

SENATE BILL No. 405

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-14; IC 4-31; IC 4-33; IC 4-35; IC 4-36-7-4; IC 5-14-3-4.4; IC 7.1-3-17.5; IC 36-7-11.5-11.

Synopsis: Gaming matters. Requires certain disclosures from persons who receive payments pursuant to a development agreement. Provides that the right to inspect and copy certain disbursement information does not apply if the attorney general permits the person filing an annual report containing the information to keep the information confidential. Permits a licensed owner to convert a riverboat into a permanently moored vessel without propulsion or navigation equipment. Permits a licensed owner to submit to the gaming commission a plan for the construction of an inland casino. Specifies criteria for evaluating a submitted plan. Imposes a \$50,000,000 relocation fee but permits a licensed owner who operates two riverboats in Gary to relinquish the second license in lieu of paying the fee. Removes obsolete provisions concerning the original riverboat licensing process. Updates provisions referring to the French Lick casino to conform to recent improvements to the casino. Authorizes a licensed owner or an operating agent to conduct card tournaments or other large gaming events in a hotel or other facility owned or leased by the licensed owner or operating agent. Reduces the admissions tax imposed at the French Lick riverboat from \$4 to \$3. Eliminates admissions tax distributions to the Orange County development commission and the West Baden Springs historic hotel preservation and maintenance fund (fund). Adjusts the amounts paid to other recipients of the admissions tax collected at French Lick. Eliminates certain restrictions under which the holder of a gaming permit may pay for complimentary drinks at certain events. Requires the alcohol and tobacco commission to adopt rules allowing gaming site permit holders to engage in certain trade practices and marketing
(Continued next page)

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Effective: Upon passage; July 1, 2010; January 1, 2011.

Alting, Kenley

January 14, 2010, read first time and referred to Committee on Appropriations.



Digest Continued

activities. Removes inflationary adjustments to the amount of slot machine revenue required for certain horse racing purposes. Permits the operating agent to submit claims for the reimbursement of certain expenditures for the maintenance of the West Baden Springs Hotel and its surrounding grounds. Requires the department of natural resources to pay the claims. Makes technical corrections. Annually appropriates interest accruing to the fund for the purpose of paying claims submitted by the operating agent. Repeals an obsolete definition.

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Introduced

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 405

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 4-6-14 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2011]:

4 **Chapter 14. Riverboat Development Agreement Reporting**

5 **Sec. 1. As used in this chapter, "development agreement" means**
6 **an agreement that:**

7 **(1) is between:**

8 **(A) the direct or indirect holder of an owner's license**
9 **issued under IC 4-33 or an operating agent contract (as**
10 **defined in IC 4-33-2-14.6); and**

11 **(B) either a person or a unit of local government; and**

12 **(2) sets forth the holder's financial commitments to support**
13 **economic development in a unit or a geographic region.**

14 **Sec. 2. As used in this chapter, "development agreement**
15 **payment" means any payment that a direct or indirect holder of:**



- 1 (1) an owner's license under IC 4-33; or
- 2 (2) an operating agent contract (as defined in IC 4-33-2-14.6);
- 3 is required to make under a development agreement.

4 Sec. 3. As used in this chapter, "person" means an individual, a
 5 proprietorship, a corporation, a limited liability company, a
 6 partnership, an educational institution, an unincorporated
 7 association, a foundation, a trust, a business trust, a group, a
 8 governmental agency, a political subdivision, or other legal entity.

9 Sec. 4. If a person is a recipient of a local development
 10 agreement payment, the person shall prepare an annual report
 11 containing the following information before February 1 of each
 12 year:

- 13 (1) A verified accounting of all accounts associated with local
 14 development agreement payments received in the preceding
 15 calendar year.
- 16 (2) An itemized list of all disbursements of local development
 17 agreement payments made to any person exceeding five
 18 thousand dollars (\$5,000) in the aggregate during the
 19 preceding calendar year. The itemized list must include:
 - 20 (A) the legal name of the recipient of a disbursement;
 - 21 (B) the date of each disbursement;
 - 22 (C) the amount of each disbursement; and
 - 23 (D) the purpose of each disbursement.

24 Sec. 5. A person required to prepare a report under section 4 of
 25 this chapter shall file the report with the attorney general before
 26 March 1 of each year.

27 Sec. 6. A person filing a report under section 5 of this chapter
 28 may request permission from the attorney general to keep
 29 information contained in the report confidential if the person
 30 affirms under penalty of perjury that the information concerns a
 31 disbursement for either of the following purposes:

- 32 (1) The disbursement was made with respect to negotiations
 33 with an industrial, research, or commercial prospect:
 - 34 (A) to persuade the prospect to invest in the locality; or
 - 35 (B) to build or relocate a business or organization in the
 36 locality.
- 37 (2) The disbursement was made with respect to negotiations
 38 with an industrial, research, or commercial prospect to
 39 perform or provide economic development services or
 40 benefits for the locality that are not described in subdivision
 41 (1).

42 Sec. 7. The attorney general may grant a person permission to

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1 keep information contained in a report filed under section 5 of this
2 chapter confidential if the attorney general determines that:

- 3 (1) keeping the disbursement information confidential is in the
- 4 best interests of promoting economic development in the
- 5 affected locality; and
- 6 (2) keeping the disbursement information confidential does
- 7 not jeopardize the credibility and integrity of riverboat
- 8 gambling in Indiana.

9 **Sec. 8. Except as provided in IC 5-14-3-4.4(b), the attorney**
10 **general may not disclose any information that the attorney general**
11 **permits a person to keep confidential.**

12 SECTION 2. IC 4-31-6-1 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section does not
14 apply to:

- 15 (1) law enforcement officers; or
- 16 (2) reporters or other media employees assigned to cover events
- 17 at a racetrack.

18 (b) A person must be a licensee **or licensed under IC 4-35-6.5** in
19 order to:

- 20 (1) participate in racing at a racetrack or at a satellite facility that
- 21 permits the pari-mutuel form of wagering; or
- 22 (2) work in any capacity for a permit holder or an employee or a
- 23 subcontractor of a permit holder.

24 SECTION 3. IC 4-31-11-11 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. Each
26 development fund consists of:

- 27 (1) breakage and outs paid into the fund under IC 4-31-9-10;
- 28 (2) appropriations by the general assembly;
- 29 (3) gifts;
- 30 (4) stakes payments;
- 31 (5) entry fees; and
- 32 (6) money paid into the fund under IC 4-33-12-6 **or IC 4-35-7-12.**

33 SECTION 4. IC 4-33-2-7.5 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7.5. "Flexible
35 scheduling" refers to the practice of conducting gambling games and
36 allowing the continuous ingress and egress of ~~passengers~~ **patrons** for
37 the purpose of gambling. ~~while a riverboat is docked.~~

38 SECTION 5. IC 4-33-2-17 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. "Riverboat" means
40 **either any** of the following on which lawful gambling is authorized
41 under this article:

- 42 (1) A self-propelled excursion boat located in a county described

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1 in IC 4-33-1-1(1) or IC 4-33-1-1(2) that complies with
2 IC 4-33-6-6(a).

3 (2) A ~~vessel~~ casino located in a historic hotel district.

