

## 2018 Kansas Statutes

**75-5175. Same; licensure, application, fee; restrictions on licensure; leased premises, registration certificate.** (a) Any bona fide nonprofit religious, charitable, fraternal, educational or veterans' organization desiring to manage, operate or conduct games of bingo or raffles within the state of Kansas may make application for a license therefor in the manner provided under this section. Application for licenses required under the provisions of this act shall be made to the administrator upon forms prescribed by the administrator. The application shall contain:

- (1) The name and address of the organization;
- (2) the particular place or location or multiple locations or premises for which a license is desired;
- (3) a sworn statement verifying that such organization is a bona fide nonprofit religious, charitable, fraternal, educational or veterans' organization authorized to operate within the state of Kansas signed by the presiding officer and secretary of the organization; and
- (4) such other information as may be required by the administrator.

(b) An application for a bingo license required under the provisions of this act shall be accompanied by a fee of \$25.

(c) (1) No license shall be required for any nonprofit religious, charitable, fraternal, educational or veterans' organization which conducts raffles the annual gross receipts which do not exceed \$25,000.

(2) Any such nonprofit organization which has annual gross receipts exceeding \$25,000 from raffles shall pay an annual fee according to the following schedule:

(A) Nonprofit organizations where annual gross receipts are more than \$25,000 but do not exceed \$50,000 shall pay a license fee of \$25.

(B) Nonprofit organizations where annual gross receipts which exceed \$50,000 but do not exceed \$75,000 shall pay a license fee of \$50.

(C) Nonprofit organizations where annual gross receipts exceed \$75,000 but do not exceed \$100,000 shall pay a license fee of \$75.

(D) Nonprofit organizations where annual gross receipts exceed \$100,000 shall pay a fee of \$100.

(3) Upon recommendations of the administrator, the secretary shall adopt rules and regulations to implement the license requirements for nonprofit organizations conducting raffles.

(d) No charitable gaming licensee shall use an electronic gaming device to sell raffle tickets or to conduct raffles. No raffle licensee shall contract with a professional raffle or lottery vendor to manage, operate or conduct any raffle.

(e) All licenses issued under the provisions of this act shall be issued in the name of the organization licensed.

(f) No bingo license or raffle license shall be issued to any bona fide nonprofit religious, charitable, fraternal, educational or veterans' organization if any of its officers, directors or officials:

- (1) Have been convicted of, have pleaded guilty to or pleaded nolo contendere to a violation of gambling laws of any state or the gambling laws of the United States, or shall have forfeited bond to appear in court to answer charges for any such violation, or have been convicted or pleaded guilty or pleaded nolo contendere to the violation of any law of this or any other state which is classified as a felony under the laws of such state; or
- (2) at the time of application for renewal of a bingo license or raffle license issued hereunder would not be eligible for such license upon a first application.

(g) Each bingo license, raffle license and bingo certificate issued shall expire at midnight on June 30 following its date of issuance.

(h) A bingo licensee may hold only one license. Any licensee may operate or conduct games of bingo at locations that are specified in the license. However, any licensee may operate or conduct games of bingo at locations other than that specified in the license upon approval of the administrator. If any licensee does operate or conduct games of bingo under this provision at a location other than that specified in the license, such licensee shall submit a written notification to the administrator, three days prior to operating or conducting bingo at such other location. No organization shall be issued a license to operate or conduct games of bingo at any location outside the county or an adjoining county within which such organization is located as reported in its application for licensure pursuant to subsection (a). Licenses issued under the provisions of this act shall not be transferred or assignable. If any organization licensed to play bingo changes any of its officers, directors or officials during the term of its bingo license, such organization shall report the names and addresses of such individuals to the administrator immediately with the sworn statement of each such individual as required by this section on forms prescribed by the administrator. No organization which denies its membership to persons for the reason of their race, color or physical handicap, shall be granted or allowed to retain a license issued under the authority of this act. Except for nonprofit adult care homes licensed under the laws of the state of Kansas, no license shall be issued to any organization under the provisions of this act which has not been in existence continuously within the state of Kansas for a period of 18 months immediately preceding the date of making application for a license. The licensee shall display the license in a prominent place in the vicinity of the area where it is to conduct bingo.

(i) No lessor of premises used for the management, operation or conduct of any games of bingo shall permit the management, operation or conduct of bingo games on such premises unless such lessor has been issued a registration certificate by the administrator. Application for registration shall be accompanied by a fee of \$100. Such application shall be made upon forms prescribed by the administrator and shall be submitted to the administrator. The application shall contain:

(1) The name or names of the lessor of the premises which will be used for the management, operation or conduct of any games of bingo including, in the case of a corporation, partnership, association, trust or other entity, the names of all individuals having more than a 10% ownership interest, either directly or indirectly in such entity;

(2) the address of such premises;

(3) the name or names of any and all organizations which will manage, operate or conduct any games of bingo on such premises during the period for which the registration certificate is valid; and

(4) such other information as may be required by the administrator.

(j) Each registration certificate, or renewal thereof, issued under the provisions of subsection (g) shall expire at midnight on June 30 following its date of issuance. The certificate of registration shall be valid for only one premises and shall be displayed in a prominent place in the registered premises.

(k) No registration certificate issued under provisions of subsection (g) shall be issued for any premises if any individual who is connected in any way, directly or indirectly, with the owner or lessor of the premises, within five years prior to registration, has been convicted of or pleaded guilty or nolo contendere to any felony or illegal gambling activity or purchased a tax stamp for wagering or gambling activity.

(l) Any bona fide nonprofit religious, charitable, fraternal, educational or veterans' organization that conducts charitable raffles for which the aggregate gross receipts from such raffles in the fiscal year does not exceed

\$25,000 shall be exempt from the provisions of this section, except that such organization shall be subject to the provisions of subsection (d) regarding how such raffles are managed, operated and conducted.

**History:** L. 2015, ch. 62, § 5; July 1.