

AMENDED IN ASSEMBLY JUNE 14, 2011

AMENDED IN SENATE MAY 12, 2011

AMENDED IN SENATE APRIL 14, 2011

SENATE BILL

No. 340

Introduced by Senator Wolk
(Coauthor: Assembly Member Cedillo)

February 15, 2011

An act to repeal Sections 19850.5 and 19850.6 of the Business and Professions Code, and to amend Sections 326.3 and 326.5 of the Penal Code, relating to bingo, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 340, as amended, Wolk. Remote caller bingo.

The California Constitution allows the Legislature, by statute, to authorize cities and counties to provide for bingo games for charitable purposes. Existing law authorizes cities and counties to permit eligible nonprofit organizations to conduct bingo games and remote caller bingo games, as defined, for charitable purposes pursuant to an ordinance that allows those games to be conducted in accordance with specified requirements. Existing law sets forth a model ordinance for a city, county, or city and county to authorize remote caller bingo, and prohibits an organization from conducting remote caller bingo more than 2 days per week. Existing law requires an organization authorized to conduct remote caller bingo games to provide at least 30 days' advance written notice of its intent to conduct a remote caller bingo game.

This bill additionally would permit a city, county, or city and county to amend an existing local ordinance that allows bingo games to be

conducted *within that jurisdiction*, by resolution, to permit the conduct of remote caller bingo games pursuant to that ordinance, as specified. *The bill would include among those organizations eligible to conduct remote caller bingo a charitable organization affiliated with a community college district. The bill would require an organization conducting remote caller bingo games to certify to the city, county, or city and county, that it is eligible to conduct remote caller bingo.* The bill would prohibit an organization from conducting remote caller bingo more than 2 days per week, but would permit an organization to hold one additional game, at its election, in each calendar quarter. The bill would require an organization authorized to conduct remote caller bingo games to provide at least 10 days' advance written notice of intent to conduct a remote caller bingo game on a form prescribed by the city, county, or city and county, and to provide ~~at least 24 hours' advance~~ notice *within 24 hours* if the location of the remote caller bingo game changes. The bill also would repeal the model ordinance.

Existing law requires the California Gambling Control Commission to regulate remote caller bingo, including licensure and operation. Among other things, any person who conducts a remote caller bingo game and any person who manufactures or otherwise provides equipment for use in the playing of a remote caller bingo game are required to be licensed. Existing law also requires the commission to approve all equipment used for remote caller bingo in advance, to monitor operation of the transmission and other equipment used for remote caller bingo, and to monitor the game.

This bill would delete all state licensure requirements for the conduct of remote caller bingo, ~~and would, instead, require an organization that is eligible to conduct remote caller bingo games to register annually with the Department of Justice, as specified. The bill would require the department to maintain a registry on its Internet Web site of all organizations registered to conduct remote caller bingo. The bill would authorize the department to charge an annual registration fee of \$100, to be deposited into the California Bingo Fund, to cover the actual costs of the department to administer and enforce these provisions, and would authorize the department to adopt regulations.~~ The bill would make other technical and conforming changes relating to the duties of the ~~department~~ *Department of Justice* and the commission, including setting forth procedures for a city, county, or city and county, as the local licensing entity, to obtain a background check from the department. The bill would delete the requirement that the commission approve all

equipment used for remote caller bingo in advance, but would require the city, county, or city and county to monitor operation of the transmission and other equipment used for remote caller bingo and to monitor the game.

To ensure continuity of remote caller bingo games, this bill would, until June 1, 2012, authorize a city, county, or city and county to recognize a state license, work permit, or approval of equipment that was issued by the commission and effective on June 30, 2011, as specified. The bill would permit an authorized organization to contract with a management company to provide business services, but would require the organization to give notice of the contract to the city, county, or city and county and to meet other requirements, as specified. The bill would require the live, physical calling and broadcast of a remote caller bingo game to be conducted from a jurisdiction that authorizes by local ordinance the conduct of remote caller bingo games.

This bill would make additional changes relating to the requirements for cosponsoring remote caller bingo games, and would simplify other procedures and requirements applicable to the conduct of remote caller bingo games.

Under existing law, any violation of the remote caller provisions described above is a misdemeanor, punishable as specified.

This bill would expand the scope of an existing crime by imposing different requirements for the conduct of remote caller bingo, thereby creating a state-mandated local program.

