



Reprinted  
February 25, 2015

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## HOUSE BILL No. 1540

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DIGEST OF HB 1540 (Updated February 24, 2015 5:18 pm - DI 92)

**Citations Affected:** IC 4-31; IC 4-33; IC 4-35; IC 4-36; IC 6-3.1; IC 12-23; IC 36-7; noncode.

**Synopsis:** Various gaming matters. Authorizes riverboats to move inland to adjacent properties meeting certain requirements. Extends the availability of the promotional play deduction for riverboats and racinos until July 1, 2018. Makes the following changes concerning a riverboat located in a historic hotel district: (1) Provides the operating agent greater access to money in the West Baden Springs historic hotel preservation and maintenance fund. (2) Exempts the riverboat from the admissions tax. (3) Provides that the riverboat is subject to a wagering tax of 5% of the riverboat's adjusted gross receipts (AGR) rather than  
(Continued next page)

**Effective:** Upon passage; July 1, 2015; January 1, 2016.

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**Dermody, Brown T, GiaQuinta,  
Austin**

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January 20, 2015, read first time and referred to Committee on Public Policy.  
February 12, 2015, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.  
February 19, 2015, amended, reported — Do Pass.  
February 24, 2015, read second time, amended, ordered engrossed.

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HB 1540—LS 7218/DI 92



Digest Continued

the graduated tax imposed under current law. (4) Requires a racino licensee to pay a \$2,500,000 historic hotel district community support fee and allocates the fee among the communities and schools in the area and the Indiana economic development corporation. Authorizes table games at the racinos. Provides for the use of AGR attributable to table games to support the horse racing industry. Establishes the Indiana gaming investment tax credit for certain capital investments. Repeals a requirement that the gaming commission study the use of complimentary promotional credit programs. Urges the legislative council to assign an interim study committee to the study of the use of gaming revenue as a funding source of local government. Makes an appropriation.

**HB 1540—LS 7218/DI 92**



Reprinted  
February 25, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1540

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A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-31-2-7.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2015]: **Sec. 7.5. "Gambling game" has the meaning set forth in**  
4 **IC 4-35-2-5.**

5 SECTION 2. IC 4-31-7-1, AS AMENDED BY P.L.233-2007,  
6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2015]: Sec. 1. (a) A person holding a permit to conduct a  
8 horse racing meeting or a license to operate a satellite facility may  
9 provide a place in the racing meeting grounds or enclosure or the  
10 satellite facility at which the person may conduct and supervise the  
11 pari-mutuel system of wagering by patrons of legal age on the horse  
12 races conducted or simulcast by the person. The person may not permit  
13 or use:

14 (1) another place other than that provided and designated by the  
15 person; or

**HB 1540—LS 7218/DI 92**



1 (2) another method or system of betting or wagering.  
 2 However, a permit holder licensed to conduct gambling games under  
 3 IC 4-35 may permit wagering on ~~slot machines~~ **gambling games** at a  
 4 racetrack as permitted by IC 4-35.

5 (b) Except as provided in section 7 of this chapter and IC 4-31-5.5,  
 6 the pari-mutuel system of wagering may not be conducted on any races  
 7 except the races at the racetrack, grounds, or enclosure for which the  
 8 person holds a permit.

9 SECTION 3. IC 4-31-9-1, AS AMENDED BY P.L.233-2007,  
 10 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2015]: Sec. 1. A person that holds a permit to conduct a horse  
 12 racing meeting or a license to operate a satellite facility shall withhold:

13 (1) eighteen percent (18%) of the total of money wagered on each  
 14 day at the racetrack or satellite facility (including money wagered  
 15 on exotic wagering pools, but excluding money wagered on ~~slot~~  
 16 **machines gambling games** under IC 4-35); plus

17 (2) an additional three and one-half percent (3.5%) of the total of  
 18 all money wagered on exotic wagering pools on each day at the  
 19 racetrack or satellite facility.

20 SECTION 4. IC 4-33-2-17, AS AMENDED BY P.L.15-2011,  
 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2015]: Sec. 17. "Riverboat" means any of the following on  
 23 which lawful gambling is authorized under this article:

24 (1) A self-propelled excursion boat located in a county described  
 25 in IC 4-33-1-1(1) or IC 4-33-1-1(2) that complies with  
 26 IC 4-33-6-6(a).

27 (2) A casino located in a historic hotel district.

28 (3) A permanently moored craft operating from a county  
 29 described in IC 4-33-1-1(1) or IC 4-33-1-1(2).

30 **(4) An inland casino operating under IC 4-33-6-24.**

31 SECTION 5. IC 4-33-4-13, AS AMENDED BY P.L.15-2011,  
 32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2015]: Sec. 13. (a) This section does not apply to a riverboat:

34 **(1) located in a historic hotel district; or**

35 **(2) described in IC 4-33-2-17(4).**

36 (b) After consulting with the United States Army Corps of  
 37 Engineers, the commission may do the following:

38 (1) Determine the waterways that are navigable waterways for  
 39 purposes of this article.

40 (2) Determine the navigable waterways that are suitable for the  
 41 operation of riverboats under this article.

42 (3) Approve a plan submitted under IC 4-33-6-23 for:



- 1 (A) the construction of a new permanently moored craft; or  
 2 (B) the conversion of a self-propelled excursion boat into a  
 3 permanently moored craft.  
 4 (c) In determining the navigable waterways on which riverboats may  
 5 operate, the commission shall do the following:  
 6 (1) Obtain any required approvals from the United States Army  
 7 Corps of Engineers for the operation of riverboats on those  
 8 waterways.  
 9 (2) Consider the economic benefit that riverboat gambling  
 10 provides to Indiana.  
 11 (3) Seek to ensure that all regions of Indiana share in the  
 12 economic benefits of riverboat gambling.  
 13 SECTION 6. IC 4-33-6-4 IS AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) In determining whether to  
 15 grant an owner's license to an applicant, the commission shall consider  
 16 the following:  
 17 (1) The character, reputation, experience, and financial integrity  
 18 of the following:  
 19 (A) The applicant.  
 20 (B) A person that:  
 21 (i) directly or indirectly controls the applicant; or  
 22 (ii) is directly or indirectly controlled by the applicant or by  
 23 a person that directly or indirectly controls the applicant.  
 24 (2) The facilities or proposed facilities for the conduct of  
 25 riverboat gambling.  
 26 (3) The highest prospective total revenue to be collected by the  
 27 state from the conduct of riverboat gambling.  
 28 (4) The good faith affirmative action plan of each applicant to  
 29 recruit, train, and upgrade minorities in all employment  
 30 classifications.  
 31 (5) The financial ability of the applicant to purchase and maintain  
 32 adequate liability and casualty insurance.  
 33 (6) If the applicant has adequate capitalization to provide and  
 34 maintain a riverboat for the duration of the license.  
 35 (7) The extent to which the applicant exceeds or meets other  
 36 standards adopted by the commission.  
 37 (b) **This subsection does not apply to:**  
 38 **(1) a licensed owner constructing a new riverboat under**  
 39 **section 24 of this chapter; or**  
 40 **(2) a person applying for an owner's license to assume control**  
 41 **of a riverboat operating from a dock previously approved by**  
 42 **the commission.**



1 In an application for an owner's license, the applicant must submit to  
 2 the commission a proposed design of the riverboat and the dock. The  
 3 commission may not grant a license to an applicant if the commission  
 4 determines that it will be difficult or unlikely for the riverboat to depart  
 5 from the dock.

6 SECTION 7. IC 4-33-6-5 IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2015]: Sec. 5. In an application for an owner's  
 8 license, the applicant must state:

9 (1) the dock at which the riverboat is based and the navigable  
 10 waterway on which the riverboat will operate; or

11 (2) **in the case of an application for an owner's license to own  
 12 and operate an inland casino under section 24 of this chapter,  
 13 the site of the inland casino.**

14 SECTION 8. IC 4-33-6-6, AS AMENDED BY P.L.15-2011,  
 15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2015]: Sec. 6. (a) Except as provided in subsection (c) or (d),  
 17 a riverboat that operates in a county described in IC 4-33-1-1(1) or  
 18 IC 4-33-1-1(2) must:

19 (1) have either:

20 (A) a valid certificate of inspection from the United States  
 21 Coast Guard for the carrying of at least five hundred (500)  
 22 passengers; or

23 (B) a valid certificate of compliance with marine structural and  
 24 life safety standards determined by the commission; and

25 (2) be at least one hundred fifty (150) feet in length.

26 (b) This subsection applies only to a riverboat that operates on the  
 27 Ohio River. A riverboat must replicate, as nearly as possible, historic  
 28 Indiana steamboat passenger vessels of the nineteenth century.  
 29 However, steam propulsion or overnight lodging facilities are not  
 30 required under this subsection.

31 (c) A riverboat described in IC 4-33-2-17(3) must have a valid  
 32 certificate of compliance with the marine structural and life safety  
 33 standards determined by the commission under IC 4-33-4-13.5 for a  
 34 permanently moored craft.

35 (d) **A riverboat constructed under section 24 of this chapter  
 36 must comply with all applicable building codes and any safety  
 37 requirements imposed by the commission.**

38 SECTION 9. IC 4-33-6-10 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) An owner's  
 40 license issued under this chapter permits the holder to own and operate  
 41 one (1) riverboat and equipment for each license.

42 (b) The holder of an owner's license issued under this chapter may



1 implement flexible scheduling for the operation of the holder's  
2 riverboat under section 21 of this chapter.

3 (c) **Except as provided in subsections (d) and (e)**, an owner's  
4 license issued under this chapter must specify the place where the  
5 riverboat must operate and dock. ~~However,~~

6 (d) The commission may permit ~~the~~ a riverboat to dock at a  
7 temporary dock in the applicable city for a specific period of time not  
8 to exceed one (1) year after the owner's license is issued.

9 (e) **An owner's license issued with respect to a riverboat**  
10 **constructed under section 24 of this chapter must specify the site**  
11 **of the riverboat.**

12 ~~(f)~~ (f) An owner's initial license expires five (5) years after the  
13 effective date of the license.

14 SECTION 10. IC 4-33-6-24 IS ADDED TO THE INDIANA CODE  
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
16 1, 2015]: **Sec. 24. (a) For purposes of this section, property is**  
17 **considered to be adjacent to a riverboat dock site even if it is**  
18 **separated from the dock site by a public road or a railroad right of**  
19 **way.**

20 (b) **A licensed owner may relocate the licensed owner's gaming**  
21 **operation from a docked riverboat to an inland casino if the**  
22 **following conditions are met:**

23 (1) **The casino is located on property that the licensed owner**  
24 **owned or leased and used in the conduct of the licensed**  
25 **owner's gaming operations on February 1, 2015.**

26 (2) **The casino is located on property adjacent to the dock site**  
27 **of the licensed owner's riverboat.**

28 (3) **The casino complies with all applicable building codes and**  
29 **any safety requirements imposed by the commission.**

30 (4) **The commission approves the relocation of the licensed**  
31 **owner's gaming operation.**

32 (c) **The commission may impose any requirement upon a**  
33 **licensed owner relocating gaming operations under this section.**

34 (d) **The number of gaming positions offered by a licensed owner**  
35 **in an inland facility operated under this section may not exceed the**  
36 **number of gaming positions offered by the licensed owner in the**  
37 **licensed owner's docked riverboat on February 1, 2015.**

38 SECTION 11. IC 4-33-11-2 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2.** An appeal of a final  
40 rule or order of the commission may be commenced under IC 4-21.5 in  
41 the circuit court of the county containing the dock ~~where~~ **or site of the**  
42 **riverboat. is based.**



1 SECTION 12. IC 4-33-12-0.5 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2015]: **Sec. 0.5. This chapter does not apply**  
 4 **to a riverboat in a historic hotel district.**

5 SECTION 13. IC 4-33-12-6, AS AMENDED BY P.L.2-2014,  
 6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2015]: Sec. 6. (a) The department shall place in the state  
 8 general fund the tax revenue collected under this chapter.

9 (b) Except as provided by ~~subsections~~ **subsection (c) and (d)** and  
 10 IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following  
 11 amounts:

12 (1) Except as provided in subsection ~~(k); (j)~~, one dollar (\$1) of the  
 13 admissions tax collected by the licensed owner for each person  
 14 embarking on a gambling excursion during the quarter or  
 15 admitted to a riverboat that has implemented flexible scheduling  
 16 under IC 4-33-6-21 during the quarter shall be paid to:

17 (A) the city in which the riverboat is docked, if the city:

18 (i) is located in a county having a population of more than  
 19 one hundred eleven thousand (111,000) but less than one  
 20 hundred fifteen thousand (115,000); or

21 (ii) is contiguous to the Ohio River and is the largest city in  
 22 the county; and

23 (B) the county in which the riverboat is docked, if the  
 24 riverboat is not docked in a city described in clause (A).

25 (2) Except as provided in subsection ~~(k); (j)~~, one dollar (\$1) of the  
 26 admissions tax collected by the licensed owner for each person:

27 (A) embarking on a gambling excursion during the quarter; or

28 (B) admitted to a riverboat during the quarter that has  
 29 implemented flexible scheduling under IC 4-33-6-21;

30 shall be paid to the county in which the riverboat is docked. In the  
 31 case of a county described in subdivision (1)(B), this one dollar  
 32 (\$1) is in addition to the one dollar (\$1) received under  
 33 subdivision (1)(B).

34 (3) Except as provided in subsection ~~(k); (j)~~, ten cents (\$0.10) of  
 35 the admissions tax collected by the licensed owner for each  
 36 person:

37 (A) embarking on a gambling excursion during the quarter; or

38 (B) admitted to a riverboat during the quarter that has  
 39 implemented flexible scheduling under IC 4-33-6-21;

40 shall be paid to the county convention and visitors bureau or  
 41 promotion fund for the county in which the riverboat is docked.

42 (4) Except as provided in subsection ~~(k); (j)~~, fifteen cents (\$0.15)





- 1 of the admissions tax collected by the licensed owner for each  
 2 person:
- 3 (A) embarking on a gambling excursion during the quarter; or  
 4 (B) admitted to a riverboat during a quarter that has  
 5 implemented flexible scheduling under IC 4-33-6-21;  
 6 shall be paid to the state fair commission, for use in any activity  
 7 that the commission is authorized to carry out under IC 15-13-3.
- 8 (5) Except as provided in subsection ~~(k)~~; ~~(j)~~, ten cents (\$0.10) of  
 9 the admissions tax collected by the licensed owner for each  
 10 person:
- 11 (A) embarking on a gambling excursion during the quarter; or  
 12 (B) admitted to a riverboat during the quarter that has  
 13 implemented flexible scheduling under IC 4-33-6-21;  
 14 shall be paid to the division of mental health and addiction. The  
 15 division shall allocate at least twenty-five percent (25%) of the  
 16 funds derived from the admissions tax to the prevention and  
 17 treatment of compulsive gambling.
- 18 (6) Except as provided in subsection ~~(k)~~; ~~(j)~~, sixty-five cents  
 19 (\$0.65) of the admissions tax collected by the licensed owner for  
 20 each person embarking on a gambling excursion during the  
 21 quarter or admitted to a riverboat during the quarter that has  
 22 implemented flexible scheduling under IC 4-33-6-21 shall be paid  
 23 to the state general fund.
- 24 (c) With respect to tax revenue collected from a riverboat located in  
 25 a historic hotel district, the treasurer of state shall quarterly pay the  
 26 following:
- 27 (1) With respect to admissions taxes collected for a person  
 28 admitted to the riverboat before July 1, 2010, the following  
 29 amounts:
- 30 (A) Twenty-two percent (22%) of the admissions tax collected  
 31 during the quarter shall be paid to the county treasurer of the  
 32 county in which the riverboat is located. The county treasurer  
 33 shall distribute the money received under this clause as  
 34 follows:
- 35 (i) Twenty-two and seventy-five hundredths percent  
 36 (22.75%) shall be quarterly distributed to the county  
 37 treasurer of a county having a population of more than forty  
 38 thousand (40,000) but less than forty-two thousand (42,000)  
 39 for appropriation by the county fiscal body after receiving a  
 40 recommendation from the county executive. The county  
 41 fiscal body for the receiving county shall provide for the  
 42 distribution of the money received under this item to one (1)



1 or more taxing units (as defined in IC 6-1.1-1-21) in the  
 2 county under a formula established by the county fiscal body  
 3 after receiving a recommendation from the county executive.

4 (ii) Twenty-two and seventy-five hundredths percent  
 5 (22.75%) shall be quarterly distributed to the county  
 6 treasurer of a county having a population of more than ten  
 7 thousand seven hundred (10,700) but less than twelve  
 8 thousand (12,000) for appropriation by the county fiscal  
 9 body. The county fiscal body for the receiving county shall  
 10 provide for the distribution of the money received under this  
 11 item to one (1) or more taxing units (as defined in  
 12 IC 6-1.1-1-21) in the county under a formula established by  
 13 the county fiscal body after receiving a recommendation  
 14 from the county executive.

15 (iii) Fifty-four and five-tenths percent (54.5%) shall be  
 16 retained by the county where the riverboat is located for  
 17 appropriation by the county fiscal body after receiving a  
 18 recommendation from the county executive.

19 (B) Five percent (5%) of the admissions tax collected during  
 20 the quarter shall be paid to a town having a population of more  
 21 than two thousand (2,000) but less than three thousand five  
 22 hundred (3,500) located in a county having a population of  
 23 more than nineteen thousand five hundred (19,500) but less  
 24 than twenty thousand (20,000). At least twenty percent (20%)  
 25 of the taxes received by a town under this clause must be  
 26 transferred to the school corporation in which the town is  
 27 located.

28 (C) Five percent (5%) of the admissions tax collected during  
 29 the quarter shall be paid to a town having a population of more  
 30 than three thousand five hundred (3,500) located in a county  
 31 having a population of more than nineteen thousand five  
 32 hundred (19,500) but less than twenty thousand (20,000). At  
 33 least twenty percent (20%) of the taxes received by a town  
 34 under this clause must be transferred to the school corporation  
 35 in which the town is located.

36 (D) Twenty percent (20%) of the admissions tax collected  
 37 during the quarter shall be paid in equal amounts to each town  
 38 that:

- 39 (i) is located in the county in which the riverboat is located;
- 40 and
- 41 (ii) contains a historic hotel.

42 At least twenty percent (20%) of the taxes received by a town



- 1 under this clause must be transferred to the school corporation  
 2 in which the town is located.
- 3 (E) Ten percent (10%) of the admissions tax collected during  
 4 the quarter shall be paid to the Orange County development  
 5 commission established under IC 36-7-11.5. At least one-third  
 6 (1/3) of the taxes paid to the Orange County development  
 7 commission under this clause must be transferred to the  
 8 Orange County convention and visitors bureau.
- 9 (F) Thirteen percent (13%) of the admissions tax collected  
 10 during the quarter shall be paid to the West Baden Springs  
 11 historic hotel preservation and maintenance fund established  
 12 by IC 36-7-11.5-11(b).
- 13 (G) Twenty-five percent (25%) of the admissions tax collected  
 14 during the quarter shall be paid to the Indiana economic  
 15 development corporation to be used by the corporation for the  
 16 development and implementation of a regional economic  
 17 development strategy to assist the residents of the county in  
 18 which the riverboat is located and residents of contiguous  
 19 counties in improving their quality of life and to help promote  
 20 successful and sustainable communities. The regional  
 21 economic development strategy must include goals concerning  
 22 the following issues:
- 23 (i) Job creation and retention.
  - 24 (ii) Infrastructure, including water, wastewater, and storm  
 25 water infrastructure needs.
  - 26 (iii) Housing.
  - 27 (iv) Workforce training.
  - 28 (v) Health care.
  - 29 (vi) Local planning.
  - 30 (vii) Land use.
  - 31 (viii) Assistance to regional economic development groups.
  - 32 (ix) Other regional development issues as determined by the  
 33 Indiana economic development corporation.
- 34 (2) With respect to admissions taxes collected for a person  
 35 admitted to the riverboat after June 30, 2010, the following  
 36 amounts:
- 37 (A) Twenty-nine and thirty-three hundredths percent (29.33%)  
 38 to the county treasurer of Orange County. The county treasurer  
 39 shall distribute the money received under this clause as  
 40 follows:
  - 41 (i) Twenty-two and seventy-five hundredths percent  
 42 (22.75%) to the county treasurer of Dubois County for



- 1 distribution in the manner described in subdivision
- 2 (1)(A)(i):
- 3 (ii) Twenty-two and seventy-five hundredths percent
- 4 (22.75%) to the county treasurer of Crawford County for
- 5 distribution in the manner described in subdivision
- 6 (1)(A)(ii):
- 7 (iii) Fifty-four and five-tenths percent (54.5%) to be retained
- 8 by the county treasurer of Orange County for appropriation
- 9 by the county fiscal body after receiving a recommendation
- 10 from the county executive:
- 11 (B) Six and sixty-seven hundredths percent (6.67%) to the
- 12 fiscal officer of the town of Orleans. At least twenty percent
- 13 (20%) of the taxes received by the town under this clause must
- 14 be transferred to Orleans Community Schools:
- 15 (C) Six and sixty-seven hundredths percent (6.67%) to the
- 16 fiscal officer of the town of Paoli. At least twenty percent
- 17 (20%) of the taxes received by the town under this clause must
- 18 be transferred to the Paoli Community School Corporation:
- 19 (D) Twenty-six and sixty-seven hundredths percent (26.67%)
- 20 to be paid in equal amounts to the fiscal officers of the towns
- 21 of French Lick and West Baden Springs. At least twenty
- 22 percent (20%) of the taxes received by a town under this
- 23 clause must be transferred to the Springs Valley Community
- 24 School Corporation:
- 25 (E) Thirty and sixty-six hundredths percent (30.66%) to the
- 26 Indiana economic development corporation to be used in the
- 27 manner described in subdivision (1)(G):
- 28 (d) (c) With respect to tax revenue collected from a riverboat that
- 29 operates from a county having a population of more than four hundred
- 30 thousand (400,000) but less than seven hundred thousand (700,000),
- 31 the treasurer of state shall quarterly pay the following amounts:
- 32 (1) Except as provided in subsection ~~(k)~~; (j), one dollar (\$1) of the
- 33 admissions tax collected by the licensed owner for each person:
- 34 (A) embarking on a gambling excursion during the quarter; or
- 35 (B) admitted to a riverboat during the quarter that has
- 36 implemented flexible scheduling under IC 4-33-6-21;
- 37 shall be paid to the city in which the riverboat is docked.
- 38 (2) Except as provided in subsection ~~(k)~~; (j), one dollar (\$1) of the
- 39 admissions tax collected by the licensed owner for each person:
- 40 (A) embarking on a gambling excursion during the quarter; or
- 41 (B) admitted to a riverboat during the quarter that has
- 42 implemented flexible scheduling under IC 4-33-6-21;



- 1 shall be paid to the county in which the riverboat is docked.  
 2 (3) Except as provided in subsection ~~(k)~~; **(j)**, nine cents (\$0.09) of  
 3 the admissions tax collected by the licensed owner for each  
 4 person:  
 5 (A) embarking on a gambling excursion during the quarter; or  
 6 (B) admitted to a riverboat during the quarter that has  
 7 implemented flexible scheduling under IC 4-33-6-21;  
 8 shall be paid to the county convention and visitors bureau or  
 9 promotion fund for the county in which the riverboat is docked.  
 10 (4) Except as provided in subsection ~~(k)~~; **(j)**, one cent (\$0.01) of  
 11 the admissions tax collected by the licensed owner for each  
 12 person:  
 13 (A) embarking on a gambling excursion during the quarter; or  
 14 (B) admitted to a riverboat during the quarter that has  
 15 implemented flexible scheduling under IC 4-33-6-21;  
 16 shall be paid to the northwest Indiana law enforcement training  
 17 center.  
 18 (5) Except as provided in subsection ~~(k)~~; **(j)**, fifteen cents (\$0.15)  
 19 of the admissions tax collected by the licensed owner for each  
 20 person:  
 21 (A) embarking on a gambling excursion during the quarter; or  
 22 (B) admitted to a riverboat during a quarter that has  
 23 implemented flexible scheduling under IC 4-33-6-21;  
 24 shall be paid to the state fair commission for use in any activity  
 25 that the commission is authorized to carry out under IC 15-13-3.  
 26 (6) Except as provided in subsection ~~(k)~~; **(j)**, ten cents (\$0.10) of  
 27 the admissions tax collected by the licensed owner for each  
 28 person:  
 29 (A) embarking on a gambling excursion during the quarter; or  
 30 (B) admitted to a riverboat during the quarter that has  
 31 implemented flexible scheduling under IC 4-33-6-21;  
 32 shall be paid to the division of mental health and addiction. The  
 33 division shall allocate at least twenty-five percent (25%) of the  
 34 funds derived from the admissions tax to the prevention and  
 35 treatment of compulsive gambling.  
 36 (7) Except as provided in subsection ~~(k)~~; **(j)**, sixty-five cents  
 37 (\$0.65) of the admissions tax collected by the licensed owner for  
 38 each person embarking on a gambling excursion during the  
 39 quarter or admitted to a riverboat during the quarter that has  
 40 implemented flexible scheduling under IC 4-33-6-21 shall be paid  
 41 to the state general fund.  
 42 ~~(e)~~ **(d)** Money paid to a unit of local government under subsection



- 1 (b) or (c): ~~(d)~~:
- 2 (1) must be paid to the fiscal officer of the unit and may be
- 3 deposited in the unit's general fund or riverboat fund established
- 4 under IC 36-1-8-9, or both;
- 5 (2) may not be used to reduce the unit's maximum levy under
- 6 IC 6-1.1-18.5 but may be used at the discretion of the unit to
- 7 reduce the property tax levy of the unit for a particular year;
- 8 (3) may be used for any legal or corporate purpose of the unit,
- 9 including the pledge of money to bonds, leases, or other
- 10 obligations under IC 5-1-14-4; and
- 11 (4) is considered miscellaneous revenue.
- 12 ~~(f)~~ (e) Money paid by the treasurer of state under subsection (b)(3)
- 13 or ~~(d)(3)~~ (c)(3) shall be:
- 14 (1) deposited in:
- 15 (A) the county convention and visitor promotion fund; or
- 16 (B) the county's general fund if the county does not have a
- 17 convention and visitor promotion fund; and
- 18 (2) used only for the tourism promotion, advertising, and
- 19 economic development activities of the county and community.
- 20 ~~(g)~~ (f) Money received by the division of mental health and
- 21 addiction under subsections (b)(5) and ~~(d)(6)~~: (c)(6):
- 22 (1) is annually appropriated to the division of mental health and
- 23 addiction;
- 24 (2) shall be distributed to the division of mental health and
- 25 addiction at times during each state fiscal year determined by the
- 26 budget agency; and
- 27 (3) shall be used by the division of mental health and addiction
- 28 for programs and facilities for the prevention and treatment of
- 29 addictions to drugs, alcohol, and compulsive gambling, including
- 30 the creation and maintenance of a toll free telephone line to
- 31 provide the public with information about these addictions. The
- 32 division shall allocate at least twenty-five percent (25%) of the
- 33 money received to the prevention and treatment of compulsive
- 34 gambling.
- 35 ~~(h)~~ (g) This subsection applies to the following:
- 36 (1) Each entity receiving money under subsection (b)(1) through
- 37 (b)(5).
- 38 (2) Each entity receiving money under subsection ~~(d)(1)~~ (c)(1)
- 39 through ~~(d)(2)~~: (c)(2).
- 40 (3) Each entity receiving money under subsection ~~(d)(5)~~ (c)(5)
- 41 through ~~(d)(6)~~: (c)(6).
- 42 The treasurer of state shall determine the total amount of money paid



1 by the treasurer of state to an entity subject to this subsection during  
 2 the state fiscal year 2002. The amount determined under this subsection  
 3 is the base year revenue for each entity subject to this subsection. The  
 4 treasurer of state shall certify the base year revenue determined under  
 5 this subsection to each entity subject to this subsection.

