

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1835 be amended to read as follows:

- 1 Page 1, between lines 9 and 10, begin a new paragraph and insert:
- 2 "SECTION 3. IC 4-31-3-8 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. The
- 4 commission shall:
- 5 (1) prescribe the rules and conditions under which horse racing at
- 6 a recognized meeting may be conducted;
- 7 (2) initiate safeguards as necessary to account for the amount of
- 8 money wagered at each track or satellite facility in each wagering
- 9 pool;
- 10 (3) require all permit holders to provide a photographic or
- 11 videotape recording, approved by the commission, of the entire
- 12 running of all races conducted by the permit holder;
- 13 (4) make annual reports concerning its operations and
- 14 recommendations to the governor and, in an electronic format
- 15 under IC 5-14-6, to the general assembly; and
- 16 (5) carry out the provisions of IC 15-5-5.5, after considering
- 17 recommendations received from the Indiana standardbred
- 18 advisory board under IC 15-5-5.5.
- 19 SECTION 4. IC 4-31-3-9 IS AMENDED TO READ AS FOLLOWS
- 20 [EFFECTIVE JANUARY 1, 2008]: Sec. 9. The commission may:
- 21 (1) adopt rules under IC 4-22-2, including emergency rules under
- 22 IC 4-22-2-37.1, to implement this article, including rules that
- 23 prescribe:
- 24 (A) the forms of wagering that are permitted;

- 1 (B) the number of races;  
 2 (C) the procedures for wagering;  
 3 (D) the wagering information to be provided to the public;  
 4 (E) fees for the issuance and renewal of:  
 5 (i) permits under IC 4-31-5; **and**  
 6 (ii) ~~satellite facility licenses under IC 4-31-5.5;~~ and  
 7 (iii) **(ii)** licenses for racetrack personnel and racing  
 8 participants under IC 4-31-6;  
 9 (F) investigative fees;  
 10 (G) fines and penalties; and  
 11 (H) any other regulation that the commission determines is in  
 12 the public interest in the conduct of recognized meetings and  
 13 wagering on horse racing in Indiana;  
 14 (2) appoint employees in the manner provided by IC 4-15-2 and  
 15 fix their compensation, subject to the approval of the budget  
 16 agency under IC 4-12-1-13;  
 17 (3) enter into contracts necessary to implement this article; and  
 18 (4) receive and consider recommendations from an advisory  
 19 development committee established under IC 4-31-11.

20 SECTION 5. IC 4-31-4-1.5 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1.5. (a) This  
 22 section applies only if a local public question is required under section  
 23 ~~2.2.5~~, or 2.7 of this chapter.

24 (b) This section does not apply to ~~either of the following~~:

25 ~~(1)~~ a permit holder who satisfies all of the following:

26 ~~(A)~~ **(1)** The permit holder was issued a permit before January  
 27 2, 1996.

28 ~~(B)~~ **(2)** The permit holder conducted live racing before January  
 29 2, 1996.

30 ~~(C)~~ **(3)** The permit holder is currently operating under the  
 31 permit.

32 ~~(2)~~ A person who satisfies all of the following:

33 ~~(A)~~ The person was issued a satellite facility license before  
 34 January 2, 1996.

35 ~~(B)~~ The person operated a satellite facility before January 2,  
 36 1996.

37 ~~(C)~~ The person is currently operating the satellite facility  
 38 under the license.

39 (c) In addition to the requirements of section 1 of this chapter, a  
 40 person may not conduct or assist in conducting a horse racing meeting  
 41 in which the pari-mutuel system of wagering is permitted unless the  
 42 voters of the county in which the races are to be conducted have  
 43 approved conducting a horse racing meeting using the pari-mutuel  
 44 system of wagering in the county.

45 ~~(d)~~ In addition to the requirements of section ~~1.3~~ of this chapter, a  
 46 person may not operate under a satellite facility license unless the

1 voters of the county in which the satellite facility will be operated have  
2 approved the operation of a satellite facility in the county."

3 Page 2, between lines 23 and 24, begin a new paragraph and insert:  
4 "SECTION 7. IC 4-31-4-2.7 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2.7. (a) This  
6 section does not apply to ~~either of the following~~:

7 ~~(1)~~ a permit holder who satisfies all of the following:

8 ~~(A)~~ (1) The permit holder was issued a permit before January  
9 2, 1996.

