

238.570 Charitable gaming fee -- Charitable gaming regulatory account.

- (1) A fee is imposed on charitable gaming in the amount of fifty-three hundredths of one percent (0.53%) of gross receipts derived from all charitable gaming conducted by charitable organizations required to be licensed in the Commonwealth of Kentucky. The amount of the fee shall be adjusted by October 1 of each odd-numbered year in accordance with subsection (3) of this section. Each licensed charitable organization shall remit to the department all moneys due as set forth in administrative regulations promulgated by the department. Failure by a licensed charitable organization to timely remit the fee required under this subsection upon notice of delinquency shall constitute grounds for disciplinary action in accordance with KRS 238.560.
- (2) The charitable gaming regulatory account is hereby created as a revolving account within the agency revenue fund and under the control of the Public Protection Cabinet. All revenues generated from the fee levied in subsection (1) of this section from license fees and from administrative fines imposed by the department shall be deposited in this account. Fund amounts attributable to the fee levied in subsection (1) of this section that are not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.
- (3)
 - (a) No later than July 31 of each odd-numbered year, the Public Protection Cabinet shall determine:
 1. The amount of gross receipts during the prior biennium against which the fee collected under subsection (1) of this section was assessed; and
 2. The final budgeted amount as determined by the enacted budget for the upcoming biennium for the administration and enforcement of the provisions of this chapter. If a budget is not enacted, the amount shall be the corresponding amount in the last enacted budget.
 - (b) On October 1 of each odd-numbered year, the fee assessed under subsection (1) of this section shall be proportionally adjusted by the Public Protection Cabinet. The new rate shall be calculated by multiplying one hundred ten percent (110%) by the amount determined in paragraph (a)2. of this subsection, and subtracting from that amount one-half (1/2) of any remaining balance in the account. The total shall then be divided by the amount determined in paragraph (a)1. of this subsection. The result shall be expressed as a percentage and shall be rounded to the nearest thousandth of a percent (0.000%).

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 548, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 120, sec. 3, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 157, sec. 1, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 374, sec. 16, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 232, sec. 14, effective April 1, 1998. -- Amended 1996 Ky. Acts ch. 331, sec. 13, effective April 10, 1996. -- Created 1994 Ky. Acts ch. 66, sec. 15, effective March 16, 1994.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts ch. 157, sec. 2, states that the amendment to the amount of the fee in subsection (1) of this statute made in 2005 Ky. Acts ch. 157, sec. 1, is retroactive to July 1, 2004.