

HOUSE BILL No. 1517

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-1-8-1; IC 4-29-1-1; IC 4-32.2; IC 4-32.3; IC 4-33; IC 4-35-4-1; IC 4-36; IC 5-2-1-2; IC 6-3-4-8.2; IC 7.1-3; IC 12-13-14-4.5; IC 33-26; IC 35-45-5; IC 35-52-4-23.

Synopsis: Charity gaming. Repeals the current charity gaming article and replaces it with a reorganized and revised charity gaming article. Raises the prize limits for when a qualified organization is not required to obtain a license for an allowable activity. Consolidates the current license types into an annual activity license, single activity license, convention raffle license, and annual affiliate license. Creates an expedited application processing fee. Repeals the door prize limits and qualified drawings. Renames the comprehensive charity gaming license to the annual affiliate license. Revises fee tables for license renewals.

Effective: July 1, 2019.

Smaltz

January 17, 2019, read first time and referred to Committee on Public Policy.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1517



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 4-1-8-1, AS AMENDED BY P.L.86-2018,
- 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2019]: Sec. 1. (a) No individual may be compelled by any
- 4 state agency, board, commission, department, bureau, or other entity of
- 5 state government (referred to as "state agency" in this chapter) to
- 6 provide the individual's Social Security number to the state agency
- 7 against the individual's will, absent federal requirements to the
- 8 contrary. However, the provisions of this chapter do not apply to the
- 9 following:
- 10 (1) Department of state revenue.
- 11 (2) Department of workforce development.
- 12 (3) The programs administered by:
- 13 (A) the division of family resources;
- 14 (B) the division of mental health and addiction;
- 15 (C) the division of disability and rehabilitative services;
- 16 (D) the division of aging; and
- 17 (E) the office of Medicaid policy and planning;



- 1 of the office of the secretary of family and social services.
 2 (4) Auditor of state.
 3 (5) State personnel department.
 4 (6) Secretary of state, with respect to the registration of
 5 broker-dealers, agents, and investment advisors.
 6 (7) The lobby registration commission, with respect to the
 7 registration of lobbyists.
 8 (8) Indiana department of administration, with respect to bidders
 9 on contracts.
 10 (9) Indiana department of transportation, with respect to bidders
 11 on contracts.
 12 (10) Indiana professional licensing agency.
 13 (11) Department of insurance, with respect to licensing of
 14 insurance producers.
 15 (12) The department of child services.
 16 (13) A pension fund administered by the board of trustees of the
 17 Indiana public retirement system.
 18 (14) The state police benefit system.
 19 (15) The alcohol and tobacco commission.
 20 (16) The state department of health, for purposes of licensing
 21 radiologic technologists under IC 16-41-35-29(c).
 22 (b) The bureau of motor vehicles may, notwithstanding this chapter,
 23 require the following:
 24 (1) That an individual include the individual's Social Security
 25 number in an application for an official certificate of title for any
 26 vehicle required to be titled under IC 9-17.
 27 (2) That an individual include the individual's Social Security
 28 number on an application for registration.
 29 (3) That a corporation, limited liability company, firm,
 30 partnership, or other business entity include its federal tax
 31 identification number on an application for registration.
 32 (4) That an individual include the individual's Social Security
 33 number on an application for a license, a permit, or an
 34 identification card.
 35 (c) The Indiana department of administration, the Indiana
 36 department of transportation, and the Indiana professional licensing
 37 agency may require an employer to provide its federal employer
 38 identification number.
 39 (d) The department of correction may require a committed offender
 40 to provide the offender's Social Security number for purposes of
 41 matching data with the Social Security Administration to determine
 42 benefit eligibility.



1 (e) The Indiana gaming commission may, notwithstanding this
2 chapter, require the following:

3 (1) That an individual include the individual's Social Security
4 number:

5 (A) in any application for a riverboat owner's license,
6 supplier's license, or occupational license; or

7 (B) in any document submitted to the commission in the
8 course of an investigation necessary to ensure that gaming
9 under ~~IC 4-32.2~~, **IC 4-32.3**, IC 4-33, and IC 4-35 is conducted
10 with credibility and integrity.

11 (2) That a sole proprietorship, a partnership, an association, a
12 fiduciary, a corporation, a limited liability company, or any other
13 business entity include its federal tax identification number on an
14 application for a riverboat owner's license or supplier's license.

15 (f) Notwithstanding this chapter, the department of education
16 established by IC 20-19-3-1 may require an individual who applies to
17 the department for a license or an endorsement to provide the
18 individual's Social Security number. The Social Security number may
19 be used by the department only for conducting a background
20 investigation, if the department is authorized by statute to conduct a
21 background investigation of an individual for issuance of the license or
22 endorsement.

23 SECTION 2. IC 4-29-1-1, AS ADDED BY P.L.255-2015,
24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2019]: Sec. 1. This article does not apply to the following:

26 (1) A permit holder licensed to conduct a pari-mutuel wagering
27 horse racing meeting under IC 4-31.

28 (2) A qualified organization licensed to conduct charity gaming
29 events under ~~IC 4-32.2~~. **IC 4-32.3**.

30 (3) A licensed owner or operating agent operating a riverboat
31 under IC 4-33.

32 (4) A permit holder licensed to conduct gambling games under
33 IC 4-35.

34 (5) A person authorized to conduct type II gaming under IC 4-36.

35 SECTION 3. IC 4-32.2 IS REPEALED [EFFECTIVE JULY 1,
36 2019]. (Charity Gaming).

37 SECTION 4. IC 4-32.3 IS ADDED TO THE INDIANA CODE AS
38 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
39 2019]:

40 **ARTICLE 32.3. CHARITY GAMING**

41 **Chapter 1. General Provisions**

42 **Sec. 1. (a) This article applies only to a qualified organization.**



1 **(b) This article applies only to the following approved gambling**
 2 **activities conducted as fundraising activities by qualified**
 3 **organizations:**

4 **(1) Bingo events, casino game nights, raffles, festivals, and**
 5 **other gaming activities approved by the commission.**

6 **(2) The sale of pull tabs, punchboards, and tip boards:**

7 **(A) at bingo events, casino game nights, raffles, and**
 8 **festivals conducted by qualified organizations; or**

9 **(B) at any time on the premises owned or leased by**
 10 **qualified organizations and regularly used for the activities**
 11 **of qualified organizations.**

12 **This article does not apply to any other sale of pull tabs,**
 13 **punchboards, and tip boards.**

14 **(c) This article does not apply to a promotion offer subject to**
 15 **IC 24-8.**

16 **(d) This article does not apply to the following:**

17 **(1) A type II gambling game authorized by IC 4-36.**

18 **(2) A raffle or other gambling game authorized by**
 19 **IC 4-36-5-1(b).**

20 **(e) This article does not apply to a prize linked savings program**
 21 **that:**

22 **(1) is offered or conducted by an eligible financial institution**
 23 **under IC 28-1-23.2;**

24 **(2) is:**

25 **(A) offered or conducted by a credit union organized or**
 26 **reorganized under United States law; and**

27 **(B) conducted in the same manner as a prize linked savings**
 28 **program under IC 28-1-23.2; or**

29 **(3) is:**

30 **(A) offered or conducted by an insured depository**
 31 **institution (as defined in 12 U.S.C. 1813) that is:**

32 **(i) a national bank formed under 12 U.S.C. 21;**

33 **(ii) a state member bank (as defined in 12 U.S.C. 1813);**

34 **(iii) a state nonmember bank (as defined in 12 U.S.C.**
 35 **1813); or**

36 **(iv) a savings association (as defined in 12 U.S.C. 1813);**
 37 **and**

38 **(B) conducted in the same manner as a prize linked savings**
 39 **program under IC 28-1-23.2.**

40 **Sec. 2. The purpose of this article is to permit a licensed**
 41 **qualified organization:**

42 **(1) to conduct allowable activities; and**



1 (2) to sell pull tabs, punchboards, and tip boards;
2 as a fundraising activity for lawful purposes of the organization.

3 **Sec. 3. A bingo event, casino game night, raffle, festival, or other**
4 **charity gambling activity is not allowed in Indiana unless it is**
5 **conducted by a qualified organization in accordance with this**
6 **article.**

7 **Sec. 4. Local taxes, regardless of type, may not be imposed upon**
8 **the operations of the commission under this article or upon the sale**
9 **of bingo cards, bingo boards, bingo sheets, bingo pads, pull tabs,**
10 **punchboards, or tip boards under this article.**

11 **Sec. 5. (a) Local governmental authority concerning the**
12 **following is preempted by the state under this article and IC 4-30:**

13 (1) All matters relating to the operation of bingo events,
14 casino game nights, or raffles.

15 (2) All matters relating to the possession, transportation,
16 advertising, sale, manufacture, printing, storing, or
17 distribution of pull tabs, punchboards, or tip boards.

18 (b) A county, municipality, or other political subdivision of the
19 state may not enact an ordinance relating to the commission's
20 operations authorized by this article.

21 **Chapter 2. Definitions**

22 **Sec. 1. The definitions in this chapter apply throughout this**
23 **article.**

24 **Sec. 2. "Allowable event" means:**

25 (1) a bingo event;

26 (2) a casino game night;

27 (3) a raffle;

28 (4) a festival;

29 (5) a sale of pull tabs, punchboards, or tip boards; or

30 (6) a gambling activity under IC 4-32.3-4-11;

31 **conducted by a qualified organization in accordance with this**
32 **article and rules adopted by the commission under this article.**

33 **Sec. 3. "Bingo" means a game conducted in the following**
34 **manner:**

35 (1) Each participant receives at least one (1) card, board, pad,
36 or piece of paper marked off into twenty-five (25) squares that
37 are arranged in five (5) vertical rows of five (5) squares each,
38 with each row designated by a single letter, and each box
39 containing a number, from one (1) to seventy-five (75), except
40 the center box, which is always marked with the word "free".

41 (2) As the caller of the game announces a letter and number
42 combination, each player covers the square corresponding to



1 the announced number, letter, or combination of numbers and
2 letters.

3 (3) The winner of each game is the player who is the first to
4 properly cover a predetermined and announced pattern of
5 squares upon the card used by the player.

6 Sec. 4. "Bona fide charitable organization" means an
7 organization operating in Indiana that is not for pecuniary profit
8 and is exempt from federal income taxation under Section 501(c)
9 of the Internal Revenue Code.

10 Sec. 5. "Bona fide civic organization" means a branch, lodge, or
11 chapter of a national or state organization that is not for pecuniary
12 profit or a local organization that is not for pecuniary profit and
13 not affiliated with a state or national organization whose written
14 constitution, charter, articles of incorporation, or bylaws provide
15 that the organization is organized primarily for civic, fraternal, or
16 charitable purposes.

17 Sec. 6. "Bona fide fraternal organization" means a type of bona
18 fide civic organization that:

- 19 (1) is a branch, lodge, or chapter of a national organization;
20 and
21 (2) exists for the common charitable purposes, brotherhood,
22 and other interests of its members.

23 Sec. 7. "Bona fide national foundation" refers to an
24 organization that:

- 25 (1) operates without profit to the organization's members;
26 (2) is exempt from taxation under Section 501 of the Internal
27 Revenue Code;
28 (3) is related in both its mission and organization to a bona
29 fide national organization; and
30 (4) has provided grants to Indiana organizations in aggregate
31 amounts that annually exceed fifty thousand dollars (\$50,000)
32 in the preceding calendar year in which the organization
33 applies for a license under this article.

34 Sec. 8. "Bona fide national organization" refers to an
35 organization that:

- 36 (1) operates without profit to the organization's members;
37 (2) is exempt from taxation under Section 501 of the Internal
38 Revenue Code;
39 (3) has a national membership; and
40 (4) has been continuously in existence in Indiana for at least
41 one (1) year.

42 Sec. 9. "Bona fide out of state charitable organization" refers to



1 an organization that:

- 2 (1) operates without profit to the organization's members;
 3 (2) is exempt from taxation under Section 501 of the Internal
 4 Revenue Code;
 5 (3) has a constitution, articles, charter, or bylaws that contain
 6 a clause that provides that upon dissolution all remaining
 7 assets shall be used for the nonprofit's stated purposes; and
 8 (4) is otherwise ineligible to obtain a charity gaming license in
 9 Indiana.

10 Sec. 10. (a) "Bona fide political organization" means a party
 11 committee, association, fund, or other organization, whether
 12 incorporated or not, organized and operated primarily for the
 13 purpose of directly or indirectly accepting contributions or making
 14 expenditures, or both, for an exempt function (as defined in Section
 15 527 of the Internal Revenue Code).

16 (b) The term does not include a candidate's committee (as
 17 defined in IC 3-5-2-7).

18 Sec. 11. "Bona fide veterans organization" means a local
 19 organization or a branch, lodge, or chapter of a state or national
 20 organization chartered by the Congress of the United States that
 21 is not for pecuniary profit and that:

- 22 (1) consists of individuals who are or were members of the
 23 armed forces of the United States; and
 24 (2) is organized for the mutual support and advancement of
 25 the organization's membership and patriotic causes.

26 Sec. 12. (a) "Casino game night" means an event in which
 27 wagers are placed upon the following permitted games of chance
 28 through the use of imitation money:

- 29 (1) A card game approved by the commission.
 30 (2) A dice game approved by the commission.
 31 (3) A roulette wheel approved by the commission.
 32 (4) A spindle approved by the commission.

33 (b) The term does not include an event at which wagers are
 34 placed upon any of the following:

- 35 (1) Bookmaking.
 36 (2) A slot machine.
 37 (3) A one-ball machine or a variant of a one-ball machine.
 38 (4) A pinball machine that awards anything other than an
 39 immediate and unrecorded right of replay.
 40 (5) A policy or numbers game.
 41 (6) A banking or percentage game played with cards or
 42 counters, including the acceptance of a fixed share of the



- 1 stakes in a game.
- 2 **Sec. 13. "Commission"** means the Indiana gaming commission
3 established by IC 4-33-3-1.
- 4 **Sec. 14. "Department"** means the department of state revenue.
- 5 **Sec. 15. "Door prize"** means a prize awarded to a person based
6 solely upon the person's paid attendance at a charity fundraising
7 event or the purchase of a ticket to attend a charity fundraising
8 event.
- 9 **Sec. 16. "Executive director"** means the executive director of
10 the Indiana gaming commission appointed under IC 4-33-3-18.
- 11 **Sec. 17. "Full-time employee"** means an individual who:
12 (1) is and has been employed by a particular qualified
13 organization for at least thirty (30) consecutive days as of the
14 date of the qualified organization's allowable event; and
15 (2) works at least an average of thirty-two (32) hours per
16 week or one thousand six hundred sixty-two (1,662) hours per
17 year for the qualified organization in a capacity that is
18 primarily unrelated to the qualified organization's charity
19 gaming operations.
- 20 **Sec. 18. "Fund"** means the charity gaming enforcement fund
21 established by IC 4-32.3-7.
- 22 **Sec. 19. "Gross revenue"** mean gross receipts.
- 23 **Sec. 20. "Indiana affiliate"** refers to either of the following:
24 (1) An Indiana chapter or other subdivision of a bona fide
25 national organization that:
26 (A) operates without profit to the organization's members;
27 and
28 (B) is exempt from taxation under Section 501 of the
29 Internal Revenue Code.
30 (2) An association, whether incorporated or not, or a
31 committee of Indiana residents authorized by a bona fide
32 national foundation to conduct allowable activities and other
33 fundraising events for the benefit of the bona fide national
34 foundation.
- 35 **Sec. 21. "Key person"** means any:
36 (1) officer;
37 (2) director;
38 (3) executive;
39 (4) employee;
40 (5) trustee;
41 (6) substantial owner;
42 (7) independent owner;



1 (8) agent; or
 2 (9) any other individual adopted in rules under IC 4-22-2;
 3 of a business entity that has the power to exercise management or
 4 operating authority over the business entity or its affiliates.