10 ~~(B)~~ (2) The permit holder conducted live racing before January  
11 2, 1996.

12 ~~(C)~~ (3) The permit holder is currently operating under the  
13 permit.

14 ~~(2)~~ A person who satisfies all of the following:

15 (A) The person was issued a satellite facility license before  
16 January 2, 1996.

17 (B) The person operated a satellite facility before January 2,  
18 1996.

19 (C) The person is currently operating the satellite facility  
20 under the license.

21 (b) This section applies only if ~~either of the following~~ apply:

22 ~~(1)~~ the recognized meeting permit is for conducting a horse racing  
23 meeting on public property.

24 ~~(2)~~ The satellite facility license is for operating a satellite facility  
25 on public property.

26 (c) As used in this section, "public property" refers to real property  
27 owned by, or not more than two (2) years before issuance of the permit  
28 or license any interest in which is transferred by, any of the following:

29 (1) The federal government.

30 (2) The state.

31 (3) A political subdivision (as defined in IC 36-1-2-13).

32 (4) An agency or instrumentality of an entity described in  
33 subdivision (1), (2), or (3).

34 (d) Notwithstanding any other provision of this article, the  
35 commission may not ~~do either of the following~~:

36 ~~(1)~~ issue a recognized meeting permit under IC 4-31-5 to allow  
37 the conducting of or the assisting of the conducting of a horse  
38 racing meeting unless the voters of the county in which the public  
39 property is located have approved the conducting of recognized  
40 meetings in the county.

41 ~~(2)~~ Issue a satellite facility license under IC 4-31-5.5 unless the  
42 voters of the county in which the public property is located have  
43 approved the operation of a satellite facility in the county.

44 SECTION 8. IC 4-31-4-3 IS AMENDED TO READ AS FOLLOWS  
45 [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) This section does not  
46 apply to ~~either of the following~~:

- 1           (†) a permit holder who satisfies all of the following:
- 2            (A) (1) The permit holder was issued a permit before January
- 3            2, 1996.
- 4            (B) (2) The permit holder conducted live racing before January
- 5            2, 1996.
- 6            (C) (3) The permit holder is currently operating under the
- 7            permit.
- 8           (2) A person who satisfies all of the following:
- 9            (A) The person was issued a satellite facility license before
- 10           January 2, 1996.
- 11           (B) The person operated a satellite facility before January 2,
- 12           1996.
- 13           (C) The person is currently operating the satellite facility
- 14           under the license.
- 15          (b) This section applies if either of the following apply:
- 16           (1) Both of the following are satisfied:
- 17            (A) An ordinance is adopted under section 2 or 2.5 of this
- 18            chapter.
- 19            (B) The ordinance requires the voters of the county to approve
- 20            either of the following:
- 21            (i) the conducting of horse racing meetings in the county.
- 22            (ii) The operation of a satellite facility in the county.
- 23           (2) A local public question is required to be held under section
- 24           2.7 of this chapter following the filing of a petition with the
- 25           circuit court clerk:
- 26            (A) signed by at least the number of registered voters of the
- 27            county required under IC 3-8-6-3 to place a candidate on the
- 28            ballot; and
- 29            (B) requesting that the local public question set forth in
- 30            subsection (d) be placed on the ballot.
- 31          (c) Notwithstanding any other provision of this article, the
- 32          commission may not issue a recognized meeting permit under
- 33          IC 4-31-5 to allow the conducting of or the assisting of the conducting
- 34          of a horse racing meeting unless the voters of the county in which the
- 35          property is located have approved conducting recognized meetings in
- 36          the county.
- 37          (d) For a local public question required to be held under subsection
- 38          (c), the county election board shall place the following question on the
- 39          ballot in the county during the next general election:
- 40            "Shall horse racing meetings at which pari-mutuel wagering
- 41            occurs be allowed in \_\_\_\_\_ County?".
- 42          (e) Notwithstanding any other provision of this article, the
- 43          commission may not issue a satellite facility license under IC 4-31-5.5
- 44          to operate a satellite facility unless the voters of the county in which the
- 45          satellite facility will be located approve the operation of the satellite
- 46          facility in the county.