4 **(3) A permanently moored vessel operating from a county**
5 **described in IC 4-33-1-1(1) or IC 4-33-1-1(2).**

6 **(4) An inland casino approved by the commission under**
7 **IC 4-33-6-24.**

8 SECTION 6. IC 4-33-2-20 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2010]: **Sec. 20. "Home" means the city or county that is**
11 **designated as the home of a riverboat by IC 4-33-9-17.**

12 SECTION 7. IC 4-33-4-1 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) The commission has the
14 following powers and duties for the purpose of administering,
15 regulating, and enforcing the system of riverboat gambling established
16 under this article:

- 17 (1) All powers and duties specified in this article.
- 18 (2) All powers necessary and proper to fully and effectively
- 19 execute this article.
- 20 (3) Jurisdiction and supervision over the following:
 - 21 (A) All riverboat gambling operations in Indiana.
 - 22 (B) All persons on riverboats where gambling operations are
 - 23 conducted.
- 24 (4) Investigate and reinvestigate applicants and license holders
- 25 and determine the eligibility of applicants for licenses or
- 26 operating agent contracts.
- 27 (5) Select among competing applicants the applicants that
- 28 promote the most economic development in a home ~~dock~~ area and
- 29 that best serve the interests of the citizens of Indiana.
- 30 (6) Take appropriate administrative enforcement or disciplinary
- 31 action against a licensee or an operating agent.
- 32 (7) Investigate alleged violations of this article.
- 33 (8) Establish fees for licenses issued under this article.
- 34 (9) Adopt appropriate standards for the design, appearance,
- 35 aesthetics, and construction for riverboats and facilities.
- 36 (10) Conduct hearings.
- 37 (11) Issue subpoenas for the attendance of witnesses and
- 38 subpoenas duces tecum for the production of books, records, and
- 39 other relevant documents.
- 40 (12) Administer oaths and affirmations to the witnesses.
- 41 (13) Prescribe a form to be used by an operating agent or a
- 42 licensee involved in the ownership or management of gambling

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1 operations as an application for employment by potential
2 employees.

3 (14) Revoke, suspend, or renew licenses issued under this article.

4 (15) Hire employees to gather information, conduct
5 investigations, and carry out other tasks under this article.

6 (16) Take any reasonable or appropriate action to enforce this
7 article.

8 (b) Applicants and license holders shall reimburse the commission
9 for costs related to investigations and reinvestigations conducted under
10 subsection (a)(4).

11 SECTION 8. IC 4-33-4-13 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. (a) This section
13 does not apply to a riverboat:

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

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

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

18 (1) Determine the waterways that are navigable waterways for
19 purposes of this article.

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

22 (c) In determining the navigable waterways on which riverboats may
23 operate, the commission shall do the following:

24 (1) Obtain any required approvals from the United States Army
25 Corps of Engineers for the operation of riverboats on those
26 waterways.

27 (2) Consider the economic benefit that riverboat gambling
28 provides to Indiana.

29 (3) Seek to ensure that all regions of Indiana share in the
30 economic benefits of riverboat gambling.

31 SECTION 9. IC 4-33-4-17 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) The commission
33 shall decide promptly and in reasonable order all license applications.

34 ~~(b)~~ Notwithstanding any provision of this article, no owner's license
35 may be granted for any riverboat that is not to be docked in the city
36 described under IC 4-33-6-1(a)(1) until the earlier of:

37 ~~(1)~~ the issuance of an owner's license for a riverboat that is to be
38 docked in the city described under IC 4-33-6-1(a)(1); or

39 ~~(2)~~ September 1, 1994.

40 ~~(c)~~ (b) A party aggrieved by an action of the commission denying,
41 suspending, revoking, restricting, or refusing the renewal of a license
42 may request a hearing before the commission. A request for a hearing

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1 must be made to the commission in writing not more than ten (10) days
2 after service of notice of the action of the commission.

3 ~~(d)~~ (c) The commission shall serve notice of the commission's
4 actions to a party by personal delivery or by certified mail. Notice
5 served by certified mail is considered complete on the business day
6 following the date of the mailing.

7 ~~(e)~~ (d) The commission shall conduct all requested hearings
8 promptly and in reasonable order.

9 SECTION 10. IC 4-33-5-1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. An applicant for a
11 license or an operating agent contract under this article must provide
12 the following information to the commission:

13 (1) The name, business address, and business telephone number
14 of the applicant.

15 (2) An identification of the applicant.

16 (3) The following information for an applicant that is not an
17 individual:

18 (A) The state of incorporation or registration.

19 (B) The names of all corporate officers.

20 (C) The identity of the following:

21 (i) Any person in which the applicant has an equity interest
22 of at least one percent (1%) of all shares. The identification
23 must include the state of incorporation or registration if
24 applicable. However, an applicant that has a pending
25 registration statement filed with the Securities and Exchange
26 Commission is not required to provide information under
27 this item.

28 (ii) The shareholders or participants of the applicant. An
29 applicant that has a pending registration statement filed with
30 the Securities and Exchange Commission is required to
31 provide only the names of persons holding an interest of
32 more than one percent (1%) of all shares.

33 (4) An identification of any business, including the state of
34 incorporation or registration if applicable, in which an applicant
35 or the spouse or children of an applicant has an equity interest of
36 more than one percent (1%) of all shares.

37 (5) If the applicant has been indicted, been convicted, pleaded
38 guilty or nolo contendere, or forfeited bail concerning a criminal
39 offense other than a traffic violation under the laws of any
40 jurisdiction. The applicant must include the following information
41 under this subdivision:

42 (A) The name and location of the following:

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- 1 (i) The court.
 2 (ii) The arresting agency.
 3 (iii) The prosecuting agency.
 4 (B) The case number.
 5 (C) The date and type of offense.
 6 (D) The disposition of the case.
 7 (E) The location and length of incarceration.
 8 (6) If the applicant has had a license or certificate issued by a
 9 licensing authority in Indiana or any other jurisdiction denied,
 10 restricted, suspended, revoked, or not renewed. An applicant must
 11 provide the following information under this subdivision:
 12 (A) A statement describing the facts and circumstances
 13 concerning the denial, restriction, suspension, revocation, or
 14 nonrenewal.
 15 (B) The date each action described in clause (A) was taken.
 16 (C) The reason each action described in clause (A) was taken.
 17 (7) If the applicant has:
 18 (A) filed or had filed against the applicant a proceeding in
 19 bankruptcy; or
 20 (B) been involved in a formal process to adjust, defer,
 21 suspend, or work out the payment of a debt;
 22 including the date of filing, the name and location of the court,
 23 and the case and number of the disposition.
 24 (8) If the applicant has filed or been served with a complaint or
 25 notice filed with a public body concerning:
 26 (A) a delinquency in the payment of; or
 27 (B) a dispute over a filing concerning the payment of;
 28 a tax required under federal, state, or local law, including the
 29 amount, type of tax, the taxing agency, and times involved.
 30 (9) A statement listing the names and titles of public officials or
 31 officers of units of government and relatives of the public officials
 32 or officers who directly or indirectly:
 33 (A) have a financial interest in;
 34 (B) have a beneficial interest in;
 35 (C) are the creditors of;
 36 (D) hold a debt instrument issued by; or
 37 (E) have an interest in a contractual or service relationship
 38 with;
 39 an applicant.
 40 (10) If an applicant for an operating agent contract or an owner's
 41 or a supplier's license has directly or indirectly made a political
 42 contribution, loan, donation, or other payment to a candidate or an

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1 office holder in Indiana not more than five (5) years before the
2 date the applicant filed the application. An applicant must provide
3 information concerning the amount and method of a payment
4 described in this subdivision.

5 (11) The name and business telephone number of the attorney
6 who will represent the applicant in matters before the
7 commission.

8 (12) A description of a proposed or an approved riverboat gaming
9 operation, including the following information:

- 10 (A) The type of ~~boat~~ **riverboat**.
- 11 (B) The **site or** home dock location **of the riverboat**.
- 12 (C) The expected economic benefit to local communities.
- 13 (D) The anticipated or actual number of employees.
- 14 (E) Any statements from the applicant concerning compliance
15 with federal and state affirmative action guidelines.
- 16 (F) Anticipated or actual admissions.
- 17 (G) Anticipated or actual adjusted gross gaming receipts.

18 (13) A description of the product or service to be supplied by the
19 applicant if the applicant has applied for a supplier's license.

20 (14) The following information from each licensee or operating
21 agent involved in the ownership or management of gambling
22 operations:

- 23 (A) An annual balance sheet.
- 24 (B) An annual income statement.
- 25 (C) A list of the stockholders or other persons having at least
26 a one percent (1%) beneficial interest in the gambling
27 activities of the person who has been issued the owner's
28 license or operating agent contract.
- 29 (D) Any other information the commission considers
30 necessary for the effective administration of this article.

