

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

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

MR. SPEAKER:

I move that Engrossed Senate Bill 105 be amended to read as follows:

- 1 Delete the title and insert the following:  
2 A BILL FOR AN ACT to amend the Indiana Code concerning state  
3 and local administration.  
4 Page 1, between the enacting clause and line 1, begin a new  
5 paragraph and insert:  
6 "SECTION 1. IC 4-33-2-17, AS AMENDED BY SEA 47-2011,  
7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2011]: Sec. 17. "Riverboat" means any of the following on  
9 which lawful gambling is authorized under this article:  
10 (1) A self-propelled excursion boat located in a county described  
11 in IC 4-33-1-1(1) or IC 4-33-1-1(2) that complies with  
12 IC 4-33-6-6(a).  
13 (2) A casino located in a historic hotel district.  
14 (3) A permanently moored craft operating from a county  
15 described in IC 4-33-1-1(1) or IC 4-33-1-1(2).  
16 **(4) A casino located in Gary.**  
17 SECTION 2. IC 4-33-2-20 IS ADDED TO THE INDIANA CODE  
18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
19 1, 2011]: **Sec. 20. "Home" means the city or county that is**  
20 **designated as the home of a riverboat by IC 4-33-9-17.**  
21 SECTION 3. IC 4-33-4-1 IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) The commission has the  
23 following powers and duties for the purpose of administering,  
24 regulating, and enforcing the system of riverboat gambling established

- 1 under this article:
- 2 (1) All powers and duties specified in this article.
- 3 (2) All powers necessary and proper to fully and effectively
- 4 execute this article.
- 5 (3) Jurisdiction and supervision over the following:
- 6 (A) All riverboat gambling operations in Indiana.
- 7 (B) All persons on riverboats where gambling operations are
- 8 conducted.
- 9 (4) Investigate and reinvestigate applicants and license holders
- 10 and determine the eligibility of applicants for licenses or
- 11 operating agent contracts.
- 12 (5) Select among competing applicants the applicants that
- 13 promote the most economic development in a home ~~dock~~ area and
- 14 that best serve the interests of the citizens of Indiana.
- 15 (6) Take appropriate administrative enforcement or disciplinary
- 16 action against a licensee or an operating agent.
- 17 (7) Investigate alleged violations of this article.
- 18 (8) Establish fees for licenses issued under this article.
- 19 (9) Adopt appropriate standards for the design, appearance,
- 20 aesthetics, and construction for riverboats and facilities.
- 21 (10) Conduct hearings.
- 22 (11) Issue subpoenas for the attendance of witnesses and
- 23 subpoenas duces tecum for the production of books, records, and
- 24 other relevant documents.
- 25 (12) Administer oaths and affirmations to the witnesses.
- 26 (13) Prescribe a form to be used by an operating agent or a
- 27 licensee involved in the ownership or management of gambling
- 28 operations as an application for employment by potential
- 29 employees.
- 30 (14) Revoke, suspend, or renew licenses issued under this article.
- 31 (15) Hire employees to gather information, conduct
- 32 investigations, and carry out other tasks under this article.
- 33 (16) Take any reasonable or appropriate action to enforce this
- 34 article.
- 35 (b) Applicants and license holders shall reimburse the commission
- 36 for costs related to investigations and reinvestigations conducted under
- 37 subsection (a)(4).
- 38 SECTION 3. IC 4-33-4-13, AS AMENDED BY SEA 47-2011,
- 39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2011]: Sec. 13. (a) This section does not apply to a riverboat:
- 41 (1) located in a historic hotel district; **or**
- 42 (2) **described in IC 4-33-2-17(4).**
- 43 (b) After consulting with the United States Army Corps of
- 44 Engineers, the commission may do the following:
- 45 (1) Determine the waterways that are navigable waterways for
- 46 purposes of this article.

