colorado state fair authority.

2 (19.3) (38) "Raffle" means a game in which a participant buys a
3 ticket for a chance at a prize with the winner determined by a random
4 method as determined by rules of the licensing authority, or a pull tab
5 ticket as described in subsection (18.1) (36) of this section. The term
6 "raffle" does not include any activity that is authorized or regulated by the
7 state lottery division pursuant to part 2 of article 35 of THIS title 24
8 C.R.S., or the "Limited Gaming Act of 1991", article 47.1 of this title
9 TITLE 12.

10 (20) (39) "Religious organization" means any organization,
11 church, body of communicants, or group, not for pecuniary profit,
12 gathered in common membership for mutual support and edification in
13 piety, worship, and religious observances or a society, not for pecuniary
14 profit, of individuals united for religious purposes at a definite place, that
15 WHICH organization, church, body of communicants, group, or society has
16 been so gathered or united for five years prior to making application for
17 a license under this article PART 5.

18 (20.1) (40) "Sheet" means a leaf of paper upon which is printed
19 one or more disposable bingo cards.

20 (20.3) (41) "Supplier's agent" means an individual who represents
21 a bingo-raffle supplier in the course of the bingo-raffle supplier's presales,
22 driver sales, or distribution with excess bingo-supplier stock, electronic
23 devices used as aids in the game of bingo, or chance equipment on hand;
24 except THAT THE TERM DOES NOT INCLUDE employees of commercial
25 delivery services.

26 (20.5) (42) "Supplier licensee" means the holder of a current,
27 valid Colorado supplier license.

1 ~~(21)~~ (43) "Veterans' organization" means any organization within
2 this state or any branch, lodge, or chapter of a national or state
3 organization within this state, not for pecuniary profit, the membership of
4 which consists of individuals who were members of the armed services
5 or forces of the United States, that has been in existence for five years
6 prior to making application for a license under this article PART 5.

7 ~~(22)~~ (44) "Voluntary firefighters' organization" means any
8 organization within this state, not for pecuniary profit, established by the
9 state or any of its political subdivisions that has been in existence for five
10 years prior to making application for a license under this article PART 5.

11 **24-21-503. [Formerly 12-9-102.3] Fraud and deception**
12 **prohibited.** (1) No A bingo-raffle licensee, landlord licensee,
13 bingo-raffle supplier bingo-raffle LICENSEE, manufacturer LICENSEE, or
14 any member or agent thereof engaged in any charitable gaming activity
15 shall NOT, directly or indirectly:

16 (a) Employ any device, scheme, or artifice to defraud or deceive;

17 (b) Intentionally make any untrue or misleading statement of fact;

18 or

19 (c) Engage in any act, practice, or course of conduct constituting
20 fraud or deceit.

21 **24-21-504. [Formerly 12-9-102.5] Legislative declaration -**
22 **consideration for tickets - conditions - rules.** (1) The general assembly
23 hereby finds and declares that prize promotions involving the conduct of
24 free product giveaways through the use of free chances for purposes of
25 commercial advertisement, the creation of goodwill, the promotion of
26 new products or services, or the collection of names should not be subject
27 to regulation under this article PART 5. The giveaways described in this

1 subsection (1) are exempt from regulation under this article PART 5 when
2 all of the conditions set forth in this section are satisfied.

3 (2) No award of prizes by chance for a purpose set forth in
4 subsection (1) of this section is a lottery or game of chance, nor is any
5 share, ticket, or right to participate in an award of prizes deemed to have
6 been sold or charged for, notwithstanding that the award is made to
7 persons who have paid a fee entitling them to general admission to the
8 grounds or premises on which the award is made, if each share or ticket
9 by means of which the award is made is given away free of charge and
10 without any obligation on the part of the person receiving it.

11 (3) (Deleted by amendment, L. 99, p. 1411, § 1, effective June 5,
12 1999.)

13 (4) (3) (a) (I) A licensee may conduct a prize promotion on the
14 licensed premises, whether the premises are rented or owned by the
15 licensee. A licensee shall clearly disclose, in the rental agreement or
16 otherwise, the promotion and its cost, if any, to the licensee, pursuant to
17 rules adopted by the licensing authority.

18 (II) A landlord licensee shall not require a bingo-raffle licensee to
19 participate in or conduct a promotion under this section, nor may a games
20 manager for any occasion assist in any promotion conducted during an
21 occasion by a landlord licensee. Prizes offered as part of a promotion are
22 not prizes subject to limitation under section ~~12-9-107~~ 24-21-517 (5).

23 (b) Before conducting a promotion under this section, the licensee
24 shall provide evidence of ownership, free and clear, of the prizes to be
25 offered unless all of the prizes are available for viewing on the premises
26 on the day they are to be awarded. The licensee offering any promotional
27 prize shall disclose, at the beginning of the promotion, full and complete

1 information identifying the prizes to be awarded and the method by which
2 the prizes may be won. This disclosure need not be made separately or
3 personally to each participant, but may be made by conspicuously posting
4 or displaying, at the premises where the promotion is being conducted,
5 either the available prizes themselves or a list and complete description
6 of the prizes and the method by which they may be won.

7 (c) Within ten days after the award of any prize, the licensee shall
8 file with the licensing authority a written report containing a description
9 of the prize, the value of the prize, and such other information as the
10 licensing authority may require by rule. Any prize offered pursuant to this
11 section must be awarded by the end of the calendar quarter in which it
12 was offered.

13 (d) The licensing authority may establish by rule the maximum
14 amount or value of a cash prize or a prize of a product or service that may
15 be awarded; except that such maximum amount must be at least one
16 thousand dollars.

17 (4) A BINGO-RAFFLE LICENSEE MAY, DIRECTLY OR THROUGH A
18 THIRD PARTY, PRESELL TICKETS TO A CHARITABLE GAMING EVENT.

19 **24-21-505. [Formerly 12-9-103] Licensing and enforcement**
20 **authority - powers - rules - duties - license suspension or revocation**
21 **proceedings - definitions.** (1) The secretary of state is hereby designated
22 as the "licensing authority" of this article PART 5. As licensing authority,
23 the secretary of state's powers and duties are as follows:

24 (a) (I) To grant or refuse to grant bingo-raffle licenses under this
25 article PART 5 and to grant or refuse to grant licenses to landlords,
26 manufacturers, manufacturers' agents, suppliers, and suppliers' agents. If
27 any such license application has not been approved or disapproved within

1 forty-five days after the licensing authority has received all information
2 that constitutes a complete application, the license shall be deemed to be
3 approved. The licensing authority shall notify the applicant upon receipt
4 of all information that the licensing authority deems a complete
5 application. Such notification shall be the start of the forty-five-day
6 period in which the licensing authority shall affirmatively act upon the
7 application. The licensing authority's failure to act upon an application
8 within forty-five days after receipt shall not preclude the licensing
9 authority from later filing a complaint challenging the application on the
10 ground that it is in conflict with the Colorado constitution or this article
11 PART 5. All such licenses and applications for such licenses shall be made
12 available for inspection by the public. In addition, the licensing authority
13 has the power and the responsibility, after investigation and hearing
14 before an administrative law judge, to suspend or revoke any license
15 issued by the licensing authority, in accordance with any order of such
16 administrative law judge. When a license is ordered suspended or
17 revoked, the licensee shall surrender the license to the licensing authority
18 on or before the effective date of the suspension or revocation. No license
19 is valid beyond the effective date of the suspension or revocation, whether
20 surrendered or not. Any bingo-raffle license may be temporarily
21 suspended for a period not to exceed ten days pending any prosecution,
22 investigation, or public hearing.

23 (II) In lieu of seeking a suspension or revocation of any license
24 issued by the licensing authority, the licensing authority may impose a
25 reasonable fine for any violation of this article PART 5 or any rule adopted
26 pursuant to this article PART 5, not to exceed one hundred dollars per
27 citation. The imposition of any such fine may be appealed to an

1 administrative law judge.

2 (III) An applicant may request administrative review of a refusal
3 by the licensing authority to grant or renew a license in accordance with
4 subsection (2) (3) of this section. To be entitled to administrative review,
5 the applicant must request the review in writing within sixty days after the
6 date of the licensing authority's refusal.

7 (IV) If a licensee or bingo-raffle affiliate fails within forty-five
8 days after a written request by the licensing authority to voluntarily
9 produce records at the office of the licensing authority, or if a licensee
10 fails to file a report within the time required by this article PART 5, or if
11 such report is not properly verified or is not fully, accurately, and
12 truthfully completed on its face, the licensing authority may refuse to
13 renew the licensee's license until the licensee has corrected such failure
14 or deficiency. If the licensing authority refuses to renew a license
15 pursuant to this subparagraph (IV) SUBSECTION (1)(a)(IV), the licensee
16 shall not engage in activity authorized by such license until such license
17 is renewed.

18 (b) To supervise the administration and enforcement of this article
19 PART 5 and, in consultation with the board, to adopt, amend, and repeal
20 rules governing the holding, operating, and conducting of games of
21 chance, the purchase of equipment, the establishment of a schedule of
22 reasonable fines, not to exceed one hundred dollars per citation, for
23 violation by licensees of this article PART 5 or of rules adopted pursuant
24 to this article PART 5, to the end that games of chance shall be held,
25 operated, and conducted only by licensees for the purposes and in
26 conformity with the state constitution and the provisions of this article
27 PART 5;

1 (c) To provide forms for and supervise the filing of any reports
2 made by mail, computer, electronic mail, or any other electronic device
3 by any licensee. As soon as possible after July 1, 2006, the licensing
4 authority shall ensure that delivery of a document subject to this article
5 PART 5 by an applicant or a licensee may be accomplished electronically
6 without the necessity for presentation of a physical original document,
7 report, or image, if all required information is included and is readily
8 retrievable from the data transmitted. The licensing authority may, by
9 rule, require certain organizations to file reports and other documents
10 electronically. All electronically filed documents shall be stored by the
11 licensing authority in an electronic or other medium and shall be
12 retrievable by the licensing authority in an understandable and readable
13 form. Notwithstanding any other provision of law requiring the signature
14 of, or execution by, a person on a document, no such signature shall be
15 required when the document is submitted electronically. Causing a
16 document to be delivered to the licensing authority by an applicant or a
17 licensee shall constitute the affirmation or acknowledgment of the
18 individual causing the delivery, under penalty of perjury, that the
19 document is the individual's act and deed or the act and deed of the
20 organization or entity on whose behalf the document was delivered and
21 that the facts stated in the document are true.