5 Sec. 22. "Licensed supply" refers to any of the following:

- 6 (1) Bingo supplies.
 7 (2) Pull tabs.
 8 (3) Punchboards.
 9 (4) Tip boards.
 10 (5) Game boards, including but not limited to, raffle and coin
 11 boards.
 12 (6) Any other supplies, devices, or equipment designed to be
 13 used in allowable activities designated by rule of the
 14 commission.

15 Sec. 23. "Marketing sheet" means additional information
 16 published about a wagering game that describes winnings.

17 Sec. 24. "Member" means any of the following:

- 18 (1) An individual entitled to membership in a qualified
 19 organization under the bylaws, articles of incorporation,
 20 charter, or rules of the qualified organization.
 21 (2) A member of the qualified organization's auxiliary.
 22 (3) In the case of a qualified organization that is a public or
 23 nonpublic school (as defined in IC 20-18-2-12), any of the
 24 following:
 25 (A) A parent of a child enrolled in the school.
 26 (B) A member of the school's parent organization.
 27 (C) A member of the school's alumni association.
 28 (D) An employee of the school.
 29 (E) An officer of the school.
 30 (F) A student enrolled in the school.
 31 (4) A member of a qualified organization's board of directors
 32 or board of trustees.

33 Sec. 25. "Operator" means an individual who is responsible for
 34 conducting an allowable activity for a qualified organization under
 35 this article in accordance with Indiana law.

36 Sec. 26. "Progressive bingo" means a bingo game in which, if no
 37 person matches the predetermined pattern of squares upon the
 38 card within a specified number of balls called, the same game will
 39 be played later:

- 40 (1) for an increased amount of money;
 41 (2) for increased balls called; or
 42 (3) as described in both subdivisions (1) and (2).



1 **Sec. 27. "Progressive or carryover pull tab" means a pull tab**
 2 **game played with a seal card that is designed by the manufacturer**
 3 **to include a jackpot prize that is carried over to a subsequent deal**
 4 **of the same form number, in the event the jackpot prize is not won.**

5 **Sec. 28. "Pull tab" means either of the following:**

6 **(1) A game conducted in the following manner:**

7 **(A) A single folded or banded ticket or a two-ply card with**
 8 **perforated break-open tabs is bought by a player from a**
 9 **qualified organization.**

10 **(B) The face of each card is initially covered or otherwise**
 11 **hidden from view, concealing a number, letter, symbol, or**
 12 **set of letters or symbols.**

13 **(C) In each set of tickets or cards, a designated number of**
 14 **tickets or cards have been randomly designated in advance**
 15 **as winners.**

16 **(D) Winners, or potential winners if the game includes the**
 17 **use of a seal, are determined by revealing the faces of the**
 18 **tickets or cards. The player may be required to sign the**
 19 **player's name on numbered lines provided if a seal is used.**

20 **(E) The player with a winning pull tab ticket or numbered**
 21 **line receives the prize stated on the flare from the qualified**
 22 **organization. The prize must be fully and clearly described**
 23 **on the flare.**

24 **(2) Any game played in a similar fashion as a game described**
 25 **in subdivision (1) that is approved by the commission.**

26 **Sec. 29. "Punchboard" means a card or board that contains a**
 27 **grid or section that hides the random opportunity to win a prize**
 28 **based on the results of punching a single section to reveal a symbol**
 29 **or prize amount.**

30 **Sec. 30. "Qualified card game" refers to any of the following**
 31 **card games:**

32 **(1) Euchre.**

33 **(2) Texas hold'em poker.**

34 **(3) Omaha poker.**

35 **(4) Any other card game designated by the executive director.**

36 **Sec. 31. (a) "Qualified organization" refers to any of the**
 37 **following:**

38 **(1) A bona fide charitable organization, including civic,**
 39 **fraternal, and veterans organizations, operating in Indiana**
 40 **that:**

41 **(A) has a constitution, articles, charter, or bylaws that**
 42 **contain a clause that provides that upon dissolution all**



- 1 remaining assets shall be used for the nonprofit's state
 2 purposes; and
 3 **(B) satisfies at least one (1) of the following requirements:**
 4 **(i) The organization is in existence in Indiana.**
 5 **(ii) The organization is affiliated with a parent**
 6 **organization that is in existence in Indiana.**
 7 **(iii) The organization has reorganized and is continuing**
 8 **its mission under a new name on file with the secretary**
 9 **of state of Indiana and with a new tax identification**
 10 **number after having satisfied the requirements set forth**
 11 **in either item (i) or (ii).**
 12 **(2) A bona fide political organization operating in Indiana**
 13 **that produces exempt function income (as defined in Section**
 14 **527 of the Internal Revenue Code).**
 15 **(3) A state educational institution (as defined in**
 16 **IC 21-7-13-32).**
 17 **(4) A bona fide national organization operating in Indiana.**
 18 **(5) A bona fide national foundation.**
 19 **(b) For purposes of IC 4-32.3-4-3, a "qualified organization"**
 20 **includes the following:**
 21 **(1) A hospital licensed under IC 16-21.**
 22 **(2) A health facility licensed under IC 16-28.**
 23 **(3) A psychiatric facility licensed under IC 12-25.**
 24 **(4) An organization defined in subsection (a).**
 25 **(c) Evidence that an organization satisfies subsection**
 26 **(a)(1)(B)(iii) includes the following:**
 27 **(1) Evidence of the organization's continued use of a service**
 28 **mark or trademarked logo associated with the organization's**
 29 **former name.**
 30 **(2) Evidence of the continuity of the organization's activities**
 31 **as shown in the federal income tax returns filed for the**
 32 **organization.**
 33 **(3) Evidence of the continuity of the organization's activities**
 34 **as shown by the most recent annual external financial reviews**
 35 **of the organization prepared by a certified public accountant.**
 36 **(4) Any other information considered sufficient by the**
 37 **commission.**
 38 **(d) Unless the construction is plainly repugnant to the intent of**
 39 **the general assembly or the context of the statute, "qualified**
 40 **organization" refers to an Indiana affiliate of a bona fide national**
 41 **organization or bona fide national foundation.**
 42 **(e) Any organization seeking to be a "qualified organization"**



1 must complete all forms required by the commission.

2 **Sec. 32. "Qualified recipient" means:**

- 3 (1) a hospital or medical center operated by the federal
4 government;
5 (2) a hospital licensed under IC 16-21;
6 (3) a hospital subject to IC 16-22;
7 (4) a hospital subject to IC 16-23;
8 (5) a health facility licensed under IC 16-28;
9 (6) a psychiatric facility licensed under IC 12-25;
10 (7) an organization described in section 31(a) of this chapter;
11 (8) an activity or a program of a local law enforcement agency
12 intended to reduce substance abuse;
13 (9) a charitable activity of a local law enforcement agency; or
14 (10) a veterans' home.

15 **Sec. 33. "Raffle" means the selling of tickets or chances to win**
16 **a prize awarded through a random drawing, including a door**
17 **prize.**

18 **Sec. 34. "Seal card" means a board or placard used with pull**
19 **tabs that contains one (1) or more seals, that when removed or**
20 **opened, reveals a predesignated winning number, letter, symbol,**
21 **or monetary denomination.**

22 **Sec. 35. "Substantial owner" means:**

- 23 (1) a person holding at least a five percent (5%) ownership
24 interest; or
25 (2) an institutional investor holding at least a fifteen percent
26 (15%) ownership interest;

27 **in a business entity.**

28 **Sec. 36. "Surplus revenue" means the amount of money in the**
29 **charity gaming enforcement fund that is not required to meet the**
30 **cost of administration and the cash flow need of the commission**
31 **under this article, IC 4-33-19, and IC 4-33-20.**

32 **Sec. 37. "Tip board" means a board, a placard, or other device**
33 **that is marked off in a grid or columns, with each section**
34 **containing a hidden number or numbers or other symbols that**
35 **determine a winner.**

36 **Sec. 38. "Veterans' home" means either of the following:**

- 37 (1) The Indiana Veterans' Home.
38 (2) The VFW National Home for Children.

39 **Sec. 39. "Volunteer ticket agent" means a person acting on**
40 **behalf of a qualified organization that:**

- 41 (1) receives no compensation from the qualified organization;
42 (2) sells tickets at a raffle licensed under IC 4-32.3-4-6, a



1 festival under IC 4-32.3-4-7, or a gambling activity under
2 IC 4-32.3-4-11; and

3 (3) does not assist the qualified organization in conducting the
4 allowable activity in any other way.

5 **Sec. 40. (a)** Except as provided in subsection (b), "worker"
6 means an individual who helps or participates in any manner in
7 conducting or assisting in conducting an allowable activity under
8 this article.

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

11 (1) A patron dealing cards under IC 4-32.3-5-11(b).

12 (2) A volunteer ticket agent.

13 **Chapter 3. Powers and Duties of the Commission**

14 **Sec. 1. (a)** The commission shall supervise and administer
15 allowable activities conducted under this article.

16 (b) The commission may by resolution assign to the executive
17 director any duty imposed upon the commission by this article.

18 (c) The executive director shall perform the duties assigned to
19 the executive director by the commission. The executive director
20 may exercise any power conferred upon the commission by this
21 article that is consistent with the duties assigned to the executive
22 director under subsection (b).

23 **Sec. 2.** For purposes of conducting an investigation or a
24 proceeding under this article, the commission may do the
25 following:

26 (1) Administer oaths.

27 (2) Take depositions.

28 (3) Issue subpoenas.

29 (4) Compel the attendance of witnesses and the production of
30 books, papers, documents, and other evidence.

31 **Sec. 3. (a)** The commission shall adopt rules under IC 4-22-2 for
32 the following purposes:

33 (1) Administering this article.

34 (2) Establishing the conditions under which charity gaming in
35 Indiana may be conducted, including the manner in which a
36 qualified organization may supervise a qualified card game
37 conducted under IC 4-32.3-5-11(b).

38 (3) Providing for the prevention of practices detrimental to
39 the public interest and providing for the best interests of
40 charity gaming.

41 (4) Establishing rules concerning inspection of qualified
42 organizations and the review of the licenses necessary to



- 1 **conduct charity gaming.**
- 2 **(5) Imposing penalties for noncriminal violations of this**
- 3 **article.**
- 4 **(6) Establishing standards for independent audits conducted**
- 5 **under IC 4-32.3-5-5(d).**
- 6 **(b) The commission may adopt emergency rules under**
- 7 **IC 4-22-2-37.1 if the commission determines that:**
- 8 **(1) the need for a rule is so immediate and substantial that**
- 9 **rulemaking procedures under IC 4-22-2-13 through**
- 10 **IC 4-22-2-36 are inadequate to address the need; and**
- 11 **(2) an emergency rule is likely to address the need.**
- 12 **Sec. 4. (a) The commission has the sole authority to license**
- 13 **entities under this article to sell, distribute, or manufacture a**
- 14 **licensed supply.**
- 15 **(b) The commission may not limit the number of qualified**
- 16 **entities licensed under subsection (a).**
- 17 **(c) The commission may deny a license to an applicant for a**
- 18 **license to sell, manufacture, or distribute licensed supplies if the**
- 19 **commission determines that at least one (1) of the following applies**
- 20 **with respect to the applicant:**
- 21 **(1) The applicant has:**
- 22 **(A) violated a local ordinance, a state or federal statute, or**
- 23 **an administrative rule or regulation and the violation**
- 24 **would cause the commission to determine that the**
- 25 **applicant, a key person, or a substantial owner of the**
- 26 **applicant is not of good moral character or reputation; or**
- 27 **(B) committed any other act that would negatively impact**
- 28 **the integrity of charity gaming in Indiana.**
- 29 **(2) The applicant has engaged in fraud, deceit, or**
- 30 **misrepresentation.**
- 31 **(3) The applicant has failed to provide information required**
- 32 **by this article or a rule adopted under this article.**
- 33 **(4) Conduct prejudicial to public confidence in the**
- 34 **commission or for any reason deemed necessary by the**
- 35 **commission to ensure the integrity of charitable gaming in**
- 36 **Indiana.**
- 37 **Sec. 5. The commission shall charge appropriate fees to the**
- 38 **following:**
- 39 **(1) An applicant for a license to conduct an allowable event.**
- 40 **(2) An applicant seeking a license to distribute a licensed**
- 41 **supply.**
- 42 **(3) An applicant seeking a license to manufacture a licensed**



- 1 supply.
- 2 **Sec. 6.** The commission may own, sell, and lease real and
- 3 personal property necessary to carry out the commission's
- 4 responsibilities under this article.
- 5 **Sec. 7.** The commission may employ investigators and other
- 6 staff necessary to carry out this article. However, the restrictions
- 7 and limitations on the operators and workers set forth in
- 8 IC 4-32.3-5-7 apply to staff employed under this article. The
- 9 employees hired by the commission under this article may be the
- 10 same as the commission's employees hired under IC 4-33.
- 11 **Chapter 4. Licenses**
- 12 **Sec. 1.** Except as provided in section 3 of this chapter, a
- 13 qualified organization must obtain a license under this chapter to
- 14 conduct an allowable activity.
- 15 **Sec. 2.** The commission may deny a license or reissuance of a
- 16 license to an organization if the commission determines that at
- 17 least one (1) of the following applies with respect to the
- 18 organization:
- 19 (1) The organization has:
- 20 (A) violated a local ordinance, a state or federal statute, or
- 21 an administrative rule or regulation and the violation
- 22 would cause the commission to determine that the
- 23 applicant, a key person, or a substantial owner of the
- 24 applicant is not of good moral character or reputation; or
- 25 (B) committed any other act that would negatively affect
- 26 the integrity of charity gaming in Indiana.
- 27 (2) The organization has engaged in fraud, deceit, or
- 28 misrepresentation.
- 29 (3) The organization has failed to provide information
- 30 required by this article or a rule adopted under this article.
- 31 (4) The organization has failed to provide sufficient
- 32 information to enable the commission to determine that the
- 33 organization is a qualified organization.
- 34 (5) Conduct prejudicial to public confidence in the
- 35 commission for any reason deemed necessary by the
- 36 commission to ensure the integrity of charitable gaming in
- 37 Indiana.
- 38 **Sec. 3. (a)** A qualified organization is not required to obtain a
- 39 license from the commission if the value of all prizes awarded at
- 40 the allowable activity does not exceed two thousand five hundred
- 41 dollars (\$2,500) for a single activity and not more than seven
- 42 thousand five hundred dollars (\$7,500) during a calendar year.