31 SECTION 11. IC 4-33-6-1, AS AMENDED BY P.L.233-2007,
32 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2010]: Sec. 1. (a) The commission may issue to a person a
34 license to own a riverboat subject to the numerical and geographical
35 limitation of owner's licenses under this section, section 3.5 of this
36 chapter, and IC 4-33-4-17. However, not more than ten (10) owner's
37 licenses may be in effect at any time. Except as provided in subsection
38 (b), those ten (10) licenses are as follows:

- 39 (1) **Not more than** two (2) licenses for ~~a riverboat that operates~~
40 **not more than two (2) riverboats that operate** from ~~the largest~~
41 ~~city located in the counties described under IC 4-33-1-1(1).~~ **Gary.**
- 42 (2) One (1) license for a riverboat that operates from ~~the second~~

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1 largest city located in the counties described under
 2 IC 4-33-1-1(1). **Hammond.**
 3 (3) One (1) license for a riverboat that operates from the third
 4 largest city located in the counties described under
 5 IC 4-33-1-1(1). **East Chicago.**
 6 (4) One (1) license for a city located in the counties described
 7 under IC 4-33-1-1(1). This license may not be issued to a city
 8 described in subdivisions (1) through (3): **a riverboat that**
 9 **operates from Michigan City.**
 10 (5) A total of five (5) licenses for riverboats that operate upon the
 11 Ohio River from the following counties:
 12 (A) Vanderburgh County.
 13 (B) Harrison County.
 14 (C) Switzerland County.
 15 (D) Ohio County.
 16 (E) Dearborn County.
 17 The commission may not issue a license to an applicant if the
 18 issuance of the license would result in more than one (1) riverboat
 19 operating from a county described in this subdivision.
 20 (b) If a city described in subsection (a)(2) or (a)(3) conducts two (2)
 21 elections under section 20 of this chapter, and the voters of the city do
 22 not vote in favor of permitting riverboat gambling at either of those
 23 elections, the license assigned to that city under subsection (a)(2) or
 24 (a)(3) may be issued to any city that:
 25 (1) does not already have a riverboat operating from the city; and
 26 (2) is located in a county described in IC 4-33-1-1(1).
 27 (c) (b) In addition to its power to issue owner's licenses under
 28 subsection (a), the commission may also enter into a contract under
 29 IC 4-33-6.5 with respect to the operation of one (1) riverboat on behalf
 30 of the commission in a historic hotel district.
 31 (d) (c) A person holding an owner's license may not move the
 32 person's riverboat from the county in which the riverboat was docked
 33 on January 1, 2007, to any other county.
 34 SECTION 12. IC 4-33-6-4 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) In determining
 36 whether to grant an owner's license to an applicant, the commission
 37 shall consider the following:
 38 (1) The character, reputation, experience, and financial integrity
 39 of the following:
 40 (A) The applicant.
 41 (B) A person that:
 42 (i) directly or indirectly controls the applicant; or

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- 1 (ii) is directly or indirectly controlled by the applicant or by
- 2 a person that directly or indirectly controls the applicant.
- 3 (2) The facilities or proposed facilities for the conduct of
- 4 riverboat gambling.
- 5 (3) The highest prospective total revenue to be collected by the
- 6 state from the conduct of riverboat gambling.
- 7 (4) The good faith affirmative action plan of each applicant to
- 8 recruit, train, and upgrade minorities in all employment
- 9 classifications.
- 10 (5) The financial ability of the applicant to purchase and maintain
- 11 adequate liability and casualty insurance.
- 12 (6) If the applicant has adequate capitalization to provide and
- 13 maintain a riverboat for the duration of the license.
- 14 (7) The extent to which the applicant exceeds or meets other
- 15 standards adopted by the commission.

16 (b) **This subsection does not apply to:**

- 17 (1) **a licensed owner constructing a new riverboat under**
- 18 **section 24 of this chapter; or**
- 19 (2) **a person applying for an owner's license to assume control**
- 20 **of a riverboat on which gambling games have been conducted**
- 21 **under an owner's license issued to another person.**

22 In an application for an owner's license, the applicant must submit to
23 the commission a proposed design of the riverboat and the dock. The
24 commission may not grant a license to an applicant if the commission
25 determines that it will be difficult or unlikely for the riverboat to depart
26 from the dock.

27 SECTION 13. IC 4-33-6-5 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) **This section**
29 **applies only to an application concerning a riverboat described in**
30 **IC 4-33-2-17(1) or IC 4-33-2-17(3).**

31 (b) In an application for an owner's license, the applicant must state
32 the dock at which the riverboat is based and the navigable waterway on
33 which the riverboat will operate.

34 SECTION 14. IC 4-33-6-6, AS AMENDED BY P.L.170-2005,
35 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2010]: Sec. 6. (a) **Except as provided in subsections (c) and**
37 **(d), a riverboat that operates in a county described in IC 4-33-1-1(1) or**
38 **IC 4-33-1-1(2) must:**

- 39 (1) have either:
- 40 (A) a valid certificate of inspection from the United States
- 41 Coast Guard for the carrying of at least five hundred (500)
- 42 passengers; or

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1 (B) a valid certificate of compliance with marine structural and
2 life safety standards determined by the commission; and
3 (2) be at least one hundred fifty (150) feet in length.

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

9 (c) **A riverboat described in IC 4-33-2-17(3) must have a valid
10 certificate of compliance with marine structural and life safety
11 standards for a permanently moored vessel as determined by the
12 commission under section 23 of this chapter.**

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

16 SECTION 15. IC 4-33-6-10 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) An owner's
18 license issued under this chapter permits the holder to own and operate
19 one (1) riverboat and equipment for each license.

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

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

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

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

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

34 SECTION 16. IC 4-33-6-18 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 18. (a) This subsection
36 applies to cities described in section 1(a)(1) through 1(a)(4) ~~or section~~
37 ~~(1)(b)~~ of this chapter. The commission may not issue a license
38 authorizing a riverboat to dock in a city unless the legislative body of
39 the city has approved an ordinance permitting the docking of riverboats
40 in the city.

41 (b) This subsection applies to a county described in section 1(a)(5)
42 of this chapter if the largest city in the county is contiguous to the Ohio

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1 River. The commission may not issue a license authorizing a riverboat
 2 to dock in the county unless an ordinance permitting the docking of
 3 riverboats in the county has been approved by the legislative body of
 4 the largest city in the county. The license must specify that the home
 5 dock of the riverboat is to be located in the largest city in the county.

6 (c) This subsection applies to a county described in section 1(a)(5)
 7 of this chapter if the largest city in the county is not contiguous to the
 8 Ohio River. The commission may not issue a license authorizing a
 9 riverboat to dock in the county unless an ordinance permitting the
 10 docking of riverboats in the county has been approved by the county
 11 fiscal body.

12 (d) This subsection applies to a county in which a historic hotel
 13 district is located. The commission may not enter into a contract under
 14 IC 4-33-6.5 for the operation of a riverboat in the county unless an
 15 ordinance permitting the ~~docking~~ **operation** of riverboats in the county
 16 has been approved by the county fiscal body.

17 **(e) An ordinance adopted before January 1, 2010, authorizing**
 18 **a riverboat to dock in a city or county is sufficient to authorize the**
 19 **operation of a riverboat described in IC 4-33-2-17(4) in the city or**
 20 **county.**

21 SECTION 17. IC 4-33-6-21 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 21. (a) A licensed
 23 owner may submit a plan for flexible scheduling to the commission by
 24 a date designated by the commission. Upon receipt of an appropriate
 25 plan, the commission shall authorize flexible scheduling, and the
 26 licensed owner shall implement the flexible scheduling plan by the date
 27 designated by the commission.

28 (b) A licensed owner that:

29 (1) submits a plan for flexible scheduling to the commission may
 30 include provisions; or

31 (2) has implemented a flexible scheduling plan may amend the
 32 plan to include provisions;

33 to conduct gambling operations for up to twenty-four (24) hours a day.
 34 Upon receipt of a plan or an amendment to a plan concerning operating
 35 hours, the commission shall authorize the licensed owner to implement
 36 the plan or amendment for the days and hours specified in the plan or
 37 amendment. The licensed owner shall implement the provisions related
 38 to operating days and hours by the date designated by the commission.
 39 If the licensed owner fails or ceases to operate in accordance with the
 40 authorized provisions concerning operating days and hours, the
 41 commission may rescind the authorization.