22 (d) Upon application by any licensee, to issue a letter ruling
23 granting approval for any new concept, method, technology, practice, or
24 procedure that may be applied to, or used in the conduct of, games of
25 chance that are not in conflict with the constitution or this article PART 5.
26 Application for such approval shall be submitted in a form prescribed by
27 the licensing authority. If an application is not acted upon within

1 forty-five days after receipt by the licensing authority, the licensee may
2 implement such concept, method, technology, practice, or procedure so
3 long as it is not in conflict with the constitution or this article PART 5;
4 except that the licensing authority's failure to act upon an application
5 within forty-five days after receipt shall not preclude the licensing
6 authority from later filing a complaint challenging such concept, method,
7 technology, practice, or procedure on the ground that it is in conflict with
8 the constitution or this article PART 5. An adverse ruling on such
9 application may be appealed to an administrative law judge.

10 (e) To keep records of all actions and transactions relating to
11 licensing and enforcement activity;

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

19 (g) To license devices for reading pull tabs as provided in section
20 ~~12-9-107.2~~ 24-21-519; except that the licensing authority shall not impose
21 or collect any fee for the issuance of such a license.

22 (1.5) (2) For the purpose of any investigation or examination of
23 records, the licensing authority or any officer designated by the licensing
24 authority may require, at the office of the licensing authority, the
25 production of any books, papers, correspondence, memoranda,
26 agreements, or other documents or records that the licensing authority
27 deems relevant or material to the inquiry. In case of refusal to obey a

1 request for the production of documents issued to any licensee or an
2 affiliate of a licensee, the district court of the city and county of Denver,
3 upon application by the licensing authority, may issue an order requiring
4 that person to appear before the licensing authority or the officer
5 designated by the licensing authority to produce documents or to give
6 evidence touching upon the matter under investigation or in question.
7 Failure to obey the order of the court may be punished by the court as a
8 contempt of court.

9 (2) (3) The licensing authority may revoke, suspend, annul, limit,
10 modify, or refuse to grant or renew a license in accordance with section
11 24-4-104. C.R.S. Hearings that are held to administratively review the
12 licensing authority's decision to refuse to grant or renew a license or to
13 determine whether a licensee's license should be revoked, suspended,
14 annulled, limited, or modified shall be conducted by an administrative
15 law judge appointed pursuant to part 10 of article 30 of THIS title 24
16 C.R.S. and shall be held in the manner and pursuant to the rules and
17 procedures described in sections 24-4-104, 24-4-105, and 24-4-106.
18 C.R.S. An administrative law judge shall hold and conclude hearings in
19 accordance with the rules, with reasonable dispatch and without
20 unnecessary delay, and shall issue a decision within ten days after the
21 hearing.

22 (3) (4) (a) Upon a finding by an administrative law judge of a
23 violation of this article PART 5, the rules adopted pursuant to this article
24 PART 5, or any other provision of law, such as would warrant the
25 revocation, suspension, annulment, limitation, or modification of a
26 license, in addition to any other penalties that may be imposed, the
27 licensing authority may declare the violator ineligible to conduct a game

1 of bingo and to apply for a license pursuant to this article PART 5 for a
2 period not exceeding ~~five years~~ ONE YEAR after the date of ~~such~~ THE
3 declaration or a shorter period designated by the licensing authority
4 pursuant to this subsection (3) (4). The licensing authority shall designate
5 a shorter period of license ineligibility only in the absence of aggravating
6 factors associated with the violation for which the revocation was
7 imposed. Aggravating factors shall include willfulness, intent, a previous
8 intentional violation of this article PART 5, and violations involving theft
9 or fraud. Such THE declaration of ineligibility may be extended to
10 include, in addition to the violator, any of its subsidiary organizations, its
11 parent organization, or otherwise, affiliated with the violator when, in the
12 opinion of the licensing authority, the circumstances of the violation
13 warrant such action.

14 (b) The decision of the administrative law judge in any
15 controversy concerning licensing, the imposition of a fine, or the approval
16 of any proposed new concept, method, technology, practice, or procedure
17 shall be IS final and subject to review by the court of appeals, pursuant to
18 the provisions of section 24-4-106 (11). C.R.S.

19 (4) (Deleted by amendment, L. 2006, p. 986, § 3, effective May
20 25, 2006.)

21 (5) Upon an administrative or judicial finding of a violation of this
22 article PART 5, the rules adopted pursuant to this article PART 5, or any
23 other provision of law, such as would warrant the suspension or
24 revocation of a license, the licensing authority, in addition to any other
25 penalties that may be imposed, may issue an order excluding the violator
26 or any owner, officer, director, or games manager of the violator from the
27 licensed premises during the conduct of games of chance.

1 ~~(6) (a) The secretary of state shall confer with the executive~~
2 ~~director of the department of revenue or his or her designee concerning:~~

3 ~~(I) The desirability and practicability of transferring the~~
4 ~~responsibility for enforcement, licensing, or both under this article from~~
5 ~~the secretary of state to the department of revenue;~~

6 ~~(II) The constitutional and statutory changes that would be~~
7 ~~necessary to effectuate such transfer; and~~

8 ~~(III) The recommendations of the secretary of state and the~~
9 ~~executive director of the department of revenue for any other or~~
10 ~~additional constitutional or statutory changes to improve the regulation of~~
11 ~~bingo and raffles in Colorado.~~

12 ~~(b) On or before December 31, 2008, the secretary of state and the~~
13 ~~executive director of the department of revenue shall jointly prepare and~~
14 ~~transmit a report of their findings and recommendations to the house and~~
15 ~~senate committees on finance and the house and senate committees on~~
16 ~~state, veterans, and military affairs, or their successor committees.~~

17 **24-21-506. [Formerly 12-9-103.5] Fees - department of state**
18 **cash fund.** (1) All fees collected by the licensing authority pursuant to
19 ~~this article~~ PART 5 shall be transmitted to the state treasurer, who shall
20 ~~credit the same~~ THEM to the department of state cash fund created in
21 ~~section 24-21-104 (3)(b), C.R.S.~~ also referred to in this section as the
22 ~~"fund". The moneys~~ MONEY in the fund shall be IS subject to annual
23 ~~appropriation by the general assembly for the purposes of financing the~~
24 ~~licensing and enforcement activities of the secretary of state as specified~~
25 ~~in this article~~ PART 5.

26 ~~(2) (Deleted by amendment, L. 2002, p. 1648, § 5, effective~~
27 ~~August 7, 2002.)~~

1 ~~(3)~~ (2) (a) Fees authorized by this article PART 5 shall be
2 established by the licensing authority, in consultation with the board, in
3 amounts sufficient to ensure that the total revenue generated by the
4 collection of such fees approximates the direct and indirect costs incurred
5 by the licensing authority in carrying out its duties under this article PART
6 5. The amounts of all fees shall be reviewed annually. The licensing
7 authority shall furnish to the board both an annual and a quarterly
8 accounting of all fee and fine revenues received and expenditures made
9 pursuant to this article PART 5, together with a list of all fees in effect.

10 (b) The cost of implementing the electronic application and report
11 filing system required by section ~~12-9-103~~ 24-21-505 (1)(c), including the
12 cost of promulgating any new or amended rules for use of the system,
13 shall be recovered through a temporary fee increase or surcharge assessed
14 on licensees during the first five years of operation of the system. The
15 licensing authority shall establish the temporary fee or surcharge on a
16 sliding or graduated scale, based on the quarterly gross receipts of each
17 licensee that is required to file quarterly reports or pay fees under section
18 ~~12-9-107.5 (5)~~ 24-21-521 (4) or section ~~12-9-108~~ 24-21-522 (6)(b), and
19 in an amount sufficient to recover all of such costs within the five-year
20 period.

21 ~~(4)~~ (3) All fines assessed pursuant to this article PART 5 shall be
22 paid to the state treasurer who shall credit the same to the general fund of
23 the state.

24 **24-21-507. [Formerly 12-9-104] Bingo-affle license - fee.**
25 (1) A bona fide chartered branch, lodge, or chapter of a national or state
26 organization or any bona fide religious, charitable, labor, fraternal,
27 educational, voluntary firefighters', or veterans' organization or any

1 association, successor, or combination of association and successor of any
2 of the said THESE organizations that operates without profit to its
3 members, and that has been in existence continuously for a period of five
4 years immediately prior to the making of application for a bingo-raffle
5 license under this article PART 5, and has had during the entire five-year
6 period dues-paying members engaged in carrying out the objects of said
7 THE corporation or organization is eligible for a bingo-raffle license to be
8 issued by the licensing authority under this article PART 5. If a license is
9 revoked, the bingo-raffle licensee and holder thereof is not eligible to
10 apply for another license under subsection (2) of this section until after
11 the expiration of the period of five years FOR NO MORE THAN ONE YEAR
12 after the date of such THE revocation.

13 (2) The bingo-raffle licenses provided by this article PART 5 shall
14 be issued by the licensing authority to applicants qualified under this
15 article PART 5 upon payment of a fee established in accordance with
16 section ~~12-9-103.5~~ (3) 24-21-506 (2). Licenses shall expire at the end of
17 the calendar year in which they were issued by the licensing authority and
18 may be renewed by the licensing authority upon the filing of an
19 application for renewal thereof provided by the licensing authority and
20 the payment of the fee established for such THE renewal. No license
21 granted under this article PART 5 or any renewal thereof shall be IS
22 transferable. The fees required to be paid for a new or renewal license
23 shall be deposited in the bingo-raffle DEPARTMENT OF STATE cash fund
24 CREATED IN SECTION 24-21-104 (3)(b).

25 **24-21-508. [Formerly 12-9-104.5] Landlord licensees -**
26 **stipulations.** (1) ~~No~~ A person ~~except~~ OTHER THAN a landlord licensee
27 shall NOT rent or offer to rent to any bingo-raffle licensee any premises

1 to be used to conduct games of chance. A lease of the premises for a
2 bingo occasion shall MUST be for a period of at least five consecutive
3 hours unless the landlord licensee and bingo-raffle licensee agree to a
4 shorter or longer period. The amount of rent to be charged, and the
5 method used to calculate such rent, shall be established by agreement
6 between the parties.

7 (2) No landlord licensee or any employee of a landlord licensee
8 shall require, induce, or coerce a bingo-raffle licensee to enter into any
9 contract, agreement, or lease contrary to the provisions of this article
10 PART 5.

11 (3) No landlord licensee or any employee of a landlord licensee
12 shall require, induce, or coerce a bingo-raffle licensee to purchase
13 supplies or equipment, or to purchase or lease electronic devices used as
14 aids in the game of bingo, from a particular supplier, distributor, or
15 manufacturer as a condition of conducting games of chance at a
16 commercial bingo facility.

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

23 (5) No activity or business other than licensed games of chance
24 may be conducted in a commercial bingo facility within space leased to
25 a bingo-raffle licensee during the time allocated to the bingo-raffle
26 licensee with the exception of the sale of food, beverages, bingo-related
27 merchandise and supplies, the operation of an automated cash service

1 device, and such other activities and businesses as the bingo-raffle
2 licensee may agree to. A landlord licensee may conduct other businesses
3 and activities in space not included in the bingo-raffle licensee's rental
4 agreement and in which games of chance are not held.

