



Sub. S.B. 333
123rd General Assembly
(As Passed by the General Assembly)

Sens. Kearns, Blessing, Gardner, Mumper, Herington, Drake, Prentiss

Reps. Willamowski, Ferderber, Austria, Mottley, Schuler, Perry, Vesper, Boyd, Jacobson, O'Brien, Collier, Brading, Barrett, Britton, Verich

Effective date: *

ACT SUMMARY

- Requires a charitable organization or charitable trust applying for a bingo license to include with its application its registration and financial reporting status under the Charitable Trust Act or Ohio Charitable Solicitation Act.
- Grants the Attorney General authority to refuse to issue a bingo license to, or revoke or suspend the bingo license of, any organization that fails to comply with certain registration and annual reporting requirements that exist under the Charitable Trust Act or the Ohio Charitable Solicitation Act.
- Exempts certain public schools that solicit contributions and booster clubs from the Ohio Charitable Solicitation Act's registration statement requirement.

CONTENT AND OPERATION

Information to be included in a bingo application

Under continuing law, a bingo game application must contain various information, including a statement of the applicant's previous history that is

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

sufficient to establish that it is a charitable organization, and a copy of a determination letter issued by the IRS that states that the organization is tax-exempt under federal law and is one of the five specified categories of entities (R.C. 2915.08(A)).

The act requires that if the applicant is a "charitable trust" under the Charitable Trust Act (R.C. §§ 109.23 to 109.33), or a "charitable organization" under the Ohio Charitable Solicitation Act (Chapter 1716.), it also must file with the bingo application a statement as to whether it has filed certain documents with the Attorney General (R.C. 2915.08(A)(8) and (9)).

Application information from charitable trusts

Under the act, if an applicant for a bingo license is a charitable trust under the Charitable Trust Act, it must file a statement as to whether it has registered with the Attorney General or filed the required reports and, if it is not required to do either, it must indicate which of the exemptions from registering or exemptions from filing annual reports apply to it (R.C. 2915.08(A)(8)).

Application information from charitable organizations

Under the act, if the applicant for a bingo license is a charitable organization under the Ohio Charitable Solicitation Act, it must file a statement as to whether it has filed with the Attorney General a registration statement and a financial report, and, if it is not required to do both, it must indicate which one of the seven exemptions described below applies to it (R.C. 2915.08(A)(9)).

Registration under Ohio Charitable Solicitation Act

Under the continuing portion of the Ohio Charitable Solicitation Act, a charitable organization that intends to solicit contributions in Ohio, or have contributions solicited for it, must file an annual registration statement (R.C. 1716.02) and annual financial report (R.C. 1716.04) with the Attorney General. These requirements do not apply to the following entities (R.C. 1716.03):

(1) Any religious agencies, organizations, and charities operated, controlled, or supervised by a religious organization;

(2) Any charitable organization that has been in continuous existence in Ohio for two years, received a federal tax exemption determination letter, registered with the Attorney General as a charitable trust, and filed an annual report under the charitable trust law;

(3) Any educational institution, when solicitation of contributions is confined to alumni, faculty, trustees, or the student membership and their families;



(4) Every person (excluding an individual) when solicitation for a charitable purpose or on behalf of a charitable organization is confined to its existing membership, employees, or trustees;

(5) Any charitable organization that does not receive gross revenue in excess of \$25,000, if the organization does not compensate any person primarily to solicit contributions.

The act adds two exemptions to this list (R.C. 1716.03(E) and (F)):

(6) Any public primary or secondary school, when solicitation of contributions is confined to alumni, faculty, or the general population of the local school district;

(7) Any booster club that is organized and operated in conjunction with and for the benefit of students of public primary or secondary schools.

Expansion of the Attorney General's authority regarding bingo licenses

Under continuing law, the Attorney General may refuse to issue a bingo license to, or revoke or suspend the bingo license of, any organization that does not meet specific statutory requirements, including if the organization fails or has failed to comply with the Bingo Laws.

The act provides that the Attorney General also may refuse to issue, or revoke or suspend, a bingo license, if the organization fails or has failed to comply with the Charitable Trust Act's registration requirement or annual reports requirement, or the Ohio Charitable Solicitation Act's annual registration statement and financial report requirement. (R.C. 2915.08(B)(2)(a).)

HISTORY

| ACTION | DATE | JOURNAL ENTRY |
|-------------------------------|----------|---------------|
| Introduced | 09-12-00 | p. 2052 |
| Reported, S. Ways and Means | 11-15-00 | p. 2223 |
| Passed Senate (33-0) | 11-15-00 | pp. 2240-2241 |
| Reported, H. Criminal Justice | 12-07-00 | p. 2473 |
| Passed House (91-0) | 12-12-00 | pp. 2488-2489 |

00-sb333.123/kl