42 **(c) Notwithstanding subsection (a), a licensed owner operating**

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1 a riverboat described in IC 4-33-2-17(4) shall implement flexible
2 scheduling.

3 SECTION 18. IC 4-33-6-23 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2010]: Sec. 23. (a) A licensed owner may submit to the
6 commission a plan for converting the licensed owner's
7 self-propelled excursion boat into a permanently moored vessel.

8 (b) Upon receiving the commission's approval of a conversion
9 plan submitted under subsection (a), a licensed owner may remove
10 the propulsion and navigation equipment that had been required
11 to comply with section 6(a) of this chapter.

12 (c) The commission shall:
13 (1) determine the appropriate marine structural and life
14 safety standards for a permanently moored vessel operated
15 under this section; and
16 (2) establish maintenance requirements and an inspection
17 schedule to enforce the standards.

18 (d) A licensed owner shall maintain a certificate of compliance
19 with the standards determined under this section.

20 (e) A licensed owner is not required to employ personnel that
21 had been required to operate a self-propelled excursion boat.

22 SECTION 19. IC 4-33-6-24 IS ADDED TO THE INDIANA CODE
23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
24 1, 2010]: Sec. 24. (a) Subject to subsection (b), a licensed owner
25 may submit to the commission a plan for the construction of an
26 inland casino. The plan must include the proposed design of the
27 casino and any related facilities and amenities.

28 (b) A licensed owner may not construct an inland casino outside
29 the boundaries of the following:

30 (1) The city in which the licensed owner's riverboat was
31 docked on January 1, 2010, in the case of a riverboat docked
32 in any of the following cities:

- 33 (A) Gary.
- 34 (B) Hammond.
- 35 (C) East Chicago.
- 36 (D) Michigan City.
- 37 (E) Evansville.
- 38 (F) Lawrenceburg.
- 39 (G) Rising Sun.

40 (2) Posey Township of Harrison County, in the case of a
41 riverboat docked in Harrison County on January 1, 2010.

42 (3) Jefferson Township of Switzerland County, in the case of

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1 a riverboat docked in Switzerland County on January 1, 2010.

2 (c) If the commission determines that the plan:

3 (1) promotes economic development within the home area of

4 the riverboat; and

5 (2) satisfies the requirements of this section;

6 the commission shall approve the licensed owner's plan.

7 (d) The commission shall evaluate an inland casino plan

8 submitted under this section using the following criteria:

9 (1) The proposed facilities of the casino and any related

10 facilities and amenities.

11 (2) The highest prospective total revenue to be collected by the

12 state from the conduct of gambling at the casino.

13 (3) The good faith affirmative action plan of the licensed

14 owner to recruit, train, and upgrade minorities in all

15 employment classifications.

16 (4) The financial ability of the licensed owner to purchase and

17 maintain adequate liability and casualty insurance.

18 (5) Whether the applicant has adequate capitalization to

19 provide and maintain a casino for the duration of the license.

20 (6) The extent to which the applicant exceeds or meets other

21 standards adopted by the commission.

22 (e) Except as provided in section 25 of this chapter, the licensed

23 owner submitting an inland casino plan approved under subsection

24 (c) shall:

25 (1) pay a relocation fee of fifty million dollars (\$50,000,000) to

26 the commission within ninety (90) days after the date the

27 commission approves the plan; and

28 (2) implement the approved plan before the date designated

29 by the commission.

30 (f) The commission shall transfer all fees collected under

31 subsection (e) to the treasurer of state for deposit in the state

32 general fund.

33 SECTION 20. IC 4-33-6-25 IS ADDED TO THE INDIANA CODE

34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

35 1, 2010]: **Sec. 25. (a) This section applies only to a licensed owner**

36 **that operates two (2) riverboats from Gary.**

37 (b) If the licensed owner submits an inland casino plan approved

38 under section 24 of this chapter, the licensed owner may relinquish

39 the owner's license held by the licensed owner for the operation of

40 a second riverboat in Gary to the commission in lieu of paying the

41 relocation fee imposed by section 24(e) of this chapter.

42 (c) The term of a second owner's license relinquished under this

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1 section terminates on the date designated by the commission. The
2 licensed owner shall relinquish the license to the commission in the
3 manner required by the commission.

4 (d) A licensed owner that relinquishes an owner's license under
5 this section may not simultaneously conduct gaming operations at
6 an inland casino and a Lake Michigan riverboat.

7 SECTION 21. IC 4-33-9-1, AS AMENDED BY P.L.142-2009,
8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2010]: Sec. 1. Gambling may be conducted on a riverboat or
10 in a facility in which an event approved under section 10.5 of this
11 chapter is conducted by:

- 12 (1) a licensed owner;
- 13 (2) an operating agent; or
- 14 (3) a trustee in accordance with IC 4-33-21.

15 SECTION 22. IC 4-33-9-10 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) Wagers may be
17 received only from a person present on a riverboat or in a facility in
18 which an event approved under section 10.5 of this chapter is
19 conducted.

20 (b) A person present on a riverboat or in a facility in which an
21 event approved under section 10.5 of this chapter is conducted may
22 not place or attempt to place a wager on behalf of another person who
23 is not present on the riverboat or in the facility during the approved
24 event.

25 SECTION 23. IC 4-33-9-10.5 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2010]: Sec. 10.5. (a) A licensed owner or an
28 operating agent may apply to the commission for approval to
29 conduct card tournaments or other large gaming events at a
30 facility other than the riverboat on which the licensed owner or
31 operating agent is authorized to conduct gambling games under
32 this article.

33 (b) The application must specify the facility in which the
34 licensed owner or operating agent will conduct the gaming event if
35 the application is approved. The facility must be in a hotel or other
36 permanent structure owned or leased by the licensed owner or
37 operating agent within close proximity of the riverboat on which
38 the licensed owner or operating agent is authorized to conduct
39 gambling games under this article.

40 (c) The application must be submitted on a form prescribed by
41 the commission. The application must state the:

- 42 (1) date;

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- 1 **(2) time;**
- 2 **(3) place; and**
- 3 **(4) nature;**
- 4 **of the proposed gaming event. The commission may require the**
- 5 **applicant to submit any additional information relevant to the**
- 6 **commission's consideration of the application.**

7 **(d) As a condition of its approval, the commission may impose**
 8 **upon the applicant any requirement that the commission**
 9 **determines is necessary to protect the credibility and integrity of**
 10 **gambling operations authorized by this article.**

11 SECTION 24. IC 4-33-9-17 IS ADDED TO THE INDIANA CODE
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2010]: **Sec. 17. The following are designated as the homes of each**
 14 **riverboat operating under this article:**

15 **(1) The city in which a riverboat described in IC 4-33-2-17(1)**
 16 **or IC 4-33-2-17(3) is docked if the riverboat is docked in:**

- 17 **(A) a city adjacent to Lake Michigan; or**
- 18 **(B) the largest city of a county adjacent to the Ohio River.**

19 **(2) The county in which a riverboat described in**
 20 **IC 4-33-2-17(1) or IC 4-33-2-17(3) is docked if the riverboat**
 21 **is:**

- 22 **(A) docked in a county that is adjacent to the Ohio River;**
 23 **but**
- 24 **(B) not docked in the largest city of that county.**

25 **(3) The county in which the riverboat is located if the**
 26 **riverboat is located in a historic hotel district.**

27 **(4) The city in which a riverboat described in IC 4-33-2-17(4)**
 28 **is located if the riverboat is located in:**

- 29 **(A) a city adjacent to Lake Michigan; or**
- 30 **(B) the largest city of a county adjacent to the Ohio River.**

31 **(5) The county in which a riverboat described in**
 32 **IC 4-33-2-17(4) is located if the riverboat is:**

- 33 **(A) located in a county that is adjacent to the Ohio River;**
 34 **but**
- 35 **(B) not located in the largest city of that county.**

36 SECTION 25. IC 4-33-11-2 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2. An appeal of a final**
 38 **rule or order of the commission may be commenced under IC 4-21.5 in**
 39 **the circuit court of the county containing the dock ~~where or site of the~~**
 40 **riverboat. ~~is based.~~**

41 SECTION 26. IC 4-33-12-1, AS AMENDED BY P.L.233-2007,
 42 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2010]: Sec. 1. (a) This subsection does not apply to a riverboat
2 that has implemented flexible scheduling under IC 4-33-6-21. A tax is
3 imposed on admissions to gambling excursions authorized under this
4 article at a rate of three dollars (\$3) for each person admitted to the
5 gambling excursion. This admission tax is imposed upon the licensed
6 owner conducting the gambling excursion.

