

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 1064
Committee Substitute Favorable 6/9/20
Senate Judiciary Committee Substitute Adopted 6/23/20

Short Title: GSC Clarifying Bingo License Statute.

(Public)

Sponsors:

Referred to:

May 8, 2020

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE BINGO LICENSE STATUTE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE ADDITIONAL TECHNICAL CORRECTIONS AND TO AMEND THE RULES OF CIVIL PROCEDURE AND THE CRIMINAL PROCEDURE ACT CONCERNING THE GRANTING OF CONTINUANCES FOR GOOD CAUSE ON ACCOUNT OF SERVICE ON A STATE BOARD, COMMISSION, OR AUTHORITY AS AN APPOINTEE OF THE GOVERNOR, LIEUTENANT GOVERNOR, OR GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 14-309.7 reads as rewritten:

"§ 14-309.7. Licensing procedure.

(a) An exempt organization ~~may~~shall not operate a bingo game at a location without a license. Application for a bingo license shall be made to the ~~State Bureau of Investigation Alcohol Law Enforcement Division of the Department of Public Safety~~ on a form prescribed by the Bureau-Division. The ~~Bureau-Division~~ shall charge an annual application fee of two hundred dollars (\$200.00) to defray the cost of issuing bingo licenses and handling bingo audit reports. The fees collected shall be deposited in the General Fund of the State. ~~This~~The license shall expire one year after ~~the granting of the license.~~ This license issuance and may be renewed yearly, annually if the applicant pays the application fee and files an audit with the ~~Bureau-Division~~ pursuant to G.S. 14-309.11. A copy of the application and license shall be furnished to the local law-enforcement agency in the county or municipality in which the licensee intends to operate before bingo is conducted by the licensee.

(b) Each application and renewal application shall contain the following information:

- (1) The name and address of the applicant and if the applicant is a corporation, ~~association~~association, or other similar legal entity, the name and home address of each of the officers of the organization as well as the name and address of the directors, or other persons similarly situated, of the organization.
- (2) The name and home address of each ~~of the members~~member of the special ~~committee~~committee described in G.S. 14-309.10.
- (3) A copy of the application for recognition of exemptions and a determination letter from the Internal Revenue Service and the Department of Revenue that indicates ~~that the organization applicant~~ is an exempt organization and stating the section under which that exemption is granted; except that if granted. If the organization applicant is a State or local branch, lodge, post, or chapter of



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1 a national organization, a copy of the determination letter of the national
2 organization satisfies this requirement.

3 (4) The location at which the applicant will conduct the bingo games. If the
4 premises are leased, a copy of the lease or rental agreement.

5 (c) In order for an exempt organization to have a member familiar with the operation of
6 bingo present on the premises at all times when bingo is being played and for this member to be
7 responsible for the receiving, ~~reporting-reporting~~, and depositing of all revenues received, the
8 exempt organization may pay one member for conducting a bingo game. ~~Such-The~~ pay shall be
9 on an hourly basis only for the time bingo is actually being played and shall not exceed one and
10 one-half times the existing minimum wage in North Carolina. The member paid under this
11 ~~provision-subsection~~ shall be a member in good standing of the exempt organization for at least
12 one year and shall not be the lessor or an employee or agent of the lessor. No other person ~~may~~
13 shall be compensated for conducting a bingo game from funds derived from any activities
14 occurring in, or simultaneously with, the playing of bingo, including funds derived from
15 concessions. An exempt organization shall not contract with any person for the purpose of
16 conducting a bingo game.

17 (c1) Except as provided in subsection (e) of this section, an exempt organization may hold
18 a bingo game only in or on property ~~owned (either legally or equitably and the buildings must be~~
19 ~~of a permanent nature with approved plumbing for bathrooms and not movable or of a temporary~~
20 ~~nature such as a tent or lean-to) owned, either legally or equitably, or leased-leased, but not~~
21 subleased, by the organization from the owner or bona fide property management agent ~~(no~~
22 ~~subleasing is permitted)~~ at a total monthly rental in an amount not to ~~agent~~. The buildings shall
23 be permanent with approved plumbing for bathrooms and shall not be movable or temporary
24 such as a tent or lean-to. The total monthly payment for leased premises shall not exceed one and
25 one-quarter percent (1 1/4%) of the total assessed ad valorem tax value of the portion of the
26 building actually used for the bingo games and the land value on which the building is located
27 (not to exceed two acres)-located; the land shall not exceed two acres. The lease shall be for all
28 activities conducted therein on the leased premises, including the playing of bingo for a period
29 of not less than one year-year, and the leased premises shall be actually occupied and used by
30 that organization on a regular basis for purposes other than bingo for at least six months before
31 the game; and all first game. All equipment used by the exempt organization in conducting the
32 bingo game must-shall be owned by the organization. Unless the exempt organization leases the
33 property in accordance with this subsection, an exempt organization may conduct a bingo game
34 only in or on property that is exempt from property taxes levied under Subchapter II of Chapter
35 105 of the General Statutes, or that is classified and not subject to any property taxes levied under
36 Subchapter II of Chapter 105 of the General Statutes. It ~~shall be-is~~ unlawful for any person to
37 operate beach bingo games at a location ~~which-that~~ is being used by any licensed exempt
38 organization for the purpose of conducting bingo games.

