



Reprinted
April 8, 2015

ENGROSSED HOUSE BILL No. 1540

DIGEST OF HB 1540 (Updated April 7, 2015 4:16 pm - DI 73)

Citations Affected: IC 4-29 ; IC 4-31; IC 4-32.2; IC 4-33; IC 4-35; IC 4-36; IC 6-3.1; IC 6-3.5; IC 6-9; IC 12-23; IC 36-7; noncode.

Synopsis: Various gaming matters. Specifies the process for entering into tribal-state compacts concerning Indian gaming. Authorizes riverboats to move inland to adjacent properties meeting certain requirements. Makes the promotional play deduction for riverboats and racinos permanent. Caps the number of gaming positions offered by a licensed owner or an operating agent at the greatest number of gaming positions offered since January 1, 2007, regardless of whether the licensed owner relocates gaming operations to an inland casino. Allows
(Continued next page)

Effective: Upon passage; July 1, 2015.

Dermody, Brown T, GiaQuinta, Austin

(SENATE SPONSORS — ALTING, KENLEY, ROGERS, ARNOLD J,
LANANE, RANDOLPH)

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.
February 25, 2015, engrossed. Read third time, passed. Yeas 76, nays 19.
SENATE ACTION
March 2, 2015, read first time and referred to Committee on Public Policy.
March 19, 2015, amended, reported favorably — Do Pass. Reassigned to Committee on Appropriations.
April 2, 2015, amended, reported favorably — Do Pass.
April 7, 2015, read second time, amended, ordered engrossed.

EH 1540—LS 7218/DI 92



Digest Continued

riverboats to host charity gaming events, including events conducted by out-of-state qualified organizations. Allows a licensed owner or operating agent of a riverboat or a racino licensee to provide complimentary beverages to patrons in a hotel or facility operated by the licensed owner or operating agent or the licensee. Authorizes table games at the racinos beginning in 2021. Provides for the use of AGR attributable to table games to support the horse racing industry. Provides a licensee may not offer more than 2,200 gambling games on the premises of a licensee's racetrack after January 1, 2021. Provides that after June 30, 2015, the racino wagering tax is based on 89.5% of adjusted gross receipts (rather than 91.5%, under current law). Exempts the riverboat located in a historic hotel district from the admissions tax. Requires a racino licensee to pay a \$2,500,000 historic hotel district community support fee and allocates the fee among various entities. Changes the formula for distributing among the state and local entities the wagering taxes collected from a riverboat in a historic hotel district. Establishes the French Lick historic tax credit to provide a credit against the wagering tax imposed on the adjusted gross receipts of a riverboat in a historic hotel district if the riverboat did not receive more than \$80,000,000 of adjusted gross receipts during the preceding state fiscal year. Provides that the percentage of the credit depends on the amount of adjusted gross receipts during the preceding state fiscal year. Requires the revenue retained under the credit to be applied to the maintenance and operation of a historic hotel. Provides that \$1,000,000 is appropriated from the West Baden Springs historic hotel preservation and maintenance fund for the state fiscal year ending June 30, 2015, and that \$2,000,000 is appropriated from the West Baden Springs historic hotel preservation and maintenance fund for each state fiscal year beginning after June 30, 2015, for purposes of expenditures for a qualified historic hotel, the grounds surrounding the hotel, supporting buildings and structures related to the hotel, and other facilities used by the guests of the hotel. (Under current law, only the interest accruing to the fund is annually appropriated for those purposes.) Specifies that the wagering taxes currently being paid into the West Baden Springs historic hotel preservation and maintenance fund shall instead be paid into the state general fund. Imposes a food and beverage tax and a supplemental innkeeper's tax on transactions occurring at the French Lick resort. Provides that the tax revenue from the food and beverage tax and the supplemental innkeeper's tax shall be paid to the West Baden Springs historic hotel preservation and maintenance fund. Authorizes the county council of a county containing a historic hotel district to impose a public safety LOIT without imposing any other LOIT. 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 certain study topics related to gaming.

EH 1540—LS 7218/DI 92



Reprinted
April 8, 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.

ENGROSSED HOUSE BILL No. 1540

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 4-29 IS ADDED TO THE INDIANA CODE AS A
2 **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:
4 **ARTICLE 29. TRIBAL GAMING**
5 **Chapter 1. Applicability**
6 **Sec. 1. This article does not apply to the following:**
7 (1) A permit holder licensed to conduct a pari-mutuel
8 wagering horse racing meeting under IC 4-31.
9 (2) A qualified organization licensed to conduct charity
10 gaming events under IC 4-32.2.
11 (3) A licensed owner or operating agent operating a riverboat
12 under IC 4-33.
13 (4) A permit holder licensed to conduct gambling games
14 under IC 4-35.
15 (5) A person authorized to conduct type II gaming under

EH 1540—LS 7218/DI 92



1 **IC 4-36.**

2 **Chapter 2. Definitions**

3 **Sec. 1. The definitions in this chapter apply throughout this**
4 **article.**

5 **Sec. 2. "Class III gaming" has the meaning set forth in 25 U.S.C.**
6 **2703(8).**

7 **Sec. 3. "Indian lands" has the meaning set forth in 25 U.S.C.**
8 **2703(4).**

9 **Sec. 4. "Indian tribe" has the meaning set forth in 25 U.S.C.**
10 **2703(5).**

11 **Sec. 5. "Tribal-state compact" means a compact under 25**
12 **U.S.C. 2701 et seq. between an Indian tribe and the state to allow**
13 **gaming on Indian lands located in Indiana.**

14 **Chapter 3. Tribal-State Compacts**

15 **Sec. 1. The state may not enter into, amend, or modify a**
16 **tribal-state compact without the ratification of the general**
17 **assembly.**

18 **Sec. 2. A tribal-state compact entered into, amended, or**
19 **modified without the ratification of the general assembly is void.**

20 **Sec. 3. The governor is responsible for negotiating and executing**
21 **a tribal-state gaming compact on behalf of the state with an Indian**
22 **tribe located within Indiana for the purpose of authorizing Class**
23 **III gaming on Indian lands located within Indiana under 25 U.S.C.**
24 **2701 et seq. The governor's responsibilities under this section**
25 **include the negotiation and execution of any amendment or**
26 **modification to a tribal-state compact.**

27 **Sec. 4. (a) A tribal-state compact negotiated under this chapter**
28 **must include terms concerning the following:**

- 29 **(1) The management of the Indian tribe's gaming operation.**
30 **(2) Revenue sharing with the state and local units of**
31 **government.**
32 **(3) Infrastructure and site improvements.**
33 **(4) The administration and regulation of gaming.**
34 **(5) The types of games operated by the Indian tribe.**

35 **(b) This section does not preclude additional items and terms**
36 **from being negotiated and agreed to in any tribal-state compact.**

37 **Sec. 5. Following the completion of negotiations and the**
38 **execution of a tribal-state compact, the governor shall submit a**
39 **copy of the executed tribal-state compact to the president pro**
40 **tempore of the senate and the speaker of the house of**
41 **representatives for ratification. To ratify the tribal-state compact,**
42 **the general assembly must enact a bill codifying the tribal-state**



1 compact in the manner required by the Constitution of the State of
2 Indiana.

3 Sec. 6. Upon receipt of an act ratifying a tribal-state compact,
4 the governor shall cause the ratified tribal-state compact to be
5 deposited with the secretary of state under IC 4-3-1-1.

6 Sec. 7. The secretary of state shall forward a copy of the
7 executed tribal-state compact and the act of ratification to the
8 United States Secretary of the Interior for federal review and
9 approval as required by 25 U.S.C. 2710(8).

10 Sec. 8. If the governor agrees to an amendment to or a
11 modification of a tribal-state compact, the governor shall submit
12 the amendment or modification to the general assembly for
13 ratification in the manner required by section 5 of this chapter.

14 SECTION 2. IC 4-31-2-7.5 IS ADDED TO THE INDIANA CODE
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2015]: Sec. 7.5. "Gambling game" has the meaning set forth in
17 IC 4-35-2-5.

18 SECTION 3. IC 4-31-7-1, AS AMENDED BY P.L.233-2007,
19 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2015]: Sec. 1. (a) A person holding a permit to conduct a
21 horse racing meeting or a license to operate a satellite facility may
22 provide a place in the racing meeting grounds or enclosure or the
23 satellite facility at which the person may conduct and supervise the
24 pari-mutuel system of wagering by patrons of legal age on the horse
25 races conducted or simulcast by the person. The person may not permit
26 or use:

- 27 (1) another place other than that provided and designated by the
28 person; or
29 (2) another method or system of betting or wagering.

30 However, a permit holder licensed to conduct gambling games under
31 IC 4-35 may permit wagering on ~~slot machines~~ **gambling games** at a
32 racetrack as permitted by IC 4-35.

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

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

- 41 (1) eighteen percent (18%) of the total of money wagered on each
42 day at the racetrack or satellite facility (including money wagered



- 1 on exotic wagering pools, but excluding money wagered on ~~slot~~
 2 ~~machines gambling games~~ under IC 4-35); plus
 3 (2) an additional three and one-half percent (3.5%) of the total of
 4 all money wagered on exotic wagering pools on each day at the
 5 racetrack or satellite facility.
- 6 SECTION 5. IC 4-32.2-2-24, AS AMENDED BY P.L.94-2012,
 7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2015]: Sec. 24. (a) **Except as otherwise provided in this**
 9 **section**, "qualified organization" refers to any of the following:
- 10 (1) A bona fide religious, educational, senior citizens, veterans,
 11 or civic organization operating in Indiana that:
- 12 (A) operates without profit to the organization's members;
 13 (B) is exempt from taxation under Section 501 of the Internal
 14 Revenue Code; and
 15 (C) satisfies at least one (1) of the following requirements:
 16 (i) The organization has been continuously in existence in
 17 Indiana for at least three (3) years.
 18 (ii) The organization is affiliated with a parent organization
 19 that has been in existence in Indiana for at least three (3)
 20 years.
 21 (iii) The organization has reorganized and is continuing its
 22 mission under a new name on file with the Indiana secretary
 23 of state and with a new tax identification number after
 24 having satisfied the requirements set forth in either item (i)
 25 or (ii).
- 26 (2) A bona fide political organization operating in Indiana that
 27 produces exempt function income (as defined in Section 527 of
 28 the Internal Revenue Code).
 29 (3) A state educational institution (as defined in IC 21-7-13-32).
 30 (4) A bona fide national organization operating in Indiana.
 31 (5) A bona fide national foundation.
- 32 (b) For purposes of IC 4-32.2-4-3, a "qualified organization"
 33 includes the following:
- 34 (1) A hospital licensed under IC 16-21.
 35 (2) A health facility licensed under IC 16-28.
 36 (3) A psychiatric facility licensed under IC 12-25.
 37 (4) An organization defined in subsection (a).
 38 (c) For purposes of IC 4-32.2-4-10, a "qualified organization"
 39 includes a bona fide business organization.
 40 (d) Evidence that an organization satisfies subsection (a)(1)(C)(iii)
 41 includes:
 42 (1) evidence of the organization's continued use of a service mark



- 1 or trademarked logo associated with the organization's former
 2 name;
 3 (2) evidence of the continuity of the organization's activities as
 4 shown in the federal income tax returns filed for the organization's
 5 three (3) most recent taxable years;
 6 (3) evidence of the continuity of the organization's activities as
 7 shown by the three (3) most recent annual external financial
 8 reviews of the organization prepared by a certified public
 9 accountant; or
 10 (4) any other information considered sufficient by the
 11 commission.

12 (e) Unless the construction is plainly repugnant to the intent of the
 13 general assembly or the context of the statute, "qualified organization"
 14 refers to an Indiana affiliate of a bona fide national organization or
 15 bona fide national foundation.

16 **(f) For purposes of IC 4-32.2-5-32, "qualified organization"**
 17 **means any nonprofit corporation that is exempt from federal**
 18 **income taxation under Section 501(c)(3) of the Internal Revenue**
 19 **Code regardless of whether the nonprofit corporation is**
 20 **incorporated in Indiana.**

21 SECTION 6. IC 4-32.2-5-32 IS ADDED TO THE INDIANA CODE
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 23 1, 2015]: **Sec. 32. (a) A licensed owner or operating agent**
 24 **authorized to conduct riverboat gambling under IC 4-33 may host**
 25 **an allowable event conducted by a qualified organization. A**
 26 **licensed owner or operating agent may do the following in hosting**
 27 **an allowable event:**

- 28 (1) Provide the location of the allowable event.
 29 (2) Advertise or otherwise promote the allowable event.
 30 (3) Cater the allowable event.
 31 (4) Provide promotional play and other discounts to
 32 individuals attending the allowable event.
 33 (5) Donate prizes for raffles or door prize events conducted at
 34 the allowable event.

35 (b) A licensed owner or operating agent may not permit a
 36 qualified organization to use a gambling game (as defined by
 37 IC 4-33-2-9) belonging to the licensed owner or operating agent to
 38 conduct a game of chance at the allowable event.

39 (c) A qualified organization conducting an allowable event
 40 under this section is subject to all of the requirements of this article
 41 and the rules of the commission regardless of whether the qualified
 42 organization is incorporated in Indiana.



1 **(d) A licensed owner or operating agent hosting an allowable**
 2 **event shall report the expenses incurred in hosting the allowable**
 3 **event to the commission in a manner prescribed by the**
 4 **commission.**

5 SECTION 7. IC 4-33-2-17, AS AMENDED BY P.L.15-2011,
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2015]: Sec. 17. "Riverboat" means any of the following on
 8 which lawful gambling is authorized under this article:

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

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

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

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

16 SECTION 8. IC 4-33-4-3.5, AS AMENDED BY P.L.170-2005,
 17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2015]: Sec. 3.5. **(a)** The commission shall employ gaming
 19 agents to perform the duties imposed by this chapter. **Except as**
 20 **provided in subsection (b),** the licensed owners and operating agents
 21 shall, in the manner prescribed by the rules of the commission,
 22 reimburse the commission for:

23 (1) the training expenses incurred to train gaming agents;

24 (2) the salaries and other expenses of staff required to support the
 25 gaming agents; and

26 (3) the salaries and other expenses of the gaming agents required
 27 to be present during the time gambling operations are conducted
 28 on a riverboat.

29 **(b) Beginning July 1, 2015, a licensed owner or operating agent**
 30 **is not required to reimburse the commission for expenses incurred**
 31 **to provide worker's compensation coverage for a gaming agent or**
 32 **worker's compensation benefits to a gaming agent.**

33 SECTION 9. IC 4-33-4-13, AS AMENDED BY P.L.15-2011,
 34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2015]: Sec. 13. (a) This section does not apply to a riverboat:

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

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

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

40 (1) Determine the waterways that are navigable waterways for
 41 purposes of this article.

42 (2) Determine the navigable waterways that are suitable for the



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



1 **of a riverboat operating from a dock previously approved by**
 2 **the commission.**

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

8 SECTION 11. IC 4-33-6-5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. In an application for
 10 an owner's license, the applicant must state:

11 (1) the dock at which the riverboat is based and the navigable
 12 waterway on which the riverboat will operate; **or**

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

16 SECTION 12. IC 4-33-6-6, AS AMENDED BY P.L.15-2011,
 17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2015]: Sec. 6. (a) Except as provided in subsection (c) **or (d),**
 19 a riverboat that operates in a county described in IC 4-33-1-1(1) or
 20 IC 4-33-1-1(2) must:

21 (1) have either:

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

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

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

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

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

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

40 SECTION 13. IC 4-33-6-10 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) An owner's
 42 license issued under this chapter permits the holder to own and operate



1 one (1) riverboat and equipment for each license.

2 (b) The holder of an owner's license issued under this chapter may
3 implement flexible scheduling for the operation of the holder's
4 riverboat under section 21 of this chapter.

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

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

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

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

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

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

25 (1) **Except as provided in subsection (c), the casino is located**
26 **on property that the licensed owner owned or leased and used**
27 **in the conduct of the licensed owner's gaming operations on**
28 **February 1, 2015.**

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

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

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

35 (c) **This subsection applies to a licensed owner that owns or**
36 **leases property that is considered adjacent to a riverboat dock site**
37 **under subsection (a). The licensed owner may:**

38 (1) **acquire part of the public rights-of-way or railroad**
39 **rights-of-way to form a contiguous parcel with the property**
40 **owned or leased by the licensed owner on February 1, 2015;**
41 **and**

42 (2) **subject to the other requirements of this section, situate an**



1 inland casino on the contiguous parcel formed under
2 subdivision (1).

3 (d) The commission may impose any requirement upon a
4 licensed owner relocating gaming operations under this section.

5 (e) The number of gaming positions offered by a licensed owner
6 in an inland facility operated under this section may not exceed the
7 greatest number of gaming positions offered by the licensed owner
8 in the licensed owner's docked riverboat since January 1, 2007.

