

**SENATE BILL No. 588**

**DIGEST OF INTRODUCED BILL**

**Citations Affected:** IC 4-32.2.

**Synopsis:** Charity gaming. Requires that an annual charity game night license must specify the dates of the permitted events. Specifies that an annual charity game night event is considered to begin at noon of the calendar day specified on the license and end at 11:59 a.m. of the immediately following calendar day. Provides that facilities and locations may not be used for more than three annual charity game night events per calendar week. Provides that a particular annual charity game night event is attributed to the calendar week in which the event is considered to begin. Excludes annual charity game night events from the application of a statute prohibiting a location or facility to be rented for more than three calendar days for allowable events. Specifies that the amount of the rent for facilities, locations, and personal property used for an annual charity game night event may not be based on the revenue generated from the event. Allows patrons to deal the cards in card games conducted at a charity game night. (Current law allows patrons to deal only in euchre games.)

**Effective:** July 1, 2011.

**Hume**

January 20, 2011, read first time and referred to Committee on Public Policy.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## SENATE BILL No. 588



A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

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

- 1 SECTION 1. IC 4-32.2-3-3, AS AMENDED BY P.L.95-2008,
- 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2011]: Sec. 3. (a) The commission shall adopt rules under
- 4 IC 4-22-2 for the following purposes:
- 5 (1) Administering this article.
- 6 (2) Establishing the conditions under which charity gaming in
- 7 Indiana may be conducted, including the manner in which a
- 8 qualified organization may supervise a ~~euhere~~ **card** game
- 9 conducted under IC 4-32.2-5-14(b).
- 10 (3) Providing for the prevention of practices detrimental to the
- 11 public interest and providing for the best interests of charity
- 12 gaming.
- 13 (4) Establishing rules concerning inspection of qualified
- 14 organizations and the review of the licenses necessary to conduct
- 15 charity gaming.
- 16 (5) Imposing penalties for noncriminal violations of this article.
- 17 (6) Establishing standards for independent audits conducted under



1 IC 4-32.2-5-5.  
 2 (b) The commission may adopt emergency rules under  
 3 IC 4-22-2-37.1 if the commission determines that:  
 4 (1) the need for a rule is so immediate and substantial that  
 5 rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36  
 6 are inadequate to address the need; and  
 7 (2) an emergency rule is likely to address the need.  
 8 SECTION 2. IC 4-32.2-4-7.5, AS AMENDED BY P.L.108-2009,  
 9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2011]: Sec. 7.5. (a) This section applies only to a qualified  
 11 organization described in subsection (h). The commission may issue an  
 12 annual charity game night license to a qualified organization if:  
 13 (1) the provisions of this section are satisfied; and  
 14 (2) the qualified organization:  
 15 (A) submits an application; and  
 16 (B) pays a fee set by the commission under IC 4-32.2-6.  
 17 (b) The commission may hold a public hearing to obtain input on  
 18 the proposed issuance of an annual charity game night license to an  
 19 applicant that has never held an annual charity game night license  
 20 under this article.  
 21 (c) The first time that a qualified organization applies for an annual  
 22 charity game night license, the qualified organization shall publish  
 23 notice that the application has been filed by publication at least two (2)  
 24 times, seven (7) days apart, as follows:  
 25 (1) In one (1) newspaper in the county where the qualified  
 26 organization is located.  
 27 (2) In one (1) newspaper in the county where the allowable events  
 28 will be conducted.  
 29 (d) The notification required by subsection (c) must contain the  
 30 following:  
 31 (1) The name of the qualified organization and the fact that it has  
 32 applied for an annual charity game night license.  
 33 (2) The location where the charity game night events will be held.  
 34 (3) The names of the operator and officers of the qualified  
 35 organization.  
 36 (4) A statement that any person can protest the proposed issuance  
 37 of the annual charity game night license.  
 38 (5) A statement that the commission shall hold a public hearing  
 39 if ten (10) written and signed protest letters are received by the  
 40 commission.  
 41 (6) The address of the commission where correspondence  
 42 concerning the application may be sent.