1 **(b) A qualified organization that plans to hold an allowable**
 2 **activity described in subsection (a) more than one (1) time a year**
 3 **shall send an annual written notice to the commission informing**
 4 **the commission of the following:**

5 **(1) The estimated frequency of the planned allowable**
 6 **activities.**

7 **(2) The location or locations where the qualified organization**
 8 **plans to hold the allowable activities.**

9 **(3) The estimated value of all prizes awarded at each**
 10 **allowable activity.**

11 **(c) The notice required under subsection (b) must be filed not**
 12 **later than thirty (30) days before the qualified organization holds**
 13 **the first allowable activity of the year.**

14 **(d) A qualified organization that conducts an allowable activity**
 15 **described in subsection (a) shall maintain accurate records of all**
 16 **financial transactions of the activity. The commission may inspect**
 17 **records kept in compliance with this section.**

18 **Sec. 4. (a) Each qualified organization applying for a license**
 19 **under this chapter must submit to the commission a written**
 20 **application on a form prescribed by the commission.**

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

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

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

26 **(3) The type of activity the organization proposes to conduct.**

27 **(4) The location where the organization will conduct the**
 28 **allowable activity.**

29 **(5) The dates and times for the proposed allowable activity.**

30 **(6) Any other information considered necessary by the**
 31 **commission.**

32 **Sec. 5. (a) The commission may issue an annual activity license**
 33 **to a qualified organization if the qualified organization:**

34 **(1) meets the requirements of this section;**

35 **(2) submits an application; and**

36 **(3) pays a fee set by the commission under IC 4-32.3-6.**

37 **(b) The following information must be included in an annual**
 38 **activity license:**

39 **(1) whether the qualified organization is authorized to**
 40 **conduct bingo, pull tabs, punchboards, tip boards, or raffle**
 41 **activities on more than one (1) occasion during a one (1) year**
 42 **period;**



- 1 (2) the location of the allowable activities; and
 2 (3) the expiration date of the license.
- 3 (c) A qualified organization may conduct casino game night
 4 activities under an annual activity license if the requirements of
 5 subsections (a) and (b) are met, and:
- 6 (1) the organization is a qualified veteran or fraternal
 7 organization; and
 8 (2) the annual casino night license requires that a facility or
 9 location may not be used for purposes of conducting an
 10 annual casino game night activity on more than three (3)
 11 calendar days per calendar week regardless of the number of
 12 qualified organizations conducting annual casino night
 13 activities at the facility or location.
- 14 (d) An annual activity license may be reissued annually upon the
 15 submission of an application for reissuance on a form prescribed
 16 by the commission after the qualified organization has paid the fee
 17 under IC 4-32.3-6.
- 18 Sec. 6. (a) The commission may issue a single activity license to
 19 a qualified organization if the qualified organization:
- 20 (1) submits an application; and
 21 (2) pays the required fees under IC 4-32.3-6.
- 22 (b) A single activity license:
- 23 (1) may authorize:
- 24 (A) bingo;
 25 (B) a casino game night; or
 26 (C) a raffle;
- 27 at one (1) specific time and location;
- 28 (2) must state the:
- 29 (A) date;
 30 (B) beginning times; and
 31 (C) ending times;
- 32 of the authorized single activity; and
- 33 (3) may authorize a qualified organization to sell pull tabs,
 34 punchboards, and tip boards.
- 35 Sec. 7. (a) The commission may issue a festival license to a
 36 qualified organization if the qualified organization:
- 37 (1) submits an application; and
 38 (2) pays the required fees under IC 4-32.3-6.
- 39 (b) The license may authorize the qualified organization:
- 40 (1) to conduct:
- 41 (A) bingo events;
 42 (B) casino game nights;



- 1 (C) raffles; and
- 2 (D) gambling activities licensed under section 11 of this
- 3 chapter; and
- 4 (5) to sell:
- 5 (A) pull tabs;
- 6 (B) punch boards; and
- 7 (C) tip boards.
- 8 (c) The license must state the location and the dates the activities
- 9 may be conducted.
- 10 (d) A festival cannot exceed five (5) consecutive days.
- 11 (e) A qualified organization may apply for up to three (3)
- 12 festival licenses each calendar year.
- 13 (f) Festival licenses may not be used consecutively.
- 14 Sec. 8. (a) Only a:
- 15 (1) bona fide national organization; and
- 16 (2) bona fide national foundation;
- 17 may apply for an annual affiliate license under this section.
- 18 (b) The commission may issue an annual affiliate license to a
- 19 qualified organization described in subsection (a) if the qualified
- 20 organization:
- 21 (1) submits an application; and
- 22 (2) pays the required fees under IC 4-32.3-6.
- 23 (c) The application must include the information the
- 24 commission requires, including the following:
- 25 (1) The name and address of the organization.
- 26 (2) The names and addresses of the officers of the
- 27 organization.
- 28 (3) The mailing address of each Indiana affiliate of the
- 29 organization.
- 30 (4) An estimate of the number and approximate locations of
- 31 the bingo events and raffles the organization's Indiana
- 32 affiliates plan to conduct.
- 33 (5) The name of each proposed operator and sufficient facts
- 34 relating to the proposed operator to enable the commission to
- 35 determine whether the proposed operator is qualified.
- 36 (6) A sworn statement signed by the presiding officer and
- 37 secretary of the organization attesting to the eligibility of the
- 38 organization for a license, including the nonprofit character
- 39 of the organization.
- 40 (d) An annual affiliate license:
- 41 (1) may authorize a qualified organization to conduct:
- 42 (A) bingo events; and



- 1 **(B) raffles;**
 2 **through the organization's Indiana affiliates on more than one**
 3 **(1) occasion during a one (1) year period;**
 4 **(2) must state the expiration date of the license; and**
 5 **(3) may be reissued annually upon the submission of an**
 6 **application for reissuance on a form prescribed by the**
 7 **commission after the qualified organization has paid the fee**
 8 **under IC 4-32.3-6.**
- 9 **(e) An Indiana affiliate of the qualified organization may not**
 10 **conduct an activity under an annual affiliate license until the**
 11 **affiliate has been in existence in Indiana for at least sixty (60) days.**
- 12 **(f) The following limitations apply to a qualified organization**
 13 **holding an annual affiliate license:**
- 14 **(1) The qualified organization may not conduct more than ten**
 15 **(10) activities under the annual affiliate license per week**
 16 **through any combination of its Indiana affiliates.**
- 17 **(2) The qualified organization or the Indiana affiliate of a**
 18 **qualified organization, except the Indiana affiliates that**
 19 **decline affiliate status, may not hold a single activity license**
 20 **for bingo or a raffle.**
- 21 **(g) A qualified organization conducting a bingo event or raffle**
 22 **shall provide notice to the commission at least twenty-one (21) days**
 23 **before the day of the allowable activity. Raffle tickets may not be**
 24 **sold before providing notice to the commission. The notice**
 25 **provided under this section must be on a form prescribed by the**
 26 **commission.**
- 27 **Sec. 9. (a) This section applies only to an organization that is an**
 28 **Indiana affiliate of a bona fide national organization.**
- 29 **(b) An organization may elect not to participate in charity**
 30 **gaming under an annual affiliate gaming license. The organization**
 31 **shall provide notice of the election to the commission on a form**
 32 **prescribed by the commission.**
- 33 **(c) An election under this section disqualifies the organization**
 34 **from conducting an allowable activity under the parent**
 35 **organization's annual affiliate license for the term of the license.**
- 36 **(d) An organization making an election under this section may**
 37 **participate in charity gaming if qualified and licensed under this**
 38 **article in its own right. An organization making an election under**
 39 **this section is considered a separate organization from its parent**
 40 **bona fide national organization.**
- 41 **Sec. 10. (a) An out of state charitable organization:**
 42 **(1) may apply for a license to conduct a single raffle; and**



- 1 (2) is prohibited from conducting any other allowable activity.
- 2 (b) A raffle conducted under this section must occur:
- 3 (1) during a conference conducted by the out of state
- 4 charitable organization; and
- 5 (2) at a designated Indiana convention center, as defined by
- 6 IC 36-10-1-5, or at a location approved by the executive
- 7 director.
- 8 (c) The members of an out of state charitable organization may
- 9 conduct a raffle under this section without meeting the
- 10 requirements of IC 4-32.3-5-13 concerning the membership of a
- 11 qualified organization.
- 12 Sec. 11. (a) This section applies to a gambling activity other than
- 13 a bingo event, casino game night, festival, pull tabs, punchboards,
- 14 tip boards, or raffle.
- 15 (b) The commission may issue a single activity license to conduct
- 16 a gambling activity approved by the commission to a qualified
- 17 organization upon the organization's submission of an application
- 18 and payment of applicable fees under IC 4-32.3-6.
- 19 (c) A single activity license may:
- 20 (1) authorize the qualified organization to conduct the
- 21 gambling event at only one (1) time and location; and
- 22 (2) state the date, beginning and ending times, and location of
- 23 the gambling event.
- 24 (d) A annual activity license:
- 25 (1) may authorize the qualified organization to conduct the
- 26 activity on more than one (1) occasion during a period of one
- 27 (1) year;
- 28 (2) must state the locations of the permitted activities;
- 29 (3) must state the expiration date of the license; and
- 30 (4) may be reissued annually upon the submission of an
- 31 application for reissuance on the form prescribed by the
- 32 commission and upon the qualified organization's payment of
- 33 the applicable fees under IC 4-32.3-6.
- 34 (e) The commission may impose any condition upon a qualified
- 35 organization that is issued a license to conduct a gambling activity
- 36 under this section.
- 37 Sec. 12. (a) With respect to any action authorized by this section,
- 38 a candidate's committee (as defined in IC 3-5-2-7) is considered a
- 39 bona fide political organization.
- 40 (b) A candidate's committee may apply for a license to conduct
- 41 a raffle, but is prohibited from conducting any other kind of
- 42 allowable event.



1 (c) The members of a candidate's committee may conduct a
2 raffle without meeting the requirements of this article concerning
3 the membership of a qualified organization. A candidate's
4 committee licensed under this section must remain in good
5 standing with the election division or the county election board
6 having jurisdiction over the committee.

7 Sec. 13. (a) The commission may hold a public hearing to obtain
8 input on the proposed issuance of an annual bingo license or
9 annual casino game license to an applicant that has never held an
10 annual bingo license under this article.

11 (b) A qualified organization that applies for an initial annual
12 bingo license or annual casino game night license shall publish
13 notice that the application has been filed by publication at least one
14 (1) time in one (1) newspaper in the county where the allowable
15 activity will be conducted.

16 (c) The notification required by subsection (b) must contain the
17 following:

18 (1) The name of the qualified organization and the fact that it
19 has applied for an annual bingo license or an annual casino
20 game night.

21 (2) The location where the activities will be held.

22 (3) The names of the operator and officers of the qualified
23 organization.

24 (4) A statement that any person can protest the proposed
25 issuance of the annual bingo license casino game night license.

26 (5) A statement that the commission shall hold a public
27 hearing if ten (10) written and signed protest letters are
28 received by the commission.

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

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

36 (e) The commission may hold a public hearing for the reissuance
37 of an annual bingo license or an annual casino game license if at
38 least one (1) of the following conditions is met:

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

41 (2) The commission receives at least ten (10) protest letters
42 concerning the qualified organization's bingo operation.



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

3 Sec. 14. (a) Except for raffles, pull tabs, punchboards, and tip
4 boards conducted under an annual activity license, raffles
5 conducted under an annual affiliate license, or an allowable
6 activity conducted under a festival license, a qualified organization
7 may not conduct more than three (3) allowable activities during a
8 calendar week and not more than one (1) allowable activity each
9 day.

10 (b) Not more than one (1) qualified organization may conduct
11 an allowable event on the same day at the same location.

12 Sec. 15. (a) A bona fide veterans organization applying for a
13 three (3) year charity gaming license must submit to the
14 commission a written application on a form prescribed by the
15 commission.

16 (b) The application under subsection (a) must include the
17 information the commission requires including the following:

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

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

21 (3) The type of allowable events the organization proposes to
22 conduct.

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

25 (5) The dates and times for the proposed allowable events.

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

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

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

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

40 Sec. 16. (a) This section applies only to a qualified organization
41 that is a bona fide veterans organization.

42 (b) The commission may issue a three (3) year charity gaming



1 license, for any license issued under this chapter, to a qualified
2 organization if:

- 3 (1) the provisions of this section are satisfied; and
4 (2) for each license held by the qualified organization, the
5 organization:

6 (A) submits a report to the commission that includes:

- 7 (i) information described in section 15(b)(1) through
8 15(b)(7) of this chapter;
9 (ii) a financial report; and
10 (iii) a gross receipts report; and

11 (B) pays the applicable fees under IC 4-32.3-6-3.

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

- 14 (1) A bingo event.
15 (2) A charity game night.
16 (3) A raffle.
17 (4) A festival.
18 (5) A sale of pull tabs, punch boards, or tip boards.
19 (6) Other gambling activities authorized under IC 4-32.3-4-11.

20 (d) A license issued under this section:

- 21 (1) must state the expiration date of the license; and
22 (2) may be reissued after the expiration of the three (3) year
23 period upon the submission of an application for reissuance
24 on the form established by the commission and upon the
25 licensee's payment of a fee in the amount set by
26 IC 4-32.3-6-7.5.

27 **Chapter 5. Conduct of Allowable Activities**

28 **Sec. 1. IC 35-45-5 does not apply to a person who conducts,**
29 **participates in, or receives a prize in an allowable event.**

30 **Sec. 2. A qualified organization may not contract or otherwise**
31 **enter into an agreement with an individual, a corporation, a**
32 **partnership, a limited liability company, or other association to**
33 **conduct an allowable activity for the benefit of the organization. A**
34 **qualified organization shall use only operators and workers**
35 **meeting the requirements of this chapter to manage and conduct**
36 **an allowable activity.**

37 **Sec. 3. (a) All net proceeds from an allowable activity and**
38 **related activities may be used only for the lawful purposes of the**
39 **qualified organization.**

40 **(b) To determine the net proceeds from an allowable activity, a**
41 **qualified organization shall subtract the following from the gross**
42 **receipts received from the allowable activity:**



1 **(1) An amount equal to the total value of the prizes awarded**
 2 **at the allowable activity.**

3 **(2) The sum of the purchase prices paid for licensed supplies**
 4 **dispensed at the allowable activity.**

5 **(3) An amount equal to the qualified organization's license**
 6 **fees attributable to the allowable activity.**

7 **(4) An amount equal to the advertising expenses incurred by**
 8 **the qualified organization to promote the allowable activity.**

9 **(5) An amount not to exceed two hundred dollars (\$200) per**
 10 **day for rent paid for facilities leased for an allowable activity.**

11 **Sec. 4. (a) A qualified organization that receives at least ninety**
 12 **percent (90%) of the organization's total gross receipts from any**
 13 **activity under this article must donate sixty percent (60%) of its**
 14 **gross charitable gaming receipts less prize payout to a qualified**
 15 **recipient that is not an affiliate, a parent, or a subsidiary**
 16 **organization of the qualified organization.**

17 **(b) For purposes of this section, a veterans' home or hospital are**
 18 **not considered to be an affiliate, a parent, or a subsidiary**
 19 **organization of a qualified organization that is a bona fide veterans**
 20 **organization.**

21 **Sec. 5. (a) A qualified organization shall maintain and submit to**
 22 **the commission accurate records of all financial aspects of an**
 23 **allowable event as set forth in rules adopted by the commission**
 24 **under IC 4-22-2. A qualified organization shall make accurate**
 25 **reports of all financial aspects of an allowable activity to the**
 26 **commission within the time established by the commission as set**
 27 **forth in rules adopted by the commission under IC 4-22-2.**

28 **(b) Except for a candidate's committee, convention license, and**
 29 **an exempt event, a qualified organization shall deposit funds**
 30 **received from an allowable activity in a separate and segregated**
 31 **account set up for that purpose.**

32 **(c) A qualified organization conducting a bingo event or raffle**
 33 **under an annual affiliate license shall deposit the funds received**
 34 **from each activity conducted by its separate Indiana affiliates into**
 35 **a single account maintained by a financial institution physically**
 36 **located in Indiana. All expenses of the qualified organization with**
 37 **respect to an allowable activity shall be paid from the separate**
 38 **account.**

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



1 audit required under this section.