9 SECTION 15. IC 4-33-6-25 IS ADDED TO THE INDIANA CODE
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2015]: **Sec. 25. (a) This section does not apply to a riverboat
12 gaming operation relocated under section 24 of this chapter.**

13 (b) The number of gaming positions offered by a licensed owner
14 or operating agent within the riverboat operated by the licensed
15 owner or operating agent may not exceed the greatest number of
16 gaming positions offered by the licensed owner or operating agent
17 since January 1, 2007.

18 SECTION 16. IC 4-33-9-18 IS ADDED TO THE INDIANA CODE
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
20 1, 2015]: **Sec. 18. A licensed owner or operating agent may provide
21 complimentary beverages to patrons in a hotel or facility operated
22 by the licensed owner or operating agent. However, complimentary
23 beverages may not be provided in any area in which gambling is
24 conducted.**

25 SECTION 17. IC 4-33-11-2 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2.** An appeal of a final
27 rule or order of the commission may be commenced under IC 4-21.5 in
28 the circuit court of the county containing the dock ~~where~~ **or site of the**
29 ~~riverboat. is based:~~

30 SECTION 18. IC 4-33-12-0.5 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2015]: **Sec. 0.5. This chapter does not apply
33 to a riverboat in a historic hotel district.**

34 SECTION 19. IC 4-33-12-6, AS AMENDED BY P.L.2-2014,
35 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2015]: **Sec. 6. (a)** The department shall place in the state
37 general fund the tax revenue collected under this chapter.

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

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



1 embarking on a gambling excursion during the quarter or
 2 admitted to a riverboat that has implemented flexible scheduling
 3 under IC 4-33-6-21 during the quarter shall be paid to:
 4 (A) the city in which the riverboat is docked, if the city:
 5 (i) is located in a county having a population of more than
 6 one hundred eleven thousand (111,000) but less than one
 7 hundred fifteen thousand (115,000); or
 8 (ii) is contiguous to the Ohio River and is the largest city in
 9 the county; and
 10 (B) the county in which the riverboat is docked, if the
 11 riverboat is not docked in a city described in clause (A).
 12 (2) Except as provided in subsection ~~(k)~~; **(j)**, one dollar (\$1) of the
 13 admissions tax collected by the licensed owner for each person:
 14 (A) embarking on a gambling excursion during the quarter; or
 15 (B) admitted to a riverboat during the quarter that has
 16 implemented flexible scheduling under IC 4-33-6-21;
 17 shall be paid to the county in which the riverboat is docked. In the
 18 case of a county described in subdivision (1)(B), this one dollar
 19 (\$1) is in addition to the one dollar (\$1) received under
 20 subdivision (1)(B).
 21 (3) Except as provided in subsection ~~(k)~~; **(j)**, ten cents (\$0.10) of
 22 the admissions tax collected by the licensed owner for each
 23 person:
 24 (A) embarking on a gambling excursion during the quarter; or
 25 (B) admitted to a riverboat during the quarter that has
 26 implemented flexible scheduling under IC 4-33-6-21;
 27 shall be paid to the county convention and visitors bureau or
 28 promotion fund for the county in which the riverboat is docked.
 29 (4) Except as provided in subsection ~~(k)~~; **(j)**, fifteen cents (\$0.15)
 30 of the admissions tax collected by the licensed owner for each
 31 person:
 32 (A) embarking on a gambling excursion during the quarter; or
 33 (B) admitted to a riverboat during a quarter that has
 34 implemented flexible scheduling under IC 4-33-6-21;
 35 shall be paid to the state fair commission, for use in any activity
 36 that the commission is authorized to carry out under IC 15-13-3.
 37 (5) Except as provided in subsection ~~(k)~~; **(j)**, ten cents (\$0.10) of
 38 the admissions tax collected by the licensed owner for each
 39 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 division of mental health and addiction. The
 2 division shall allocate at least twenty-five percent (25%) of the
 3 funds derived from the admissions tax to the prevention and
 4 treatment of compulsive gambling.

5 (6) Except as provided in subsection ~~(k)~~; **(j)**, sixty-five cents
 6 (\$0.65) of the admissions tax collected by the licensed owner for
 7 each person embarking on a gambling excursion during the
 8 quarter or admitted to a riverboat during the quarter that has
 9 implemented flexible scheduling under IC 4-33-6-21 shall be paid
 10 to the state general fund.

11 **(c)** With respect to tax revenue collected from a riverboat located in
 12 a historic hotel district, the treasurer of state shall quarterly pay the
 13 following:

14 **(1)** With respect to admissions taxes collected for a person
 15 admitted to the riverboat before July 1, 2010, the following
 16 amounts:

17 **(A)** Twenty-two percent (22%) of the admissions tax collected
 18 during the quarter shall be paid to the county treasurer of the
 19 county in which the riverboat is located. The county treasurer
 20 shall distribute the money received under this clause as
 21 follows:

22 **(i)** Twenty-two and seventy-five hundredths percent
 23 (22.75%) shall be quarterly distributed to the county
 24 treasurer of a county having a population of more than forty
 25 thousand (40,000) but less than forty-two thousand (42,000)
 26 for appropriation by the county fiscal body after receiving a
 27 recommendation from the county executive. The county
 28 fiscal body for the receiving county shall provide for the
 29 distribution of the money received under this item to one **(1)**
 30 or more taxing units (as defined in IC 6-1.1-1-21) in the
 31 county under a formula established by the county fiscal body
 32 after receiving a recommendation from the county executive.

33 **(ii)** Twenty-two and seventy-five hundredths percent
 34 (22.75%) shall be quarterly distributed to the county
 35 treasurer of a county having a population of more than ten
 36 thousand seven hundred (10,700) but less than twelve
 37 thousand (12,000) for appropriation by the county fiscal
 38 body. The county fiscal body for the receiving county shall
 39 provide for the distribution of the money received under this
 40 item to one **(1)** or more taxing units (as defined in
 41 IC 6-1.1-1-21) in the county under a formula established by
 42 the county fiscal body after receiving a recommendation



1 from the county executive:

2 (iii) Fifty-four and five-tenths percent (54.5%) shall be
3 retained by the county where the riverboat is located for
4 appropriation by the county fiscal body after receiving a
5 recommendation from the county executive:

6 (B) Five percent (5%) of the admissions tax collected during
7 the quarter shall be paid to a town having a population of more
8 than two thousand (2,000) but less than three thousand five
9 hundred (3,500) located in a county having a population of
10 more than nineteen thousand five hundred (19,500) but less
11 than twenty thousand (20,000). At least twenty percent (20%)
12 of the taxes received by a town under this clause must be
13 transferred to the school corporation in which the town is
14 located:

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

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

- 26 (i) is located in the county in which the riverboat is located;
- 27 and
- 28 (ii) contains a historic hotel:

29 At least twenty percent (20%) of the taxes received by a town
30 under this clause must be transferred to the school corporation
31 in which the town is located:

32 (E) Ten percent (10%) of the admissions tax collected during
33 the quarter shall be paid to the Orange County development
34 commission established under IC 36-7-11.5. At least one-third
35 (1/3) of the taxes paid to the Orange County development
36 commission under this clause must be transferred to the
37 Orange County convention and visitors bureau:

38 (F) Thirteen percent (13%) of the admissions tax collected
39 during the quarter shall be paid to the West Baden Springs
40 historic hotel preservation and maintenance fund established
41 by IC 36-7-11.5-11(b).

42 (G) Twenty-five percent (25%) of the admissions tax collected



- 1 during the quarter shall be paid to the Indiana economic
- 2 development corporation to be used by the corporation for the
- 3 development and implementation of a regional economic
- 4 development strategy to assist the residents of the county in
- 5 which the riverboat is located and residents of contiguous
- 6 counties in improving their quality of life and to help promote
- 7 successful and sustainable communities. The regional
- 8 economic development strategy must include goals concerning
- 9 the following issues:
- 10 (i) Job creation and retention:
- 11 (ii) Infrastructure, including water, wastewater, and storm
- 12 water infrastructure needs:
- 13 (iii) Housing:
- 14 (iv) Workforce training:
- 15 (v) Health care:
- 16 (vi) Local planning:
- 17 (vii) Land use:
- 18 (viii) Assistance to regional economic development groups:
- 19 (ix) Other regional development issues as determined by the
- 20 Indiana economic development corporation.
- 21 (2) With respect to admissions taxes collected for a person
- 22 admitted to the riverboat after June 30, 2010, the following
- 23 amounts:
- 24 (A) Twenty-nine and thirty-three hundredths percent (29.33%)
- 25 to the county treasurer of Orange County. The county treasurer
- 26 shall distribute the money received under this clause as
- 27 follows:
- 28 (i) Twenty-two and seventy-five hundredths percent
- 29 (22.75%) to the county treasurer of Dubois County for
- 30 distribution in the manner described in subdivision
- 31 (1)(A)(i):
- 32 (ii) Twenty-two and seventy-five hundredths percent
- 33 (22.75%) to the county treasurer of Crawford County for
- 34 distribution in the manner described in subdivision
- 35 (1)(A)(ii):
- 36 (iii) Fifty-four and five-tenths percent (54.5%) to be retained
- 37 by the county treasurer of Orange County for appropriation
- 38 by the county fiscal body after receiving a recommendation
- 39 from the county executive:
- 40 (B) Six and sixty-seven hundredths percent (6.67%) to the
- 41 fiscal officer of the town of Orleans. At least twenty percent
- 42 (20%) of the taxes received by the town under this clause must



- 1 be transferred to Orleans Community Schools:
- 2 (C) Six and sixty-seven hundredths percent (6.67%) to the
- 3 fiscal officer of the town of Paoli. At least twenty percent
- 4 (20%) of the taxes received by the town under this clause must
- 5 be transferred to the Paoli Community School Corporation:
- 6 (D) Twenty-six and sixty-seven hundredths percent (26.67%)
- 7 to be paid in equal amounts to the fiscal officers of the towns
- 8 of French Lick and West Baden Springs. At least twenty
- 9 percent (20%) of the taxes received by a town under this
- 10 clause must be transferred to the Springs Valley Community
- 11 School Corporation:
- 12 (E) Thirty and sixty-six hundredths percent (30.66%) to the
- 13 Indiana economic development corporation to be used in the
- 14 manner described in subdivision (1)(G):
- 15 (d) (c) With respect to tax revenue collected from a riverboat that
- 16 operates from a county having a population of more than four hundred
- 17 thousand (400,000) but less than seven hundred thousand (700,000),
- 18 the treasurer of state shall quarterly pay the following amounts:
- 19 (1) Except as provided in subsection ~~(k)~~; (j), one dollar (\$1) of the
- 20 admissions tax collected by the licensed owner for each person:
- 21 (A) embarking on a gambling excursion during the quarter; or
- 22 (B) admitted to a riverboat during the quarter that has
- 23 implemented flexible scheduling under IC 4-33-6-21;
- 24 shall be paid to the city in which the riverboat is docked.
- 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.
- 31 (3) Except as provided in subsection ~~(k)~~; (j), nine cents (\$0.09) of
- 32 the admissions tax collected by the licensed owner for each
- 33 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 county convention and visitors bureau or
- 38 promotion fund for the county in which the riverboat is docked.
- 39 (4) Except as provided in subsection ~~(k)~~; (j), one cent (\$0.01) of
- 40 the admissions tax collected by the licensed owner for each
- 41 person:
- 42 (A) embarking on a gambling excursion during the quarter; or



1 (B) admitted to a riverboat during the quarter that has
 2 implemented flexible scheduling under IC 4-33-6-21;
 3 shall be paid to the northwest Indiana law enforcement training
 4 center.
 5 (5) Except as provided in subsection ~~(k)~~; **(j)**, fifteen cents (\$0.15)
 6 of the admissions tax collected by the licensed owner for each
 7 person:
 8 (A) embarking on a gambling excursion during the quarter; or
 9 (B) admitted to a riverboat during a quarter that has
 10 implemented flexible scheduling under IC 4-33-6-21;
 11 shall be paid to the state fair commission for use in any activity
 12 that the commission is authorized to carry out under IC 15-13-3.
 13 (6) Except as provided in subsection ~~(k)~~; **(j)**, ten cents (\$0.10) of
 14 the admissions tax collected by the licensed owner for each
 15 person:
 16 (A) embarking on a gambling excursion during the quarter; or
 17 (B) admitted to a riverboat during the quarter that has
 18 implemented flexible scheduling under IC 4-33-6-21;
 19 shall be paid to the division of mental health and addiction. The
 20 division shall allocate at least twenty-five percent (25%) of the
 21 funds derived from the admissions tax to the prevention and
 22 treatment of compulsive gambling.
 23 (7) Except as provided in subsection ~~(k)~~; **(j)**, sixty-five cents
 24 (\$0.65) of the admissions tax collected by the licensed owner for
 25 each person embarking on a gambling excursion during the
 26 quarter or admitted to a riverboat during the quarter that has
 27 implemented flexible scheduling under IC 4-33-6-21 shall be paid
 28 to the state general fund.
 29 ~~(e)~~ **(d)** Money paid to a unit of local government under subsection
 30 **(b) or (c): or ~~(d)~~**:
 31 (1) must be paid to the fiscal officer of the unit and may be
 32 deposited in the unit's general fund or riverboat fund established
 33 under IC 36-1-8-9, or both;
 34 (2) may not be used to reduce the unit's maximum levy under
 35 IC 6-1.1-18.5 but may be used at the discretion of the unit to
 36 reduce the property tax levy of the unit for a particular year;
 37 (3) may be used for any legal or corporate purpose of the unit,
 38 including the pledge of money to bonds, leases, or other
 39 obligations under IC 5-1-14-4; and
 40 (4) is considered miscellaneous revenue.
 41 ~~(f)~~ **(e)** Money paid by the treasurer of state under subsection **(b)(3)**
 42 or ~~(d)(3)~~ **(c)(3)** shall be:



- 1 (1) deposited in:
- 2 (A) the county convention and visitor promotion fund; or
- 3 (B) the county's general fund if the county does not have a
- 4 convention and visitor promotion fund; and
- 5 (2) used only for the tourism promotion, advertising, and
- 6 economic development activities of the county and community.
- 7 ~~(g)~~ **(f)** Money received by the division of mental health and
- 8 addiction under subsections (b)(5) and ~~(d)(6)~~: **(c)(6)**:
- 9 (1) is annually appropriated to the division of mental health and
- 10 addiction;
- 11 (2) shall be distributed to the division of mental health and
- 12 addiction at times during each state fiscal year determined by the
- 13 budget agency; and
- 14 (3) shall be used by the division of mental health and addiction
- 15 for programs and facilities for the prevention and treatment of
- 16 addictions to drugs, alcohol, and compulsive gambling, including
- 17 the creation and maintenance of a toll free telephone line to
- 18 provide the public with information about these addictions. The
- 19 division shall allocate at least twenty-five percent (25%) of the
- 20 money received to the prevention and treatment of compulsive
- 21 gambling.
- 22 ~~(h)~~ **(g)** This subsection applies to the following:
- 23 (1) Each entity receiving money under subsection (b)(1) through
- 24 (b)(5).
- 25 (2) Each entity receiving money under subsection ~~(d)(1)~~ **(c)(1)**
- 26 through ~~(d)(2)~~: **(c)(2)**.
- 27 (3) Each entity receiving money under subsection ~~(d)(5)~~ **(c)(5)**
- 28 through ~~(d)(6)~~: **(c)(6)**.
- 29 The treasurer of state shall determine the total amount of money paid
- 30 by the treasurer of state to an entity subject to this subsection during
- 31 the state fiscal year 2002. The amount determined under this subsection
- 32 is the base year revenue for each entity subject to this subsection. The
- 33 treasurer of state shall certify the base year revenue determined under
- 34 this subsection to each entity subject to this subsection.
- 35 ~~(i)~~ **(h)** This subsection applies to an entity receiving money under
- 36 subsection ~~(d)(3)~~ **(c)(3)** or ~~(d)(4)~~: **(c)(4)**. The treasurer of state shall
- 37 determine the total amount of money paid by the treasurer of state to
- 38 the entity described in subsection ~~(d)(3)~~ **(c)(3)** during state fiscal year
- 39 2002. The amount determined under this subsection multiplied by
- 40 nine-tenths (0.9) is the base year revenue for the entity described in
- 41 subsection ~~(d)(3)~~: **(c)(3)**. The amount determined under this subsection
- 42 multiplied by one-tenth (0.1) is the base year revenue for the entity



1 described in subsection ~~(d)(4)~~: **(c)(4)**. The treasurer of state shall certify
 2 the base year revenue determined under this subsection to each entity
 3 subject to this subsection.

