

State of Tennessee
PUBLIC CHAPTER NO. 747

HOUSE BILL NO. 3323

By Representative Phillip Johnson

Substituted for: Senate Bill No. 3074

By Senators Johnson, Ford

AN ACT to amend Tennessee Code Annotated, Title 3, Chapter 17; Title 49, Chapter 2 and Title 49, Chapter 3, relative to charitable gaming.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, Part 6, is amended by adding the following language as a new section:

49-2-612.

(a) A public school or its administrators or supporters are authorized to form, or caused to be formed, a charitable school foundation for the sole purpose of supporting the school by raising and administering funds for the school and its programs. A school foundation shall be broad based in its support of the school and shall not limit its support to a single program or activity. A school foundation shall be a school support organization under this part.

(b) To be a school foundation under this section, the foundation shall apply for and receive exemption from federal income taxation under § 501(a) of the Internal Revenue Code, codified in 26 U.S.C. § 501(a), as an organization described in § 501(c)(3) of the Internal Revenue Code, codified in 26 U.S.C. § 501(c)(3).

(c) The school foundation shall be open to parents, students, faculty, staff, alumni and members of the community who are interested in supporting the school and its programs.

(d) The bylaws of the school foundation shall require the director of schools and the principal of the school to serve as ex officio members on the foundation's board of directors.

(e) An organization in existence on the effective date of this act that meets the requirements of this section, on or after that date, shall be recognized as a school foundation.

SECTION 2. Tennessee Code Annotated, Section 3-17-102(1), is amended by adding the following language as a new subdivision (F):

(F) Is a school foundation organized pursuant to § 49-2-612 and, prior to submission of an annual event application, has received exemption from federal taxation as an organization described in § 501(c)(3) of the Internal Revenue Code. No more than one (1) school foundation per public school per annual event period shall qualify as a 501(c)(3) organization pursuant to this subdivision (1)(F).

SECTION 3. Tennessee Code Annotated, Section 3-17-104(e)(1)(l), is amended by deleting the language "for at least five (5) years immediately preceding the event date listed in the annual event application".

SECTION 4. Tennessee Code Annotated, Section 3-17-103(a)(1)(A), is amended by adding the following language as a new subdivision:

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(vii) Notwithstanding any provision of this chapter to the contrary, within two (2) calendar days after this act becomes law, for the annual event period beginning July 1, 2011, and ending June 30, 2012.

SECTION 5. Tennessee Code Annotated, Section 3-17-103(b), is amended by adding the following language as a new subdivision:

(7) In addition to the omnibus lists transferred to the clerk of the senate and the clerk of the house of representatives pursuant to subdivisions (1) and (5), the secretary shall transfer an additional omnibus list listing any organizations approved pursuant to subdivision (a)(1)(A)(vii) and subsection (f) for the annual event period beginning July 1, 2011, and ending June 30, 2012. The list shall be transferred in a manner consistent with subdivision (b)(1) by twelve o'clock (12:00) noon central standard time (CST) within five (5) calendar days after this act becomes law.

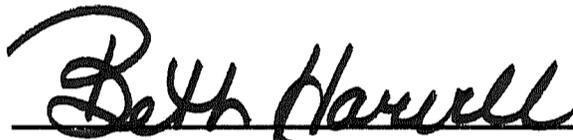
SECTION 6. Tennessee Code Annotated, Section 3-17-103(f)(1), is amended by adding the following language as a new subdivision:

(G) Notwithstanding any provision of this chapter to the contrary, within two (2) calendar days after this act becomes law, for the annual event period beginning July 1, 2011, and ending June 30, 2012.

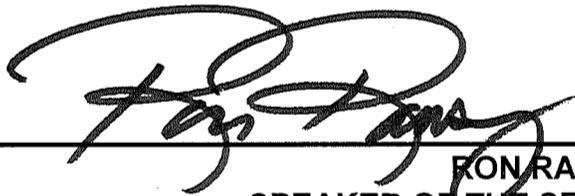
SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: APRIL 9, 2012



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 16th day of April 2012



BILL HASLAM, GOVERNOR