2 Sec. 6. (a) This section does not apply to a festival license.

3 (b) If a facility, location, or personal property is leased for an
4 allowable activity, the rent may not be based in whole or in part on
5 the revenue generated from the event.

6 (c) Subject to the additional restrictions on the use of a facility
7 or location for an annual casino game night, a facility or location
8 may not be rented for more than three (3) days during a calendar
9 week for an allowable activity.

10 Sec. 7. An operator or a worker may not be a person who has
11 been convicted of or entered a plea of nolo contendere to a felony
12 committed in the preceding ten (10) years, regardless of the
13 adjudication, unless the commission determines that:

14 (1) the person has been pardoned or the person's civil rights
15 have been restored; or

16 (2) after the conviction or entry of the plea, the person has
17 engaged in the kind of good citizenship that would reflect well
18 upon the integrity of the qualified organization and the
19 commission.

20 Sec. 8. (a) Except as provided in subsection (b) or (c), an
21 operator, a worker, or a volunteer ticket agent who is not a
22 full-time employee may not receive remuneration for:

23 (1) conducting; or

24 (2) assisting in conducting;

25 an allowable activity.

26 (b) A qualified organization that conducts an allowable activity
27 may:

28 (1) provide meals for the operators and workers during the
29 allowable event; and

30 (2) provide recognition dinners and social events for the
31 operators and workers;

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

35 (c) In the case of a qualified organization selling pull tabs,
36 punchboards, or tip boards under an annual activity license, any
37 employee of the qualified organization may:

38 (1) participate in the sale and redemption of pull tabs,
39 punchboards, or tip boards on the premises of the qualified
40 organization; and

41 (2) receive the remuneration ordinarily provided to the
42 employee in the course of the employee's employment.



1 **Sec. 9. (a)** For each allowable activity conducted under this
 2 article, a qualified organization shall designate an individual to
 3 serve as the operator of the allowable activity. An individual
 4 designated under this section:

5 (1) must be qualified to serve as an operator under this
 6 article; and

7 (2) in the case of a qualified organization holding an annual
 8 affiliate license, must be a member of the Indiana affiliate
 9 conducting the particular activity.

10 **(b)** A qualified organization holding an annual affiliate license
 11 may do the following:

12 (1) Designate an individual qualified under subsection (a)(2)
 13 to serve as the operator of raffles conducted by two (2) or
 14 more Indiana affiliates of the qualified organization.

15 (2) Designate a full-time employee of the qualified
 16 organization as the operator of a raffle conducted by an
 17 Indiana affiliate of the qualified organization if the employee
 18 is qualified under subsection (a)(2).

19 **Sec. 10. (a)** For purposes of this section, the Indiana affiliates of
 20 a qualified organization holding an annual gaming license are not
 21 considered separate qualified organizations.

22 **(b)** An individual may not be an operator for more than three
 23 (3) qualified organizations during a calendar month.

24 **(c)** If an individual has previously served as an operator for
 25 another qualified organization, the commission may require
 26 additional information concerning the proposed operator to satisfy
 27 the commission that the individual is a bona fide member of the
 28 qualified organization.

29 **Sec. 11. (a)** Except as provided in subsections (c) through (e), an
 30 operator or a worker may not directly or indirectly participate,
 31 other than in a capacity as an operator or a worker, in an
 32 allowable activity that the operator or worker is conducting.

33 **(b)** A patron at a casino game night may deal the cards in a card
 34 game if:

35 (1) the card game in which the patron deals the cards is a
 36 qualified card game;

37 (2) the patron deals the cards in the manner required in the
 38 ordinary course of the qualified card game; and

39 (3) the qualified card game is played under the supervision of
 40 the qualified organization conducting the charity game night
 41 in accordance with section 12 of this chapter (in the case of a
 42 game of Texas hold'em poker or Omaha poker) and any rules



- 1 **adopted by the commission.**
 2 **A patron who deals the cards in a qualified card game conducted**
 3 **under this subsection is not considered a worker or an operator for**
 4 **purposes of this article.**
 5 **(c) A worker at a festival event may participate as a player in**
 6 **any gaming activity offered at the festival event except as follows:**
 7 **(1) A worker may not participate in any game during the time**
 8 **in which the worker is conducting or helping to conduct the**
 9 **game.**
 10 **(2) A worker who conducts or helps to conduct a pull tab,**
 11 **punchboard, or tip board event during a festival event may**
 12 **not participate as a player in a pull tab, punchboard, or tip**
 13 **board event conducted on the same calendar day.**
 14 **(d) A worker at a bingo event:**
 15 **(1) whose duties are limited to:**
 16 **(A) selling bingo supplies;**
 17 **(B) selling tickets for a door prize drawing or raffle**
 18 **conducted at the bingo event; or**
 19 **(C) the duties described in both clauses (A) and (B);**
 20 **(2) who has completed all of the worker's duties before the**
 21 **start of the first bingo game of the bingo event; and**
 22 **(3) who is not engaged as a worker at any other time during**
 23 **the bingo event;**
 24 **may participate as a player in any gaming activity offered at the**
 25 **bingo event following the completion of the worker's duties at the**
 26 **bingo event.**
 27 **(e) A worker at a raffle conducted by a qualified organization**
 28 **holding an annual activity license may purchase a raffle ticket for**
 29 **a particular drawing at the raffle unless:**
 30 **(1) the worker personally sold tickets for; or**
 31 **(2) the worker otherwise personally participated in the**
 32 **conduct of;**
 33 **that particular drawing.**
 34 **Sec. 12. The following rules apply when a patron at a casino**
 35 **game night deals the cards in a game of Texas hold'em poker or**
 36 **Omaha poker under section 11(b) of this chapter:**
 37 **(1) Patrons may take turns dealing, but a patron may not play**
 38 **in a hand for which the patron deals the cards.**
 39 **(2) The dealer shall submit the deck of cards to be cut to the**
 40 **nearest player to the right of the dealer.**
 41 **(3) A blank card must be at the bottom of the deck of cards.**
 42 **(4) The operator or a worker shall deal the cards at the final**



- 1 table of a tournament.
- 2 **Sec. 13. (a)** For purposes of this section, an operator is
- 3 considered to be a member in good standing of the qualified
- 4 organization if:
- 5 (1) the operator is an Indiana resident;
- 6 (2) the operator has been a member in good standing of a
- 7 bona fide national organization that is related to the bona fide
- 8 national foundation for at least sixty (60) days; and
- 9 (3) the operator's authority to serve as an operator for the
- 10 qualified organization has been acknowledged by the qualified
- 11 organization on a form prescribed by the commission.
- 12 **(b)** An operator must be a member in good standing of the
- 13 qualified organization that is conducting the allowable activity for
- 14 at least six (6) months at the time of the allowable activity.
- 15 **Sec. 14. (a)** Except as provided in:
- 16 (1) section 8(c) of this chapter;
- 17 (2) section 13 of this chapter; and
- 18 (3) subsection (b);
- 19 a worker at an allowable event must be a member in good standing
- 20 of the qualified organization that is conducting the allowable
- 21 activity for at least thirty (30) days before the allowable activity.
- 22 **(b)** For purposes of this section, an individual is considered to be
- 23 a member in good standing of the qualified organization if:
- 24 (1) the individual is an Indiana resident;
- 25 (2) the individual has been a member in good standing of a
- 26 bona fide national organization that is related to the bona fide
- 27 national foundation for at least thirty (30) days; and
- 28 (3) the individual's authority to serve as a worker for the
- 29 qualified organization has been acknowledged by the qualified
- 30 organization on a form prescribed by the commission.
- 31 **(c)** A qualified organization may allow an individual who is not
- 32 a member of the qualified organization to participate in an
- 33 allowable activity as a worker if the individual is a full-time
- 34 employee of the qualified organization that is conducting the
- 35 allowable activity; or if:
- 36 (1) the individual is a member of another qualified
- 37 organization; and
- 38 (2) the individual's participation is approved by the
- 39 commission.
- 40 A qualified organization may apply to the commission on a form
- 41 prescribed by the commission for approval of the participation of
- 42 a nonmember under this subsection. A qualified organization may



1 share the proceeds of an allowable activity with the qualified
 2 organization in which a worker participating in the allowable
 3 activity under this subsection is a member. The tasks that will be
 4 performed by an individual participating in an allowable activity
 5 under this subsection and the amounts shared with the individual's
 6 qualified organization must be described in the application and
 7 approved by the commission.

8 (d) For purposes of:

9 (1) the licensing requirements of this article; and

10 (2) section 9 of this chapter;

11 a qualified organization that receives a share of the proceeds of an
 12 allowable activity described in IC 4-32.3-4-14(a) is not considered
 13 to be conducting an allowable activity.

14 Sec. 15. (a) The prize for:

15 (1) one (1) bingo game may not have a value of more than one
 16 thousand dollars (\$1,000); and

17 (2) a progressive bingo game may not have a value of more
 18 than two thousand dollars (\$2,000).

19 (b) Except as provided in subsection (c), the total prizes
 20 permitted at one (1) bingo event may not have a value of more than
 21 six thousand dollars (\$6,000).

22 (c) The commission may, by express authorization, allow any
 23 qualified organization to conduct two (2) bingo events each year at
 24 which the total prizes for each event may not exceed ten thousand
 25 dollars (\$10,000). Bingo events authorized under this subsection
 26 may be conducted at a festival.

27 (d) The commission may, by express authorization, allow a
 28 qualified organization to conduct a bingo event in which the total
 29 prizes for the event may exceed ten thousand dollars (\$10,000).

30 (e) The proceeds of the sale of pull tabs, punchboards, and tip
 31 boards are not included in the total prize limit at a bingo event.

32 Sec. 16. (a) The total prizes awarded for one (1) pull tab,
 33 punchboard, or tip board game may not exceed ten thousand
 34 dollars (\$10,000).

35 (b) A single prize awarded:

36 (1) for one (1) winning ticket in a pull tab, punchboard, or tip
 37 board game may not exceed five hundred ninety-nine dollars
 38 (\$599);

39 (2) in a game using a seal card may not exceed one thousand
 40 dollars (\$1,000); and

41 (3) in a progressive or carryover pull tab game may not
 42 exceed five thousand dollars (\$5,000).



1 (c) The selling price for one (1) ticket for a pull tab, punchboard,
2 or tip board game may not exceed one dollar (\$1).

3 Sec. 17. (a) Except as provided in subsections (b) and (c), the
4 following persons may not play or participate in any manner in an
5 allowable activity:

6 (1) A member or an employee of the commission.

7 (2) A person less than eighteen (18) years of age.

8 (b) A member or employee of the commission may participate
9 in an allowable activity if that person:

10 (1) has received written authorization from the executive
11 director to participate in an allowable activity; and

12 (2) is participating only to the extent approved by the
13 executive director.

14 (c) Except as provided in subsection (b), an employee of the
15 commission or a relative of an employee of the commission living
16 in the same household with the employee may not be an operator,
17 worker or a volunteer ticket taker.

18 (d) An employee, officer, or owner of a manufacturer or
19 distributor is prohibited from participating in or affiliating in any
20 way with the charity gaming operations of a qualified organization
21 that an employee, officer or owner is a member.

22 Sec. 18. An advertisement for an allowable activity in radio
23 broadcast media must announce, within the advertisement, the
24 name of the qualified organization conducting the allowable
25 activity.

26 Sec. 19. If a qualified organization is required to report a
27 patron's gambling winnings to the Internal Revenue Service for
28 federal income tax purposes, the winning patron shall provide the
29 qualified organization with the information necessary to comply
30 with all applicable state and federal tax laws.

31 Sec. 20. (a) Except as provided in subsection (b), a qualified
32 organization shall obtain licensed supplies from an entity licensed
33 by the commission as a distributor.

34 (b) Subsection (a) does not apply to a reusable licensed supply:

35 (1) constructed, purchased, or otherwise obtained by a
36 qualified organization before January 1, 2009; or

37 (2) borrowed at any time from another qualified organization.

38 (c) A qualified organization may pay for licensed supplies only
39 with a check drawn on or by an electronic funds transfer from the
40 qualified organization's gaming account.

41 Sec. 21. (a) A licensed distributor may obtain licensed supplies
42 to be used in charity gaming only from an entity licensed by the



1 commission as a manufacturer or distributor unless the supplies
2 are obtained from a qualified organization if:

- 3 (1) the qualified organization has ceased gaming;
4 (2) the qualified organization is upgrading equipment; or
5 (3) the licensed distributor notifies and obtains permission
6 from the commission.

7 (b) A licensed distributor may provide supplies to be used in
8 charity gaming only to:

- 9 (1) a qualified organization that has obtained a license from
10 the commission to conduct allowable activities; or
11 (2) a qualified organization that is exempt from obtaining a
12 license under IC 4-32.3-4-3.

13 Sec. 22. The following apply to a qualified organization's use of
14 a volunteer raffle ticket agent:

15 (1) Before using volunteer ticket agents to sell tickets to an
16 allowable activity, a qualified organization shall provide a list
17 containing the following information to the commission:

18 (A) The name, address, and telephone number of each
19 retail establishment whose employees will serve as
20 volunteer ticket agents.

21 (B) The name of the general manager of each retail
22 establishment listed under clause (A).

23 (2) A volunteer ticket agent may not sell pull tabs,
24 punchboards, or tip boards.

25 (3) A volunteer ticket agent is not required to be a member in
26 good standing of the qualified organization.

27 (4) A volunteer ticket agent may participate as a patron in any
28 allowable activity conducted by the qualified organization.

29 (5) A qualified organization must include on each ticket or
30 entry sold by a volunteer ticket agent the name of the
31 qualified organization, the date of the allowable activity, and
32 a valid license number for the allowable activity.

33 (6) All tickets sold by volunteer ticket agents must be
34 numbered sequentially.

35 (7) After tickets to the allowable activity are sold, the
36 qualified organization shall provide to the commission the
37 name, address, and telephone number of each person who
38 served as a volunteer ticket agent.

