

Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 134

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AN ACT to amend the Indiana Code concerning gaming.

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

SECTION 1. IC 4-32.2-4-4, AS AMENDED BY P.L.94-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) Each organization applying for a bingo license, a special bingo license, a charity game night license, a raffle license, a door prize drawing license, a festival license, or a license to conduct any other gambling event approved by the commission must submit to the commission a written application on a form prescribed by the commission. An organization applying for an annual comprehensive charity gaming license must submit an application under section 19 of this chapter. **A bona fide veterans organization applying for a three (3) year charity gaming license must submit an application under section 21 of this chapter only once every three (3) years.**

(b) Except as provided in subsection (c), the application must include the information that the commission requires, including the following:

- (1) The name and address of the organization.
- (2) The names and addresses of the officers of the organization.
- (3) The type of event the organization proposes to conduct.
- (4) The location where the organization will conduct the allowable event.
- (5) The dates and times for the proposed allowable event.

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(6) Sufficient facts relating to the organization or the organization's incorporation or founding to enable the commission to determine whether the organization is a qualified organization.

(7) The name of each proposed operator and sufficient facts relating to the proposed operator to enable the commission to determine whether the proposed operator is qualified to serve as an operator.

(8) A sworn statement signed by the presiding officer and secretary of the organization attesting to the eligibility of the organization for a license, including the nonprofit character of the organization.

(9) Any other information considered necessary by the commission.

(c) This subsection applies only to a qualified organization that conducts only one (1) allowable event in a calendar year. The commission may not require the inclusion in the qualified organization's application of the Social Security numbers of the workers who will participate in the qualified organization's proposed allowable event. A qualified organization that files an application described in this subsection must attach to the application a sworn statement signed by the presiding officer and secretary of the organization attesting that:

(1) the workers who will participate in the qualified organization's proposed allowable event are eligible to participate under this article; and

(2) the organization has not conducted any other allowable events in the calendar year.

SECTION 2. IC 4-32.2-4-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 21. (a) A bona fide veterans organization applying for a three (3) year charity gaming license must submit to the commission a written application on a form prescribed by the commission.**

**(b) The application must include the information that the commission requires, including the following:**

**(1) The name and address of the organization.**

**(2) The names and addresses of the officers of the organization.**

**(3) The types of allowable events the organization proposes to conduct.**

**(4) The location where the organization will conduct the allowable events.**



- (5) The dates and times for the proposed allowable events.
- (6) Sufficient facts relating to the organization or the organization's incorporation or founding to enable the commission to determine whether the organization is a qualified organization.
- (7) The name of each proposed operator and sufficient facts relating to the proposed operator to enable the commission to determine whether the proposed operator is qualified to serve as an operator.
- (8) A sworn statement signed by the presiding officer and secretary of the organization attesting to the eligibility of the organization for a license, including the nonprofit character of the organization.
- (9) Any other information considered necessary by the commission.

SECTION 3. IC 4-32.2-4-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 22. (a) This section applies only to a qualified organization that is a bona fide veterans organization.**

**(b) The commission may issue a three (3) year charity gaming license, for any license issued under this chapter, to a qualified organization if:**

- (1) the provisions of this section are satisfied; and
- (2) for each license held by the qualified organization, the organization:
  - (A) submits a report to the commission that includes:
    - (i) information described in section 21(b)(1) through 21(b)(7) of this chapter;
    - (ii) a financial report; and
    - (iii) a gross receipts report; and
  - (B) pays the applicable fees under IC 4-32.2-6-2.

**(c) A license issued under this section authorizes a qualified organization to conduct any of the following allowable events:**

- (1) A bingo event.
  - (2) A charity game night.
  - (3) A raffle.
  - (4) A door prize drawing.
  - (5) A festival.
  - (6) A sale of pull tabs, punchboards, or tip boards.
- (d) A license issued under this section:**
- (1) must state the expiration date of the license; and
  - (2) may be reissued after the expiration of the three (3) year



**period upon the submission of an application for reissuance on the form established by the commission and upon the licensee's payment of a fee in the amount set by IC 4-32.2-6-3.7(c).**

SECTION 4. IC 4-32.2-5-5, AS AMENDED BY P.L.94-2012, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) A qualified organization shall maintain accurate records of all financial aspects of an allowable event under this article. A qualified organization shall make accurate reports of all financial aspects of an allowable event to the commission within the time established by the commission. The commission may prescribe forms for this purpose. A qualified organization conducting raffle events and door prize events under an annual comprehensive charity gaming license issued under IC 4-32.2-4-20 shall comply with the reporting requirements of this subsection in the manner specified by subsection (d). For purposes of this section, a qualified organization is not required to record the name, signature, driver's license number, or other identifying information of a prize winner unless the qualified organization is required to withhold adjusted gross income tax from the prize winner under IC 6-3-4-8.2(d). **A qualified organization that is a bona fide veterans organization conducting allowable events under a three (3) year charity gaming license issued under IC 4-32.2-4-22 shall comply with the reporting requirements of this subsection in the manner specified by subsection (e) and pay the applicable fee in an amount determined under the schedule of fees in IC 4-32.2-6-3.7 annually.**

(b) The commission shall, by rule, require a qualified organization to deposit funds received from an allowable event in a separate and segregated account set up for that purpose. A qualified organization conducting raffle events and door prize events under an annual comprehensive charity gaming license shall deposit the funds received from each raffle or door prize event conducted by its separate Indiana affiliates into a single account maintained by a financial institution physically located in Indiana. All expenses of the qualified organization with respect to an allowable event shall be paid from the separate account.

(c) The commission may require a qualified organization to submit any records maintained under this section for an independent audit by a certified public accountant selected by the commission. A qualified organization must bear the cost of any audit required under this section.