5 (6) No A landlord licensee or any employee or agent of a landlord
6 licensee shall NOT be a party responsible for or assisting with the conduct,
7 management, or operation of any game of chance within Colorado; except
8 that a landlord licensee that is also a bingo-raffle licensee may conduct
9 such activities as its bingo-raffle license allows exclusively on its own
10 behalf.

11 (7) Notwithstanding subsection (6) of this section, a landlord,
12 supplier, or manufacturer licensee may instruct and train a bingo-raffle
13 licensee in the repair, operation, and maintenance of bingo-raffle
14 equipment, subject to specific criteria established by rule.

15 (8) Every landlord licensee shall file with the licensing authority
16 all leases, agreements, and other documents required in order for a
17 bingo-raffle licensee to lease its commercial bingo facility.

18 **24-21-509. [Formerly 12-9-105] Application for bingo-raffle**
19 **license. (1) Each applicant for a bingo-raffle license to be issued under**
20 **the provisions of this section shall file with the licensing authority a**
21 **written application in the form prescribed by the licensing authority, duly**
22 **executed and verified, and in which shall be stated:**

23 **(a) The name and address of the applicant;**

24 **(b) Sufficient facts relating to its incorporation and organization**
25 **to enable the licensing authority to determine whether or not it is a bona**
26 **fide chartered branch, lodge, or chapter of a national or state organization**
27 **or a bona fide religious, charitable, labor, fraternal, educational, voluntary**

1 firefighters', or veterans' organization that operates without profit to its
2 members, has been in existence continuously for a period of five years
3 immediately prior to the making of said application for such license, and
4 has had during the entire five-year period dues-paying members engaged
5 in carrying out the objectives of said applicant;

6 (c) The names and addresses of its officers;

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

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

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

15 (f) A statement that no commission, salary, compensation, reward,
16 or recompense will be paid to any person for holding, operating, or
17 conducting such games of chance or for assisting therein except as
18 otherwise provided in this article PART 5;

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

22 (2) (a) In each application there shall be designated active
23 members of the applicant organization under whom the games of chance
24 described in the application are to be held, operated, and conducted, and
25 to the application shall be appended a statement executed by the applicant
26 and by the members so designated that they will be responsible for the
27 holding, operation, and conduct of such games of chance in accordance

1 with the terms of the license and the provisions of this article PART 5.

2 (b) Each designated games manager shall MUST have been an
3 active member of the applicant for at least the six months immediately
4 preceding his or her designation and shall be certified by the licensing
5 authority pursuant to section ~~12-9-105.1~~ 24-21-510 before assuming
6 games management duties.

7 (3) In the event any premises are to be leased or rented in
8 connection with the holding, operating, or conducting of any game of
9 chance under this article PART 5, a written statement shall accompany the
10 application signed and verified by the applicant, which shall MUST state
11 the address of the leased or rented premises and the amount of rent that
12 will be paid for said premises and which shall MUST certify that the
13 premises are to be rented from a landlord licensee.

14 **24-21-510. [Formerly 12-9-105.1] Games managers -**
15 **certification.** (1) The licensing authority shall issue a games manager
16 certification to any qualified applicant who has demonstrated sufficient
17 knowledge of this article PART 5, as determined by the licensing authority,
18 and who has paid the fee established in accordance with section
19 ~~12-9-103.5~~ (3) 24-21-506 (2). A games manager certification shall be
20 valid for a time period to be determined by the licensing authority by rule,
21 and may be denied, suspended, or revoked for any violation of this article
22 PART 5 or any rule or order of the licensing authority promulgated or
23 issued pursuant to this article PART 5.

24 ~~(1.5)~~ (2) A person shall IS not be eligible for certification or TO act
25 as a games manager in the conduct of a game of chance pursuant to this
26 article PART 5 unless the person is eighteen years of age or older.

27 ~~(2)~~ (3) A person shall IS not be eligible for certification or TO act

1 as a games manager in the conduct of any game of chance pursuant to this
2 article PART 5 if such THE person has been convicted of any
3 MISDEMEANOR INVOLVING GAMBLING OR ANY felony. or any offense
4 involving gambling.

5 (3) (4) Unless authorized by the licensing authority in accordance
6 with the rules of the licensing authority, a person shall not be designated
7 or serve as a games manager for more than three bingo-raffle licensees
8 simultaneously. The licensing authority may promulgate rules establishing
9 the circumstances under which a person may be designated and serve as
10 games manager for more than three bingo-raffle licensees.

11 **24-21-511. [Formerly 12-9-105.3] Application for landlord**
12 **license - fee.** (1) Each applicant for a landlord license shall file with the
13 licensing authority a written application, duly executed and verified, in
14 the form presented by the licensing authority, which application shall
15 include, but not be limited to, the following information:

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

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

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

25 (d) A statement by the landlord or the chief executive officer of
26 the landlord that the landlord is familiar with the provisions of this article
27 PART 5 as to commercial bingo facilities and landlords thereof and accepts

1 responsibility for compliance with such provisions:

2 (c) Repealed.

3 (f) (e) A statement by the landlord or the chief executive of the
4 landlord that the primary purpose of the premises described in paragraph
5 (c) of this subsection (1) SUBSECTION (1)(c) OF THIS SECTION is the
6 conduct of bingo occasions.

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

10 (3) There shall be attached to Each application MUST INCLUDE an
11 affidavit signed by the applicant stating that WHETHER the landlord has
12 not been convicted of any felony, THEFT BY DECEPTION, or any
13 gambling-related offense as defined in article 10 of title 18 C.R.S. WITHIN
14 THE PREVIOUS TEN YEARS. If the landlord is a corporation, limited liability
15 company, or partnership, such THE affidavit shall MUST make such THE
16 verification as to each officer and director of such THE corporation, each
17 member and manager of such THE limited liability company, or each
18 partner and associate of such THE partnership. A PERSON THAT HAS BEEN
19 CONVICTED OF ANY FELONY, THEFT BY DECEPTION, OR
20 GAMBLING-RELATED OFFENSE AS DEFINED IN ARTICLE 10 OF TITLE 18
21 WITHIN THE PREVIOUS TEN YEARS IS INELIGIBLE FOR A LICENSE ISSUED
22 PURSUANT TO THIS SECTION. A PERSON THAT HAS BEEN CONVICTED OF
23 ANY FELONY, THEFT BY DECEPTION, OR GAMBLING-RELATED OFFENSE AS
24 DEFINED IN ARTICLE 10 OF TITLE 18 WITHIN MORE THAN THE PREVIOUS TEN
25 YEARS SHALL DISCLOSE THE INFORMATION RELATED TO THE CONVICTION
26 REQUIRED BY THE LICENSING AUTHORITY.

27 (4) A landlord license shall expire EXPIRES at the end of the

1 calendar year in which it was issued. Each license issued shall be
2 conspicuously displayed at the premises for which the license has been
3 issued. No landlord license is transferable. The annual fee for each
4 landlord license shall be established in accordance with section
5 ~~12-9-103.5(3)~~ 24-21-506 (2).

6 **24-21-512. [Formerly 12-9-105.5] Application for**
7 **manufacturer license.** (1) Each application for a manufacturer license
8 shall MUST include, but not be limited to, the following information:

9 (a) The name and address of the applicant;

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

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

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

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

22 (f) A statement by the manufacturer or the chief executive officer
23 of the manufacturer that such manufacturer is familiar with the provisions
24 of this article PART 5 as to bingo-raffle manufacturers and accepts
25 responsibility for compliance with such provisions.

26 (2) ~~To~~ Each application for a manufacturer license shall be
27 attached MUST INCLUDE a statement that REGARDING WHETHER the

1 applicant; or its owners; or its officers or directors if a corporation; or its
2 members, managers, partners, or associates if another business entity, has
3 not been convicted of any felony, THEFT BY DECEPTION, or any
4 GAMBLING-RELATED offense involving gambling as defined in article 10
5 of title 18. C.R.S. A PERSON THAT HAS BEEN CONVICTED OF ANY FELONY,
6 THEFT BY DECEPTION, OR GAMBLING-RELATED OFFENSE AS DEFINED IN
7 ARTICLE 10 OF TITLE 18 WITHIN THE PREVIOUS TEN YEARS IS INELIGIBLE
8 FOR A LICENSE ISSUED PURSUANT TO THIS SECTION. A PERSON THAT HAS
9 BEEN CONVICTED OF ANY FELONY, THEFT BY DECEPTION, OR
10 GAMBLING-RELATED OFFENSE AS DEFINED IN ARTICLE 10 OF TITLE 18
11 WITHIN MORE THAN THE PREVIOUS TEN YEARS SHALL DISCLOSE THE
12 INFORMATION RELATED TO THE CONVICTION REQUIRED BY THE LICENSING
13 AUTHORITY.

14 (3) Any bingo-raffle manufacturer, as defined in section 12-9-102
15 (1.3); upon filing a true, complete, written, verified application in the
16 form presented by the licensing authority, together with the fee for the
17 license, is eligible for a manufacturer license. A manufacturer license
18 shall be renewed annually, on or before March 31 of each year in which
19 such licensee engages in or anticipates engaging in a licensed activity. A
20 manufacturer license is nontransferable. The annual fee for each license
21 shall be established in accordance with section 12-9-103.5 (3) 24-21-506
22 (2).

23 **24-21-513. [Formerly 12-9-105.7] Application for supplier**
24 **license.** (1) Each application for a supplier license shall MUST include,
25 but not be limited to, the following information:

26 (a) The name and address of the applicant;

27 (b) The name and address of the supplier and, if the supplier is a

1 corporation, the name and address of each officer, director, and
2 shareholder holding an ownership interest of ten percent or more;

3 (c) A description of the equipment and supplies sold or distributed
4 in connection with games of chance activities in Colorado;

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

9 (e) The names and addresses of the Colorado MANUFACTURERS
10 AND COLORADO agents of the supplier; and

11 (f) A statement by the supplier or the chief executive officer of the
12 supplier that such supplier is familiar with the provisions of this article
13 PART 5 as to bingo-raffle suppliers and accepts responsibility for
14 compliance with such provisions.