39 Sec. 23. (a) Subject to subsection (b), a qualified organization
40 may accept credit cards at an allowable activity for the purchase
41 of:

- 42 (1) food and beverages;



1 (2) merchandise; and

2 (3) retail goods and services offered at a benefit auction.

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

5 (1) chance to play any game of chance offered at an allowable
6 activity; or

7 (2) licensed supplies.

8 **Chapter 6. License Fees**

9 **Sec. 1. The commission shall charge a license fee to an applicant
10 under this article.**

11 **Sec. 2. (a) An organization may request the commission to
12 expedite the reviews of its charity gaming application to ten (10)
13 business days by paying an expedited application processing fee at
14 the time of filing the application.**

15 **(b) The expedited application fee is:**

16 (1) One hundred dollars (\$100) if the qualified organization is
17 applying for an initial license; or

18 (2) One hundred dollars (\$100) or ten percent (10%) of the
19 organization's last renewal fee, whichever amount is greater,
20 if the organization is seeking a reissuance of a license.

21 **Sec. 3. (a) Except as provided under subsection (b), the license
22 fee that is charged to a qualified organization in the first year that
23 the qualified organization applies for a license is:**

24 (1) fifty dollars (\$50); or

25 (2) the amount determined under subsection (b) for a
26 qualified organization issued an annual affiliate license for the
27 first time.

28 **(b) When a qualified organization is issued an affiliate license
29 under IC 4-32.3-4-8 for the first time, the initial license fee is
30 determined as follows:**

31 (1) The fee is an amount equal to fifty dollars (\$50) per
32 Indiana affiliate in the case of a qualified organization that:

33 (A) has not previously conducted an allowable activity; and

34 (B) consists of Indiana affiliates that have not previously
35 conducted any allowable activities.

36 (2) In the case of a qualified organization that includes at least
37 one (1) Indiana affiliate that conducted an allowable activity
38 before the date the qualified organization applies for an
39 annual affiliate license, the fee is equal to the greatest of the
40 following:

41 (A) An amount equal to the sum of the license renewal fees
42 determined under section 5(c) of this chapter for the



1 organization's Indiana affiliates in 2011.

2 (B) An amount equal to the sum of the license renewal fees
3 determined under section 5(c) of this chapter for the
4 organization's Indiana affiliates during the twelve (12)
5 month period ending on the date the qualified
6 organization's license application is filed.

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

8 **Sec. 4.** This section applies to an annual activity license under
9 IC 4-32.3-4-5 and an annual gambling activity license under
10 IC 4-32.3-4-11. A qualified organization's adjusted gross revenue
11 is an amount equal to the difference between:

12 (1) the qualified organization's total gross revenue from
13 allowable activities in the preceding year; minus

14 (2) the sum of any amounts deducted under
15 IC 4-32.3-5-3(b)(5) in the preceding year.

16 **Sec. 5.** (a) This section applies only to the renewal of a single
17 activity license issued under IC 4-32.3-4-6, a single gambling
18 activity license issued under IC 4-32.3-4-11, and a festival license
19 issued under IC 4-32.3-4-7.

20 (b) A qualified organization's adjusted gross revenue is an
21 amount equal to the difference between:

22 (1) the qualified organization's total gross revenue from the
23 preceding activity; minus

24 (2) the sum of any amounts deducted under
25 IC 4-32.3-5-3(b)(5) in the preceding year.

26 **Sec. 6.** (a) This section applies only to the renewal of an annual
27 affiliate license under IC 4-32.3-4-8.

28 (b) A qualified organization's adjusted gross revenue is an
29 amount equal to the difference between:

30 (1) the qualified organization's total gross revenue; minus

31 (2) any amount deducted under IC 4-32.3-5-3(b)(5) for the
32 preceding activity.

33 (c) For purposes of determining adjusted gross revenue under
34 subsection (a), a qualified organization must aggregate:

35 (1) the gross revenue from all activities by the qualified
36 organization's Indiana affiliates under the qualified
37 organization's annual affiliate license in a particular year;
38 and

39 (2) the deductions taken with respect to the activities
40 described in subsection (b) by all of the qualified
41 organization's Indiana affiliates in particular year.

42 **Sec. 7.** The license fee that is charged to a qualified organization



1 that renews a license is equal to the amount determined according
 2 to the following schedule using the adjusted gross revenue of the
 3 qualified organization as described in sections 4, 5, and 6 of this
 4 chapter:

Class	Adjusted Gross Revenues		Fee
	At Least	But Less Than	
7 A	\$ 0	\$ 15,000	\$ 50
8 B	\$ 15,000	\$ 25,000	\$ 100
9 C	\$ 25,000	\$ 50,000	\$ 300
10 D	\$ 50,000	\$ 75,000	\$ 400
11 E	\$ 75,000	\$ 100,000	\$ 700
12 F	\$ 100,000	\$ 150,000	\$ 1,000
13 G	\$ 150,000	\$ 200,000	\$ 1,500
14 H	\$ 200,000	\$ 250,000	\$ 1,800
15 I	\$ 250,000	\$ 300,000	\$ 2,500
16 J	\$ 300,000	\$ 400,000	\$ 3,250
17 K	\$ 400,000	\$ 500,000	\$ 5,000
18 L	\$ 500,000	\$ 750,000	\$ 6,750
19 M	\$ 750,000	\$ 1,000,000	\$ 9,000
20 N	\$ 1,000,000	\$ 1,250,000	\$ 11,000
21 O	\$ 1,250,000	\$ 1,500,000	\$ 13,000
22 P	\$ 1,500,000	\$ 1,750,000	\$ 15,000
23 Q	\$ 1,750,000	\$ 2,000,000	\$ 17,000
24 R	\$ 2,000,000	\$ 2,250,000	\$ 19,000
25 S	\$ 2,250,000	\$ 2,500,000	\$ 21,000
26 T	\$ 2,500,000	\$ 2,750,000	\$ 23,000
27 U	\$ 2,750,000	\$ 3,000,000	\$ 25,000
28 V	\$ 3,000,000	\$ 3,250,000	\$ 27,000
29 W	\$ 3,250,000	\$ 3,500,000	\$ 29,000
30 X	\$ 3,500,000	\$ 3,750,000	\$ 31,000
31 Y	\$ 3,750,000	\$ 4,000,000	\$ 33,000
32 Z	\$ 4,000,000	\$ 4,250,000	\$ 35,000
33 AA	\$ 4,250,000	\$ 4,500,000	\$ 37,000
34 BB	\$ 4,500,000	\$ 4,750,000	\$ 39,000
35 CC	\$ 4,750,000	\$ 5,000,000	\$ 41,000

36 **Sec. 7.5. (a) This section applies only to a three (3) year charity**
 37 **gaming license issued under IC 4-32.3-4-16.**

38 **(b) A qualified organization's adjusted gross revenue is an**
 39 **amount equal to the difference between:**

- 40 **(1) the qualified organization's total gross revenue from**
 41 **allowable activities conducted under the three (3) year charity**
 42 **gaming license in the year prior to the annual anniversary**



1 date of the issuance of the three (3) year charity gaming
2 license; minus

3 (2) the sum of any amounts deducted under
4 IC 4-32.3-5-3(b)(5) with respect to the allowable events
5 described in subdivision (1) in the year prior to the annual
6 anniversary date of the issuance of the three (3) year charity
7 gaming license.

8 (c) A qualified organization shall pay an annual fee determined
9 under this section before the annual anniversary date of the
10 issuance of the three (3) year charity gaming license. The annual
11 fee that is charged to a qualified organization holding a three (3)
12 year charity gaming license is equal to the amount determined
13 according to the following schedule using the adjusted gross
14 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	\$ 2,750,000	\$ 23,000
U	\$ 2,750,000	\$ 3,000,000	\$ 25,000
V	\$ 3,000,000	\$ 3,250,000	\$ 27,000
W	\$ 3,250,000	\$ 3,500,000	\$ 29,000
X	\$ 3,500,000	\$ 3,750,000	\$ 31,000
Y	\$ 3,750,000	\$ 4,000,000	\$ 33,000
Z	\$ 4,000,000	\$ 4,250,000	\$ 35,000



1 AA \$ 4,250,000 \$ 4,500,000 \$ 37,000
 2 BB \$ 4,500,000 \$ 4,750,000 \$ 39,000
 3 CC \$ 4,750,000 \$ 5,000,000 \$ 41,000
 4 **Sec. 8. The fee for an organization applying for a convention**
 5 **raffle license is two hundred fifty dollars (\$250) due at the time of**
 6 **filing the application.**
 7 **Sec. 9. The commission shall establish a license fee schedule for**
 8 **the renewal of licenses for manufacturers and distributors.**
 9 **Sec. 10. The commission shall deposit license fees collected**
 10 **under this chapter in the charity gaming enforcement fund**
 11 **established by IC 4-32.3-7-1.**
 12 **Chapter 7. Charity Gaming Enforcement Fund**
 13 **Sec. 1. The charity gaming enforcement fund is established. The**
 14 **commission shall administer the fund.**
 15 **Sec. 2. The fund consists of the following:**
 16 (1) License fees collected under IC 4-32.3-6.
 17 (2) Civil penalties collected under IC 4-32.3-8.
 18 (3) Charity gaming card excise taxes received under
 19 IC 4-32.3-10.
 20 **Sec. 3. Money in the fund does not revert to the state general**
 21 **fund at the end of a state fiscal year. The treasurer of state shall**
 22 **invest the money in the fund not currently needed to meet the**
 23 **obligations of the fund in the same manner as other public funds**
 24 **may be invested.**
 25 **Sec. 4. There is appropriated annually to the commission from**
 26 **the fund an amount sufficient to cover the costs incurred by the**
 27 **commission for the purposes specified in this article, IC 4-33-19,**
 28 **and IC 4-33-20.**
 29 **Sec. 5. Before the last business day of January, April, July, and**
 30 **October, the commission shall, upon approval of the budget**
 31 **agency, transfer the surplus revenue to the treasurer of state for**
 32 **deposit in the build Indiana fund.**
 33 **Chapter 8. Penalties**
 34 **Sec. 1. (a) The commission may suspend or revoke the license of**
 35 **or levy a civil penalty against a qualified organization, a**
 36 **manufacturer, a distributor, or an individual under this article for**
 37 **any of the following:**
 38 **(1) Violation of:**
 39 (A) a provision of this article, IC 35-45-5-3, IC 35-45-5-3.5,
 40 IC 35-45-5-4, or a rule of the commission; or
 41 (B) any other local ordinance, state or federal statute, or
 42 administrative rule or regulation that would cause the



- 1 commission to determine that the person is not of good
2 moral character or reputation.
- 3 **(2) Failure to accurately account for a licensed supply.**
4 **(3) Failure to accurately account for sales proceeds from an**
5 **event or activity licensed or permitted under this article.**
6 **(4) Commission of a fraud, deceit, or misrepresentation.**
7 **(5) Conduct prejudicial to public confidence in the**
8 **commission.**
9 **(6) To ensure the integrity of charitable gaming in Indiana.**
- 10 **(b) If a violation is of a continuing nature, the commission may**
11 **impose a civil penalty upon a licensee or an individual for each day**
12 **the violation continues.**
- 13 **(c) For purposes of subsection (a), a finding that a person has**
14 **violated IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4 must be**
15 **supported by a preponderance of the evidence.**
- 16 **Sec. 2. A civil penalty imposed by the commission upon a**
17 **qualified organization or an individual under section 1 of this**
18 **chapter may not exceed the following amounts:**
- 19 **(1) One thousand dollars (\$1,000) for the first violation.**
20 **(2) Two thousand five hundred dollars (\$2,500) for the second**
21 **violation.**
22 **(3) Five thousand dollars (\$5,000) for each additional**
23 **violation.**
- 24 **Sec. 3. In addition to imposing a penalty described in section 2**
25 **of this chapter, the commission may do all or any of the following:**
- 26 **(1) Lengthen a period of suspension of the license.**
27 **(2) Prohibit an operator or an individual who has been found**
28 **to be in violation of this article from associating with charity**
29 **gaming conducted by a qualified organization.**
30 **(3) Impose an additional civil penalty of not more than one**
31 **hundred dollars (\$100) for each day the civil penalty goes**
32 **unpaid.**
- 33 **Sec. 4. (a) Except as provided in subsection (b), a person or a**
34 **organization that recklessly, knowingly, or intentionally violates a**
35 **provision of this article commits a Class B misdemeanor.**
- 36 **(b) An individual, a corporation, a partnership, a limited**
37 **liability company, or other association that recklessly, knowingly,**
38 **or intentionally enters into a contract or other agreement with a**
39 **qualified organization in violation of IC 4-32.3-5-2 commits a Level**
40 **6 felony.**
- 41 **Sec. 5. The commission shall deposit civil penalties collected**
42 **under this chapter in the charity gaming enforcement fund**



1 established by IC 4-32.3-7-1.