39 (d) Conduct of a bingo game or raffle ~~under-in accordance with~~ this Part ~~on such property~~
40 ~~shall does~~ not operate to defeat an exemption or classification under Subchapter II of Chapter
41 105 of the General Statutes.

42 (e) An exempt organization that wants to conduct only an annual or semiannual bingo
43 game may apply to the ~~State Bureau of Investigation Alcohol Law Enforcement Division of the~~
44 Department of Public Safety for a limited occasion permit. ~~The State Bureau of Investigation~~
45 Division may require such-any information as is reasonable and necessary to determine that the
46 bingo game is conducted in accordance with the provisions of this Part but may-Part. The
47 Division shall not require more information than previously specified in this section for
48 application of a regular license. for a limited occasion permit than it requires for a license under
49 this section. The application shall be made to the ~~Bureau-Division~~ on prescribed forms at least
50 30 days prior to the scheduled date of the bingo game. In lieu of the reporting requirements of
51 ~~G.S. 14-309.11(b)-G.S. 14-309.11(b)~~, the exempt organization shall file with the ~~licensing~~

1 ~~agency-Division~~ and local law-enforcement a report on prescribed forms no later than 30 days
 2 following ~~the conduct of the~~ bingo game for which the permit was obtained. ~~Such report-The~~
 3 ~~forms~~ may require ~~such-any~~ information as is ~~reasonable and~~ necessary to determine that the
 4 bingo game was conducted in accordance with ~~the provisions of this Part but may this Part.~~ The
 5 forms shall not require more information than specified in G.S. 14-309.11(b). Any licensed
 6 exempt organization may donate or loan its equipment or use of its premises to an exempt
 7 organization ~~which-that~~ has secured a limited occasion permit ~~provided-such-as long as the~~
 8 arrangement is disclosed in the limited occasion permit application and is approved by the ~~State~~
 9 ~~Bureau of Investigation-Division.~~ Division. Except as ~~stated above,~~ provided in this subsection, all
 10 provisions of this Part ~~shall~~ apply to ~~any-an~~ exempt organization operating a bingo game under
 11 this ~~provision-subsection.~~"

12 **SECTION 1.(b)** G.S. 14-309.11 reads as rewritten:

13 **"§ 14-309.11. Accounting and use of proceeds.**

14 ...

15 (b) An audit of the account required by subsection (a) of this section shall be prepared
 16 annually for the period of January 1 through December 31 or otherwise as directed by the ~~State~~
 17 ~~Bureau of Investigation-Alcohol Law Enforcement Division of the Department of Public Safety~~
 18 and shall be filed with the ~~State Bureau of Investigation-Division~~ and the local law-enforcement
 19 agency at a time directed by the ~~State Bureau of Investigation-Division.~~ The audit shall be
 20 prepared on a form approved by the ~~State Bureau of Investigation-Division~~ and shall include the
 21 following information:

- 22 (1) The number of bingo games conducted or sponsored by the exempt
- 23 organization;
- 24 (2) The location and date at which each bingo game was conducted and the prize
- 25 awarded;
- 26 (3) The gross receipts of each bingo game;
- 27 (4) The cost or amount of any prize given at each bingo game;
- 28 (5) The amount paid in prizes at each session;
- 29 (6) The net return to the exempt organization; and
- 30 (7) The disbursements from the separate account and the purpose of those
- 31 disbursements, including the date of each transaction and the name and
- 32 address of each payee.

33 ...

34 (d) All books, papers, records and documents relevant to determining whether an
 35 organization has acted or is acting in compliance with this section shall be open to inspection by
 36 the law-enforcement agency or its designee, or the district attorney or his designee, or the ~~State~~
 37 ~~Bureau of Investigation-Alcohol Law Enforcement Division of the Department of Public Safety~~
 38 at reasonable times and during reasonable hours."