15 (2) ~~To~~ Each application for a supplier license ~~shall be attached~~
16 MUST INCLUDE a statement ~~that~~ REGARDING WHETHER the applicant; or its
17 owners; ~~or~~ its officers or directors if a corporation; or its members,
18 managers, partners, or associates if another business entity, has ~~not~~ been
19 convicted of any felony, THEFT BY DECEPTION, or ~~any~~ offense involving
20 gambling as defined in article 10 of title 18. ~~C.R.S.~~ A PERSON THAT HAS
21 BEEN CONVICTED OF ANY FELONY, THEFT BY DECEPTION, OR
22 GAMBLING-RELATED OFFENSE AS DEFINED IN ARTICLE 10 OF TITLE 18
23 WITHIN THE PREVIOUS TEN YEARS IS INELIGIBLE FOR A LICENSE ISSUED
24 PURSUANT TO THIS SECTION. A PERSON THAT HAS BEEN CONVICTED OF
25 ANY FELONY, THEFT BY DECEPTION, OR GAMBLING-RELATED OFFENSE AS
26 DEFINED IN ARTICLE 10 OF TITLE 18 WITHIN MORE THAN THE PREVIOUS TEN
27 YEARS SHALL DISCLOSE THE INFORMATION RELATED TO THE CONVICTION

1 REQUIRED BY THE LICENSING AUTHORITY.

2 (3) Any bingo-raffle supplier, as defined in section 12-9-102 (1.4),
3 upon filing a true, complete, written, verified application in the form
4 presented by the licensing authority, together with the fee for the license,
5 is eligible for a supplier license. A supplier license shall be renewed
6 annually, on or before March 31 of each year in which such licensee
7 engages in or anticipates engaging in a licensed activity. A supplier
8 license is nontransferable. The annual fee for each license shall be
9 established in accordance with section ~~12-9-103.5 (3)~~ 24-21-506 (2).

10 **24-21-514. [Formerly 12-9-105.9] Application for**
11 **manufacturer's agent license or supplier's agent license.** (1) Each
12 application for a manufacturer's agent license or supplier's agent license
13 shall MUST include, but not be limited to, the following information:

14 (a) The name and address of the applicant;

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

17 (c) A statement by the applicant that he or she has read,
18 understands, and will comply with the provisions of this article PART 5 as
19 to manufacturer's and supplier's agents and the conditions of the agent's
20 license;

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

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

27 (2) ~~To~~ Each agent's application shall be attached MUST INCLUDE

1 a statement that REGARDING WHETHER the applicant has not been
2 convicted of any felony, THEFT BY DECEPTION, or any offense involving
3 gambling as defined in article 10 of title 18. C.R.S. A PERSON THAT HAS
4 BEEN CONVICTED OF ANY FELONY, THEFT BY DECEPTION, OR
5 GAMBLING-RELATED OFFENSE AS DEFINED IN ARTICLE 10 OF TITLE 18
6 WITHIN THE PREVIOUS TEN YEARS IS INELIGIBLE FOR A LICENSE ISSUED
7 PURSUANT TO THIS SECTION. A PERSON THAT HAS BEEN CONVICTED OF
8 ANY FELONY, THEFT BY DECEPTION, OR GAMBLING-RELATED OFFENSE AS
9 DEFINED IN ARTICLE 10 OF TITLE 18 WITHIN MORE THAN THE PREVIOUS TEN
10 YEARS SHALL DISCLOSE THE INFORMATION RELATED TO THE CONVICTION
11 REQUIRED BY THE LICENSING AUTHORITY.

12 (3) Any supplier's agent or manufacturer's agent, as defined in
13 section 12-9-102 (13.3) and (20.3); upon filing a complete, written,
14 verified application in the form presented by the licensing authority,
15 together with the fee for the license, is eligible for a manufacturer's or
16 supplier's agent license. A manufacturer's or supplier's agent license shall
17 be renewed annually, on or before March 31 of each year in which such
18 licensee engages in or anticipates engaging in a licensed activity. Neither
19 a manufacturer's agent license nor a supplier's agent license is
20 transferable. The annual fee for each license shall be established in
21 accordance with section 12-9-103.5 (3) 24-21-506 (2).

22 **24-21-515. [Formerly 12-9-106] Persons permitted to conduct**
23 **games of chance - form of bingo-raffle licenses - display.** (1) A person,
24 firm, or organization within this state shall not conduct a game of chance
25 without a bingo-raffle license issued by the licensing authority. Only an
26 active member of the organization to which the bingo-raffle license is
27 issued may hold, operate, or conduct games of chance under a license

1 issued under this article PART 5, and a person shall not assist in the
2 holding, operating, or conducting of any games of chance under a
3 bingo-raffle license except an active member or a member of an
4 organization or association that is an auxiliary to the licensee, a member
5 of an organization or association of which the licensee is an auxiliary, or
6 a member of an organization or association that is affiliated with the
7 licensee by being, with it, auxiliary to another organization or association.
8 A licensee shall incur or pay only bona fide expenses in a reasonable
9 amount for goods, wares, and merchandise furnished or services rendered
10 that are reasonably necessary for the holding, operating, or conducting of
11 a game of chance.

12 (2) Each bingo-raffle license must contain a statement of the name
13 and address of the licensee and the place where bingo or lotto games or
14 the drawing of the raffles is to be held. If the bingo-raffle licensee moves
15 from the games or drawing location listed on its license, the bingo-raffle
16 licensee must notify the licensing authority in writing prior to
17 commencing bingo or conducting a raffle drawing at the new location.
18 The licensing authority may issue a letter of authorization to move the
19 location of the bingo or lotto games or the drawing of the raffles. The
20 letter of authorization must remain with the original license and must be
21 available for inspection at the place where games or drawings are to be
22 held. A license issued for an exempt organization must include the place
23 or places where drawings are to be held. EXCEPT AS SPECIFIED IN
24 SUBSECTION (4) OF THIS SECTION, each bingo-raffle license issued for the
25 conduct of any games of chance must be conspicuously displayed at the
26 place where the game is to be conducted or the drawings held at all times
27 during the conduct thereof. An exempt organization may comply with this

1 section by providing written notice of a license to all employees of a
2 participating private business or government agency holding a
3 fund-raising drive that includes a drawing on behalf of the organization.
4 The notice must state that the license is available for public inspection
5 during reasonable business hours and must specify where the license is
6 maintained for inspection.

7 (3) A licensee shall conspicuously display, at the place where a
8 game is being conducted, its license issued for the conduct of games of
9 chance at all times during the conduct of the game and for at least thirty
10 minutes after the last game has been concluded.

11 (4) Notwithstanding subsection (2) of this section, a bingo-raffle
12 licensee conducting a pull tab game for the benefit of its members and
13 guests on premises that are owned by it, or leased by it for purposes other
14 than the conduct of a bingo occasion, may display a copy of its license,
15 in a format approved by the licensing authority, on the premises during
16 any time the licensee is also conducting a bingo or raffle occasion at a
17 separate location.

18 **24-21-516. [Formerly 12-9-106.5] Form of landlord license -**
19 **display - fee.** (1) Each landlord license shall MUST contain a statement
20 of the name and address of the licensee and the location of the premises.
21 Each license issued shall be conspicuously displayed at the premises for
22 which the license has been issued.

23 (2) A landlord license shall be issued to qualified applicants by the
24 licensing authority upon payment of a fee and completion and approval
25 of the landlord license application pursuant to section ~~12-9-105.3~~. Such
26 ~~24-21-511~~. THE license shall expire EXPIRES at the end of the calendar
27 year in which it was issued by the licensing authority and may be renewed

1 upon the filing and approval of an application for renewal provided by the
2 licensing authority and the payment of a fee. No landlord license is
3 transferable. The fees required to be paid for new and renewed licenses
4 shall be established in accordance with section ~~12-9-103.5~~(3) 24-21-506
5 (2).

6 **24-21-517. [Formerly 12-9-107] General conduct games of**
7 **chance - premises - equipment - expenses - rules.** (1) A licensee shall
8 not hold, operate, or conduct a game of bingo or lotto more often than as
9 specified by the licensing authority by rule, after consultation with the
10 board.

11 (2) A person or licensee shall not permit any person under
12 eighteen years of age to purchase the opportunity to participate in any
13 game of chance or purchase pull tab games.

14 (3) A person or licensee shall not permit any person under
15 fourteen years of age to assist in the conduct of bingo or pull tabs.

16 (4) A licensee shall not offer or give an alcoholic beverage as a
17 prize in a game of chance.

18 (5) The licensing authority shall establish by rule the method of
19 play and amount of prizes that may be awarded; except that the maximum
20 prize that may be awarded must be at least five hundred dollars.

21 (6) Food offered in the course of a volunteer duty shift and
22 consumed on the premises where the game of chance is being conducted
23 is not remuneration if the retail value of the food offered does not exceed
24 the maximum amount per volunteer set by rule.

25 (7) (a) The officers of a bingo-raffle licensee shall designate one
26 or more bona fide, active members of the licensee as its games managers
27 to be in charge of and primarily responsible for the conduct of the games

1 of bingo or lotto on each occasion. The games managers shall supervise
2 all activities on the occasion for which they are in charge and are
3 responsible for making all required reports. The games managers,
4 governing board of the licensee, and the individual acting in the role of
5 a treasurer on behalf of the licensee must be familiar with all applicable
6 provisions of state law, the rules of the licensing authority, and the
7 license. The governing board of the licensee is ultimately responsible for
8 the maintenance of books and records and the filing of the reports
9 pursuant to this section. At least one games manager shall be present on
10 the premises continuously during the games and for a period sufficient to
11 ensure that all books and records for the occasion have been closed and
12 that all supplies and equipment have been secured.

13 (b) An exempt organization may designate more than one of its
14 bona fide, active members in order to comply with this subsection (7).

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

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

24 (10) (a) In conducting a bingo or pull tab game, a bingo-raffle
25 licensee may operate equipment if the bingo-raffle licensee:

26 (I) Leases the equipment from a manufacturer licensee or supplier
27 licensee on premises that are owned, leased, or rented by the licensee,

1 used as the licensee's principal place of business, and controlled so that
2 admittance to the premises is limited to the licensee's members and bona
3 fide guests;

4 (II) Owns the equipment; or

5 (III) Leases equipment that is owned or leased by a landlord
6 licensee.

7 (b) Nothing in this subsection (10) prohibits a bingo-raffle
8 licensee from leasing electronic devices used as aids in the game of
9 bingo.

10 (11) A licensee shall not possess, use, sell, offer for sale, or put
11 into play any bingo or pull tab game, ticket, card, or sheet unless it
12 conforms to the definitions and requirements of this article PART 5 and
13 was purchased by the licensee from a licensed bingo-raffle manufacturer
14 or supplier or licensed agent thereof. A licensee shall not possess, use,
15 sell, offer for sale, or put into play any electronic device used as an aid in
16 the game of bingo unless it conforms to the requirements of this article
17 PART 5 and was purchased or leased by the licensee from a licensed
18 bingo-raffle manufacturer or supplier or licensed agent thereof.

19 (12) In order to possess, use, sell, offer for sale, or put into play
20 any bingo or pull tab game, ticket, card, or sheet, a licensee must have at
21 the location of the game an invoice from its licensed supplier showing at
22 least the name, description, color code, if any, and serial number of the
23 pull tab, card, or sheet.

24 (13) The licensing authority shall establish, by rule, safeguards to
25 protect the bingo-raffle licensee's players against defaults in charitable
26 gaming debts owed or to become payable by the bingo-raffle licensee.