4 ~~(j)~~ **(i)** This subsection does not apply to an entity receiving money
 5 under subsection ~~(e)~~: The total amount of money distributed to an entity
 6 under this section during a state fiscal year may not exceed the entity's
 7 base year revenue as determined under subsection ~~(h)~~ **(g)** or ~~(i)~~: **(h)**. If
 8 the treasurer of state determines that the total amount of money
 9 distributed to an entity under this section during a state fiscal year is
 10 less than the entity's base year revenue, the treasurer of state shall make
 11 a supplemental distribution to the entity under IC 4-33-13-5.

12 ~~(k)~~ **(j)** This subsection does not apply to an entity receiving money
 13 under subsection ~~(e)~~: The treasurer of state shall pay that part of the
 14 riverboat admissions taxes that:

15 (1) exceeds a particular entity's base year revenue; and

16 (2) would otherwise be due to the entity under this section;
 17 to the state general fund instead of to the entity.

18 SECTION 20. IC 4-33-12.5-6, AS AMENDED BY P.L.205-2013,
 19 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2015]: Sec. 6. (a) The county described in ~~IC 4-33-12-6(d)~~
 21 **IC 4-33-12-6(c)** shall distribute twenty-five percent (25%) of the:

22 (1) admissions tax revenue received by the county under
 23 ~~IC 4-33-12-6(d)(2)~~; **IC 4-33-12-6(c)(2)**; and

24 (2) supplemental distributions received under IC 4-33-13-5;
 25 to the eligible municipalities.

26 (b) The amount that shall be distributed by the county to each
 27 eligible municipality under subsection (a) is based on the eligible
 28 municipality's proportionate share of the total population of all eligible
 29 municipalities. The most current certified census information available
 30 shall be used to determine an eligible municipality's proportionate
 31 share under this subsection. The determination of proportionate shares
 32 under this subsection shall be modified under the following conditions:

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

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

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

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

42 (2) the next quarterly payment following the certification of a



1 decennial census under subsection (b)(1).

2 SECTION 21. IC 4-33-13-1.7 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2015]: **Sec. 1.7. (a) This section applies only**
5 **to a riverboat located in a historic hotel district in a state fiscal**
6 **year if:**

7 **(1) the riverboat received not more than eighty million dollars**
8 **(\$80,000,000) of adjusted gross receipts during the preceding**
9 **state fiscal year; and**

10 **(2) the operating agent for the riverboat and the owner of the**
11 **historic hotels resort are the entities that were the operating**
12 **agent and owner of the historic hotels resort on January 1,**
13 **2015.**

14 **(b) As used in this section, "historic hotels resort" refers to the**
15 **historic hotels, the riverboat operated under IC 4-33-6.5, and other**
16 **properties operated in conjunction with the historic hotel**
17 **enterprise located in Orange County, including golf courses.**

18 **(c) An operating agent is entitled to a French Lick historic tax**
19 **credit against the tax imposed under section 1.5 of this chapter as**
20 **provided in this section. The amount of the credit for a state fiscal**
21 **year is equal to the following:**

22 **(1) Fifty percent (50%) of the tax that the operating agent**
23 **would otherwise be required to remit to the department, if the**
24 **riverboat received not more than sixty million dollars**
25 **(\$60,000,000) of adjusted gross receipts during the preceding**
26 **state fiscal year.**

27 **(2) Forty percent (40%) of the tax that the operating agent**
28 **would otherwise be required to remit to the department, if the**
29 **riverboat received more than sixty million dollars**
30 **(\$60,000,000) but not more sixty-five million dollars**
31 **(\$65,000,000) of adjusted gross receipts during the preceding**
32 **state fiscal year.**

33 **(3) Thirty percent (30%) of the tax that the operating agent**
34 **would otherwise be required to remit to the department, if the**
35 **riverboat received more than sixty-five million dollars**
36 **(\$65,000,000) but not more seventy million dollars**
37 **(\$70,000,000) of adjusted gross receipts during the preceding**
38 **state fiscal year.**

39 **(4) Twenty percent (20%) of the tax that the operating agent**
40 **would otherwise be required to remit to the department, if the**
41 **riverboat received more than seventy million dollars**
42 **(\$70,000,000) but not more than seventy-five million dollars**



- 1 **(\$75,000,000) of adjusted gross receipts during the preceding**
 2 **state fiscal year.**
 3 **(5) Ten percent (10%) of the tax that the operating agent**
 4 **would otherwise be required to remit to the department, if the**
 5 **riverboat received more than seventy-five million dollars**
 6 **(\$75,000,000) but not more than eighty million dollars**
 7 **(\$80,000,000) of adjusted gross receipts during the preceding**
 8 **state fiscal year.**
 9 **(6) A credit is not allowed under this section for a state fiscal**
 10 **year if the riverboat received more than eighty million dollars**
 11 **(\$80,000,000) of adjusted gross receipts during the preceding**
 12 **state fiscal year.**

13 **The operating agent may apply the credit on any remittance.**

14 **(d) A credit under this section is not refundable.**

15 **(e) The amount of revenue retained as a credit must be used by**
 16 **the operating agent and the owner of the historic hotels resort for**
 17 **one (1) or more of the following purposes:**

18 **(1) For expenditures to maintain or operate a historic hotel,**
 19 **as determined by the owner of the historic hotels resort.**

20 **(2) For expenditures to maintain or operate:**

21 **(A) the grounds surrounding a historic hotel;**

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

24 **(C) other facilities used by the guests of the historic hotel;**
 25 **as determined by the owner of the historic hotels resort.**

26 **Any amount retained as a credit that is not used for a purpose**
 27 **described in subdivision (1) or (2) not more than twelve (12)**
 28 **months after the end of the state fiscal year in which the amount is**
 29 **retained must be remitted to the department for deposit in the state**
 30 **general fund.**

31 **(f) The owner of the historic hotels resort must maintain the**
 32 **records required by the department for the period specified by the**
 33 **department to substantiate that the money retained as a credit**
 34 **under this section was used for the purposes described in**
 35 **subsection (e).**

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



- 1 following:
- 2 (1) The first thirty-three million dollars (\$33,000,000) of tax
- 3 revenues collected under this chapter shall be set aside for
- 4 revenue sharing under subsection (e).
- 5 (2) Subject to subsection (c), twenty-five percent (25%) of the
- 6 remaining tax revenue remitted by each licensed owner shall be
- 7 paid:
- 8 (A) to the city that is designated as the home dock of the
- 9 riverboat from which the tax revenue was collected, in the case
- 10 of:
- 11 (i) a city described in IC 4-33-12-6(b)(1)(A); or
- 12 (ii) a city located in a county having a population of more
- 13 than four hundred thousand (400,000) but less than seven
- 14 hundred thousand (700,000); or
- 15 (B) to the county that is designated as the home dock of the
- 16 riverboat from which the tax revenue was collected, in the case
- 17 of a riverboat whose home dock is not in a city described in
- 18 clause (A).
- 19 (3) Subject to subsection (d), the remainder of the tax revenue
- 20 remitted by each licensed owner shall be paid to the state general
- 21 fund. In each state fiscal year, the treasurer of state shall make the
- 22 transfer required by this subdivision not later than the last
- 23 business day of the month in which the tax revenue is remitted to
- 24 the state for deposit in the state gaming fund. However, if tax
- 25 revenue is received by the state on the last business day in a
- 26 month, the treasurer of state may transfer the tax revenue to the
- 27 state general fund in the immediately following month.
- 28 (b) This subsection applies only to tax revenue remitted by an
- 29 operating agent operating a riverboat in a historic hotel district **after**
- 30 **June 30, 2015**. After funds are appropriated under section 4 of this
- 31 chapter, each month the treasurer of state shall distribute the tax
- 32 revenue remitted by the operating agent under this chapter as follows:
- 33 (1) ~~Thirty-seven and one-half percent (37.5%)~~ **Fifty-six and**
- 34 **five-tenths percent (56.5%)** shall be paid to the state general
- 35 fund.
- 36 (2) ~~Nineteen percent (19%)~~ shall be paid to the West Baden
- 37 Springs historic hotel preservation and maintenance fund
- 38 established by IC 36-7-11.5-11(b). However, at any time the
- 39 balance in that fund exceeds twenty million dollars
- 40 (\$20,000,000), the amount described in this subdivision shall be
- 41 paid to the state general fund.
- 42 (3) Eight percent (8%) shall be paid to the Orange County



1 development commission established under IC 36-7-11.5:

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

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

9 (B) At least twelve and five-tenths percent (12.5%) of the
10 taxes imposed on adjusted gross receipts received after June
11 30, 2010, must be transferred to the Orange County
12 development commission established by IC 36-7-11.5-3.5:

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

17 (A) Twenty-two and twenty-five hundredths percent (22.25%)
18 shall be quarterly distributed to the county treasurer of a
19 county having a population of more than forty thousand
20 (40,000) but less than forty-two thousand (42,000) for
21 appropriation by the county fiscal body after receiving a
22 recommendation from the county executive. The county fiscal
23 body for the receiving county shall provide for the distribution
24 of the money received under this clause to one (1) or more
25 taxing units (as defined in IC 6-1.1-1-21) in the county under
26 a formula established by the county fiscal body after receiving
27 a recommendation from the county executive.

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

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



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

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

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

19 (2) Forty-three and five-tenths percent (43.5%) shall be paid
 20 as follows:

21 (A) Twenty-two and four-tenths percent (22.4%) shall be
 22 paid as follows:

23 (i) Fifty percent (50%) to the fiscal officer of the town of
 24 French Lick.

25 (ii) Fifty percent (50%) to the fiscal officer of the town of
 26 West Baden Springs.

27 (B) Fourteen and eight-tenths percent (14.8%) shall be
 28 paid to the county treasurer of Orange County for
 29 distribution among the school corporations in the county.

30 The governing bodies for the school corporations in the
 31 county shall provide a formula for the distribution of the
 32 money received under this clause among the school
 33 corporations by joint resolution adopted by the governing
 34 body of each of the school corporations in the county.
 35 Money received by a school corporation under this clause
 36 must be used to improve the educational attainment of
 37 students enrolled in the school corporation receiving the
 38 money. Not later than the first regular meeting in the
 39 school year of a governing body of a school corporation
 40 receiving a distribution under this clause, the
 41 superintendent of the school corporation shall submit to
 42 the governing body a report describing the purposes for



1 which the receipts under this clause were used and the
 2 improvements in educational attainment realized through
 3 the use of the money. The report is a public record.
 4 (C) Thirteen and one-tenth percent (13.1%) shall be paid
 5 to the county treasurer of Orange County.
 6 (D) Five and three-tenths percent (5.3%) shall be
 7 distributed quarterly to the county treasurer of Dubois
 8 County for appropriation by the county fiscal body after
 9 receiving a recommendation from the county executive.
 10 The county fiscal body for the receiving county shall
 11 provide for the distribution of the money received under
 12 this clause to one (1) or more taxing units (as defined in
 13 IC 6-1.1-1-21) in the county under a formula established by
 14 the county fiscal body after receiving a recommendation
 15 from the county executive.
 16 (E) Five and three-tenths percent (5.3%) shall be
 17 distributed quarterly to the county treasurer of Crawford
 18 County for appropriation by the county fiscal body after
 19 receiving a recommendation from the county executive.
 20 The county fiscal body for the receiving county shall
 21 provide for the distribution of the money received under
 22 this clause to one (1) or more taxing units (as defined in
 23 IC 6-1.1-1-21) in the county under a formula established by
 24 the county fiscal body after receiving a recommendation
 25 from the county executive.
 26 (F) Six and thirty-five hundredths percent (6.35%) shall be
 27 paid to the fiscal officer of the town of Paoli.
 28 (G) Six and thirty-five hundredths percent (6.35%) shall be
 29 paid to the fiscal officer of the town of Orleans.
 30 (H) Twenty-six and four-tenths percent (26.4%) shall be
 31 paid to the Indiana economic development corporation
 32 established by IC 5-28-3-1 for transfer to Radius Indiana
 33 or a successor regional entity or partnership for the
 34 development and implementation of a regional economic
 35 development strategy to assist the residents of Orange
 36 County and the counties contiguous to Orange County in
 37 improving their quality of life and to help promote
 38 successful and sustainable communities. However, an
 39 amount sufficient to meet current obligations to retire or
 40 refinance indebtedness or leases for which tax revenues
 41 under this section were pledged before January 1, 2015, by
 42 the Orange County development commission shall be paid



1 **to the Orange County development commission before**
 2 **making a distribution to Radius Indiana or a successor**
 3 **regional entity or partnership. The amount paid to the**
 4 **Orange County development commission reduces the**
 5 **amount payable to Radius Indiana or its successor entity**
 6 **or partnership.**

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

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

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

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

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

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

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



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



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

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

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

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

12 (i) This subsection applies to a supplemental distribution made after
 13 June 30, 2013. The maximum amount of money that may be distributed
 14 under subsection (g) in a state fiscal year is forty-eight million dollars
 15 (\$48,000,000). If the total amount determined under subsection (g)
 16 exceeds forty-eight million dollars (\$48,000,000), the amount
 17 distributed to an entity under subsection (g) must be reduced according
 18 to the ratio that the amount distributed to the entity under IC 4-33-12-6
 19 bears to the total amount distributed under IC 4-33-12-6 to all entities
 20 receiving a supplemental distribution.

21 **(j) Money distributed to a political subdivision under subsection**
 22 **(b):**

23 **(1) must be paid to the fiscal officer of the political subdivision**
 24 **and may be deposited in the political subdivision's general**
 25 **fund or riverboat fund established under IC 36-1-8-9, or both;**

26 **(2) may not be used to reduce the maximum levy under**
 27 **IC 6-1.1-18.5 of a county, city, or town or the maximum tax**
 28 **rate of a school corporation, but, except as provided in**
 29 **subsection (b)(2)(B), may be used at the discretion of the**
 30 **political subdivision to reduce the property tax levy of the**
 31 **county, city, or town for a particular year;**

32 **(3) except as provided in subsection (b)(2)(B), may be used for**
 33 **any legal or corporate purpose of the political subdivision,**
 34 **including the pledge of money to bonds, leases, or other**
 35 **obligations under IC 5-1-14-4; and**

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

37 **Money distributed under subsection (b)(2)(B) must be used for the**
 38 **purposes specified in subsection (b)(2)(B).**

39 SECTION 23. IC 4-33-13-7, AS ADDED BY P.L.229-2013,
 40 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2015]: Sec. 7. (a) This section applies to adjusted gross
 42 receipts from wagering on gambling games that occurs



- 1 (†) after the effective date of this section, as added by SEA
 2 528-2013. ~~but~~
 3 (2) before July 1, 2016.
- 4 (b) As used in this section, "qualified wagering" refers to wagers
 5 made by patrons using noncashable vouchers, coupons, electronic
 6 credits, or electronic promotions provided by the licensed owner or
 7 operating agent.
- 8 (c) Subject to subsection (d), a licensed owner or operating agent
 9 may at any time during a state fiscal year deduct from the adjusted
 10 gross receipts reported by the licensed owner or operating agent
 11 adjusted gross receipts attributable to qualified wagering. A licensed
 12 owner or operating agent must take a deduction under this section on
 13 a form and in the manner prescribed by the department.
- 14 (d) A licensed owner or operating agent may not deduct more than
 15 the following amounts in a particular state fiscal year:
 16 (1) Two million five hundred thousand dollars (\$2,500,000) in a
 17 state fiscal year ending before July 1, 2013.
 18 (2) Five million dollars (\$5,000,000) in a state fiscal year
 19 beginning after June 30, 2013. ~~and ending before July 1, 2016.~~
- 20 (e) **A licensed owner or operating agent may for a state fiscal**
 21 **year assign all or part of the amount of the deduction under this**
 22 **section that is not claimed by the licensed owner or operating agent**
 23 **for the state fiscal year to another licensed owner or operating**
 24 **agent. An assignment under this subsection must be in writing and**
 25 **both the licensed owner or operating agent assigning the deduction**
 26 **and the licensed owner or operating agent to which the deduction**
 27 **is assigned shall report the assignment to the commission and to**
 28 **the department. The maximum amount that may be assigned under**
 29 **this subsection by a licensed owner or operating agent for a state**
 30 **fiscal year is equal to the result of:**
 31 **(1) five million dollars (\$5,000,000); minus**
 32 **(2) the amount deducted under this subsection by the licensed**
 33 **owner or operating agent for the state fiscal year.**
- 34 SECTION 24. IC 4-33-14-9 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) This section
 36 applies to a person holding an owner's licenses for riverboats operated
 37 from a city described under IC 4-33-6-1(a)(1) through
 38 IC 4-33-6-1(a)(3).
- 39 (b) The commission shall require persons holding owner's licenses
 40 to adopt policies concerning the preferential hiring of residents of the
 41 city in which the riverboat ~~docks~~ **is located** for riverboat jobs.
- 42 SECTION 25. IC 4-35-2-5, AS AMENDED BY P.L.229-2013,



1 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2015]: Sec. 5. "Gambling game" means ~~either~~ **any** of the
3 following:

- 4 (1) A game played on a slot machine approved for wagering under
5 this article by the commission.
6 (2) A game played on a slot machine through the use of a mobile
7 gaming device approved under this article.
8 **(3) A table game approved by the commission under**
9 **IC 4-35-7-19.**

10 SECTION 26. IC 4-35-2-10.5 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2015]: **Sec. 10.5. "Table game" means an**
13 **apparatus used to gamble upon, including the following:**

- 14 **(1) A roulette wheel and table.**
15 **(2) A blackjack table.**
16 **(3) A craps table.**
17 **(4) A poker table.**
18 **(5) Any other game approved by the commission.**

19 SECTION 27. IC 4-35-3-1, AS ADDED BY P.L.233-2007,
20 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2015]: Sec. 1. All shipments of **gambling devices, including**
22 slot machines, to licensees in Indiana, the registering, recording, and
23 labeling of which have been completed by the manufacturer or dealer
24 in accordance with 15 U.S.C. 1171 through 15 U.S.C. 1178, are legal
25 shipments of gambling devices into Indiana.