1 (f) For a local public question required to be held under subsection  
 2 (e), the county election board shall place the following question on the  
 3 ballot in the county during the next general election:

4 "Shall satellite facilities at which pari-mutuel wagering occurs be  
 5 allowed in \_\_\_\_\_ County?"

6 (g) (e) A public question under this section must be certified in  
 7 accordance with IC 3-10-9-3 and shall be placed on the ballot in  
 8 accordance with IC 3-10-9.

9 (h) (f) The circuit court clerk of a county holding an election under  
 10 this chapter shall certify the results determined under IC 3-12-4-9 to  
 11 the commission and the department of state revenue.

12 (i) (g) If a public question is placed on the ballot under subsection  
 13 (d) or (f) in a county and the voters of the county do not vote in favor  
 14 of the public question, a second public question under that subsection  
 15 may not be held in the county for at least two (2) years. If the voters of  
 16 the county vote to reject the public question a second time, a third or  
 17 subsequent public question under that subsection may not be held in  
 18 the county until the general election held during the tenth year  
 19 following the year of the previous public question held under that  
 20 subsection."

21 Page 3, delete lines 2 through 42.

22 Page 4, delete lines 1 through 14, begin a new paragraph and insert:  
 23 "SECTION 9. IC 4-31-6-1 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) This section  
 25 does not apply to:

- 26 (1) law enforcement officers; or  
 27 (2) reporters or other media employees assigned to cover events  
 28 at a racetrack.

29 (b) A person must be a licensee in order to:

- 30 (1) participate in racing at a racetrack ~~or at a satellite facility~~ that  
 31 permits the pari-mutuel form of wagering; or  
 32 (2) work in any capacity for a permit holder or an employee or a  
 33 subcontractor of a permit holder."

34 Page 4, line 17, strike "or a license to operate a".

35 Page 4, line 18, strike "satellite facility".

36 Page 4, line 19, strike "or the satellite facility".

37 Page 4, line 29, after "chapter" insert ",".

38 Page 4, line 29, strike "and IC 4-31-5.5,".

39 Page 4, strike lines 40 through 41.

40 Page 4, line 42, delete "(d)" and insert "(c)".

41 Page 5, between lines 2 and 3, begin a new paragraph and insert:  
 42 "SECTION 11. IC 4-31-7-3 IS AMENDED TO READ AS  
 43 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) The  
 44 following equipment must be provided and maintained in good  
 45 working order at each permit holder's racetrack: ~~or satellite facility, as~~  
 46 ~~applicable.~~

- 1 (1) A totalizator for win, place, and show wagering. The  
 2 totalizator must:
- 3 (A) be of a design approved by the commission;
  - 4 (B) be capable of registering by automatic mechanical,  
 5 electric, or electronic means on central aggregators all wagers  
 6 made on each horse, entry, or the field in each of the win,  
 7 place, and show pools;
  - 8 (C) display the totals wagered in a manner that permits ready  
 9 tabulation and recording of those totals by the commission's  
 10 representative before they are cleared from the central  
 11 aggregators; and
  - 12 (D) display to the public on a board running totals of amounts  
 13 wagered in each of the win, place, and show pools on each  
 14 entry in each race.
- 15 (2) A telephone system connecting the judges' stand with the  
 16 office of the pari-mutuel plant and any other stations considered  
 17 necessary by the commission.
- 18 (3) A system of bells that shall be rung from the judges' stand to  
 19 signal the close of wagering.
- 20 (4) A button in the judges' stand that, when pressed, will lock  
 21 ticket-issuing machines and close wagering for each race.
- 22 (b) In addition to the requirements of subsection (a), a permit holder  
 23 may conduct exotic wagering only by the use of automatic mechanical,  
 24 electric, or electronic devices that:
- 25 (1) print and issue tickets evidencing individual wagers;
  - 26 (2) locally print a permanent record of the tickets issued by each  
 27 machine or register on central aggregators by automatic  
 28 mechanical, electric, or electronic means the total dollar value of  
 29 those tickets; and
  - 30 (3) permit ready tabulation and recording of those figures by the  
 31 commission's representative before they are cleared from the  
 32 central aggregators.
- 33 SECTION 12. IC 4-31-7-8 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. (a) As used in  
 35 this section, "host facility" means:
- 36 (1) the racetrack at which the horse race is run; or
  - 37 (2) the facility that is designated as the host facility if the horse  
 38 race is run in a jurisdiction that is not participating in the  
 39 interstate combined wagering pool.
- 40 (b) As used in this section, "host jurisdiction" means the jurisdiction  
 41 in which the host facility is located.
- 42 (c) As used in this section, "interstate combined wagering pool"  
 43 means a pari-mutuel pool established in one (1) jurisdiction that is  
 44 combined with comparable pari-mutuel pools from at least one (1)  
 45 other horse racing jurisdiction.
- 46 (d) As used in this section, "racing jurisdiction" or "jurisdiction"

