

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.

SENATE ENROLLED ACT No. 340

AN ACT to amend the Indiana Code concerning gaming.

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

SECTION 1. IC 2-5-31.9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 31.9. Charity Gaming Study Committee

Sec. 1. The charity gaming study committee is established.

Sec. 2. (a) The committee consists of thirteen (13) members appointed as follows:

- (1) The chairperson of the house of representatives committee on public policy.**
- (2) The ranking minority member of the house of representatives committee on public policy.**
- (3) The chairperson of the senate committee on public policy.**
- (4) The ranking minority member of the senate committee on public policy.**
- (5) One (1) member of the house of representatives appointed by the speaker of the house of representatives.**
- (6) One (1) member of the house of representatives appointed by the minority leader of the house of representatives.**
- (7) One (1) member of the senate appointed by the president pro tempore of the senate.**
- (8) One (1) member of the senate appointed by the minority leader of the senate.**

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(9) One (1) individual who is not a member of the general assembly appointed by the speaker of the house of representatives.

(10) One (1) individual who is not a member of the general assembly appointed by the minority leader of the house of representatives.

(11) One (1) individual who is not a member of the general assembly appointed by the president pro tempore of the senate.

(12) One (1) individual who is not a member of the general assembly appointed by the minority leader of the senate.

(13) The executive director of the Indiana gaming commission, or the executive director's designee, who serves as an ex officio nonvoting member.

(b) Each member of the committee who is not:

(1) a member of the general assembly; or

(2) appointed under subsection (a)(11);

must be a member of a qualified organization (as defined under IC 4-32.2-2) that has engaged in charity gaming under a license issued after December 31, 2009.

Sec. 3. The chairman of the legislative council shall appoint a legislative member of the committee to serve as chair of the committee. Whenever there is a new chairman of the legislative council, the new chairman may remove the chair of the committee and appoint another chair.

Sec. 4. If a legislative member of the committee ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.

Sec. 5. A legislative member of the committee may be removed at any time by the appointing authority who appointed the legislative member.

Sec. 6. If a vacancy exists on the committee, the appointing authority who appointed the former member whose position is vacant shall appoint an individual to fill the vacancy.

Sec. 7. The committee shall submit a final report of the results of its study to the legislative council before November 1, 2011. The report must be in an electronic format under IC 5-14-6.

Sec. 8. (a) Except as provided in subsection (b), each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

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(b) Each member of the committee who is a state employee but not a member of the general assembly is entitled to the following:

- (1) Reimbursement for traveling expenses as provided under IC 4-13-1-4.
- (2) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 9. The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including the final report.

Sec. 10. Except as otherwise specifically provided by this chapter, the committee shall operate under the rules of the legislative council. All funds necessary to carry out this chapter shall be paid from appropriations to the legislative council and the legislative services agency.

Sec. 11. (a) The committee shall study the following:

- (1) The requirements for obtaining a charity gaming license.
- (2) Whether qualified organizations should be permitted to use charity gaming proceeds to pay the salaries and benefits of the qualified organization's employees.
- (3) The reporting requirements for conducting charity gaming events.
- (4) Whether qualified organizations should be permitted to conduct charity gaming events more frequently.
- (5) The hours in which charity gaming events may be conducted.
- (6) Issues related to licensing and regulating national organizations and their affiliates.

(b) The committee may study other topics assigned by the legislative council or as directed by the committee chair.

Sec. 12. This chapter expires January 1, 2012.

SECTION 2. IC 4-32.2-2-29.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 29.5. "Volunteer ticket agent" means a person acting on behalf of a qualified organization that:

- (1) receives no compensation from the qualified organization;
- (2) sells tickets to an allowable event held under a license issued under IC 4-32.2-4-8, IC 4-32.2-10, or IC 4-32.2-4-12, or a single event license issued under IC 4-32.2-4-16; and
- (3) does not assist the qualified organization in conducting the

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allowable event in any other way.

SECTION 3. IC 4-32.2-2-30, AS AMENDED BY P.L.95-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 30. (a) Except as provided in ~~IC 4-32.2-5-14(b)~~, **subsection (b)**, "worker" means an individual who helps or participates in any manner in conducting or assisting in conducting an allowable event under this article.

(b) The following are not considered workers for the purposes of this article:

(1) A patron dealing euchre cards under IC 4-32.2-5-14(b).

(2) A volunteer ticket agent.

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

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

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

SECTION 5. IC 4-32.2-5-11, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. An employee of the commission or a relative living in the same household with the employee of the commission may not be an operator, ~~or~~ a worker, **or a volunteer ticket agent.**

SECTION 6. IC 4-32.2-5-12, AS AMENDED BY P.L.227-2007, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) Except as provided in subsection (b) or (c), an operator, ~~or~~ a worker, **or a volunteer ticket agent** who is not a full-time employee may not receive remuneration for:

- (1) conducting; or
- (2) assisting in conducting;

an allowable event.

(b) A qualified organization that conducts an allowable event may:

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- (1) provide meals for the operators and workers during the allowable event; and
- (2) provide recognition dinners and social events for the operators and workers;

if the value of the meals and social events does not constitute a significant inducement to participate in the conduct of the allowable event.

(c) In the case of a qualified organization holding a PPT license, any employee of the qualified organization may:

- (1) participate in the sale and redemption of pull tabs, punchboards, and tip boards on the premises of the qualified organization; and
- (2) receive the remuneration ordinarily provided to the employee in the course of the employee's employment.

SECTION 7. 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~~ **subsections (c) and (d)**, 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) the patron deals the cards in the manner required in the ordinary course of the game of euchre; and
- (3) the euchre 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 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 event conducted on the same calendar day.

