

AMENDMENTS TO HOUSE BILL NO. 864

Sponsor: SENATOR FARNESE

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1 Amend Bill, page 1, line 11, by striking out the comma after
2 "LIMITS" and inserting
3 and for major league sports drawing,

4 Amend Bill, page 2, lines 21 and 22, by striking out all of
5 said lines and inserting

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

11 Amend Bill, page 2, by inserting between lines 28 and 29

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

19 Amend Bill, page 3, by inserting between lines 3 and 4

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

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

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

28 (2) A professional sports team affiliated with a team
29 under paragraph (1).

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

33 (4) A stadium, grandstand or bleacher at a closed-course

motor facility where spectators directly observe motor races with NASCAR, Indy, stock or drag racing cars.

(5) A collegiate team that competes on behalf of an institution of higher education.

* * *

"Eligible organization." A charitable, religious, fraternal or veterans' organization, club, club licensee or civic and service association or an airport. In order to qualify as an eligible organization for purposes of this act, an organization shall have been in existence and fulfilling its purposes for one year prior to the date of application for a license. The term shall include an affiliated nonprofit organization licensed under section 307.

* * *

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

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

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

(3) The Pennsylvania State University.

(4) The University of Pittsburgh.

(5) Temple University.

(6) Lincoln University.

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

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

* * *

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

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

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

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

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

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

Amend Bill, page 3, line 5, by striking out "SECTION 302 OF THE ACT IS AMENDED TO READ:" and inserting

Sections 302 and 304.1 of the act are amended to read:

Amend Bill, page 5, by inserting between lines 16 and 17

Section 304.1. [Major league sports] Athletic event drawing.

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

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

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

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

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

(c.1) Use of funds.--

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

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

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

(2) Authorized expenses under paragraph (1)(ii) may not exceed 2% of the total amount collected from the sale of

1 [major league sports] athletic event drawing tickets.
2 (d) Designated charitable organization.--The affiliated
3 nonprofit organization conducting the [major league sports]
4 athletic event drawing shall disclose to all ticket purchasers
5 the designated charitable organization for which the [major
6 league sports] athletic event drawing is being conducted.

7 (e) Eligibility.--In order to receive proceeds from [a major
8 league sports] an athletic event drawing, a charitable
9 organization must be in existence and fulfilling its purposes
10 for at least two years prior to the drawing and shall be
11 eligible for exemption under section 501(c)(3) of the Internal
12 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)).
13 A political subdivision shall not qualify as a charitable
14 organization under this section.

15 (f) Unclaimed prizes.--Any [major league sports] athletic
16 event drawing prize remaining unclaimed by a winner at the end
17 of the [major league sports] athletic team's season shall be
18 donated within 30 days from the end of the season by the
19 affiliated nonprofit organization to the designated charitable
20 organization for which the [major league sports] athletic event
21 drawing was conducted.

22 (g) Applicability.--The limitations under sections 302,
23 303(b), 308 and 704 shall not apply to [a major league sports]
24 an athletic event drawing.

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

28 Amend Bill, page 5, line 25, by inserting after "card."

29 An airport 50/50 drawing may only take place pursuant to
30 authorization by the airport governing body.

31 Amend Bill, page 5, lines 29 and 30, by striking out "to
32 which the general public, including ticketed" in line 29 and all
33 of line 30 and inserting

34 accessible only by the general public who are ticketed
35 passengers and have proceeded through a security checkpoint.

36 Amend Bill, page 6, by inserting after line 30

37 (i) Restriction on airports.--Notwithstanding any other
38 provisions of this act, an airport shall only be permitted to
39 conduct airport 50/50 drawings under this section and no other
40 games of chance.

41 Amend Bill, page 8, line 19, by striking out "in 60 days."
42 and inserting

43 as follows:

44 (1) The amendment of sections 307(d.1), 501(a)(1),

1 502(a.1)(1) and 702(g) of the act shall take effect January
2 1, 2019.
3 (2) This section shall take effect immediately.
4 (3) The remainder of this act shall take effect in 60
5 days.