1 means a governmental jurisdiction that is responsible for the regulation  
2 of pari-mutuel wagering in that jurisdiction and is a member of the  
3 Association of Racing Commissioners International.

4 (e) Notwithstanding any other law, the commission may authorize  
5 a permit holder to participate in an interstate combined wagering pool  
6 that is established for the purpose of establishing payoff prices in the  
7 various jurisdictions. When such a permit holder participates in an  
8 interstate combined wagering pool, the permit holder may adopt the  
9 take-out of the host jurisdiction or facility.

10 (f) The commission may approve types of wagering, distribution of  
11 winnings, and rules of racing for interstate combined wagering pools  
12 that are different from those that normally apply in Indiana.

13 (g) The commission may do the following:

14 (1) Allow a permit holder to use at least one (1) of the permit  
15 holder's races for an interstate combined wagering pool at  
16 locations outside the commission's jurisdiction.

17 (2) Allow pari-mutuel pools in other states to be combined with  
18 pari-mutuel pools in Indiana for the purpose of establishing an  
19 interstate combined wagering pool.

20 (h) A permit holder's participation in a combined interstate wagering  
21 pool does not cause that permit holder to be considered to be doing  
22 business in any jurisdiction other than the jurisdiction in which the  
23 permit holder is physically located.

24 (i) Pari-mutuel taxes or commissions may not be imposed on any  
25 amounts wagered in an interstate combined wagering pool other than  
26 amounts wagered in Indiana.

27 (j) Breakage for interstate combined wagering pools shall be  
28 calculated in accordance with the statutes or rules of the host  
29 jurisdiction and must be distributed among the participating  
30 jurisdictions in a manner agreed to among the jurisdictions.

31 ~~(k) All wagers accepted by a satellite facility on races originating~~  
32 ~~from a racetrack in Indiana shall be transmitted to the racetrack for~~  
33 ~~inclusion in the racetrack's appropriate wagering pool for the purpose~~  
34 ~~of calculating payoffs to bettors."~~

35 Page 5, line 5, strike "or a license to operate a satellite".

36 Page 5, line 6, strike "facility".

37 Page 5, line 8, strike "or satellite facility".

38 Page 5, line 13, after "racetrack" insert ".".

39 Page 5, line 13, strike "or satellite facility."

40 Page 5, between lines 13 and 14, begin a new paragraph and insert:  
41 "SECTION 14. IC 4-31-9-1.5 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1.5. A person that  
43 holds a permit to conduct a horse racing meeting ~~or a permit holder~~  
44 ~~licensed to operate a satellite facility~~ shall retain the following amounts  
45 from the money withheld under section 1 of this chapter:

46 (1) For pari-mutuel wagers made at a permit holder's racetrack on

1 live races, an amount equal to:

2 (A) eight percent (8%) of the total amount of money wagered  
3 on win, place, and show pools on each racing day; plus

4 (B) eleven and one-half percent (11.5%) of the total amount of  
5 money wagered on exotic wagering pools on each racing day.

6 ~~(2) For pari-mutuel wagers made at a permit holder's satellite~~  
7 ~~facility on simulcasts of races originating from the permit holder's~~  
8 ~~racetrack, an amount equal to:~~

9 (A) ten percent (10%) of the total amount of money wagered  
10 on win, place, and show pools on each day; plus

11 (B) thirteen and one-half percent (13.5%) of the total amount  
12 of money wagered on exotic wagering pools on each day.

13 ~~(3) (2) On the simulcast of races, for the Indiana sending or~~  
14 ~~Indiana receiving track, or its satellite facilities, the amount to be~~  
15 ~~retained, after deducting:~~

16 (A) pari-mutuel tax payments owed to Indiana; and

17 (B) the contractual obligations owed to the racetrack from  
18 which the races originated;

19 shall be determined, subject to the approval of the commission, by  
20 one (1) or more contracts between the applicable Indiana permit  
21 holders and the applicable horsemen's association.