Existing law requires the California Gambling Control Commission to submit a report to the Legislature, on or before January 1, 2012, on the fundraising effectiveness and regulation of remote caller bingo. A loan from the Gambling Control Fund to the California Bingo Fund for the ~~start-up~~ startup costs relating to remote caller bingo is required to be repaid within 5 years *after the date of the loan*.

This bill would delete that reporting requirement, and would delete the requirement that the ~~start-up~~ startup loan be repaid within 5 years.

Existing law permits players who are physically present at a bingo game to use hand-held, portable card-minding devices, as specified, that are approved prior to use by the California Gambling Control Commission. Additionally, the commission is required to license persons or entities that manufacture, supply, or service card-minding devices and related equipment, and may inspect and prohibit the use of any card-minding devices that are noncompliant. Existing law requires the

commission to adopt regulations concerning remote caller bingo and card-minding devices.

This bill would repeal these provisions relating to card-minding devices and the duties of the commission.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 19850.5 of the Business and Professions
- 2 Code is repealed.
- 3 SEC. 2. Section 19850.6 of the Business and Professions Code
- 4 is repealed.
- 5 SEC. 3. Section 326.3 of the Penal Code is amended to read:
- 6 326.3. (a) The Legislature finds and declares all of the
- 7 following:
- 8 (1) Nonprofit organizations provide important and essential
- 9 educational, philanthropic, and social services to the people of the
- 10 State of California.
- 11 (2) One of the great strengths of California is a vibrant nonprofit
- 12 sector.
- 13 (3) Nonprofit and philanthropic organizations touch the lives
- 14 of every Californian through service and employment.
- 15 (4) Many of these services would not be available if nonprofit
- 16 organizations did not provide them.
- 17 (5) There is a need to provide methods of fundraising to
- 18 nonprofit organizations to enable them to provide these essential
- 19 services.
- 20 (6) Historically, many nonprofit organizations have used
- 21 charitable bingo as one of their key fundraising strategies to
- 22 promote the mission of the charity.

(7) Legislation is needed to provide greater revenues for nonprofit organizations to enable them to fulfill their charitable purposes, and especially to meet their increasing social service obligations.

(8) Legislation is also needed to clarify that existing law requires that all charitable bingo must be played using a tangible card and that the only permissible electronic devices to be used by charitable bingo players are card-minding devices.

(b) Neither the prohibition on gambling in this chapter nor in Chapter 10 (commencing with Section 330) applies to any remote caller bingo game that is played or conducted in a city, county, or city and county pursuant to an ordinance enacted under Section 19 of Article IV of the California Constitution, if the ordinance allows a remote caller bingo game to be played or conducted only in accordance with the requirements of this section, including the following requirements:

(1) The game may be conducted only by the following organizations:

(A) An organization that is exempted from the payment of the taxes imposed under the Corporation Tax Law by Section 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue and Taxation Code.

(B) A mobilehome park association.

(C) A senior citizens organization.

(D) Charitable organizations affiliated with a school district *or community college district*.

(2) The organization conducting the game shall have been incorporated or in existence for three years or more.

(3) The organization conducting the game shall be licensed pursuant to subdivision (l) of Section 326.5.

(4) The receipts of the game shall be used only for charitable purposes. The organization conducting the game shall determine the disbursement of the net receipts of the game.

(5) The operation of bingo may not be the primary purpose for which the organization is organized.

(6) *The organization shall certify to the local licensing entity that it is eligible to conduct remote caller bingo.*

(c) (1) To ensure continuity of remote caller bingo games, until June 1, 2012, the local licensing entity may recognize a state license, work permit, or approval of equipment that was issued by

1 the commission pursuant to this section, and effective on June 30,
2 2011, including, but not limited to, any of the following:

3 (A) An interim license of a person who conducts remote caller
4 bingo games approved by the commission, as of June 30, 2011.

5 (B) An interim work permit for personnel employed by an
6 organization that conducts remote caller bingo games.

7 (C) An interim approval of equipment used for remote caller
8 bingo games.

9 (2) If the local licensing entity decides to recognize a license,
10 work permit, or equipment approval issued by the commission,
11 the local licensing entity shall be responsible for regulatory
12 oversight and enforcement in accordance with the standards and
13 procedures applicable within its jurisdiction pursuant to local
14 ordinance.