2 **Chapter 9. Security**

3 **Sec. 1. (a) The commission may employ investigators and other**
 4 **individuals necessary to carry out this chapter.**

5 **(b) An employee of the commission engaged in the enforcement**
 6 **of this article is vested with the necessary police powers to enforce**
 7 **this article. The police powers granted by this subsection are**
 8 **limited to the enforcement of this article.**

9 **(c) An employee described in subsection (b) may not:**

- 10 **(1) issue a summons for an infraction or a misdemeanor**
 11 **violation of any law other than this article;**
 12 **(2) act as an officer for the arrest of offenders for the violation**
 13 **of an Indiana law other than this article; or**
 14 **(3) exercise any other police power with respect to the**
 15 **enforcement of any state or local law other than this article.**

16 **Sec. 2. An employee of the commission may do any of the**
 17 **following:**

- 18 **(1) Investigate an alleged violation of this article.**
 19 **(2) Arrest an alleged violator of this article.**
 20 **(3) Enter upon the premises where a charitable gaming**
 21 **activity is being conducted for the performance of the**
 22 **employee's lawful duties.**
 23 **(4) Take necessary equipment from the premises for further**
 24 **investigation.**
 25 **(5) Obtain full access to all financial records of the entity upon**
 26 **request.**
 27 **(6) If there is a reason to believe that a violation has occurred,**
 28 **search and inspect the premises where the violation is alleged**
 29 **to have occurred or is occurring. A search under this**
 30 **subdivision may not be conducted unless a warrant has first**
 31 **been obtained by the executive director. A contract entered**
 32 **into by the executive director may not include a provision**
 33 **allowing for warrantless searches. A warrant may be obtained**
 34 **in the county where the search will be conducted or in Marion**
 35 **County.**
 36 **(7) Seize or take possession of any items associated with the**
 37 **charitable gaming activities related to an alleged violation of**
 38 **this article or commission regulations.**

39 **Sec. 3. (a) The commission shall conduct investigations**
 40 **necessary to ensure the security and integrity of the operation of**
 41 **games of chance under this article. The commission may conduct**
 42 **investigations of the following:**



- 1 (1) Licensed qualified organizations.
 2 (2) Applicants for licenses issued under this article.
 3 (3) Entities that sell, manufacture, or distribute licensed
 4 supplies.
 5 (4) Employees of the commission under this article.
 6 (5) Applicants for contracts or employment with the
 7 commission under this article.
 8 (6) Individuals engaged in conducting allowable activities.
 9 (b) The commission may require persons subject to an
 10 investigation under subsection (a) to provide information,
 11 including fingerprints, that is:
 12 (1) required by the commission to carry out the investigation;
 13 or
 14 (2) otherwise needed to facilitate access to state and criminal
 15 history information.
 16 Sec. 4. (a) The state police department shall, at the request of the
 17 executive director, provide the following:
 18 (1) Assistance in obtaining criminal history information
 19 relevant to investigations required for honest, secure,
 20 exemplary operations under this article.
 21 (2) Any other assistance requested by the executive director
 22 and agreed to by the superintendent of the state police
 23 department.
 24 (b) Any other state agency, including the alcohol and tobacco
 25 commission and the Indiana professional licensing agency, shall
 26 upon request provide the executive director with information
 27 relevant to an investigation conducted under this article.
 28 Sec. 5. A marketing sheet published in connection with a
 29 wagering game must be maintained for the lesser of:
 30 (1) three (3) years after the year in which the marketing sheet
 31 was published; or
 32 (2) the end of an audit in which the marketing sheet and
 33 similar records are audited.
 34 Sec. 6. (a) This section applies only to products sold in Indiana.
 35 (b) If a licensed manufacturer or distributor destroys,
 36 discontinues, or otherwise renders unusable a licensed supply, the
 37 manufacturer or distributor shall provide the commission with a
 38 written list of the items destroyed, discontinued, or rendered
 39 otherwise unusable.
 40 (c) The list required under subsection (b) must contain the
 41 following information concerning the items destroyed,
 42 discontinued, or rendered otherwise unusable:



- 1 (1) The quantity.
 2 (2) A description.
 3 (3) The serial numbers.
 4 (4) The date the items were destroyed, discontinued, or
 5 rendered otherwise unusable.
- 6 (d) Notwithstanding subsection (b), this section does not apply
 7 to a product considered defective by the manufacturer or
 8 distributor.
- 9 Sec. 7. Records of a manufacturer or distributor must be
 10 produced upon request by the commission within seventy-two (72)
 11 hours or by another mutually agreed upon time if production of
 12 the requested documents within seventy-two (72) hours is
 13 impractical or burdensome.
- 14 Sec. 8. (a) A manufacturer or distributor of a licensed supply to
 15 be used in charity gaming in Indiana must file a quarterly report
 16 listing the manufacturer's or distributor's sales of the licensed
 17 supply.
- 18 (b) A licensed distributor that sells any licensed supply with a
 19 prize value that would require reporting of a patron's gambling
 20 winnings to the:
- 21 (1) Internal Revenue Service for federal income tax purposes;
 22 or
 23 (2) department of revenue for state income tax purposes;
 24 must notify the commission of the sale in the quarterly reports
 25 described in subsection (a).
- 26 Sec. 9. (a) Information obtained by the commission during the
 27 course of an investigation conducted under this chapter is
 28 confidential.
- 29 (b) A driver's license number or other identifying information
 30 of an operator or worker that is submitted to the commission on an
 31 application for a license under this article is confidential.
- 32 Chapter 10. Gaming Card Excise Tax
- 33 Sec. 1. An excise tax is imposed on the distribution of pull tabs,
 34 punchboards, and tip boards in the amount of ten percent (10%)
 35 of the price paid by the qualified organization that purchases the
 36 pull tabs, punchboards, and tip boards.
- 37 Sec. 2. A licensed entity distributing pull tabs, punchboards, or
 38 tip boards under this article is liable for the tax. The tax is imposed
 39 at the time the licensed entity:
- 40 (1) brings or causes the pull tabs, punchboards, or tip boards
 41 to be brought into Indiana for distribution;
 42 (2) distributes pull tabs, punchboards, or tip boards in



1 **Indiana; or**

2 **(3) transports pull tabs, punchboards, or tip boards to**
 3 **qualified organizations in Indiana for resale by those qualified**
 4 **organizations.**

5 **Sec. 3. The department shall establish procedures by which each**
 6 **licensed entity must account for the following:**

7 **(1) The tax collected under this chapter by the licensed entity.**

8 **(2) The pull tabs, punchboards, and tip boards sold by the**
 9 **licensed entity.**

10 **(3) The funds received for sales of pull tabs, punchboards, and**
 11 **tip boards by the licensed entity.**

12 **Sec. 4. A payment by a licensed entity to the department may**
 13 **not be in cash. All payments must be in the form of a check, a draft,**
 14 **an electronic funds transfer, or another financial instrument**
 15 **authorized by the commissioner. The department may require**
 16 **licensed entities to establish separate electronic funds transfer**
 17 **accounts for the purpose of making payments to the department.**

18 **Sec. 5. All taxes imposed on a licensed entity under this chapter**
 19 **shall be remitted to the department at the times and as directed by**
 20 **the department. The department is responsible for all**
 21 **administrative functions related to the receipt of funds. The**
 22 **department may require each licensed entity to file with the**
 23 **department reports of the licensed entity's receipts and**
 24 **transactions in the sale of pull tabs, punchboards, and tip boards.**
 25 **The department shall prescribe the form of the reports and the**
 26 **information to be contained in the reports. For purposes of this**
 27 **section, a qualified organization is not required to report the name,**
 28 **signature, or driver's license number of a prize winner unless the**
 29 **qualified organization is required to withhold adjusted gross**
 30 **income tax from the prize winner under IC 6-3-4-8.2(d).**

31 **Sec. 6. The department may at any time perform an audit of the**
 32 **books and records of a licensed entity to ensure compliance with**
 33 **this chapter.**

34 **Sec. 7. IC 4-32.3-8 applies to licensed entities.**

35 **Sec. 8. The department shall transfer all taxes collected under**
 36 **this chapter to the commission for deposit in the charity gaming**
 37 **enforcement fund established by IC 4-32.3-7-1.**

38 SECTION 5. IC 4-33-13-5, AS AMENDED BY P.L.212-2018(ss),
 39 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 5. (a) This subsection does not apply to tax
 41 revenue remitted by an operating agent operating a riverboat in a
 42 historic hotel district. After funds are appropriated under section 4 of



1 this chapter, each month the treasurer of state shall distribute the tax
 2 revenue deposited in the state gaming fund under this chapter to the
 3 following:

4 (1) An amount equal to the following shall be set aside for
 5 revenue sharing under subsection (e):

6 (A) Before July 1, 2021, the first thirty-three million dollars
 7 (\$33,000,000) of tax revenues collected under this chapter
 8 shall be set aside for revenue sharing under subsection (e).

9 (B) After June 30, 2021, if the total adjusted gross receipts
 10 received by licensees from gambling games authorized under
 11 this article during the preceding state fiscal year is equal to or
 12 greater than the total adjusted gross receipts received by
 13 licensees from gambling games authorized under this article
 14 during the state fiscal year ending June 30, 2020, the first
 15 thirty-three million dollars (\$33,000,000) of tax revenues
 16 collected under this chapter shall be set aside for revenue
 17 sharing under subsection (e).

18 (C) After June 30, 2021, if the total adjusted gross receipts
 19 received by licensees from gambling games authorized under
 20 this article during the preceding state fiscal year is less than
 21 the total adjusted gross receipts received by licensees from
 22 gambling games authorized under this article during the state
 23 year ending June 30, 2020, an amount equal to the first
 24 thirty-three million dollars (\$33,000,000) of tax revenues
 25 collected under this chapter multiplied by the result of:

26 (i) the total adjusted gross receipts received by licensees
 27 from gambling games authorized under this article during
 28 the preceding state fiscal year; divided by

29 (ii) the total adjusted gross receipts received by licensees
 30 from gambling games authorized under this article during
 31 the state fiscal year ending June 30, 2020;

32 shall be set aside for revenue sharing under subsection (e).

33 (2) Subject to subsection (c), twenty-five percent (25%) of the
 34 remaining tax revenue remitted by each licensed owner shall be
 35 paid:

36 (A) to the city that is designated as the home dock of the
 37 riverboat from which the tax revenue was collected, in the case
 38 of:

39 (i) a city described in IC 4-33-12-6(b)(1)(A); or

40 (ii) a city located in a county having a population of more
 41 than four hundred thousand (400,000) but less than seven
 42 hundred thousand (700,000); or



- 1 (B) to the county that is designated as the home dock of the
2 riverboat from which the tax revenue was collected, in the case
3 of a riverboat whose home dock is not in a city described in
4 clause (A).
- 5 (3) Subject to subsection (d), the remainder of the tax revenue
6 remitted by each licensed owner shall be paid to the state general
7 fund. In each state fiscal year, the treasurer of state shall make the
8 transfer required by this subdivision not later than the last
9 business day of the month in which the tax revenue is remitted to
10 the state for deposit in the state gaming fund. However, if tax
11 revenue is received by the state on the last business day in a
12 month, the treasurer of state may transfer the tax revenue to the
13 state general fund in the immediately following month.
- 14 (b) This subsection applies only to tax revenue remitted by an
15 operating agent operating a riverboat in a historic hotel district after
16 June 30, 2015. After funds are appropriated under section 4 of this
17 chapter, each month the treasurer of state shall distribute the tax
18 revenue remitted by the operating agent under this chapter as follows:
- 19 (1) Fifty-six and five-tenths percent (56.5%) shall be paid to the
20 state general fund.
- 21 (2) Forty-three and five-tenths percent (43.5%) shall be paid as
22 follows:
- 23 (A) Twenty-two and four-tenths percent (22.4%) shall be paid
24 as follows:
- 25 (i) Fifty percent (50%) to the fiscal officer of the town of
26 French Lick.
- 27 (ii) Fifty percent (50%) to the fiscal officer of the town of
28 West Baden Springs.
- 29 (B) Fourteen and eight-tenths percent (14.8%) shall be paid to
30 the county treasurer of Orange County for distribution among
31 the school corporations in the county. The governing bodies
32 for the school corporations in the county shall provide a
33 formula for the distribution of the money received under this
34 clause among the school corporations by joint resolution
35 adopted by the governing body of each of the school
36 corporations in the county. Money received by a school
37 corporation under this clause must be used to improve the
38 educational attainment of students enrolled in the school
39 corporation receiving the money. Not later than the first
40 regular meeting in the school year of a governing body of a
41 school corporation receiving a distribution under this clause,
42 the superintendent of the school corporation shall submit to



1 the governing body a report describing the purposes for which
 2 the receipts under this clause were used and the improvements
 3 in educational attainment realized through the use of the
 4 money. The report is a public record.

5 (C) Thirteen and one-tenth percent (13.1%) shall be paid to the
 6 county treasurer of Orange County.

7 (D) Five and three-tenths percent (5.3%) shall be distributed
 8 quarterly to the county treasurer of Dubois County for
 9 appropriation by the county fiscal body after receiving a
 10 recommendation from the county executive. The county fiscal
 11 body for the receiving county shall provide for the distribution
 12 of the money received under this clause to one (1) or more
 13 taxing units (as defined in IC 6-1.1-1-21) in the county under
 14 a formula established by the county fiscal body after receiving
 15 a recommendation from the county executive.

16 (E) Five and three-tenths percent (5.3%) shall be distributed
 17 quarterly to the county treasurer of Crawford County for
 18 appropriation by the county fiscal body after receiving a
 19 recommendation from the county executive. The county fiscal
 20 body for the receiving county shall provide for the distribution
 21 of the money received under this clause to one (1) or more
 22 taxing units (as defined in IC 6-1.1-1-21) in the county under
 23 a formula established by the county fiscal body after receiving
 24 a recommendation from the county executive.

25 (F) Six and thirty-five hundredths percent (6.35%) shall be
 26 paid to the fiscal officer of the town of Paoli.

27 (G) Six and thirty-five hundredths percent (6.35%) shall be
 28 paid to the fiscal officer of the town of Orleans.

29 (H) Twenty-six and four-tenths percent (26.4%) shall be paid
 30 to the Indiana economic development corporation established
 31 by IC 5-28-3-1 for transfer as follows:

32 (i) Beginning after December 31, 2017, ten percent (10%)
 33 of the amount transferred under this clause in each calendar
 34 year shall be transferred to the South Central Indiana
 35 Regional Economic Development Corporation or a
 36 successor entity or partnership for economic development
 37 for the purpose of recruiting new business to Orange County
 38 as well as promoting the retention and expansion of existing
 39 businesses in Orange County.

40 (ii) The remainder of the amount transferred under this
 41 clause in each calendar year shall be transferred to Radius
 42 Indiana or a successor regional entity or partnership for the



1 development and implementation of a regional economic
 2 development strategy to assist the residents of Orange
 3 County and the counties contiguous to Orange County in
 4 improving their quality of life and to help promote
 5 successful and sustainable communities.

6 To the extent possible, the Indiana economic development
 7 corporation shall provide for the transfer under item (i) to be
 8 made in four (4) equal installments. However, an amount
 9 sufficient to meet current obligations to retire or refinance
 10 indebtedness or leases for which tax revenues under this
 11 section were pledged before January 1, 2015, by the Orange
 12 County development commission shall be paid to the Orange
 13 County development commission before making distributions
 14 to the South Central Indiana Regional Economic Development
 15 Corporation and Radius Indiana or their successor entities or
 16 partnerships. The amount paid to the Orange County
 17 development commission shall proportionally reduce the
 18 amount payable to the South Central Indiana Regional
 19 Economic Development Corporation and Radius Indiana or
 20 their successor entities or partnerships.

21 (c) For each city and county receiving money under subsection
 22 (a)(2), the treasurer of state shall determine the total amount of money
 23 paid by the treasurer of state to the city or county during the state fiscal
 24 year 2002. The amount determined is the base year revenue for the city
 25 or county. The treasurer of state shall certify the base year revenue
 26 determined under this subsection to the city or county. The total
 27 amount of money distributed to a city or county under this section
 28 during a state fiscal year may not exceed the entity's base year revenue.
 29 For each state fiscal year, the treasurer of state shall pay that part of the
 30 riverboat wagering taxes that:

- 31 (1) exceeds a particular city's or county's base year revenue; and
- 32 (2) would otherwise be due to the city or county under this
 33 section;

34 to the state general fund instead of to the city or county.

35 (d) Each state fiscal year the treasurer of state shall transfer from the
 36 tax revenue remitted to the state general fund under subsection (a)(3)
 37 to the build Indiana fund an amount that when added to the following
 38 may not exceed two hundred fifty million dollars (\$250,000,000):

- 39 (1) Surplus lottery revenues under IC 4-30-17-3.
- 40 (2) Surplus revenue from the charity gaming enforcement fund
 41 under ~~IC 4-32.2-7-7~~. **IC 4-32.3-7-3.**
- 42 (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.



1 The treasurer of state shall make transfers on a monthly basis as needed
 2 to meet the obligations of the build Indiana fund. If in any state fiscal
 3 year insufficient money is transferred to the state general fund under
 4 subsection (a)(3) to comply with this subsection, the treasurer of state
 5 shall reduce the amount transferred to the build Indiana fund to the
 6 amount available in the state general fund from the transfers under
 7 subsection (a)(3) for the state fiscal year.