7 (b) This subsection applies only to a riverboat that has implemented
8 flexible scheduling under IC 4-33-6-21 or IC 4-33-6.5. A tax is
9 imposed on the admissions to a riverboat that has implemented flexible
10 scheduling under IC 4-33-6-21 or IC 4-33-6.5 at the following rate:

11 ~~(1) Four dollars (\$4) for each person admitted to a riverboat that~~
12 ~~docks in a county described in IC 4-33-1-1(3). This admission tax~~
13 ~~is imposed upon the operating agent of the riverboat.~~

14 ~~(2) rate of three dollars (\$3) for each person admitted to a the~~
15 ~~riverboat. that docks in any other county. This admission tax is~~
16 ~~imposed upon the licensed owner or operating agent operating~~
17 ~~the riverboat.~~

18 (c) The commission may by rule determine the point at which a
19 person is considered to be:

- 20 (1) admitted to a gambling excursion, in the case of a riverboat
21 subject to subsection (a); or
- 22 (2) admitted to a riverboat, in the case of a riverboat subject to
23 subsection (b);

24 for purposes of collecting the admissions tax under this chapter.

25 SECTION 27. IC 4-33-12-6, AS AMENDED BY P.L.146-2008,
26 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2010]: Sec. 6. (a) The department shall place in the state
28 general fund the tax revenue collected under this chapter.

29 (b) Except as provided by subsections (c) and (d) and IC 6-3.1-20-7,
30 the treasurer of state shall quarterly pay the following amounts:

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

36 (A) the city in which the riverboat is **located or** docked, if the
37 city:

38 (i) is located in a county having a population of more than
39 one hundred ten thousand (110,000) but less than one
40 hundred fifteen thousand (115,000); or

41 (ii) is contiguous to the Ohio River and is the largest city in
42 the county; and

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1 (B) the county in which the riverboat is **located or** docked, if
 2 the riverboat is not **located or** docked in a city described in
 3 clause (A).
 4 (2) Except as provided in subsection (k), one dollar (\$1) of the
 5 admissions tax collected by the licensed owner for each person:
 6 (A) embarking on a gambling excursion during the quarter; or
 7 (B) admitted to a riverboat during the quarter that has
 8 implemented flexible scheduling under IC 4-33-6-21;
 9 shall be paid to the county in which the riverboat is **located or**
 10 docked. In the case of a county described in subdivision (1)(B),
 11 this one dollar (\$1) is in addition to the one dollar (\$1) received
 12 under subdivision (1)(B).
 13 (3) Except as provided in subsection (k), ten cents (\$0.10) of the
 14 admissions tax collected by the licensed owner for each person:
 15 (A) embarking on a gambling excursion during the quarter; or
 16 (B) admitted to a riverboat during the quarter that has
 17 implemented flexible scheduling under IC 4-33-6-21;
 18 shall be paid to the county convention and visitors bureau or
 19 promotion fund for the county in which the riverboat is **located or**
 20 docked.
 21 (4) Except as provided in subsection (k), fifteen cents (\$0.15) 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 a quarter that has
 26 implemented flexible scheduling under IC 4-33-6-21;
 27 shall be paid to the state fair commission, for use in any activity
 28 that the commission is authorized to carry out under IC 15-13-3.
 29 (5) Except as provided in subsection (k), ten cents (\$0.10) of the
 30 admissions tax collected by the licensed owner for each person:
 31 (A) embarking on a gambling excursion during the quarter; or
 32 (B) admitted to a riverboat during the quarter that has
 33 implemented flexible scheduling under IC 4-33-6-21;
 34 shall be paid to the division of mental health and addiction. The
 35 division shall allocate at least twenty-five percent (25%) of the
 36 funds derived from the admissions tax to the prevention and
 37 treatment of compulsive gambling.
 38 (6) Except as provided in subsection (k) and section 7 of this
 39 chapter, sixty-five cents (\$0.65) of the admissions tax collected by
 40 the licensed owner for each person embarking on a gambling
 41 excursion during the quarter or admitted to a riverboat during the
 42 quarter that has implemented flexible scheduling under

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1 IC 4-33-6-21 shall be paid to the Indiana horse racing commission
2 to be distributed as follows, in amounts determined by the Indiana
3 horse racing commission, for the promotion and operation of
4 horse racing in Indiana:

5 (A) To one (1) or more breed development funds established
6 by the Indiana horse racing commission under IC 4-31-11-10.

7 (B) To a racetrack that was approved by the Indiana horse
8 racing commission under IC 4-31. The commission may make
9 a grant under this clause only for purses, promotions, and
10 routine operations of the racetrack. No grants shall be made
11 for long term capital investment or construction, and no grants
12 shall be made before the racetrack becomes operational and is
13 offering a racing schedule.

14 (c) With respect to tax revenue collected from a riverboat located in
15 a historic hotel district, the treasurer of state shall quarterly pay the
16 following: ~~amounts:~~

17 (1) **With respect to admissions taxes collected for a person**
18 **admitted to the riverboat before July 1, 2010, the following**
19 **amounts:**

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

25 ~~(A)~~ (i) Twenty-two and seventy-five hundredths percent
26 (22.75%) shall be quarterly distributed to the county
27 treasurer of a county having a population of more than
28 thirty-nine thousand six hundred (39,600) but less than forty
29 thousand (40,000) for appropriation by the county fiscal
30 body after receiving a recommendation from the county
31 executive. The county fiscal body for the receiving county
32 shall provide for the distribution of the money received
33 under this ~~clause item~~ **to one (1) or more taxing units (as**
34 **defined in IC 6-1.1-1-21) in the county under a formula**
35 **established by the county fiscal body after receiving a**
36 **recommendation from the county executive.**

37 ~~(B)~~ (ii) Twenty-two and seventy-five hundredths percent
38 (22.75%) shall be quarterly distributed to the county
39 treasurer of a county having a population of more than ten
40 thousand seven hundred (10,700) but less than twelve
41 thousand (12,000) for appropriation by the county fiscal
42 body. The county fiscal body for the receiving county shall

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provide for the distribution of the money received under this ~~clause item~~ 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)~~ **(iii)** Fifty-four and five-tenths percent (54.5%) shall be retained by the county where the riverboat is ~~docked~~ **located** for appropriation by the county fiscal body after receiving a recommendation from the county executive.

~~(2)~~ **(B)** Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this ~~subdivision clause~~ **clause** must be transferred to the school corporation in which the town is located.

~~(3)~~ **(C)** Five percent (5%) of the admissions tax collected during the quarter 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 three hundred (19,300) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this ~~subdivision clause~~ **clause** must be transferred to the school corporation in which the town is located.

~~(4)~~ **(D)** Twenty percent (20%) of the admissions tax collected during the quarter shall be paid in equal amounts to each town that:

~~(A)~~ **(i)** is located in the county in which the riverboat ~~docks;~~ **is located;** and

~~(B)~~ **(ii)** contains a historic hotel.

At least twenty percent (20%) of the taxes received by a town under this ~~subdivision clause~~ **clause** must be transferred to the school corporation in which the town is located.

~~(5)~~ **(E)** Ten percent (10%) of the admissions tax collected during the quarter shall be paid to the Orange County development commission established under IC 36-7-11.5. At least one-third (1/3) of the taxes paid to the Orange County development commission under this ~~subdivision clause~~ **clause** must be transferred to the Orange County convention and visitors bureau.