15 (3) Any reference to the commission as the licensing authority
16 for the conduct of remote caller bingo games that appears in a local
17 ordinance adopted prior to the operative date of the act adding this
18 subdivision shall be deemed to refer to the local licensing entity.

19 (d) (1) It is a misdemeanor for any person to receive or pay a
20 profit, wage, or salary from any remote caller bingo game, provided
21 that administrative, managerial, technical, financial, and security
22 personnel employed by the organization conducting the bingo
23 game may be paid reasonable fees for services rendered from the
24 revenues of bingo games, as provided in subdivision (m), except
25 that fees paid under those agreements shall not be determined as
26 a percentage of receipts or other revenues from, or be dependent
27 on the outcome of, the game.

28 (2) A violation of this subdivision shall be punishable by a fine
29 not to exceed ten thousand dollars (\$10,000), which fine shall be
30 deposited in the general fund of the city, county, or city and county
31 that enacted the ordinance authorizing the remote caller bingo
32 game. A violation of any provision of this section, other than this
33 subdivision, is a misdemeanor.

34 (e) The city, county, or city and county that enacted the
35 ordinance authorizing the remote caller bingo game, or the Attorney
36 General, may bring an action to enjoin a violation of this section.

37 (f) No minors shall be allowed to participate in any remote caller
38 bingo game.

39 (g) A remote caller bingo game shall not include any site that
40 is not located within this state.

(h) An organization authorized to conduct a remote caller bingo game pursuant to subdivision (b) shall conduct the game only on property that is owned or leased by the organization, or the use of which is donated to the organization. Nothing in this subdivision shall be construed to require that the property that is owned or leased by, or the use of which is donated to, the organization be used or leased exclusively by, or donated exclusively to, that organization.

(i) (1) All remote caller bingo games shall be open to the public, not just to the members of the authorized organization.

(2) No more than 750 players may participate in a remote caller bingo game in a single location.

(3) If the Governor of California or the President of the United States declares a state of emergency in response to a natural disaster or other public catastrophe occurring in California, an organization authorized to conduct remote caller bingo games may, while that declaration is in effect, conduct a remote caller bingo game pursuant to this section with more than 750 participants in a single venue if the net proceeds of the game, after deduction of prizes and overhead expenses, are donated to or expended exclusively for the relief of the victims of the disaster or catastrophe, and the organization gives the local licensing entity at least 10 days' written notice of the intent to conduct that game.

(4) An organization authorized to conduct remote caller bingo games shall provide the local licensing entity with at least 10 days' advance written notice of its intent to conduct a remote caller bingo game. That notice shall be on a form prescribed by the local licensing entity. If the location of the remote caller bingo game changes, the organization shall provide the local licensing entity with at least 24 hours' advance notice by e-mail, telephone, or fax *within 24 hours of the change of location*.

~~(j) (1) An organization eligible to conduct a remote caller bingo game pursuant to subdivision (b) shall register annually with the department in order to conduct remote caller bingo games pursuant to this section. The department shall create, by regulation, and provide to eligible nonprofit organizations, upon request, a registration form. The department also shall post the registration form on its Internet Web site. Only the information necessary for the department to implement this section shall be required for~~

1 completion of the registration form, including, but not limited to,
2 all of the following relative to the eligible organization:

3 (A) Name and address.

4 (B) Federal tax identification number, corporate number issued
5 by the Secretary of State, organization number issued by the
6 Franchise Tax Board, or California charitable trust identification
7 number.

8 (C) Name and title of a responsible fiduciary of the organization.

9 (2) The department shall maintain a registry on its Internet Web
10 site of all organizations registered to conduct remote caller bingo
11 pursuant to this section. Prior to issuing a license pursuant to a
12 local ordinance, the local licensing entity shall confirm that an
13 organization applying to operate a remote caller bingo game is
14 registered and in good standing according to the registry available
15 on the department's Internet Web site.

16 (3) The department may require an eligible organization to pay
17 an annual registration fee of one hundred dollars (\$100) to cover
18 the actual costs of the department to administer and enforce this
19 section. The department may, by regulation, adjust the annual
20 registration fee as needed to ensure that revenues will fully offset,
21 but not exceed, the actual costs incurred by the department pursuant
22 to this section. Fee revenues shall be deposited by the department
23 into the California Bingo Fund.