6 ~~(i)~~ **(h)** This subsection applies to an entity receiving money under  
 7 subsection ~~(d)(3)~~ **(c)(3)** or ~~(d)(4)~~ **(c)(4)**. The treasurer of state shall  
 8 determine the total amount of money paid by the treasurer of state to  
 9 the entity described in subsection ~~(d)(3)~~ **(c)(3)** during state fiscal year  
 10 2002. The amount determined under this subsection multiplied by  
 11 nine-tenths (0.9) is the base year revenue for the entity described in  
 12 subsection ~~(d)(3)~~ **(c)(3)**. The amount determined under this subsection  
 13 multiplied by one-tenth (0.1) is the base year revenue for the entity  
 14 described in subsection ~~(d)(4)~~ **(c)(4)**. The treasurer of state shall certify  
 15 the base year revenue determined under this subsection to each entity  
 16 subject to this subsection.

17 ~~(j)~~ **(i)** ~~This subsection does not apply to an entity receiving money~~  
 18 ~~under subsection (c).~~ The total amount of money distributed to an entity  
 19 under this section during a state fiscal year may not exceed the entity's  
 20 base year revenue as determined under subsection ~~(h)~~ **(g)** or ~~(i)~~ **(h)**. If  
 21 the treasurer of state determines that the total amount of money  
 22 distributed to an entity under this section during a state fiscal year is  
 23 less than the entity's base year revenue, the treasurer of state shall make  
 24 a supplemental distribution to the entity under IC 4-33-13-5.

25 ~~(k)~~ **(j)** ~~This subsection does not apply to an entity receiving money~~  
 26 ~~under subsection (c).~~ The treasurer of state shall pay that part of the  
 27 riverboat admissions taxes that:

- 28 (1) exceeds a particular entity's base year revenue; and
- 29 (2) would otherwise be due to the entity under this section;

30 to the state general fund instead of to the entity.

31 SECTION 14. IC 4-33-12.5-6, AS AMENDED BY P.L.205-2013,  
 32 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2015]: Sec. 6. (a) The county described in ~~IC 4-33-12-6(d)~~  
 34 **IC 4-33-12-6(c)** shall distribute twenty-five percent (25%) of the:

- 35 (1) admissions tax revenue received by the county under  
 36 ~~IC 4-33-12-6(d)(2)~~; **IC 4-33-12-6(c)(2)**; and
- 37 (2) supplemental distributions received under IC 4-33-13-5;

38 to the eligible municipalities.

39 (b) The amount that shall be distributed by the county to each  
 40 eligible municipality under subsection (a) is based on the eligible  
 41 municipality's proportionate share of the total population of all eligible  
 42 municipalities. The most current certified census information available



1 shall be used to determine an eligible municipality's proportionate  
 2 share under this subsection. The determination of proportionate shares  
 3 under this subsection shall be modified under the following conditions:

4 (1) The certification from any decennial census completed by the  
 5 United States Bureau of the Census.

6 (2) Submission by one (1) or more eligible municipalities of a  
 7 certified special census commissioned by an eligible municipality  
 8 and performed by the United States Bureau of the Census.

9 (c) If proportionate shares are modified under subsection (b),  
 10 distribution to eligible municipalities shall change with the:

11 (1) payments beginning April 1 of the year following the  
 12 certification of a special census under subsection (b)(2); and

13 (2) the next quarterly payment following the certification of a  
 14 decennial census under subsection (b)(1).

15 SECTION 15. IC 4-33-13-1, AS AMENDED BY P.L.229-2013,  
 16 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2015]: Sec. 1. (a) This section does not apply to a riverboat  
 18 that has implemented flexible scheduling under IC 4-33-6-21.

19 (b) Subject to section ~~1-5(j)~~ **1.5(k)** of this chapter, a tax is imposed  
 20 on the adjusted gross receipts received from gambling games  
 21 authorized under this article at the rate of twenty-two and five-tenths  
 22 percent (22.5%) of the amount of the adjusted gross receipts.

23 (c) The licensed owner shall remit the tax imposed by this chapter  
 24 to the department before the close of the business day following the day  
 25 the wagers are made.

26 (d) The department may require payment under this section to be  
 27 made by electronic funds transfer (as defined in IC 4-8.1-2-7(e)).

28 (e) If the department requires taxes to be remitted under this chapter  
 29 through electronic funds transfer, the department may allow the  
 30 licensed owner to file a monthly report to reconcile the amounts  
 31 remitted to the department.

32 (f) The department may allow taxes remitted under this section to  
 33 be reported on the same form used for taxes paid under IC 4-33-12.

34 SECTION 16. IC 4-33-13-1.5, AS AMENDED BY P.L.229-2013,  
 35 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2015]: Sec. 1.5. (a) This section applies only to a riverboat  
 37 that has implemented flexible scheduling under IC 4-33-6-21 or  
 38 IC 4-33-6.5.

39 (b) This subsection applies only to a riverboat that **is located in a**  
 40 **county adjacent to Lake Michigan or the Ohio River and** received  
 41 at least seventy-five million dollars (\$75,000,000) of adjusted gross  
 42 receipts during the preceding state fiscal year. A graduated tax is





1 imposed on the adjusted gross receipts received from gambling games  
2 authorized under this article as follows:

3 (1) Fifteen percent (15%) of the first twenty-five million dollars  
4 (\$25,000,000) of adjusted gross receipts received during the  
5 period beginning July 1 of each year and ending June 30 of the  
6 following year.

7 (2) Twenty percent (20%) of the adjusted gross receipts in excess  
8 of twenty-five million dollars (\$25,000,000) but not exceeding  
9 fifty million dollars (\$50,000,000) received during the period  
10 beginning July 1 of each year and ending June 30 of the following  
11 year.

12 (3) Twenty-five percent (25%) of the adjusted gross receipts in  
13 excess of fifty million dollars (\$50,000,000) but not exceeding  
14 seventy-five million dollars (\$75,000,000) received during the  
15 period beginning July 1 of each year and ending June 30 of the  
16 following year.

17 (4) Thirty percent (30%) of the adjusted gross receipts in excess  
18 of seventy-five million dollars (\$75,000,000) but not exceeding  
19 one hundred fifty million dollars (\$150,000,000) received during  
20 the period beginning July 1 of each year and ending June 30 of  
21 the following year.

22 (5) Thirty-five percent (35%) of all adjusted gross receipts in  
23 excess of one hundred fifty million dollars (\$150,000,000) but not  
24 exceeding six hundred million dollars (\$600,000,000) received  
25 during the period beginning July 1 of each year and ending June  
26 30 of the following year.

27 (6) Forty percent (40%) of all adjusted gross receipts exceeding  
28 six hundred million dollars (\$600,000,000) received during the  
29 period beginning July 1 of each year and ending June 30 of the  
30 following year.

31 (c) This subsection applies only to a riverboat that **is located in a**  
32 **county adjacent to Lake Michigan or the Ohio River and** received  
33 less than seventy-five million dollars (\$75,000,000) of adjusted gross  
34 receipts during the preceding state fiscal year. A graduated tax is  
35 imposed on the adjusted gross receipts received from gambling games  
36 authorized under this article as follows:

37 (1) Five percent (5%) of the first twenty-five million dollars  
38 (\$25,000,000) of adjusted gross receipts received during the  
39 period beginning July 1 of each year and ending June 30 of the  
40 following year.

41 (2) Twenty percent (20%) of the adjusted gross receipts in excess  
42 of twenty-five million dollars (\$25,000,000) but not exceeding



- 1 fifty million dollars (\$50,000,000) received during the period  
 2 beginning July 1 of each year and ending June 30 of the following  
 3 year.
- 4 (3) Twenty-five percent (25%) of the adjusted gross receipts in  
 5 excess of fifty million dollars (\$50,000,000) but not exceeding  
 6 seventy-five million dollars (\$75,000,000) received during the  
 7 period beginning July 1 of each year and ending June 30 of the  
 8 following year.
- 9 (4) Thirty percent (30%) of the adjusted gross receipts in excess  
 10 of seventy-five million dollars (\$75,000,000) but not exceeding  
 11 one hundred fifty million dollars (\$150,000,000) received during  
 12 the period beginning July 1 of each year and ending June 30 of  
 13 the following year.
- 14 (5) Thirty-five percent (35%) of all adjusted gross receipts in  
 15 excess of one hundred fifty million dollars (\$150,000,000) but not  
 16 exceeding six hundred million dollars (\$600,000,000) received  
 17 during the period beginning July 1 of each year and ending June  
 18 30 of the following year.
- 19 (6) Forty percent (40%) of all adjusted gross receipts exceeding  
 20 six hundred million dollars (\$600,000,000) received during the  
 21 period beginning July 1 of each year and ending June 30 of the  
 22 following year.
- 23 (d) The licensed owner or operating agent of a riverboat taxed under  
 24 subsection (c) shall pay an additional tax of two million five hundred  
 25 thousand dollars (\$2,500,000) in any state fiscal year in which the  
 26 riverboat's adjusted gross receipts exceed seventy-five million dollars  
 27 (\$75,000,000). The additional tax imposed under this subsection is due  
 28 before July 1 of the following state fiscal year.
- 29 **(e) This subsection applies only to a riverboat that is located in**  
 30 **a historic hotel district. A tax is imposed on the adjusted gross**  
 31 **receipts received from gambling games authorized under this**  
 32 **article at the rate of five percent (5%) of the amount of the**  
 33 **adjusted gross receipts.**
- 34 ~~(e)~~ (f) The licensed owner or operating agent shall remit the tax  
 35 imposed by this chapter to the department before the close of the  
 36 business day following the day the wagers are made.
- 37 ~~(f)~~ (g) The department may require payment under this section to be  
 38 made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).
- 39 ~~(g)~~ (h) If the department requires taxes to be remitted under this  
 40 chapter through electronic funds transfer, the department may allow the  
 41 licensed owner or operating agent to file a monthly report to reconcile  
 42 the amounts remitted to the department.



1           ~~(h)~~ (i) The department may allow taxes remitted under this section  
2 to be reported on the same form used for taxes paid under IC 4-33-12.

3           ~~(i)~~ (j) If a riverboat implements flexible scheduling during any part  
4 of a period beginning July 1 of each year and ending June 30 of the  
5 following year, the tax rate imposed on the adjusted gross receipts  
6 received while the riverboat implements flexible scheduling shall be  
7 computed as if the riverboat had engaged in flexible scheduling during  
8 the entire period beginning July 1 of each year and ending June 30 of  
9 the following year.

10          ~~(j)~~ (k) If a riverboat:

11           (1) implements flexible scheduling during any part of a period  
12 beginning July 1 of each year and ending June 30 of the following  
13 year; and

14           (2) before the end of that period ceases to operate the riverboat  
15 with flexible scheduling;

16 the riverboat shall continue to pay a wagering tax at the tax rates  
17 imposed under subsection (b) until the end of that period as if the  
18 riverboat had not ceased to conduct flexible scheduling.

19          SECTION 17. IC 4-33-13-5, AS AMENDED BY P.L.2-2014,  
20 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2015]: Sec. 5. (a) This subsection does not apply to tax  
22 revenue remitted by an operating agent operating a riverboat in a  
23 historic hotel district. After funds are appropriated under section 4 of  
24 this chapter, each month the treasurer of state shall distribute the tax  
25 revenue deposited in the state gaming fund under this chapter to the  
26 following:

27           (1) The first thirty-three million dollars (\$33,000,000) of tax  
28 revenues collected under this chapter shall be set aside for  
29 revenue sharing under subsection (e).

30           (2) Subject to subsection (c), twenty-five percent (25%) of the  
31 remaining tax revenue remitted by each licensed owner shall be  
32 paid:

33           (A) to the city that is designated as the home dock of the  
34 riverboat from which the tax revenue was collected, in the case  
35 of:

36           (i) a city described in IC 4-33-12-6(b)(1)(A); or

37           (ii) a city located in a county having a population of more  
38 than four hundred thousand (400,000) but less than seven  
39 hundred thousand (700,000); or

40           (B) to the county that is designated as the home dock of the  
41 riverboat from which the tax revenue was collected, in the case  
42 of a riverboat whose home dock is not in a city described in



- 1 clause (A).
- 2 (3) Subject to subsection (d), the remainder of the tax revenue
- 3 remitted by each licensed owner shall be paid to the state general
- 4 fund. In each state fiscal year, the treasurer of state shall make the
- 5 transfer required by this subdivision not later than the last
- 6 business day of the month in which the tax revenue is remitted to
- 7 the state for deposit in the state gaming fund. However, if tax
- 8 revenue is received by the state on the last business day in a
- 9 month, the treasurer of state may transfer the tax revenue to the
- 10 state general fund in the immediately following month.
- 11 (b) This subsection applies only to tax revenue remitted by an
- 12 operating agent operating a riverboat in a historic hotel district. After
- 13 funds are appropriated under section 4 of this chapter, each month the
- 14 treasurer of state shall distribute the tax revenue remitted by the
- 15 operating agent under this chapter as follows:
- 16 (1) Thirty-seven and one-half percent (37.5%) shall be paid to the
- 17 state general fund.
- 18 (2) Nineteen percent (19%) shall be paid to the West Baden
- 19 Springs historic hotel preservation and maintenance fund
- 20 established by IC 36-7-11.5-11(b). However, at any time the
- 21 balance in that fund exceeds ~~twenty fifteen~~ million dollars
- 22 ~~(\$20,000,000)~~, **(\$15,000,000)**, the amount described in this
- 23 subdivision shall be paid to the state general fund.
- 24 (3) Eight percent (8%) shall be paid to the Orange County
- 25 development commission established under IC 36-7-11.5.
- 26 (4) Sixteen percent (16%) shall be paid in equal amounts to each
- 27 town that is located in the county in which the riverboat is located
- 28 and contains a historic hotel. The following apply to taxes
- 29 received by a town under this subdivision:
- 30 (A) At least twenty-five percent (25%) of the taxes must be
- 31 transferred to the school corporation in which the town is
- 32 located.
- 33 (B) At least twelve and five-tenths percent (12.5%) of the
- 34 taxes imposed on adjusted gross receipts received after June
- 35 30, 2010, must be transferred to the Orange County
- 36 development commission established by IC 36-7-11.5-3.5.
- 37 (5) Nine percent (9%) shall be paid to the county treasurer of the
- 38 county in which the riverboat is located. The county treasurer
- 39 shall distribute the money received under this subdivision as
- 40 follows:
- 41 (A) Twenty-two and twenty-five hundredths percent (22.25%)
- 42 shall be quarterly distributed to the county treasurer of a



- 1 county having a population of more than forty thousand  
 2 (40,000) but less than forty-two thousand (42,000) for  
 3 appropriation by the county fiscal body after receiving a  
 4 recommendation from the county executive. The county fiscal  
 5 body for the receiving county shall provide for the distribution  
 6 of the money received under this clause to one (1) or more  
 7 taxing units (as defined in IC 6-1.1-1-21) in the county under  
 8 a formula established by the county fiscal body after receiving  
 9 a recommendation from the county executive.
- 10 (B) Twenty-two and twenty-five hundredths percent (22.25%)  
 11 shall be quarterly distributed to the county treasurer of a  
 12 county having a population of more than ten thousand seven  
 13 hundred (10,700) but less than twelve thousand (12,000) for  
 14 appropriation by the county fiscal body after receiving a  
 15 recommendation from the county executive. The county fiscal  
 16 body for the receiving county shall provide for the distribution  
 17 of the money received under this clause to one (1) or more  
 18 taxing units (as defined in IC 6-1.1-1-21) in the county under  
 19 a formula established by the county fiscal body after receiving  
 20 a recommendation from the county executive.
- 21 (C) Fifty-five and five-tenths percent (55.5%) shall be retained  
 22 by the county in which the riverboat is located for  
 23 appropriation by the county fiscal body after receiving a  
 24 recommendation from the county executive.
- 25 (6) Five percent (5%) shall be paid to a town having a population  
 26 of more than two thousand (2,000) but less than three thousand  
 27 five hundred (3,500) located in a county having a population of  
 28 more than nineteen thousand five hundred (19,500) but less than  
 29 twenty thousand (20,000). At least forty percent (40%) of the  
 30 taxes received by a town under this subdivision must be  
 31 transferred to the school corporation in which the town is located.
- 32 (7) Five percent (5%) shall be paid to a town having a population  
 33 of more than three thousand five hundred (3,500) located in a  
 34 county having a population of more than nineteen thousand five  
 35 hundred (19,500) but less than twenty thousand (20,000). At least  
 36 forty percent (40%) of the taxes received by a town under this  
 37 subdivision must be transferred to the school corporation in which  
 38 the town is located.
- 39 (8) Five-tenths percent (0.5%) of the taxes imposed on adjusted  
 40 gross receipts received after June 30, 2010, shall be paid to the  
 41 Indiana economic development corporation established by  
 42 IC 5-28-3-1.



1 (c) For each city and county receiving money under subsection  
 2 (a)(2), the treasurer of state shall determine the total amount of money  
 3 paid by the treasurer of state to the city or county during the state fiscal  
 4 year 2002. The amount determined is the base year revenue for the city  
 5 or county. The treasurer of state shall certify the base year revenue  
 6 determined under this subsection to the city or county. The total  
 7 amount of money distributed to a city or county under this section  
 8 during a state fiscal year may not exceed the entity's base year revenue.  
 9 For each state fiscal year, the treasurer of state shall pay that part of the  
 10 riverboat wagering taxes that:

- 11 (1) exceeds a particular city's or county's base year revenue; and
- 12 (2) would otherwise be due to the city or county under this  
 13 section;

14 to the state general fund instead of to the city or county.

15 (d) Each state fiscal year the treasurer of state shall transfer from the  
 16 tax revenue remitted to the state general fund under subsection (a)(3)  
 17 to the build Indiana fund an amount that when added to the following  
 18 may not exceed two hundred fifty million dollars (\$250,000,000):

- 19 (1) Surplus lottery revenues under IC 4-30-17-3.
- 20 (2) Surplus revenue from the charity gaming enforcement fund  
 21 under IC 4-32.2-7-7.
- 22 (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

23 The treasurer of state shall make transfers on a monthly basis as needed  
 24 to meet the obligations of the build Indiana fund. If in any state fiscal  
 25 year insufficient money is transferred to the state general fund under  
 26 subsection (a)(3) to comply with this subsection, the treasurer of state  
 27 shall reduce the amount transferred to the build Indiana fund to the  
 28 amount available in the state general fund from the transfers under  
 29 subsection (a)(3) for the state fiscal year.

30 (e) Before August 15 of each year, the treasurer of state shall  
 31 distribute the wagering taxes set aside for revenue sharing under  
 32 subsection (a)(1) to the county treasurer of each county that does not  
 33 have a riverboat according to the ratio that the county's population  
 34 bears to the total population of the counties that do not have a  
 35 riverboat. Except as provided in subsection (h), the county auditor shall  
 36 distribute the money received by the county under this subsection as  
 37 follows:

- 38 (1) To each city located in the county according to the ratio the  
 39 city's population bears to the total population of the county.
- 40 (2) To each town located in the county according to the ratio the  
 41 town's population bears to the total population of the county.
- 42 (3) After the distributions required in subdivisions (1) and (2) are



- 1           made, the remainder shall be retained by the county.
- 2           (f) Money received by a city, town, or county under subsection (e)
- 3           or (h) may be used for any of the following purposes:
- 4           (1) To reduce the property tax levy of the city, town, or county for
- 5           a particular year (a property tax reduction under this subdivision
- 6           does not reduce the maximum levy of the city, town, or county
- 7           under IC 6-1.1-18.5).
- 8           (2) For deposit in a special fund or allocation fund created under
- 9           IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and
- 10          IC 36-7-30 to provide funding for debt repayment.
- 11          (3) To fund sewer and water projects, including storm water
- 12          management projects.
- 13          (4) For police and fire pensions.
- 14          (5) To carry out any governmental purpose for which the money
- 15          is appropriated by the fiscal body of the city, town, or county.
- 16          Money used under this subdivision does not reduce the property
- 17          tax levy of the city, town, or county for a particular year or reduce
- 18          the maximum levy of the city, town, or county under
- 19          IC 6-1.1-18.5.
- 20          (g) This subsection does not apply to an entity receiving money
- 21          under IC 4-33-12-6(c). Before September 15 of each year, the treasurer
- 22          of state shall determine the total amount of money distributed to an
- 23          entity under IC 4-33-12-6 during the preceding state fiscal year. If the
- 24          treasurer of state determines that the total amount of money distributed
- 25          to an entity under IC 4-33-12-6 during the preceding state fiscal year
- 26          was less than the entity's base year revenue (as determined under
- 27          IC 4-33-12-6), the treasurer of state shall make a supplemental
- 28          distribution to the entity from taxes collected under this chapter and
- 29          deposited into the state general fund. Except as provided in subsection
- 30          (i), the amount of an entity's supplemental distribution is equal to:
- 31                  (1) the entity's base year revenue (as determined under
- 32                  IC 4-33-12-6); minus
- 33                  (2) the sum of:
- 34                          (A) the total amount of money distributed to the entity during
- 35                          the preceding state fiscal year under IC 4-33-12-6; plus
- 36                          (B) any amounts deducted under IC 6-3.1-20-7.
- 37          (h) This subsection applies only to a county containing a
- 38          consolidated city. The county auditor shall distribute the money
- 39          received by the county under subsection (e) as follows:
- 40                  (1) To each city, other than a consolidated city, located in the
- 41                  county according to the ratio that the city's population bears to the
- 42                  total population of the county.



1 (2) To each town located in the county according to the ratio that  
2 the town's population bears to the total population of the county.

3 (3) After the distributions required in subdivisions (1) and (2) are  
4 made, the remainder shall be paid in equal amounts to the  
5 consolidated city and the county.

6 (i) This subsection applies to a supplemental distribution made after  
7 June 30, 2013. The maximum amount of money that may be distributed  
8 under subsection (g) in a state fiscal year is forty-eight million dollars  
9 (\$48,000,000). If the total amount determined under subsection (g)  
10 exceeds forty-eight million dollars (\$48,000,000), the amount  
11 distributed to an entity under subsection (g) must be reduced according  
12 to the ratio that the amount distributed to the entity under IC 4-33-12-6  
13 bears to the total amount distributed under IC 4-33-12-6 to all entities  
14 receiving a supplemental distribution.

15 SECTION 18. IC 4-33-13-7, AS ADDED BY P.L.229-2013,  
16 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2015]: Sec. 7. (a) This section applies to adjusted gross  
18 receipts from wagering on gambling games that occurs:

19 (1) after the effective date of this section, as added by SEA  
20 528-2013; but

21 (2) before July 1, ~~2016~~ **2018**.

22 (b) As used in this section, "qualified wagering" refers to wagers  
23 made by patrons using noncashable vouchers, coupons, electronic  
24 credits, or electronic promotions provided by the licensed owner or  
25 operating agent.

26 (c) Subject to subsection (d), a licensed owner or operating agent  
27 may at any time during a state fiscal year deduct from the adjusted  
28 gross receipts reported by the licensed owner or operating agent  
29 adjusted gross receipts attributable to qualified wagering. A licensed  
30 owner or operating agent must take a deduction under this section on  
31 a form and in the manner prescribed by the department.