(d) The following reports must be submitted to the commission with respect to the raffle events and door prize events conducted under an



annual comprehensive charity gaming license:

- (1) An event summary report for each raffle or door prize event conducted under the license. Reports required under this subdivision may be submitted by the Indiana affiliate of the qualified organization.
- (2) One (1) annual license financial report.
- (3) One (1) annual license gross receipts report.

**(e) The following reports must be submitted to the commission with respect to the allowable events conducted under a three (3) year charity gaming license issued under IC 4-32.2-4-22:**

- (1) An event summary report for each allowable event conducted under the license.**
- (2) An annual financial report.**
- (3) An annual gross receipts report.**

**The reports required by this subsection are due before the annual anniversary date of the issuance of the three (3) year charity gaming license.**

SECTION 5. IC 4-32.2-6-2, AS AMENDED BY P.L.94-2012, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) **Except as provided under subsection (c),** the license fee that is charged to a qualified organization in the first year that the qualified organization applies for a license is:

- (1) fifty dollars (\$50); or
- (2) the amount determined under subsection (b) for a qualified organization issued an annual comprehensive charity gaming license for the first time.

(b) When a qualified organization is issued an annual comprehensive charity gaming license under IC 4-32.2-4-20 for the first time, the initial license fee is determined as follows:

- (1) The fee is an amount equal to fifty dollars (\$50) per Indiana affiliate in the case of a qualified organization that:
  - (A) has not previously conducted an allowable event; and
  - (B) consists of Indiana affiliates that have not previously conducted any allowable events.
- (2) In the case of a qualified organization that includes at least one (1) Indiana affiliate that conducted an allowable event before the date the qualified organization applies for an annual comprehensive charity gaming license, the fee is equal to the greatest of the following:
  - (A) An amount equal to the sum of the license renewal fees determined under section 3(c) of this chapter for the organization's Indiana affiliates in 2011.



(B) An amount equal to the sum of the license renewal fees determined under section 3(c) of this chapter for the organization's Indiana affiliates during the twelve (12) month period ending on the date the qualified organization's license application is filed.

(C) Fifty dollars (\$50) per Indiana affiliate.

**(c) The license fee that is charged to a qualified organization that is a bona fide veterans organization issued a three (3) year charity gaming license under IC 4-32.2-4-22 for the first time the qualified organization has applied for that particular license type issued under IC 4-32.2-4 is fifty dollars (\$50).**

**(d) The license fee for a three (3) year charity gaming license that is charged to a qualified organization that is a bona fide veterans organization that currently holds a license issued under IC 4-32.2-4-6, IC 4-32.2-4-7, IC 4-32.2-4-7.5, IC 4-32.2-4-8, IC 4-32.2-4-9, IC 4-32.2-4-10, IC 4-32.2-4-11, IC 4-32.2-4-12, or IC 4-32.2-4-20 for the first time is equal to the amount the bona fide veterans organization paid for the license it held under IC 4-32.2-4-6, IC 4-32.2-4-7, IC 4-32.2-4-7.5, IC 4-32.2-4-8, IC 4-32.2-4-9, IC 4-32.2-4-10, IC 4-32.2-4-11, IC 4-32.2-4-12, or IC 4-32.2-4-20 the prior fiscal year.**

SECTION 6. IC 4-32.2-6-3, AS AMENDED BY P.L.94-2012, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) 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, IC 4-32.2-4-12, ~~or~~ IC 4-32.2-4-20, **or IC 4-32.2-4-22**, 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 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 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 the preceding event; minus

(2) any amount deducted under IC 4-32.2-5-3(b)(5) for the preceding event.



(c) This subsection does not apply to the renewal of an annual comprehensive charity gaming license issued under IC 4-32.2-4-20 or IC 4-32.2-4-22. The license fee that is charged to a qualified organization that renews a license is equal to the amount determined according to the following schedule using the adjusted gross revenue of the qualified organization as specified by 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

(d) This subsection applies only to the renewal of an annual comprehensive charity gaming license issued under IC 4-32.2-4-20. The license fee that is charged to a qualified organization that renews a license is equal to the amount determined according to the following schedule using the aggregate adjusted gross revenue of the Indiana affiliates of the qualified organization as specified by section 3.5 of this chapter:

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

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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 7. IC 4-32.2-6-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 3.7. (a) This section applies only to a three (3) year charity gaming license issued under IC 4-32.2-4-22.**

**(b) 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 conducted under the three (3) year charity gaming license in the year prior to the annual anniversary date of the issuance of the three (3) year charity gaming license; minus**
- (2) the sum of any amounts deducted under IC 4-32.2-5-3(b)(5) with respect to the allowable events described in subdivision (1) in the year prior to the annual anniversary date of the issuance of the three (3) year charity gaming license.**

**(c) A qualified organization shall pay an annual fee determined under this section before the annual anniversary date of the issuance of the three (3) year charity gaming license. The annual fee that is charged to a qualified organization holding a three (3) year charity gaming license is equal to the amount determined according to the following schedule using the adjusted gross revenue of the qualified organization as specified by subsection (b):**





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 8. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5-1.3-4.

(2) An interim study committee established under IC 2-5-1.3-14.

(c) The legislative council is urged to assign to a study committee, during the 2018 legislative interim, the topic of whether an operator of or a worker at a charity gaming event (other than a full-time employee of the qualified organization conducting the event) may receive remuneration or a meal for conducting or assisting in conducting the event.

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee shall, not later than November 1, 2018, issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic



**format under IC 5-14-6.**

**(e) This SECTION expires December 31, 2018.**

**SECTION 9. An emergency is declared for this act.**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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