

### **238.515 Powers and duties of department.**

The department shall license and regulate the conduct of charitable gaming in the Commonwealth of Kentucky. In discharging this responsibility, the department shall have the following powers and duties:

- (1) Licensing charitable organizations, charitable gaming facilities, manufacturers, and distributors that desire to engage in charitable gaming;
- (2) Establishing and enforcing reasonable standards for the conduct of charitable gaming and the operation of charitable gaming facilities;
- (3) Prescribing reasonable fees for licenses;
- (4) Establishing standards of accounting, recordkeeping, and reporting to insure charitable gaming receipts are properly accounted for;
- (5) Establishing a process for reviewing complaints and allegations of wrongdoing, and for investigating complaints with merit. In furtherance of this duty, the department shall have the authority to issue administrative subpoenas and summonses. The department shall also establish toll-free telephone service for receiving complaints and inquiries;
- (6) Taking appropriate disciplinary action and making referrals for criminal prosecution of persons who do not operate in compliance with this chapter;
- (7) Collecting and depositing all fees and fines in the charitable gaming regulatory account and administering the account;
- (8) Employing necessary staff, securing adequate office space, and executing other administrative and logistical matters as may be necessary to assure proper functioning of the department; and
- (9) Promulgating administrative regulations, in accordance with KRS Chapter 13A, which are necessary to carry out the purposes and intent of this chapter. Any administrative regulation proposed by the department that changes the manner in which a charitable organization conducts charitable gaming or is likely to cause a charitable organization to incur new or additional costs shall be subject to the requirements of KRS 238.522. In promulgating administrative regulations under this subsection, the department shall submit any proposed regulations to the advisory commission established under KRS 238.520, and shall not promulgate the administrative regulations without giving the advisory commission the opportunity to produce written comments in accordance with KRS 238.522. If the advisory commission chooses to produce written comments, the comments shall be attached to any public submission of the administrative regulation, including any filing under KRS Chapter 13A.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 535, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 120, sec. 6, effective June 26, 2007. -- Amended 2000 Ky. Acts ch. 374, sec. 4, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 232, sec. 2, effective April 1, 1998. -- Amended 1996 Ky. Acts ch. 331, sec. 4, effective April 10, 1996. -- Created 1994 Ky. Acts ch. 66, sec. 4, effective March 16, 1994.