32 (d) A licensed owner or operating agent may not deduct more than  
33 the following amounts in a particular state fiscal year:

34 (1) Two million five hundred thousand dollars (\$2,500,000) in a  
35 state fiscal year ending before July 1, 2013.

36 (2) Five million dollars (\$5,000,000) in a state fiscal year  
37 beginning after June 30, 2013, and ending before July 1, ~~2016~~  
38 **2018**.

39 SECTION 19. IC 4-33-14-9 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) This section  
41 applies to a person holding an owner's licenses for riverboats operated  
42 from a city described under IC 4-33-6-1(a)(1) through





- 1 IC 4-33-6-1(a)(3).
- 2 (b) The commission shall require persons holding owner's licenses
- 3 to adopt policies concerning the preferential hiring of residents of the
- 4 city in which the riverboat ~~docks~~ **is located** for riverboat jobs.
- 5 SECTION 20. IC 4-35-2-5, AS AMENDED BY P.L.229-2013,
- 6 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2015]: Sec. 5. "Gambling game" means ~~either~~ **any** of the
- 8 following:
- 9 (1) A game played on a slot machine approved for wagering under
- 10 this article by the commission.
- 11 (2) A game played on a slot machine through the use of a mobile
- 12 gaming device approved under this article.
- 13 **(3) A table game approved by the commission under**
- 14 **IC 4-35-7-19.**
- 15 SECTION 21. IC 4-35-2-10.5 IS ADDED TO THE INDIANA
- 16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 17 [EFFECTIVE JULY 1, 2015]: **Sec. 10.5. "Table game" means an**
- 18 **apparatus used to gamble upon, including the following:**
- 19 **(1) A roulette wheel and table.**
- 20 **(2) A blackjack table.**
- 21 **(3) A craps table.**
- 22 **(4) A poker table.**
- 23 **(5) Any other game approved by the commission.**
- 24 SECTION 22. IC 4-35-3-1, AS ADDED BY P.L.233-2007,
- 25 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2015]: Sec. 1. All shipments of **gambling devices, including**
- 27 slot machines, to licensees in Indiana, the registering, recording, and
- 28 labeling of which have been completed by the manufacturer or dealer
- 29 in accordance with 15 U.S.C. 1171 through 15 U.S.C. 1178, are legal
- 30 shipments of gambling devices into Indiana.
- 31 SECTION 23. IC 4-35-4-2, AS AMENDED BY P.L.142-2009,
- 32 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 JULY 1, 2015]: Sec. 2. (a) The commission shall do the following:
- 34 (1) Adopt rules under IC 4-22-2 that the commission determines
- 35 are necessary to protect or enhance the following:
- 36 (A) The credibility and integrity of gambling games authorized
- 37 under this article.
- 38 (B) The regulatory process provided in this article.
- 39 (2) Conduct all hearings concerning civil violations of this article.
- 40 (3) Provide for the establishment and collection of license fees
- 41 imposed under this article, and deposit the license fees in the state
- 42 general fund.



- 1 (4) Levy and collect penalties for noncriminal violations of this  
 2 article and deposit the penalties in the state general fund.
- 3 (5) Approve the design, appearance, aesthetics, and construction  
 4 of ~~slot machine~~ **gambling game** facilities authorized under this  
 5 article.
- 6 (6) Adopt emergency rules under IC 4-22-2-37.1 if the  
 7 commission determines that:
- 8 (A) the need for a rule is so immediate and substantial that  
 9 rulemaking procedures under IC 4-22-2-13 through  
 10 IC 4-22-2-36 are inadequate to address the need; and
- 11 (B) an emergency rule is likely to address the need.
- 12 (7) Adopt rules to establish and implement a voluntary exclusion  
 13 program that meets the requirements of subsection (c).
- 14 (8) Establish the requirements for a power of attorney submitted  
 15 under IC 4-35-5-9.
- 16 (b) The commission shall begin rulemaking procedures under  
 17 IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted  
 18 under subsection (a)(6) not later than thirty (30) days after the adoption  
 19 of the emergency rule under subsection (a)(6).
- 20 (c) Rules adopted under subsection (a)(7) must provide the  
 21 following:
- 22 (1) Except as provided by rule of the commission, a person who  
 23 participates in the voluntary exclusion program agrees to refrain  
 24 from entering a facility at which gambling games are conducted  
 25 or another facility under the jurisdiction of the commission.
- 26 (2) That the name of a person participating in the program will be  
 27 included on a list of persons excluded from all facilities under the  
 28 jurisdiction of the commission.
- 29 (3) Except as provided by rule of the commission, a person who  
 30 participates in the voluntary exclusion program may not petition  
 31 the commission for readmittance to a facility under the  
 32 jurisdiction of the commission.
- 33 (4) That the list of patrons entering the voluntary exclusion  
 34 program and the personal information of the participants are  
 35 confidential and may only be disseminated by the commission to  
 36 the owner or operator of a facility under the jurisdiction of the  
 37 commission for purposes of enforcement and to other entities,  
 38 upon request by the participant and agreement by the commission.
- 39 (5) That an owner of a facility under the jurisdiction of the  
 40 commission shall make all reasonable attempts as determined by  
 41 the commission to cease all direct marketing efforts to a person  
 42 participating in the program.



1 (6) That an owner of a facility under the jurisdiction of the  
 2 commission may not cash the check of a person participating in  
 3 the program or extend credit to the person in any manner.  
 4 However, the voluntary exclusion program does not preclude an  
 5 owner from seeking the payment of a debt accrued by a person  
 6 before entering the program.

7 SECTION 24. IC 4-35-4-7, AS AMENDED BY P.L.229-2013,  
 8 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2015]: Sec. 7. (a) The commission shall adopt standards for  
 10 the licensing of the following:

- 11 (1) Persons regulated under this article.  
 12 (2) ~~Slot machines used in~~ Gambling games.  
 13 (3) Limited mobile gaming systems and mobile gaming devices.

14 (b) Where applicable, 68 IAC applies to racetracks conducting  
 15 gambling games under this article.

16 SECTION 25. IC 4-35-4-14, AS ADDED BY P.L.142-2009,  
 17 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2015]: Sec. 14. (a) The commission may appoint a temporary  
 19 trustee for a particular ~~slot machine gambling game~~ facility at a  
 20 racetrack if the commission makes the following findings:

- 21 (1) That circumstances requiring a trustee to assume control of  
 22 the ~~slot machine gambling game~~ facility are likely to occur.  
 23 (2) That the commission has not approved a power of attorney  
 24 identifying any other person to serve as the trustee for the ~~slot~~  
 25 ~~machine gambling game~~ facility.  
 26 (3) That there is not enough time to consider and approve a power  
 27 of attorney with respect to the ~~slot machine gambling game~~  
 28 facility before the circumstances found likely to occur under  
 29 subdivision (1) will occur.

30 (b) A person appointed under this section must be qualified to  
 31 perform any duty described in this section or IC 4-35-12.

32 (c) A trustee appointed by the commission under this section shall  
 33 serve until any of the following occur:

- 34 (1) The commission adopts a resolution under IC 4-35-12-3  
 35 authorizing a trustee appointed in an approved power of attorney  
 36 submitted by the permit holder to conduct gambling games under  
 37 IC 4-35-12.  
 38 (2) The commission revokes the trustee's authority to conduct  
 39 gambling games as provided by IC 4-35-12-12.  
 40 (3) A new permit holder assumes control of the racetrack, ~~slot~~  
 41 ~~machine gambling game~~ facility, and related properties.

42 (d) A trustee appointed by the commission under this section shall



1 exercise the trustee's powers in accordance with:

- 2 (1) the model power of attorney established by the executive  
3 director under section 13.2 of this chapter; and  
4 (2) IC 4-35-12.

5 SECTION 26. IC 4-35-5-2, AS ADDED BY P.L.233-2007,  
6 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2015]: Sec. 2. (a) Before issuing a license to a person under  
8 this chapter, the commission shall subject the person to a background  
9 investigation similar to a background investigation required for an  
10 applicant for a riverboat owner's license under IC 4-33-6.

11 (b) Before the commission may issue a license to a person under this  
12 chapter, the person must submit to the commission for the  
13 commission's approval the physical layout of the person's proposed ~~slot~~  
14 ~~machines~~ **gambling games** and the facilities that will contain the  
15 proposed ~~slot machines~~ **gambling games**. The facilities that will  
16 contain the ~~slot machines~~ **gambling games** must be connected to the  
17 licensee's racetrack facilities.

18 SECTION 27. IC 4-35-6-1, AS AMENDED BY P.L.229-2013,  
19 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2015]: Sec. 1. A person may not:

- 21 (1) sell;  
22 (2) lease; or  
23 (3) contract to sell or lease;

24 a slot machine, **table game**, limited mobile gaming system, or mobile  
25 gaming device to a licensee unless the person holds a supplier's license  
26 originally issued under IC 4-33-7-1 or renewed under IC 4-33-7-8.

27 SECTION 28. IC 4-35-7-1, AS ADDED BY P.L.233-2007,  
28 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2015]: Sec. 1. Gambling games authorized under this article  
30 may not be conducted anywhere other than a ~~slot machine~~ **gambling**  
31 **game** facility located at a racetrack.

32 SECTION 29. IC 4-35-7-1.5, AS ADDED BY P.L.229-2013,  
33 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2015]: Sec. 1.5. (a) A licensee may request approval from the  
35 commission to use a limited mobile gaming system in the gambling  
36 operations of the licensee.

37 (b) The commission may approve the use of a limited mobile  
38 gaming system to allow a patron to wager on gambling games while  
39 present in the gaming area (as defined under the rules of the  
40 commission) of a ~~slot machine~~ **gambling game** facility licensed under  
41 this article. A patron may not transmit a wager using a mobile gaming  
42 device while present in any other location.



1 SECTION 30. IC 4-35-7-2, AS ADDED BY P.L.233-2007,  
 2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2015]: Sec. 2. (a) A person who is less than twenty-one (21)  
 4 years of age may not wager ~~on a slot machine~~. **under this article.**

5 (b) Except as provided in subsection (c), a person who is less than  
 6 twenty-one (21) years of age may not be present in the area of a  
 7 racetrack where gambling games are conducted.

8 (c) A person who is at least eighteen (18) years of age and who is an  
 9 employee of the racetrack may be present in the area of the racetrack  
 10 where gambling games are conducted. However, an employee who is  
 11 less than twenty-one (21) years of age may not perform any function  
 12 involving gambling by the patrons of the licensee's ~~slot machine~~  
 13 **gambling game** facility.

14 SECTION 31. IC 4-35-7-4, AS ADDED BY P.L.233-2007,  
 15 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2015]: Sec. 4. The following may inspect a licensee's ~~slot~~  
 17 **machine gambling game** facility at any time to determine if this article  
 18 is being violated:

19 (1) Employees of the commission.

20 (2) Officers of the state police department.

21 SECTION 32. IC 4-35-7-5, AS ADDED BY P.L.233-2007,  
 22 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2015]: Sec. 5. Employees of the commission have the right to  
 24 be present in a licensee's ~~slot machine~~ **gambling game** facility.

25 SECTION 33. IC 4-35-7-6, AS AMENDED BY P.L.229-2013,  
 26 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2015]: Sec. 6. ~~A slot machine~~ **Gambling equipment and**  
 28 **supplies customarily used in conducting gambling games** may be  
 29 purchased or leased only from a supplier licensed under IC 4-33-7.

30 SECTION 34. IC 4-35-7-7, AS ADDED BY P.L.233-2007,  
 31 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2015]: Sec. 7. Except as provided in ~~section sections~~ **14 and**  
 33 **19** of this chapter, slot machine wagering is the only form of wagering  
 34 permitted in a licensee's slot machine facility.

35 SECTION 35. IC 4-35-7-8, AS ADDED BY P.L.233-2007,  
 36 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2015]: Sec. 8. Wagers may be received only from a person  
 38 present in a licensee's ~~slot machine~~ **gambling game** facility. A person  
 39 present in a licensee's ~~slot machine~~ **gambling game** facility may not  
 40 place or attempt to place a wager on behalf of a person who is not  
 41 present in the licensee's ~~slot machine~~ **gambling game** facility.

42 SECTION 36. IC 4-35-7-9, AS AMENDED BY P.L.229-2013,



1 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2015]: Sec. 9. (a) A patron may make a **slot machine**  
3 **gambling game** wager at a racetrack only by means of:

- 4 (1) a **chip, a** token, or an electronic card, acquired from a licensee  
5 at the licensee's racetrack; or  
6 (2) money or other negotiable currency.

7 (b) A **chip, a** token, or an electronic card may be acquired by means  
8 of an agreement under which a licensee extends credit to the patron.

9 (c) All winnings and payoffs from a **slot machine gambling game**  
10 at a racetrack:

- 11 (1) ~~shall~~ **must** be made in **chips**, tokens, electronic cards, paper  
12 tickets, or other evidence of winnings and payoffs approved by  
13 the commission; and  
14 (2) may not be made in money or other negotiable currency.

15 SECTION 37. IC 4-35-7-10, AS ADDED BY P.L.233-2007,  
16 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2015]: Sec. 10. A **chip, a** token, or an electronic card  
18 described in section 9 of this chapter may be used by a patron while the  
19 patron is present at the racetrack only to make a wager on a **slot**  
20 **machine gambling game** authorized under this article.

21 SECTION 38. IC 4-35-7-12, AS AMENDED BY P.L.210-2013,  
22 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2015]: Sec. 12. (a) The Indiana horse racing commission shall  
24 enforce the requirements of this section.

25 (b) A licensee shall before the fifteenth day of each month distribute  
26 the following amounts for the support of the Indiana horse racing  
27 industry:

- 28 (1) An amount equal to fifteen percent (15%) of the adjusted  
29 gross receipts of the slot machine wagering from the previous  
30 month at each casino operated by the licensee with respect to  
31 adjusted gross receipts received after June 30, 2013, and before  
32 January 1, 2014.

- 33 (2) The percentage of the adjusted gross receipts of the slot  
34 machine wagering from the previous month at each casino  
35 operated by the licensee that is determined under section 16 or 17  
36 of this chapter with respect to adjusted gross receipts received  
37 after December 31, 2013, **and before July 1, 2015.**

- 38 **(3) The percentage of the adjusted gross receipts of the**  
39 **gambling game wagering from the previous month at each**  
40 **casino operated by the licensee that is determined under**  
41 **section 16 or 17 of this chapter with respect to adjusted gross**  
42 **receipts received after June 30, 2015.**



1 (c) The Indiana horse racing commission may not use any of the  
 2 money distributed under this section for any administrative purpose or  
 3 other purpose of the Indiana horse racing commission.

4 (d) A licensee shall distribute the money devoted to horse racing  
 5 purses and to horsemen's associations under this subsection as follows:

6 (1) Five-tenths percent (0.5%) shall be transferred to horsemen's  
 7 associations for equine promotion or welfare according to the  
 8 ratios specified in subsection (g).

9 (2) Two and five-tenths percent (2.5%) shall be transferred to  
 10 horsemen's associations for backside benevolence according to  
 11 the ratios specified in subsection (g).

12 (3) Ninety-seven percent (97%) shall be distributed to promote  
 13 horses and horse racing as provided in subsection (f).

14 (e) A horsemen's association shall expend the amounts distributed  
 15 to the horsemen's association under subsection (d)(1) through (d)(2) for  
 16 a purpose promoting the equine industry or equine welfare or for a  
 17 benevolent purpose that the horsemen's association determines is in the  
 18 best interests of horse racing in Indiana for the breed represented by the  
 19 horsemen's association. Expenditures under this subsection are subject  
 20 to the regulatory requirements of subsection (h).

21 (f) A licensee shall distribute the amounts described in subsection  
 22 (d)(3) as follows:

23 (1) Forty-six percent (46%) for thoroughbred purposes as follows:

24 (A) Sixty percent (60%) for the following purposes:

25 (i) Ninety-seven percent (97%) for thoroughbred purses.

26 (ii) Two and four-tenths percent (2.4%) to the horsemen's  
 27 association representing thoroughbred owners and trainers.

28 (iii) Six-tenths percent (0.6%) to the horsemen's association  
 29 representing thoroughbred owners and breeders.

30 (B) Forty percent (40%) to the breed development fund  
 31 established for thoroughbreds under IC 4-31-11-10.

32 (2) Forty-six percent (46%) for standardbred purposes as follows:

33 (A) Three hundred seventy-five thousand dollars (\$375,000)  
 34 to the state fair commission to be used by the state fair  
 35 commission to support standardbred racing and facilities at the  
 36 state fairgrounds.

37 (B) One hundred twenty-five thousand dollars (\$125,000) to  
 38 the state fair commission to be used by the state fair  
 39 commission to make grants to county fairs to support  
 40 standardbred racing and facilities at county fair tracks. The  
 41 state fair commission shall establish a review committee to  
 42 include the standardbred association board, the Indiana horse



- 1 racing commission, and the Indiana county fair association to  
 2 make recommendations to the state fair commission on grants  
 3 under this clause.
- 4 (C) Fifty percent (50%) of the amount remaining after the  
 5 distributions under clauses (A) and (B) for the following  
 6 purposes:
- 7 (i) Ninety-six and five-tenths percent (96.5%) for  
 8 standardbred purses.
- 9 (ii) Three and five-tenths percent (3.5%) to the horsemen's  
 10 association representing standardbred owners and trainers.
- 11 (D) Fifty percent (50%) of the amount remaining after the  
 12 distributions under clauses (A) and (B) to the breed  
 13 development fund established for standardbreds under  
 14 IC 4-31-11-10.
- 15 (3) Eight percent (8%) for quarter horse purposes as follows:
- 16 (A) Seventy percent (70%) for the following purposes:
- 17 (i) Ninety-five percent (95%) for quarter horse purses.
- 18 (ii) Five percent (5%) to the horsemen's association  
 19 representing quarter horse owners and trainers.
- 20 (B) Thirty percent (30%) to the breed development fund  
 21 established for quarter horses under IC 4-31-11-10.
- 22 Expenditures under this subsection are subject to the regulatory  
 23 requirements of subsection (h).
- 24 (g) Money distributed under subsection (d)(1) and (d)(2) shall be  
 25 allocated as follows:
- 26 (1) Forty-six percent (46%) to the horsemen's association  
 27 representing thoroughbred owners and trainers.
- 28 (2) Forty-six percent (46%) to the horsemen's association  
 29 representing standardbred owners and trainers.
- 30 (3) Eight percent (8%) to the horsemen's association representing  
 31 quarter horse owners and trainers.
- 32 (h) Money distributed under this section may not be expended  
 33 unless the expenditure is for a purpose authorized in this section and is  
 34 either for a purpose promoting the equine industry or equine welfare or  
 35 is for a benevolent purpose that is in the best interests of horse racing  
 36 in Indiana or the necessary expenditures for the operations of the  
 37 horsemen's association required to implement and fulfill the purposes  
 38 of this section. The Indiana horse racing commission may review any  
 39 expenditure of money distributed under this section to ensure that the  
 40 requirements of this section are satisfied. The Indiana horse racing  
 41 commission shall adopt rules concerning the review and oversight of  
 42 money distributed under this section and shall adopt rules concerning





1 the enforcement of this section. The following apply to a horsemen's  
2 association receiving a distribution of money under this section:

3 (1) The horsemen's association must annually file a report with  
4 the Indiana horse racing commission concerning the use of the  
5 money by the horsemen's association. The report must include  
6 information as required by the commission.

7 (2) The horsemen's association must register with the Indiana  
8 horse racing commission.

9 The state board of accounts shall annually audit the accounts, books,  
10 and records of the Indiana horse racing commission, each horsemen's  
11 association, a licensee, and any association for backside benevolence  
12 containing any information relating to the distribution of money under  
13 this section.

14 (i) The commission shall provide the Indiana horse racing  
15 commission with the information necessary to enforce this section.

16 (j) The Indiana horse racing commission shall investigate any  
17 complaint that a licensee has failed to comply with the horse racing  
18 purse requirements set forth in this section. If, after notice and a  
19 hearing, the Indiana horse racing commission finds that a licensee has  
20 failed to comply with the purse requirements set forth in this section,  
21 the Indiana horse racing commission may:

22 (1) issue a warning to the licensee;

23 (2) impose a civil penalty that may not exceed one million dollars  
24 (\$1,000,000); or

25 (3) suspend a meeting permit issued under IC 4-31-5 to conduct  
26 a pari-mutuel wagering horse racing meeting in Indiana.

27 (k) A civil penalty collected under this section must be deposited in  
28 the state general fund.

29 SECTION 39. IC 4-35-7-16, AS ADDED BY P.L.210-2013,  
30 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2015]: Sec. 16. (a) The amount of ~~slot machine~~ **gambling**  
32 **game** revenue that must be distributed under section 12(b)(2) of this  
33 chapter must be determined in a distribution agreement entered into by  
34 negotiation committees representing all licensees and the horsemen's  
35 associations having contracts with licensees that have been approved  
36 by the Indiana horse racing commission.

37 (b) Each horsemen's association shall appoint a representative to a  
38 negotiation committee to negotiate the distribution agreement required  
39 by subsection (a). If there ~~are~~ **is** an even number of horsemen's  
40 associations appointing representatives to the committee, the members  
41 appointed by each horsemen's association shall jointly appoint an  
42 at-large member of the negotiation committee to represent the interests



1 of all of the horsemen's associations. The at-large member is entitled  
 2 to the same rights and privileges of the members appointed by the  
 3 horsemen's associations.

4 (c) Each licensee shall appoint a representative to a negotiation  
 5 committee to negotiate the distribution agreement required by  
 6 subsection (a). If there ~~are~~ **is** an even number of licensees, the members  
 7 appointed by each licensee shall jointly appoint an at-large member of  
 8 the negotiation committee to represent the interests of all of the  
 9 licensees. The at-large member is entitled to the same rights and  
 10 privileges of the members appointed by the licensees.

11 (d) If a majority of the members of each negotiation committee ~~are~~  
 12 **is** present, the negotiation committees may negotiate and enter into a  
 13 distribution agreement binding all horsemen's associations and all  
 14 licensees as required by subsection (a).

15 (e) The initial distribution agreement entered into by the negotiation  
 16 committees:

17 (1) must be in writing;

18 (2) must be submitted to the Indiana horse racing commission  
 19 before October 1, 2013;

20 (3) must be approved by the Indiana horse racing commission  
 21 before January 1, 2014; and

22 (4) may contain any terms determined to be necessary and  
 23 appropriate by the negotiation committees, subject to subsection  
 24 (f) and section 12 of this chapter.

25 (f) A distribution agreement must provide that at least ten percent  
 26 (10%) and not more than twelve percent (12%) of a licensee's adjusted  
 27 gross receipts must be distributed under section 12(b)(2) of this  
 28 chapter. A distribution agreement applies to adjusted gross receipts  
 29 received by the licensee after December 31 of the calendar year in  
 30 which the distribution agreement is approved by the Indiana horse  
 31 racing commission.

32 (g) A distribution agreement may expire on December 31 of a  
 33 particular calendar year if a subsequent distribution agreement will take  
 34 effect on January 1 of the following calendar year. A subsequent  
 35 distribution agreement:

36 (1) is subject to the approval of the Indiana horse racing  
 37 commission; and

38 (2) must be submitted to the Indiana horse racing commission  
 39 before October 1 of the calendar year preceding the calendar year  
 40 in which the distribution agreement will take effect.

41 (h) The Indiana horse racing commission shall annually report to the  
 42 budget committee on the effect of each distribution agreement on the



1 Indiana horse racing industry before January 1 of the following  
2 calendar year.

3 SECTION 40. IC 4-35-7-19 IS ADDED TO THE INDIANA CODE  
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
5 1, 2015]: **Sec. 19. (a) For purposes of this section, "electronic table  
6 games" means:**

- 7 (1) baccarat;  
8 (2) blackjack;  
9 (3) poker;  
10 (4) craps; or  
11 (5) roulette;

12 **that a person plays at a table with multiple positions and the game  
13 operates on a random number generator without human  
14 assistance.**

15 (b) A licensee may submit a plan to the commission for  
16 conducting wagering on table games at the licensee's gambling  
17 game facility. A licensee must submit a table game plan before the  
18 date designated by the commission. Upon receipt of an appropriate  
19 plan, the commission shall authorize wagering on table games at  
20 the licensee's gambling game facility. Except as provided in  
21 subsection (b), a licensee:

- 22 (1) may not install more table game positions than the number  
23 of positions proposed in the table game plan submitted to the  
24 commission;  
25 (2) must remove one (1) electronic table game from its  
26 gambling game facility for each table game the licensee  
27 installs; and  
28 (3) may have a number of table games equal only to fifty  
29 percent (50%) of the electronic table games the licensee had  
30 in operation on February 1, 2015.

31 (c) After five (5) years of conducting table games under a plan  
32 approved under subsection (b), a licensee may apply to the  
33 commission for approval to install additional table game positions.

34 SECTION 41. IC 4-35-8-5, AS ADDED BY P.L.229-2013,  
35 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2015]: **Sec. 5. (a) This section applies to adjusted gross  
37 receipts from wagering on gambling games that occurs:**

- 38 (1) after the effective date of this section, as added by SEA  
39 528-2013; but  
40 (2) before July 1, ~~2016~~ **2018**.

41 (b) As used in this section, "qualified wagering" refers to wagers  
42 made by patrons using noncashable vouchers, coupons, electronic



1 credits, or electronic promotions provided by the licensee.

2 (c) Subject to subsection (d), a licensee may at any time during the  
3 state fiscal year deduct from the adjusted gross receipts reported by the  
4 licensee the adjusted gross receipts attributable to qualified wagering.  
5 A licensee must take a deduction under this section on a form and in  
6 the manner prescribed by the department.