8 (e) Except as provided in subsections (l) and (m), before August 15
 9 of each year, the treasurer of state shall distribute the wagering taxes
 10 set aside for revenue sharing under subsection (a)(1) to the county
 11 treasurer of each county that does not have a riverboat according to the
 12 ratio that the county's population bears to the total population of the
 13 counties that do not have a riverboat. Except as provided in subsection
 14 (h), the county auditor shall distribute the money received by the
 15 county under this subsection as follows:

16 (1) To each city located in the county according to the ratio the
 17 city's population bears to the total population of the county.

18 (2) To each town located in the county according to the ratio the
 19 town's population bears to the total population of the county.

20 (3) After the distributions required in subdivisions (1) and (2) are
 21 made, the remainder shall be retained by the county.

22 (f) Money received by a city, town, or county under subsection (e)
 23 or (h) may be used for any of the following purposes:

24 (1) To reduce the property tax levy of the city, town, or county for
 25 a particular year (a property tax reduction under this subdivision
 26 does not reduce the maximum levy of the city, town, or county
 27 under IC 6-1.1-18.5).

28 (2) For deposit in a special fund or allocation fund created under
 29 IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and
 30 IC 36-7-30 to provide funding for debt repayment.

31 (3) To fund sewer and water projects, including storm water
 32 management projects.

33 (4) For police and fire pensions.

34 (5) To carry out any governmental purpose for which the money
 35 is appropriated by the fiscal body of the city, town, or county.

36 Money used under this subdivision does not reduce the property
 37 tax levy of the city, town, or county for a particular year or reduce
 38 the maximum levy of the city, town, or county under
 39 IC 6-1.1-18.5.

40 (g) Before July 15 of each year, the treasurer of state shall determine
 41 the total amount of money distributed to an entity under IC 4-33-12-6
 42 or IC 4-33-12-8 during the preceding state fiscal year. If the treasurer



1 of state determines that the total amount of money distributed to an
 2 entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state
 3 fiscal year was less than the entity's base year revenue (as determined
 4 under IC 4-33-12-9), the treasurer of state shall make a supplemental
 5 distribution to the entity from taxes collected under this chapter and
 6 deposited into the state general fund. Except as provided in subsection
 7 (i), the amount of an entity's supplemental distribution is equal to:

8 (1) the entity's base year revenue (as determined under
 9 IC 4-33-12-9); minus

10 (2) the sum of:

11 (A) the total amount of money distributed to the entity and
 12 constructively received by the entity during the preceding state
 13 fiscal year under IC 4-33-12-6 or IC 4-33-12-8; plus

14 (B) the amount of any admissions taxes deducted under
 15 IC 6-3.1-20-7.

16 (h) This subsection applies only to a county containing a
 17 consolidated city. The county auditor shall distribute the money
 18 received by the county under subsection (e) as follows:

19 (1) To each city, other than a consolidated city, located in the
 20 county according to the ratio that the city's population bears to the
 21 total population of the county.

22 (2) To each town located in the county according to the ratio that
 23 the town's population bears to the total population of the county.

24 (3) After the distributions required in subdivisions (1) and (2) are
 25 made, the remainder shall be paid in equal amounts to the
 26 consolidated city and the county.

27 (i) This subsection applies to a supplemental distribution made after
 28 June 30, 2017. The maximum amount of money that may be distributed
 29 under subsection (g) in a state fiscal year is equal to the following:

30 (1) Before July 1, 2021, forty-eight million dollars (\$48,000,000).

31 (2) After June 30, 2021, if the total adjusted gross receipts
 32 received by licensees from gambling games authorized under this
 33 article during the preceding state fiscal year is equal to or greater
 34 than the total adjusted gross receipts received by licensees from
 35 gambling games authorized under this article during the state
 36 fiscal year ending June 30, 2020, the maximum amount is
 37 forty-eight million dollars (\$48,000,000).

38 (3) After June 30, 2021, if the total adjusted gross receipts
 39 received by licensees from gambling games authorized under this
 40 article during the preceding state fiscal year is less than the total
 41 adjusted gross receipts received by licensees from gambling
 42 games authorized under this article during the state fiscal year



1 ending June 30, 2020, the maximum amount is equal to the result
2 of:

3 (A) forty-eight million dollars (\$48,000,000); multiplied by

4 (B) the result of:

5 (i) the total adjusted gross receipts received by licensees
6 from gambling games authorized under this article during
7 the preceding state fiscal year; divided by

8 (ii) the total adjusted gross receipts received by licensees
9 from gambling games authorized under this article during
10 the state fiscal year ending June 30, 2020.

11 If the total amount determined under subsection (g) exceeds the
12 maximum amount determined under this subsection, the amount
13 distributed to an entity under subsection (g) must be reduced according
14 to the ratio that the amount distributed to the entity under IC 4-33-12-6
15 or IC 4-33-12-8 bears to the total amount distributed under
16 IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental
17 distribution.

18 (j) This subsection applies to a supplemental distribution, if any,
19 payable to Lake County, Hammond, Gary, or East Chicago under
20 subsections (g) and (i). Beginning in July 2016, the treasurer of state
21 shall, after making any deductions from the supplemental distribution
22 required by IC 6-3.1-20-7, deduct from the remainder of the
23 supplemental distribution otherwise payable to the unit under this
24 section the lesser of:

25 (1) the remaining amount of the supplemental distribution; or

26 (2) the difference, if any, between:

27 (A) three million five hundred thousand dollars (\$3,500,000);
28 minus

29 (B) the amount of admissions taxes constructively received by
30 the unit in the previous state fiscal year.

31 The treasurer of state shall distribute the amounts deducted under this
32 subsection to the northwest Indiana redevelopment authority
33 established under IC 36-7.5-2-1 for deposit in the development
34 authority revenue fund established under IC 36-7.5-4-1.

35 (k) Money distributed to a political subdivision under subsection
36 (b):

37 (1) must be paid to the fiscal officer of the political subdivision
38 and may be deposited in the political subdivision's general fund
39 or riverboat fund established under IC 36-1-8-9, or both;

40 (2) may not be used to reduce the maximum levy under
41 IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate
42 of a school corporation, but, except as provided in subsection



1 (b)(2)(B), may be used at the discretion of the political
 2 subdivision to reduce the property tax levy of the county, city, or
 3 town for a particular year;

4 (3) except as provided in subsection (b)(2)(B), may be used for
 5 any legal or corporate purpose of the political subdivision,
 6 including the pledge of money to bonds, leases, or other
 7 obligations under IC 5-1-14-4; and

8 (4) is considered miscellaneous revenue.

9 Money distributed under subsection (b)(2)(B) must be used for the
 10 purposes specified in subsection (b)(2)(B).

11 (l) After June 30, 2020, the amount of wagering taxes that would
 12 otherwise be distributed to South Bend under subsection (e) shall be
 13 deposited as being received from all riverboats whose supplemental
 14 wagering tax, as calculated under IC 4-33-12-1.5(b), is over three and
 15 five-tenths percent (3.5%). The amount deposited under this
 16 subsection, in each riverboat's account, is proportionate to the
 17 supplemental wagering tax received from that riverboat under
 18 IC 4-33-12-1.5 in the month of July. The amount deposited under this
 19 subsection must be distributed in the same manner as the supplemental
 20 wagering tax collected under IC 4-33-12-1.5. This subsection expires
 21 June 30, 2021.

22 (m) After June 30, 2021, the amount of wagering taxes that would
 23 otherwise be distributed to South Bend under subsection (e) shall be
 24 withheld and deposited in the state general fund.

25 SECTION 6. IC 4-33-18-5, AS AMENDED BY P.L.91-2006,
 26 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2019]: Sec. 5. The department shall research and analyze data
 28 and public policy issues relating to all aspects of gaming in Indiana for
 29 the enhancement of:

- 30 (1) the Indiana lottery under IC 4-30;
 31 (2) pari-mutuel horse racing under IC 4-31;
 32 (3) charity gaming under ~~IC 4-32-2~~; **IC 4-32.3**; and
 33 (4) riverboat casino gambling under IC 4-33.

34 SECTION 7. IC 4-33-18-9, AS AMENDED BY P.L.233-2007,
 35 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 9. (a) Nothing in this chapter may be construed to
 37 limit the powers or responsibilities of:

- 38 (1) the state lottery commission under IC 4-30;
 39 (2) the Indiana horse racing commission under IC 4-31; or
 40 (3) the Indiana gaming commission under ~~IC 4-32-2~~; **IC 4-32.3**,
 41 IC 4-33, or IC 4-35.

42 (b) The department may not exercise any administrative or



1 regulatory powers with respect to:

- 2 (1) the Indiana lottery under IC 4-30;
 3 (2) pari-mutuel horse racing under IC 4-31;
 4 (3) charity gaming under ~~IC 4-32.2~~; **IC 4-32.3**;
 5 (4) riverboat casino gambling under IC 4-33; or
 6 (5) gambling games conducted at a racetrack (as defined in
 7 IC 4-35-2-9) under IC 4-35.

8 SECTION 8. IC 4-33-19-2, AS ADDED BY P.L.227-2007,
 9 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 2. As used in this chapter, "licensed entity" means
 11 a person holding:

- 12 (1) a charity gaming license issued under ~~IC 4-32.2~~; **IC 4-32.3**;
 13 (2) a retail merchant's certificate issued under IC 6-2.5-8;
 14 (3) a tobacco sales certificate issued under IC 7.1-3-18.5; or
 15 (4) an alcoholic beverage permit issued under IC 7.1-3.

16 SECTION 9. IC 4-33-19-5, AS ADDED BY P.L.227-2007,
 17 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2019]: Sec. 5. The division shall carry out the commission's
 19 duties under ~~IC 4-32.2-8~~ **IC 4-32.3-8** and ~~IC 4-32.2-9~~ **IC 4-32.3-9** with
 20 respect to any person that is:

- 21 (1) licensed under ~~IC 4-32.2~~; **IC 4-32.3**; and
 22 (2) suspected of violating IC 35-45-5-3, IC 35-45-5-3.5, or
 23 IC 35-45-5-4.

24 SECTION 10. IC 4-33-20-5, AS ADDED BY P.L.227-2007,
 25 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2019]: Sec. 5. The commission shall:

- 27 (1) pay all personnel costs incurred by the division; and
 28 (2) purchase all property, supplies, and equipment for the
 29 division;

30 from money deposited in the charity gaming enforcement fund
 31 established by ~~IC 4-32.2-7-3~~. **IC 4-32.3-7-1.**

32 SECTION 11. IC 4-35-4-1, AS ADDED BY P.L.233-2007,
 33 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2019]: Sec. 1. (a) The commission shall regulate and
 35 administer gambling games conducted by a licensee under this article.

36 (b) The commission has the following powers and duties for the
 37 purpose of administering, regulating, and enforcing the system of
 38 gambling games at racetracks authorized under this article:

- 39 (1) All powers and duties specified in this article.
 40 (2) All powers necessary and proper to fully and effectively
 41 execute this article.
 42 (3) Jurisdiction and supervision over the following:



- 1 (A) All gambling game operations in Indiana.
- 2 (B) All persons at racetracks where gambling games are
- 3 conducted.
- 4 (4) The power to investigate and reinvestigate applicants and
- 5 licensees and determine the eligibility of applicants for licenses.
- 6 (5) The power to take appropriate administrative enforcement or
- 7 disciplinary action against a licensee.
- 8 (6) The power to investigate alleged violations of this article.
- 9 (7) The power to conduct hearings.
- 10 (8) The power to issue subpoenas for the attendance of witnesses
- 11 and subpoenas duces tecum for the production of books, records,
- 12 and other relevant documents.
- 13 (9) The power to administer oaths and affirmations to the
- 14 witnesses.
- 15 (10) The power to prescribe forms to be used by licensees.
- 16 (11) The power to revoke, suspend, or renew licenses issued
- 17 under this article.
- 18 (12) The power to hire employees to gather information, conduct
- 19 investigations, and carry out other tasks under this article. The
- 20 employees hired by the commission under this article may be the
- 21 same as the commission's employees hired under ~~IC 4-32.2~~
- 22 **IC 4-32.3** or IC 4-33.
- 23 (13) The power to take any reasonable or appropriate action to
- 24 enforce this article.
- 25 (c) The commission may by resolution assign to the executive
- 26 director any duty imposed upon the commission by this article.
- 27 (d) The executive director shall perform the duties assigned to the
- 28 executive director by the commission. The executive director may
- 29 exercise any power conferred upon the commission by this article that
- 30 is consistent with the duties assigned to the executive director under
- 31 subsection (c).
- 32 SECTION 12. IC 4-36-1-3, AS AMENDED BY P.L.255-2015,
- 33 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2019]: Sec. 3. This article does not apply to the following:
- 35 (1) The Indiana state lottery established under IC 4-30.
- 36 (2) Pari-mutuel horse racing under IC 4-31.
- 37 (3) Charity gaming under ~~IC 4-32.2~~ **IC 4-32.3**.
- 38 (4) Riverboat gambling under IC 4-33.
- 39 (5) Wagering on gambling games under IC 4-35.
- 40 SECTION 13. IC 4-36-2-5, AS ADDED BY P.L.95-2008,
- 41 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2019]: Sec. 5. "Distributor" means a person licensed to



1 distribute pull tabs, punchboards, and tip boards under ~~IC 4-32-2-~~
2 **IC 4-32.3.**

3 SECTION 14. IC 4-36-2-12, AS ADDED BY P.L.95-2008,
4 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2019]: Sec. 12. "Manufacturer" means a person licensed to
6 manufacture pull tabs, punchboards, and tip boards under ~~IC 4-32-2-~~
7 **IC 4-32.3.**

8 SECTION 15. IC 4-36-2-14, AS ADDED BY P.L.95-2008,
9 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2019]: Sec. 14. "Pull tab" has the meaning set forth in
11 ~~IC 4-32-2-2-22.~~ **IC 4-32.3-2-28.**

12 SECTION 16. IC 4-36-2-15, AS ADDED BY P.L.95-2008,
13 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2019]: Sec. 15. "Punchboard" has the meaning set forth in
15 ~~IC 4-32-2-2-23.~~ **IC 4-32.3-2-29.**

16 SECTION 17. IC 4-36-2-19, AS ADDED BY P.L.95-2008,
17 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2019]: Sec. 19. "Tip board" has the meaning set forth in
19 ~~IC 4-32-2-2-28.~~ **IC 4-32.3-2-37.**

20 SECTION 18. IC 4-36-2-20, AS ADDED BY P.L.95-2008,
21 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2019]: Sec. 20. "Type II gambling game" means a pull tab,
23 punchboard, or tip board game approved by the Indiana gaming
24 commission for play under ~~IC 4-32-2-~~ **IC 4-32.3.**

25 SECTION 19. IC 4-36-4-2, AS ADDED BY P.L.95-2008,
26 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2019]: Sec. 2. (a) To qualify for a retailer's endorsement, a
28 person must operate a tavern licensed under IC 7.1-3 to sell alcoholic
29 beverages to customers for consumption on the premises of the tavern.