27 (14) The net proceeds derived from the holding of games of

1 chance must be devoted, within one year, to the lawful purposes of the
2 organization permitted to conduct the game of chance. Any organization
3 desiring to hold the net proceeds of games of chance for a period longer
4 than one year must apply to the licensing authority for special permission
5 and, upon good cause shown, the licensing authority may grant the
6 request.

7 (15) The licensing authority may require a licensee that does not
8 report, during any one-year licensing period, positive net proceeds to
9 show cause before the licensing authority why its right to conduct games
10 of chance should not be suspended or revoked. The licensing authority
11 may establish by rule the conditions for suspending, revoking, or refusing
12 to renew a license to conduct charitable gaming for failure to report
13 positive net proceeds.

14 **24-21-518. [Formerly 12-9-107.1] Conduct of bingo games.**

15 (1) In the playing of bingo, only persons who are physically present on
16 the premises where the game is actually conducted may participate as
17 players in the game.

18 (2) (a) A person shall not act as a caller or assistant to the caller
19 in the conduct of any game of bingo unless the person has been a member
20 in good standing of the bingo-raffle licensee conducting the game or one
21 of its licensed auxiliaries for at least three months immediately prior to
22 the date of the game, is of good moral character, and never has been
23 convicted of a MISDEMEANOR INVOLVING GAMBLING OR ANY felony. or a
24 crime involving gambling.

25 (b) An owner, co-owner, or lessee of premises or, if a corporation
26 is the owner of the premises, any officer, director, or stockholder owning
27 more than ten percent of the outstanding stock must not be a person

1 responsible for or assisting in the holding, operating, or conducting of any
2 game of bingo.

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

14 (b) The receptacle and the caller must be visible to all the players
15 at all times except where more than one room is used for any one game,
16 in which case paragraph (a) of this subsection (3) SUBSECTION (3)(a) OF
17 THIS SECTION applies.

18 (c) The particular arrangement of numbers required to be covered
19 in order to win the game and the amount of the prize must be clearly and
20 audibly described and announced to the players immediately before each
21 game begins.

22 (d) An operator shall not reserve or allow to be reserved any bingo
23 cards for use by players except braille cards or other cards for use by
24 legally blind players. A person who is legally blind may use his or her
25 personal braille cards when a licensed organization does not provide such
26 cards. A licensed organization may inspect and reject any personal braille
27 card. A person who is legally blind or an individual with a disability may

1 use a braille card or hard card in place of a purchased disposable paper
2 bingo card.

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

9 (4) When any merchandise prize is awarded in a game of bingo,
10 its value is its current retail price. A merchandise prize is not redeemable
11 or convertible into cash directly or indirectly.

12 (5) (a) Notwithstanding the limitations stated in section 12-9-107
13 24-21-517 (5), during a bingo occasion a bingo-raffle licensee may also
14 start a single game of progressive bingo, in an amount established by rule
15 by the licensing authority, in which the game is won when a previously
16 designated arrangement of numbers or spaces on the card or sheet is
17 covered within a previously designated number of objects or balls drawn.
18 If the game is not won within the drawing of the previously designated
19 number of objects or balls, the game must be replayed either during each
20 subsequent occasion the licensee conducts at the same location or during
21 each subsequent occasion that falls on the same day of the week at the
22 same location, using the previously designated arrangement of numbers
23 or spaces.

24 (b) A bingo-raffle licensee may award a consolation prize for a
25 game of progressive bingo. The bingo-raffle licensee determines the
26 amount of the consolation prize. Notice of the amount must be
27 conspicuously displayed before the beginning of the bingo-raffle

1 occasion, and the amount is included as part of the aggregate amount of
2 all prizes offered or given in games played on a single occasion, as set
3 forth in paragraph (a) of this subsection (5) SUBSECTION (5)(a) OF THIS
4 SECTION. If a consolation prize is offered and the progressive prize is not
5 won, the game continues until the previously designated arrangement of
6 numbers or spaces on the card or sheet is covered, regardless of the
7 number of balls drawn, in order to determine the winner of the
8 consolation prize. If a consolation prize is not offered, the progressive
9 game ends when the last of the previously designated number of balls is
10 drawn and must be replayed in accordance with paragraph (a) of this
11 subsection (5) SUBSECTION (5)(a) OF THIS SECTION. If a consolation prize
12 is offered and the progressive prize is won, the licensee may opt to award
13 the consolation prize during that occasion. If the consolation prize is
14 awarded, the licensee must include the total amount of the consolation
15 prize in the total amount of any subsequent games offered in the session,
16 not to exceed the maximum allowed for the occasion.

17 (c) A bingo-raffle licensee may fund a secondary jackpot from ten
18 percent of the gross proceeds collected from the sale of progressive cards
19 or sheets at the occasion where the game is offered. Notwithstanding the
20 limitation stated in paragraph (a) of this subsection (5) SUBSECTION (5)(a)
21 OF THIS SECTION, the amount in the secondary jackpot may be used to start
22 a single game of progressive bingo after a previous progressive jackpot
23 is won.

24 (d) The licensing authority may establish by rule the maximum
25 jackpot that may be awarded in a progressive bingo game; except that the
26 maximum jackpot must be at least fifteen thousand dollars.

27 (e) The licensing authority may establish by rule the maximum

1 number of progressive bingo games, not less than one, that may be
2 conducted during an occasion. In order to ensure that all prizes offered
3 are timely awarded, the licensing authority may limit by rule the number
4 of occasions in which a progressive bingo game may be conducted before
5 a prize must be awarded; except that the maximum number of occasions
6 must be at least thirty.

7 (6) (a) Equipment, prizes, and supplies for games of bingo must
8 not be purchased or sold at prices in excess of the usual price thereof. A
9 licensee shall not sell or offer for sale any game of chance, or supplies for
10 a game of chance, that is not authorized by this article PART 5 or by rules
11 adopted by the licensing authority pursuant to this article PART 5.

12 (b) Cards and sheets that are designed or intended for use with
13 electronic devices used as aids in the game of bingo shall not be
14 purchased or sold at prices in excess of the usual price of cards and sheets
15 that are not designed or intended for use with electronic devices used as
16 aids in the game of bingo. Charges imposed by any manufacturer,
17 supplier, agent thereof, or bingo-raffle licensee for cards and sheets that
18 are designed or intended for use with electronic devices used as aids in
19 the game of bingo shall be stated and imposed separately from any
20 charges imposed by the manufacturer, supplier, agent thereof, or
21 bingo-raffle licensee for the purchase, lease, or use of electronic devices
22 used as aids in the game of bingo. Manufacturers, suppliers, and their
23 agents shall not include costs attributable to the manufacture or
24 distribution of electronic devices used as aids in the game of bingo in
25 charges imposed for the purchase or lease of equipment, including cards
26 and sheets.

27 (7) (a) If a card or sheet is played with the aid of an electronic

1 device, a winning bingo may be determined and verified either by
2 reference to the card or sheet or by reference to the electronic device.
3 Nothing in this article PART 5 authorizes the playing of bingo solely by
4 means of an electronic device.

5 (b) A bingo-raffle licensee shall adequately mark, destroy, or
6 dispose of cards or sheets played with the aid of an electronic device in
7 order to prevent the reuse of those cards or sheets.

8 (c) The licensing authority may establish by rule the maximum
9 number of bingo cards that a bingo player who plays using the aid of an
10 electronic device is permitted to use with the aid of such a device per
11 game; except that the maximum number must be at least thirty-six
12 FIFTY-FOUR.

13 (d) A bingo-raffle licensee is not required to use or offer the use
14 of electronic devices used as aids in the game of bingo during a bingo
15 session.

16 (8) (a) With the application for a letter ruling pursuant to section
17 12-9-103 24-21-505 (1)(d) for the approval of a new type of electronic
18 device used in the aid of bingo, the manufacturer of the device must
19 provide the following to the licensing authority:

20 (I) A prototype of the new type of electronic device used in the aid
21 of bingo with a prototype bingo aid computer system and a user's manual
22 used for such electronic device; and

23 (II) A certification by the manufacturer that the new type of
24 electronic device used in the aid of bingo and all such electronic devices
25 used in the state meet the following standards:

26 (A) The electronic device provides a means for the input of
27 numbers announced by a bingo caller;

1 (B) The electronic device compares the numbers entered to the
2 numbers contained on bingo cards previously stored in the electronic
3 database of the electronic device;

4 (C) The electronic device identifies winning bingo patterns; and

5 (D) The electronic device signals when a winning bingo pattern
6 is achieved.

7 (b) The licensing authority shall return the prototype electronic
8 device used in the aid of bingo, the prototype bingo aid computer system,
9 and the user's manual submitted pursuant to subparagraph (f) of paragraph
10 (a) of this subsection (8) SUBSECTION (8)(a)(I) OF THIS SECTION no later
11 than forty-five days after receiving the items.

12 (c) When a complaint regarding an electronic device used in the
13 aid of bingo that is in use in the state of Colorado has been filed with the
14 licensing authority, the manufacturer of the device shall provide to the
15 licensing authority a sample of the device and bingo aid computer system
16 to assist the investigation by the licensing authority. The licensing
17 authority shall return the electronic device and bingo aid computer system
18 no later than forty-five days after receiving them unless they are needed
19 longer to complete the investigation.

20 (d) Any electronic device used in the aid of bingo, bingo aid
21 computer system, or user's manual for such a device that is in the custody
22 of the licensing authority pursuant to this section is not a public record.

23 (9) A bingo aid computer system used by a bingo-raffle licensee
24 for bingo sessions must meet the following standards:

25 (a) The system must contain a record of all transactions occurring
26 during a bingo-raffle session. The record must be retained in memory
27 until the transactions have been totaled, printed, and cleared by the

1 bingo-raffle licensee, regardless of whether the power supply has been
2 interrupted.

3 (b) The system must be able to compute and total all transactions
4 processed by the system during a bingo-raffle session and to print all
5 information required by the licensing authority, in the form prescribed by
6 the licensing authority.

7 (c) The system must maintain and control the time, date of sale,
8 and transaction number, keeping the information secure enough that only
9 a manufacturer's qualified personnel can change or reset the information.
10 The manufacturer's qualified personnel shall retain a detailed record for
11 each service call that involves a change of the time, date of sale, or
12 transaction number.

13 (10) If an electronic device used as an aid in the game of bingo
14 complies with sub-subparagraphs (A) to (D) of subparagraph (II) of
15 paragraph (a) of subsection (8) SUBSECTIONS (8)(a)(II)(A) TO
16 (8)(a)(II)(D) of this section, and if the bingo aid computer system for the
17 electronic device substantially complies with the requirements of
18 subsection (9) of this section, the licensing authority shall approve the
19 electronic device and computer system for use by a letter ruling pursuant
20 to section ~~12-9-103~~ 24-21-505 (1)(d).

