

CHAPTER NO. 620

HOUSE BILL NO. 3390

By Representative Tindell

Substituted for: Senate Bill No. 3078

By Senator Cohen

AN ACT to enact the "Charitable Gaming Act" and to amend Tennessee Code Annotated, Title 3; Title 4; Title 38; Title 39 and Title 48.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 3-17-102(a)(1), as enacted by Chapter 476 of the Public Acts of 2004, is amended by deleting the language "prior to January 1" and replacing it with "prior to November 1".

SECTION 2. Tennessee Code Annotated, Section 3-17-102(b), as enacted by Chapter 476 of the Public Acts of 2004, is amended by designating the current language as subdivision (1) and by adding the following language as a new subdivision (2):

(2) In addition to the omnibus list transferred to the clerk of the senate and the clerk of the house on or before May 4, 2004, the secretary shall transfer a new omnibus list listing any qualifying amended applicants for the annual event period beginning July 1, 2004, and ending June 30, 2005. Such revised list shall be transferred in a manner consistent with subsection (1) on or before May 13, 2004.

SECTION 3. Tennessee Code Annotated, Section 3-17-102(d)(3), is amended by deleting the language "records for one hundred twenty" and by substituting instead the language "records on the actual date of the annual event and for one hundred twenty".

SECTION 4. Tennessee Code Annotated, Section 3-17-103, as enacted by Chapter 476 of the Public Acts of 2004, is amended by deleting the language of section (a) and by substituting instead the following:

(a) All annual event applications shall be submitted to the secretary by twelve o'clock (12:00) noon Central Daylight Time (CDT) on April 20, 2004, and from July 1st through October 31st in any subsequent year, and shall include:

SECTION 5. Tennessee Code Annotated, Section 3-17-103, as enacted by Chapter 476 of the Public Acts of 2004, is amended by deleting the first line of section (a)(8)(A) and by substituting instead the following:

(8)(A) For annual event applications submitted prior to November 1, 2005:

SECTION 6. Tennessee Code Annotated, Section 3-17-103, as enacted by Chapter 476 of the Public Acts of 2004, is amended by deleting the first line of section (a)(8)(B) and by substituting instead the following:

(B) For annual event applications submitted between July 1, 2005 and October 31, 2009:

SECTION 7. Tennessee Code Annotated, Section 3-17-103, as enacted by Chapter 476 of the Public Acts of 2004, is amended by deleting the language of section (a)(8)(C) and by substituting instead the following:

(C) For annual event applications submitted on and after July 1, 2010, a copy of the § 501(c)(3) organization's last five (5) annual reports filed with the Internal Revenue Service (Form 990, 990-EZ, or 990-PF) and any attached schedules for the five-year period immediately preceding the annual event application;

SECTION 8. Tennessee Code Annotated, Section 3-17-104, as enacted by Chapter 476 of the Public Acts of 2004, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)

(1) The secretary shall establish rules and regulations concerning the acceptance of amendments to annual event applications otherwise consistent with the provisions of this chapter, including, but not limited to, amendments concerning conflicting locations for an annual event.

(2) Notwithstanding any provision of law to the contrary, an organization may submit a request for a location or date change, regardless of whether such location or date is in actual conflict with another organization, to the secretary no later than twelve o'clock (12:00) noon Central Daylight Time (CDT) on May 10, 2004, and no later than twelve o'clock (12:00) noon Central Standard Time (CST) on the first day in February in any subsequent year.

SECTION 9. Tennessee Code Annotated, Section 3-17-104, as enacted by Chapter 476 of the Public Acts of 2004, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d)

(1) Except as provided in subdivision (2)(B), no extension of time shall be granted for submission, or completion, of an annual event application after the application deadline has passed for the appropriate annual event period.

(2)

(A) Except as provided in subdivision (2)(B), the secretary shall have no authority to accept, and shall not accept, an annual event application, or an amendment thereto, submitted after the application deadline has passed for the appropriate annual event period as established pursuant to §3-17-102(a)(1).

(B) For annual event applications submitted prior to twelve o'clock (12:00) noon Central Daylight Time (CDT) on April 20, 2004, and prior to November 1 in any subsequent year, the secretary shall notify any

organization that would not otherwise be included on the omnibus list of the reason, or reasons, why such organization would not be included. Such notification shall be made prior to May 10, 2004, and by January 15th in any subsequent year. Any such organization may submit an amended annual event application to the secretary no later than twelve o'clock (12:00) noon Central Daylight Time (CDT) on May 10, 2004, and no later than twelve o'clock (12:00) noon Central Standard Time (CST) on the first day in February in any subsequent year. Any such annual event shall be included on the omnibus list if the amended annual event application complies with the provisions of this chapter.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 3, 2004


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 6th day of May 2004


PHIL BREDESEN, GOVERNOR