

HOUSE BILL 1667

By Durham

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

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

SECTION 1. Tennessee Code Annotated Section 3-17-103(a)(6)(B), is amended by deleting the subdivision and substituting the following:

(B) A nonprofit organization that fails to return at least twenty-five percent (25%) of gross proceeds from the annual event to the purposes or programs described in § 3-17-104(e)(6) in any year shall file notice with the secretary on a form prescribed by the secretary. If, in the sound discretion of the secretary, the organization was not at fault in failing to return the required percentage, the organization shall be allowed to file an annual event application for the next annual event period; provided, that if an organization fails to return the required percentage in two (2) consecutive annual event periods, the organization shall be disqualified from filing annual event applications for a period of five (5) years. If an organization is not permitted by the secretary to file an event application pursuant to this subdivision (a)(6)(B), the organization may request a review pursuant to the procedure set forth in § 3-17-105(g).

SECTION 2. Tennessee Code Annotated, Section 3-17-105(d)(2)(B), is amended by deleting the subdivision and substituting the following:

(B) For annual event applications submitted by twelve o'clock (12:00) noon central standard time (CST) prior to January 31 each 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 by February 15 each year. Any such organization may submit an amended annual

event application to the secretary no later than February 25 each year. Any such annual event shall be included on the omnibus list if the amended annual event application complies with this chapter.

SECTION 3. Tennessee Code Annotated, Section 3-17-105(f), is amended by deleting the subsection and substituting the following:

(f) If an annual event application is not included in the omnibus list, the secretary shall transmit notification to the applicant stating the basis for such non-inclusion by close of business on the last day of February.

SECTION 4. Tennessee Code Annotated, Section 3-17-105(g), is amended by deleting the subsection and substituting the following:

(g) An applicant whose application is not included in the omnibus list may request in writing that the secretary reconsider the determination; provided, that such written request is filed with the secretary within three (3) calendar days from the date of notification of non-inclusion required by § 3-17-105(f). The secretary shall reconsider such determination and issue a final decision within seven (7) calendar days of receipt of such written request for reconsideration.

SECTION 5. Tennessee Code Annotated, Section 3-17-105(h), is amended by deleting the subsection in its entirety.

SECTION 6. Tennessee Code Annotated, Section 3-17-109, is amended by adding the following language as a new subsection:

(e) If an ineligible person is selected to win a prize or award, the organization shall not disburse the prize or award to the ineligible person but shall select a different person to whom the prize or award shall be paid. Notwithstanding any provision of this chapter to the contrary, an organization may select a new winner within thirty (30) calendar days of the date of the annual event.

SECTION 7. This act shall take effect July 1, 2016, the public welfare requiring it.