22 SECTION 15. IC 4-31-9-3 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) At the close  
24 of each day on which a permit holder ~~or satellite facility operator~~  
25 conducts pari-mutuel wagering on live racing or simulcasts at a  
26 racetrack, ~~or satellite facility~~; the permit holder ~~or satellite facility~~  
27 ~~operator~~ shall pay to the department of state revenue a tax on the total  
28 amount of money wagered on that day ~~as follows: equal to~~

29 ~~(1) two percent (2%) of the total amount of money wagered on~~  
30 ~~live races and simulcasts conducted at a permit holder's racetrack.~~

31 ~~(2) Two and one-half percent (2.5%) of the total amount of money~~  
32 ~~wagered on simulcasts at satellite facilities, regardless of whether~~  
33 ~~those simulcasts originate from Indiana or another state.~~

34 (b) The taxes collected under subsection (a) shall be paid from the  
35 amounts withheld under section 1 of this chapter and shall be  
36 distributed as follows:

37 (1) The first one hundred fifty thousand dollars (\$150,000) of  
38 taxes collected during each state fiscal year shall be deposited in  
39 the veterinary school research account established by  
40 IC 4-31-12-22.

41 (2) The remainder of the taxes collected during each state fiscal  
42 year shall be paid into the build Indiana fund.

43 (c) The tax imposed by this section is a listed tax for purposes of  
44 IC 6-8.1-1.

45 SECTION 16. IC 4-31-9-5 IS AMENDED TO READ AS  
46 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) At the close

1 of each day on which pari-mutuel wagering is conducted, each permit  
 2 holder ~~or satellite facility operator~~ shall pay to the department of state  
 3 revenue a tax equal to twenty cents (\$0.20) for each person who paid  
 4 an admission charge for the privilege of entering the racetrack grounds  
 5 ~~or satellite facility~~ on that day. ~~Separate computations shall be made of~~  
 6 ~~the number of patrons at each location.~~ If tickets are issued for more  
 7 than one (1) day, the sum of twenty cents (\$0.20) shall be paid for each  
 8 person using the ticket on each day that it is used.

9 (b) Before the fifteenth day of each month, the taxes collected under  
 10 subsection (a) during the preceding month shall be distributed as  
 11 follows:

12 (1) Fifty percent (50%) of the taxes shall be distributed in equal  
 13 shares to the fiscal officers of:

14 (A) the city, if any;

15 (B) the town, if any; and

16 (C) the county;

17 in which the racetrack is located. The city, town, or county may  
 18 use this money as general fund operating revenues.

19 (2) Fifty percent (50%) of the taxes shall be deposited in the state  
 20 general fund.

21 (c) The tax imposed by this section is a listed tax for purposes of  
 22 IC 6-8.1-1.

23 SECTION 17. IC 4-31-9-10 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 10. (a) At the  
 25 close of each day on which pari-mutuel wagering is conducted at a  
 26 racetrack, ~~or satellite facility~~, the permit holder ~~or satellite facility~~  
 27 ~~operator~~ shall pay the breakage from each of the races on which wagers  
 28 were taken on that day to the auditor of state for deposit in the  
 29 appropriate breed development fund as determined by the rules of the  
 30 commission.

31 (b) Not later than March 15 of each year, each permit holder ~~or~~  
 32 ~~satellite facility operator~~ shall pay to the commission the balance of the  
 33 outs tickets from the previous calendar year. The commission shall  
 34 distribute money received under this subsection to the appropriate  
 35 breed development fund as determined by the rules of the  
 36 commission."

37 Page 35, between lines 10 and 11, begin a new paragraph and insert:

38 "SECTION 16. IC 7.1-2-3-16.5 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 16.5. (a) As used  
 40 in this section, "facility" includes the following:

41 (1) A facility to which IC 7.1-3-1-25(a) applies.

42 (2) A tract that contains a premises that is described in  
 43 IC 7.1-3-1-14(c)(2).

44 (3) A horse track ~~or satellite facility~~ to which IC 7.1-3-17.7  
 45 applies.

46 (4) A tract that contains an entertainment complex.

1 (b) As used in this section, "tract" has the meaning set forth in  
2 IC 6-1.1-1-22.5.