7 (d) A licensee may not deduct more than the following amounts in  
8 a particular state fiscal year:

9 (1) Two million five hundred thousand dollars (\$2,500,000) in a  
10 state fiscal year ending before July 1, 2013.

11 (2) Five million dollars (\$5,000,000) in a state fiscal year  
12 beginning after June 30, 2013, and ending before July 1, ~~2016~~  
13 **2018.**

14 (e) Deductions under this section also apply to a licensee's adjusted  
15 gross receipts for purposes of the following statutes:

16 (1) IC 4-35-7-12.

17 (2) IC 4-35-8.5.

18 (3) IC 4-35-8.9.

19 SECTION 42. IC 4-35-8.3 IS ADDED TO THE INDIANA CODE  
20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2015]:

22 **Chapter 8.3. Historic Hotel District Community Support Fee**

23 **Sec. 1. This chapter applies to a state fiscal year beginning after**  
24 **June 30, 2015.**

25 **Sec. 2. Before October 1 of each year, a licensee shall pay to the**  
26 **department an annual historic hotel district community support fee**  
27 **equal to:**

28 (1) **one million two hundred fifty thousand dollars**  
29 **(\$1,250,000); multiplied by**

30 (2) **the number of gambling game facilities operated by the**  
31 **licensee under this article.**

32 **Sec. 3. The department shall deposit the fees received under**  
33 **section 2 of this chapter in the state general fund.**

34 **Sec. 4. Before December 1 of each year, the auditor of state shall**  
35 **distribute an amount equal to the fees deposited in that year under**  
36 **section 3 of this chapter to communities and schools located near**  
37 **a historic hotel district and the Indiana economic development**  
38 **commission as follows:**

39 (1) **Twenty-nine and thirty-three hundredths percent**  
40 **(29.33%) to the county treasurer of Orange County. The**  
41 **county treasurer shall distribute the money received under**  
42 **this subdivision as follows:**



- 1 (A) Twenty-two and seventy-five hundredths percent  
2 (22.75%) to the county treasurer of Dubois County for  
3 appropriation by the county fiscal body after receiving a  
4 recommendation from the county executive. The county  
5 fiscal body shall provide for the distribution of the money  
6 received under this clause to one (1) or more taxing units  
7 (as defined in IC 6-1.1-1-21) in the county under a formula  
8 established by the county fiscal body after receiving a  
9 recommendation from the county executive.
- 10 (B) Twenty-two and seventy-five hundredths percent  
11 (22.75%) to the county treasurer of Crawford County for  
12 appropriation by the county fiscal body. The county fiscal  
13 body shall provide for the distribution of the money  
14 received under this clause to one (1) or more taxing units  
15 (as defined in IC 6-1.1-1-21) in the county under a formula  
16 established by the county fiscal body after receiving a  
17 recommendation from the county executive.
- 18 (C) Fifty-four and five-tenths percent (54.5%) to be  
19 retained by the county treasurer of Orange County for  
20 appropriation by the county fiscal body after receiving a  
21 recommendation from the county executive.
- 22 (2) Six and sixty-seven hundredths percent (6.67%) to the  
23 fiscal officer of the town of Orleans. At least twenty percent  
24 (20%) of the money received by the town under this  
25 subdivision must be transferred to the Orleans Community  
26 Schools.
- 27 (3) Six and sixty-seven hundredths percent (6.67%) to the  
28 fiscal officer of the town of Paoli. At least twenty percent  
29 (20%) of the money received by the town under this  
30 subdivision must be transferred to the Paoli Community  
31 School Corporation.
- 32 (4) Twenty-six and sixty-seven hundredths percent (26.67%)  
33 to be paid in equal amounts to the fiscal officers of the towns  
34 of French Lick and West Baden Springs. At least twenty  
35 percent (20%) of the money received by a town under this  
36 subdivision must be transferred to the Springs Valley  
37 Community School Corporation.
- 38 (5) Thirty and sixty-six hundredths percent (30.66%) to be  
39 paid to the Indiana economic development corporation to be  
40 used by the corporation for the development and  
41 implementation of a regional economic development strategy  
42 to assist the residents of Orange County and the counties



1           **contiguous to Orange County in improving their quality of life**  
 2           **and to help promote successful and sustainable communities.**

3           **Sec. 5. Money distributed to a unit of local government under**  
 4 **section 4 of this chapter:**

5           **(1) must be paid to the fiscal officer of the unit and may be**  
 6 **deposited in the unit's general fund or riverboat fund**  
 7 **established under IC 36-1-8-9, or both;**

8           **(2) may not be used to reduce the unit's maximum levy under**  
 9 **IC 6-1.1-18.5 but may be used at the discretion of the unit to**  
 10 **reduce the property tax levy of the unit for a particular year;**

11           **(3) may be used for any legal or corporate purpose of the unit,**  
 12 **including the pledge of money to bonds, leases, or other**  
 13 **obligations under IC 5-1-14-4; and**

14           **(4) is considered miscellaneous revenue.**

15           SECTION 43. IC 4-35-8.5-1, AS ADDED BY P.L.233-2007,  
 16 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2015]: Sec. 1. (a) Before the fifteenth day of each month, a  
 18 licensee that offers ~~slot machine~~ **gambling game** wagering under this  
 19 article shall pay to the commission a county ~~slot machine~~ **gambling**  
 20 **game** wagering fee equal to three percent (3%) of the adjusted gross  
 21 receipts received from ~~slot machine~~ **gambling game** wagering during  
 22 the previous month at the licensee's racetrack. However, a licensee is  
 23 not required to pay more than eight million dollars (\$8,000,000) of  
 24 county ~~slot machine~~ **gambling game** wagering fees under this section  
 25 in any state fiscal year.

26           (b) The commission shall deposit the county ~~slot machine~~ **gambling**  
 27 **game** wagering fee received by the commission into a separate account  
 28 within the state general fund.

29           SECTION 44. IC 4-35-8.5-2, AS ADDED BY P.L.233-2007,  
 30 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2015]: Sec. 2. Before the fifteenth day of each month, the  
 32 treasurer of state shall distribute any county ~~slot machine~~ **gambling**  
 33 **game** wagering fees received from a licensee during the previous  
 34 month to the county auditor of the county in which the licensee's  
 35 racetrack is located.

36           SECTION 45. IC 4-35-8.5-3, AS ADDED BY P.L.233-2007,  
 37 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2015]: Sec. 3. The auditor of each county receiving a  
 39 distribution of county ~~slot machine~~ **gambling game** wagering fees  
 40 under section 2 of this chapter shall distribute the county ~~slot machine~~  
 41 **gambling game** wagering fees as follows:

42           (1) To each city located in the county according to the ratio the



1 city's population bears to the total population of the county.

2 (2) To each town located in the county according to the ratio the  
3 town's population bears to the total population of the county.

4 (3) After the distributions required by subdivisions (1) and (2) are  
5 made, the remainder shall be retained by the county.

6 SECTION 46. IC 4-35-8.7-2, AS AMENDED BY P.L.142-2009,  
7 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2015]: Sec. 2. A licensee that offers ~~slot machine~~ wagering **on**  
9 **gambling games** under this article shall annually pay to the Indiana  
10 horse racing commission a gaming integrity fee equal to two hundred  
11 fifty thousand dollars (\$250,000) for each racetrack at which the  
12 licensee offers ~~slot machine~~ wagering **on gambling games**. The  
13 Indiana horse racing commission shall deposit gaming integrity fees in  
14 the fund.

15 SECTION 47. IC 4-35-8.8-3, AS ADDED BY P.L.233-2007,  
16 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2015]: Sec. 3. The division may use problem gambling fees  
18 paid to the division under this chapter only for the prevention and  
19 treatment of compulsive gambling that is related to ~~slot machine~~  
20 ~~wagering and other~~ gambling allowed under **this article and IC 4-33**.

21 SECTION 48. IC 4-35-9-2, AS ADDED BY P.L.233-2007,  
22 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2015]: Sec. 2. A person who knowingly or intentionally aids,  
24 induces, or causes a person who is:

25 (1) less than twenty-one (21) years of age; and

26 (2) not an employee of a licensee;

27 to enter or attempt to enter the licensee's ~~slot machine~~ **gambling game**  
28 facility commits a Class A misdemeanor.

29 SECTION 49. IC 4-35-9-3.5, AS ADDED BY P.L.158-2013,  
30 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2015]: Sec. 3.5. (a) A person who:

32 (1) is not an employee of a licensee;

33 (2) is less than twenty-one (21) years of age; and

34 (3) enters the licensee's ~~slot machine~~ **gambling game** facility;  
35 commits a Class C infraction.

36 (b) A person who:

37 (1) is not an employee of a licensee;

38 (2) is less than twenty-one (21) years of age; and

39 (3) attempts to enter the licensee's ~~slot machine~~ **gambling game**  
40 facility;

41 commits a Class C infraction.

42 SECTION 50. IC 4-35-9-4, AS ADDED BY P.L.233-2007,



1 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2015]: Sec. 4. A person who knowingly or intentionally:

3 (1) makes a false statement on an application submitted under this  
4 article;

5 (2) conducts a gambling game in a manner other than the manner  
6 required under this article; or

7 (3) wagers or accepts a wager at a location other than a licensee's  
8 **slot machine gambling game** facility;

9 commits a Class A misdemeanor.

10 SECTION 51. IC 4-35-11-1, AS ADDED BY P.L.233-2007,  
11 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2015]: Sec. 1. This chapter applies to persons holding a permit  
13 to operate a racetrack under IC 4-31-5 at which **slot machines**  
14 **gambling games** are licensed under this article.

15 SECTION 52. IC 4-35-11-2, AS ADDED BY P.L.233-2007,  
16 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2015]: Sec. 2. The general assembly declares that it is  
18 essential for minority and women's business enterprises to have the  
19 opportunity for full participation in the racetrack industry if minority  
20 and women's business enterprises are to obtain social and economic  
21 parity and if the economies of the cities, towns, and counties in which  
22 **slot machines gambling games** are operated at racetracks are to be  
23 stimulated as contemplated by this article.

24 SECTION 53. IC 4-35-12-9, AS ADDED BY P.L.142-2009,  
25 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2015]: Sec. 9. A trustee acting under the authority of this  
27 chapter may conduct the operations of any hotel, restaurant, golf  
28 course, or other amenity related to the racetrack's **slot machine**  
29 **gambling game** facility.

30 SECTION 54. IC 4-36-1-3, AS ADDED BY P.L.95-2008,  
31 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2015]: Sec. 3. This article does not apply to the following:

33 (1) The Indiana state lottery established under IC 4-30.

34 (2) Pari-mutuel horse racing under IC 4-31.

35 (3) Charity gaming under IC 4-32.2.

36 (4) Riverboat gambling under IC 4-33.

37 (5) **Slot machine Wagering on gambling games** under IC 4-35.

38 SECTION 55. IC 6-3.1-20-7, AS AMENDED BY P.L.166-2014,  
39 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2015]: Sec. 7. (a) The department shall before July 1 of each  
41 year determine the greater of:

42 (1) eight million five hundred thousand dollars (\$8,500,000); or





- 1 (2) the amount of credits allowed under this chapter for taxable  
 2 years ending before January 1 of the year.
- 3 (b) Except as provided in subsection (d), one-half (1/2) of the  
 4 amount determined by the department under subsection (a) shall be:  
 5 (1) deducted during the year from the riverboat admissions tax  
 6 revenue otherwise payable to the county under  
 7 ~~IC 4-33-12-6(d)(2)~~; **IC 4-33-12-6(c)(2)**; and  
 8 (2) paid instead to the state general fund.
- 9 (c) Except as provided in subsection (d), one-sixth (1/6) of the  
 10 amount determined by the department under subsection (a) shall be:  
 11 (1) deducted during the year from the riverboat admissions tax  
 12 revenue otherwise payable under ~~IC 4-33-12-6(d)(1)~~  
 13 **IC 4-33-12-6(c)(1)** to each of the following:  
 14 (A) The largest city by population located in the county.  
 15 (B) The second largest city by population located in the  
 16 county.  
 17 (C) The third largest city by population located in the county;  
 18 and  
 19 (2) paid instead to the state general fund.
- 20 (d) If the amount determined by the department under subsection  
 21 (a)(2) is less than eight million five hundred thousand dollars  
 22 (\$8,500,000), the difference of:  
 23 (1) eight million five hundred thousand dollars (\$8,500,000);  
 24 minus  
 25 (2) the amount determined by the department under subsection  
 26 (a)(2);  
 27 shall be paid to the northwest Indiana regional development authority  
 28 established by IC 36-7.5-2-1 instead of the state general fund. Any  
 29 amounts paid under this subsection shall be used by the northwest  
 30 Indiana regional development authority only to establish or improve  
 31 public mass rail transportation systems in Lake County.
- 32 SECTION 56. IC 6-3.1-35 IS ADDED TO THE INDIANA CODE  
 33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 34 JANUARY 1, 2016]:
- 35 **Chapter 35. Indiana Gaming Investment Tax Credit**  
 36 **Sec. 1. As used in this chapter, "gaming facility" means the**  
 37 **following:**  
 38 (1) A riverboat.  
 39 (2) A facility at which gambling games may be conducted at  
 40 a racetrack under IC 4-35-7.  
 41 **Sec. 2. As used in this chapter, "licensed owner" has the**  
 42 **meaning set forth in IC 4-33-2-13.**



1           **Sec. 3. As used in this chapter, "operating agent" has the**  
 2 **meaning set forth in IC 4-33-2-14.5.**

3           **Sec. 4. As used in this chapter, "pass through entity" means:**

- 4           **(1) a corporation that is exempt from the adjusted gross**  
 5 **income tax under IC 6-3-2-2.8(2);**  
 6           **(2) a partnership;**  
 7           **(3) a limited liability company; or**  
 8           **(4) a limited liability partnership.**

9           **Sec. 5. As used in this chapter, "permit holder" means a permit**  
 10 **holder under IC 4-35 that has been issued a license under IC 4-35-5**  
 11 **to conduct gambling games at the permit holder's racetrack.**

12           **Sec. 6. As used in this chapter, "qualified capital investment"**  
 13 **means any capital investment that:**

- 14           **(1) is made by a licensed owner, an operating agent, or a**  
 15 **permit holder;**  
 16           **(2) exceeds two million dollars (\$2,000,000);**  
 17           **(3) subject to section 12(d) of this chapter, is made for:**  
 18           **(A) onsite infrastructure improvements for the property on**  
 19 **which a gaming facility is located;**  
 20           **(B) construction of a gaming facility or other buildings or**  
 21 **improvements on the property on which a gaming facility**  
 22 **is located;**  
 23           **(C) rehabilitation, alteration, or major repair of a gaming**  
 24 **facility or of existing buildings or improvements on the**  
 25 **property on which a gaming facility is located; or**  
 26           **(D) installation of fixtures and equipment (other than**  
 27 **fixtures or equipment directly related to gaming) in a**  
 28 **gaming facility or in another building or improvements on**  
 29 **the property on which a gaming facility is located; and**  
 30           **(4) is made after December 31, 2015, and before January 1,**  
 31 **2021; and**  
 32           **(5) is approved by the Indiana economic development**  
 33 **corporation under section 12 of this chapter as a qualified**  
 34 **capital investment.**

35           **Sec. 7. As used in this chapter, "riverboat" has the meaning set**  
 36 **forth in IC 4-33-2-17.**

37           **Sec. 8. As used in this chapter, "state income tax liability"**  
 38 **means a taxpayer's total tax liability that is incurred under**  
 39 **IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax), as**  
 40 **computed after the application of the credits that under**  
 41 **IC 6-3.1-1-2 are to be applied before the credit provided by this**  
 42 **chapter.**



1           **Sec. 9. (a) A taxpayer that:**

2               **(1) is a licensed owner, an operating agent, or a permit holder;**  
3               **and**

4               **(2) makes a qualified capital investment during a taxable**  
5               **year;**

6           **is entitled to a credit against the taxpayer's state income tax**  
7           **liability for that taxable year.**

8               **(b) The amount of the credit to which a taxpayer is entitled is**  
9               **equal to ten percent (10%) multiplied by the qualified capital**  
10              **investment made by the taxpayer during the taxable year.**

11           **Sec. 10. (a) If the amount determined under section 9(b) of this**  
12           **chapter for a taxpayer in a taxable year exceeds the taxpayer's**  
13           **state income tax liability for that taxable year, the taxpayer may**  
14           **carry the excess over to the following nine (9) taxable years. The**  
15           **amount of the credit carryover from a taxable year shall be**  
16           **reduced to the extent that the carryover is used by the taxpayer to**  
17           **obtain a credit under this chapter for any subsequent taxable year.**

18               **(b) A taxpayer is not entitled to a carryback or refund of any**  
19               **unused credit.**

20               **(c) A taxpayer is not entitled to a credit under this chapter for**  
21               **a qualified capital investment if the taxpayer claims any other state**  
22               **tax credit for that same qualified capital investment.**

23           **Sec. 11. The total amount of tax credits awarded under this**  
24           **chapter may not exceed forty million dollars (\$40,000,000) in a**  
25           **state fiscal year.**

26           **Sec. 12. (a) To be entitled to a credit under this chapter, a**  
27           **taxpayer must request the Indiana economic development**  
28           **corporation to determine whether costs incurred are qualified**  
29           **capital investments as required by this chapter.**

30               **(b) The request under subsection (a) must be made before the**  
31               **costs are incurred.**

32               **(c) The Indiana economic development corporation must find**  
33               **that costs meet the requirements of qualified capital investments**  
34               **under this chapter, as determined under the standards adopted by**  
35               **the Indiana economic development corporation.**

36               **(d) This subsection applies to costs incurred for a building or**  
37               **improvement that is not a gaming facility. The costs incurred for:**

38                   **(1) the construction of the buildings or improvements on the**  
39                   **property on which a gaming facility is located;**

40                   **(2) the rehabilitation, alteration, or major repair of an**  
41                   **existing building or improvement on the property on which a**  
42                   **gaming facility is located; or**



1           (3) the installation of fixtures and equipment in a building or  
2           improvements on the property on which a gaming facility is  
3           located;

4           are not eligible for the tax credit under this chapter unless the  
5           Indiana economic development corporation determines that the  
6           building or improvement is directly related to hospitality and that  
7           the building or improvement will enhance the experience of the  
8           patrons of the gaming facility.

9           (e) The costs incurred for fixtures or equipment directly related  
10          to gaming are not eligible for the tax credit under this chapter.

11          Sec. 13. If a pass through entity is entitled to a credit under this  
12          chapter but does not have state income tax liability against which  
13          the tax credit may be applied, an individual who is a shareholder,  
14          partner, beneficiary, or member of the pass through entity is  
15          entitled to a tax credit equal to:

16           (1) the tax credit determined for the pass through entity for  
17           the taxable year; multiplied by

18           (2) the percentage of the pass through entity's distributive  
19           income to which the shareholder, partner, beneficiary, or  
20           member is entitled.

21          The credit provided under this section is in addition to a tax credit  
22          to which a shareholder, partner, beneficiary, or member of a pass  
23          through entity is entitled. However, a pass through entity and an  
24          individual who is a shareholder, partner, beneficiary, or member  
25          of a pass through entity may not claim more than one (1) credit for  
26          the same qualified capital investment.

27          Sec. 14. (a) A taxpayer may assign any part of the tax credit to  
28          which the taxpayer is entitled under this chapter if:

29           (1) the person to whom the tax credit is assigned is  
30           constructing a new amenity that:

31                (A) is directly related to the gaming facility; and

32                (B) will enhance the experience of the patrons of the  
33                gaming facility; and

34           (2) the Indiana economic development corporation approves  
35           the assignment of the tax credit.

36          (b) A tax credit that is assigned under this section remains  
37          subject to this chapter.

38          (c) An assignment of a tax credit under this section must be in  
39          writing, and both the taxpayer and the person to whom the tax  
40          credit is assigned must report the assignment on their state tax  
41          return for the year in which the assignment is made, in the manner  
42          prescribed by the department.



1       **Sec. 15. To receive the credit provided by this chapter, a**  
 2 **taxpayer must claim the credit on the taxpayer's state income tax**  
 3 **return or returns in the manner prescribed by the department. The**  
 4 **taxpayer shall submit to the department the certification of credit**  
 5 **by the Indiana economic development corporation, proof of**  
 6 **payment of the qualified capital investment, and all other**  
 7 **information that the department determines is necessary for the**  
 8 **calculation of the credit provided by this chapter and for the**  
 9 **determination of whether an investment cost is a qualified capital**  
 10 **investment for purposes of this chapter.**

11       SECTION 57. IC 12-23-2-5, AS AMENDED BY P.L.1-2009,  
 12 SECTION 107, IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2015]: Sec. 5. The general assembly shall  
 14 appropriate money from the addiction services fund solely for the  
 15 purpose of funding programs:

- 16       (1) that provide prevention services and intervention and  
 17       treatment services for individuals who are psychologically or  
 18       physiologically dependent upon alcohol or other drugs; and
- 19       (2) that are for the prevention and treatment of gambling  
 20       problems.

21       Programs funded by the addiction services fund must include the  
 22       creation and maintenance of a toll free telephone line under  
 23 ~~IC 4-33-12-6(g)(3)~~ **IC 4-33-12-6(f)(3)** to provide the public with  
 24       information about programs that provide help with gambling, alcohol,  
 25       and drug addiction problems.

26       SECTION 58. IC 36-7-11.5-11, AS AMENDED BY P.L.229-2011,  
 27 SECTION 266, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) As used in this section,  
 29 "fund" refers to the West Baden Springs historic hotel preservation and  
 30       maintenance fund established by subsection (b).

31       (b) The West Baden Springs historic hotel preservation and  
 32       maintenance fund is established. The fund consists of the following:

- 33       (1) Amounts deposited in the fund under IC 4-33-6.5-6,  
 34       ~~IC 4-33-12-6(c)~~, **IC 4-33-12-6 (before the enactment of**  
 35       **P.L.96-2010)**, and IC 4-33-13-5(b).
- 36       (2) Grants and gifts that the department of natural resources  
 37       receives for the fund under terms, obligations, and liabilities that  
 38       the department considers appropriate.
- 39       (3) The one million dollar (\$1,000,000) initial fee paid to the  
 40       gaming commission under IC 4-33-6.5.
- 41       (4) Any amount transferred to the fund upon the repeal of  
 42       IC 36-7-11.5-8 (the community trust fund).



1 The fund shall be administered by the department of natural resources.  
 2 The expenses of administering the fund shall be paid from money in  
 3 the fund.

4 (c) The treasurer of state shall invest the money in the fund that is  
 5 not currently needed to meet the obligations of the fund in the same  
 6 manner as other public funds may be invested. The treasurer of state  
 7 shall deposit in the fund the interest that accrues from the investment  
 8 of the fund.

9 (d) Money in the fund at the end of a state fiscal year does not revert  
 10 to the state general fund.

11 (e) **This subsection applies only to state fiscal years beginning**  
 12 **after June 30, 2015, and ending before July 1, 2020. One million**  
 13 **dollars (\$1,000,000) is appropriated from the fund to the**  
 14 **department of natural resources in each state fiscal year beginning**  
 15 **after June 30, 2015, and ending before July 1, 2020. The money**  
 16 **appropriated under this subsection may be used by the department**  
 17 **of natural resources only for the following purposes:**

18 (1) **To reimburse claims made for expenditures to maintain a**  
 19 **qualified historic hotel, as determined by the owner of the**  
 20 **hotel riverboat resort.**

21 (2) **To reimburse claims made for expenditures to maintain:**

22 (A) **the grounds surrounding a qualified historic hotel;**

23 (B) **supporting buildings and structures related to a**  
 24 **qualified historic hotel; and**

25 (C) **other facilities used by the guests of the qualified**  
 26 **historic hotel;**

27 **as determined by the owner of the hotel riverboat resort.**

28 **The department of natural resources shall promptly pay each**  
 29 **claim for a purpose described in this subsection, without review or**  
 30 **approval of the project or claim under IC 14-21 or IC 36-7-11.**  
 31 **IC 14-21-1-18 does not apply to projects or claims paid for**  
 32 **maintenance under this section. If insufficient money is available**  
 33 **to fully pay all of the submitted claims, the department of natural**  
 34 **resources shall pay the claims in the order in which they are**  
 35 **received until each claim is fully paid.**

36 (f) **This subsection applies only to state fiscal years beginning**  
 37 **after June 30, 2020. The interest accruing to the fund is annually**  
 38 **appropriated to the department of natural resources only for the**  
 39 **following purposes:**

40 (1) **To reimburse claims made for expenditures to maintain a**  
 41 **qualified historic hotel, as determined by the owner of the hotel**  
 42 **riverboat resort.**



- 1 (2) To reimburse claims made for expenditures to maintain:  
 2 (A) the grounds surrounding a qualified historic hotel;  
 3 (B) supporting buildings and structures related to a qualified  
 4 historic hotel; and  
 5 (C) other facilities used by the guests of the qualified historic  
 6 hotel;  
 7 as determined by the owner of the hotel riverboat resort.

8 **(f) (g) This subsection applies only to state fiscal years beginning**  
 9 **after June 30, 2020.** The department of natural resources shall  
 10 promptly pay each claim for a purpose described in subsection ~~(e)~~ **(f)**  
 11 to the extent of the balance of interest available in the fund, without  
 12 review or approval of the project or claim under IC 14-21 or  
 13 IC 36-7-11. IC 14-21-1-18 does not apply to projects or claims paid for  
 14 maintenance under this section. If insufficient money is available to  
 15 fully pay all of the submitted claims, the department of natural  
 16 resources shall pay the claims in the order in which they are received  
 17 until each claim is fully paid.