39 **SECTION 1.(c)** G.S. 14-309.14 reads as rewritten:

40 **"§ 14-309.14. Beach bingo.**

41 Nothing in this Article shall apply to "beach bingo" games except for the following
 42 subdivisions:

43 ...

- 44 (5) A person shall not operate a beach bingo game at any location without first
- 45 obtaining a license as provided by this subdivision. Any person operating a
- 46 beach bingo game without a license is guilty of a Class 2 misdemeanor. The
- 47 procedure for obtaining an application for a beach bingo license shall be as
- 48 follows:

- 49 a. The application for a beach bingo license shall be made to the ~~State~~
- 50 ~~Bureau of Investigation-Alcohol Law Enforcement Division of the~~
- 51 Department of Public Safety on a form prescribed by the ~~Bureau-~~

Division. The ~~Bureau~~ Division shall charge an initial application fee of three hundred dollars (\$300.00) and an annual renewal fee of three hundred dollars (\$300.00) to defray the cost of issuing beach bingo licenses and handling enforcement. The fees collected shall be deposited in the General Fund of the State. This license shall expire one year after the granting of the license but may be renewed yearly upon payment of the renewal fee.

b. Each application and renewal application shall contain all of the following information:

1. The name and address of the applicant and if the applicant is a corporation, association, or other similar legal entity, the name and home address of each of the officers of the organization as well as the name and address of the directors, or other persons similarly situated, of the organization.

2. The location at which the applicant will conduct the bingo games. If the premises are leased, a copy of the lease or rental agreement.

c. Any false information provided in an application for a beach bingo license is cause for suspension of that license and is also a Class 2 misdemeanor.

d. All books, papers, records, and documents relevant to determining whether an individual has acted or is acting in compliance with this section shall be open to inspection by the ~~State Bureau of Investigation~~ Alcohol Law Enforcement Division of the Department of Public Safety at reasonable times and during reasonable hours."

SECTION 1.(d) This section becomes effective October 1, 2020, and applies to applications submitted on or after that date.

SECTION 2.(a) G.S. 1A-1, Rule 40 of the Rules of Civil Procedure, reads as rewritten:

"Rule 40. Assignment of cases for trial; continuances.

(a) The senior resident superior court judge of any superior court district or set of districts as defined in G.S. 7A-41.1 may provide by rule for the calendaring of actions for trial in the superior court division of the various counties within ~~his~~ that senior resident's district or set of districts. Calendaring of actions for trial in the district court shall be in accordance with G.S. 7A-146. Precedence shall be given to actions entitled thereto by any statute of this State.

(b) No continuance shall be granted except upon application to the court. A continuance may be granted only for good cause shown and upon such terms and conditions as justice may require. Good cause for granting a continuance shall include those instances when a party to the proceeding, a witness, or counsel of record has an obligation of service to the State of North Carolina, including ~~service~~ any service in carrying out any duties as a member of the General ~~Assembly or~~ Assembly, or service on the Rules Review Commission. ~~Commission~~ or any other board, commission, or authority as an appointee of the Governor, the Lieutenant Governor, or the General Assembly."

SECTION 2.(b) G.S. 15A-952 reads as rewritten:

"§ 15A-952. Pretrial motions; time for filing; sanction for failure to file; motion hearing date.

...

(g) In superior or district court, the judge shall consider at least the following factors in determining whether to grant a continuance:

(1) Whether the failure to grant a continuance would be likely to result in a miscarriage of justice;

- 1 (2) Whether the case taken as a whole is so unusual and so complex, due to the
- 2 number of defendants or the nature of the prosecution or otherwise, that more
- 3 time is needed for adequate preparation; and
- 4 (3) Whether the case involves physical or sexual child abuse when a victim or
- 5 witness is under 16 years of age, and whether further delay would have an
- 6 adverse impact on the well-being of the child.
- 7 (4) Good cause for granting a continuance shall include those instances when the
- 8 defendant, a witness, or counsel of record has an obligation of service to the
- 9 State of North Carolina, including ~~service~~any service in carrying out any
- 10 duties as a member of the General Assembly or ~~Assembly~~, or service on the
- 11 Rules Review Commission.~~Commission~~ or any other board, commission, or
- 12 authority as an appointee of the Governor, the Lieutenant Governor, or the
- 13 General Assembly."

14 **SECTION 2.(c)** This section becomes effective December 1, 2020.

15 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes

16 law.