24 (4) The department may adopt regulations to implement this
25 section. The initial adoption, amendment, or repeal of a regulation
26 authorized by this section is deemed to address an emergency, for
27 purposes of Sections 11346.1 and 11349.6 of the Government
28 Code, and the department is hereby exempted for that purpose
29 from the requirements of subdivision (b) of Section 11346.1 of
30 the Government Code. After the initial adoption, amendment, or
31 repeal of an emergency regulation pursuant to this section, the
32 department may request approval from the Office of Administrative
33 Law to readopt the regulation as an emergency regulation pursuant
34 to Section 11346.1 of the Government Code.

35 (5)

36 (j) The department shall have concurrent jurisdiction with local
37 law enforcement agencies to enforce this section.

38 (k) (1) A remote caller bingo game shall be operated and staffed
39 only by members of the authorized organization that organized it.
40 Those members shall not receive a profit, wage, or salary from

any remote caller bingo game. Only the organization authorized to conduct a remote caller bingo game shall operate that game, or participate in the promotion, supervision, or any other phase of a remote caller bingo game. Subject to subdivision (m), this subdivision shall not preclude the employment of administrative, managerial, technical, financial, or security personnel who are not members of the authorized organization at a location participating in the remote caller bingo game by the organization conducting the game. Notwithstanding any other law, exclusive or other agreements between the authorized organization and other entities or persons to provide services in the administration, management, or conduct of the game shall not be considered a violation of the prohibition against holding a legally cognizable financial interest in the conduct of the remote caller bingo game by persons or entities other than the charitable organization, or other entity authorized to conduct the remote caller bingo games. Fees to be paid under those agreements shall be reasonable and shall not be determined as a percentage of receipts or other revenues from, or be dependent on the outcome of, the game.

(2) An authorized organization may contract with a management company to provide business services, including, but not limited to, game accounting and bingo game consulting, including operations of broadcasting and telecasting assistance. An authorized organization that contracts with a management company shall do all of the following:

(A) Indicate on the application to conduct remote caller bingo games that is submitted to the local licensing entity that it has contracted with a management company. The authorized organization shall notify the local licensing entity in writing if it contracts with a management company subsequent to the submission of its application to the local licensing entity.

(B) Ensure that the management company has a business license ~~and request~~ *and that a live scan background check has been completed* for each employee or consultant that has a 10 percent or greater ownership interest in any management company. *The live scan background check shall be conducted in the city or county in which the management company is located.*

(C) Maintain on file the name, address, and contact numbers of the management company, and provide that information to the department upon request.

1 (3) The live, physical calling and broadcast of a remote caller
2 bingo game shall be conducted from a jurisdiction that authorizes
3 by local ordinance the conduct of remote caller bingo games.

4 (4) An organization that conducts a remote caller bingo game
5 shall designate a person as having fiduciary responsibility for the
6 game.

7 (l) No individual, corporation, partnership, or other legal entity,
8 except the organization authorized to conduct or participate in a
9 remote caller bingo game, shall hold a legally cognizable financial
10 interest in the conduct of that game.

11 (m) An organization authorized to conduct a remote caller bingo
12 game pursuant to this section shall not have overhead costs
13 exceeding 20 percent of gross sales, except that the limitations of
14 this section shall not apply to one-time, nonrecurring capital
15 acquisitions. For purposes of this subdivision, “overhead costs”
16 includes, but is not limited to, amounts paid for rent and equipment
17 leasing and the reasonable fees authorized to be paid to
18 administrative, managerial, technical, financial, and security
19 personnel employed by the organization pursuant to subdivision
20 (d). For the purpose of keeping its overhead costs below 20 percent
21 of gross sales, an authorized organization may elect to deduct all
22 or a portion of the fees paid to financial institutions for the use and
23 processing of credit card sales from the amount of gross revenues
24 awarded for prizes. In that case, the redirected fees for the use and
25 processing of credit card sales shall not be included in “overhead
26 costs” as defined in the California Remote Caller Bingo Act.
27 Additionally, fees paid to financial institutions for the use and
28 processing of credit card sales shall not be deducted from the
29 proceeds retained by the charitable organization.

30 (n) No person shall be allowed to participate in a remote caller
31 bingo game unless the person is physically present at the time and
32 place where the remote caller bingo game is being conducted. A
33 person shall be deemed to be physically present at the place where
34 the remote caller bingo game is being conducted if he or she is
35 present at any of the locations participating in the remote caller
36 bingo game in accordance with this section.