18 ~~(g)~~ **(h)** Notwithstanding IC 4-9.1-1-7, IC 4-12-1-12, IC 4-13-2-18,  
 19 or any other law, interest accruing to the fund may not be withheld,  
 20 transferred, assigned, or reassigned to a purpose other than the  
 21 reimbursement of claims under subsection ~~(f)~~: **(e) or (g)**.

22 SECTION 59. [EFFECTIVE JANUARY 1, 2016] **(a) IC 6-3.1-35,**  
 23 **as added by this act, applies to taxable years beginning after**  
 24 **December 31, 2015.**

25 **(b) This SECTION expires July 1, 2017.**

26 SECTION 60. P.L.229-2013, SECTION 39, IS REPEALED  
 27 [EFFECTIVE UPON PASSAGE]. ~~SECTION 39: (a) As used in this~~  
 28 ~~SECTION, "commission" refers to the Indiana gaming commission.~~

29 ~~(b) The commission shall conduct a study regarding the use of~~  
 30 ~~complimentary promotional credit programs by persons licensed under~~  
 31 ~~IC 4-33 and IC 4-35. The commission shall study the impact of~~  
 32 ~~complimentary credit programs on state gaming revenues.~~

33 ~~(c) The commission shall present its findings and recommendations;~~  
 34 ~~if any, to the budget committee before November 1, 2015.~~

35 ~~(d) This SECTION expires January 1, 2016.~~

36 SECTION 61. [EFFECTIVE UPON PASSAGE] **(a) The definitions**  
 37 **in IC 4-33-2 and IC 4-33-23 apply throughout this SECTION.**

38 **(b) The legislative council is urged to assign to an appropriate**  
 39 **interim study committee a study of the following:**

- 40 **(1) The extent to which local governments rely on tax**  
 41 **revenues received under IC 4-33-12 and IC 4-33-13, including**  
 42 **revenues received under IC 4-33-13-5 as revenue sharing or**



- 1 supplemental distributions.
- 2 (2) The extent to which local governments rely on economic
- 3 development payments received under development
- 4 agreements.
- 5 (3) The extent to which the local governments receiving tax
- 6 revenues under IC 4-33-12 and IC 4-33-13 and economic
- 7 development payments share revenue with other local
- 8 governments.
- 9 (4) The purposes for which local governments use tax
- 10 revenues under IC 4-33-12 and IC 4-33-13 and economic
- 11 development payments.
- 12 (5) The extent to which liability for the riverboat admissions
- 13 tax affects the competitiveness of Indiana's riverboats within
- 14 the regional gaming industry.
- 15 (6) The extent to which obligations under economic
- 16 development agreements affect the competitiveness of
- 17 Indiana's riverboats within the regional gaming industry.
- 18 (c) If an interim study committee is assigned the topics
- 19 described in subsection (b), the interim study committee shall
- 20 report its findings and recommendations, if any, to the legislative
- 21 council in an electronic format under IC 5-14-6 before November
- 22 1, 2015.
- 23 (d) This SECTION expires January 1, 2016.
- 24 SECTION 62. [EFFECTIVE JULY 1, 2015] (a) IC 4-33-13-1.5, as
- 25 amended by this act, applies to adjusted gross receipts received
- 26 from gambling games conducted after June 30, 2015.
- 27 (b) This SECTION expires July 1, 2016.
- 28 SECTION 63. An emergency is declared for this act.





## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1540, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 5 through 8.

Page 5, line 38, delete "July 1, 2014," and insert "**February 1, 2015,**".

Page 25, between lines 38 and 39, begin a new paragraph and insert: "SECTION 35. IC 4-35-7-12, AS AMENDED BY P.L.210-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) The Indiana horse racing commission shall enforce the requirements of this section.

(b) A licensee shall before the fifteenth day of each month distribute the following amounts for the support of the Indiana horse racing industry:

(1) An amount equal to fifteen percent (15%) of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee with respect to adjusted gross receipts received after June 30, 2013, and before January 1, 2014.

(2) The percentage of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after December 31, 2013, **and before July 1, 2015.**

**(3) The percentage of the adjusted gross receipts of the gambling game wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after June 30, 2015.**

(c) The Indiana horse racing commission may not use any of the money distributed under this section for any administrative purpose or other purpose of the Indiana horse racing commission.

(d) A licensee shall distribute the money devoted to horse racing purses and to horsemen's associations under this subsection as follows:

(1) Five-tenths percent (0.5%) shall be transferred to horsemen's associations for equine promotion or welfare according to the ratios specified in subsection (g).

(2) Two and five-tenths percent (2.5%) shall be transferred to horsemen's associations for backside benevolence according to



the ratios specified in subsection (g).

(3) Ninety-seven percent (97%) shall be distributed to promote horses and horse racing as provided in subsection (f).

(e) A horsemen's association shall expend the amounts distributed to the horsemen's association under subsection (d)(1) through (d)(2) for a purpose promoting the equine industry or equine welfare or for a benevolent purpose that the horsemen's association determines is in the best interests of horse racing in Indiana for the breed represented by the horsemen's association. Expenditures under this subsection are subject to the regulatory requirements of subsection (h).

(f) A licensee shall distribute the amounts described in subsection (d)(3) as follows:

(1) Forty-six percent (46%) for thoroughbred purposes as follows:

(A) Sixty percent (60%) for the following purposes:

- (i) Ninety-seven percent (97%) for thoroughbred purses.
- (ii) Two and four-tenths percent (2.4%) to the horsemen's association representing thoroughbred owners and trainers.
- (iii) Six-tenths percent (0.6%) to the horsemen's association representing thoroughbred owners and breeders.

(B) Forty percent (40%) to the breed development fund established for thoroughbreds under IC 4-31-11-10.

(2) Forty-six percent (46%) for standardbred purposes as follows:

(A) Three hundred seventy-five thousand dollars (\$375,000) to the state fair commission to be used by the state fair commission to support standardbred racing and facilities at the state fairgrounds.

(B) One hundred twenty-five thousand dollars (\$125,000) to the state fair commission to be used by the state fair commission to make grants to county fairs to support standardbred racing and facilities at county fair tracks. The state fair commission shall establish a review committee to include the standardbred association board, the Indiana horse racing commission, and the Indiana county fair association to make recommendations to the state fair commission on grants under this clause.

(C) Fifty percent (50%) of the amount remaining after the distributions under clauses (A) and (B) for the following purposes:

- (i) Ninety-six and five-tenths percent (96.5%) for standardbred purses.
- (ii) Three and five-tenths percent (3.5%) to the horsemen's association representing standardbred owners and trainers.



(D) Fifty percent (50%) of the amount remaining after the distributions under clauses (A) and (B) to the breed development fund established for standardbreds under IC 4-31-11-10.

(3) Eight percent (8%) for quarter horse purposes as follows:

(A) Seventy percent (70%) for the following purposes:

(i) Ninety-five percent (95%) for quarter horse purses.

(ii) Five percent (5%) to the horsemen's association representing quarter horse owners and trainers.

(B) Thirty percent (30%) to the breed development fund established for quarter horses under IC 4-31-11-10.

Expenditures under this subsection are subject to the regulatory requirements of subsection (h).

(g) Money distributed under subsection (d)(1) and (d)(2) shall be allocated as follows:

(1) Forty-six percent (46%) to the horsemen's association representing thoroughbred owners and trainers.

(2) Forty-six percent (46%) to the horsemen's association representing standardbred owners and trainers.

(3) Eight percent (8%) to the horsemen's association representing quarter horse owners and trainers.

(h) Money distributed under this section may not be expended unless the expenditure is for a purpose authorized in this section and is either for a purpose promoting the equine industry or equine welfare or is for a benevolent purpose that is in the best interests of horse racing in Indiana or the necessary expenditures for the operations of the horsemen's association required to implement and fulfill the purposes of this section. The Indiana horse racing commission may review any expenditure of money distributed under this section to ensure that the requirements of this section are satisfied. The Indiana horse racing commission shall adopt rules concerning the review and oversight of money distributed under this section and shall adopt rules concerning the enforcement of this section. The following apply to a horsemen's association receiving a distribution of money under this section:

(1) The horsemen's association must annually file a report with the Indiana horse racing commission concerning the use of the money by the horsemen's association. The report must include information as required by the commission.

(2) The horsemen's association must register with the Indiana horse racing commission.

The state board of accounts shall annually audit the accounts, books, and records of the Indiana horse racing commission, each horsemen's



association, a licensee, and any association for backside benevolence containing any information relating to the distribution of money under this section.

(i) The commission shall provide the Indiana horse racing commission with the information necessary to enforce this section.

(j) The Indiana horse racing commission shall investigate any complaint that a licensee has failed to comply with the horse racing purse requirements set forth in this section. If, after notice and a hearing, the Indiana horse racing commission finds that a licensee has failed to comply with the purse requirements set forth in this section, the Indiana horse racing commission may:

- (1) issue a warning to the licensee;
- (2) impose a civil penalty that may not exceed one million dollars (\$1,000,000); or
- (3) suspend a meeting permit issued under IC 4-31-5 to conduct a pari-mutuel wagering horse racing meeting in Indiana.

(k) A civil penalty collected under this section must be deposited in the state general fund.

SECTION 36. IC 4-35-7-16, AS ADDED BY P.L.210-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) The amount of ~~slot machine~~ **gambling game** revenue that must be distributed under section 12(b)(2) of this chapter must be determined in a distribution agreement entered into by negotiation committees representing all licensees and the horsemen's associations having contracts with licensees that have been approved by the Indiana horse racing commission.

(b) Each horsemen's association shall appoint a representative to a negotiation committee to negotiate the distribution agreement required by subsection (a). If there ~~are~~ **is** an even number of horsemen's associations appointing representatives to the committee, the members appointed by each horsemen's association shall jointly appoint an at-large member of the negotiation committee to represent the interests of all of the horsemen's associations. The at-large member is entitled to the same rights and privileges of the members appointed by the horsemen's associations.

(c) Each licensee shall appoint a representative to a negotiation committee to negotiate the distribution agreement required by subsection (a). If there ~~are~~ **is** an even number of licensees, the members appointed by each licensee shall jointly appoint an at-large member of the negotiation committee to represent the interests of all of the licensees. The at-large member is entitled to the same rights and privileges of the members appointed by the licensees.



(d) If a majority of the members of each negotiation committee ~~are~~ **is** present, the negotiation committees may negotiate and enter into a distribution agreement binding all horsemen's associations and all licensees as required by subsection (a).

(e) The initial distribution agreement entered into by the negotiation committees:

- (1) must be in writing;
- (2) must be submitted to the Indiana horse racing commission before October 1, 2013;
- (3) must be approved by the Indiana horse racing commission before January 1, 2014; and
- (4) may contain any terms determined to be necessary and appropriate by the negotiation committees, subject to subsection (f) and section 12 of this chapter.

(f) A distribution agreement must provide that at least ten percent (10%) and not more than twelve percent (12%) of a licensee's adjusted gross receipts must be distributed under section 12(b)(2) of this chapter. A distribution agreement applies to adjusted gross receipts received by the licensee after December 31 of the calendar year in which the distribution agreement is approved by the Indiana horse racing commission.

(g) A distribution agreement may expire on December 31 of a particular calendar year if a subsequent distribution agreement will take effect on January 1 of the following calendar year. A subsequent distribution agreement:

- (1) is subject to the approval of the Indiana horse racing commission; and
- (2) must be submitted to the Indiana horse racing commission before October 1 of the calendar year preceding the calendar year in which the distribution agreement will take effect.

(h) The Indiana horse racing commission shall annually report to the budget committee on the effect of each distribution agreement on the Indiana horse racing industry before January 1 of the following calendar year."

Page 25, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 35.IC 4-35-7-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 19. (a) For purposes of this section, "electronic table games" means:**

- (1) baccarat;**
- (2) blackjack;**



- (3) poker;
- (4) craps; or
- (5) roulette;

that a person plays at a table with multiple positions and the game operates on a random number generator without human assistance.

(b) A licensee may submit a plan to the commission for conducting wagering on table games at the licensee's gambling game facility. A licensee must submit a table game plan before the date designated by the commission. Upon receipt of an appropriate plan, the commission shall authorize wagering on table games at the licensee's gambling game facility. Except as provided in subsection (b), a licensee:

- (1) may not install more table game positions than the number of positions proposed in the table game plan submitted to the commission;
- (2) must remove one (1) electronic table game from its gambling game facility for each table game the licensee installs; and
- (3) may have a number of table games equal only to fifty percent (50%) of the electronic table games the licensee had in operation on February 1, 2015.

(c) After five (5) years of conducting table games under a plan approved under subsection (a), a licensee may apply to the commission for the approval to install additional table game positions."

Page 26, delete lines 1 through 11.

Page 27, line 33, after "on" insert "ninety-one and one-half percent (91.5%) of".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1540 as introduced.)

DERMODY

Committee Vote: yeas 10, nays 2.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1540, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 6. IC 4-33-4-21.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 21.2. (a) The Indiana gaming commission shall require a licensed owner or an operating agent to conspicuously display the number of the toll free telephone line described in IC 4-33-12-6 **(before its repeal on January 1, 2017) or IC 4-33-13-8** in the following locations:

- (1) On each admission ticket to a riverboat if tickets are issued.
- (2) On a poster or placard that is on display in a public area of each riverboat where gambling games are conducted.

(b) The toll free telephone line described in IC 4-33-12-6 **(before its repeal on January 1, 2017) or IC 4-33-13-8** must be:

- (1) maintained by the division of mental health and addiction under IC 12-23-1-6; and
- (2) funded by the addiction services fund established by IC 12-23-2-2.

(c) The commission may adopt rules under IC 4-22-2 necessary to carry out this section.

SECTION 7. IC 4-33-5-2, AS AMENDED BY P.L.125-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. Notwithstanding any other law, upon written request from a person, the commission shall provide the following information to the person:

- (1) Except as provided in section 1.5 of this chapter, the information provided under section 1 of this chapter concerning a licensee or an applicant.
- (2) The amount of the wagering tax and admission tax **(before its repeal on January 1, 2017)** paid daily to the state by a licensed owner or an operating agent.
- (3) A copy of a letter providing the reasons for the denial of an owner's license or an operating agent's contract.
- (4) A copy of a letter providing the reasons for the commission's refusal to allow an applicant to withdraw the applicant's application.

SECTION 8. IC 4-33-6-1, AS AMENDED BY P.L.229-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2015]: Sec. 1. (a) The commission may issue to a person a license to own a riverboat subject to the numerical and geographical limitation of owner's licenses under this section, section 3.5 of this chapter, and IC 4-33-4-17. However, not more than ten (10) owner's licenses may be in effect at any time. Those ten (10) licenses are as follows:

**(1) The maximum number specified in either of the following for the city of Gary:**

**(A) Two (2) licenses for a riverboat that operates two (2) docked riverboats that operate from the city of Gary.**

**(1) One (1) license for an inland casino operating in the city of Gary under section 24 of this chapter.**

(2) One (1) license for a riverboat that operates from the city of Hammond.

(3) One (1) license for a riverboat that operates from the city of East Chicago.

(4) One (1) license for a city located in the counties described under IC 4-33-1-1(1). This license may not be issued to a city described in subdivisions (1) through (3).

(5) A total of five (5) licenses for riverboats that operate upon the Ohio River from the following counties:

(A) Vanderburgh County.

(B) Harrison County.

(C) Switzerland County.

(D) Ohio County.

(E) Dearborn County.

The commission may not issue a license to an applicant if the issuance of the license would result in more than one (1) riverboat operating from a county described in this subdivision.

(b) In addition to its power to issue owner's licenses under subsection (a), the commission may also enter into a contract under IC 4-33-6.5 with respect to the operation of one (1) riverboat on behalf of the commission in a historic hotel district.

(c) A person holding an owner's license may not move the person's riverboat from the county in which the riverboat was docked on January 1, 2007, to any other county."

Page 5, between lines 22 and 23, begin a new line block indented and insert:

**"(1) The casino is located on property that the licensed owner owned on February 1, 2015."**

Page 5, line 23, delete "(1)" and insert "(2)".

Page 5, line 25, delete "(2)" and insert "(3)".





Page 5, line 27, delete "(3)" and insert "(4)".

Page 5, line 34, delete "2015, unless the" and insert "2015".

Page 5, delete lines 35 through 36, begin a new paragraph and insert:

**"(e) This subsection applies only to a licensed owner operating two (2) riverboats from a dock in Gary. If the licensed owner relocates a gaming operation under this section, the licensed owner shall:**

**(1) relinquish the owner's license for the licensed owner's second riverboat; and**

**(2) terminate the licensed owner's gaming operations on board the second riverboat;**

**before the date determined by the commission in the commission's approval of the licensed owner's relocation to an inland casino.**

SECTION 13. IC 4-33-6.5-5, AS AMENDED BY P.L.234-2007, SECTION 278, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. After selecting the most appropriate operating agent applicant, the commission may enter into an operating agent contract with the person. The operating agent contract must comply with this article and include the following terms and conditions:

(1) The operating agent must pay a nonrefundable initial fee of one million dollars (\$1,000,000) to the commission. The fee must be deposited by the commission into the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(2) The operating agent must post a bond as required in section 6 of this chapter.

(3) The operating agent must implement flexible scheduling.

(4) The operating agent must locate the riverboat in a historic hotel district at a location approved by the commission.

(5) The operating agent must comply with any requirements concerning the exterior design of the riverboat that are approved by the commission.

(6) Notwithstanding any law limiting the maximum length of contracts:

(A) the initial term of the contract may not exceed twenty (20) years; and

(B) any renewal or extension period permitted under the contract may not exceed twenty (20) years.

(7) The operating agent must collect and remit all taxes under IC 4-33-12 **(before its repeal on January 1, 2017)** and



IC 4-33-13.

(8) The operating agent must comply with the restrictions on the transferability of the operating agent contract under section 12 of this chapter."

Page 11, line 21, delete "," and insert "**(before its expiration on January 1, 2017),**".

Page 14, delete lines 28 through 42, begin a new paragraph and insert:

"SECTION 17. IC 4-33-12 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. (Admission Taxes).

SECTION 18. IC 4-33-12.5 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. (Distribution of Admissions Tax Revenue to Certain Municipalities).

SECTION 19. IC 4-33-13-1, AS AMENDED BY P.L.229-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) This section does not apply to a riverboat that has implemented flexible scheduling under IC 4-33-6-21.

(b) Subject to section 1.5(j) of this chapter, a tax is imposed on the adjusted gross receipts received from gambling games authorized under this article at the rate of twenty-two and five-tenths percent (22.5%) of the amount of the adjusted gross receipts.

(c) The licensed owner shall remit the tax imposed by this chapter to the department before the close of the business day following the day the wagers are made.

(d) The department may require payment under this section to be made by electronic funds transfer (as defined in IC 4-8.1-2-7(e)).

(e) If the department requires taxes to be remitted under this chapter through electronic funds transfer, the department may allow the licensed owner to file a monthly report to reconcile the amounts remitted to the department.

(f) The department may allow taxes remitted under this section to be reported on the same form used for taxes paid under IC 4-33-12 **(before its repeal on January 1, 2017)**.

SECTION 20. IC 4-33-13-1.5, AS AMENDED BY P.L.229-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.5. (a) This section applies only to:

**(1)** a riverboat that has implemented flexible scheduling under IC 4-33-6-21 or IC 4-33-6.5; **and**

**(2) adjusted gross receipts received from wagering on gambling games before January 1, 2017.**

(b) This subsection applies only to a riverboat that received at least seventy-five million dollars (\$75,000,000) of adjusted gross receipts



during the preceding state fiscal year. A graduated tax is imposed on the adjusted gross receipts received from gambling games authorized under this article as follows:

(1) Fifteen percent (15%) of the first twenty-five million dollars (\$25,000,000) of adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year.

(2) Twenty percent (20%) of the adjusted gross receipts in excess of twenty-five million dollars (\$25,000,000) but not exceeding fifty million dollars (\$50,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(3) Twenty-five percent (25%) of the adjusted gross receipts in excess of fifty million dollars (\$50,000,000) but not exceeding seventy-five million dollars (\$75,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(4) Thirty percent (30%) of the adjusted gross receipts in excess of seventy-five million dollars (\$75,000,000) but not exceeding one hundred fifty million dollars (\$150,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(5) Thirty-five percent (35%) of all adjusted gross receipts in excess of one hundred fifty million dollars (\$150,000,000) but not exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(6) Forty percent (40%) of all adjusted gross receipts exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(c) This subsection applies only to a riverboat that received less than seventy-five million dollars (\$75,000,000) of adjusted gross receipts during the preceding state fiscal year. A graduated tax is imposed on the adjusted gross receipts received from gambling games authorized under this article as follows:

(1) Five percent (5%) of the first twenty-five million dollars (\$25,000,000) of adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year.

(2) Twenty percent (20%) of the adjusted gross receipts in excess of twenty-five million dollars (\$25,000,000) but not exceeding



fifty million dollars (\$50,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(3) Twenty-five percent (25%) of the adjusted gross receipts in excess of fifty million dollars (\$50,000,000) but not exceeding seventy-five million dollars (\$75,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(4) Thirty percent (30%) of the adjusted gross receipts in excess of seventy-five million dollars (\$75,000,000) but not exceeding one hundred fifty million dollars (\$150,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(5) Thirty-five percent (35%) of all adjusted gross receipts in excess of one hundred fifty million dollars (\$150,000,000) but not exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(6) Forty percent (40%) of all adjusted gross receipts exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(d) The licensed owner or operating agent of a riverboat taxed under subsection (c) shall pay an additional tax of two million five hundred thousand dollars (\$2,500,000) in any state fiscal year in which the riverboat's adjusted gross receipts exceed seventy-five million dollars (\$75,000,000). The additional tax imposed under this subsection is due before July 1 of the following state fiscal year.

(e) The licensed owner or operating agent shall remit the tax imposed by this chapter to the department before the close of the business day following the day the wagers are made.

(f) The department may require payment under this section to be made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).

(g) If the department requires taxes to be remitted under this chapter through electronic funds transfer, the department may allow the licensed owner or operating agent to file a monthly report to reconcile the amounts remitted to the department.

(h) The department may allow taxes remitted under this section to be reported on the same form used for taxes paid under IC 4-33-12 **(before its repeal on January 1, 2017)**.

(i) If a riverboat implements flexible scheduling during any part of a period beginning July 1 of each year and ending June 30 of the



following year, the tax rate imposed on the adjusted gross receipts received while the riverboat implements flexible scheduling shall be computed as if the riverboat had engaged in flexible scheduling during the entire period beginning July 1 of each year and ending June 30 of the following year.

(j) If a riverboat:

- (1) implements flexible scheduling during any part of a period beginning July 1 of each year and ending June 30 of the following year; and
- (2) before the end of that period ceases to operate the riverboat with flexible scheduling;

the riverboat shall continue to pay a wagering tax at the tax rates imposed under subsection (b) until the end of that period as if the riverboat had not ceased to conduct flexible scheduling.

SECTION 22. IC 4-33-13-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.7. (a) This section applies only to:**

- (1) a riverboat that has implemented flexible scheduling under IC 4-33-6-21 or IC 4-33-6.5; and**
- (2) adjusted gross receipts received from wagering on gambling games after December 31, 2016.**

**(b) A graduated tax is imposed on the adjusted gross receipts received from gambling games authorized under this article as follows:**

- (1) Zero percent (0%) of the first ten million dollars (\$10,000,000) of adjusted gross receipts received during a calendar year.**
- (2) Five percent (5%) of the adjusted gross receipts in excess of ten million dollars (\$10,000,000) but not exceeding twenty million dollars (\$20,000,000) received during a calendar year.**
- (3) Ten percent (10%) of the adjusted gross receipts in excess of twenty million dollars (\$20,000,000) but not exceeding thirty million dollars (\$30,000,000) received during a calendar year.**
- (4) Fifteen percent (15%) of the adjusted gross receipts in excess of thirty million dollars (\$30,000,000) but not exceeding forty million dollars (\$40,000,000) received during a calendar year.**
- (5) Twenty percent (20%) of the adjusted gross receipts in excess of forty million dollars (\$40,000,000) but not exceeding fifty million dollars (\$50,000,000) received during a calendar year.**



year.

(6) Twenty-five percent (25%) of the adjusted gross receipts in excess of fifty million dollars (\$50,000,000) but not exceeding sixty million dollars (\$60,000,000) received during a calendar year.

(7) Thirty percent (30%) of the adjusted gross receipts in excess of sixty million dollars (\$60,000,000) but not exceeding one hundred million dollars (\$100,000,000) received during a calendar year.

(8) Thirty-five percent (35%) of the adjusted gross receipts in excess of one hundred million dollars (\$100,000,000) but not exceeding three hundred million dollars (\$300,000,000) received during a calendar year.

(9) Forty percent (40%) of all adjusted gross receipts exceeding three hundred million dollars (\$300,000,000) received during a calendar year.

(c) The licensed owner or operating agent shall remit the tax imposed by this chapter to the department before the close of the business day following the day the wagers are made. The department shall prescribe a form for remitting taxes under this section.

(d) The department may require payment under this section to be made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).

(e) If the department requires taxes to be remitted under this chapter through electronic funds transfer, the department may allow the licensed owner or operating agent to file a monthly report to reconcile the amounts remitted to the department.

SECTION 23. IC 4-33-13-5, AS AMENDED BY P.L.2-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, ~~each month~~ the ~~treasurer~~ **auditor** of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following: as follows:

(1) The first two million dollars (\$2,000,000) of tax revenues collected under this chapter in a calendar year beginning after December 31, 2016, must be distributed to the division of mental health and addiction for the division's use under section 8 of this chapter.

