

AMENDMENTS TO HOUSE BILL NO. 864

Sponsor: REPRESENTATIVE MUSTIO

Printer's No. 970

1 Amend Bill, page 1, line 10, by inserting after "chance,"
2 further providing for major league sports drawing and
3 Amend Bill, page 2, lines 19 and 20, by striking out all of
4 said lines and inserting

5 Section 2. The definitions of "affiliated nonprofit
6 organization," "major league sports drawing" and "major league
7 sports team" in section 103 of the act are amended and the
8 section is amended by adding definitions to read:

9 Amend Bill, page 2, by inserting between lines 26 and 27

10 "Affiliated nonprofit organization." An organization
11 established by or affiliated with [a Major League Baseball,
12 National Hockey League, National Basketball Association or Major
13 League Soccer team] an athletic team for the purpose of raising
14 funds for charity, which is qualified for an exemption under
15 section 501(c)(3) of the Internal Revenue Code of 1986 (Public
16 Law 99-514, 26 U.S.C. § 101(c)(3)).

17 Amend Bill, page 3, by inserting between lines 1 and 2

18 "Athletic event drawing." A 50/50 drawing that is conducted
19 by an affiliated nonprofit organization in accordance with
20 section 304.1.

21 "Athletic team." A sports team or racing facility that is
22 any of the following:

23 (1) A member of Major League Baseball, the National
24 Hockey League, the National Basketball Association, the
25 National Football League or Major League Soccer.

26 (2) A professional sports team affiliated with a team
27 under paragraph (1).

28 (3) Any other professional sports team that has a sports
29 facility or an agreement with a sports facility to conduct
30 home games at the facility.

31 (4) A stadium, grandstand or bleacher at a closed-course
32 motor facility where spectators directly observe motor races
33 with NASCAR, Indy, stock or drag racing cars.

34 (5) A collegiate team that competes on behalf of an

1 institution of higher education.

2 * * *

3 "Institution of higher education." Any of the following:

4 (1) A community college operating under Article XIX-A of
5 the act of March 10, 1949 (P.L.30, No.14), known as the
6 Public School Code of 1949.

7 (2) A university within the State System of Higher
8 Education.

9 (3) The Pennsylvania State University.

10 (4) The University of Pittsburgh.

11 (5) Temple University.

12 (6) Lincoln University.

13 (7) Any other institution that is designated as "State
14 related" by the Commonwealth.

15 (8) Any accredited private or independent college or
16 university.

17 * * *

18 ["Major league sports drawing." A 50/50 drawing conducted by
19 a nonprofit affiliate of a major league sports team in
20 accordance with section 304.1.

21 "Major league sports team." A sports team or racing facility
22 that is any of the following:

23 (1) A member of Major League Baseball, the National
24 Hockey League, the National Basketball Association, the
25 National Football League or Major League Soccer.

26 (2) A professional sports team affiliated with a team
27 under paragraph (1).

28 (3) Any other professional sports team that has a sports
29 facility or an agreement with a sports facility to conduct
30 home games at the facility.

31 (4) A stadium, grandstand or bleacher at a closed-course
32 motor facility where spectators are directly observing motor
33 races with NASCAR, Indy, stock or drag racing cars.]

34 Amend Bill, page 3, by inserting between lines 2 and 3

35 Section 3. Section 304.1 of the act is amended to read:
36 Section 304.1. [Major league sports] Athletic event drawing.

37 (a) General rule.--A person may purchase one or more [major
38 league sports] athletic event drawing tickets at a home game,
39 and each ticket purchased shall represent one entry in the
40 drawing for a winner. A single ticket shall be randomly chosen
41 as the winner after a certain number of tickets are sold or a
42 specified time period expires as designated by the affiliated
43 nonprofit organization. Purchase of athletic event drawing
44 tickets may be made by cash, credit card or debit card.

45 (b) Frequency.--An affiliated nonprofit organization may
46 conduct no more than one [major league sports] athletic event
47 drawing per home game.