26 SECTION 28. IC 4-35-4-2, AS AMENDED BY P.L.142-2009,
27 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2015]: Sec. 2. (a) The commission shall do the following:

- 29 (1) Adopt rules under IC 4-22-2 that the commission determines
30 are necessary to protect or enhance the following:
31 (A) The credibility and integrity of gambling games authorized
32 under this article.
33 (B) The regulatory process provided in this article.
34 (2) Conduct all hearings concerning civil violations of this article.
35 (3) Provide for the establishment and collection of license fees
36 imposed under this article, and deposit the license fees in the state
37 general fund.
38 (4) Levy and collect penalties for noncriminal violations of this
39 article and deposit the penalties in the state general fund.
40 (5) Approve the design, appearance, aesthetics, and construction
41 of ~~slot machine~~ **gambling game** facilities authorized under this
42 article.



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



- 1 before entering the program.
- 2 SECTION 29. IC 4-35-4-5, AS ADDED BY P.L.233-2007,
 3 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2015]: Sec. 5. (a) The commission shall employ gaming
 5 agents to perform duties imposed by this article. **Except as provided**
 6 **in subsection (b)**, a licensee shall, under rules adopted by the
 7 commission under IC 4-22-2, reimburse the commission for:
 8 (1) training expenses incurred to train gaming agents;
 9 (2) salaries and other expenses of staff required to support the
 10 gaming agents; and
 11 (3) salaries and other expenses of the gaming agents required to
 12 be present during the time gambling games are being conducted
 13 at a racetrack.
- 14 **(b) Beginning July 1, 2015, a licensee is not required to**
 15 **reimburse the commission for expenses incurred to provide**
 16 **worker's compensation coverage for a gaming agent or worker's**
 17 **compensation benefits to a gaming agent.**
- 18 SECTION 30. IC 4-35-4-7, AS AMENDED BY P.L.229-2013,
 19 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2015]: Sec. 7. (a) The commission shall adopt standards for
 21 the licensing of the following:
 22 (1) Persons regulated under this article.
 23 (2) ~~Slot machines used in~~ Gambling games.
 24 (3) Limited mobile gaming systems and mobile gaming devices.
 25 (b) Where applicable, 68 IAC applies to racetracks conducting
 26 gambling games under this article.
- 27 SECTION 31. IC 4-35-4-14, AS ADDED BY P.L.142-2009,
 28 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2015]: Sec. 14. (a) The commission may appoint a temporary
 30 trustee for a particular ~~slot machine gambling game~~ facility at a
 31 racetrack if the commission makes the following findings:
 32 (1) That circumstances requiring a trustee to assume control of
 33 the ~~slot machine gambling game~~ facility are likely to occur.
 34 (2) That the commission has not approved a power of attorney
 35 identifying any other person to serve as the trustee for the ~~slot~~
 36 ~~machine gambling game~~ facility.
 37 (3) That there is not enough time to consider and approve a power
 38 of attorney with respect to the ~~slot machine gambling game~~
 39 facility before the circumstances found likely to occur under
 40 subdivision (1) will occur.
 41 (b) A person appointed under this section must be qualified to
 42 perform any duty described in this section or IC 4-35-12.



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

3 (1) The commission adopts a resolution under IC 4-35-12-3
4 authorizing a trustee appointed in an approved power of attorney
5 submitted by the permit holder to conduct gambling games under
6 IC 4-35-12.

7 (2) The commission revokes the trustee's authority to conduct
8 gambling games as provided by IC 4-35-12-12.

9 (3) A new permit holder assumes control of the racetrack, ~~slot~~
10 **machine gambling game** facility, and related properties.

11 (d) A trustee appointed by the commission under this section shall
12 exercise the trustee's powers in accordance with:

13 (1) the model power of attorney established by the executive
14 director under section 13.2 of this chapter; and

15 (2) IC 4-35-12.

16 SECTION 32. IC 4-35-5-2, AS ADDED BY P.L.233-2007,
17 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2015]: Sec. 2. (a) Before issuing a license to a person under
19 this chapter, the commission shall subject the person to a background
20 investigation similar to a background investigation required for an
21 applicant for a riverboat owner's license under IC 4-33-6.

22 (b) Before the commission may issue a license to a person under this
23 chapter, the person must submit to the commission for the
24 commission's approval the physical layout of the person's proposed ~~slot~~
25 **machines gambling games** and the facilities that will contain the
26 proposed ~~slot machines~~: **gambling games**. The facilities that will
27 contain the ~~slot machines~~ **gambling games** must be connected to the
28 licensee's racetrack facilities.

29 SECTION 33. IC 4-35-6-1, AS AMENDED BY P.L.229-2013,
30 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2015]: Sec. 1. A person may not:

32 (1) sell;

33 (2) lease; or

34 (3) contract to sell or lease;

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

38 SECTION 34. IC 4-35-7-1, AS ADDED BY P.L.233-2007,
39 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2015]: Sec. 1. Gambling games authorized under this article
41 may not be conducted anywhere other than a ~~slot machine~~ **gambling**
42 **game** facility located at a racetrack.



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

6 (b) The commission may approve the use of a limited mobile
 7 gaming system to allow a patron to wager on gambling games while
 8 present in the gaming area (as defined under the rules of the
 9 commission) of a ~~slot machine gambling game~~ facility licensed under
 10 this article. A patron may not transmit a wager using a mobile gaming
 11 device while present in any other location.

12 SECTION 36. IC 4-35-7-2, AS ADDED BY P.L.233-2007,
 13 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2015]: Sec. 2. (a) A person who is less than twenty-one (21)
 15 years of age may not wager ~~on a slot machine.~~ **under this article.**

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

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

25 SECTION 37. IC 4-35-7-4, AS ADDED BY P.L.233-2007,
 26 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2015]: Sec. 4. The following may inspect a licensee's ~~slot~~
 28 **machine gambling game** facility at any time to determine if this article
 29 is being violated:

30 (1) Employees of the commission.

31 (2) Officers of the state police department.

32 SECTION 38. IC 4-35-7-5, AS ADDED BY P.L.233-2007,
 33 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2015]: Sec. 5. Employees of the commission have the right to
 35 be present in a licensee's ~~slot machine gambling game~~ facility.

36 SECTION 39. IC 4-35-7-6, AS AMENDED BY P.L.229-2013,
 37 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2015]: Sec. 6. ~~A slot machine~~ **Gambling equipment and**
 39 **supplies customarily used in conducting gambling games** may be
 40 purchased or leased only from a supplier licensed under IC 4-33-7.

41 SECTION 40. IC 4-35-7-7, AS ADDED BY P.L.233-2007,
 42 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 7. Except as provided in ~~section~~ **sections 14 and**
 2 **19** of this chapter, slot machine wagering is the only form of wagering
 3 permitted in a licensee's slot machine facility.

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

11 SECTION 42. IC 4-35-7-9, AS AMENDED BY P.L.229-2013,
 12 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2015]: Sec. 9. (a) A patron may make a ~~slot machine~~ **slot machine**
 14 **gambling game** wager at a racetrack only by means of:

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

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

20 (c) All winnings and payoffs from a ~~slot machine~~ **slot machine gambling game**
 21 at a racetrack:

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

26 SECTION 43. IC 4-35-7-10, AS ADDED BY P.L.233-2007,
 27 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2015]: Sec. 10. A **chip, a** token, or an electronic card
 29 described in section 9 of this chapter may be used by a patron while the
 30 patron is present at the racetrack only to make a wager on a ~~slot~~
 31 **slot machine gambling game** authorized under this article.

32 SECTION 44. IC 4-35-7-11, AS ADDED BY P.L.233-2007,
 33 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2015]: Sec. 11. (a) **Before January 2, 2021,** a licensee may
 35 not install more than two thousand (2,000) slot machines on the
 36 premises of the licensee's racetrack without the approval of the
 37 commission.

38 (b) **After January 1, 2021, a licensee may not offer more than**
 39 **two thousand two hundred (2,200) gambling games on the premises**
 40 **of a licensee's racetrack.**

41 SECTION 45. IC 4-35-7-12, AS AMENDED BY P.L.210-2013,
 42 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 12. (a) The Indiana horse racing commission shall
2 enforce the requirements of this section.

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

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

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

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

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

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

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

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

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

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

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



- 1 (1) Forty-six percent (46%) for thoroughbred purposes as follows:
 2 (A) Sixty percent (60%) for the following purposes:
 3 (i) Ninety-seven percent (97%) for thoroughbred purses.
 4 (ii) Two and four-tenths percent (2.4%) to the horsemen's
 5 association representing thoroughbred owners and trainers.
 6 (iii) Six-tenths percent (0.6%) to the horsemen's association
 7 representing thoroughbred owners and breeders.
 8 (B) Forty percent (40%) to the breed development fund
 9 established for thoroughbreds under IC 4-31-11-10.
 10 (2) Forty-six percent (46%) for standardbred purposes as follows:
 11 (A) Three hundred seventy-five thousand dollars (\$375,000)
 12 to the state fair commission to be used by the state fair
 13 commission to support standardbred racing and facilities at the
 14 state fairgrounds.
 15 (B) One hundred twenty-five thousand dollars (\$125,000) to
 16 the state fair commission to be used by the state fair
 17 commission to make grants to county fairs to support
 18 standardbred racing and facilities at county fair tracks. The
 19 state fair commission shall establish a review committee to
 20 include the standardbred association board, the Indiana horse
 21 racing commission, and the Indiana county fair association to
 22 make recommendations to the state fair commission on grants
 23 under this clause.
 24 (C) Fifty percent (50%) of the amount remaining after the
 25 distributions under clauses (A) and (B) for the following
 26 purposes:
 27 (i) Ninety-six and five-tenths percent (96.5%) for
 28 standardbred purses.
 29 (ii) Three and five-tenths percent (3.5%) to the horsemen's
 30 association representing standardbred owners and trainers.
 31 (D) Fifty percent (50%) of the amount remaining after the
 32 distributions under clauses (A) and (B) to the breed
 33 development fund established for standardbreds under
 34 IC 4-31-11-10.
 35 (3) Eight percent (8%) for quarter horse purposes as follows:
 36 (A) Seventy percent (70%) for the following purposes:
 37 (i) Ninety-five percent (95%) for quarter horse purses.
 38 (ii) Five percent (5%) to the horsemen's association
 39 representing quarter horse owners and trainers.
 40 (B) Thirty percent (30%) to the breed development fund
 41 established for quarter horses under IC 4-31-11-10.
 42 Expenditures under this subsection are subject to the regulatory



- 1 requirements of subsection (h).
 2 (g) Money distributed under subsection (d)(1) and (d)(2) shall be
 3 allocated as follows:
 4 (1) Forty-six percent (46%) to the horsemen's association
 5 representing thoroughbred owners and trainers.
 6 (2) Forty-six percent (46%) to the horsemen's association
 7 representing standardbred owners and trainers.
 8 (3) Eight percent (8%) to the horsemen's association representing
 9 quarter horse owners and trainers.
 10 (h) Money distributed under this section may not be expended
 11 unless the expenditure is for a purpose authorized in this section and is
 12 either for a purpose promoting the equine industry or equine welfare or
 13 is for a benevolent purpose that is in the best interests of horse racing
 14 in Indiana or the necessary expenditures for the operations of the
 15 horsemen's association required to implement and fulfill the purposes
 16 of this section. The Indiana horse racing commission may review any
 17 expenditure of money distributed under this section to ensure that the
 18 requirements of this section are satisfied. The Indiana horse racing
 19 commission shall adopt rules concerning the review and oversight of
 20 money distributed under this section and shall adopt rules concerning
 21 the enforcement of this section. The following apply to a horsemen's
 22 association receiving a distribution of money under this section:
 23 (1) The horsemen's association must annually file a report with
 24 the Indiana horse racing commission concerning the use of the
 25 money by the horsemen's association. The report must include
 26 information as required by the commission.
 27 (2) The horsemen's association must register with the Indiana
 28 horse racing commission.
 29 The state board of accounts shall annually audit the accounts, books,
 30 and records of the Indiana horse racing commission, each horsemen's
 31 association, a licensee, and any association for backside benevolence
 32 containing any information relating to the distribution of money under
 33 this section.
 34 (i) The commission shall provide the Indiana horse racing
 35 commission with the information necessary to enforce this section.
 36 (j) The Indiana horse racing commission shall investigate any
 37 complaint that a licensee has failed to comply with the horse racing
 38 purse requirements set forth in this section. If, after notice and a
 39 hearing, the Indiana horse racing commission finds that a licensee has
 40 failed to comply with the purse requirements set forth in this section,
 41 the Indiana horse racing commission may:
 42 (1) issue a warning to the licensee;



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

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

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

7 SECTION 46. IC 4-35-7-16, AS ADDED BY P.L.210-2013,
8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2015]: Sec. 16. (a) The amount of ~~slot machine gambling~~
10 **game** revenue that must be distributed under section ~~12(b)(2)~~ **12(b)(3)**
11 of this chapter must be determined in a distribution agreement entered
12 into by negotiation committees representing all licensees and the
13 horsemen's associations having contracts with licensees that have been
14 approved by the Indiana horse racing commission.

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

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

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

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

37 (1) must be in writing;

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

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

42 (4) may contain any terms determined to be necessary and



- 1 appropriate by the negotiation committees, subject to subsection
 2 (f) and section 12 of this chapter.
- 3 (f) A distribution agreement must provide that at least ten percent
 4 (10%) and not more than twelve percent (12%) of a licensee's adjusted
 5 gross receipts must be distributed under section ~~12(b)(2)~~ **12(b)(3)** of
 6 this chapter. A distribution agreement applies to adjusted gross receipts
 7 received by the licensee after December 31 of the calendar year in
 8 which the distribution agreement is approved by the Indiana horse
 9 racing commission.
- 10 (g) A distribution agreement may expire on December 31 of a
 11 particular calendar year if a subsequent distribution agreement will take
 12 effect on January 1 of the following calendar year. A subsequent
 13 distribution agreement:
- 14 (1) is subject to the approval of the Indiana horse racing
 15 commission; and
- 16 (2) must be submitted to the Indiana horse racing commission
 17 before October 1 of the calendar year preceding the calendar year
 18 in which the distribution agreement will take effect.
- 19 (h) The Indiana horse racing commission shall annually report to the
 20 budget committee on the effect of each distribution agreement on the
 21 Indiana horse racing industry before January 1 of the following
 22 calendar year.
- 23 SECTION 47. IC 4-35-7-19 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 2015]: **Sec. 19. (a) For purposes of this section, "electronic table
 26 games" means:**
- 27 (1) baccarat;
 28 (2) blackjack;
 29 (3) poker;
 30 (4) craps; or
 31 (5) roulette;
- 32 **that a person plays at a table with multiple positions and the game
 33 operates on a random number generator without human
 34 assistance.**
- 35 (b) **After January 1, 2021, and before January 6, 2021, a licensee
 36 may submit a plan to the commission for conducting wagering on
 37 table games at the licensee's gambling game facility. Upon receipt
 38 of an appropriate plan, the commission shall authorize wagering
 39 on table games at the licensee's gambling game facility. If the
 40 commission fails to make a determination regarding whether the
 41 plan is appropriate within ten (10) business days after receipt of
 42 the plan, the plan is considered approved. A licensee:**



1 (1) may not install more table game positions than the number
 2 of positions proposed in the table game plan submitted to the
 3 commission; and

4 (2) must remove one (1) electronic table game from its
 5 gambling game facility for each table game the licensee
 6 installs.