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

~~(7)~~ **(G)** Twenty-five percent (25%) of the admissions tax collected during the quarter shall 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 the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development strategy must include goals concerning the following issues:

- ~~(A)~~ **(i)** Job creation and retention.
- ~~(B)~~ **(ii)** Infrastructure, including water, wastewater, and storm water infrastructure needs.
- ~~(C)~~ **(iii)** Housing.
- ~~(D)~~ **(iv)** Workforce training.
- ~~(E)~~ **(v)** Health care.
- ~~(F)~~ **(vi)** Local planning.
- ~~(G)~~ **(vii)** Land use.
- ~~(H)~~ **(viii)** Assistance to regional economic development groups.
- ~~(I)~~ **(ix)** Other regional development issues as determined by the Indiana economic development corporation.

(2) With respect to admissions taxes collected for a person admitted to the riverboat after June 30, 2010, the following amounts:

- (A) 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 clause as follows:**
 - (i) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Dubois County for distribution in the manner described in subdivision (1)(A)(i).**
 - (ii) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Crawford County for distribution in the manner described in subdivision (1)(A)(ii).**
 - (iii) Fifty-four and five-tenths percent (54.5%) to be**

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retained by the county treasurer of Orange County for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(B) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Orleans. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to Orleans Community Schools.

(C) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Paoli. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to the Paoli Community School Corporation.

(D) 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 taxes received by a town under this clause must be transferred to the Springs Valley Community School Corporation.

(E) Thirty and sixty-six hundredths percent (30.66%) to the Indiana economic development corporation to be used in the manner described in subdivision (1)(G).

(d) With respect to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the treasurer of state shall quarterly pay the following amounts:

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

- (A) embarking on a gambling excursion during the quarter; or
- (B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the city in which the riverboat is **located** or docked.

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

- (A) embarking on a gambling excursion during the quarter; or
- (B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county in which the riverboat is **located** or docked.

(3) Except as provided in subsection (k), nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person:

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

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- 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 county convention and visitors bureau or
 4 promotion fund for the county in which the riverboat is **located or**
 5 docked.
- 6 (4) Except as provided in subsection (k), one cent (\$0.01) of the
 7 admissions tax collected by the licensed owner for each person:
 8 (A) embarking on a gambling excursion during the quarter; or
 9 (B) admitted to a riverboat during the quarter that has
 10 implemented flexible scheduling under IC 4-33-6-21;
 11 shall be paid to the northwest Indiana law enforcement training
 12 center.
- 13 (5) Except as provided in subsection (k), fifteen cents (\$0.15) 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 a quarter that has
 18 implemented flexible scheduling under IC 4-33-6-21;
 19 shall be paid to the state fair commission for use in any activity
 20 that the commission is authorized to carry out under IC 15-13-3.
- 21 (6) Except as provided in subsection (k), ten cents (\$0.10) of the
 22 admissions tax collected by the licensed owner for each person:
 23 (A) embarking on a gambling excursion during the quarter; or
 24 (B) admitted to a riverboat during the quarter that has
 25 implemented flexible scheduling under IC 4-33-6-21;
 26 shall be paid to the division of mental health and addiction. The
 27 division shall allocate at least twenty-five percent (25%) of the
 28 funds derived from the admissions tax to the prevention and
 29 treatment of compulsive gambling.
- 30 (7) Except as provided in subsection (k) and section 7 of this
 31 chapter, sixty-five cents (\$0.65) of the admissions tax collected by
 32 the licensed owner for each person embarking on a gambling
 33 excursion during the quarter or admitted to a riverboat during the
 34 quarter that has implemented flexible scheduling under
 35 IC 4-33-6-21 shall be paid to the Indiana horse racing commission
 36 to be distributed as follows, in amounts determined by the Indiana
 37 horse racing commission, for the promotion and operation of
 38 horse racing in Indiana:
 39 (A) To one (1) or more breed development funds established
 40 by the Indiana horse racing commission under IC 4-31-11-10.
 41 (B) To a racetrack that was approved by the Indiana horse
 42 racing commission under IC 4-31. The commission may make

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1 a grant under this clause only for purses, promotions, and
 2 routine operations of the racetrack. No grants shall be made
 3 for long term capital investment or construction, and no grants
 4 shall be made before the racetrack becomes operational and is
 5 offering a racing schedule.

6 (e) Money paid to a unit of local government under ~~subsection~~
 7 ~~(b)(1) through (b)(2); (c)(1) through (c)(4); or (d)(1) through (d)(2):~~
 8 **subsection (b), (c), or (d):**

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

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

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

18 (4) is considered miscellaneous revenue.

19 (f) Money paid by the treasurer of state under subsection (b)(3) or
 20 (d)(3) shall be:

21 (1) deposited in:

22 (A) the county convention and visitor promotion fund; or

23 (B) the county's general fund if the county does not have a
 24 convention and visitor promotion fund; and

25 (2) used only for the tourism promotion, advertising, and
 26 economic development activities of the county and community.

27 (g) Money received by the division of mental health and addiction
 28 under subsections (b)(5) and (d)(6):

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

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

34 (3) shall be used by the division of mental health and addiction
 35 for programs and facilities for the prevention and treatment of
 36 addictions to drugs, alcohol, and compulsive gambling, including
 37 the creation and maintenance of a toll free telephone line to
 38 provide the public with information about these addictions. The
 39 division shall allocate at least twenty-five percent (25%) of the
 40 money received to the prevention and treatment of compulsive
 41 gambling.

42 (h) This subsection applies to the following:

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- 1 (1) Each entity receiving money under subsection (b).
 2 (2) Each entity receiving money under subsection (d)(1) through
 3 (d)(2).
 4 (3) Each entity receiving money under subsection (d)(5) through
 5 (d)(7).

6 The treasurer of state shall determine the total amount of money paid
 7 by the treasurer of state to an entity subject to this subsection during
 8 the state fiscal year 2002. The amount determined under this subsection
 9 is the base year revenue for each entity subject to this subsection. The
 10 treasurer of state shall certify the base year revenue determined under
 11 this subsection to each entity subject to this subsection.

12 (i) This subsection applies to an entity receiving money under
 13 subsection (d)(3) or (d)(4). The treasurer of state shall determine the
 14 total amount of money paid by the treasurer of state to the entity
 15 described in subsection (d)(3) during state fiscal year 2002. The
 16 amount determined under this subsection multiplied by nine-tenths
 17 (0.9) is the base year revenue for the entity described in subsection
 18 (d)(3). The amount determined under this subsection multiplied by
 19 one-tenth (0.1) is the base year revenue for the entity described in
 20 subsection (d)(4). The treasurer of state shall certify the base year
 21 revenue determined under this subsection to each entity subject to this
 22 subsection.

23 (j) This subsection does not apply to an entity receiving money
 24 under subsection (c). For state fiscal years beginning after June 30,
 25 2002, the total amount of money distributed to an entity under this
 26 section during a state fiscal year may not exceed the entity's base year
 27 revenue as determined under subsection (h) or (i). If the treasurer of
 28 state determines that the total amount of money distributed to an entity
 29 under this section during a state fiscal year is less than the entity's base
 30 year revenue, the treasurer of state shall make a supplemental
 31 distribution to the entity under IC 4-33-13-5(g).

32 (k) This subsection does not apply to an entity receiving money
 33 under subsection (c). For state fiscal years beginning after June 30,
 34 2002, the treasurer of state shall pay that part of the riverboat
 35 admissions taxes that:

- 36 (1) exceeds a particular entity's base year revenue; and
 37 (2) would otherwise be due to the entity under this section;
 38 to the state general fund instead of to the entity.

39 SECTION 28. IC 4-33-13-6 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) Money paid to a
 41 unit of local government under this chapter:

- 42 (1) must be paid to the fiscal officer of the unit and may be

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1 deposited in the unit's general fund or riverboat fund established
2 under IC 36-1-8-9, or both;

3 (2) may not be used to reduce the unit's maximum or actual levy
4 under IC 6-1.1-18.5; and

5 (3) may be used for any legal or corporate purpose of the unit,
6 including the pledge of money to bonds, leases, or other
7 obligations under IC 5-1-14-4.