48 (b.1) Sales restricted.--Tickets for [a major league sports]
49 an athletic event drawing may not be sold in any seating area

1 designated as a family section.

2 (b.2) Charitable event.--[A major league sports] An athletic
3 event drawing may be conducted by the affiliated nonprofit
4 organization during a charitable event held within the same
5 arena, stadium, grandstand, bleachers or other facility during a
6 home game or car race of the [major league sports] athletic
7 team. Drawings may only be held within spectator areas within
8 the arena, stadium, grandstand or bleachers where the home game
9 or car race is being conducted and, except as provided for in
10 subsection (b.3), not at ancillary areas or facilities,
11 including parking areas, restaurants and bars or areas outside
12 the arena, stadium, grandstand or bleachers or areas where the
13 sport is shown on remote electronic equipment.

14 (b.3) Outside sales.--Notwithstanding subsection (b.2),
15 athletic event drawing tickets may be sold prior to a home game
16 or car race in an officially designated parking area adjacent to
17 the arena, stadium, grandstand or bleachers or similar facility
18 where the home game or car race is being conducted and which is
19 not separated by a highway or street, unless the highway or
20 street is adjacent to the arena, stadium, grandstand, bleachers
21 or similar facility.

22 (c) Distribution.--The prize amount of [a major league
23 sports] an athletic event drawing shall be 50% of the total
24 amount collected from the sale of [major league sports] athletic
25 event drawing tickets. Except as set forth in subsection (c.1),
26 the other 50% of the total amount collected from the sale of
27 [major league sports] athletic event drawing tickets shall be
28 donated within seven days from the date of the drawing by the
29 affiliated nonprofit organization conducting the [major league
30 sports] athletic event drawing to one or more designated
31 charitable organizations for which the drawing was conducted.

32 (c.1) Use of funds.--

33 (1) The affiliated nonprofit organization may utilize
34 nonprize money collected for the following:

35 (i) To employ or provide payment to individuals 18
36 years of age or older to sell [major league sports]
37 athletic event drawing tickets [at a professional
38 sporting event].

39 (ii) For administrative expenses directly related to
40 the conduct of the athletic event drawing under this
41 section.

42 (2) Authorized expenses under paragraph (1)(ii) may not
43 exceed 2% of the total amount collected from the sale of
44 [major league sports] athletic event drawing tickets.

45 (d) Designated charitable organization.--The affiliated
46 nonprofit organization conducting the [major league sports]
47 athletic event drawing shall disclose to all ticket purchasers
48 the designated charitable organization for which the [major
49 league sports] athletic event drawing is being conducted.

50 (e) Eligibility.--In order to receive proceeds from [a major
51 league sports] an athletic event drawing, a charitable

1 organization must be in existence and fulfilling its purposes
2 for at least two years prior to the drawing and shall be
3 eligible for exemption under section 501(c)(3) of the Internal
4 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)).
5 A political subdivision shall not qualify as a charitable
6 organization under this section.

7 (f) Unclaimed prizes.--Any [major league sports] athletic
8 event drawing prize remaining unclaimed by a winner at the end
9 of the [major league sports] athletic team's season shall be
10 donated within 30 days from the end of the season by the
11 affiliated nonprofit organization to the designated charitable
12 organization for which the [major league sports] athletic event
13 drawing was conducted.

14 (g) Applicability.--The limitations under sections 302,
15 303(b), 308 and 704 shall not apply to [a major league sports]
16 an athletic event drawing.

17 (h) Additional recordkeeping.--The department may require
18 additional recordkeeping or accountability measures for [major
19 league sports] athletic event drawings.

20 Amend Bill, page 3, line 3, by striking out "3" and inserting

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22 Amend Bill, page 4, line 17, by striking out "4" and
23 inserting

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25 Amend Bill, page 5, line 3, by striking out "5" and inserting

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27 Amend Bill, page 5, line 6, by striking out "6" and inserting

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