7 SECTION 48. IC 4-35-7-20 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2015]: **Sec. 20. A licensee may provide complimentary beverages
 10 to patrons in a hotel or facility operated by the licensee. However,
 11 complimentary beverages may not be provided in any area in
 12 which gambling is conducted.**

13 SECTION 49. IC 4-35-8-1, AS AMENDED BY P.L.210-2013,
 14 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2015]: Sec. 1. (a) A graduated slot machine wagering tax is
 16 imposed as follows on ninety-nine percent (99%) of the adjusted gross
 17 receipts received after June 30, 2012, and before July 1, 2013, ~~and~~ on
 18 ninety-one and five-tenths percent (91.5%) of the adjusted gross
 19 receipts received after June 30, 2013, **and before July 1, 2015, and on
 20 eighty-nine and five-tenths percent (89.5%) of the adjusted gross
 21 receipts received after June 30, 2015**, from wagering on gambling
 22 games authorized by this article:

23 (1) Twenty-five percent (25%) of the first one hundred million
 24 dollars (\$100,000,000) of adjusted gross receipts received during
 25 the period beginning July 1 of each year and ending June 30 of
 26 the following year.

27 (2) Thirty percent (30%) of the adjusted gross receipts in excess
 28 of one hundred million dollars (\$100,000,000) but not exceeding
 29 two hundred million dollars (\$200,000,000) received during the
 30 period beginning July 1 of each year and ending June 30 of the
 31 following year.

32 (3) Thirty-five percent (35%) of the adjusted gross receipts in
 33 excess of two hundred million dollars (\$200,000,000) received
 34 during the period beginning July 1 of each year and ending June
 35 30 of the following year.

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

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

41 (d) If the department requires taxes to be remitted under this chapter
 42 through electronic funds transfer, the department may allow the



1 licensee to file a monthly report to reconcile the amounts remitted to
2 the department.

3 (e) The payment of the tax under this section must be on a form
4 prescribed by the department.

5 SECTION 50. IC 4-35-8-5, AS ADDED BY P.L.229-2013,
6 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2015]: Sec. 5. (a) This section applies to adjusted gross
8 receipts from wagering on gambling games that occurs

9 ~~(1) after the effective date of this section, as added by SEA~~
10 ~~528-2013. but~~

11 ~~(2) before July 1, 2016.~~

12 (b) As used in this section, "qualified wagering" refers to wagers
13 made by patrons using noncashable vouchers, coupons, electronic
14 credits, or electronic promotions provided by the licensee.

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

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

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

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

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

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

29 (2) IC 4-35-8.5.

30 (3) IC 4-35-8.9.

31 **(f) A licensee may for a state fiscal year assign all or part of the**
32 **amount of the deduction under this section that is not claimed by**
33 **the licensee for the state fiscal year to another licensee. An**
34 **assignment under this subsection must be in writing and both the**
35 **licensee assigning the deduction and the licensee to which the**
36 **deduction is assigned shall report the assignment to the commission**
37 **and to the department. The maximum amount that may be**
38 **assigned under this subsection by a licensee for a state fiscal year**
39 **is equal to the result of:**

40 **(1) five million dollars (\$5,000,000); minus**

41 **(2) the amount deducted under this subsection by the licensee**
42 **for the state fiscal year.**



1 SECTION 51. IC 4-35-8.3 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2015]:

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

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

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

- 10 (1) one million two hundred fifty thousand dollars
 11 (\$1,250,000); multiplied by
 12 (2) the number of gambling game facilities operated by the
 13 licensee under this article.

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

16 **Sec. 4. (a) Before December 1 of each year, the auditor of state**
 17 **shall distribute an amount equal to the fees deposited in that year**
 18 **under section 3 of this chapter to communities and schools located**
 19 **near a historic hotel district and the Indiana economic**
 20 **development corporation as follows:**

21 (1) Twenty-two and four-tenths percent (22.4%) to be paid
 22 shall be paid as follows:

23 (A) Fifty percent (50%) to the fiscal officer of the town of
 24 French Lick.

25 (B) Fifty percent (50%) to the fiscal officer of the town of
 26 West Baden Springs.

27 (2) Fourteen and eight-tenths percent (14.8%) to the county
 28 treasurer of Orange County for distribution among the school
 29 corporations in the county. The governing bodies for the
 30 school corporations in the county shall provide a formula for
 31 the distribution of the money received under this subdivision
 32 among the school corporations by joint resolution adopted by
 33 the governing body of each of the school corporations in the
 34 county. Money received by a school corporation under this
 35 subdivision must be used to improve the educational
 36 attainment of students enrolled in the school corporation
 37 receiving the money. Not later than the first regular meeting
 38 in the school year of a governing body of a school corporation
 39 receiving a distribution under this subdivision, the
 40 superintendent of the school corporation shall submit to the
 41 governing body a report describing the purposes for which
 42 the receipts under this subdivision were used and the



- 1 **improvements in educational attainment realized through the**
2 **use of the money. The report is a public record.**
3 **(3) Thirteen and one-tenth percent (13.1%) to the county**
4 **treasurer of Orange County.**
5 **(4) Five and three-tenths (5.3%) to the county treasurer of**
6 **Dubois County for appropriation by the county fiscal body**
7 **after receiving a recommendation from the county executive.**
8 **The county fiscal body shall provide for the distribution of the**
9 **money received under this subdivision to one (1) or more**
10 **taxing units (as defined in IC 6-1.1-1-21) in the county under**
11 **a formula established by the county fiscal body after receiving**
12 **a recommendation from the county executive.**
13 **(5) Five and three-tenths (5.3%) to the county treasurer of**
14 **Crawford County for appropriation by the county fiscal body.**
15 **The county fiscal body shall provide for the distribution of the**
16 **money received under this subdivision to one (1) or more**
17 **taxing units (as defined in IC 6-1.1-1-21) in the county under**
18 **a formula established by the county fiscal body after receiving**
19 **a recommendation from the county executive.**
20 **(6) Six and thirty-five hundredths percent (6.35%) to the**
21 **fiscal officer of the town of Paoli.**
22 **(7) Six and thirty-five hundredths percent (6.35%) to the**
23 **fiscal officer of the town of Orleans.**
24 **(8) Twenty-six and four-tenths percent (26.4%) to the Indiana**
25 **economic development corporation for transfer to Radius**
26 **Indiana or a successor regional entity or partnership for the**
27 **development and implementation of a regional economic**
28 **development strategy to assist the residents of Orange County**
29 **and the counties contiguous to Orange County in improving**
30 **their quality of life and to help promote successful and**
31 **sustainable communities. However if the amount distributed**
32 **under IC 4-33-13-5(b)(2)(H) to the Orange County**
33 **development commission is insufficient to meet the obligations**
34 **described in IC 4-33-13-5(b)(2)(H), an amount sufficient to**
35 **meet current obligations to retire or refinance indebtedness**
36 **or leases for which tax revenues under IC 4-33-13-5 were**
37 **pledged before January 1, 2015, by the Orange County**
38 **development commission shall be paid to the Orange County**
39 **development commission before making a distribution to**
40 **Radius Indiana or a successor regional entity or partnership.**
41 **The amount paid to the Orange County development**
42 **commission reduces the amount payable to Radius Indiana or**



1 its successor entity or partnership.

2 **Sec. 5. (a) Money distributed to a political subdivision under**
3 **section 4 of this chapter:**

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

7 **(2) may not be used to reduce the maximum levy under**
8 **IC 6-1.1-18.5 of a county, city, or town or the maximum tax**
9 **rate of a school corporation, but, except as provided in section**
10 **4(a)(2) of this chapter, may be used at the discretion of the**
11 **political subdivision to reduce the property tax levy of the**
12 **county, city, or town for a particular year;**

13 **(3) except as provided in section 4(a)(2) of this chapter, may**
14 **be used for any legal or corporate purpose of the political**
15 **subdivision, including the pledge of money to bonds, leases, or**
16 **other obligations under IC 5-1-14-4; and**

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

18 **(b) Money distributed under section 4(a)(2) of this chapter must**
19 **be used for the purposes specified in section 4(a)(2) of this chapter.**

20 SECTION 52. IC 4-35-8.5-1, AS ADDED BY P.L.233-2007,
21 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2015]: Sec. 1. (a) Before the fifteenth day of each month, a
23 licensee that offers ~~slot machine~~ **gambling game** wagering under this
24 article shall pay to the commission a county ~~slot machine~~ **gambling**
25 **game** wagering fee equal to three percent (3%) of the adjusted gross
26 receipts received from ~~slot machine~~ **gambling game** wagering during
27 the previous month at the licensee's racetrack. However, a licensee is
28 not required to pay more than eight million dollars (\$8,000,000) of
29 county ~~slot machine~~ **gambling game** wagering fees under this section
30 in any state fiscal year.

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

34 SECTION 53. IC 4-35-8.5-2, AS ADDED BY P.L.233-2007,
35 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2015]: Sec. 2. Before the fifteenth day of each month, the
37 treasurer of state shall distribute any county ~~slot machine~~ **gambling**
38 **game** wagering fees received from a licensee during the previous
39 month to the county auditor of the county in which the licensee's
40 racetrack is located.

41 SECTION 54. IC 4-35-8.5-3, AS ADDED BY P.L.233-2007,
42 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 3. The auditor of each county receiving a
 2 distribution of county ~~slot machine~~ **gambling game** wagering fees
 3 under section 2 of this chapter shall distribute the county ~~slot machine~~
 4 **gambling game** wagering fees as follows:

5 (1) To each city located in the county according to the ratio the
 6 city's population bears to the total population of the county.

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

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

11 SECTION 55. IC 4-35-8.7-2, AS AMENDED BY P.L.142-2009,
 12 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2015]: Sec. 2. A licensee that offers ~~slot machine~~ wagering **on**
 14 **gambling games** under this article shall annually pay to the Indiana
 15 horse racing commission a gaming integrity fee equal to two hundred
 16 fifty thousand dollars (\$250,000) for each racetrack at which the
 17 licensee offers ~~slot machine~~ wagering **on gambling games**. The
 18 Indiana horse racing commission shall deposit gaming integrity fees in
 19 the fund.

20 SECTION 56. IC 4-35-8.8-2, AS ADDED BY P.L.233-2007,
 21 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2015]: Sec. 2. A licensee that offers slot machine wagering at
 23 racetracks under this article shall annually pay to the ~~division~~
 24 **commission** a problem gambling fee equal to five hundred thousand
 25 dollars (\$500,000) for each racetrack at which the licensee offers slot
 26 machine wagering. **The commission shall annually retain two**
 27 **hundred fifty thousand dollars (\$250,000) from the amount paid**
 28 **for the commission's own efforts at preventing and treating**
 29 **compulsive gambling. The commission shall transfer the remaining**
 30 **seven hundred fifty thousand dollars (\$750,000) received each year**
 31 **to the division.**

32 SECTION 57. IC 4-35-8.8-3, AS ADDED BY P.L.233-2007,
 33 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2015]: Sec. 3. The division may use problem gambling fees
 35 ~~paid to received by~~ the division under this chapter only for the
 36 prevention and treatment of compulsive gambling that is related to ~~slot~~
 37 ~~machine wagering and other~~ gambling allowed under **this article and**
 38 IC 4-33.

39 SECTION 58. IC 4-35-9-2, AS ADDED BY P.L.233-2007,
 40 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2015]: Sec. 2. A person who knowingly or intentionally aids,
 42 induces, or causes a person who is:



- 1 (1) less than twenty-one (21) years of age; and
 2 (2) not an employee of a licensee;
 3 to enter or attempt to enter the licensee's **slot machine gambling game**
 4 facility commits a Class A misdemeanor.
- 5 SECTION 59. IC 4-35-9-3.5, AS ADDED BY P.L.158-2013,
 6 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2015]: Sec. 3.5. (a) A person who:
 8 (1) is not an employee of a licensee;
 9 (2) is less than twenty-one (21) years of age; and
 10 (3) enters the licensee's **slot machine gambling game** facility;
 11 commits a Class C infraction.
- 12 (b) A person who:
 13 (1) is not an employee of a licensee;
 14 (2) is less than twenty-one (21) years of age; and
 15 (3) attempts to enter the licensee's **slot machine gambling game**
 16 facility;
 17 commits a Class C infraction.
- 18 SECTION 60. IC 4-35-9-4, AS ADDED BY P.L.233-2007,
 19 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2015]: Sec. 4. A person who knowingly or intentionally:
 21 (1) makes a false statement on an application submitted under this
 22 article;
 23 (2) conducts a gambling game in a manner other than the manner
 24 required under this article; or
 25 (3) wagers or accepts a wager at a location other than a licensee's
 26 **slot machine gambling game** facility;
 27 commits a Class A misdemeanor.
- 28 SECTION 61. IC 4-35-11-1, AS ADDED BY P.L.233-2007,
 29 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2015]: Sec. 1. This chapter applies to persons holding a permit
 31 to operate a racetrack under IC 4-31-5 at which **slot machines**
 32 **gambling games** are licensed under this article.
- 33 SECTION 62. IC 4-35-11-2, AS ADDED BY P.L.233-2007,
 34 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2015]: Sec. 2. The general assembly declares that it is
 36 essential for minority and women's business enterprises to have the
 37 opportunity for full participation in the racetrack industry if minority
 38 and women's business enterprises are to obtain social and economic
 39 parity and if the economies of the cities, towns, and counties in which
 40 **slot machines gambling games** are operated at racetracks are to be
 41 stimulated as contemplated by this article.
- 42 SECTION 63. IC 4-35-12-9, AS ADDED BY P.L.142-2009,



1 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2015]: Sec. 9. A trustee acting under the authority of this
3 chapter may conduct the operations of any hotel, restaurant, golf
4 course, or other amenity related to the racetrack's ~~slot machine~~
5 **gambling game** facility.

6 SECTION 64. IC 4-36-1-3, AS ADDED BY P.L.95-2008,
7 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2015]: Sec. 3. This article does not apply to the following:

- 9 (1) The Indiana state lottery established under IC 4-30.
10 (2) Pari-mutuel horse racing under IC 4-31.
11 (3) Charity gaming under IC 4-32.2.
12 (4) Riverboat gambling under IC 4-33.
13 (5) ~~Slot machine~~ Wagering **on gambling games** under IC 4-35.

14 SECTION 65. IC 6-3.1-20-7, AS AMENDED BY P.L.166-2014,
15 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2015]: Sec. 7. (a) The department shall before July 1 of each
17 year determine the greater of:

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

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

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

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

- 29 (1) deducted during the year from the riverboat admissions tax
30 revenue otherwise payable under ~~IC 4-33-12-6(d)(1)~~
31 **IC 4-33-12-6(c)(1)** to each of the following:

- 32 (A) The largest city by population located in the county.
33 (B) The second largest city by population located in the
34 county.
35 (C) The third largest city by population located in the county;
36 and

- 37 (2) paid instead to the state general fund.