3 (c) A facility may advertise alcoholic beverages:

4 (1) in the facility's interior; or

5 (2) on the facility's exterior.

6 (d) The commission may not exercise the prohibition power  
7 contained in section 16(a) of this chapter on advertising by a brewer,  
8 distiller, rectifier, or vintner in or on a facility.

9 (e) Notwithstanding IC 7.1-5-5-10 and IC 7.1-5-5-11, a facility may  
10 provide advertising to a permittee that is a brewer, distiller, rectifier, or  
11 vintner in exchange for compensation from that permittee."

12 Page 36, line 38, delete "(c)," and insert "**(b)**,".

13 Page 37, strike lines 1 through 3.

14 Page 37, line 4, delete "(c)" and insert "**(b)**".

15 Page 37, between lines 5 and 6, begin a new paragraph and insert:

16 "SECTION 23. IC 7.1-3-17.7-2 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. The  
18 commission shall issue a horse track permit ~~or a satellite facility permit~~  
19 without regard to the quota provisions of IC 7.1-3-22.

20 SECTION 24. IC 7.1-3-17.7-3 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. A horse track  
22 permit ~~or a satellite facility permit~~ is not subject to the fee limitations  
23 otherwise set forth in IC 7.1.

24 SECTION 25. IC 7.1-3-17.7-4 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. A horse track  
26 permit ~~or a satellite facility permit~~ is not subject to the provisions of  
27 IC 7.1-3-21-1.

28 SECTION 26. IC 7.1-3-17.7-5 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. The  
30 commission may adopt rules under IC 4-22-2 concerning the following  
31 for a horse track permit: ~~or a satellite facility permit~~:

32 (1) Issuance.

33 (2) Scope.

34 (3) Permit fee.

35 (4) Expiration.

36 (5) Revocation and suspension."

37 Page 37, line 18, after ";" insert "**or**".

38 Page 37, strike line 19.

39 Page 37, line 20, strike "(10)" and insert "**(9)**".

40 Page 38, between lines 30 and 31, begin a new paragraph and insert:

41 "SECTION 25. IC 7.1-5-7-11, AS AMENDED BY P.L.224-2005,  
42 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
43 JANUARY 1, 2008]: Sec. 11. (a) The provisions of sections 9 and 10  
44 of this chapter shall not apply if the public place involved is one (1) of  
45 the following:

46 (1) Civic center.

- 1 (2) Convention center.  
 2 (3) Sports arena.  
 3 (4) Bowling center.  
 4 (5) Bona fide club.  
 5 (6) Drug store.  
 6 (7) Grocery store.  
 7 (8) Boat.  
 8 (9) Dining car.  
 9 (10) Pullman car.  
 10 (11) Club car.  
 11 (12) Passenger airplane.  
 12 (13) Horse racetrack facility holding a recognized meeting permit  
 13 under IC 4-31-5.  
 14 ~~(14) Satellite facility (as defined in IC 4-31-2-20.5).~~  
 15 ~~(15)~~ **(14)** Catering hall under IC 7.1-3-20-24 that is not open to  
 16 the public.  
 17 ~~(16)~~ **(15)** That part of a hotel or restaurant which is separate from  
 18 a room in which is located a bar over which alcoholic beverages  
 19 are sold or dispensed by the drink.  
 20 ~~(17)~~ **(16)** Entertainment complex.  
 21 ~~(18)~~ **(17)** Indoor golf facility.  
 22 ~~(19)~~ **(18)** A recreational facility such as a golf course, bowling  
 23 center, or similar facility that has the recreational activity and not  
 24 the sale of food and beverages as the principal purpose or  
 25 function of the person's business.  
 26 ~~(20)~~ **(19)** A licensed premises owned or operated by an  
 27 educational institution of higher learning (as defined in  
 28 IC 20-12-15-1).  
 29 ~~(21)~~ **(20)** An automobile racetrack.

30 (b) For the purpose of this subsection, "food" means meals prepared  
 31 on the licensed premises. It is lawful for a minor to be on licensed  
 32 premises in a room in which is located a bar over which alcoholic  
 33 beverages are sold or dispensed by the drink if all the following  
 34 conditions are met:

- 35 (1) The minor is eighteen (18) years of age or older.  
 36 (2) The minor is in the company of a parent, guardian, or family  
 37 member who is twenty-one (21) years of age or older.  
 38 (3) The purpose for being on the licensed premises is the  
 39 consumption of food and not the consumption of alcoholic  
 40 beverages.