21 **24-21-519. [Formerly 12-9-107.2] Conduct of pull tabs - license**
22 **revocation - rules - definitions.** (1) A licensee shall not sell, offer for
23 sale, or put into play any pull tab ticket except at the location of and
24 during its licensed bingo occasions or upon premises that are:

25 (a) Owned, leased, or rented by the bingo-raffle licensee, used as
26 its principal place of business, and controlled so that admittance to the
27 premises is limited to the bingo-raffle licensee's members and bona fide

1 guests; or

2 (b) Owned, leased, or rented by a landlord licensee.

3 (2) A bingo-raffle licensee may offer a prize to the purchaser of
4 a last sale ticket in a pull tab game, deal, or series without regard to its
5 winning or nonwinning status as revealed if broken or torn apart.

6 (3) A bingo-raffle licensee may offer an event pull tab series. For
7 the purposes of this subsection (3):

8 (a) "Event pull tab series" means a pull tab series that includes a
9 predetermined number of pull tabs that allow a player to advance to an
10 event round.

11 (b) "Event round" means a secondary element of chance where the
12 prizes are determined based on pull tabs that match specific winning
13 numbers drawn in a bingo game and the winning numbers shall fall
14 within numbers one to seventy-five, inclusive.

15 (4) (a) A bingo-raffle licensee may offer a progressive pull tab
16 game in which a prize may be carried over and increased from one deal
17 to another until a prize is awarded. The game may include a subsequent
18 pull tab deal bearing a different serial number from that offered in a
19 previous deal. A licensee shall not offer or give a prize greater, in amount
20 or value, than five thousand dollars in any progressive pull tab game. The
21 licensing authority may limit by rule the types of progressive pull tab
22 games allowed to be sold by supplier licensees.

23 (b) When a deal of progressive pull tabs is received in two or
24 more packages, boxes, or other containers, all of the progressive pull tabs
25 from the respective packages, boxes, or other containers must be placed
26 out for play at the same time.

27 (5) (a) A licensee shall not possess, use, sell, offer for sale, or put

1 into play any computerized or electromechanical facsimile of a pull tab
2 game.

3 (b) A licensee shall not possess, use, sell, offer for sale, or put into
4 play any device that reveals the winning or nonwinning status of a pull
5 tab ticket unless the device has been tested, approved, and licensed
6 pursuant to subsection (6) of this section and not subsequently altered or
7 tampered with.

8 (c) Any of the following persons that are found to have violated
9 paragraph (b) of this subsection (5) SUBSECTION (5)(a) OF THIS SECTION
10 are subject to immediate and permanent revocation of all licenses issued
11 under this article PART 5:

12 (I) The manufacturer of the device;

13 (II) The supplier through which the device was supplied;

14 (III) The landlord licensee on whose premises the device was
15 found; and

16 (IV) The bingo-raffle licensee of the occasion during which the
17 device was present.

18 (6) (a) The licensing authority shall test, inspect, and license every
19 mechanical, electronic, or electromechanical device that reveals the
20 winning or nonwinning status of a pull tab ticket before the device is used
21 in charitable gaming. The licensing authority shall employ an independent
22 contractor to conduct the tests and inspections, the cost of which shall be
23 borne by the manufacturer or supplier seeking approval of the device. The
24 licensing authority shall not issue a license for a device until the device
25 is secured in a manner prescribed by the licensing authority and the
26 contractor receives payment in full for the cost of all tests and
27 inspections.

1 (b) Every person shipping or importing into Colorado a device
2 subject to paragraph (a) of this subsection (6) SUBSECTION (6)(a) OF THIS
3 SECTION shall provide the licensing authority with a copy of the shipping
4 invoice at the time of shipment. The invoice must contain, at a minimum,
5 the destination of the shipment and the serial number and description of
6 each device being transported.

7 (c) Every person receiving a device subject to paragraph (a) of this
8 subsection (6) SUBSECTION (6)(a) OF THIS SECTION shall, upon receipt of
9 the device, provide the licensing authority with the serial number and
10 description of each device received and information describing the
11 location of each device. The requirements of this paragraph (c)
12 SUBSECTION (6)(c) apply regardless of whether the device is received
13 from a licensed supplier or from any other source.

14 (d) A device licensed pursuant to this subsection (6) is licensed
15 for and may only be used in one specific licensed location identified by
16 the licensing authority. Any movement of the device from the licensed
17 location for use at another licensed location shall be reported to AND
18 MUST BE APPROVED BY the licensing authority in advance.

19 (e) The licensing authority may adopt rules and prescribe all
20 necessary forms in furtherance of this subsection (6).

21 (f) Notwithstanding any other provision of this article PART 5, the
22 licensing authority shall not license:

23 (I) A pull tab game that is stored, electronically or otherwise,
24 within a device and designed to be played on such device; or

25 (II) Any device that qualifies as a slot machine pursuant to section
26 9 (4)(c) of article XVIII of the Colorado constitution.

27 (g) The prohibition contained in paragraph (f) of this subsection

1 ~~(6)~~ SUBSECTION (6)(f) OF THIS SECTION does not prohibit the licensing of:

2 (I) A device that merely dispenses pull tab tickets to players; or

3 (II) A device that merely reads or validates a pull tab ticket

4 inserted by a player, if:

5 (A) The pull tab ticket itself displays its winning or nonwinning

6 status so that use of the device is not required to determine such status;

7 and

8 (B) The device cannot be used in a manner that would qualify it

9 as a slot machine pursuant to section 9 (4)(c) of article XVIII of the

10 Colorado constitution.

11 **24-21-520. [Formerly 12-9-107.3] Conduct of raffles - rules.**

12 (1) The licensing authority shall not require an exempt organization to

13 use raffle tickets in any particular form or displaying any particular

14 information that would cause undue expense to the exempt organization

15 and therefore interfere with the charitable fund-raising drive of the

16 organization.

17 (2) (a) A bingo-raffle licensee may offer a progressive raffle in

18 which a jackpot may be carried over and increased from one drawing to

19 another until the jackpot is awarded. If the jackpot is not awarded at a

20 drawing, the bingo-raffle licensee shall conduct a new drawing at the

21 same location at a time and date determined by the bingo-raffle licensee.

22 (b) A bingo-raffle licensee may award a consolation prize for a

23 progressive raffle, in which the jackpot is not won. The bingo-raffle

24 licensee may designate the consolation prize as either a specified amount

25 or a specified percentage of the gross proceeds collected from the sale of

26 raffle tickets for a particular drawing. The bingo-raffle licensee may

27 determine the amount of the jackpot based on the gross proceeds

1 collected from the sale of raffle tickets for a particular drawing plus the
2 value of the jackpot carried over from previous drawings in which the
3 jackpot was not awarded. IF A CONSOLATION PRIZE IS OFFERED AND THE
4 PROGRESSIVE PRIZE IS WON, THE LICENSEE MAY OPT TO AWARD THE
5 CONSOLATION PRIZE FOR THAT PARTICULAR DRAWING.

6 (c) If the bingo-raffle licensee offers a consolation prize, the
7 bingo-raffle licensee shall, before the drawing:

8 (I) Designate the specific amount or specific percentage of the
9 gross proceeds collected from the sale of raffle tickets that the consolation
10 prize equals; and

11 (II) Conspicuously display the amount or percentage of the gross
12 proceeds collected that the consolation prize equals.

13 (d) The licensing authority may establish by rule the maximum
14 jackpot that a bingo-raffle licensee may award for a progressive raffle;
15 except that, notwithstanding section 12-9-107 24-21-517 (5), the
16 maximum jackpot must be at least fifteen thousand dollars. The maximum
17 jackpot does not include the aggregate amount of consolation prizes
18 awarded.

19 (e) The licensing authority may establish by rule the maximum
20 number of progressive raffles that a bingo-raffle licensee may conduct
21 simultaneously. To ensure that all prizes offered are timely awarded, the
22 licensing authority may limit by rule the number of drawings that a
23 bingo-raffle licensee may conduct before a jackpot must be awarded;
24 except that the maximum number of drawings must be at least thirty.

25 (f) (I) The licensing authority may establish by rule the permitted
26 methods of conducting a progressive raffle.

27 (II) The licensing authority may not prohibit those methods of

1 conducting a progressive raffle in which the participant whose ticket
2 number is drawn wins both a prize for the winning ticket number and a
3 chance to win the jackpot.

4 **24-21-521. [Formerly 12-9-107.5] Persons permitted to**
5 **manufacture and distribute games of chance equipment - reporting**
6 **requirements.** (1) ~~No~~ A person other than a manufacturer licensee or
7 licensed agent shall NOT act as a bingo-raffle manufacturer within
8 Colorado. The manufacture of electronic devices used as aids in the game
9 of bingo, and the printing of raffle tickets other than pull tabs, as designed
10 and requested by a licensee, does not constitute the manufacture of games
11 of chance equipment; except that such electronic devices shall be ARE
12 subject to the reporting requirements of subsections (5) and (6) (4) AND
13 (5) of this section, and the fees established by the licensing authority in
14 accordance with section ~~12-9-103.5 (3)~~ 24-21-506 (2) and subsection (5)
15 (4) of this section.

16 (2) (Deleted by amendment, L. 99, p. 1425, § 1, effective June 5,
17 1999.)

18 (3) (2) ~~No~~ AN individual shall NOT act for or represent a landlord,
19 manufacturer, or supplier licensee with respect to an activity covered by
20 such license unless such individual is the licensee's owner, officer,
21 director, partner, member, or ten percent or more shareholder of record
22 with the licensing authority, or is the manufacturer's or supplier's licensed
23 agent. ~~No~~ A manufacturer or supplier licensee shall NOT allow any person
24 not authorized by this subsection (3) (2) to represent it or serve as its
25 agent with regard to any Colorado transaction.

26 (4) (3) Except to the extent otherwise provided in section
27 ~~12-9-106~~ 24-21-515 (1), a manufacturer or supplier licensee or licensed

1 agent shall not buy, receive, sell, lease, furnish, or distribute any pull tabs,
2 bingo cards or sheets, electronic devices used as aids in the game of
3 bingo, or other games of chance equipment from or to any person within
4 Colorado other than manufacturer or supplier licensees or agents and
5 bingo-raffle licensees; except that:

6 (a) A landlord licensee, supplier, or manufacturer or its agent may
7 sell, DONATE, or distribute cards, sheets, equipment, or electronic devices
8 used as aids in the game of bingo for the playing of bingo not for resale
9 to nursing homes and other entities that distribute the cards, sheets, or
10 electronic devices and allow playing of the game free of charge, without
11 consideration given or received by any person for the privilege of playing;
12 and

13 (b) A bingo-raffle licensee may sell OR DONATE its used
14 equipment to another bingo-raffle licensee.