8 (b) This chapter does not prohibit the city or county designated as
9 the home dock of the riverboat from entering into agreements with
10 other units of local government in Indiana or in other states to share the
11 city's or county's part of the tax revenue received under this chapter.

12 SECTION 29. IC 4-33-21-7, AS ADDED BY P.L.142-2009,
13 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2010]: Sec. 7. (a) A trustee acting under the authority of this
15 chapter must fulfill the trustee's duties as a fiduciary for the owner of
16 the riverboat. In addition, the trustee shall consider the effect of the
17 trustee's actions upon:

18 (1) the amount of taxes remitted by the trustee under IC 4-33-12
19 and IC 4-33-13;

20 (2) the riverboat's dock city ~~or~~ **and county in which the riverboat**
21 **is located;**

22 (3) the riverboat's employees; and

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

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

29 SECTION 30. IC 4-35-2-10, AS ADDED BY P.L.233-2007,
30 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2010]: Sec. 10. "Supplier's license" means a license issued
32 under ~~IC 4-35-6~~ **IC 4-33-7**.

33 SECTION 31. IC 4-35-7-12, AS AMENDED BY P.L.142-2009,
34 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 12. (a) The Indiana horse racing commission
36 shall enforce the requirements of this section.

37 (b) Except as provided in ~~subsections~~ **subsection (j), and (k)**, a
38 licensee shall before the fifteenth day of each month devote to the
39 gaming integrity fund, horse racing purses, and to horsemen's
40 associations an amount equal to fifteen percent (15%) of the adjusted
41 gross receipts of the slot machine wagering from the previous month
42 at the licensee's racetrack. The Indiana horse racing commission may

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1 not use any of this money for any administrative purpose or other
 2 purpose of the Indiana horse racing commission, and the entire amount
 3 of the money shall be distributed as provided in this section. A licensee
 4 shall pay the first two hundred fifty thousand dollars (\$250,000)
 5 distributed under this section in a state fiscal year to the Indiana horse
 6 racing commission for deposit in the gaming integrity fund established
 7 by IC 4-35-8.7-3. After this money has been distributed to the Indiana
 8 horse racing commission, a licensee shall distribute the remaining
 9 money devoted to horse racing purses and to horsemen's associations
 10 under this subsection as follows:

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

14 (2) Two and five-tenths percent (2.5%) shall be transferred to
 15 horsemen's associations for backside benevolence according to
 16 the ratios specified in subsection (e).

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

19 (c) A horsemen's association shall expend the amounts distributed
 20 to the horsemen's association under subsection (b)(1) through (b)(2) for
 21 a purpose promoting the equine industry or equine welfare or for a
 22 benevolent purpose that the horsemen's association determines is in the
 23 best interests of horse racing in Indiana for the breed represented by the
 24 horsemen's association. Expenditures under this subsection are subject
 25 to the regulatory requirements of subsection (f).

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

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

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

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

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

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

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

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

38 (A) Fifty percent (50%) for the following purposes:

39 (i) Ninety-six and five-tenths percent (96.5%) for
 40 standardbred purses.

41 (ii) Three and five-tenths percent (3.5%) to the horsemen's
 42 association representing standardbred owners and trainers.

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- 1 (B) Fifty percent (50%) to the breed development fund
 2 established for standardbreds under IC 4-31-11-10.
- 3 (3) Eight percent (8%) for quarter horse purposes as follows:
 4 (A) Seventy percent (70%) for the following purposes:
 5 (i) Ninety-five percent (95%) for quarter horse purses.
 6 (ii) Five percent (5%) to the horsemen's association
 7 representing quarter horse owners and trainers.
- 8 (B) Thirty percent (30%) to the breed development fund
 9 established for quarter horses under IC 4-31-11-10.
- 10 Expenditures under this subsection are subject to the regulatory
 11 requirements of subsection (f).
- 12 (e) Money distributed under subsection (b)(1) and (b)(2) shall be
 13 allocated as follows:
 14 (1) Forty-six percent (46%) to the horsemen's association
 15 representing thoroughbred owners and trainers.
 16 (2) Forty-six percent (46%) to the horsemen's association
 17 representing standardbred owners and trainers.
 18 (3) Eight percent (8%) to the horsemen's association representing
 19 quarter horse owners and trainers.
- 20 (f) Money distributed under this section may not be expended unless
 21 the expenditure is for a purpose authorized in this section and is either
 22 for a purpose promoting the equine industry or equine welfare or is for
 23 a benevolent purpose that is in the best interests of horse racing in
 24 Indiana or the necessary expenditures for the operations of the
 25 horsemen's association required to implement and fulfill the purposes
 26 of this section. The Indiana horse racing commission may review any
 27 expenditure of money distributed under this section to ensure that the
 28 requirements of this section are satisfied. The Indiana horse racing
 29 commission shall adopt rules concerning the review and oversight of
 30 money distributed under this section and shall adopt rules concerning
 31 the enforcement of this section. The following apply to a horsemen's
 32 association receiving a distribution of money under this section:
 33 (1) The horsemen's association must annually file a report with
 34 the Indiana horse racing commission concerning the use of the
 35 money by the horsemen's association. The report must include
 36 information as required by the commission.
 37 (2) The horsemen's association must register with the Indiana
 38 horse racing commission.
- 39 (g) The commission shall provide the Indiana horse racing
 40 commission with the information necessary to enforce this section.
- 41 (h) The Indiana horse racing commission shall investigate any
 42 complaint that a licensee has failed to comply with the horse racing

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1 purse requirements set forth in this section. If, after notice and a
 2 hearing, the Indiana horse racing commission finds that a licensee has
 3 failed to comply with the purse requirements set forth in this section,
 4 the Indiana horse racing commission may:

- 5 (1) issue a warning to the licensee;
- 6 (2) impose a civil penalty that may not exceed one million dollars
 7 (\$1,000,000); or
- 8 (3) suspend a meeting permit issued under IC 4-31-5 to conduct
 9 a pari-mutuel wagering horse racing meeting in Indiana.

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

12 (j) For a state fiscal year beginning after June 30, ~~2008~~, and ending
 13 before ~~July 1~~, 2009, the amount of money dedicated to the purposes
 14 described in subsection (b) for a particular state fiscal year is equal to
 15 the lesser of:

- 16 (1) fifteen percent (15%) of the licensee's adjusted gross receipts
 17 for the state fiscal year; or
- 18 (2) eighty-five million dollars (\$85,000,000).

19 If fifteen percent (15%) of a licensee's adjusted gross receipts for the
 20 state fiscal year exceeds the amount specified in subdivision (2), the
 21 licensee shall transfer the amount of the excess to the commission for
 22 deposit in the state general fund. The licensee shall adjust the transfers
 23 required under this section in the final month of the state fiscal year to
 24 comply with the requirements of this subsection.

25 (k) For a state fiscal year beginning after June 30, ~~2009~~, the amount
 26 of money dedicated to the purposes described in subsection (b) for a
 27 particular state fiscal year is equal to the lesser of:

- 28 (1) fifteen percent (15%) of the licensee's adjusted gross receipts
 29 for the state fiscal year; or
- 30 (2) the amount dedicated to the purposes described in subsection
 31 (b) in the previous state fiscal year increased by a percentage that
 32 does not exceed the percent of increase in the United States
 33 Department of Labor Consumer Price Index during the year
 34 preceding the year in which an increase is established.

35 If fifteen percent (15%) of a licensee's adjusted gross receipts for the
 36 state fiscal year exceeds the amount specified in subdivision (2); the
 37 licensee shall transfer the amount of the excess to the commission for
 38 deposit in the state general fund. The licensee shall adjust the transfers
 39 required under this section in the final month of the state fiscal year to
 40 comply with the requirements of this subsection.