41 SECTION 5. IC 12-13-14-4.5, AS AMENDED BY P.L.91-2006,  
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 43 JANUARY 1, 2008]: Sec. 4.5. (a) Except as provided in this section,  
 44 the division may distribute cash assistance benefits to a person who is  
 45 eligible for assistance under the Title IV-A assistance program though  
 46 an automated teller machine or a point of sale terminal that is

- 1 connected to the EBT system.
- 2 (b) The division may approve or deny participation in the EBT  
3 system by a retailer that is not a food retailer.
- 4 (c) The division may not approve participation by a retailer or  
5 financial institution in the EBT system for distribution of cash  
6 assistance under the Title IV-A assistance program through an  
7 automated teller machine or a point of sale terminal located on the  
8 premises of any of the following:
- 9 (1) A horse racing establishment:  
10 (A) where the pari-mutuel system of wagering is authorized;  
11 and  
12 (B) for which a permit is required under IC 4-31-5.
- 13 ~~(2) A satellite facility:~~  
14 ~~(A) where wagering on horse racing is conducted; and~~  
15 ~~(B) for which a license is required under IC 4-31-5.5.~~
- 16 ~~(3) (2) An allowable event required to be licensed by the Indiana~~  
17 ~~gaming commission under IC 4-32.2.~~
- 18 ~~(4) (3) A riverboat or other facility required to be licensed by the~~  
19 ~~Indiana gaming commission under IC 4-33.~~
- 20 ~~(5) (4) A store or other establishment:~~  
21 (A) where the primary business is the sale of firearms (as  
22 defined in IC 35-47-1-5); and  
23 (B) that sells handguns for which a license to sell handguns is  
24 required under IC 35-47-2.
- 25 ~~(6) (5) A store or other establishment where the primary business~~  
26 ~~is the sale of alcoholic beverages for which a permit is required~~  
27 ~~under IC 7.1-3.~~
- 28 (d) An establishment described in subsection (c)(1) through (c)(6)  
29 shall post a sign next to each automated teller machine or point of sale  
30 terminal located in the establishment informing a potential user that the  
31 automated teller machine or point of sale terminal may not be used to  
32 receive cash assistance benefits under the Title IV-A assistance  
33 program.
- 34 (e) An:  
35 (1) establishment that does not post the sign required under  
36 subsection (d); or  
37 (2) individual who attempts to use an automated teller machine or  
38 point of sale terminal to access cash assistance benefits under the  
39 Title IV-A assistance program in violation of subsection (d);  
40 commits a Class C misdemeanor.
- 41 (f) The division shall adopt rules under IC 4-22-2 to carry out this  
42 section."
- 43 Page 39, between lines 20 and 21, begin a new paragraph and insert:  
44 "SECTION 28. [EFFECTIVE UPON PASSAGE] **(a) The**  
45 **definitions set forth in IC 4-31-2 apply throughout this SECTION.**  
46 **(b) Notwithstanding any reference to a satellite facility that is**

1 **deleted in a section of the Indiana Code that is:**  
2 **(1) amended by this act; and**  
3 **(2) effective before January 1, 2008;**  
4 **a permit holder may continue operating a satellite facility under**  
5 **IC 4-31-5.5 until January 1, 2008.**  
6 **(c) The Indiana horse racing commission may not renew a**  
7 **permit holder's license to operate a satellite facility for a calendar**  
8 **year beginning after December 31, 2007.**  
9 **(d) A permit holder must terminate the permit holder's satellite**  
10 **facility operations before January 1, 2008.**  
11 **(e) A permit holder shall wind up the permit holder's satellite**  
12 **facility operations in accordance with policies and procedures**  
13 **prescribed by the Indiana horse racing commission.**  
14 SECTION 29. THE FOLLOWING ARE REPEALED [EFFECTIVE  
15 JANUARY 1, 2008]: IC 4-31-2-20.5; IC 4-31-4-1.3; IC 4-31-4-2.5;  
16 IC 4-31-5.5."  
17 Renumber all SECTIONS consecutively.  
(Reference is to HB 1835 as printed February 20, 2007.)

---

Representative Turner