(d) A worker at a bingo event:

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- (1) whose duties are limited to:**
 - (A) selling bingo supplies;**
 - (B) selling tickets for a door prize drawing or raffle conducted at the bingo event; or**
 - (C) the duties described in both clauses (A) and (B);**
- (2) who has completed all of the worker's duties before the start of the first bingo game of the bingo event; and**
- (3) who is not engaged as a worker at any other time during the bingo event;**

may participate as a player in any gaming activity offered at the bingo event following the completion of the worker's duties at the bingo event.

SECTION 8. IC 4-32.2-5-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 27. The following apply to a qualified organization's use of a volunteer ticket agent:**

- (1) Before using volunteer ticket agents to sell tickets to an allowable event, a qualified organization shall provide a list containing the following information to the commission:**
 - (A) The name, address, and telephone number of each retail establishment whose employees will serve as volunteer ticket agents.**
 - (B) The name of the general manager of each retail establishment listed under clause (A).**
- (2) A volunteer ticket agent may not sell pull tabs, punchboards, or tip boards.**
- (3) A volunteer ticket agent is not required to be a member in good standing of the qualified organization.**
- (4) A volunteer ticket agent may participate as a patron in any allowable event conducted by the qualified organization.**
- (5) A qualified organization must include on each ticket or entry sold by a volunteer ticket agent the name of the qualified organization, the date of the allowable event, and a valid license number for the allowable event.**
- (6) All tickets sold by volunteer ticket agents must be numbered sequentially.**
- (7) After tickets to the allowable event are sold, the qualified organization shall provide to the commission the name, address, and telephone number of each person who served as a volunteer ticket agent.**

SECTION 9. IC 4-32.2-5-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2011]: **Sec. 28. (a) Subject to subsection (b), a qualified organization may accept credit cards at an allowable event for the purchase of:**

- (1) food and beverages;**
- (2) merchandise; and**
- (3) retail goods and services offered at a benefit auction.**

(b) A qualified organization may not accept credit cards or extend credit to a player for the purchase of a:

- (1) chance to play any game of chance offered at an allowable event; or**
- (2) licensed supply.**

SECTION 10. IC 4-32.2-6-3, AS AMENDED BY P.L.227-2007, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3. (a) In the case of a qualified organization that is not subject to subsection (b); the This subsection does not apply to the renewal of a license issued under IC 4-32.2-4-6, IC 4-32.2-4-7, IC 4-32.2-4-8, IC 4-32.2-4-10, or IC 4-32.2-4-12, or a single event license issued under IC 4-32.2-4-16. A qualified organization's adjusted gross revenue is an amount equal to the difference between:**

- (1) the qualified organization's total gross revenue from allowable events and related activities in the preceding year; minus**
- (2) the sum of any amounts deducted under IC 4-32.2-5-3(b)(5) in the preceding year.**

(b) This subsection applies only to a qualified organization that held the renewal of a license issued under IC 4-32.2-4-6, IC 4-32.2-4-7, IC 4-32.2-4-8, IC 4-32.2-4-10, or IC 4-32.2-4-12, or a single event license issued under IC 4-32.2-4-16. The A qualified organization's adjusted gross revenue is an amount equal to the difference between:

- (1) the qualified organization's total gross revenue from the preceding event; and related activities; minus**
- (2) any amount deducted under IC 4-32.2-5-3(b)(5) for the preceding event.**

(c) The license fee that is charged to a qualified organization that renews the a license must be based on the adjusted gross revenue of the qualified organization from allowable events and related activities in the preceding year; or, if the qualified organization held a license under IC 4-32.2-4-6, IC 4-32.2-4-7, IC 4-32.2-4-8, IC 4-32.2-4-10, or IC 4-32.2-4-12, the fee must be based on the adjusted gross revenue of the qualified organization from the preceding event; and related activities; according to the following schedule: is equal to the amount determined according to the following schedule using the adjusted gross revenue of the qualified organization as specified by

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subsection (a) or (b), as applicable:

Class	Adjusted Gross Revenues		Fee
	At Least	But Less Than	
A	\$ 0	\$ 15,000	\$ 50
B	\$ 15,000	\$ 25,000	\$ 100
C	\$ 25,000	\$ 50,000	\$ 300
D	\$ 50,000	\$ 75,000	\$ 400
E	\$ 75,000	\$ 100,000	\$ 700
F	\$ 100,000	\$ 150,000	\$ 1,000
G	\$ 150,000	\$ 200,000	\$ 1,500
H	\$ 200,000	\$ 250,000	\$ 1,800
I	\$ 250,000	\$ 300,000	\$ 2,500
J	\$ 300,000	\$ 400,000	\$ 3,250
K	\$ 400,000	\$ 500,000	\$ 5,000
L	\$ 500,000	\$ 750,000	\$ 6,750
M	\$ 750,000	\$ 1,000,000	\$ 9,000
N	\$ 1,000,000	\$ 1,250,000	\$ 11,000
O	\$ 1,250,000	\$ 1,500,000	\$ 13,000
P	\$ 1,500,000	\$ 1,750,000	\$ 15,000
Q	\$ 1,750,000	\$ 2,000,000	\$ 17,000
R	\$ 2,000,000	\$ 2,250,000	\$ 19,000
S	\$ 2,250,000	\$ 2,500,000	\$ 21,000
T	\$ 2,500,000	\$ 3,000,000	\$ 24,000
U	\$ 3,000,000		\$ 26,000

SECTION 11. [EFFECTIVE JULY 1, 2011] (a) IC 4-32.2-6-3, as amended by this act, applies to a license renewed after June 30, 2011.

(b) This SECTION expires July 1, 2012.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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