37 (o) (1) An organization shall not cosponsor a remote caller
38 bingo game with one or more other organizations unless all of the
39 cosponsors are affiliated under the master charter or articles and

1 bylaws of a single organization involved in the same type of
2 activity.

3 (2) Notwithstanding paragraph (1), a maximum of 10
4 unaffiliated organizations described in paragraph (1) of subdivision
5 (b) may enter into an agreement to cosponsor a remote caller game,
6 but the game shall have not more than 10 locations.

7 (3) An organization shall not conduct remote caller bingo more
8 than two days per week, except that an organization may hold one
9 additional game, at its election, in each calendar quarter.

10 (p) The value of prizes awarded during the conduct of any
11 remote caller bingo game shall not exceed 37 percent of the gross
12 receipts for that game. When an authorized organization elects to
13 deduct fees paid for the use and processing of credit card sales
14 from the amount of gross revenues for that game awarded for
15 prizes, the maximum amount of gross revenues that may be
16 awarded for prizes shall not exceed 37 percent of the gross receipts
17 for that game, less the amount of redirected fees paid for the use
18 and processing of credit card sales. Every remote caller bingo game
19 shall be played until a winner is declared. Progressive prizes are
20 prohibited. The declared winner of a remote caller bingo game
21 shall provide his or her identifying information and a mailing
22 address to a representative of the organization. Prizes shall be paid
23 only by check; no cash prizes shall be paid. The organization
24 conducting the remote caller bingo game may issue a check to the
25 winner at the time of the game, or may send a check to the declared
26 winner by United States Postal Service. All prize money exceeding
27 state and federal exemption limits on prize money shall be subject
28 to income tax reporting and withholding requirements under
29 applicable state and federal laws and regulations and those reports
30 and withholding shall be forwarded, within 10 business days, to
31 the appropriate state or federal agency on behalf of the winner. A
32 report shall accompany the amount withheld identifying the person
33 on whose behalf the money is being sent. Any game interrupted
34 by a transmission failure, electrical outage, or act of God shall be
35 considered void in the location that was affected. A refund for a
36 canceled game or games shall be provided to the purchasers.

37 (q) (1) If the local licensing entity requests a background check
38 from the department of any person required to be licensed pursuant
39 to the applicable local ordinance, it shall submit to the department
40 fingerprint images and related information required by the

1 department for the purpose of obtaining information as to the
2 existence and content of a record of state and federal convictions
3 and arrests, including state or federal arrests for which the
4 department establishes that the person is free on bail or on his or
5 her own recognizance pending trial or appeal.

6 (2) Upon receipt, the department shall forward requests for
7 federal summary criminal history information pursuant to this
8 section to the Federal Bureau of Investigation. The department
9 shall review the information returned from the Federal Bureau of
10 Investigation and compile and disseminate a response to the local
11 licensing entity.

12 (3) The department shall provide a state or federal level response
13 to the local licensing entity pursuant to paragraph (1) of subdivision
14 (p) of Section 11105.

15 (4) The local licensing entity shall request from the department
16 subsequent arrest notification service, as provided pursuant to
17 Section 11105.2, for persons described in paragraph (1).

18 (5) The department shall charge a fee sufficient to cover the
19 cost of processing requests pursuant to this subdivision.

20 (6) (A) Fees and revenue collected pursuant to this ~~paragraph~~
21 *subdivision* shall be deposited in the California Bingo Fund, which
22 is hereby created in the State Treasury. The funds deposited in the
23 California Bingo Fund shall be available, upon appropriation by
24 the Legislature, for expenditure by the department exclusively for
25 the support of the department in carrying out its duties and
26 responsibilities under this section.

27 (B) A loan is hereby authorized from the Gambling Control
28 Fund to the California Bingo Fund on or after January 1, 2009, in
29 an amount of up to five hundred thousand dollars (\$500,000) to
30 fund operating, personnel, and other startup costs incurred by the
31 commission relating to this act. Funds from the California Bingo
32 Fund shall be available to the commission upon appropriation by
33 the Legislature in the annual Budget Act. The loan shall be subject
34 to all of the following conditions:

35 (i) The loan shall be repaid to the Gambling Control Fund as
36 soon as there is sufficient money in the California Bingo Fund to
37 repay the amount loaned.