- 1 (2) Determine the navigable waterways that are suitable for the  
 2 operation of riverboats under this article.
- 3 (3) Approve a plan submitted under IC 4-33-6-23 for:  
 4 (A) the construction of a new permanently moored craft; or  
 5 (B) the conversion of a self-propelled excursion boat into a  
 6 permanently moored craft.
- 7 (c) In determining the navigable waterways on which riverboats may  
 8 operate, the commission shall do the following:
- 9 (1) Obtain any required approvals from the United States Army  
 10 Corps of Engineers for the operation of riverboats on those  
 11 waterways.
- 12 (2) Consider the economic benefit that riverboat gambling  
 13 provides to Indiana.
- 14 (3) Seek to ensure that all regions of Indiana share in the  
 15 economic benefits of riverboat gambling.
- 16 SECTION 5. IC 4-33-4-17 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) The commission  
 18 shall decide promptly and in reasonable order all license applications.
- 19 ~~(b) Notwithstanding any provision of this article, no owner's license~~  
 20 ~~may be granted for any riverboat that is not to be docked in the city~~  
 21 ~~described under IC 4-33-6-1(a)(1) until the earlier of:~~
- 22 ~~(1) the issuance of an owner's license for a riverboat that is to be~~  
 23 ~~docked in the city described under IC 4-33-6-1(a)(1); or~~  
 24 ~~(2) September 1, 1994.~~
- 25 ~~(c) (b)~~ A party aggrieved by an action of the commission denying,  
 26 suspending, revoking, restricting, or refusing the renewal of a license  
 27 may request a hearing before the commission. A request for a hearing  
 28 must be made to the commission in writing not more than ten (10) days  
 29 after service of notice of the action of the commission.
- 30 ~~(d) (c)~~ The commission shall serve notice of the commission's  
 31 actions to a party by personal delivery or by certified mail. Notice  
 32 served by certified mail is considered complete on the business day  
 33 following the date of the mailing.
- 34 ~~(e) (d)~~ The commission shall conduct all requested hearings  
 35 promptly and in reasonable order.
- 36 SECTION 6. IC 4-33-5-1 IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2011]: Sec. 1. An applicant for a license or an  
 38 operating agent contract under this article must provide the following  
 39 information to the commission:
- 40 (1) The name, business address, and business telephone number  
 41 of the applicant.
- 42 (2) An identification of the applicant.
- 43 (3) The following information for an applicant that is not an  
 44 individual:
- 45 (A) The state of incorporation or registration.
- 46 (B) The names of all corporate officers.

- 1 (C) The identity of the following:
- 2 (i) Any person in which the applicant has an equity interest
- 3 of at least one percent (1%) of all shares. The identification
- 4 must include the state of incorporation or registration if
- 5 applicable. However, an applicant that has a pending
- 6 registration statement filed with the Securities and Exchange
- 7 Commission is not required to provide information under
- 8 this item.
- 9 (ii) The shareholders or participants of the applicant. An
- 10 applicant that has a pending registration statement filed with
- 11 the Securities and Exchange Commission is required to
- 12 provide only the names of persons holding an interest of
- 13 more than one percent (1%) of all shares.
- 14 (4) An identification of any business, including the state of
- 15 incorporation or registration if applicable, in which an applicant
- 16 or the spouse or children of an applicant has an equity interest of
- 17 more than one percent (1%) of all shares.
- 18 (5) If the applicant has been indicted, been convicted, pleaded
- 19 guilty or nolo contendere, or forfeited bail concerning a criminal
- 20 offense other than a traffic violation under the laws of any
- 21 jurisdiction. The applicant must include the following information
- 22 under this subdivision:
- 23 (A) The name and location of the following:
- 24 (i) The court.
- 25 (ii) The arresting agency.
- 26 (iii) The prosecuting agency.
- 27 (B) The case number.
- 28 (C) The date and type of offense.
- 29 (D) The disposition of the case.
- 30 (E) The location and length of incarceration.
- 31 (6) If the applicant has had a license or certificate issued by a
- 32 licensing authority in Indiana or any other jurisdiction denied,
- 33 restricted, suspended, revoked, or not renewed. An applicant must
- 34 provide the following information under this subdivision:
- 35 (A) A statement describing the facts and circumstances
- 36 concerning the denial, restriction, suspension, revocation, or
- 37 nonrenewal.
- 38 (B) The date each action described in clause (A) was taken.
- 39 (C) The reason each action described in clause (A) was taken.
- 40 (7) If the applicant has:
- 41 (A) filed or had filed against the applicant a proceeding in
- 42 bankruptcy; or
- 43 (B) been involved in a formal process to adjust, defer,
- 44 suspend, or work out the payment of a debt;
- 45 including the date of filing, the name and location of the court,
- 46 and the case and number of the disposition.