38 (d) If the amount determined by the department under subsection
39 (a)(2) is less than eight million five hundred thousand dollars
40 (\$8,500,000), the difference of:

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



- 1 (2) the amount determined by the department under subsection
 2 (a)(2);
 3 shall be paid to the northwest Indiana regional development authority
 4 established by IC 36-7.5-2-1 instead of the state general fund. Any
 5 amounts paid under this subsection shall be used by the northwest
 6 Indiana regional development authority only to establish or improve
 7 public mass rail transportation systems in Lake County.
- 8 SECTION 66. IC 6-3.5-1.1-25, AS AMENDED BY P.L.261-2013,
 9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2015]: Sec. 25. (a) As used in this section, "public safety"
 11 refers to the following:
- 12 (1) A police and law enforcement system to preserve public peace
 13 and order.
 - 14 (2) A firefighting and fire prevention system.
 - 15 (3) Emergency ambulance services (as defined in
 16 IC 16-18-2-107).
 - 17 (4) Emergency medical services (as defined in IC 16-18-2-110).
 - 18 (5) Emergency action (as defined in IC 13-11-2-65).
 - 19 (6) A probation department of a court.
 - 20 (7) Confinement, supervision, services under a community
 21 corrections program (as defined in IC 35-38-2.6-2), or other
 22 correctional services for a person who has been:
 - 23 (A) diverted before a final hearing or trial under an agreement
 24 that is between the county prosecuting attorney and the person
 25 or the person's custodian, guardian, or parent and that provides
 26 for confinement, supervision, community corrections services,
 27 or other correctional services instead of a final action
 28 described in clause (B) or (C);
 - 29 (B) convicted of a crime; or
 - 30 (C) adjudicated as a delinquent child or a child in need of
 31 services.
 - 32 (8) A juvenile detention facility under IC 31-31-8.
 - 33 (9) A juvenile detention center under IC 31-31-9.
 - 34 (10) A county jail.
 - 35 (11) A communications system (as defined in IC 36-8-15-3), an
 36 enhanced emergency telephone system (as defined in
 37 IC 36-8-16-2 (before its repeal on July 1, 2012)), or the statewide
 38 911 system (as defined in IC 36-8-16.7-22).
 - 39 (12) Medical and health expenses for jail inmates and other
 40 confined persons.
 - 41 (13) Pension payments for any of the following:
 - 42 (A) A member of the fire department (as defined in



- 1 IC 36-8-1-8) or any other employee of a fire department.
- 2 (B) A member of the police department (as defined in
- 3 IC 36-8-1-9), a police chief hired under a waiver under
- 4 IC 36-8-4-6.5, or any other employee hired by a police
- 5 department.
- 6 (C) A county sheriff or any other member of the office of the
- 7 county sheriff.
- 8 (D) Other personnel employed to provide a service described
- 9 in this section.
- 10 (b) If a county council has imposed a tax rate of at least twenty-five
- 11 hundredths of one percent (0.25%) under section 24 of this chapter, a
- 12 tax rate of at least twenty-five hundredths of one percent (0.25%) under
- 13 section 26 of this chapter, or a total combined tax rate of at least
- 14 twenty-five hundredths of one percent (0.25%) under sections 24 and
- 15 26 of this chapter, the county council may also adopt an ordinance to
- 16 impose an additional tax rate under this section to provide funding for
- 17 public safety. **However, in a county in which a historic hotel district**
- 18 **(as defined in IC 4-33-2-11.5) is located, a county council may**
- 19 **impose a tax rate under this section to provide funding for public**
- 20 **safety without imposing a tax rate under section 24 or 26 of this**
- 21 **chapter.**
- 22 (c) A tax rate under this section may not exceed twenty-five
- 23 hundredths of one percent (0.25%).
- 24 (d) If a county council adopts an ordinance to impose a tax rate
- 25 under this section, not more than ten (10) days after the vote, the
- 26 county auditor shall send a certified copy of the ordinance to the
- 27 commissioner of the department, the director of the budget agency, and
- 28 the commissioner of the department of local government finance in an
- 29 electronic format approved by the director of the budget agency.
- 30 (e) A tax rate under this section is in addition to any other tax rates
- 31 imposed under this chapter and does not affect the purposes for which
- 32 other tax revenue under this chapter may be used.
- 33 (f) Except as provided in subsection (k) or (l), the county auditor
- 34 shall distribute the portion of the certified distribution that is
- 35 attributable to a tax rate under this section to the county and to each
- 36 municipality in the county that is carrying out or providing at least one
- 37 (1) of the public safety purposes described in subsection (a). The
- 38 amount that shall be distributed to the county or municipality is equal
- 39 to the result of:
- 40 (1) the portion of the certified distribution that is attributable to a
- 41 tax rate under this section; multiplied by
- 42 (2) a fraction equal to:



- 1 (A) the attributed allocation amount (as defined in
 2 IC 6-3.5-1.1-15) of the county or municipality for the calendar
 3 year; divided by
 4 (B) the sum of the attributed allocation amounts of the county
 5 and each municipality in the county that is entitled to a
 6 distribution under this section for the calendar year.
- 7 The county auditor shall make the distributions required by this
 8 subsection not more than thirty (30) days after receiving the portion of
 9 the certified distribution that is attributable to a tax rate under this
 10 section. Tax revenue distributed to a county or municipality under this
 11 subsection must be deposited into a separate account or fund and may
 12 be appropriated by the county or municipality only for public safety
 13 purposes.
- 14 (g) The department of local government finance may not require a
 15 county or municipality receiving tax revenue under this section to
 16 reduce the county's or municipality's property tax levy for a particular
 17 year on account of the county's or municipality's receipt of the tax
 18 revenue.
- 19 (h) The tax rate under this section and the tax revenue attributable
 20 to the tax rate under this section shall not be considered for purposes
 21 of computing:
- 22 (1) the maximum income tax rate that may be imposed in a county
 23 under section 2 of this chapter or any other provision of this
 24 chapter;
 25 (2) the maximum permissible property tax levy under
 26 IC 6-1.1-18.5-3; or
 27 (3) the credit under IC 6-1.1-20.6.
- 28 (i) The tax rate under this section may be imposed or rescinded at
 29 the same time and in the same manner that the county may impose or
 30 increase a tax rate under section 24 of this chapter.
- 31 (j) The department of local government finance and the department
 32 of state revenue may take any actions necessary to carry out the
 33 purposes of this section.
- 34 (k) Two (2) or more political subdivisions that are entitled to receive
 35 a distribution under this section may adopt resolutions providing that
 36 some part or all of those distributions shall instead be paid to one (1)
 37 political subdivision in the county to carry out specific public safety
 38 purposes specified in the resolutions.
- 39 (l) A fire department, volunteer fire department, or emergency
 40 medical services provider that:
 41 (1) provides fire protection or emergency medical services within
 42 the county; and



1 (2) is operated by or serves a political subdivision that is not
 2 otherwise entitled to receive a distribution of tax revenue under
 3 this section;
 4 may before July 1 of a year apply to the county council for a
 5 distribution of tax revenue under this section during the following
 6 calendar year. The county council shall review an application
 7 submitted under this subsection and may before September 1 of a year
 8 adopt a resolution requiring that one (1) or more of the applicants shall
 9 receive a specified amount of the tax revenue to be distributed under
 10 this section during the following calendar year. A resolution approved
 11 under this subsection providing for a distribution to one (1) or more fire
 12 departments, volunteer fire departments, or emergency medical
 13 services providers applies only to distributions in the following
 14 calendar year. Any amount of tax revenue distributed under this
 15 subsection to a fire department, volunteer fire department, or
 16 emergency medical services provider shall be distributed before the
 17 remainder of the tax revenue is distributed under subsection (f).

18 SECTION 67. IC 6-9-45.5 IS ADDED TO THE INDIANA CODE
 19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2015]:

21 **Chapter 45.5. Historic Hotels Food and Beverage Tax**

22 **Sec. 1. As used in this chapter, "beverage" includes, but is not**
 23 **limited to, any alcoholic beverage.**

24 **Sec. 2. As used in this chapter, "food" includes, but is not**
 25 **limited to, any food product.**

26 **Sec. 3. As used in this chapter, "gross retail income" has the**
 27 **meaning set forth in IC 6-2.5-1-5.**

28 **Sec. 4. As used in this chapter, "historic hotel" has the meaning**
 29 **set forth in IC 4-33-2-11.1.**

30 **Sec. 5. As used in this chapter, "historic hotels resort" refers to**
 31 **the historic hotels, the riverboat operated under IC 4-33-6.5, and**
 32 **other properties operated in conjunction with the historic hotel**
 33 **enterprise located in Orange County, including golf courses.**

34 **Sec. 6. As used in this chapter, "person" has the meaning set**
 35 **forth in IC 6-2.5-1-3.**

36 **Sec. 7. As used in this chapter, "retail merchant" has the**
 37 **meaning set forth in IC 6-2.5-1-8.**

38 **Sec. 8. (a) An excise tax, known as the food and beverage tax, is**
 39 **imposed on those transactions described in section 9 of this chapter**
 40 **that occur at a historic hotels resort after June 30, 2015.**

41 **(b) The rate of the tax imposed under this chapter equals two**
 42 **percent (2%) of the gross retail income on the transaction.**



1 **Sec. 9. (a)** Except as provided in section 10 of this chapter, the
 2 tax imposed under section 8 of this chapter applies to any
 3 transaction in which food or beverage is furnished, prepared, or
 4 served:

- 5 (1) for consumption at a location, or on equipment, provided
 6 by a retail merchant;
 7 (2) in a historic hotels resort; and
 8 (3) by a retail merchant for consideration.

9 **(b)** Transactions described in subsection (a)(1) include
 10 transactions in which food or beverage is:

- 11 (1) sold in a heated state or heated by a retail merchant;
 12 (2) two (2) or more food ingredients mixed or combined by a
 13 retail merchant for sale as a single item (other than food that
 14 is only cut, repackaged, or pasteurized by the seller, and eggs,
 15 fish, meat, poultry, and foods containing these raw animal
 16 foods requiring cooking by the consumer as recommended by
 17 the federal Food and Drug Administration in chapter 3,
 18 subpart 3-401.11 of its Food Code so as to prevent food borne
 19 illnesses); or
 20 (3) sold with eating utensils provided by a retail merchant,
 21 including plates, knives, forks, spoons, glasses, cups, napkins,
 22 or straws (for purposes of this subdivision, a plate does not
 23 include a container or packaging used to transport the food).

24 **Sec. 10.** The tax imposed under this chapter does not apply to
 25 the furnishing, preparing, or serving of any food or beverage in a
 26 transaction that is exempt, or to the extent exempt, from the state
 27 gross retail tax imposed by IC 6-2.5.

28 **Sec. 11.** The tax imposed under this chapter shall be imposed,
 29 paid, and collected in the same manner that the state gross retail
 30 tax is imposed, paid, and collected under IC 6-2.5. However, the
 31 return to be filed for the payment of the taxes may be made on
 32 separate returns or may be combined with the return filed for the
 33 payment of the state gross retail tax, as prescribed by the
 34 department of state revenue.

35 **Sec. 12.** The amounts received from a tax imposed under this
 36 chapter shall be distributed monthly by the auditor of state to the
 37 West Baden Springs historic hotel preservation and maintenance
 38 fund established by IC 36-7-11.5-11.

39 **Sec. 13. (a)** As used in this section, "another food and beverage
 40 tax" refers to an excise tax imposed under any law other than this
 41 chapter and levied in all or any part of Orange County on a
 42 transaction in which food or beverage is furnished, prepared, or



1 served:

2 (1) for consumption at a location, or on equipment, provided
3 by a retail merchant;

4 (2) in the area in which the food and beverage tax is imposed;
5 and

6 (3) by a retail merchant for consideration.

7 (b) Notwithstanding any other law, another food and beverage
8 tax does not apply to transactions described in section 9 of this
9 chapter.

10 SECTION 68. IC 6-9-45.6 IS ADDED TO THE INDIANA CODE
11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2015]:

13 **Chapter 45.6. Historic Hotels Supplemental Innkeeper's Tax**

14 **Sec. 1. This chapter applies to a historic hotel regardless of**
15 **whether the county in which the historic hotel is located imposes an**
16 **innkeeper's tax on the same transactions under any other chapter**
17 **of this article.**

18 **Sec. 2. As used in this chapter, "historic hotel" has the meaning**
19 **set forth in IC 4-33-2-11.1.**

20 **Sec. 3. As used in this chapter, "person" has the meaning set**
21 **forth in IC 6-2.5-1-3.**

22 **Sec. 4. (a) A supplemental innkeeper's tax is levied on every**
23 **person or entity engaged in the business of renting or furnishing,**
24 **for periods of less than thirty (30) days, any room or rooms,**
25 **lodgings, or accommodations in any historic hotel.**

26 **(b) The tax is imposed at the rate of two percent (2%) on the**
27 **gross retail income derived after June 30, 2015, from lodging**
28 **income only and is in addition to the state gross retail tax imposed**
29 **under IC 6-2.5. The tax shall be imposed, paid, and collected in**
30 **exactly the same manner as the state gross retail tax is imposed,**
31 **paid, and collected under IC 6-2.5.**

32 **(c) All the provisions of IC 6-2.5 relating to rights, duties,**
33 **liabilities, procedures, penalties, definitions, exemptions, and**
34 **administration are applicable to the imposition and administration**
35 **of the tax imposed under this section except to the extent those**
36 **provisions are in conflict or inconsistent with the specific**
37 **provisions of this chapter. The return to be filed for the payment**
38 **of the tax under this section may be either a separate return or**
39 **may be combined with the return filed for the payment of the state**
40 **gross retail tax as the department of state revenue may determine.**

41 **Sec. 5. The amounts received from a tax imposed under this**
42 **chapter shall be distributed monthly by the auditor of state to the**



1 **West Baden Springs historic hotel preservation and maintenance**
 2 **fund established by IC 36-7-11.5-11.**

3 **Sec. 6. (a) As used in this section, "another innkeeper's tax"**
 4 **refers to an excise tax imposed under any law other than this**
 5 **chapter and levied in all of or any part of Orange County on**
 6 **persons or entities engaged in the business of renting or furnishing,**
 7 **for periods of less than thirty (30) days, any room or rooms,**
 8 **lodgings, or accommodations.**

9 **(b) Notwithstanding any other law, if the tax rate at which**
 10 **another innkeeper's tax is imposed is increased after December 31,**
 11 **2014, above the rate in effect on January 1, 2015, the additional tax**
 12 **rate does not apply to transactions described in section 4 of this**
 13 **chapter.**

14 SECTION 69. IC 12-23-2-5, AS AMENDED BY P.L.1-2009,
 15 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2015]: Sec. 5. The general assembly shall
 17 appropriate money from the addiction services fund solely for the
 18 purpose of funding programs:

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

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

29 SECTION 70. IC 36-7-11.5-11, AS AMENDED BY P.L.229-2011,
 30 SECTION 266, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) As used in this section,
 32 "fund" refers to the West Baden Springs historic hotel preservation and
 33 maintenance fund established by subsection (b).

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

- 36 (1) Amounts deposited in the fund under IC 4-33-6.5-6,
 37 ~~IC 4-33-12-6(e)~~, **IC 4-33-12-6 (before the enactment of**
 38 **P.L.96-2010)**, and IC 4-33-13-5(b) **(before July 1, 2015)**.
 39 (2) Grants and gifts that the department of natural resources
 40 receives for the fund under terms, obligations, and liabilities that
 41 the department considers appropriate.
 42 (3) The one million dollar (\$1,000,000) initial fee paid to the



1 gaming commission under IC 4-33-6.5.

2 (4) Any amount transferred to the fund upon the repeal of
3 IC 36-7-11.5-8 (the community trust fund).

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

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

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

14 (e) **One million dollars (\$1,000,000) is appropriated from the
15 fund to the department of natural resources in the state fiscal year
16 beginning after June 30, 2014, and ending before July 1, 2015. Two
17 million dollars (\$2,000,000) is appropriated from the fund to the
18 department of natural resources in each state fiscal year beginning
19 after June 30, 2015. The money appropriated under this subsection
20 may be used by the department of natural resources only for the
21 following purposes:**

22 **(1) To reimburse claims made for expenditures for a qualified
23 historic hotel, as determined by the owner of the hotel
24 riverboat resort.**

25 **(2) To reimburse claims made for expenditures to maintain:
26 (A) the grounds surrounding a qualified historic hotel;
27 (B) supporting buildings and structures related to a
28 qualified historic hotel; and
29 (C) other facilities used by the guests of the qualified
30 historic hotel;**

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

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

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

42 (†) To reimburse claims made for expenditures to maintain a



1 qualified historic hotel; as determined by the owner of the hotel
2 riverboat resort.

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

4 (A) the grounds surrounding a qualified historic hotel;

5 (B) supporting buildings and structures related to a qualified
6 historic hotel; and

7 (C) other facilities used by the guests of the qualified historic
8 hotel;

9 as determined by the owner of the hotel riverboat resort.

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

18 (g) (f) 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).

22 SECTION 71. P.L.229-2013, SECTION 39, IS REPEALED
23 [EFFECTIVE UPON PASSAGE]. SECTION 39: (a) As used in this
24 SECTION, "commission" refers to the Indiana gaming commission.

25 (b) The commission shall conduct a study regarding the use of
26 complimentary promotional credit programs by persons licensed under
27 IC 4-33 and IC 4-35. The commission shall study the impact of
28 complimentary credit programs on state gaming revenues.

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

31 (d) This SECTION expires January 1, 2016.

32 SECTION 72. [EFFECTIVE UPON PASSAGE] (a) The definitions
33 in IC 4-33-2 and IC 4-33-23 apply throughout this SECTION.

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

36 (1) The extent to which local governments rely on tax
37 revenues received under IC 4-33-12 and IC 4-33-13, including
38 revenues received under IC 4-33-13-5 as revenue sharing or
39 supplemental distributions.

40 (2) The extent to which local governments rely on economic
41 development payments received under development
42 agreements.



- 1 **(3) The extent to which the local governments receiving tax**
2 **revenues under IC 4-33-12 and IC 4-33-13 and economic**
3 **development payments share revenue with other local**
4 **governments.**
- 5 **(4) The purposes for which local governments use tax**
6 **revenues under IC 4-33-12 and IC 4-33-13 and economic**
7 **development payments.**
- 8 **(5) The extent to which liability for the riverboat admissions**
9 **tax affects the competitiveness of Indiana's riverboats within**
10 **the regional gaming industry.**
- 11 **(6) The extent to which obligations under economic**
12 **development agreements affect the competitiveness of**
13 **Indiana's riverboats within the regional gaming industry.**
- 14 **(7) The extent to which the statutory wagering tax rates affect**
15 **the competitiveness of Indiana's gaming facilities within the**
16 **state and within the regional gaming industry.**
- 17 **(8) The extent to which providing supplemental distributions**
18 **under IC 4-33-13 affects the ability of the general assembly to**
19 **provide a flexible regulatory environment that allows the state**
20 **to react to changing market conditions.**
- 21 **(c) If an interim study committee is assigned the topics**
22 **described in subsection (b), the interim study committee shall**
23 **report its findings and recommendations, if any, to the legislative**
24 **council in an electronic format under IC 5-14-6 before November**
25 **1, 2015.**
- 26 **(d) This SECTION expires January 1, 2016.**
27 **SECTION 73. 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."