(2) The next six million dollars (\$6,000,000) of tax revenues collected under this chapter in a calendar year beginning after



**December 31, 2016, must be distributed to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.**

~~(1)~~ **(3)** The first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter **The following amounts** shall be set aside for revenue sharing under subsection (e):

**(A) The first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter in a state fiscal year ending before July 1, 2017.**

**(B) The first forty million dollars (\$40,000,000) of tax revenues collected under this chapter in a state fiscal year beginning after June 30, 2017.**

~~(2)~~ **(4)** Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid **each month**:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected; **in which the riverboat is located**, in the case of

(i) a city described in IC 4-33-12-6(b)(1)(A); **a riverboat located in Dearborn County, Lake County, LaPorte County, Ohio County, or Vanderburgh County;** or

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected; in the case of a riverboat whose home dock is not in a city described in clause (A): **in which the riverboat is located, in the case of a riverboat located in Harrison County or Switzerland County.**

~~(3)~~ **(5)** Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid **each month** to the state general fund. In each state fiscal year, the ~~treasurer~~ **auditor** of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the ~~treasurer~~ **auditor** of state may transfer the tax revenue to the state general fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After



funds are appropriated under section 4 of this chapter, each month the ~~treasurer~~ **auditor** of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) Thirty-seven and one-half percent (37.5%) shall be paid to the state general fund.

(2) Nineteen percent (19%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds twenty million dollars (\$20,000,000), the amount described in this subdivision shall be paid to the state general fund.

(3) Eight percent (8%) shall be paid to the Orange County development commission established under IC 36-7-11.5.

(4) Sixteen percent (16%) shall be paid in equal amounts to each town that is located in the county in which the riverboat is located and contains a historic hotel. The following apply to taxes received by a town under this subdivision:

(A) At least twenty-five percent (25%) of the taxes must be transferred to the school corporation in which the town is located.

(B) At least twelve and five-tenths percent (12.5%) of the taxes imposed on adjusted gross receipts received after June 30, 2010, must be transferred to the Orange County development commission established by IC 36-7-11.5-3.5.

(5) Nine percent (9%) shall be paid to the county treasurer of the county in which the riverboat is located. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty-two and twenty-five hundredths percent (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than forty thousand (40,000) but less than forty-two thousand (42,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty-two and twenty-five hundredths percent (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven





hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Fifty-five and five-tenths percent (55.5%) shall be retained by the county in which the riverboat is located for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(6) Five percent (5%) shall be paid to a town having a population of more than two thousand (2,000) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.

(7) Five percent (5%) shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.

(8) Five-tenths percent (0.5%) of the taxes imposed on adjusted gross receipts received after June 30, 2010, shall be paid to the Indiana economic development corporation established by IC 5-28-3-1.

(c) For each city and county receiving money under subsection ~~(a)(2)~~; **(a)(4)**, the ~~treasurer auditor~~ of state shall determine the total amount of money paid by the ~~treasurer auditor~~ of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The ~~treasurer auditor~~ of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the ~~treasurer auditor~~ of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city's or county's base year revenue; and
- (2) would otherwise be due to the city or county under this



section;  
to the state general fund instead of to the city or county.

(d) Each state fiscal year the ~~treasurer~~ **auditor** of state shall transfer from the tax revenue remitted to the state general fund under subsection ~~(a)(3)~~ **(a)(5)** to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The ~~treasurer~~ **auditor** of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the state general fund under subsection ~~(a)(3)~~ **(a)(5)** to comply with this subsection, the ~~treasurer~~ **auditor** of state shall reduce the amount transferred to the build Indiana fund to the amount available in the state general fund from the transfers under subsection ~~(a)(3)~~ **(a)(5)** for the state fiscal year.

(e) Before August 15 of ~~each year~~, **a calendar year ending before January 1, 2017**, the ~~treasurer~~ **auditor** of state shall distribute the wagering taxes set aside for revenue sharing under subsection ~~(a)(1)~~ **(a)(3)** to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. **Before August 15 of a calendar year beginning after December 31, 2016, the auditor of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(3) to the county treasurer of each county according to the ratio that the county's population bears to the total population of Indiana.** Except as provided in subsection ~~(h)~~, **(g)**, the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or ~~(h)~~ **(g)** may be used for any of the following purposes:

- (1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision



does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).

(2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for debt repayment.

(3) To fund sewer and water projects, including storm water management projects.

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county.

Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) This subsection does not apply to an entity receiving money under IC 4-33-12-6(e). Before September 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-6), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (i), the amount of an entity's supplemental distribution is equal to:

(1) the entity's base year revenue (as determined under IC 4-33-12-6); minus

(2) the sum of:

(A) the total amount of money distributed to the entity during the preceding state fiscal year under IC 4-33-12-6; plus

(B) any amounts deducted under IC 6-3.1-20-7.

(h) (g) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

(1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.



(i) This subsection applies to a supplemental distribution made after June 30, 2013. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is forty-eight million dollars (\$48,000,000). If the total amount determined under subsection (g) exceeds forty-eight million dollars (\$48,000,000), the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 bears to the total amount distributed under IC 4-33-12-6 to all entities receiving a supplemental distribution."

Delete pages 15 through 18.

Page 19, delete lines 1 through 27.

Page 20, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 25. IC 4-33-13-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 8. (a) This section applies to wagering taxes collected under this chapter with respect to adjusted gross receipts received after December 31, 2016.**

**(b) The division of mental health and addiction shall allocate at least twenty-five percent (25%) of the funds received under section 5 of this chapter to the prevention and treatment of compulsive gambling.**

**(c) Money received by the division of mental health and addiction under section 5 of this chapter:**

**(1) is annually appropriated to the division of mental health and addiction;**

**(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and**

**(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions."**

Page 20, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 27. IC 4-33-21-7, AS AMENDED BY P.L.229-2013, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7. (a) A trustee acting under the authority of this chapter must fulfill the trustee's duties as a fiduciary for the owner of the riverboat. In addition, the trustee shall consider the effect of the trustee's actions upon:**

**(1) the amount of taxes remitted by the trustee under IC 4-33-12**



**(before its repeal on January 1, 2017)** and IC 4-33-13;

(2) the city and county in which the riverboat is located;

(3) the riverboat's employees; and

(4) the creditors of the owner of the riverboat.

(b) In balancing the interests described in subsection (a), a trustee shall conduct gambling operations on the riverboat in a manner that enhances the credibility and integrity of riverboat gambling in Indiana while minimizing disruptions to tax revenues, incentive payments, employment, and credit obligations.

SECTION 28. IC 4-33-23-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 18. (a) This section does not apply to a development agreement that was negotiated and made after June 30, 2010.**

**(b) Except as provided in subsection (a), a development agreement in effect on July 1, 2015, is void on December 31, 2016.**

**(c) Except as provided in subsection (d), the executive of the city and the executive of the county in which a riverboat is located may jointly renegotiate a new development agreement with a development provider to replace a development agreement that is subject to being voided under subsection (b). A replacement development agreement must take effect on January 1, 2017. The negotiations authorized by this subsection are subject to subsection (e).**

**(d) This subsection applies to Harrison County and Switzerland County. In a county subject to this subsection, the executive of the county is the only entity that may renegotiate a new development agreement with a development provider to replace a development agreement that is subject to being voided under subsection (b). A replacement development agreement must take effect on January 1, 2017. The negotiations authorized by this subsection are subject to subsection (e).**

**(e) If a city or county and a development provider are unable to agree to a new development agreement before September 1, 2016, the city or county and the development provider shall submit the matter to the commission for arbitration. The commission shall determine the amount of the annual local development fee that the city or county is entitled to receive under this section. The local development fee:**

**(1) must be at least two percent (2%) of the adjusted gross receipts received by the development provider's riverboat in the previous calendar year; but**



(2) may not exceed seven percent (7%) of the adjusted gross receipts received by the development provider's riverboat in the previous calendar year.

(f) Beginning in 2017, a local development fee paid under this section is payable in two (2) equal installments on June 1 and December 1 of each year.

(g) Local development fees paid under this section:

(1) are considered economic development payments for purposes of this chapter;

(2) must be used for economic development purposes; and

(3) are subject to regulation by the commission under this chapter.

SECTION 29. IC 4-33-24 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

**Chapter 24. Homestead Property Tax Relief Fee**

**Sec. 1.** This chapter applies only to a riverboat located in Lake County.

**Sec. 2.** After December 31, 2016, a homestead property tax relief fee is imposed on the adjusted gross receipts from gambling games authorized under this article at the rate of one and one-tenth percent (1.1%).

**Sec. 3. (a)** The licensed owner of each riverboat located in Lake County shall remit the homestead property tax relief fee imposed by section 2 of this chapter to the department before the close of the business day following the day the wagers are made.

(b) The department may require payment under this section to be made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).

(c) If the department requires the homestead property tax relief fee to be remitted under this section through electronic funds transfer, the department may allow the licensed owner to file a monthly report to reconcile the amounts remitted to the department.

**Sec. 4.** The auditor of state shall deposit the fees remitted under this chapter in a separate fund known as the homestead property tax relief fund. Except as provided in IC 6-3.1-20-8(d), money in the fund must be used to offset the amount of foregone adjusted gross income tax revenue attributable to the income tax credit provided under IC 6-3.1-20."

Page 22, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 34. IC 4-35-4-12, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2015]: Sec. 12. (a) The commission shall require a licensee to conspicuously display the number of the toll free telephone line described in IC 4-33-12-6 **(before its repeal on January 1, 2017) or IC 4-33-13-8** in the following locations:

- (1) On each admission ticket to a facility at which gambling games are conducted, if tickets are issued.
- (2) On a poster or placard that is on display in a public area of each facility at which gambling games at racetracks are conducted.

(b) The commission may adopt rules under IC 4-22-2 necessary to carry out this section."

Page 31, delete lines 2 through 5.

Page 31, line 8, after "(a)" insert "**This section applies to adjusted gross receipts received from slot machines before January 1, 2017.**"

Page 31, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 51. IC 4-35-8-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. (a) This section applies to adjusted gross receipts received from wagering on gambling games after December 31, 2016.**

**(b) A graduated tax is imposed on ninety-one and five-tenths percent (91.5%) of the adjusted gross receipts received from gambling games authorized by this article as follows:**

- (1) Zero percent (0%) of the first ten million dollars (\$10,000,000) of adjusted gross receipts received during a calendar year.**
- (2) Five percent (5%) of the adjusted gross receipts in excess of ten million dollars (\$10,000,000) but not exceeding twenty million dollars (\$20,000,000) received during a calendar year.**
- (3) Ten percent (10%) of the adjusted gross receipts in excess of twenty million dollars (\$20,000,000) but not exceeding thirty million dollars (\$30,000,000) received during a calendar year.**
- (4) Fifteen percent (15%) of the adjusted gross receipts in excess of thirty million dollars (\$30,000,000) but not exceeding forty million dollars (\$40,000,000) received during a calendar year.**
- (5) Twenty percent (20%) of the adjusted gross receipts in excess of forty million dollars (\$40,000,000) but not exceeding fifty million dollars (\$50,000,000) received during a calendar year.**



(6) Twenty-five percent (25%) of the adjusted gross receipts in excess of fifty million dollars (\$50,000,000) but not exceeding sixty million dollars (\$60,000,000) received during a calendar year.

(7) Thirty percent (30%) of the adjusted gross receipts in excess of sixty million dollars (\$60,000,000) but not exceeding one hundred million dollars (\$100,000,000) received during a calendar year.

(8) Thirty-five percent (35%) of the adjusted gross receipts in excess of one hundred million dollars (\$100,000,000) but not exceeding three hundred million dollars (\$300,000,000) received during a calendar year.

(9) Forty percent (40%) of all adjusted gross receipts exceeding three hundred million dollars (\$300,000,000) received during a calendar year.

(c) A licensee shall remit the tax imposed by this section to the department before the close of the business day following the day the wagers are made.

(d) The department may require payment under this section to be made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).

(e) If the department requires taxes to be remitted under this chapter through electronic funds transfer, the department may allow the licensee to file a monthly report to reconcile the amounts remitted to the department.

(f) The payment of the tax under this section must be on a form prescribed by the department."

Page 32, between lines 26 and 27, begin a new paragraph and insert:

"**Sec. 1. This chapter applies to wagers made on table games before January 1, 2017. After December 31, 2016, wagering on table games is subject to taxation under IC 4-35-8.**"

Page 32, line 27, delete "1." and insert "2."

Page 33, line 16, delete "2." and insert "3."

Page 33, line 19, delete "3." and insert "4."

Page 33, line 26, delete "4." and insert "5."

Page 33, line 28, delete "5." and insert "6."

Page 33, line 29, delete "1" and insert "2".

Page 33, between lines 29 and 30, begin a new paragraph and insert:

"**Sec. 7. This chapter expires July 1, 2017.**"

Page 36, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 66. IC 6-1.1-4-31.5, AS AMENDED BY P.L.112-2012, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 31.5. (a) As used in this section, "department"





refers to the department of local government finance.

(b) If the department makes a determination and informs local officials under section 31(c) of this chapter, the department may order a state conducted assessment or reassessment in the county subject to the time limitation in that subsection.

(c) If the department orders a state conducted assessment or reassessment in a county, the department shall assume the duties of the county assessor. Notwithstanding sections 15 and 17 of this chapter, a county assessor subject to an order issued under this section may not assess property or have property assessed for the assessment or general reassessment under section 4 of this chapter or under a county's reassessment plan prepared under section 4.2 of this chapter. Until the state conducted assessment or reassessment is completed under this section, the assessment or reassessment duties of the county assessor are limited to providing the department or a contractor of the department the support and information requested by the department or the contractor.

(d) Before assuming the duties of a county assessor, the department shall transmit a copy of the department's order requiring a state conducted assessment or reassessment to the county assessor, the county fiscal body, the county auditor, and the county treasurer. Notice of the department's actions must be published one (1) time in a newspaper of general circulation published in the county. The department is not required to conduct a public hearing before taking action under this section.

(e) A county assessor subject to an order issued under this section shall, at the request of the department or the department's contractor, make available and provide access to all:

- (1) data;
- (2) records;
- (3) maps;
- (4) parcel record cards;
- (5) forms;
- (6) computer software systems;
- (7) computer hardware systems; and
- (8) other information;

related to the assessment or reassessment of real property in the county. The information described in this subsection must be provided at no cost to the department or the contractor of the department. A failure to provide information requested under this subsection constitutes a failure to perform a duty related to an assessment or a general reassessment under section 4 of this chapter or under a county's



reassessment plan prepared under section 4.2 of this chapter and is subject to IC 6-1.1-37-2.

(f) The department may enter into a contract with a professional appraising firm to conduct an assessment or reassessment under this section. If a county entered into a contract with a professional appraising firm to conduct the county's assessment or reassessment before the department orders a state conducted assessment or reassessment in the county under this section, the contract:

- (1) is as valid as if it had been entered into by the department; and
- (2) shall be treated as the contract of the department.

(g) After receiving the report of assessed values from the appraisal firm acting under a contract described in subsection (f), the department shall give notice to the taxpayer and the county assessor, by mail, of the amount of the assessment or reassessment. The notice of assessment or reassessment:

- (1) is subject to appeal by the taxpayer under section 31.7 of this chapter; and
- (2) must include a statement of the taxpayer's rights under section 31.7 of this chapter.

(h) The department shall forward a bill for services provided under a contract described in subsection (f) to the auditor of the county in which the state conducted reassessment occurs. The county shall pay the bill under the procedures prescribed by subsection (i).

(i) A county subject to an order issued under this section shall pay the cost of a contract described in subsection (f), without appropriation, from the county property reassessment fund. A contractor may periodically submit bills for partial payment of work performed under the contract. Notwithstanding any other law, a contractor is entitled to payment under this subsection for work performed under a contract if the contractor:

- (1) submits to the department a fully itemized, certified bill in the form required by IC 5-11-10-1 for the costs of the work performed under the contract;
- (2) obtains from the department:
  - (A) approval of the form and amount of the bill; and
  - (B) a certification that the billed goods and services have been received and comply with the contract; and
- (3) files with the county auditor:
  - (A) a duplicate copy of the bill submitted to the department;
  - (B) proof of the department's approval of the form and amount of the bill; and
  - (C) the department's certification that the billed goods and



services have been received and comply with the contract. The department's approval and certification of a bill under subdivision (2) shall be treated as conclusively resolving the merits of a contractor's claim. Upon receipt of the documentation described in subdivision (3), the county auditor shall immediately certify that the bill is true and correct without further audit and submit the claim to the county executive. The county executive shall allow the claim, in full, as approved by the department, without further examination of the merits of the claim in a regular or special session that is held not less than three (3) days and not more than seven (7) days after the date the claim is certified by the county fiscal officer if the procedures in IC 5-11-10-2 are used to approve the claim or the date the claim is placed on the claim docket under IC 36-2-6-4 if the procedures in IC 36-2-6-4 are used to approve the claim. Upon allowance of the claim by the county executive, the county auditor shall immediately issue a warrant or check for the full amount of the claim approved by the department. Compliance with this subsection constitutes compliance with IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and payment of a claim in compliance with this subsection is not subject to remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply to a claim submitted under this subsection. IC 5-11-10-1.6(d) applies to a fiscal officer who pays a claim in compliance with this subsection.

(j) Notwithstanding IC 4-13-2, a period of seven (7) days is permitted for each of the following to review and act under IC 4-13-2 on a contract of the department entered into under this section:

- (1) The commissioner of the Indiana department of administration.
- (2) The director of the budget agency.
- (3) The attorney general.

(k) If money in the county's property reassessment fund is insufficient to pay for an assessment or reassessment conducted under this section, the department may increase the tax rate and tax levy of the county's property reassessment fund to pay the cost and expenses related to the assessment or reassessment.

(l) The department or the contractor of the department shall use the land values determined under section 13.6 of this chapter for a county subject to an order issued under this section to the extent that the department or the contractor finds that the land values reflect the true tax value of land, as determined under this article and the rules of the department. If the department or the contractor finds that the land values determined for the county under section 13.6 of this chapter do not reflect the true tax value of land, the department or the contractor



shall determine land values for the county that reflect the true tax value of land, as determined under this article and the rules of the department. Land values determined under this subsection shall be used to the same extent as if the land values had been determined under section 13.6 of this chapter. The department or the contractor of the department shall notify the county's assessing officials of the land values determined under this subsection.

(m) A contractor of the department may notify the department if:

(1) a county auditor fails to:

(A) certify the contractor's bill;

(B) publish the contractor's claim;

(C) submit the contractor's claim to the county executive; or

(D) issue a warrant or check for payment of the contractor's bill;

as required by subsection (i) at the county auditor's first legal opportunity to do so;

(2) a county executive fails to allow the contractor's claim as legally required by subsection (i) at the county executive's first legal opportunity to do so; or

(3) a person or an entity authorized to act on behalf of the county takes or fails to take an action, including failure to request an appropriation, and that action or failure to act delays or halts progress under this section for payment of the contractor's bill.

(n) The department, upon receiving notice under subsection (m) from a contractor of the department, shall:

(1) verify the accuracy of the contractor's assertion in the notice that:

(A) a failure occurred as described in subsection (m)(1) or (m)(2); or

(B) a person or an entity acted or failed to act as described in subsection (m)(3); and

(2) provide to the treasurer of state the department's approval under subsection (i)(2)(A) of the contractor's bill with respect to which the contractor gave notice under subsection (m).

(o) Upon receipt of the department's approval of a contractor's bill under subsection (n), the treasurer of state shall pay the contractor the amount of the bill approved by the department from money in the possession of the state that would otherwise be available for distribution to the county, including distributions of admissions taxes or wagering taxes.

(p) The treasurer of state shall withhold from the money that would be distributed under IC 4-33-12-6 (**before its repeal on January 1,**



2017), IC 4-33-13-5, or any other law to a county described in a notice provided under subsection (m) the amount of a payment made by the treasurer of state to the contractor of the department under subsection (o). Money shall be withheld from any source payable to the county.

(q) Compliance with subsections (m) through (p) constitutes compliance with IC 5-11-10.

(r) IC 5-11-10-1.6(d) applies to the treasurer of state with respect to the payment made in compliance with subsections (m) through (p). This subsection and subsections (m) through (p) must be interpreted liberally so that the state shall, to the extent legally valid, ensure that the contractual obligations of a county subject to this section are paid. Nothing in this section shall be construed to create a debt of the state.

(s) The provisions of this section are severable as provided in IC 1-1-1-8(b).

SECTION 67. IC 6-3.1-20-7, AS AMENDED BY P.L.166-2014, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The department shall before July 1 of each year determine the greater of:

- (1) eight million five hundred thousand dollars (\$8,500,000); or
- (2) the amount of credits allowed under this chapter for taxable years ending before January 1 of the year.

(b) Except as provided in subsection (d), one-half (1/2) of the amount determined by the department under subsection (a) shall be:

- (1) deducted during the year from the riverboat admissions tax revenue otherwise payable to the county under IC 4-33-12-6(d)(2); and
- (2) paid instead to the state general fund.

(c) Except as provided in subsection (d), one-sixth (1/6) of the amount determined by the department under subsection (a) shall be:

- (1) deducted during the year from the riverboat admissions tax revenue otherwise payable under IC 4-33-12-6(d)(1) to each of the following:
  - (A) The largest city by population located in the county.
  - (B) The second largest city by population located in the county.
  - (C) The third largest city by population located in the county;
 and
- (2) paid instead to the state general fund.

(d) If the amount determined by the department under subsection (a)(2) is less than eight million five hundred thousand dollars (\$8,500,000), the difference of:

- (1) eight million five hundred thousand dollars (\$8,500,000);



minus

(2) the amount determined by the department under subsection (a)(2);

shall be paid to the northwest Indiana regional development authority established by IC 36-7.5-2-1 instead of the state general fund. Any amounts paid under this subsection shall be used by the northwest Indiana regional development authority only to establish or improve public mass rail transportation systems in Lake County.

**(e) This section expires January 1, 2017.**

SECTION 68. IC 6-3.1-20-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 8. (a) This section applies to a calendar year beginning after December 31, 2016.**

**(b) The department shall before July 1 of each year determine the greater of:**

**(1) eight million five hundred thousand dollars (\$8,500,000);**

**or**

**(2) the amount of credits allowed under this chapter for taxable years ending before January 1 of the year.**

**(c) The auditor of state shall transfer the amount determined under subsection (b)(2) from the homestead property tax relief fund established under IC 4-33-24-4 to the state general fund.**

**(d) If the amount determined by the department under subsection (b)(2) is less than eight million five hundred thousand dollars (\$8,500,000), the difference of:**

**(1) eight million five hundred thousand dollars (\$8,500,000);**

**minus**

**(2) the amount determined by the department under subsection (b)(2);**

**must be transferred from the homestead property tax relief fund to the northwest Indiana regional development authority established by IC 36-7.5-2-1 instead of the state general fund. Any amounts paid under this subsection must be used by the northwest Indiana regional development authority only to establish or improve public mass rail transportation systems in Lake County."**

Page 39, line 36, after "(IC 4-33-12)" delete ";" and insert "**(before its repeal on January 1, 2017);"**

Page 40, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 70. IC 6-9-2-4.3, AS AMENDED BY P.L.172-2011, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4.3. (a) The Lake County convention and visitor bureau shall establish a convention, tourism, and visitor promotion**



alternate revenue fund (referred to in this chapter as the "alternate revenue fund"). The bureau may deposit in the alternate revenue fund all money received by the bureau after June 30, 2005, that is not required to be deposited in the promotion fund under section 2 of this chapter or a fund established by the bureau, including appropriations, gifts, grants, membership dues, and contributions from any public or private source.

(b) The bureau may, without appropriation by the county council, expend money from the alternate revenue fund to promote and encourage conventions, trade shows, visitors, special events, sporting events, and exhibitions in the county. Money may be paid from the alternate revenue fund by claim in the same manner as municipalities may pay claims under IC 5-11-10-1.6.

(c) All money in the alternate revenue fund shall be deposited, held, secured, invested, and paid in accordance with statutes relating to the handling of public funds. The handling and expenditure of money in the alternate revenue fund is subject to audit and supervision by the state board of accounts.

(d) Money derived from the taxes imposed under IC 4-33-12 **(before its repeal on January 1, 2017)** and IC 4-33-13 may not be transferred to the alternate revenue fund."

Page 41, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 72. IC 8-18-8-5, AS AMENDED BY P.L.30-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. All expenses incurred in the maintenance of county highways shall first be paid out of funds from the gasoline tax, special fuel tax, and the motor vehicle registration fees that are paid to the counties by the state. In addition, a county may use funds derived from the:

- (1) county motor vehicle excise surtax;
- (2) county wheel tax;
- (3) county adjusted gross income tax;
- (4) county option income tax;
- (5) riverboat admission tax (IC 4-33-12) **(before its repeal on January 1, 2017)**;
- (6) riverboat wagering tax (IC 4-33-13); or
- (7) property taxes and miscellaneous revenue deposited in the county general fund.

SECTION 73. IC 12-23-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The addition services fund is established for the deposit of **the following**:

- (1) Excise taxes on alcoholic beverages as described in



IC 7.1-4-11. ~~and~~

**(2) Taxes on riverboat admissions under IC 4-33-12-6 (before its repeal on January 1, 2017).**

**(3) Riverboat wagering taxes received after December 31, 2016, under IC 4-33-13-5.**

SECTION 74. IC 12-23-2-5, AS AMENDED BY P.L.1-2009, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. The general assembly shall appropriate money from the addiction services fund solely for the purpose of funding programs:

- (1) that provide prevention services and intervention and treatment services for individuals who are psychologically or physiologically dependent upon alcohol or other drugs; and
- (2) that are for the prevention and treatment of gambling problems.