38 (ii) Interest on the loan shall be paid from the California Bingo
39 Fund at the rate accruing to moneys in the Pooled Money
40 Investment Account.

1 (iii) The terms and conditions of the loan are approved, prior
2 to the transfer of funds, by the Department of Finance pursuant to
3 appropriate fiscal standards.

4 (r) An organization that conducts remote caller bingo games
5 shall retain records in connection with the remote caller bingo
6 game for five years.

7 (s) The local licensing entity shall monitor operation of the
8 transmission and other equipment used for remote caller bingo,
9 and monitor the game.

10 (t) (1) As used in this section, “remote caller bingo game”
11 means a game of bingo, as defined in subdivision (o) of Section
12 326.5, in which the numbers or symbols on randomly drawn plastic
13 balls are announced by a natural person present at the site at which
14 the live game is conducted, and the organization conducting the
15 bingo game uses audio and video technology to link any of its
16 in-state facilities for the purpose of transmitting the remote calling
17 of a live bingo game from a single location to multiple locations
18 owned, leased, or rented by that organization, or as described in
19 subdivision (o) of this section. The audio or video technology used
20 to link the facilities may include cable, Internet, satellite,
21 broadband, or telephone technology, or any other means of
22 electronic transmission that ensures the secure, accurate, and
23 simultaneous transmission of the announcement of numbers or
24 symbols in the game from the location at which the game is called
25 by a natural person to the remote location or locations at which
26 players may participate in the game. The drawing of each ball
27 bearing a number or symbol by the natural person calling the game
28 shall be visible to all players as the ball is drawn, including through
29 a simultaneous live video feed at remote locations at which players
30 may participate in the game.

31 (2) Remote caller bingo games shall be played using traditional
32 paper or other tangible bingo cards and daubers, and shall not be
33 played by using electronic devices, except card-minding devices,
34 as described in paragraph (1) of subdivision (p) of Section 326.5.

35 (u) A location shall not be eligible to participate in a remote
36 caller bingo game if bingo games are conducted at that location
37 in violation of Section 326.5, including, but not limited to, a
38 location at which unlawful electronic devices are used.

39 (v) (1) The provisions of this section are severable. If any
40 provision of this section or its application is held invalid, that

1 invalidity shall not affect other provisions or applications that can
2 be given effect without the invalid provision or application.

3 (2) Notwithstanding paragraph (1), if paragraph (1) or (2) of
4 subdivision (t), or the application of either of those provisions, is
5 held invalid, this entire section shall be invalid.

6 (w) The following definitions apply for purposes of this section:

7 (1) “Commission” means the California Gambling Control
8 Commission.

9 (2) “Department” means the Department of Justice.

10 (3) “Local licensing entity” means the city, county, or city and
11 county.

12 (4) “Organization” means the principal organization that the
13 cosponsors are affiliated with. All cosponsors shall be considered
14 part of the organization with one person serving as the fiduciary
15 for the organization and all affiliated cosponsors.

16 (5) “Person” includes a natural person, corporation, limited
17 liability company, partnership, trust, joint venture, association, or
18 any other business organization.

19 SEC. 4. Section 326.5 of the Penal Code is amended to read:

20 326.5. (a) Neither the prohibition on gambling in this chapter
21 nor in Chapter 10 (commencing with Section 330) applies to any
22 bingo game that is conducted in a city, county, or city and county
23 pursuant to an ordinance enacted under Section 19 of Article IV
24 of the State Constitution, if the ordinance allows games to be
25 conducted only in accordance with this section, and only by
26 organizations exempted from the payment of the bank and
27 corporation tax by Sections 23701a, 23701b, 23701d, 23701e,
28 23701f, 23701g, 23701k, 23701l, and 23701w, of the Revenue
29 and Taxation Code, and by mobilehome park associations, senior
30 citizens organizations, and charitable organizations affiliated with
31 a school district; and if the receipts of those games are used only
32 for charitable purposes. The ordinance may be amended by
33 resolution of the governing body of the city, county, or city and
34 county to allow a remote caller bingo game to be played or
35 conducted in accordance with the requirements of Section 326.3.

36 (b) It is a misdemeanor for any person to receive or pay a profit,
37 wage, or salary from any bingo game authorized by Section 19 of
38 Article IV of the State Constitution. Security personnel employed
39 by the organization conducting the bingo game may be paid from

1 the revenues of bingo games, as provided in subdivisions (j) and
2 (k).

