

79-4703. Licensure; application; fee; restrictions; leased premises, requirements and registration certificate. (a) Any bona fide nonprofit religious, charitable, fraternal, educational or veterans' organization desiring to manage, operate or conduct games of bingo 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 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) No bingo license shall be issued to any bona fide nonprofit religious, charitable, fraternal, educational or veterans' organization if any of its officers, directors or officials or persons employed on the premises:

(1) Has been convicted of, has 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 has been convicted or pleaded guilty or pleaded nolo contendere to the violation of any law of this or any other state which is classed as a felony under the laws of such state;

(2) at the time of application for renewal of a bingo license issued hereunder would not be eligible for such license upon a first application.

(c) An application for a license required under the provisions of this act shall be accompanied by a fee of \$25 and if such organization is to conduct bingo on any leased premises, the terms of the lease shall be reduced to writing and a copy of the lease shall be submitted to the administrator. The administrator shall have the power and authority to approve or disapprove any lease submitted. No lease, which has been approved by the administrator, shall be amended, modified or renewed in any manner until such amendments, modifications or renewals of such lease have been approved by and are on file with the administrator. No lease submitted to the administrator shall be approved unless:

(1) The rental cost of the premises itself is fair and reasonable. The rent charged for any session of bingo shall not exceed 50% of the net proceeds for the session or the fair and reasonable rental value determined by the administrator, whichever is less. The rental costs so charged shall be substantiated to the administrator under rules and regulations adopted pursuant to the bingo act.

(2) Any costs additional to the costs under paragraph (1) of this subsection (c) which are to be borne by the lessee shall reflect the actual costs incurred by the lessor and first shall be substantiated to the administrator under rules and regulations adopted pursuant to the bingo act.

(3) No costs shall be borne by the lessee unless such costs are enumerated in the lease submitted to the administrator.

(d) Each license issued shall expire at midnight on June 30 following its date of issuance. A licensee may hold only one license and that license is valid for only one location. However, any licensee may operate or conduct games of bingo, not to exceed five days in any one year, at locations other than that specified in the license. 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, at least 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 within which such organization is located as reported in its application for licensure pursuant to subsection (a). No licensee shall operate or conduct games of bingo at any location outside the county within which such licensee is located. 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.

(e) 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 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;

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

(f) Each registration certificate, or renewal thereof, issued under the provisions of subsection (e) 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.

(g) No registration certificate 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.

History: L. 1975, ch. 491, § 3; L. 1977, ch. 341, § 5; L. 1982, ch. 425, § 2; L. 1984, ch. 366, § 2; L. 2000, ch. 173, § 3; July 1.