Programs funded by the addiction services fund must include the creation and maintenance of a toll free telephone line under IC 4-33-12-6(g)(3) **(before its repeal on January 1, 2017) or IC 4-33-13-8** to provide the public with information about programs that provide help with gambling, alcohol, and drug addiction problems.

SECTION 75. IC 12-23-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) For each state fiscal year, the division may not spend more than an amount equal to five percent (5%) of the total amount received by the division from the fund established under section 2 of this chapter for the administrative costs associated with the use of money received from the fund.

(b) The division shall allocate at least twenty-five percent (25%) of the funds derived from the riverboat admissions tax under IC 4-33-12-6 **(before its repeal on January 1, 2017) or the riverboat wagering tax under IC 4-33-13-5** to the prevention and treatment of compulsive gambling.

(c) The division shall reimburse the Indiana gaming commission for the costs incurred in administering a voluntary exclusion program established under the rules of the Indiana gaming commission. The division shall pay the reimbursement from funds derived from the riverboat admissions tax under IC 4-33-12-6 **(before its repeal on January 1, 2017) or the riverboat wagering tax under IC 4-33-13-5.**

SECTION 76. IC 20-26-5-22.5, AS ADDED BY P.L.214-2005, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22.5. (a) A school corporation may participate in the establishment of a public school foundation.

(b) The governing body of a school corporation may receive the





proceeds of a grant, a restricted gift, an unrestricted gift, a donation, an endowment, a bequest, a trust, an agreement to share tax revenue received by a city or county under IC 4-33-12-6 (**before its repeal on January 1, 2017**) or IC 4-33-13 or other funds not generated from taxes levied by the school corporation to create a foundation under the following conditions:

- (1) The foundation is:
  - (A) exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
  - (B) organized as an Indiana nonprofit corporation for the purposes of providing educational funds for scholarships, teacher education, capital programs, and special programs for school corporations.
- (2) Except as provided in subdivision (3), the foundation retains all rights to a donation, including investment powers. The foundation may hold a donation as a permanent endowment.
- (3) The foundation agrees to do the following:
  - (A) Distribute the income from a donation only to the school corporation.
  - (B) Return a donation to the general fund of the school corporation if the foundation:
    - (i) loses the foundation's status as a foundation exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;
    - (ii) is liquidated; or
    - (iii) violates any condition set forth in this subdivision.
- (c) A school corporation may use the proceeds received under this section from a foundation only for educational purposes of the school corporation described in subsection (b)(1)(B).
- (d) The governing body of the school corporation may appoint members to the foundation.
- (e) The treasurer of the governing body of the school corporation may serve as the treasurer of the foundation.

SECTION 77. IC 20-47-1-1, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in this chapter, "proceeds from riverboat gaming" means tax revenue received by a political subdivision under IC 4-33-12-6 (**before its repeal on January 1, 2017**), IC 4-33-13, or an agreement to share a city's or county's part of the tax revenue.

SECTION 78. IC 20-47-1-5, AS AMENDED BY P.L.142-2009, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2015]: Sec. 5. (a) The governing body of a school corporation may donate the proceeds of a grant, a gift, a donation, an endowment, a bequest, a trust, an agreement to share tax revenue received by a city or county under IC 4-33-12-6 (**before its repeal on January 1, 2017**) or IC 4-33-13 or an agreement to share revenue received by a political subdivision under IC 4-35-8.5, or other funds not generated from taxes levied by the school corporation, to a foundation under the following conditions:

- (1) The foundation is a charitable nonprofit community foundation.
- (2) The foundation retains all rights to the donation, including investment powers, except as provided in subdivision (3).
- (3) The foundation agrees to do the following:
  - (A) Hold the donation as a permanent endowment.
  - (B) Distribute the income from the donation only to the school corporation as directed by resolution of the governing body of the school corporation.
  - (C) Return the donation to the general fund of the school corporation if the foundation:
    - (i) loses the foundation's status as a public charitable organization;
    - (ii) is liquidated; or
    - (iii) violates any condition of the endowment set by the governing body of the school corporation.

(b) A school corporation may use income received under this section from a community foundation only for purposes of the school corporation.

SECTION 79. IC 36-1-8-9, AS AMENDED BY P.L.199-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) Each unit that receives:

- (1) tax revenue under IC 4-33-12-6 (**before its repeal on January 1, 2017**) or IC 4-33-13;
- (2) revenue under an agreement to share the tax revenue received under IC 4-33-12 (**before its repeal on January 1, 2017**) or IC 4-33-13 by another unit; or
- (3) revenue under a development agreement (as defined in section 9.5 of this chapter);

may establish a riverboat fund. Money in the fund may be used for any legal or corporate purpose of the unit.

(b) The riverboat fund established under subsection (a) shall be administered by the unit's treasurer, and the expenses of administering the fund shall be paid from money in the fund. Money in the fund not



currently needed to meet the obligations of the fund may be invested in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of a particular fiscal year does not revert to the unit's general fund.

SECTION 80. IC 36-1-14-1, AS AMENDED BY P.L.142-2009, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) This section does not apply to donations of gaming revenue to a public school endowment corporation under IC 20-47-1-3.

(b) As used in this section, "gaming revenue" means either of the following:

- (1) Tax revenue received by a unit under IC 4-33-12-6 (**before its repeal on January 1, 2017**), IC 4-33-13, or an agreement to share a city's or county's part of the tax revenue.
- (2) Revenue received by a unit under IC 4-35-8.5 or an agreement to share revenue received by another unit under IC 4-35-8.5.

(c) Notwithstanding IC 8-1.5-2-6(d), a unit may donate the proceeds from the sale of a utility or facility or from a grant, a gift, a donation, an endowment, a bequest, a trust, or gaming revenue to a foundation under the following conditions:

- (1) The foundation is a charitable nonprofit community foundation.
- (2) The foundation retains all rights to the donation, including investment powers.
- (3) The foundation agrees to do the following:
  - (A) Hold the donation as a permanent endowment.
  - (B) Distribute the income from the donation only to the unit as directed by resolution of the fiscal body of the unit.
  - (C) Return the donation to the general fund of the unit if the foundation:
    - (i) loses the foundation's status as a public charitable organization;
    - (ii) is liquidated; or
    - (iii) violates any condition of the endowment set by the fiscal body of the unit.

SECTION 81. IC 36-7-11.5-11, AS AMENDED BY P.L.229-2011, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) As used in this section, "fund" refers to the West Baden Springs historic hotel preservation and maintenance fund established by subsection (b).

(b) The West Baden Springs historic hotel preservation and



maintenance fund is established. The fund consists of the following:

- (1) Amounts deposited in the fund under IC 4-33-6.5-6, IC 4-33-12-6(c) **(before its repeal on January 1, 2017)**, and IC 4-33-13-5(b).
- (2) Grants and gifts that the department of natural resources receives for the fund under terms, obligations, and liabilities that the department considers appropriate.
- (3) The one million dollar (\$1,000,000) initial fee paid to the gaming commission under IC 4-33-6.5.
- (4) Any amount transferred to the fund upon the repeal of IC 36-7-11.5-8 (the community trust fund).

The fund shall be administered by the department of natural resources. The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund that is not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. The treasurer of state shall deposit in the fund the interest that accrues from the investment of the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The interest accruing to the fund is annually appropriated to the department of natural resources only for the following purposes:

- (1) To reimburse claims made for expenditures to maintain a qualified historic hotel, as determined by the owner of the hotel riverboat resort.
- (2) To reimburse claims made for expenditures to maintain:
  - (A) the grounds surrounding a qualified historic hotel;
  - (B) supporting buildings and structures related to a qualified historic hotel; and
  - (C) other facilities used by the guests of the qualified historic hotel;

as determined by the owner of the hotel riverboat resort.

(f) The department of natural resources shall promptly pay each claim for a purpose described in subsection (e) to the extent of the balance of interest available in the fund, without review or approval of the project or claim under IC 14-21 or IC 36-7-11. IC 14-21-1-18 does not apply to projects or claims paid for maintenance under this section. If insufficient money is available to fully pay all of the submitted claims, the department of natural resources shall pay the claims in the order in which they are received until each claim is fully paid.

(g) Notwithstanding IC 4-9.1-1-7, IC 4-12-1-12, IC 4-13-2-18, or



any other law, interest accruing to the fund may not be withheld, transferred, assigned, or reassigned to a purpose other than the reimbursement of claims under subsection (f).

SECTION 82. IC 36-7.5-4-16, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) This section applies if:

- (1) a city or county described in IC 36-7.5-2-3 fails to make a transfer or a part of a transfer required by section 2 of this chapter; and
- (2) the development authority has bonds or other debt or lease obligations outstanding.

(b) The treasurer of state shall do the following:

- (1) Deduct from amounts otherwise payable to the city or town under IC 4-33-12 (**before its repeal on January 1, 2017**) or IC 4-33-13 an amount equal to the amount of the transfer or part of the transfer under section 2 of this chapter that the city or county failed to make.
- (2) Pay the amount deducted under subdivision (1) to the development authority."

Page 41, after line 23, begin a new paragraph and insert:

"SECTION 84. [EFFECTIVE JULY 1, 2015] **(a) The general assembly recognizes that IC 4-33-12-6 is amended by this act effective July 1, 2015. The general assembly also recognizes that IC 4-33-12 is repealed by this act effective January 1, 2017. It is the intent of the general assembly to repeal IC 4-33-12 effective January 1, 2017.**

**(b) This SECTION expires July 1, 2017."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1540 as printed February 13, 2015.)

BROWN T

Committee Vote: yeas 20, nays 3.



## HOUSE MOTION

Mr. Speaker: I move that House Bill 1540 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 19.

Page 3, delete lines 13 through 42.

Page 4, delete lines 1 through 41.

Page 7, line 11, after "owned" insert "**or leased and used in the conduct of the licensed owner's gaming operations**".

Page 7, delete lines 24 through 42.

Page 8, delete lines 1 through 23.

Page 8, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 9. IC 4-33-13-5, AS AMENDED BY P.L.2-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) The first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

(i) a city described in IC 4-33-12-6(b)(1)(A); or

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).



(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the state general fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the state general fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) Thirty-seven and one-half percent (37.5%) shall be paid to the state general fund.

(2) Nineteen percent (19%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds ~~twenty~~ **fifteen** million dollars (~~\$20,000,000~~), **(\$15,000,000)**, the amount described in this subdivision shall be paid to the state general fund.

(3) Eight percent (8%) shall be paid to the Orange County development commission established under IC 36-7-11.5.

(4) Sixteen percent (16%) shall be paid in equal amounts to each town that is located in the county in which the riverboat is located and contains a historic hotel. The following apply to taxes received by a town under this subdivision:

(A) At least twenty-five percent (25%) of the taxes must be transferred to the school corporation in which the town is located.

(B) At least twelve and five-tenths percent (12.5%) of the taxes imposed on adjusted gross receipts received after June 30, 2010, must be transferred to the Orange County development commission established by IC 36-7-11.5-3.5.

(5) Nine percent (9%) shall be paid to the county treasurer of the county in which the riverboat is located. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty-two and twenty-five hundredths percent (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than forty thousand



(40,000) but less than forty-two thousand (42,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty-two and twenty-five hundredths percent (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Fifty-five and five-tenths percent (55.5%) shall be retained by the county in which the riverboat is located for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(6) Five percent (5%) shall be paid to a town having a population of more than two thousand (2,000) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.

(7) Five percent (5%) shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.

(8) Five-tenths percent (0.5%) of the taxes imposed on adjusted gross receipts received after June 30, 2010, shall be paid to the Indiana economic development corporation established by IC 5-28-3-1.

(c) For each city and county receiving money under subsection





(a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city's or county's base year revenue; and
- (2) would otherwise be due to the city or county under this section;

to the state general fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the state general fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the state general fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the state general fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.



(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

(1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).

(2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for debt repayment.

(3) To fund sewer and water projects, including storm water management projects.

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) This subsection does not apply to an entity receiving money under IC 4-33-12-6(c). Before September 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-6), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (i), the amount of an entity's supplemental distribution is equal to:

(1) the entity's base year revenue (as determined under IC 4-33-12-6); minus

(2) the sum of:

(A) the total amount of money distributed to the entity during the preceding state fiscal year under IC 4-33-12-6; plus

(B) any amounts deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

(1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio that



the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

(i) This subsection applies to a supplemental distribution made after June 30, 2013. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is forty-eight million dollars (\$48,000,000). If the total amount determined under subsection (g) exceeds forty-eight million dollars (\$48,000,000), the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 bears to the total amount distributed under IC 4-33-12-6 to all entities receiving a supplemental distribution."

Delete pages 9 through 26.

Page 27, delete lines 1 through 15.

Page 27, delete lines 40 through 42.

Page 28, delete lines 1 through 19.

Page 28, delete lines 28 through 42.

Delete pages 29 through 42.

Page 43, delete lines 1 through 30.

Page 44, delete lines 16 through 42.

Delete pages 45 through 53.

Page 54, delete lines 1 through 3.

Page 57, delete lines 25 through 42.

Delete pages 58 through 63.

Page 64, delete lines 1 through 10.

Page 64, line 19, delete "(before its repeal on January 1, 2017)," and insert ",".

Page 64, between lines 37 and 38, begin a new paragraph and insert:

**"(e) This subsection applies only to state fiscal years beginning after June 30, 2015, and ending before July 1, 2020. One million dollars (\$1,000,000) is appropriated from the fund to the department of natural resources in each state fiscal year beginning after June 30, 2015, and ending before July 1, 2020. The money appropriated under this subsection may be used by the department of natural resources only for the following purposes:**

**(1) To reimburse claims made for expenditures to maintain a qualified historic hotel, as determined by the owner of the hotel riverboat resort.**

**(2) To reimburse claims made for expenditures to maintain:**

**(A) the grounds surrounding a qualified historic hotel;**

**(B) supporting buildings and structures related to a**



qualified historic hotel; and  
 (C) other facilities used by the guests of the qualified historic hotel;

as determined by the owner of the hotel riverboat resort.

The department of natural resources shall promptly pay each claim for a purpose described in this subsection, without review or approval of the project or claim under IC 14-21 or IC 36-7-11. IC 14-21-1-18 does not apply to projects or claims paid for maintenance under this section. If insufficient money is available to fully pay all of the submitted claims, the department of natural resources shall pay the claims in the order in which they are received until each claim is fully paid."

Page 64, line 38, strike "(e)" and insert "(f) This subsection applies only to state fiscal years beginning after June 30, 2020."

Page 65, line 8, strike "(f)" and insert "(g) This subsection applies only to state fiscal years beginning after June 30, 2020."

Page 65, line 9, strike "(e)" and insert "(f)".

Page 65, line 16, strike "(g)" and insert "(h)".

Page 65, line 19, strike "(f)." and insert "(e) or (g)."

Page 65, delete lines 20 through 35.

Page 65, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 88. P.L.229-2013, SECTION 39, IS REPEALED [EFFECTIVE UPON PASSAGE]. SECTION 39: (a) As used in this SECTION, "commission" refers to the Indiana gaming commission:

(b) The commission shall conduct a study regarding the use of complimentary promotional credit programs by persons licensed under IC 4-33 and IC 4-35. The commission shall study the impact of complimentary credit programs on state gaming revenues:

(c) The commission shall present its findings and recommendations, if any, to the budget committee before November 1, 2015.

(d) This SECTION expires January 1, 2016.

SECTION 89. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 4-33-2 and IC 4-33-23 apply throughout this SECTION.

(b) The legislative council is urged to assign to an appropriate interim study committee a study of the following:

(1) The extent to which local governments rely on tax revenues received under IC 4-33-12 and IC 4-33-13, including revenues received under IC 4-33-13-5 as revenue sharing or supplemental distributions.

(2) The extent to which local governments rely on economic development payments received under development



agreements.

(3) The extent to which the local governments receiving tax revenues under IC 4-33-12 and IC 4-33-13 and economic development payments share revenue with other local governments.

(4) The purposes for which local governments use tax revenues under IC 4-33-12 and IC 4-33-13 and economic development payments.

(5) The extent to which liability for the riverboat admissions tax affects the competitiveness of Indiana's riverboats within the regional gaming industry.

(6) The extent to which obligations under economic development agreements affect the competitiveness of Indiana's riverboats within the regional gaming industry.

(c) If an interim study committee is assigned the topics described in subsection (b), the interim study committee shall report its findings and recommendations, if any, to the legislative council in an electronic format under IC 5-14-6 before November 1, 2015.

(d) This SECTION expires January 1, 2016.

SECTION 90. An emergency is declared for this act."

Delete page 66.

Renumber all SECTIONS consecutively.

(Reference is to HB 1540 as printed February 20, 2015.)

BROWN T

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#### HOUSE MOTION

Mr. Speaker: I move that House Bill 1540 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-31-2-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.5. "Gambling game" has the meaning set forth in IC 4-35-2-5.**

SECTION 2. IC 4-31-7-1, AS AMENDED BY P.L.233-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A person holding a permit to conduct a horse racing meeting or a license to operate a satellite facility may

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provide a place in the racing meeting grounds or enclosure or the satellite facility at which the person may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the horse races conducted or simulcast by the person. The person may not permit or use:

- (1) another place other than that provided and designated by the person; or
- (2) another method or system of betting or wagering.

However, a permit holder licensed to conduct gambling games under IC 4-35 may permit wagering on ~~slot machines~~ **gambling games** at a racetrack as permitted by IC 4-35.

(b) Except as provided in section 7 of this chapter and IC 4-31-5.5, the pari-mutuel system of wagering may not be conducted on any races except the races at the racetrack, grounds, or enclosure for which the person holds a permit.

SECTION 3. IC 4-31-9-1, AS AMENDED BY P.L.233-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. A person that holds a permit to conduct a horse racing meeting or a license to operate a satellite facility shall withhold:

- (1) eighteen percent (18%) of the total of money wagered on each day at the racetrack or satellite facility (including money wagered on exotic wagering pools, but excluding money wagered on ~~slot machines~~ **gambling games** under IC 4-35); plus
- (2) an additional three and one-half percent (3.5%) of the total of all money wagered on exotic wagering pools on each day at the racetrack or satellite facility."

Page 8, between lines 28 and 29, begin a new paragraph and insert: "SECTION 16. IC 4-33-12-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 0.5. This chapter does not apply to a riverboat in a historic hotel district.**"

Page 8, line 33, after "(c)" insert ",".

Page 8, line 33, strike "and (d)".

Page 8, line 36, strike "(k)," and insert "**(j)**".

Page 9, line 8, strike "docked" and insert "**located**".

Page 9, line 9, strike "(k)," and insert "**(j)**".

Page 9, line 19, strike "(k)," and insert "**(j)**".

Page 9, line 28, strike "(k)," and insert "**(j)**".

Page 9, line 37, strike "(k)," and insert "**(j)**".

Page 10, line 5, strike "(k)," and insert "**(j)**".

Page 10, strike line 11.

Page 10, line 12, strike "a historic hotel district, the".



- Page 10, line 12, delete "auditor".
- Page 10, line 12, strike "of state shall quarterly pay".
- Page 10, line 13, strike "the following".
- Page 10, line 13, delete "amounts:".
- Page 12, line 24, delete "(1)".
- Page 12, line 24, strike "Twenty-nine and thirty-three hundredths percent (29.33%)".
- Page 12, strike line 25.
- Page 12, line 26, strike "shall distribute the money received under this".
- Page 12, line 26, delete "subdivision".
- Page 12, strike line 27.
- Page 12, line 28, delete "(A)".
- Page 12, line 28, strike "Twenty-two and seventy-five hundredths percent".
- Page 12, strike line 29.
- Page 12, delete lines 31 through 38.
- Page 12, line 39, delete "(B)".
- Page 12, line 39, strike "Twenty-two and seventy-five hundredths percent".
- Page 12, strike line 40.
- Page 12, delete line 42.
- Page 13, delete lines 1 through 6.
- Page 13, line 7, delete "(C)".
- Page 13, line 7, strike "Fifty-four and five-tenths percent (54.5%) to be".
- Page 13, strike lines 8 through 10.
- Page 13, line 11, delete "(2)".
- Page 13, line 11, strike "Six and sixty-seven hundredths percent (6.67%) to the".
- Page 13, strike line 12.
- Page 13, line 13, strike "(20%) of the taxes received by the town under this".
- Page 13, line 14, delete "subdivision".
- Page 13, line 14, strike "must be transferred to Orleans Community Schools."
- Page 13, line 15, delete "(3)".
- Page 13, line 15, strike "Six and sixty-seven hundredths percent (6.67%) to the".
- Page 13, strike line 16.
- Page 13, line 17, strike "of the taxes received by the town under this".



- Page 13, line 17, delete "subdivision".
- Page 13, strike line 18.
- Page 13 line 19, delete "(4)".
- Page 13, line 19, strike "Twenty-six and sixty-seven hundredths percent (26.67%)".
- Page 13, strike lines 20 through 21.
- Page 13, line 22, strike "(20%) of the taxes received by a town under this".
- Page 13, line 23, delete "subdivision".
- Page 13, line 23, strike "must be transferred to the Springs Valley Community".
- Page 13, strike line 24.
- Page 13, line 25, delete "(5)".
- Page 13, line 25, strike "Thirty and sixty-six hundredths percent (30.66%) to the".
- Page 13, line 26, strike "Indiana economic development corporation to be used".
- Page 13, line 27, delete "by the corporation for".
- Page 13, delete lines 28 through 42.
- Page 14, delete lines 1 through 3.
- Page 14, line 4, strike "(d)" and insert "**(c)**".
- Page 14, line 10, strike "(k)," and insert "**(j)**".
- Page 14, line 17, strike "(k)," and insert "**(j)**".
- Page 14, line 25, strike "(k)," and insert "**(j)**".
- Page 14, line 34, strike "(k)," and insert "**(j)**".
- Page 14, line 42, strike "(k)," and insert "**(j)**".
- Page 15, line 9, strike "(k)," and insert "**(j)**".
- Page 15, line 25, strike "(e)" and insert "**(d)**".
- Page 15, line 25, delete "," and insert "**or**".
- Page 15, line 26, delete "," and insert ":".
- Page 15, line 26, strike "or (d):".
- Page 15, line 37, strike "(f)" and insert "**(e)**".
- Page 15, line 38, strike "(d)(3)" and insert "**(c)(3)**".
- Page 16, line 3, strike "(g)" and insert "**(f)**".
- Page 16, line 4, strike "(d)(6):" and insert "**(c)(6):**".
- Page 16, line 18, strike "(h)" and insert "**(g)**".
- Page 16, line 21, strike "(d)(1)" and insert "**(c)(1)**".
- Page 16, line 22, strike "(d)(2)." and insert "**(c)(2)**".
- Page 16, line 23, strike "(d)(5)" and insert "**(c)(5)**".
- Page 16, line 24, strike "(d)(6)." and insert "**(c)(6)**".
- Page 16, line 32, strike "(i)" and insert "**(h)**".
- Page 16, line 33, strike "(d)(3)" and insert "**(c)(3)**".





Page 16, line 33, strike "(d)(4)." and insert "**(c)(4)**".

Page 16, line 35, strike "(d)(3)" and insert "**(c)(3)**".

Page 16, line 38, strike "(d)(3)." and insert "**(c)(3)**".

Page 16, line 40, strike "(d)(4)." and insert "**(c)(4)**".

Page 17, strike line 1.

Page 17, line 2, strike "under subsection (c).", begin a new paragraph and insert:

"**(i)**".

Page 17, line 4, strike "(h)" and insert "**(g)**".

Page 17, line 4, strike "(i)." and insert "**(h)**".

Page 17, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 18. IC 4-33-12.5-6, AS AMENDED BY P.L.205-2013, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The county described in ~~IC 4-33-12-6(d)~~ **IC 4-33-12-6(c)** shall distribute twenty-five percent (25%) of the:

(1) admissions tax revenue received by the county under

~~IC 4-33-12-6(d)(2); IC 4-33-12-6(c)(2);~~ and

(2) supplemental distributions received under IC 4-33-13-5;

to the eligible municipalities.

(b) The amount that shall be distributed by the county to each eligible municipality under subsection (a) is based on the eligible municipality's proportionate share of the total population of all eligible municipalities. The most current certified census information available shall be used to determine an eligible municipality's proportionate share under this subsection. The determination of proportionate shares under this subsection shall be modified under the following conditions:

(1) The certification from any decennial census completed by the United States Bureau of the Census.

(2) Submission by one (1) or more eligible municipalities of a certified special census commissioned by an eligible municipality and performed by the United States Bureau of the Census.

(c) If proportionate shares are modified under subsection (b), distribution to eligible municipalities shall change with the:

(1) payments beginning April 1 of the year following the certification of a special census under subsection (b)(2); and

(2) the next quarterly payment following the certification of a decennial census under subsection (b)(1)."

Page 17, line 24, strike "1.5(j)" and insert "**1.5(k)**".

Page 18, line 5, after "that" insert "**is located in a county adjacent to Lake Michigan or the Ohio River and**".

Page 18, line 38, after "that" insert "**is located in a county adjacent to Lake Michigan or the Ohio River and**".



Page 19, line 29, strike "or operating agent".

Page 19, between lines 34 and 35, begin a new paragraph and insert:

**"(e) This subsection applies only to a riverboat that is located in a historic hotel district. A tax is imposed on the adjusted gross receipts received from gambling games authorized under this article at the rate of five percent (5%) of the amount of the adjusted gross receipts."**

Page 19, line 35, strike "(e)" and insert "(f)".

Page 19, line 38, strike "(f)" and insert "(g)".

Page 19, line 40, strike "(g)" and insert "(h)".