15 (5) (4) Every manufacturer and supplier licensee shall file, upon
16 forms prescribed by the licensing authority, quarterly reports on its
17 licensed activities within Colorado. Such THE reports shall MUST be
18 accompanied by quarterly fees established by the licensing authority in
19 accordance with section ~~12-9-103.5 (3)~~ 24-21-506 (2) and deposited in
20 the ~~bingo-raffle~~ DEPARTMENT OF STATE cash fund Such CREATED IN
21 SECTION 24-21-104 (3)(b). THE reports shall be filed with the licensing
22 authority no later than April 30, July 31, October 31, and January 31 of
23 each year licensed, and each report shall MUST cover the preceding
24 calendar quarter. Reports shall MUST enumerate by quantity, purchaser or
25 lessee, and price the pull tabs, bingo cards or sheets, electronic devices
26 used as aids in the game of bingo, and other games of chance equipment
27 manufactured, conveyed, or distributed within Colorado or for use or

1 distribution in Colorado and shall MUST include the licensee's total sales,
2 including amounts realized from leases, of equipment as defined in
3 section 12-9-102 (5) and electronic devices used as aids in the game of
4 bingo and the names and addresses of all Colorado suppliers or agents of
5 the licensee and shall be signed and verified by the owner or the chief
6 executive officer of the licensee. These quarterly reports shall ARE not be
7 public records as defined in section 24-72-202. C.R.S.

8 (6) (5) Every manufacturer or supplier licensee, and every
9 licensed agent for such licensee, shall keep and maintain complete and
10 accurate records, in accord with generally accepted accounting principles,
11 of all licensed activities. The records shall include invoices for all games
12 of chance equipment or electronic devices used as aids in the game of
13 bingo conveyed or distributed within Colorado, or for use or distribution
14 in Colorado, which invoices are specific as to the nature, description,
15 quantity, and serial numbers of the pull tabs, bingo cards or sheets,
16 electronic devices used as aids in the game of bingo, and other equipment
17 so conveyed or distributed. The records shall also show all receipts and
18 expenditures made in connection with licensed activities, including, but
19 not limited to, records of sales by dates, purchasers, and items sold or
20 leased, monthly bank account reconciliations, disbursement records, and
21 credit memos for any returned items. These records shall be maintained
22 for a period of at least three years.

23 (7) (6) No A manufacturer or supplier licensee or licensed agent
24 shall MUST NOT be a person responsible for or assisting in the conduct,
25 management, or operation of any game of chance within Colorado.

26 24-21-522. [Formerly 12-9-108] Bingo-raffle licensee's
27 statement of receipts - expenses - fee - definitions. (1) (a) On or before

1 April 30, July 31, October 31, and January 31 of each year, every
2 bingo-raffle licensee shall file with the licensing authority upon forms
3 prescribed by the licensing authority a duly verified statement covering
4 the preceding calendar quarter showing the amount of the gross receipts
5 derived during said periods from games of chance, the expenses incurred
6 or paid, and a brief description of the classification of such expenses, the
7 net proceeds derived from games of chance, and the uses to which such
8 net proceeds have been or are to be applied. It is the duty of Each licensee
9 to SHALL maintain and keep such books and records as may be necessary
10 to substantiate the particulars of each such report.

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

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

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

24 (3) (a) All moneys MONEY collected or received from the sale of
25 admission, extra regular cards, special game cards, sale of supplies, and
26 all other receipts from the games of bingo, raffles, and pull tab games
27 shall be deposited in a special checking or savings account, or both, of the

1 licensee, which must contain only these moneys THIS MONEY. If the
2 licensee conducts progressive games of chance, the licensee may maintain
3 one additional checking or savings account, which must contain only
4 money received from the sale of progressive games. The licensee may
5 withdraw money from these accounts only by consecutively numbered
6 checks or withdrawal slips or by electronic transactions referenced by
7 transaction number or date. A check or withdrawal slip must not be drawn
8 to "cash" or a fictitious payee. The licensee shall maintain all of its books
9 and records in accordance with generally accepted accounting principles.

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

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

16 (5) No item of expense shall be incurred or paid in connection
17 with holding, operating, or conducting a game of chance pursuant to a
18 bingo-raffle license except bona fide expenses of a reasonable amount.
19 Such expenses include those incurred in connection with all games of
20 chance, for the following purposes:

21 (a) Advertising and marketing;

22 (b) Legal fees related to any action brought by the licensing
23 authority against the bingo-raffle licensee in connection with games of
24 chance;

25 (c) The purchase of goods, wares, and merchandise furnished to
26 the licensee for the purpose of operating games of chance pursuant to this
27 article PART 5;

1 (d) The purchase or lease of electronic devices used as aids in the
2 game of bingo;

3 (e) Payment for services rendered that are reasonably necessary
4 for repairs of equipment and operating or conducting games of chance;

5 (f) Rent, if the premises are rented, or for janitorial services if not
6 rented;

7 (g) Accountant's fees; and

8 (h) License fees.

9 (6) (a) For the purposes enumerated in subsection (5) of this
10 section, the following terms shall have the following meanings:

11 (I) "Goods, wares, and merchandise" means prizes, equipment, as
12 defined in section 12-9-102 (5), and articles of a minor nature.

13 (II) "Services rendered" means:

14 (A) The repair of equipment;

15 (B) Compensation to bookkeepers or accountants for services in
16 preparing financial reports for a reasonable amount as determined by the
17 licensing authority by rule. ~~No~~ A landlord, manufacturer, or supplier
18 licensee, or employee of a landlord, manufacturer, or supplier licensee,
19 shall NOT act as a bookkeeper or accountant for a bingo-raffle licensee,
20 nor shall a landlord, manufacturer, or supplier licensee offer or provide
21 accounting or bookkeeping services in connection with the preparation of
22 financial reports on bingo-raffle activities, except for the transfer or
23 encoding of data necessitated by the sale, upgrade, or maintenance of
24 accounting software sold or leased to a bingo-raffle licensee by a
25 landlord, manufacturer, or supplier licensee. A landlord licensee that is
26 also a bingo-raffle licensee may act as a bookkeeper or accountant on
27 such licensee's own behalf.

1 (C) The rental of premises;

2 (D) A reasonable amount for janitorial service as determined by
3 the licensing authority in rules for each occasion; and

4 (E) A reasonable amount for security expense based on
5 established need as determined by the licensing authority in rules for each
6 occasion.

7 (b) There shall be paid to the licensing authority an administrative
8 fee, established in accordance with section ~~12-9-103.5 (3)~~ 24-21-506 (2),
9 upon the gross receipts of any game of chance held, operated, or
10 conducted under the provisions of this article PART 5; except that an
11 exempt organization shall not be charged more than twenty dollars per
12 year. All administrative fees collected by the licensing authority under
13 this article PART 5 shall be deposited in the department of state cash fund
14 created in section 24-21-104 (3)(b). C.R.S.

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

19 **24-21-523. [Formerly 12-9-109] Examination of books and**
20 **records - rules.** The licensing authority and its agents have power to
21 examine or cause to be examined the books and records of any licensee
22 to which any license is issued pursuant to this article PART 5 insofar as
23 they may relate to any transactions connected with activities under the
24 license. The licensing authority may require by rule that licensees that
25 have failed to keep proper books and records, or to maintain their books
26 and records in accordance with generally accepted accounting principles,
27 adopt certain internal financial controls and attend training to ensure the

1 integrity of the reporting of games of chance activities pursuant to this
2 article PART 5.

3 24-21-524. [Formerly 12-9-110] Forfeiture of license -
4 ineligibility to apply for license. Any A person who makes any A false
5 statement in any AN application for any such A license or in any statement
6 annexed thereto, fails to keep sufficient books and records to substantiate
7 the quarterly reports required under section ~~12-9-108~~ 24-21-522, falsifies
8 any books or records insofar as they relate to any transaction connected
9 with the holding, operating, and conducting of any A game of chance
10 under any such THE license, or violates any of the provisions of this
11 article PART 5 or of any term of such THE license, if convicted, in addition
12 to suffering any other penalties that may be imposed, shall forfeit any
13 license issued to it under this article PART 5 and shall be IS ineligible to
14 apply for a license under this article PART 5 for at least NO MORE THAN
15 one year thereafter.

16 24-21-525. [Formerly 12-9-111] Volunteer services -
17 legislative declaration - immunity. (1) The Colorado constitution
18 recognizes that the conduct of charitable gaming activities is directly
19 related to the need of nonprofit organizations to fulfill their lawful
20 purposes. Notwithstanding this recognition, however, the willingness of
21 bingo-raffle volunteers to offer their services has been increasingly
22 deterred by a perception that they put personal assets at risk should a tort
23 action be filed seeking damages arising from their volunteer activities.

24 (2) All bingo-raffle volunteers shall be ARE immune from civil
25 actions and liabilities pursuant to section 13-21-115.5, C.R.S., which
26 provides that volunteers shall ARE not be personally liable for their acts
27 or omissions if they are acting in good faith and within the scope of their

1 official function and duty for a charitable organization, with respect to
2 such organization's conduct of games of chance. Bingo-raffle volunteers
3 shall ARE not be liable under this section if the harm is not caused by
4 willful and wanton misconduct, gross negligence, reckless misconduct,
5 or a conscious, flagrant indifference to the rights or safety of the
6 individual harmed.

7 **24-21-526. [Formerly 12-9-112] Unfair trade practices.**

8 (1) The provisions of the "Unfair Practices Act", article 2 of title 6,
9 C.R.S., and the "Colorado Antitrust Act of 1992", article 4 of title 6,
10 C.R.S., are specifically applicable to charitable gaming activities
11 conducted by any licensee. Within thirty days after receiving a complaint
12 alleging a violation of either of said acts, the licensing authority shall
13 transmit such complaint to the attorney general.

14 (2) THE LICENSING AUTHORITY SHALL REVOKE THE LICENSE OF a
15 licensee that violates any provision of article 2 of title 6 C.R.S., or article
16 4 of title 6 C.R.S., shall have its license revoked by the licensing authority
17 for a period of one year from AFTER the date of the finding of such THE
18 violation. Upon the expiration of such period, the licensee may apply for
19 the issuance of a new license.

20 **24-21-527. [Formerly 12-9-112.5] Common members -**

21 **bingo-raffle licensees - definition.** (1) For the purposes of this section,
22 "bingo-raffle licensee affiliate" means the following:

23 (a) Any A person that directly or indirectly through one or more
24 intermediaries controls, is controlled by, or is under common control
25 with, a bingo-raffle licensee specified; or

26 (b) Any A person that has an officer, director, member, manager,
27 partner, games manager, salaried employee, or IMMEDIATE FAMILY

1 member of their immediate families in common with a bingo-raffle
2 licensee.

3 (2) Proceeds from a bingo or raffle game that are transferred from
4 a bingo-raffle licensee to a bingo-raffle licensee's affiliate shall not be
5 used to pay the salary, remuneration, or expenses of any officer, director,
6 member, manager, partner, games manager, or employee of such affiliate.
7 THE DONEE ENTITY OR ORGANIZATION SHALL DEPOSIT all such transferred
8 proceeds shall be deposited by the donee entity or organization in a
9 segregated account that contains only such donations, and such THE
10 transferred proceeds shall not be commingled with other funds of the
11 donee entity or organization. The licensing authority and its agents may
12 examine or cause to be examined the books and records of any donee
13 entity or organization insofar as they may relate to account or to any
14 transactions connected with bingo or raffle proceeds.