Re-number 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.

Re-number all SECTIONS consecutively.

(Reference is to HB 1540 as printed February 20, 2015.)

BROWN T

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

EH 1540—LS 7218/DI 92



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~~ **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



COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill No. 1540, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 21, line 20, strike "This subsection does not apply to an entity receiving money".

Page 21, line 21, strike "under IC 4-33-12-6(c)".

Page 31, line 32, strike "12(b)(2)" and insert "**12(b)(3)**".

Page 32, line 27, strike "12(b)(2)" and insert "**12(b)(3)**".

Page 33, line 21, delete "(b)," and insert "(c),".

Page 34, line 38, delete "commission" and insert "**corporation**".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1540 as reprinted February 25, 2015.)

ALTING, Chairperson

Committee Vote: Yeas 10, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill No. 1540, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-29 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 29. TRIBAL GAMING

Chapter 1. Applicability

Sec. 1. This article does not apply to the following:

- (1) A permit holder licensed to conduct a pari-mutuel wagering horse racing meeting under IC 4-31.
- (2) A qualified organization licensed to conduct charity gaming events under IC 4-32.2.
- (3) A licensed owner or operating agent operating a riverboat

EH 1540—LS 7218/DI 92



under IC 4-33.

(4) A permit holder licensed to conduct gambling games under IC 4-35.

(5) A person authorized to conduct type II gaming under IC 4-36.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Class III gaming" has the meaning set forth in 25 U.S.C. 2703(8).

Sec. 3. "Indian lands" has the meaning set forth in 25 U.S.C. 2703(4).

Sec. 4. "Indian tribe" has the meaning set forth in 25 U.S.C. 2703(5).

Sec. 5. "Tribal-state compact" means a compact under 25 U.S.C. 2701 et seq. between an Indian tribe and the state to allow gaming on Indian lands located in Indiana.

Chapter 3. Tribal-State Compacts

Sec. 1. The state may not enter into, amend, or modify a tribal-state compact without the ratification of the general assembly.

Sec. 2. A tribal-state compact entered into, amended, or modified without the ratification of the general assembly is void.

Sec. 3. The governor is responsible for negotiating and executing a tribal-state gaming compact on behalf of the state with an Indian tribe located within Indiana for the purpose of authorizing Class III gaming on Indian lands located within Indiana under 25 U.S.C. 2701 et seq. The governor's responsibilities under this section include the negotiation and execution of any amendment or modification to a tribal-state compact.

Sec. 4. (a) A tribal-state compact negotiated under this chapter must include terms concerning the following:

- (1)** The management of the Indian tribe's gaming operation.
- (2)** Revenue sharing with the state and local units of government.
- (3)** Infrastructure and site improvements.
- (4)** The administration and regulation of gaming.
- (5)** The types of games operated by the Indian tribe.

(b) This section does not preclude additional items and terms from being negotiated and agreed to in any tribal-state compact.

Sec. 5. Following the completion of negotiations and the execution of a tribal-state compact, the governor shall submit a



copy of the executed tribal-state compact to the president pro tempore of the senate and the speaker of the house of representatives for ratification. To ratify the tribal-state compact, the general assembly must enact a bill codifying the tribal-state compact in the manner required by the Constitution of the State of Indiana.

Sec. 6. Upon receipt of an act ratifying a tribal-state compact, the governor shall cause the ratified tribal-state compact to be deposited with the secretary of state under IC 4-3-1-1.

Sec. 7. The secretary of state shall forward a copy of the executed tribal-state compact and the act of ratification to the United States Secretary of the Interior for federal review and approval as required by 25 U.S.C. 2710(8).

Sec. 8. If the governor agrees to an amendment to or a modification of a tribal-state compact, the governor shall submit the amendment or modification to the general assembly for ratification in the manner required by section 5 of this chapter."

Page 2, between lines 19 and 20, begin a new paragraph and insert:
"SECTION 5. IC 4-32.2-2-24, AS AMENDED BY P.L.94-2012, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) **Except as otherwise provided in this section**, "qualified organization" refers to any of the following:

- (1) A bona fide religious, educational, senior citizens, veterans, or civic organization operating in Indiana that:
 - (A) operates without profit to the organization's members;
 - (B) is exempt from taxation under Section 501 of the Internal Revenue Code; and
 - (C) satisfies at least one (1) of the following requirements:
 - (i) The organization has been continuously in existence in Indiana for at least three (3) years.
 - (ii) The organization is affiliated with a parent organization that has been in existence in Indiana for at least three (3) years.
 - (iii) The organization has reorganized and is continuing its mission under a new name on file with the Indiana secretary of state and with a new tax identification number after having satisfied the requirements set forth in either item (i) or (ii).
- (2) A bona fide political organization operating in Indiana that produces exempt function income (as defined in Section 527 of the Internal Revenue Code).
- (3) A state educational institution (as defined in IC 21-7-13-32).



- (4) A bona fide national organization operating in Indiana.
- (5) A bona fide national foundation.
- (b) For purposes of IC 4-32.2-4-3, a "qualified organization" includes the following:
 - (1) A hospital licensed under IC 16-21.
 - (2) A health facility licensed under IC 16-28.
 - (3) A psychiatric facility licensed under IC 12-25.
 - (4) An organization defined in subsection (a).
- (c) For purposes of IC 4-32.2-4-10, a "qualified organization" includes a bona fide business organization.
- (d) Evidence that an organization satisfies subsection (a)(1)(C)(iii) includes:
 - (1) evidence of the organization's continued use of a service mark or trademarked logo associated with the organization's former name;
 - (2) evidence of the continuity of the organization's activities as shown in the federal income tax returns filed for the organization's three (3) most recent taxable years;
 - (3) evidence of the continuity of the organization's activities as shown by the three (3) most recent annual external financial reviews of the organization prepared by a certified public accountant; or
 - (4) any other information considered sufficient by the commission.
- (e) Unless the construction is plainly repugnant to the intent of the general assembly or the context of the statute, "qualified organization" refers to an Indiana affiliate of a bona fide national organization or bona fide national foundation.

(f) For purposes of IC 4-32.2-5-32, "qualified organization" means any nonprofit corporation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code regardless of whether the nonprofit corporation is incorporated in Indiana.

SECTION 6. IC 4-32.2-5-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 32. (a) A licensed owner or operating agent authorized to conduct riverboat gambling under IC 4-33 may host an allowable event conducted by a qualified organization. A licensed owner or operating agent may do the following in hosting an allowable event:**

- (1) Provide the location of the allowable event.**
- (2) Advertise or otherwise promote the allowable event.**



(3) Cater the allowable event.

(4) Provide promotional play and other discounts to individuals attending the allowable event.

(5) Donate prizes for raffles or door prize events conducted at the allowable event.

(b) A licensed owner or operating agent may not permit a qualified organization to use a gambling game (as defined by IC 4-33-2-9) belonging to the licensed owner or operating agent to conduct a game of chance at the allowable event.

(c) A qualified organization conducting an allowable event under this section is subject to all of the requirements of this article and the rules of the commission regardless of whether the qualified organization is incorporated in Indiana.

(d) A licensed owner or operating agent hosting an allowable event shall report the expenses incurred in hosting the allowable event to the commission in a manner prescribed by the commission."

Page 2, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 8. IC 4-33-4-3.5, AS AMENDED BY P.L.170-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3.5. **(a)** The commission shall employ gaming agents to perform the duties imposed by this chapter. **Except as provided in subsection (b)**, the licensed owners and operating agents shall, in the manner prescribed by the rules of the commission, reimburse the commission for:

- (1) the training expenses incurred to train gaming agents;
- (2) the salaries and other expenses of staff required to support the gaming agents; and
- (3) the salaries and other expenses of the gaming agents required to be present during the time gambling operations are conducted on a riverboat.

(b) Beginning July 1, 2015, a licensed owner or operating agent is not required to reimburse the commission for expenses incurred to provide worker's compensation coverage for a gaming agent or worker's compensation benefits to a gaming agent."

Page 5, line 18, delete "a public road or a railroad right of" and insert "**public rights-of-way or railroad rights-of-way**".

Page 5, delete line 19.

Page 5, line 23, after "(1)" delete "The" and insert "**Except as provided in subsection (c), the**".

Page 5, between lines 31 and 32, begin a new paragraph and insert:
"(c) This subsection applies to a licensed owner that owns or



leases property that is considered adjacent to a riverboat dock site under subsection (a). The licensed owner may:

- (1) acquire part of the public rights-of-way or railroad rights-of-way to form a contiguous parcel with the property owned or leased by the licensed owner on February 1, 2015; and
- (2) subject to the other requirements of this section, situate an inland casino on the contiguous parcel formed under subdivision (1)."

Page 5, line 32, delete "(c)" and insert "(d)".

Page 5, line 34, delete "(d)" and insert "(e)".

Page 5, line 35, after "the" insert "greatest".

Page 5, line 37, delete "on February 1, 2015." and insert "since January 1, 2007."

Page 5, between lines 37 and 38, begin a new paragraph and insert:
"SECTION 15. IC 4-33-6-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 25. (a) This section does not apply to a riverboat gaming operation relocated under section 24 of this chapter.**

(b) The number of gaming positions offered by a licensed owner or operating agent within the riverboat operated by the licensed owner or operating agent may not exceed the greatest number of gaming positions offered by the licensed owner or operating agent since January 1, 2007.

SECTION 16. IC 4-33-9-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 18. A licensed owner or operating agent may provide complimentary beverages to patrons in a hotel or facility operated by the licensed owner or operating agent. However, complimentary beverages may not be provided in any area in which gambling is conducted."**

Page 14, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 21. 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 a riverboat located in a historic hotel district in a state fiscal year if:**

- (1) the riverboat received not more than eighty million dollars (\$80,000,000) of adjusted gross receipts during the preceding state fiscal year; and**
- (2) the operating agent for the riverboat and the owner of the**



historic hotels resort are the entities that were the operating agent and owner of the historic hotels resort on January 1, 2015.

(b) As used in this section, "historic hotels resort" refers to the historic hotels, the riverboat operated under IC 4-33-6.5, and other properties operated in conjunction with the historic hotel enterprise located in Orange County, including golf courses.

(c) An operating agent is entitled to a French Lick historic tax credit against the tax imposed under section 1.5 of this chapter as provided in this section. The amount of the credit for a state fiscal year is equal to the following:

(1) Fifty percent (50%) of the tax that the operating agent would otherwise be required to remit to the department, if the riverboat received not more than sixty million dollars (\$60,000,000) of adjusted gross receipts during the preceding state fiscal year.

(2) Forty percent (40%) of the tax that the operating agent would otherwise be required to remit to the department, if the riverboat received more than sixty million dollars (\$60,000,000) but not more sixty-five million dollars (\$65,000,000) of adjusted gross receipts during the preceding state fiscal year.

(3) Thirty percent (30%) of the tax that the operating agent would otherwise be required to remit to the department, if the riverboat received more than sixty-five million dollars (\$65,000,000) but not more seventy million dollars (\$70,000,000) of adjusted gross receipts during the preceding state fiscal year.

(4) Twenty percent (20%) of the tax that the operating agent would otherwise be required to remit to the department, if the riverboat received more than seventy million dollars (\$70,000,000) but not more than seventy-five million dollars (\$75,000,000) of adjusted gross receipts during the preceding state fiscal year.

(5) Ten percent (10%) of the tax that the operating agent would otherwise be required to remit to the department, if the riverboat received more than seventy-five million dollars (\$75,000,000) but not more than eighty million dollars (\$80,000,000) of adjusted gross receipts during the preceding state fiscal year.

(6) A credit is not allowed under this section for a state fiscal year if the riverboat received more than eighty million dollars



(\$80,000,000) of adjusted gross receipts during the preceding state fiscal year.

The operating agent may apply the credit on any remittance.

(d) A credit under this section is not refundable.

(e) The amount of revenue retained as a credit must be used by the operating agent and the owner of the historic hotels resort for one (1) or more of the following purposes:

(1) For expenditures to maintain or operate a historic hotel, as determined by the owner of the historic hotels resort.

(2) For expenditures to maintain or operate:

(A) the grounds surrounding a historic hotel;

(B) supporting buildings and structures related to a historic hotel; and

(C) other facilities used by the guests of the historic hotel; as determined by the owner of the historic hotels resort.

Any amount retained as a credit that is not used for a purpose described in subdivision (1) or (2) not more than twelve (12) months after the end of the state fiscal year in which the amount is retained must be remitted to the department for deposit in the state general fund.

(f) The owner of the historic hotels resort must maintain the records required by the department for the period specified by the department to substantiate that the money retained as a credit under this section was used for the purposes described in subsection (e).

SECTION 22. 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 June 30, 2015**. 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%)~~ **Fifty-six and five-tenths percent (56.5%)** 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.

(2) Forty-three and five-tenths percent (43.5%) shall be paid as follows:

(A) Twenty-two and four-tenths percent (22.4%) shall be paid as follows:

(i) Fifty percent (50%) to the fiscal officer of the town of French Lick.

(ii) Fifty percent (50%) to the fiscal officer of the town of West Baden Springs.

(B) Fourteen and eight-tenths percent (14.8%) shall be paid to the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this clause among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this clause must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this clause, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this clause were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(C) Thirteen and one-tenth percent (13.1%) shall be paid to the county treasurer of Orange County.

(D) Five and three-tenths percent (5.3%) shall be distributed quarterly 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 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.

(E) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Crawford County 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.

(F) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Paoli.

(G) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Orleans.

(H) Twenty-six and four-tenths percent (26.4%) shall be paid to the Indiana economic development corporation established by IC 5-28-3-1 for transfer to Radius Indiana or a successor regional entity or partnership 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. However, an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under this section were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission before making a distribution to Radius Indiana or a successor regional entity or partnership. The amount paid to the Orange County development commission reduces the amount payable to Radius Indiana or its successor entity or partnership.

(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(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) 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.

(j) Money distributed to a political subdivision under subsection (b):

- (1) must be paid to the fiscal officer of the political subdivision and may be deposited in the political subdivision's general fund or riverboat fund established under IC 36-1-8-9, or both;**
- (2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in subsection (b)(2)(B), may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;**
- (3) except as provided in subsection (b)(2)(B), may be used for any legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and**
- (4) is considered miscellaneous revenue.**

Money distributed under subsection (b)(2)(B) must be used for the purposes specified in subsection (b)(2)(B)."

Delete pages 15 through 21.

Page 22, delete lines 1 through 14.

Page 22, line 18, after "occurs" delete ":".

Page 22, line 19, strike "(1)".

Page 22, line 20, after "528-2013" delete ";" and insert ".".

Page 22, line 20, strike "but".

Page 22, line 21, strike "(2) before July 1,".

Page 22, line 21, delete "2018.".

Page 22, line 37, after "2013" delete "," and insert ".".

Page 22, line 37, strike "and ending before July 1,".

Page 22, line 38, delete "2018.", begin a new paragraph and insert:

"(e) A licensed owner or operating agent may for a state fiscal year assign all or part of the amount of the deduction under this section that is not claimed by the licensed owner or operating agent



for the state fiscal year to another licensed owner or operating agent. An assignment under this subsection must be in writing and both the licensed owner or operating agent assigning the deduction and the licensed owner or operating agent to which the deduction is assigned shall report the assignment to the commission and to the department. The maximum amount that may be assigned under this subsection by a licensed owner or operating agent for a state fiscal year is equal to the result of:

- (1) five million dollars (\$5,000,000); minus
- (2) the amount deducted under this subsection by the licensed owner or operating agent for the state fiscal year."

Page 25, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 32. IC 4-35-4-5, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The commission shall employ gaming agents to perform duties imposed by this article. **Except as provided in subsection (b)**, a licensee shall, under rules adopted by the commission under IC 4-22-2, reimburse the commission for:

- (1) training expenses incurred to train gaming agents;
- (2) salaries and other expenses of staff required to support the gaming agents; and
- (3) salaries and other expenses of the gaming agents required to be present during the time gambling games are being conducted at a racetrack.

(b) Beginning July 1, 2015, a licensee is not required to reimburse the commission for expenses incurred to provide worker's compensation coverage for a gaming agent or worker's compensation benefits to a gaming agent."