3 (c) A violation of subdivision (b) shall be punishable by a fine
4 not to exceed ten thousand dollars (\$10,000), which fine is
5 deposited in the general fund of the city, county, or city and county
6 that enacted the ordinance authorizing the bingo game. A violation
7 of any provision of this section, other than subdivision (b), is a
8 misdemeanor.

9 (d) The city, county, or city and county that enacted the
10 ordinance authorizing the bingo game may bring an action to enjoin
11 a violation of this section.

12 (e) No minors shall be allowed to participate in any bingo game.

13 (f) An organization authorized to conduct bingo games pursuant
14 to subdivision (a) shall conduct a bingo game only on property
15 owned or leased by it, or property whose use is donated to the
16 organization, and which property is used by that organization for
17 an office or for performance of the purposes for which the
18 organization is organized. Nothing in this subdivision shall be
19 construed to require that the property owned or leased by, or whose
20 use is donated to, the organization be used or leased exclusively
21 by, or donated exclusively to, that organization.

22 (g) All bingo games shall be open to the public, not just to the
23 members of the authorized organization.

24 (h) A bingo game shall be operated and staffed only by members
25 of the authorized organization that organized it. Those members
26 shall not receive a profit, wage, or salary from any bingo game.
27 Only the organization authorized to conduct a bingo game shall
28 operate such a game, or participate in the promotion, supervision,
29 or any other phase of a bingo game. This subdivision does not
30 preclude the employment of security personnel who are not
31 members of the authorized organization at a bingo game by the
32 organization conducting the game.

33 (i) No individual, corporation, partnership, or other legal entity,
34 except the organization authorized to conduct a bingo game, shall
35 hold a financial interest in the conduct of a bingo game.

36 (j) With respect to organizations exempt from payment of the
37 bank and corporation tax by Section 23701d of the Revenue and
38 Taxation Code, all profits derived from a bingo game shall be kept
39 in a special fund or account and shall not be commingled with any

1 other fund or account. Those profits shall be used only for
2 charitable purposes.

3 (k) With respect to other organizations authorized to conduct
4 bingo games pursuant to this section, all proceeds derived from a
5 bingo game shall be kept in a special fund or account and shall not
6 be commingled with any other fund or account. Proceeds are the
7 receipts of bingo games conducted by organizations not within
8 subdivision (j). Those proceeds shall be used only for charitable
9 purposes, except as follows:

10 (1) The proceeds may be used for prizes.

11 (2) (A) Except as provided in subparagraph (B), a portion of
12 the proceeds, not to exceed 20 percent of the proceeds before the
13 deduction for prizes, or two thousand dollars (\$2,000) per month,
14 whichever is less, may be used for the rental of property and for
15 overhead, including the purchase of bingo equipment,
16 administrative expenses, security equipment, and security
17 personnel.

18 (B) For the purposes of bingo games conducted by the Lake
19 Elsinore Elks Lodge, a portion of the proceeds, not to exceed 20
20 percent of the proceeds before the deduction for prizes, or three
21 thousand dollars (\$3,000) per month, whichever is less, may be
22 used for the rental of property and for overhead, including the
23 purchase of bingo equipment, administrative expenses, security
24 equipment, and security personnel. Any amount of the proceeds
25 that is additional to that permitted under subparagraph (A), up to
26 one thousand dollars (\$1,000), shall be used for the purpose of
27 financing the rebuilding of the facility and the replacement of
28 equipment that was destroyed by fire in 2007. The exception to
29 subparagraph (A) that is provided by this subparagraph shall remain
30 in effect only until the cost of rebuilding the facility is repaid, or
31 January 1, 2019, whichever occurs first.

32 (3) The proceeds may be used to pay license fees.

33 (4) A city, county, or city and county that enacts an ordinance
34 permitting bingo games may specify in the ordinance that if the
35 monthly gross receipts from bingo games of an organization within
36 this subdivision exceed five thousand dollars (\$5,000), a minimum
37 percentage of the proceeds shall be used only for charitable
38 purposes not relating to the conducting of bingo games and that
39 the balance shall be used for prizes, rental of property, overhead,
40 administrative expenses, and payment of license fees. The amount

1 of proceeds used for rental of property, overhead, and
2 administrative expenses is subject to the limitations specified in
3 paragraph (2).

