



February 12, 1999

SENATE BILL No. 294

DIGEST OF SB294 (Updated February 9, 1999 11:04 am - DI 71)

Citations Affected: IC 4-32.

Synopsis: Charity gaming. Specifies that the state and the political subdivisions of the state may not conduct games of chance under the charitable gaming statute. Authorizes an Indiana nonprofit corporation that is organized and operated solely to support a state assisted college or university to conduct a game of chance outside the county in which the nonprofit corporation has its principal office.

Effective: July 1, 1999.

Borst

January 7, 1999, read first time and referred to Committee on Public Policy.
February 11, 1999, amended, reported favorably — Do Pass.

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SB 294—LS 7455/DI 92+



February 12, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 294

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-32-6-6 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 6. "Bona fide educational
3 organization" means an organization that is not for pecuniary profit and
4 that meets the following criteria:

- 5 (1) The organization's primary purpose is educational in nature.
6 (2) The organization's constitution, chapter, articles, or bylaws
7 contain a clause that provides that upon dissolution all remaining
8 assets shall be used for nonprofit educational purposes.
9 (3) The organization is designed to develop the capabilities of
10 individuals by instruction in a ~~public~~ or private:
11 (A) elementary or secondary school; or
12 (B) college or university.

13 SECTION 2. IC 4-32-6-20 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 20. (a) "Qualified
15 organization" means:

- 16 (1) a bona fide religious, educational, senior citizens, veterans, or
17 civic organization operating in Indiana that:

SB 294—LS 7455/DI 92+



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- 1 (A) operates without profit to the organization's members;
 2 (B) is exempt from taxation under Section 501 of the Internal
 3 Revenue Code; and
 4 (C) has been continuously in existence in Indiana for at least
 5 five (5) years or is affiliated with a parent organization that has
 6 been in existence in Indiana for at least five (5) years; or
 7 (2) a bona fide political organization operating in Indiana that
 8 produces exempt function income (as defined in Section 527 of
 9 the Internal Revenue Code).
- 10 (b) For the purpose of IC 4-32-9-3, a "qualified organization"
 11 includes the following:
 12 (1) A hospital licensed under IC 16-21.
 13 (2) A health facility licensed under IC 16-28.
 14 (3) A psychiatric facility licensed under IC 12-25.
 15 (4) An organization defined in subsection (a).
- 16 **(c) For the purposes of IC 4-32, a "qualified organization" does**
 17 **not include a governmental entity as defined in IC 34-6-2-49.**
- 18 SECTION 3. IC 4-32-9-21 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. (a) Except where
 20 a qualified organization or its affiliate is having a convention or other
 21 annual meeting of its membership, a qualified organization may only
 22 conduct an allowable event in the county where the principal office of
 23 the qualified organization is located. The principal office of a qualified
 24 organization shall be determined as follows:
 25 (1) Except as provided in subdivision (3), if a qualified
 26 organization is a corporation, the principal office shall be
 27 determined by the street address of the corporation's registered
 28 office on file with the secretary of state.
 29 (2) If a qualified organization is not a corporation, the principal
 30 office shall be determined by the street address of the
 31 organization on file with the Internal Revenue Service, the
 32 department, or county property tax assessment board of appeals
 33 for tax exempt purposes.
 34 (3) If a qualified organization is affiliated with a parent
 35 organization that:
 36 (A) is organized in Indiana; and
 37 (B) has been in existence for at least five (5) years;
 38 the principal office shall be determined by the principal place of
 39 business of the qualified organization.
- 40 **(b) The limitation in subsection (a) on the county in which an**
 41 **allowable event may be conducted does not apply to an Indiana**
 42 **nonprofit corporation organized and operated solely for the benefit**



1 of a state educational institution (as defined in IC 20-12-0.5-1).

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 294, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-32-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. "Bona fide educational organization" means an organization that is not for pecuniary profit and that meets the following criteria:

- (1) The organization's primary purpose is educational in nature.
- (2) The organization's constitution, chapter, articles, or bylaws contain a clause that provides that upon dissolution all remaining assets shall be used for nonprofit educational purposes.
- (3) The organization is designed to develop the capabilities of individuals by instruction in a ~~public or~~ private:
 - (A) elementary or secondary school; or
 - (B) college or university."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 294 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 0.

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