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1 (e) If the commission receives at least ten (10) protest letters, the  
2 commission shall hold a public hearing in accordance with IC 5-14-1.5.  
3 The commission shall issue a license or deny the application not later  
4 than sixty (60) days after the date of the public hearing.

5 (f) A license issued under this section:  
6 (1) may authorize the qualified organization to conduct charity  
7 game night events on more than one (1) occasion during a period  
8 of one (1) year;  
9 (2) must state the **dates and** locations of the permitted charity  
10 game night events;  
11 (3) must state the expiration date of the license; and  
12 (4) may be reissued annually upon the submission of an  
13 application for reissuance on the form established by the  
14 commission and upon the licensee's payment of a fee set by the  
15 commission.

16 (g) Notwithstanding subsection (f)(4), the commission may hold a  
17 public hearing for the reissuance of an annual charity game night  
18 license if at least one (1) of the following conditions is met:

- 19 (1) An applicant has been cited for a violation of law or a rule of  
20 the commission.
- 21 (2) The commission receives at least ten (10) protest letters  
22 concerning the qualified organization's charity game night  
23 operation.
- 24 (3) A public hearing is considered necessary by the commission.

25 (h) A qualified organization may apply for an annual charity game  
26 night license under this section if the qualified organization is:

- 27 (1) a bona fide fraternal organization; or
  - 28 (2) a bona fide veterans organization;
- 29 that has been continuously in existence in Indiana for ten (10) years.

30 (i) A facility or location may not be used for purposes of conducting  
31 ~~an more than three (3) annual charity game night event on more than~~  
32 ~~three (3) calendar days events~~ per calendar week regardless of the  
33 number of qualified organizations conducting an annual charity game  
34 night event at the facility or location. **For purposes of this subsection,**  
35 **a particular annual charity game night event is attributed to the**  
36 **calendar week in which the event is considered to begin.**

37 (j) **An annual charity game night event is considered to:**  
38 **(1) begin at noon of the calendar day specified on the qualified**  
39 **organization's annual charity game night license; and**  
40 **(2) end at 11:59 a.m. of the immediately following calendar**  
41 **day.**

42 (k) **The following apply to an annual charity game night event:**

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(1) IC 4-32.2-5-8(a).

(2) IC 4-32.2-5-8(c).

SECTION 3. IC 4-32.2-5-8, AS AMENDED BY P.L.108-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) If a facility or location is leased for an allowable event, the rent may not be based in whole or in part on the revenue generated from the event.

(b) ~~Subject to the additional restrictions on the use of a facility or location that are set forth in IC 4-32.2-4-7.5(i);~~ **This subsection does not apply to a facility or location used to conduct an annual charity game night event under IC 4-32.2-4-7.5.** A facility or location may not be rented for more than three (3) **calendar** days during a calendar week for an allowable event.

(c) If personal property is leased for an allowable event, the rent may not be based in whole or in part on the revenue generated from the event.

SECTION 4. IC 4-32.2-5-14, AS AMENDED BY P.L.108-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) Except as provided by subsection (c), an operator or a worker may not directly or indirectly participate, other than in a capacity as an operator or a worker, in an allowable event that the operator or worker is conducting.

(b) A patron at a charity game night may deal the cards in a card game if:

- ~~(1) the card game in which the patron deals the cards is a game of euchre;~~
- ~~(2) (1) the patron deals the cards in the manner required in the ordinary course of the card game; of euchre; and~~
- ~~(3) (2) the euchre card game is played under the supervision of the qualified organization conducting the charity game night in accordance with rules adopted by the commission under IC 4-32.2-3-3.~~

A patron who deals the cards in a ~~euchre card~~ game conducted under this subsection is not considered a worker or an operator for purposes of this article.

(c) A worker at a festival event may participate as a player in any gaming activity offered at the festival event except as follows:

- (1) A worker may not participate in any game during the time in which the worker is conducting or helping to conduct the game.
- (2) A worker who conducts or helps to conduct a pull tab, punchboard, or tip board event during a festival event may not participate as a player in a pull tab, punchboard, or tip board

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1 event conducted on the same calendar day.

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