30 (b) The following may not apply for a retailer's endorsement under
31 this article:

- 32 (1) A person holding a horse track permit under IC 7.1-3-17.7.
33 (2) A licensed owner of a riverboat licensed under IC 4-33.
34 (3) An operating agent who operates a riverboat in a historic hotel
35 district under IC 4-33.
36 (4) A qualified organization (as defined in ~~IC 4-32-2-2-24.~~
37 **IC 4-32.3-2-31.**)
38 (5) An organization that is eligible to apply for a charity gaming
39 license under ~~IC 4-32-2-~~ **IC 4-32.3.**
40 (6) A person holding a gambling game license issued under
41 IC 4-35-5.
42 (7) A person holding a permit issued under IC 7.1-3 for a licensed



1 premises that is not a tavern, including holders of the following:

- 2 (A) A boat permit.
 3 (B) A hotel permit.
 4 (C) A fraternal club permit.
 5 (D) A resort hotel permit.
 6 (E) An airport permit.
 7 (F) A satellite facility permit.
 8 (G) A microbrewery permit.
 9 (H) A social club permit.
 10 (I) A civic center permit.
 11 (J) A catering hall permit.
 12 (K) A dining car permit.
 13 (L) A temporary event permit.
 14 (M) A permit for any of the following facilities:
 15 (i) A stadium.
 16 (ii) An automobile race track.
 17 (iii) A concert hall.

18 SECTION 20. IC 4-36-4-9, AS ADDED BY P.L.95-2008,
 19 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2019]: Sec. 9. (a) To obtain a distributor's license or a
 21 manufacturer's license, a person must submit an application to the
 22 commission on a form prescribed by the commission. An applicant
 23 shall furnish all information required by the commission.

24 (b) To qualify for a distributor's license or a manufacturer's license
 25 under this chapter, a person must also be a licensed distributor or
 26 manufacturer under ~~IC 4-32-2~~. **IC 4-32.3.**

27 SECTION 21. IC 5-2-1-2, AS AMENDED BY P.L.180-2017,
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 2. For the purposes of this chapter, and unless the
 30 context clearly denotes otherwise, the following definitions apply
 31 throughout this chapter:

- 32 (1) "Law enforcement officer" means an appointed officer or
 33 employee hired by and on the payroll of the state, any of the
 34 state's political subdivisions, or a public or private postsecondary
 35 educational institution whose board of trustees has established a
 36 police department under IC 21-17-5-2 or IC 21-39-4-2 who is
 37 granted lawful authority to enforce all or some of the penal laws
 38 of the state of Indiana and who possesses, with respect to those
 39 laws, the power to effect arrests for offenses committed in the
 40 officer's or employee's presence. However, the following are
 41 expressly excluded from the term "law enforcement officer" for
 42 the purposes of this chapter:



- 1 (A) A constable.
- 2 (B) A special officer whose powers and duties are described
- 3 in IC 36-8-3-7 or a special deputy whose powers and duties are
- 4 described in IC 36-8-10-10.6.
- 5 (C) A county police reserve officer who receives compensation
- 6 for lake patrol duties under IC 36-8-3-20(f)(3).
- 7 (D) A conservation reserve officer who receives compensation
- 8 for lake patrol duties under IC 14-9-8-27.
- 9 (E) An employee of the gaming commission whose powers
- 10 and duties are described in ~~IC 4-32.2-9~~. **IC 4-32.3-9.**
- 11 (F) A correctional police officer described in IC 11-8-9.
- 12 (2) "Board" means the law enforcement training board created by
- 13 this chapter.
- 14 (3) "Executive training program" means the police chief executive
- 15 training program developed by the board under section 9 of this
- 16 chapter.
- 17 (4) "Law enforcement training council" means one (1) of the
- 18 confederations of law enforcement agencies recognized by the
- 19 board and organized for the sole purpose of sharing training,
- 20 instructors, and related resources.
- 21 (5) "Training regarding the lawful use of force" includes
- 22 classroom and skills training in the proper application of hand to
- 23 hand defensive tactics, use of firearms, and other methods of:
- 24 (A) overcoming unlawful resistance; or
- 25 (B) countering other action that threatens the safety of the
- 26 public or a law enforcement officer.
- 27 (6) "Hiring or appointing authority" means:
- 28 (A) the chief executive officer, board, or other entity of a
- 29 police department or agency with authority to appoint and hire
- 30 law enforcement officers; or
- 31 (B) the governor, mayor, board, or other entity with the
- 32 authority to appoint a chief executive officer of a police
- 33 department or agency.
- 34 (7) "Crisis intervention team" refers to a local coalition with a
- 35 goal of improving the manner in which law enforcement and the
- 36 community respond to crisis situations in which an individual is
- 37 experiencing a mental health or addictive disorder crisis.
- 38 SECTION 22. IC 6-3-4-8.2, AS AMENDED BY P.L.212-2018(ss),
- 39 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2019]: Sec. 8.2. (a) Each person in Indiana who is required
- 41 under the Internal Revenue Code to withhold federal tax from winnings
- 42 shall deduct and retain adjusted gross income tax at the time and in the



1 amount described in withholding instructions issued by the department.

2 (b) In addition to amounts withheld under subsection (a), every
3 person engaged in a gambling operation (as defined in IC 4-33-2-10)
4 or a gambling game (as defined in IC 4-35-2-5) and making a payment
5 in the course of the gambling operation (as defined in IC 4-33-2-10) or
6 a gambling game (as defined in IC 4-35-2-5) of:

7 (1) winnings (not reduced by the wager) valued at one thousand
8 two hundred dollars (\$1,200) or more from slot machine play; or

9 (2) winnings (reduced by the wager) valued at one thousand five
10 hundred dollars (\$1,500) or more from a keno game;

11 shall deduct and retain adjusted gross income tax at the time and in the
12 amount described in withholding instructions issued by the department.

13 The department's instructions must provide that amounts withheld shall
14 be paid to the department on the twenty-fourth calendar day of each
15 month. Any taxes collected during the month but after the day on which
16 the taxes are required to be paid shall be paid to the department at the
17 same time the following month's taxes are due. Slot machine and keno
18 winnings from a gambling operation (as defined in IC 4-33-2-10) or a
19 gambling game (as defined in IC 4-35-2-5) that are reportable for
20 federal income tax purposes shall be treated as subject to withholding
21 under this section, even if federal tax withholding is not required.

22 (c) The adjusted gross income tax due on prize money or prizes:

23 (1) received from a winning lottery ticket purchased under
24 IC 4-30; and

25 (2) exceeding one thousand two hundred dollars (\$1,200) in
26 value;

27 shall be deducted and retained at the time and in the amount described
28 in withholding instructions issued by the department, even if federal
29 withholding is not required.

30 (d) In addition to the amounts withheld under subsection (a), a
31 qualified organization (as defined in ~~IC 4-32.2-2-24(a)~~)
32 **IC 4-32.3-2-31(a)**) that awards a prize under ~~IC 4-32.2~~ **IC 4-32.3**
33 exceeding one thousand two hundred dollars (\$1,200) in value shall
34 deduct and retain adjusted gross income tax at the time and in the
35 amount described in withholding instructions issued by the department.
36 The department's instructions must provide that amounts withheld shall
37 be paid to the department before the close of the business day following
38 the day the winnings are paid, actually or constructively.

39 SECTION 23. IC 7.1-3-6.1-1, AS ADDED BY P.L.153-2015,
40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2019]: Sec. 1. As used in this chapter, "allowable event" has
42 the meaning set forth in ~~IC 4-32.2-2-2~~ **IC 4-32.3-2-2**.



1 SECTION 24. IC 7.1-3-6.1-2, AS ADDED BY P.L.153-2015,
 2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 2. As used in this chapter, "qualified organization"
 4 has the meaning set forth in ~~IC 4-32.2-2-24~~. **IC 4-32.3-2-31.**

5 SECTION 25. IC 7.1-3-6.1-3, AS ADDED BY P.L.153-2015,
 6 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2019]: Sec. 3. A qualified organization that holds a license
 8 under ~~IC 4-32.2-4~~ **IC 4-32.3-4** may give an alcoholic beverage as a
 9 prize at an allowable event without obtaining an alcoholic beverage
 10 permit under this title.

11 SECTION 26. IC 7.1-3-6.2-1, AS ADDED BY P.L.153-2015,
 12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 1. As used in this chapter, "qualified organization"
 14 has the meaning set forth in ~~IC 4-32.2-2-24~~. **IC 4-32.3-2-31.**

15 SECTION 27. IC 12-13-14-4.5, AS AMENDED BY P.L.197-2013,
 16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 4.5. (a) Except as provided in this section, the
 18 division may distribute cash assistance benefits to a person who is
 19 eligible for assistance under the Title IV-A assistance program though
 20 an automated teller machine or a point of sale terminal that is
 21 connected to the EBT system.

22 (b) The following establishments shall post a sign next to each
 23 automated teller machine or point of sale terminal located on the
 24 premises informing a potential user that the automated teller machine
 25 or point of sale terminal may not be used to receive cash assistance
 26 benefits under the Title IV-A assistance program:

- 27 (1) A horse racing establishment:
 28 (A) where the pari-mutuel system of wagering is authorized;
 29 and
 30 (B) for which a permit is required under IC 4-31-5.
 31 (2) A satellite facility:
 32 (A) where wagering on horse racing is conducted; and
 33 (B) for which a license is required under IC 4-31-5.5.
 34 (3) An allowable event required to be licensed by the Indiana
 35 gaming commission under ~~IC 4-32.2~~. **IC 4-32.3.**
 36 (4) A riverboat or other facility required to be licensed by the
 37 Indiana gaming commission under IC 4-33.
 38 (5) A store or other establishment:
 39 (A) where the primary business is the sale of firearms (as
 40 defined in IC 35-47-1-5); and
 41 (B) that sells handguns for which a license to sell handguns is
 42 required under IC 35-47-2.



- 1 (6) A store or other establishment where the primary business is
 2 the sale of alcoholic beverages for which a permit is required
 3 under IC 7.1-3.
- 4 (7) An adult entertainment establishment.
- 5 (c) An:
- 6 (1) establishment that does not post the sign required under
 7 subsection (b); or
- 8 (2) individual who attempts to use an automated teller machine or
 9 point of sale terminal with a sign posted as required under
 10 subsection (b) to access cash assistance benefits under the Title
 11 IV-A assistance program in violation of subsection (b);
 12 commits a Class C misdemeanor.
- 13 (d) The owner, vendor, or third party processor of an automated
 14 teller machine or point of sale terminal shall disable or have disabled
 15 access to electronic cash assistance benefits in a location described in
 16 subsection (b) unless the location has been approved by the federal
 17 Food and Nutrition Services. The division shall provide assistance to
 18 an owner, vendor, or third party processor under this subsection. A
 19 person that violates this subsection commits a Class B infraction.
- 20 (e) The division shall adopt rules under IC 4-22-2 to carry out this
 21 section.
- 22 SECTION 28. IC 33-26-3-6, AS AMENDED BY P.L.91-2006,
 23 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: Sec. 6. (a) The tax court does not have jurisdiction over
 25 a case that is an appeal from a final determination made by the Indiana
 26 gaming commission under ~~IC 4-32.2~~: **IC 4-32.3**.
- 27 (b) The tax court has jurisdiction over a case that is an appeal from
 28 a final determination made by the department of state revenue
 29 concerning the gaming card excise tax established under ~~IC 4-32.2-10~~:
 30 **IC 4-32.3-10**.
- 31 SECTION 29. IC 33-26-6-2, AS AMENDED BY P.L.91-2006,
 32 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2019]: Sec. 2. (a) A taxpayer who wishes to initiate an original
 34 tax appeal must file a petition in the tax court to set aside the final
 35 determination of the department of state revenue or the Indiana board
 36 of tax review. If a taxpayer fails to comply with any statutory
 37 requirement for the initiation of an original tax appeal, the tax court
 38 does not have jurisdiction to hear the appeal.
- 39 (b) A taxpayer who wishes to enjoin the collection of a tax pending
 40 the original tax appeal must file a petition with the tax court to enjoin
 41 the collection of the tax. The petition must set forth a summary of:
 42 (1) the issues that the petitioner will raise in the original tax



- 1 appeal; and
- 2 (2) the equitable considerations for which the tax court should
- 3 order the collection of the tax to be enjoined.
- 4 (c) After a hearing on the petition filed under subsection (b), the tax
- 5 court may enjoin the collection of the tax pending the original tax
- 6 appeal, if the tax court finds that:
- 7 (1) the issues raised by the original tax appeal are substantial;
- 8 (2) the petitioner has a reasonable opportunity to prevail in the
- 9 original tax appeal; and
- 10 (3) the equitable considerations favoring the enjoining of the
- 11 collection of the tax outweigh the state's interests in collecting the
- 12 tax pending the original tax appeal.
- 13 (d) This section does not apply to a final determination of the
- 14 Indiana gaming commission under ~~IC 4-32.2~~; **IC 4-32.3**.
- 15 (e) This section applies to a final determination made by the
- 16 department of state revenue concerning the gaming card excise tax
- 17 established under ~~IC 4-32.2-10~~; **IC 4-32.3-10**.
- 18 SECTION 30. IC 35-45-5-7, AS AMENDED BY P.L.186-2015,
- 19 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2019]: Sec. 7. This chapter does not apply to the publication
- 21 or broadcast of an advertisement, a list of prizes, or other information
- 22 concerning:
- 23 (1) pari-mutuel wagering on horse races or a lottery authorized by
- 24 the law of any state;
- 25 (2) a game of chance operated in accordance with ~~IC 4-32.2~~;
- 26 **IC 4-32.3**;
- 27 (3) a gambling game operated in accordance with IC 4-35; or
- 28 (4) a prize linked savings program that:
- 29 (A) is offered or conducted by an eligible financial institution
- 30 under IC 28-1-23.2;
- 31 (B) is:
- 32 (i) offered or conducted by a credit union organized or
- 33 reorganized under United States law; and
- 34 (ii) conducted in the same manner as a prize linked savings
- 35 program under IC 28-1-23.2; or
- 36 (C) is offered or conducted by an insured depository institution
- 37 (as defined in 12 U.S.C. 1813) that is:
- 38 (i) a national bank formed under 12 U.S.C. 21;
- 39 (ii) a state member bank (as defined in 12 U.S.C. 1813);
- 40 (iii) a state nonmember bank (as defined in 12 U.S.C. 1813);
- 41 or
- 42 (iv) a savings association (as defined in 12 U.S.C. 1813);



1 if the prize linked savings program is conducted in the same
2 manner as a prize linked savings program under IC 28-1-23.2.
3 SECTION 31. IC 35-45-5-8, AS AMENDED BY P.L.91-2006,
4 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2019]: Sec. 8. This chapter does not apply to the sale or use
6 of gambling devices authorized under ~~IC 4-32.2~~: **IC 4-32.3**.
7 SECTION 32. IC 35-52-4-23, AS ADDED BY P.L.169-2014,
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS: Sec. 23.
9 ~~IC 4-32.2-8-4~~ **IC 4-32.3-8-4** defines a crime concerning charity
10 gaming.