Page 28, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 46. IC 4-35-7-11, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) **Before January 2, 2021**, a licensee may not install more than two thousand (2,000) slot machines on the premises of the licensee's racetrack without the approval of the commission.

(b) After January 1, 2021, a licensee may not offer more than two thousand two hundred (2,200) gambling games on the premises of a licensee's racetrack."

Page 33, line 15, after "(b)" delete "A" and insert "**After January 1, 2021, and before January 6, 2021, a**".

Page 33, line 17, delete "A licensee must submit a table game plan before the".



Page 33, line 18, delete "date designated by the commission."

Page 33, line 20, delete "Except as provided in".

Page 33, line 21, delete "subsection (c), a" and insert **"If the commission fails to make a determination regarding whether the plan is appropriate within ten (10) business days after receipt of the plan, the plan is considered approved. A"**.

Page 33, line 24, after "commission;" insert **"and"**.

Page 33, line 27, delete "installs; and" and insert **"installs."**

Page 33, delete lines 28 through 33, begin a new paragraph and insert:

"SECTION 51. IC 4-35-7-20 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Sec. 20. A licensee may provide complimentary beverages to patrons in a hotel or facility operated by the licensee. However, complimentary beverages may not be provided in any area in which gambling is conducted.**

SECTION 52. IC 4-35-8-1, AS AMENDED BY P.L.210-2013, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A graduated slot machine wagering tax is imposed as follows on ninety-nine percent (99%) of the adjusted gross receipts received after June 30, 2012, and before July 1, 2013, ~~and~~ on ninety-one and five-tenths percent (91.5%) of the adjusted gross receipts received after June 30, 2013, **and before July 1, 2015, and on eighty-nine and five-tenths percent (89.5%) of the adjusted gross receipts received after June 30, 2015**, from wagering on gambling games authorized by this article:

(1) Twenty-five percent (25%) of the first one hundred million dollars (\$100,000,000) of adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year.

(2) Thirty percent (30%) of the adjusted gross receipts in excess of one hundred million dollars (\$100,000,000) but not exceeding two hundred million dollars (\$200,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(3) Thirty-five percent (35%) of the adjusted gross receipts in excess of two hundred million dollars (\$200,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(b) 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.



(c) 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)).

(d) 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.

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

Page 33, line 37, after "occurs" delete ":".

Page 33, line 38, strike "(1)".

Page 33, line 39, after "528-2013" delete ";" and insert ".".

Page 33, line 39, strike "but".

Page 33, line 40, strike "(2) before July 1,".

Page 33, line 40, delete "2018.".

Page 34, line 12, after "2013" delete "," and insert ".".

Page 34, line 12, strike "and ending before July 1,".

Page 34, line 13, delete "2018.".

Page 34, between lines 18 and 19, begin a new paragraph and insert:

"(f) A licensee may for a state fiscal year assign all or part of the amount of the deduction under this section that is not claimed by the licensee for the state fiscal year to another licensee. An assignment under this subsection must be in writing and both the licensee assigning the deduction and the licensee to which the deduction is assigned shall report the assignment to the commission and to the department. The maximum amount that may be assigned under this subsection by a licensee for a state fiscal year is equal to the result of:

(1) five million dollars (\$5,000,000); minus

(2) the amount deducted under this subsection by the licensee for the state fiscal year."

Page 34, line 34, after "Sec. 4." insert "(a)".

Page 34, delete lines 39 through 42, begin a new line block indented and insert:

"(1) Twenty-two and four-tenths percent (22.4%) to be paid shall be paid as follows:

(A) Fifty percent (50%) to the fiscal officer of the town of French Lick.

(B) Fifty percent (50%) to the fiscal officer of the town of West Baden Springs.

(2) Fourteen and eight-tenths percent (14.8%) to the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the



school corporations in the county shall provide a formula for the distribution of the money received under this subdivision among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this subdivision must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this subdivision, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this subdivision were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(3) Thirteen and one-tenth percent (13.1%) to the county treasurer of Orange County.

(4) Five and three-tenths (5.3%) 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 subdivision 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.

(5) Five and three-tenths (5.3%) 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 subdivision 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.

(6) Six and thirty-five hundredths percent (6.35%) to the fiscal officer of the town of Paoli.

(7) Six and thirty-five hundredths percent (6.35%) to the fiscal officer of the town of Orleans.

(8) Twenty-six and four-tenths percent (26.4%) to the Indiana economic development corporation for transfer to Radius Indiana or a successor regional entity or partnership 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. However if the amount distributed under IC 4-33-13-5(b)(2)(H) to the Orange County development commission is insufficient to meet the obligations described in IC 4-33-13-5(b)(2)(H), an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under IC 4-33-13-5 were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission before making a distribution to Radius Indiana or a successor regional entity or partnership. The amount paid to the Orange County development commission reduces the amount payable to Radius Indiana or its successor entity or partnership.

Sec. 5. (a) Money distributed to a political subdivision under section 4 of this chapter:

- (1) must be paid to the fiscal officer of the political subdivision and may be deposited in the political subdivision's general fund or riverboat fund established under IC 36-1-8-9, or both;
- (2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in section 4(a)(2) of this chapter, may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;
- (3) except as provided in section 4(a)(2) of this chapter, may be used for any legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and
- (4) is considered miscellaneous revenue.

(b) Money distributed under section 4(a)(2) of this chapter must be used for the purposes specified in section 4(a)(2) of this chapter."

Delete page 35.

Page 36, delete lines 1 through 14.

Page 37, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 62. IC 4-35-8.8-2, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A licensee that offers slot machine wagering at racetracks under this article shall annually pay to the ~~division~~ **commission** a problem gambling fee equal to five hundred thousand dollars (\$500,000) for each racetrack at which the licensee offers slot



machine wagering. **The commission shall annually retain two hundred fifty thousand dollars (\$250,000) from the amount paid for the commission's own efforts at preventing and treating compulsive gambling. The commission shall transfer the remaining seven hundred fifty thousand dollars (\$750,000) received each year to the division."**

Page 37, line 18, strike "paid to" and insert "**received by**".

Page 39, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 65. IC 6-3.5-1.1-25, AS AMENDED BY P.L.261-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 25. (a) As used in this section, "public safety" refers to the following:

- (1) A police and law enforcement system to preserve public peace and order.
- (2) A firefighting and fire prevention system.
- (3) Emergency ambulance services (as defined in IC 16-18-2-107).
- (4) Emergency medical services (as defined in IC 16-18-2-110).
- (5) Emergency action (as defined in IC 13-11-2-65).
- (6) A probation department of a court.
- (7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:
 - (A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);
 - (B) convicted of a crime; or
 - (C) adjudicated as a delinquent child or a child in need of services.
- (8) A juvenile detention facility under IC 31-31-8.
- (9) A juvenile detention center under IC 31-31-9.
- (10) A county jail.
- (11) A communications system (as defined in IC 36-8-15-3), an enhanced emergency telephone system (as defined in IC 36-8-16-2 (before its repeal on July 1, 2012)), or the statewide 911 system (as defined in IC 36-8-16.7-22).
- (12) Medical and health expenses for jail inmates and other confined persons.



(13) Pension payments for any of the following:

(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.

(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

(C) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

(b) If a county council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 24 of this chapter, a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 26 of this chapter, or a total combined tax rate of at least twenty-five hundredths of one percent (0.25%) under sections 24 and 26 of this chapter, the county council may also adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety. **However, in a county in which a historic hotel district (as defined in IC 4-33-2-11.5) is located, a county council may impose a tax rate under this section to provide funding for public safety without imposing a tax rate under section 24 or 26 of this chapter.**

(c) A tax rate under this section may not exceed twenty-five hundredths of one percent (0.25%).

(d) If a county council adopts an ordinance to impose a tax rate under this section, not more than ten (10) days after the vote, the county auditor shall send a certified copy of the ordinance to the commissioner of the department, the director of the budget agency, and the commissioner of the department of local government finance in an electronic format approved by the director of the budget agency.

(e) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(f) Except as provided in subsection (k) or (l), the county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality in the county that is carrying out or providing at least one (1) of the public safety purposes described in subsection (a). The amount that shall be distributed to the county or municipality is equal to the result of:

(1) the portion of the certified distribution that is attributable to a



tax rate under this section; multiplied by

(2) a fraction equal to:

(A) the attributed allocation amount (as defined in IC 6-3.5-1.1-15) of the county or municipality for the calendar year; divided by

(B) the sum of the attributed allocation amounts of the county and each municipality in the county that is entitled to a distribution under this section for the calendar year.

The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may be appropriated by the county or municipality only for public safety purposes.

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's receipt of the tax revenue.

(h) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or

(3) the credit under IC 6-1.1-20.6.

(i) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 24 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(k) Two (2) or more political subdivisions that are entitled to receive a distribution under this section may adopt resolutions providing that some part or all of those distributions shall instead be paid to one (1) political subdivision in the county to carry out specific public safety purposes specified in the resolutions.

(l) A fire department, volunteer fire department, or emergency medical services provider that:

EH 1540—LS 7218/DI 92



(1) provides fire protection or emergency medical services within the county; and

(2) is operated by or serves a political subdivision that is not otherwise entitled to receive a distribution of tax revenue under this section;

may before July 1 of a year apply to the county council for a distribution of tax revenue under this section during the following calendar year. The county council shall review an application submitted under this subsection and may before September 1 of a year adopt a resolution requiring that one (1) or more of the applicants shall receive a specified amount of the tax revenue to be distributed under this section during the following calendar year. A resolution approved under this subsection providing for a distribution to one (1) or more fire departments, volunteer fire departments, or emergency medical services providers applies only to distributions in the following calendar year. Any amount of tax revenue distributed under this subsection to a fire department, volunteer fire department, or emergency medical services provider shall be distributed before the remainder of the tax revenue is distributed under subsection (f).

SECTION 66. IC 6-9-45.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 45.5. Historic Hotels Food and Beverage Tax

Sec. 1. As used in this chapter, "beverage" includes, but is not limited to, any alcoholic beverage.

Sec. 2. As used in this chapter, "food" includes, but is not limited to, any food product.

Sec. 3. As used in this chapter, "gross retail income" has the meaning set forth in IC 6-2.5-1-5.

Sec. 4. As used in this chapter, "historic hotel" has the meaning set forth in IC 4-33-2-11.1.

Sec. 5. As used in this chapter, "historic hotels resort" refers to the historic hotels, the riverboat operated under IC 4-33-6.5, and other properties operated in conjunction with the historic hotel enterprise located in Orange County, including golf courses.

Sec. 6. As used in this chapter, "person" has the meaning set forth in IC 6-2.5-1-3.

Sec. 7. As used in this chapter, "retail merchant" has the meaning set forth in IC 6-2.5-1-8.

Sec. 8. (a) An excise tax, known as the food and beverage tax, is imposed on those transactions described in section 9 of this chapter that occur at a historic hotels resort after June 30, 2015.



(b) The rate of the tax imposed under this chapter equals two percent (2%) of the gross retail income on the transaction.

Sec. 9. (a) Except as provided in section 10 of this chapter, the tax imposed under section 8 of this chapter applies to any transaction in which food or beverage is furnished, prepared, or served:

- (1) for consumption at a location, or on equipment, provided by a retail merchant;
- (2) in a historic hotels resort; and
- (3) by a retail merchant for consideration.

(b) Transactions described in subsection (a)(1) include transactions in which food or beverage is:

- (1) sold in a heated state or heated by a retail merchant;
- (2) two (2) or more food ingredients mixed or combined by a retail merchant for sale as a single item (other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, subpart 3-401.11 of its Food Code so as to prevent food borne illnesses); or
- (3) sold with eating utensils provided by a retail merchant, including plates, knives, forks, spoons, glasses, cups, napkins, or straws (for purposes of this subdivision, a plate does not include a container or packaging used to transport the food).

Sec. 10. The tax imposed under this chapter does not apply to the furnishing, preparing, or serving of any food or beverage in a transaction that is exempt, or to the extent exempt, from the state gross retail tax imposed by IC 6-2.5.

Sec. 11. The tax imposed under this chapter shall be imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected under IC 6-2.5. However, the return to be filed for the payment of the taxes may be made on separate returns or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department of state revenue.

Sec. 12. The amounts received from a tax imposed under this chapter shall be distributed monthly by the auditor of state to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7.5-11-11.

Sec. 13. (a) As used in this section, "another food and beverage tax" refers to an excise tax imposed under any law other than this



chapter and levied in all or any part of Orange County on a transaction in which food or beverage is furnished, prepared, or served:

- (1) for consumption at a location, or on equipment, provided by a retail merchant;
- (2) in the area in which the food and beverage tax is imposed; and
- (3) by a retail merchant for consideration.

(b) Notwithstanding any other law, another food and beverage tax does not apply to transactions described in section 9 of this chapter.

SECTION 67. IC 6-9-45.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 45.6. Historic Hotels Supplemental Innkeeper's Tax

Sec. 1. This chapter applies to a historic hotel regardless of whether the county in which the historic hotel is located imposes an innkeeper's tax on the same transactions under any other chapter of this article.

Sec. 2. As used in this chapter, "historic hotel" has the meaning set forth in IC 4-33-2-11.1.

Sec. 3. As used in this chapter, "person" has the meaning set forth in IC 6-2.5-1-3.

Sec. 4. (a) A supplemental innkeeper's tax is levied on every person or entity engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any historic hotel.

(b) The tax is imposed at the rate of two percent (2%) on the gross retail income derived after June 30, 2015, from lodging income only and is in addition to the state gross retail tax imposed under IC 6-2.5. The tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

(c) All the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the tax imposed under this section except to the extent those provisions are in conflict or inconsistent with the specific provisions of this chapter. The return to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may determine.



Sec. 5. The amounts received from a tax imposed under this chapter shall be distributed monthly by the auditor of state to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7.5-11-11.

Sec. 6. (a) As used in this section, "another innkeeper's tax" refers to an excise tax imposed under any law other than this chapter and levied in all of or any part of Orange County on persons or entities engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations.

(b) Notwithstanding any other law, if the tax rate at which another innkeeper's tax is imposed is increased after December 31, 2014, above the rate in effect on January 1, 2015, the additional tax rate does not apply to transactions described in section 4 of this chapter."

Delete pages 40 through 42.

Page 43, delete lines 1 through 10.

Page 43, line 28, delete "[EFFECTIVE JULY 1, 2015]:" and insert "[EFFECTIVE UPON PASSAGE]:".

Page 43, line 35, after "IC 4-33-13-5(b)" delete "." and insert "**(before July 1, 2015).**".

Page 44, line 11, delete "This subsection applies only to state fiscal years beginning".

Page 44, line 12, delete "after June 30, 2015, and ending before July 1, 2020."

Page 44, line 14, delete "each" and insert "**the**".

Page 44, line 15, delete "2015," and insert "**2014,**".

Page 44, line 15, delete "2020." and insert "**2015. Two million dollars (\$2,000,000) is appropriated from the fund to the department of natural resources in each state fiscal year beginning after June 30, 2015.**".

Page 44, line 18, delete "to maintain" and insert "**for**".

Page 44, line 36, delete "(f) This subsection applies only to state fiscal years beginning".

Page 44, line 37, delete "after June 30, 2020."

Page 44, line 37, strike "The interest accruing to the fund is annually".

Page 44, strike lines 38 through 42.

Page 45, strike lines 1 through 7.

Page 45, line 8, delete "(g) This subsection applies only to state fiscal years beginning".

Page 45, line 9, delete "after June 30, 2020."



Page 45, line 9, strike "The department of natural resources shall".
Page 45, line 10, strike "promptly pay each claim for a purpose described in subsection".

Page 45, line 10, delete "(f)".

Page 45, strike lines 11 through 17.

Page 45, line 18, delete "(h)" and insert "(f)".

Page 45, line 21, delete "or (g)." and insert ".".

Page 46, between lines 17 and 18, begin a new line block indented and insert:

"(7) The extent to which the statutory wagering tax rates affect the competitiveness of Indiana's gaming facilities within the state and within the regional gaming industry.

(8) The extent to which providing supplemental distributions under IC 4-33-13 affects the ability of the general assembly to provide a flexible regulatory environment that allows the state to react to changing market conditions."

Page 46, delete lines 24 through 27.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to EHB 1540 as printed March 20, 2015.)

KENLEY, Chairperson

Committee Vote: Yeas 10, Nays 1.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1540 be amended to read as follows:

Page 52, line 38, delete "IC 36-7.5-11-11." and insert "**IC 36-7-11.5-11.**".

Page 54, line 2, delete "IC 36-7.5-11-11." and insert "**IC 36-7-11.5-11.**".

Page 56, delete lines 22 through 25.

Re-number all SECTIONS consecutively.

(Reference is to EHB 1540 as printed April 3, 2015.)

KENLEY