15 **24-21-528. [Formerly 12-9-113] Enforcement.** It is the duty of
16 all sheriffs and police officers to enforce the provisions of this article
17 PART 5, to receive complaints, to initiate investigations, and to arrest and
18 complain against any person violating any provisions of this article PART
19 5. It is the duty of the district attorney of the respective districts of this
20 state to prosecute all violations of this article PART 5 in the manner and
21 form as is now provided by law for the prosecutions of crimes and
22 misdemeanors, and it is a violation of this article PART 5 for any such
23 person knowingly to fail to perform his OR HER duty under this section.

24 **24-21-529. [Formerly 12-9-114] Penalties for violation.** Every
25 licensee and every officer, agent, or employee of the licensee and every
26 other person or corporation who willfully violates or who procures, aids,
27 or abets in the willful violation of this article PART 5 commits a class 2

1 misdemeanor and shall be punished as provided in section 18-1.3-501;
2 C.R.S.; except that, if the underlying factual basis of the violation
3 constitutes a crime as defined by any other provision of law, then such
4 THE person may be charged, prosecuted, and punished in accordance with
5 such other provision of law.

6 **24-21-530. [Formerly 12-9-201] Colorado bingo-raffle**
7 **advisory board - creation.** (1) There is hereby created, within the
8 department of state, the Colorado bingo-raffle advisory board.

9 (2) The board shall consist CONSISTS of nine members, all of
10 whom shall MUST be citizens of the United States who have been
11 residents of the state for at least the past five years. No A member shall
12 MUST NOT have been convicted of a felony or gambling-related offense,
13 notwithstanding the provisions of section 24-5-101. C.R.S. No more than
14 five of the nine members shall MAY be members of the same political
15 party. At the first meeting of each fiscal year, A MAJORITY OF THE
16 MEMBERS MUST CHOOSE a chair and vice-chair of the board shall be
17 chosen from the membership. by a majority of the members. Membership
18 and operation of the board shall MUST additionally meet the following
19 requirements:

20 (a) (I) Three members of the board shall MUST be bona fide
21 members of a bingo-raffle licensee that is classified as a religious
22 organization, a charitable organization, a labor organization, an
23 educational organization, or a voluntary firefighter's organization; except
24 that no more than one member shall be appointed from any one such
25 classification;

26 (II) One member of the board shall MUST be a bona fide member
27 of a bingo-raffle licensee that is a veterans' organization;

1 (III) One member of the board shall MUST be a bona fide member
2 of a bingo-raffle licensee that is a fraternal organization;

3 (IV) One member of the board shall MUST be a supplier licensee;

4 (V) Two members of the board shall MUST be landlord licensees;
5 and

6 (VI) One member of the board shall MUST be a registered elector
7 of the state who is not employed by or an officer or director of a licensee,
8 does not have a financial interest in any license, and does not have an
9 active part in the conduct or management of games of chance by any
10 bingo-raffle licensee.

11 (b) (I) Of the five members of the board who are categorized as
12 bona fide members of a bingo-raffle licensee, two shall be appointed by
13 the president of the senate, two shall be appointed by the speaker of the
14 house of representatives, and one shall be appointed jointly by the
15 president and the speaker.

16 (II) Of the two members of the board who are categorized as
17 landlord licensees, one shall be appointed by the president of the senate
18 and one shall be appointed by the speaker of the house of representatives.

19 (III) The president of the senate shall appoint the member of the
20 board who is a supplier licensee. The speaker of the house shall appoint
21 the member of the board who is a registered elector.

22 (c) Initial members shall be appointed to the board as follows:
23 Two members to serve until July 1, 2000, two members to serve until July
24 1, 2001, two members to serve until July 1, 2002, and three members to
25 serve until July 1, 2003. All subsequent appointments shall be ARE for
26 terms of four years. No member of the board shall be IS eligible to serve
27 more than two consecutive terms.

1 (d) Any vacancy on the board shall be filled for the unexpired
2 term in the same manner as the original appointment. The member
3 appointed to fill such vacancy shall be from the same category described
4 in paragraph (a) of this subsection (2) SUBSECTION (2)(a) OF THIS SECTION
5 as the member vacating the position.

6 (e) Any A member of the board having a direct personal or private
7 interest in any matter before the board shall disclose such fact on the
8 board's record. A member may disqualify himself or herself for any cause
9 deemed by him or her to be sufficient.

10 (f) The APPOINTING OFFICER SHALL TERMINATE THE term of any
11 member of the board who misses more than two consecutive regular
12 board meetings without good cause, or who no longer meets the
13 requirements for membership imposed by this section. shall be terminated
14 by the appointing officer. Such THE member's successor shall be
15 appointed in the manner provided for appointments under this section.

16 (g) Board members shall ARE ENTITLED TO receive as
17 compensation for their services fifty dollars for each day spent in the
18 conduct of board business, not to exceed five hundred dollars per member
19 per year, and shall ARE ENTITLED TO be reimbursed for necessary travel
20 and other reasonable expenses incurred in the performance of their
21 official duties.

22 (h) Prior to commencing his or her term of service, each person
23 nominated to serve on the board shall file with the secretary of state a
24 financial disclosure statement in the form required and prescribed by the
25 secretary of state LICENSING AUTHORITY and as commonly used for other
26 Colorado boards and commissions. Such statement shall be renewed as
27 of each January 1 during the member's term of office.

1 (i) The board shall hold at least ~~six~~ TWO meetings each year and
2 such additional meetings as the members may deem necessary. In
3 addition, special meetings may be called by the chair, any three board
4 members, or the ~~secretary of state~~ LICENSING AUTHORITY if written
5 notification of ~~such~~ THE meeting is delivered to each member at least
6 seventy-two hours ~~prior to such~~ BEFORE THE meeting. Notwithstanding
7 the provisions of section 24-6-402, C.R.S., in emergency situations in
8 which a majority of the board certifies that exigencies of time require that
9 the board meet without delay, the requirements of public notice and of
10 seventy-two hours' actual advance written notice to members may be
11 dispensed with, and board members as well as the public shall receive
12 such notice as is reasonable under the circumstances.

13 (j) A majority of the board ~~shall constitute~~ CONSTITUTES a
14 quorum, and the concurrence of a majority of the members present ~~shall~~
15 be IS required for any final determination by the board.

16 (k) The board shall keep a complete and accurate record of all its
17 meetings.

18 **24-21-531. [Formerly 12-9-202] Board - duties.** (1) In addition
19 to any other duties set forth in this part 2 5, the board shall: ~~have the~~
20 following duties:

21 (a) ~~To~~ Conduct a continuous study of charitable gaming
22 throughout the state for the purpose of ascertaining any defects in this
23 article PART 5 or in the rules promulgated pursuant to this article PART 5;

24 AND

25 (b) ~~To~~ Formulate and recommend changes to this article PART 5
26 to the general assembly.

27 (c) Repealed.

1 (2) The board shall offer advice to the licensing authority upon
2 subjects ~~which shall~~ THAT include, but are not limited to, the following:

3 (a) The types of charitable gaming activities to be conducted, the
4 rules for those activities, and the number of occasions per year upon
5 which a licensee may hold, operate, or conduct a game of bingo or lotto;

6 (b) The requirements, qualifications, and grounds for the issuance
7 of all types of permanent and temporary licenses required for the conduct
8 of charitable gaming;

9 (c) The requirements, qualifications, and grounds for the
10 revocation, suspension, and summary suspension of all licenses required
11 for the conduct of charitable gaming;

12 (d) Activities that constitute fraud, cheating, or illegal activities;

13 (e) The granting of licenses with special conditions or for limited
14 periods, or both;

15 (f) The establishment of a schedule of reasonable fines to be
16 assessed in lieu of license revocation or suspension for violations of this
17 article PART 5 or any rule adopted pursuant to this article PART 5;

18 (g) The amount of fees for licenses issued by the licensing
19 authority and for the performance of administrative services pursuant to
20 this article PART 5;

21 (h) The establishment of criteria under which a person may serve
22 as a games manager;

23 (i) The content and conduct of classes or training seminars to
24 benefit bingo-raffle charitable licensees, officers, and volunteers to better
25 account for funds collected from games of chance;

26 (j) Standardized rules, procedures, and policies to clarify and
27 simplify the auditing of licensees' records;

1 (k) The types of charitable gaming activities to be conducted in
2 the future, based upon a continuing review of the available state of the art
3 of equipment in Colorado and elsewhere, and the policies and procedures
4 approved and implemented by other states for the conduct of their
5 charitable gaming activities; and

6 (l) The conditions for a licensee's plan for disposal of any
7 equipment and the distribution of any remaining net proceeds upon
8 termination of a bingo-raffle license for the licensee's failure to timely or
9 sufficiently renew such license.

10 **24-21-532. [Formerly 12-9-301] Repeal - review of functions.**
11 This article PART 5 is repealed, effective July 1, 2017. Prior to such
12 SEPTEMBER 1, 2024. BEFORE THE repeal, the licensing functions of the
13 secretary of state LICENSING AUTHORITY and the functions of the Colorado
14 bingo-raffle advisory board in the department of state shall be reviewed
15 as provided for in ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH
16 section 24-34-104. C.R.S.

17 **SECTION 3. Repeal of relocated provisions in this act. In**
18 Colorado Revised Statutes, repeal article 9 of title 12.

19 **SECTION 4. In Colorado Revised Statutes, 12-47-901, amend**
20 (5) introductory portion and (5)(n)(I) as follows:

21 **12-47-901. Unlawful acts - exceptions - definitions. (5) It is**
22 unlawful for any person licensed to sell at retail pursuant to this article
23 ARTICLE 47 or article 46 of this title TITLE 12:

24 (n) (I) To authorize or permit any gambling, or the use of any
25 gambling machine or device, except as provided by the "Bingo and
26 Raffles Law", article 9 of this title. The provisions of this paragraph (n)
27 shall PART 5 OF ARTICLE 21 OF TITLE 24. THIS SUBSECTION (5)(n) DOES NOT

1 apply to those activities, equipment, and devices authorized and legally
2 operated pursuant to articles 47.1 and 60 of this title TITLE 12.

3 **SECTION 5.** In Colorado Revised Statutes, **amend 24-35-217** as
4 follows:

5 **24-35-217. Other laws inapplicable.** Any other state or local law
6 in conflict with this part 2 ~~shall be~~ IS inapplicable, but this section ~~shall~~
7 DOES not be construed to supersede or affect the provisions of article 9 of
8 title 12, C.R.S. PART 5 OF ARTICLE 21 OF THIS TITLE 24.

9 **SECTION 6. Applicability.** This act applies to conduct occurring
10 on or after the effective date of this act.

11 **SECTION 7. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.