41 SECTION 32. IC 4-35-10-3, AS ADDED BY P.L.104-2008,
 42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 3. (a) The following information submitted,
 2 collected, or gathered as part of an application to the commission for
 3 a license is confidential for purposes of IC 5-14-3-4:
 4 (1) Any information concerning a minor child of an applicant.
 5 (2) The Social Security number of an applicant or the spouse of
 6 an applicant.
 7 (3) The home telephone number of an applicant or the spouse or
 8 children of an applicant.
 9 (4) An applicant's birth certificate.
 10 (5) An applicant's or applicant's spouse's driver's license number.
 11 (6) The name or address of a previous spouse of the applicant.
 12 (7) The date of birth of the spouse of an applicant.
 13 (8) The place of birth of the spouse of an applicant.
 14 (9) The personal financial records of an applicant or the spouse or
 15 minor child of an applicant.
 16 (10) Any information concerning a victim of domestic violence,
 17 sexual assault, or stalking.
 18 (11) The electronic mail address of an applicant or spouse or
 19 family member of the applicant.
 20 (b) Except as provided in subsections (c) and (d), in addition to
 21 information that is confidential under subsection (a), all information
 22 maintained by the commission concerning an individual who holds,
 23 held, or has applied for an occupational license under this article:
 24 (1) is confidential for purposes of IC 5-14-3; and
 25 (2) may be released by the commission only for law enforcement
 26 purposes or to a state or local public agency.
 27 (c) The following information concerning an individual who holds,
 28 held, or has applied for an occupational license under this article is not
 29 confidential:
 30 (1) The individual's name.
 31 (2) The individual's place of employment.
 32 (3) The individual's job title.
 33 (4) The individual's gaming experience.
 34 (5) The reason for denial or revocation of a license or for
 35 disciplinary action against the individual.
 36 (6) Information submitted by the individual for a felony waiver
 37 request under ~~IC 4-33-8-11~~. **IC 4-35-6.5-11.**
 38 (d) An individual who holds, held, or has applied for an
 39 occupational license under this article may waive the confidentiality
 40 requirements of subsection (b).
 41 SECTION 33. IC 4-36-7-4, AS AMENDED BY P.L.108-2009,
 42 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 4. (a) The state police department shall, at the
2 request of the commission, provide the following:

3 (1) Assistance in obtaining criminal history information relevant
4 to investigations required for honest, secure, and exemplary
5 operations under this article.

6 (2) Any other assistance requested by the ~~executive director~~
7 **commission** and agreed to by the superintendent of the state
8 police department.

9 (b) Any other state agency, including the Indiana gaming
10 commission and the Indiana professional licensing agency, shall upon
11 request provide the commission with information relevant to an
12 investigation conducted under this article.

13 SECTION 34. IC 5-14-3-4.4 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
15 JANUARY 1, 2011]: **Sec. 4.4. (a) Section 3 of this chapter does not
16 apply to disbursement information reported to the attorney
17 general under IC 4-6-14-5 if the following conditions are met:**

18 (1) **The disbursement was made with respect to negotiations
19 with an industrial, research, or commercial prospect for the
20 purpose of persuading the prospect to invest in the locality, to
21 build or relocate a business or organization in the locality, or
22 to perform or provide other economic development services
23 or benefits for the locality.**

24 (2) **The person required to prepare the annual report under
25 IC 4-6-14-5 specifies in the annual report that the
26 disbursement was made for a purpose described in
27 subdivision (1) and requests permission from the attorney
28 general to keep the information confidential in the manner
29 required by IC 4-6-14-6.**

30 (3) **The attorney general grants permission to the person to
31 keep the information confidential.**

32 (b) **Notwithstanding subsection (a), section 3 of this chapter
33 applies to disbursement information reported to the attorney
34 general under IC 4-6-14-5 if:**

35 (1) **the attorney general determines that a violation of
36 applicable state or federal law relating to the disbursement
37 has occurred and the attorney general takes enforcement
38 action under the applicable law; or**

39 (2) **the attorney general, in furtherance of an investigation,
40 refers the disbursement information to a state, federal, or
41 local law enforcement agency or a government agency with
42 responsibility for enforcement of state or federal law, or a**

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1 **local ordinance, and the agency receiving the disbursement**
2 **information from the attorney general determines that a**
3 **violation of applicable law has occurred and takes**
4 **enforcement action under the applicable law.**

5 SECTION 35. IC 7.1-3-17.5-6, AS AMENDED BY P.L.94-2008,
6 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2010]: Sec. 6. Notwithstanding IC 7.1-5-5-7, the holder of a
8 gaming site permit may, subject to the approval of the commission,
9 provide alcoholic beverages to guests without charge at an event on the
10 licensed premises. if all the following requirements are met:

- 11 (1) Each alcoholic beverage dispensed to a guest:
 - 12 (A) is entered into a cash register that records and itemizes on
 - 13 the cash register tape each alcoholic beverage dispensed; and
 - 14 (B) is entered into a cash register as a sale and at the same
 - 15 price that is charged to the general public.
- 16 (2) At the conclusion of the event, all alcoholic beverages
- 17 recorded on the cash register tape are paid by the holder of the
- 18 gaming site permit.
- 19 (3) All records of the alcoholic beverage sales, including the cash
- 20 register tape, shall be maintained by the holder of the gaming site
- 21 permit for not less than two (2) years.
- 22 (4) The holder of the gaming site permit complies with the rules
- 23 of the commission.

24 SECTION 36. IC 7.1-3-17.5-7 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2010]: Sec. 7. **Notwithstanding any other law,**
27 **the commission shall adopt rules to authorize a person holding a**
28 **permit issued under this chapter to engage in the following trade**
29 **practices and marketing activities:**

- 30 (1) **Private labeling.**
- 31 (2) **Product placement.**
- 32 (3) **Exclusive marketing agreements with brewers, distillers,**
- 33 **and vintners.**

34 SECTION 37. IC 36-7-11.5-11, AS AMENDED BY P.L.234-2007,
35 SECTION 287, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) As used in this section,
37 "fund" refers to the West Baden Springs historic hotel preservation and
38 maintenance fund established by subsection (b).

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

- 41 (1) Amounts deposited in the fund under IC 4-33-6.5-6,
- 42 IC 4-33-12-6(c), and IC 4-33-13-5(b).

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1 (2) Grants and gifts that the department of natural resources
2 receives for the fund under terms, obligations, and liabilities that
3 the department considers appropriate.

4 (3) The one million dollar (\$1,000,000) initial fee paid to the
5 gaming commission under IC 4-33-6.5.

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

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

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

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

18 (e) ~~No money may be appropriated from the fund except as provided~~
19 ~~in this subsection. The general assembly may appropriate~~ **The interest**
20 **accruing to the fund is annually appropriated** to the department of
21 natural resources only for the following purposes:

22 (1) **To reimburse the claims made for expenditures to maintain**
23 **the parts of a qualified historic hotel that were restored before**
24 **July 1, 2003, as determined by the owner of the qualified**
25 **historic hotel.**

26 (2) **To reimburse claims made for expenditures to maintain the**
27 **grounds surrounding a qualified historic hotel, as determined by**
28 **the owner of the qualified historic hotel.**

29 (f) **The department of natural resources shall promptly pay each**
30 **claim for a purpose described in subsection (e) to the extent of the**
31 **balance of interest available in the fund. If insufficient money is**
32 **available to fully pay all of the submitted claims, the department**
33 **of natural resources shall pay the claims in the order in which they**
34 **are received until each claim is fully paid.**

35 (g) ~~No~~ **Money may not be appropriated distributed** from the fund
36 for restoration purposes if the restoration is ~~to occur~~ **occurs** after July
37 1, 2003.

38 (h) **Notwithstanding IC 4-9.1-1-7, IC 4-12-1-12, IC 4-13-2-18, or**
39 **any other law, interest accruing to the fund may not be withheld,**
40 **transferred, assigned, or reassigned to another purpose.**

41 SECTION 38. IC 4-33-2-17.5 IS REPEALED [EFFECTIVE JULY
42 1, 2010].

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1 SECTION 39. [EFFECTIVE JULY 1, 2010] (a) IC 4-33-12-1, as
2 amended by this act, applies with respect to a person who is
3 admitted to a riverboat in a state fiscal year beginning after June
4 30, 2010.
5 (b) This SECTION expires January 1, 2012.
6 SECTION 40. An emergency is declared for this act.

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