4 (l) (1) A city, county, or city and county may impose a license
5 fee on each organization that it authorizes to conduct bingo games.
6 The fee, whether for the initial license or renewal, shall not exceed
7 fifty dollars (\$50) annually, except as provided in paragraph (2).
8 If an application for a license is denied, one-half of any license
9 fee paid shall be refunded to the organization.

10 (2) In lieu of the license fee permitted under paragraph (1), a
11 city, county, or city and county may impose a license fee of fifty
12 dollars (\$50) paid upon application. If an application for a license
13 is denied, one-half of the application fee shall be refunded to the
14 organization. An additional fee for law enforcement and public
15 safety costs incurred by the city, county, or city and county that
16 are directly related to bingo activities may be imposed and shall
17 be collected monthly by the city, county, or city and county issuing
18 the license; however, the fee shall not exceed the actual costs
19 incurred in providing the service.

20 (m) No person shall be allowed to participate in a bingo game,
21 unless the person is physically present at the time and place where
22 the bingo game is being conducted.

23 (n) The total value of prizes available to be awarded during the
24 conduct of any bingo games shall not exceed five hundred dollars
25 (\$500) in cash or kind, or both, for each separate game which is
26 held.

27 (o) As used in this section, “bingo” means a game of chance in
28 which prizes are awarded on the basis of designated numbers or
29 symbols that are marked or covered by the player on a tangible
30 card in the player’s possession and that conform to numbers or
31 symbols, selected at random and announced by a live caller.
32 Notwithstanding Section 330c, as used in this section, the game
33 of bingo includes tangible cards having numbers or symbols that
34 are concealed and preprinted in a manner providing for distribution
35 of prizes. Electronics or video displays shall not be used in
36 connection with the game of bingo, except in connection with the
37 caller’s drawing of numbers or symbols and the public display of
38 that drawing, and except as provided in subdivision (p). The
39 winning cards shall not be known prior to the game by any person
40 participating in the playing or operation of the bingo game. All

preprinted cards shall bear the legend, “for sale or use only in a bingo game authorized under California law and pursuant to local ordinance.” Only a covered or marked tangible card possessed by a player and presented to an attendant may be used to claim a prize. It is the intention of the Legislature that bingo as defined in this subdivision applies exclusively to this section and shall not be applied in the construction or enforcement of any other provision of law.

(p) (1) Players who are physically present at a bingo game may use hand-held, portable card-minding devices, as described in this subdivision, to assist in monitoring the numbers or symbols announced by a live caller as those numbers or symbols are called in a live game. Card-minding devices may not be used in connection with any game where a bingo card may be sold or distributed after the start of the ball draw for that game. A card-minding device shall do all of the following:

(A) Be capable of storing in the memory of the device bingo faces of tangible cards purchased by a player.

(B) Provide a means for bingo players to input manually each individual number or symbol announced by a live caller.

(C) Compare the numbers or symbols entered by the player to the bingo faces previously stored in the memory of the device.

(D) Identify winning bingo patterns that exist on the stored bingo faces.

(2) A card-minding device shall perform no functions involving the play of the game other than those described in paragraph (1). Card-minding devices shall not do any of the following:

(A) Be capable of accepting or dispensing any coins, currency, or other representative of value or on which value has been encoded.

(B) Be capable of monitoring any bingo card face other than the faces of the tangible bingo card or cards purchased by the player for that game.

(C) Display or represent the game result through any means, including, but not limited to, video or mechanical reels or other slot machine or casino game themes, other than highlighting the winning numbers or symbols marked or covered on the tangible bingo cards or giving an audio alert that the player’s card has a prize-winning pattern.

(D) Determine the outcome of any game or be physically or electronically connected to any component that determines the outcome of a game or to any other bingo equipment, including, but not limited to, the ball call station, or to any other card-minding device. No other player-operated or player-activated electronic or electromechanical device or equipment is permitted to be used in connection with a bingo game.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

~~SEC. 5.~~

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

The ~~California Gambling Control Authority's~~ *Commission's* current funding authority for the remote caller bingo program, which is a loan from the Gambling Control Fund, and limited-term positions expire on June 30, 2011. Without that funding authority and those positions, the commission cannot perform work related to the remote caller bingo program after June 30, 2011. In order to provide continuity for charitable organizations that are conducting remote caller bingo, it is necessary that this act take effect immediately.