Page 20, line 2, strike "(h)" and insert "(i)".

Page 20, line 5, strike "(i)" and insert "(j)".

Page 20, line 12, strike "(j)" and insert "(k)".

Page 30, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 29. IC 4-35-2-5, AS AMENDED BY P.L.229-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. "Gambling game" means ~~either~~ **any** of the following:

- (1) A game played on a slot machine approved for wagering under this article by the commission.
- (2) A game played on a slot machine through the use of a mobile gaming device approved under this article.
- (3) A table game approved by the commission under IC 4-35-7-19.**

SECTION 30. IC 4-35-2-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 10.5. "Table game" means an apparatus used to gamble upon, including the following:**

- (1) A roulette wheel and table.**
- (2) A blackjack table.**
- (3) A craps table.**
- (4) A poker table.**
- (5) Any other game approved by the commission.**

SECTION 31. IC 4-35-3-1, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. All shipments of **gambling devices, including** slot machines, to licensees in Indiana, the registering, recording, and labeling of which have been completed by the manufacturer or dealer in accordance with 15 U.S.C. 1171 through 15 U.S.C. 1178, are legal shipments of gambling devices into Indiana.

SECTION 32. IC 4-35-4-2, AS AMENDED BY P.L.142-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- JULY 1, 2015]: Sec. 2. (a) The commission shall do the following:
- (1) Adopt rules under IC 4-22-2 that the commission determines are necessary to protect or enhance the following:
    - (A) The credibility and integrity of gambling games authorized under this article.
    - (B) The regulatory process provided in this article.
  - (2) Conduct all hearings concerning civil violations of this article.
  - (3) Provide for the establishment and collection of license fees imposed under this article, and deposit the license fees in the state general fund.
  - (4) Levy and collect penalties for noncriminal violations of this article and deposit the penalties in the state general fund.
  - (5) Approve the design, appearance, aesthetics, and construction of ~~slot machine~~ **gambling game** facilities authorized under this article.
  - (6) Adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:
    - (A) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and
    - (B) an emergency rule is likely to address the need.
  - (7) Adopt rules to establish and implement a voluntary exclusion program that meets the requirements of subsection (c).
  - (8) Establish the requirements for a power of attorney submitted under IC 4-35-5-9.
- (b) The commission shall begin rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted under subsection (a)(6) not later than thirty (30) days after the adoption of the emergency rule under subsection (a)(6).
- (c) Rules adopted under subsection (a)(7) must provide the following:
- (1) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program agrees to refrain from entering a facility at which gambling games are conducted or another facility under the jurisdiction of the commission.
  - (2) That the name of a person participating in the program will be included on a list of persons excluded from all facilities under the jurisdiction of the commission.
  - (3) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program may not petition the commission for readmittance to a facility under the jurisdiction of the commission.



(4) That the list of patrons entering the voluntary exclusion program and the personal information of the participants are confidential and may only be disseminated by the commission to the owner or operator of a facility under the jurisdiction of the commission for purposes of enforcement and to other entities, upon request by the participant and agreement by the commission.

(5) That an owner of a facility under the jurisdiction of the commission shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.

(6) That an owner of a facility under the jurisdiction of the commission may not cash the check of a person participating in the program or extend credit to the person in any manner. However, the voluntary exclusion program does not preclude an owner from seeking the payment of a debt accrued by a person before entering the program.

SECTION 33. IC 4-35-4-7, AS AMENDED BY P.L.229-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The commission shall adopt standards for the licensing of the following:

- (1) Persons regulated under this article.
- (2) ~~Slot machines used in~~ Gambling games.
- (3) Limited mobile gaming systems and mobile gaming devices.

(b) Where applicable, 68 IAC applies to racetracks conducting gambling games under this article."

Page 33, between lines 13 and 14, begin a new paragraph and insert:  
"SECTION 35. IC 4-35-4-14, AS ADDED BY P.L.142-2009, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) The commission may appoint a temporary trustee for a particular **slot machine gambling game** facility at a racetrack if the commission makes the following findings:

- (1) That circumstances requiring a trustee to assume control of the **slot machine gambling game** facility are likely to occur.
- (2) That the commission has not approved a power of attorney identifying any other person to serve as the trustee for the **slot machine gambling game** facility.
- (3) That there is not enough time to consider and approve a power of attorney with respect to the **slot machine gambling game** facility before the circumstances found likely to occur under subdivision (1) will occur.

(b) A person appointed under this section must be qualified to perform any duty described in this section or IC 4-35-12.



(c) A trustee appointed by the commission under this section shall serve until any of the following occur:

(1) The commission adopts a resolution under IC 4-35-12-3 authorizing a trustee appointed in an approved power of attorney submitted by the permit holder to conduct gambling games under IC 4-35-12.

(2) The commission revokes the trustee's authority to conduct gambling games as provided by IC 4-35-12-12.

(3) A new permit holder assumes control of the racetrack, ~~slot machine~~ **gambling game** facility, and related properties.

(d) A trustee appointed by the commission under this section shall exercise the trustee's powers in accordance with:

(1) the model power of attorney established by the executive director under section 13.2 of this chapter; and

(2) IC 4-35-12.

SECTION 36. IC 4-35-5-2, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Before issuing a license to a person under this chapter, the commission shall subject the person to a background investigation similar to a background investigation required for an applicant for a riverboat owner's license under IC 4-33-6.

(b) Before the commission may issue a license to a person under this chapter, the person must submit to the commission for the commission's approval the physical layout of the person's proposed ~~slot machines~~ **gambling games** and the facilities that will contain the proposed ~~slot machines~~ **gambling games**. The facilities that will contain the ~~slot machines~~ **gambling games** must be connected to the licensee's racetrack facilities.

SECTION 37. IC 4-35-6-1, AS AMENDED BY P.L.229-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. A person may not:

(1) sell;

(2) lease; or

(3) contract to sell or lease;

a slot machine, **table game**, limited mobile gaming system, or mobile gaming device to a licensee unless the person holds a supplier's license originally issued under IC 4-33-7-1 or renewed under IC 4-33-7-8.

SECTION 38. IC 4-35-7-1, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. Gambling games authorized under this article may not be conducted anywhere other than a ~~slot machine~~ **gambling game** facility located at a racetrack.



SECTION 39. IC 4-35-7-1.5, AS ADDED BY P.L.229-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.5. (a) A licensee may request approval from the commission to use a limited mobile gaming system in the gambling operations of the licensee.

(b) The commission may approve the use of a limited mobile gaming system to allow a patron to wager on gambling games while present in the gaming area (as defined under the rules of the commission) of a ~~slot machine gambling game~~ facility licensed under this article. A patron may not transmit a wager using a mobile gaming device while present in any other location.

SECTION 40. IC 4-35-7-2, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A person who is less than twenty-one (21) years of age may not wager ~~on a slot machine.~~ **under this article.**

(b) Except as provided in subsection (c), a person who is less than twenty-one (21) years of age may not be present in the area of a racetrack where gambling games are conducted.

(c) A person who is at least eighteen (18) years of age and who is an employee of the racetrack may be present in the area of the racetrack where gambling games are conducted. However, an employee who is less than twenty-one (21) years of age may not perform any function involving gambling by the patrons of the licensee's ~~slot machine gambling game~~ facility.

SECTION 41. IC 4-35-7-4, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. The following may inspect a licensee's ~~slot machine gambling game~~ facility at any time to determine if this article is being violated:

(1) Employees of the commission.

(2) Officers of the state police department.

SECTION 42. IC 4-35-7-5, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. Employees of the commission have the right to be present in a licensee's ~~slot machine gambling game~~ facility.

SECTION 43. IC 4-35-7-6, AS AMENDED BY P.L.229-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. ~~A slot machine~~ **Gambling equipment and supplies customarily used in conducting gambling games** may be purchased or leased only from a supplier licensed under IC 4-33-7.

SECTION 44. IC 4-35-7-7, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2015]: Sec. 7. Except as provided in ~~section sections~~ **sections 14 and 19** of this chapter, slot machine wagering is the only form of wagering permitted in a licensee's slot machine facility.

SECTION 45. IC 4-35-7-8, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. Wagers may be received only from a person present in a licensee's ~~slot machine~~ **slot machine gambling game** facility. A person present in a licensee's ~~slot machine~~ **slot machine gambling game** facility may not place or attempt to place a wager on behalf of a person who is not present in the licensee's ~~slot machine~~ **slot machine gambling game** facility.

SECTION 46. IC 4-35-7-9, AS AMENDED BY P.L.229-2013, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) A patron may make a ~~slot machine~~ **slot machine gambling game** wager at a racetrack only by means of:

- (1) a **chip, a** token, or an electronic card, acquired from a licensee at the licensee's racetrack; or
- (2) money or other negotiable currency.

(b) A **chip, a** token, or an electronic card may be acquired by means of an agreement under which a licensee extends credit to the patron.

(c) All winnings and payoffs from a ~~slot machine~~ **slot machine gambling game** at a racetrack:

- (1) ~~shall~~ **must** be made in **chips**, tokens, electronic cards, paper tickets, or other evidence of winnings and payoffs approved by the commission; and
- (2) may not be made in money or other negotiable currency.

SECTION 47. IC 4-35-7-10, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. A **chip, a** token, or an electronic card described in section 9 of this chapter may be used by a patron while the patron is present at the racetrack only to make a wager on a ~~slot machine~~ **slot machine gambling game** authorized under this article.

SECTION 48. IC 4-35-7-12, AS AMENDED BY P.L.210-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) The Indiana horse racing commission shall enforce the requirements of this section.

(b) A licensee shall before the fifteenth day of each month distribute the following amounts for the support of the Indiana horse racing industry:

- (1) An amount equal to fifteen percent (15%) of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee with respect to adjusted gross receipts received after June 30, 2013, and before



January 1, 2014.

(2) The percentage of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after December 31, 2013, **and before July 1, 2015.**

**(3) The percentage of the adjusted gross receipts of the gambling game wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after June 30, 2015.**

(c) The Indiana horse racing commission may not use any of the money distributed under this section for any administrative purpose or other purpose of the Indiana horse racing commission.

(d) A licensee shall distribute the money devoted to horse racing purses and to horsemen's associations under this subsection as follows:

(1) Five-tenths percent (0.5%) shall be transferred to horsemen's associations for equine promotion or welfare according to the ratios specified in subsection (g).

(2) Two and five-tenths percent (2.5%) shall be transferred to horsemen's associations for backside benevolence according to the ratios specified in subsection (g).

(3) Ninety-seven percent (97%) shall be distributed to promote horses and horse racing as provided in subsection (f).

(e) A horsemen's association shall expend the amounts distributed to the horsemen's association under subsection (d)(1) through (d)(2) for a purpose promoting the equine industry or equine welfare or for a benevolent purpose that the horsemen's association determines is in the best interests of horse racing in Indiana for the breed represented by the horsemen's association. Expenditures under this subsection are subject to the regulatory requirements of subsection (h).

(f) A licensee shall distribute the amounts described in subsection (d)(3) as follows:

(1) Forty-six percent (46%) for thoroughbred purposes as follows:

(A) Sixty percent (60%) for the following purposes:

(i) Ninety-seven percent (97%) for thoroughbred purses.

(ii) Two and four-tenths percent (2.4%) to the horsemen's association representing thoroughbred owners and trainers.

(iii) Six-tenths percent (0.6%) to the horsemen's association representing thoroughbred owners and breeders.

(B) Forty percent (40%) to the breed development fund established for thoroughbreds under IC 4-31-11-10.





- (2) Forty-six percent (46%) for standardbred purposes as follows:
- (A) Three hundred seventy-five thousand dollars (\$375,000) to the state fair commission to be used by the state fair commission to support standardbred racing and facilities at the state fairgrounds.
  - (B) One hundred twenty-five thousand dollars (\$125,000) to the state fair commission to be used by the state fair commission to make grants to county fairs to support standardbred racing and facilities at county fair tracks. The state fair commission shall establish a review committee to include the standardbred association board, the Indiana horse racing commission, and the Indiana county fair association to make recommendations to the state fair commission on grants under this clause.
  - (C) Fifty percent (50%) of the amount remaining after the distributions under clauses (A) and (B) for the following purposes:
    - (i) Ninety-six and five-tenths percent (96.5%) for standardbred purses.
    - (ii) Three and five-tenths percent (3.5%) to the horsemen's association representing standardbred owners and trainers.
  - (D) Fifty percent (50%) of the amount remaining after the distributions under clauses (A) and (B) to the breed development fund established for standardbreds under IC 4-31-11-10.
- (3) Eight percent (8%) for quarter horse purposes as follows:
- (A) Seventy percent (70%) for the following purposes:
    - (i) Ninety-five percent (95%) for quarter horse purses.
    - (ii) Five percent (5%) to the horsemen's association representing quarter horse owners and trainers.
  - (B) Thirty percent (30%) to the breed development fund established for quarter horses under IC 4-31-11-10.

Expenditures under this subsection are subject to the regulatory requirements of subsection (h).

(g) Money distributed under subsection (d)(1) and (d)(2) shall be allocated as follows:

- (1) Forty-six percent (46%) to the horsemen's association representing thoroughbred owners and trainers.
- (2) Forty-six percent (46%) to the horsemen's association representing standardbred owners and trainers.
- (3) Eight percent (8%) to the horsemen's association representing quarter horse owners and trainers.



(h) Money distributed under this section may not be expended unless the expenditure is for a purpose authorized in this section and is either for a purpose promoting the equine industry or equine welfare or is for a benevolent purpose that is in the best interests of horse racing in Indiana or the necessary expenditures for the operations of the horsemen's association required to implement and fulfill the purposes of this section. The Indiana horse racing commission may review any expenditure of money distributed under this section to ensure that the requirements of this section are satisfied. The Indiana horse racing commission shall adopt rules concerning the review and oversight of money distributed under this section and shall adopt rules concerning the enforcement of this section. The following apply to a horsemen's association receiving a distribution of money under this section:

- (1) The horsemen's association must annually file a report with the Indiana horse racing commission concerning the use of the money by the horsemen's association. The report must include information as required by the commission.
- (2) The horsemen's association must register with the Indiana horse racing commission.

The state board of accounts shall annually audit the accounts, books, and records of the Indiana horse racing commission, each horsemen's association, a licensee, and any association for backside benevolence containing any information relating to the distribution of money under this section.

(i) The commission shall provide the Indiana horse racing commission with the information necessary to enforce this section.

(j) The Indiana horse racing commission shall investigate any complaint that a licensee has failed to comply with the horse racing purse requirements set forth in this section. If, after notice and a hearing, the Indiana horse racing commission finds that a licensee has failed to comply with the purse requirements set forth in this section, the Indiana horse racing commission may:

- (1) issue a warning to the licensee;
- (2) impose a civil penalty that may not exceed one million dollars (\$1,000,000); or
- (3) suspend a meeting permit issued under IC 4-31-5 to conduct a pari-mutuel wagering horse racing meeting in Indiana.

(k) A civil penalty collected under this section must be deposited in the state general fund.

SECTION 49. IC 4-35-7-16, AS ADDED BY P.L.210-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) The amount of ~~slot machine~~ **gambling**



**game** revenue that must be distributed under section 12(b)(2) of this chapter must be determined in a distribution agreement entered into by negotiation committees representing all licensees and the horsemen's associations having contracts with licensees that have been approved by the Indiana horse racing commission.

(b) Each horsemen's association shall appoint a representative to a negotiation committee to negotiate the distribution agreement required by subsection (a). If there ~~are~~ **is** an even number of horsemen's associations appointing representatives to the committee, the members appointed by each horsemen's association shall jointly appoint an at-large member of the negotiation committee to represent the interests of all of the horsemen's associations. The at-large member is entitled to the same rights and privileges of the members appointed by the horsemen's associations.

(c) Each licensee shall appoint a representative to a negotiation committee to negotiate the distribution agreement required by subsection (a). If there ~~are~~ **is** an even number of licensees, the members appointed by each licensee shall jointly appoint an at-large member of the negotiation committee to represent the interests of all of the licensees. The at-large member is entitled to the same rights and privileges of the members appointed by the licensees.

(d) If a majority of the members of each negotiation committee ~~are~~ **is** present, the negotiation committees may negotiate and enter into a distribution agreement binding all horsemen's associations and all licensees as required by subsection (a).

(e) The initial distribution agreement entered into by the negotiation committees:

- (1) must be in writing;
- (2) must be submitted to the Indiana horse racing commission before October 1, 2013;
- (3) must be approved by the Indiana horse racing commission before January 1, 2014; and
- (4) may contain any terms determined to be necessary and appropriate by the negotiation committees, subject to subsection (f) and section 12 of this chapter.

(f) A distribution agreement must provide that at least ten percent (10%) and not more than twelve percent (12%) of a licensee's adjusted gross receipts must be distributed under section 12(b)(2) of this chapter. A distribution agreement applies to adjusted gross receipts received by the licensee after December 31 of the calendar year in which the distribution agreement is approved by the Indiana horse racing commission.



(g) A distribution agreement may expire on December 31 of a particular calendar year if a subsequent distribution agreement will take effect on January 1 of the following calendar year. A subsequent distribution agreement:

- (1) is subject to the approval of the Indiana horse racing commission; and
- (2) must be submitted to the Indiana horse racing commission before October 1 of the calendar year preceding the calendar year in which the distribution agreement will take effect.

(h) The Indiana horse racing commission shall annually report to the budget committee on the effect of each distribution agreement on the Indiana horse racing industry before January 1 of the following calendar year.

SECTION 50. IC 4-35-7-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 19. (a) For purposes of this section, "electronic table games" means:**

- (1) baccarat;**
- (2) blackjack;**
- (3) poker;**
- (4) craps; or**
- (5) roulette;**

**that a person plays at a table with multiple positions and the game operates on a random number generator without human assistance.**

**(b) A licensee may submit a plan to the commission for conducting wagering on table games at the licensee's gambling game facility. A licensee must submit a table game plan before the date designated by the commission. Upon receipt of an appropriate plan, the commission shall authorize wagering on table games at the licensee's gambling game facility. Except as provided in subsection (b), a licensee:**

- (1) may not install more table game positions than the number of positions proposed in the table game plan submitted to the commission;**
- (2) must remove one (1) electronic table game from its gambling game facility for each table game the licensee installs; and**
- (3) may have a number of table games equal only to fifty percent (50%) of the electronic table games the licensee had in operation on February 1, 2015.**

**(c) After five (5) years of conducting table games under a plan**



approved under subsection (b), a licensee may apply to the commission for approval to install additional table game positions."

Page 45, between lines 26 and 27, begin a new paragraph and insert:  
 "SECTION 53. IC 4-35-8.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

**Chapter 8.3. Historic Hotel District Community Support Fee**

**Sec. 1. This chapter applies to a state fiscal year beginning after June 30, 2015.**

**Sec. 2. Before October 1 of each year, a licensee shall pay to the department an annual historic hotel district community support fee equal to:**

- (1) one million two hundred fifty thousand dollars (\$1,250,000); multiplied by**
- (2) the number of gambling game facilities operated by the licensee under this article.**

**Sec. 3. The department shall deposit the fees received under section 2 of this chapter in the state general fund.**

**Sec. 4. Before December 1 of each year, the auditor of state shall distribute an amount equal to the fees deposited in that year under section 3 of this chapter to communities and schools located near a historic hotel district and the Indiana economic development commission as follows:**

- (1) Twenty-nine and thirty-three hundredths percent (29.33%) to the county treasurer of Orange County. The county treasurer shall distribute the money received under this subdivision as follows:**
  - (A) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.**
  - (B) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Crawford County for appropriation by the county fiscal body. The county fiscal body shall provide for the distribution of the money received under this clause to one (1) or more taxing units**



(as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Fifty-four and five-tenths percent (54.5%) to be retained by the county treasurer of Orange County for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(2) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Orleans. At least twenty percent (20%) of the money received by the town under this subdivision must be transferred to the Orleans Community Schools.

(3) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Paoli. At least twenty percent (20%) of the money received by the town under this subdivision must be transferred to the Paoli Community School Corporation.

(4) Twenty-six and sixty-seven hundredths percent (26.67%) to be paid in equal amounts to the fiscal officers of the towns of French Lick and West Baden Springs. At least twenty percent (20%) of the money received by a town under this subdivision must be transferred to the Springs Valley Community School Corporation.

(5) Thirty and sixty-six hundredths percent (30.66%) to be paid to the Indiana economic development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of Orange County and the counties contiguous to Orange County in improving their quality of life and to help promote successful and sustainable communities.

**Sec. 5. Money distributed to a unit of local government under section 4 of this chapter:**

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.



SECTION 54. IC 4-35-8.5-1, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Before the fifteenth day of each month, a licensee that offers **slot machine gambling game** wagering under this article shall pay to the commission a county **slot machine gambling game** wagering fee equal to three percent (3%) of the adjusted gross receipts received from **slot machine gambling game** wagering during the previous month at the licensee's racetrack. However, a licensee is not required to pay more than eight million dollars (\$8,000,000) of county **slot machine gambling game** wagering fees under this section in any state fiscal year.

(b) The commission shall deposit the county **slot machine gambling game** wagering fee received by the commission into a separate account within the state general fund.

SECTION 55. IC 4-35-8.5-2, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. Before the fifteenth day of each month, the treasurer of state shall distribute any county **slot machine gambling game** wagering fees received from a licensee during the previous month to the county auditor of the county in which the licensee's racetrack is located.

SECTION 56. IC 4-35-8.5-3, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The auditor of each county receiving a distribution of county **slot machine gambling game** wagering fees under section 2 of this chapter shall distribute the county **slot machine gambling game** wagering fees as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required by subdivisions (1) and (2) are made, the remainder shall be retained by the county.

SECTION 57. IC 4-35-8.7-2, AS AMENDED BY P.L.142-2009, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A licensee that offers **slot machine** wagering **on gambling games** under this article shall annually pay to the Indiana horse racing commission a gaming integrity fee equal to two hundred fifty thousand dollars (\$250,000) for each racetrack at which the licensee offers **slot machine** wagering **on gambling games**. The Indiana horse racing commission shall deposit gaming integrity fees in the fund.



SECTION 58. IC 4-35-8.8-3, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The division may use problem gambling fees paid to the division under this chapter only for the prevention and treatment of compulsive gambling that is related to ~~slot machine wagering and other~~ gambling allowed under **this article and** IC 4-33.

SECTION 59. IC 4-35-9-2, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A person who knowingly or intentionally aids, induces, or causes a person who is:

- (1) less than twenty-one (21) years of age; and
- (2) not an employee of a licensee;

to enter or attempt to enter the licensee's ~~slot machine~~ **gambling game** facility commits a Class A misdemeanor.

SECTION 60. IC 4-35-9-3.5, AS ADDED BY P.L.158-2013, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3.5. (a) A person who:

- (1) is not an employee of a licensee;
- (2) is less than twenty-one (21) years of age; and
- (3) enters the licensee's ~~slot machine~~ **gambling game** facility;

commits a Class C infraction.

(b) A person who:

- (1) is not an employee of a licensee;
- (2) is less than twenty-one (21) years of age; and
- (3) attempts to enter the licensee's ~~slot machine~~ **gambling game** facility;

commits a Class C infraction.

SECTION 61. IC 4-35-9-4, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. A person who knowingly or intentionally:

- (1) makes a false statement on an application submitted under this article;
- (2) conducts a gambling game in a manner other than the manner required under this article; or
- (3) wagers or accepts a wager at a location other than a licensee's ~~slot machine~~ **gambling game** facility;

commits a Class A misdemeanor.

SECTION 62. IC 4-35-11-1, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. This chapter applies to persons holding a permit to operate a racetrack under IC 4-31-5 at which ~~slot machines~~ **gambling games** are licensed under this article.





SECTION 63. IC 4-35-11-2, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The general assembly declares that it is essential for minority and women's business enterprises to have the opportunity for full participation in the racetrack industry if minority and women's business enterprises are to obtain social and economic parity and if the economies of the cities, towns, and counties in which ~~slot machines~~ **gambling games** are operated at racetracks are to be stimulated as contemplated by this article.

SECTION 64. IC 4-35-12-9, AS ADDED BY P.L.142-2009, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. A trustee acting under the authority of this chapter may conduct the operations of any hotel, restaurant, golf course, or other amenity related to the racetrack's ~~slot machine~~ **gambling game** facility.

SECTION 65. IC 4-36-1-3, AS ADDED BY P.L.95-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. This article does not apply to the following:

- (1) The Indiana state lottery established under IC 4-30.
- (2) Pari-mutuel horse racing under IC 4-31.
- (3) Charity gaming under IC 4-32.2.
- (4) Riverboat gambling under IC 4-33.
- (5) ~~Slot machine~~ **Wagering on gambling games** under IC 4-35."

Page 52, line 36, strike "IC 4-33-12-6(d)(2);" and insert "**IC 4-33-12-6(c)(2);**".

Page 52, line 41, strike "IC 4-33-12-6(d)(1)" and insert "**IC 4-33-12-6(c)(1)**".

Page 60, line 34, strike "IC 4-33-12-6(g)(3)" and insert "**IC 4-33-12-6(f)(3)**".

Page 61, line 10, reset in roman "admissions".

Page 64, line 19, after "(before" insert "**the enactment of P.L.96-2010 and before**".

Page 66, after line 4, begin a new paragraph and insert:

"SECTION 88. [EFFECTIVE JULY 1, 2015] **(a) IC 4-33-13-1.5, as amended by this act, applies to adjusted gross receipts received from gambling games conducted after June 30, 2015.**

**(b) This SECTION expires July 1, 2016.**"

Re-number all SECTIONS consecutively.

(Reference is to HB 1540 as printed February 20, 2015.)

EBERHART

