

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Public Policy, to which was referred Senate Bill No. 340, 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:

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

1 IC 4-22-2-37.1 if the commission determines that:

- 2 (1) the need for a rule is so immediate and substantial that
 3 rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36
 4 are inadequate to address the need; and
 5 (2) an emergency rule is likely to address the need.

6 SECTION 4. IC 4-32.2-4-7.5, AS AMENDED BY P.L.108-2009,
 7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2011]: Sec. 7.5. (a) This section applies only to a qualified
 9 organization described in subsection (h). The commission may issue an
 10 annual charity game night license to a qualified organization if:

- 11 (1) the provisions of this section are satisfied; and
 12 (2) the qualified organization:
 13 (A) submits an application; and
 14 (B) pays a fee set by the commission under IC 4-32.2-6.

15 (b) The commission may hold a public hearing to obtain input on
 16 the proposed issuance of an annual charity game night license to an
 17 applicant that has never held an annual charity game night license
 18 under this article.

19 (c) The first time that a qualified organization applies for an annual
 20 charity game night license, the qualified organization shall publish
 21 notice that the application has been filed by publication at least two (2)
 22 times, seven (7) days apart, as follows:

- 23 (1) In one (1) newspaper in the county where the qualified
 24 organization is located.
 25 (2) In one (1) newspaper in the county where the allowable events
 26 will be conducted.

27 (d) The notification required by subsection (c) must contain the
 28 following:

- 29 (1) The name of the qualified organization and the fact that it has
 30 applied for an annual charity game night license.
 31 (2) The location where the charity game night events will be held.
 32 (3) The names of the operator and officers of the qualified
 33 organization.
 34 (4) A statement that any person can protest the proposed issuance
 35 of the annual charity game night license.
 36 (5) A statement that the commission shall hold a public hearing
 37 if ten (10) written and signed protest letters are received by the
 38 commission.

1 (6) The address of the commission where correspondence
2 concerning the application may be sent.

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

7 (f) A license issued under this section:

8 (1) may authorize the qualified organization to conduct charity
9 game night events on more than one (1) occasion during a period
10 of one (1) year;

11 (2) must state the **dates and** locations of the permitted charity
12 game night events;

13 (3) must state the expiration date of the license; and

14 (4) may be reissued annually upon the submission of an
15 application for reissuance on the form established by the
16 commission and upon the licensee's payment of a fee set by the
17 commission.

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

21 (1) An applicant has been cited for a violation of law or a rule of
22 the commission.

23 (2) The commission receives at least ten (10) protest letters
24 concerning the qualified organization's charity game night
25 operation.

26 (3) A public hearing is considered necessary by the commission.

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

29 (1) a bona fide fraternal organization; or

30 (2) a bona fide veterans organization;

31 that has been continuously in existence in Indiana for ten (10) years.

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

- 1 **(j) An annual charity game night event is considered to:**
 2 **(1) begin at noon of the calendar day specified on the qualified**
 3 **organization's annual charity game night license; and**
 4 **(2) end at 11:59 a.m. of the immediately following calendar**
 5 **day.**
- 6 **(k) The following apply to an annual charity game night event:**
 7 **(1) IC 4-32.2-5-8(a).**
 8 **(2) IC 4-32.2-5-8(c).**

9 SECTION 5. IC 4-32.2-4-12, AS AMENDED BY P.L.227-2007,
 10 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2011]: Sec. 12. (a) The commission may issue a festival
 12 license to a qualified organization upon the organization's submission
 13 of an application and payment of a fee determined under IC 4-32.2-6.
 14 The license must authorize the qualified organization to conduct bingo
 15 events, charity game nights, raffle events, gambling events licensed
 16 under section 16 of this chapter, and door prize events and to sell pull
 17 tabs, punchboards, and tip boards. The license must state the location
 18 and the dates, not exceeding ~~four (4)~~ **five (5)** consecutive days, on
 19 which these activities may be conducted.

20 (b) Except as provided in IC 4-32.2-5-6(c), a qualified organization
 21 may not conduct more than one (1) festival each year.

22 (c) The raffle event authorized by a festival license is not subject to
 23 the prize limits set forth in this chapter. Bingo events, charity game
 24 nights, and door prize events conducted at a festival are subject to the
 25 prize limits set forth in this chapter."

26 Page 2, between lines 21 and 22, begin a new paragraph and insert:

27 "SECTION 7. IC 4-32.2-5-8, AS AMENDED BY P.L.108-2009,
 28 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2011]: Sec. 8. (a) If a facility or location is leased for an
 30 allowable event, the rent may not be based in whole or in part on the
 31 revenue generated from the event.

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

38 (c) If personal property is leased for an allowable event, the rent

1 may not be based in whole or in part on the revenue generated from the
2 event."

3 Page 3, between lines 7 and 8, begin a new paragraph and insert:

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

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

12 ~~(1) the card game in which the patron deals the cards is a game of~~
13 ~~euchre;~~

14 ~~(2) (1) the patron deals the cards in the manner required in the~~
15 ~~ordinary course of the card game; of euchre; and~~

16 ~~(3) (2) the euchre card game is played under the supervision of~~
17 ~~the qualified organization conducting the charity game night in~~
18 ~~accordance with rules adopted by the commission under~~
19 ~~IC 4-32.2-3-3.~~

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

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

25 (1) A worker may not participate in any game during the time in
26 which the worker is conducting or helping to conduct the game.

27 (2) A worker who conducts or helps to conduct a pull tab,
28 punchboard, or tip board event during a festival event may not

- 1 participate as a player in a pull tab, punchboard, or tip board event
- 2 conducted on the same calendar day."
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 340 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Alting

Chairperson