- 1 (8) If the applicant has filed or been served with a complaint or  
 2 notice filed with a public body concerning:  
 3 (A) a delinquency in the payment of; or  
 4 (B) a dispute over a filing concerning the payment of;  
 5 a tax required under federal, state, or local law, including the  
 6 amount, type of tax, the taxing agency, and times involved.  
 7 (9) A statement listing the names and titles of public officials or  
 8 officers of units of government and relatives of the public officials  
 9 or officers who directly or indirectly:  
 10 (A) have a financial interest in;  
 11 (B) have a beneficial interest in;  
 12 (C) are the creditors of;  
 13 (D) hold a debt instrument issued by; or  
 14 (E) have an interest in a contractual or service relationship  
 15 with;  
 16 an applicant.  
 17 (10) If an applicant for an operating agent contract or an owner's  
 18 or a supplier's license has directly or indirectly made a political  
 19 contribution, loan, donation, or other payment to a candidate or an  
 20 office holder in Indiana not more than five (5) years before the  
 21 date the applicant filed the application. An applicant must provide  
 22 information concerning the amount and method of a payment  
 23 described in this subdivision.  
 24 (11) The name and business telephone number of the attorney  
 25 who will represent the applicant in matters before the  
 26 commission.  
 27 (12) A description of a proposed or an approved riverboat gaming  
 28 operation, including the following information:  
 29 (A) The type of ~~boat~~ **riverboat**.  
 30 (B) The **site or** home dock location **of the riverboat**.  
 31 (C) The expected economic benefit to local communities.  
 32 (D) The anticipated or actual number of employees.  
 33 (E) Any statements from the applicant concerning compliance  
 34 with federal and state affirmative action guidelines.  
 35 (F) Anticipated or actual admissions.  
 36 (G) Anticipated or actual adjusted gross gaming receipts.  
 37 (13) A description of the product or service to be supplied by the  
 38 applicant if the applicant has applied for a supplier's license.  
 39 (14) The following information from each licensee or operating  
 40 agent involved in the ownership or management of gambling  
 41 operations:  
 42 (A) An annual balance sheet.  
 43 (B) An annual income statement.  
 44 (C) A list of the stockholders or other persons having at least  
 45 a one percent (1%) beneficial interest in the gambling  
 46 activities of the person who has been issued the owner's

1 license or operating agent contract.

2 (D) Any other information the commission considers  
3 necessary for the effective administration of this article.

4 SECTION 7. IC 4-33-6-1, AS AMENDED BY P.L.233-2007,  
5 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2011]: Sec. 1. (a) The commission may issue to a person a  
7 license to own a riverboat subject to the numerical and geographical  
8 limitation of owner's licenses under this section, section 3.5 of this  
9 chapter, and IC 4-33-4-17. However, not more than ten (10) owner's  
10 licenses may be in effect at any time. ~~Except as provided in subsection~~  
11 ~~(b); Those ten (10) licenses are~~ **The licenses may be allocated as**  
12 follows:

13 (1) ~~Not more than two (2) licenses for a riverboat that operates~~  
14 ~~from the largest city located in the counties described under~~  
15 ~~IC 4-33-1-1(1); not more than two (2) riverboats that are~~  
16 **authorized to operate in Gary in accordance with either of the**  
17 **following:**

18 (A) **Two (2) riverboats may be operated from docks on**  
19 **Lake Michigan at the sites approved before January 1,**  
20 **2011.**

21 (B) **Only one (1) riverboat may be operated within the city**  
22 **limits after December 31 of the calendar year in which**  
23 **gambling operations commence at an inland casino**  
24 **approved under section 24 of this chapter.**

25 (2) One (1) license for a riverboat that operates from the ~~second~~  
26 ~~largest city located in the counties described under~~  
27 ~~IC 4-33-1-1(1); **Hammond.**~~

28 (3) One (1) license for a riverboat that operates from the ~~third~~  
29 ~~largest city located in the counties described under~~  
30 ~~IC 4-33-1-1(1); **East Chicago.**~~

31 (4) One (1) license for a city located in the counties described  
32 under ~~IC 4-33-1-1(1); This license may not be issued to a city~~  
33 ~~described in subdivisions (1) through (3); a riverboat that~~  
34 **operates from Michigan City.**

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

37 (A) Vanderburgh County.

38 (B) Harrison County.

39 (C) Switzerland County.

40 (D) Ohio County.

41 (E) Dearborn County.

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

45 ~~(b) If a city described in subsection (a)(2) or (a)(3) conducts two (2)~~  
46 ~~elections under section 20 of this chapter, and the voters of the city do~~

1 not vote in favor of permitting riverboat gambling at either of those  
 2 elections; the license assigned to that city under subsection (a)(2) or  
 3 (a)(3) may be issued to any city that:

- 4 (1) does not already have a riverboat operating from the city; and  
 5 (2) is located in a county described in IC 4-33-1-1(1).

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

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

13 **(d) The maximum number of owner's licenses that may be in**  
 14 **effect at any time after December 31 of the calendar year in which**  
 15 **gambling operations commence at an inland casino in Gary is nine**  
 16 **(9).**

17 SECTION 8. IC 4-33-6-4 IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) In determining whether to  
 19 grant an owner's license to an applicant, the commission shall consider  
 20 the following:

21 (1) The character, reputation, experience, and financial integrity  
 22 of the following:

23 (A) The applicant.

24 (B) A person that:

25 (i) directly or indirectly controls the applicant; or

26 (ii) is directly or indirectly controlled by the applicant or by  
 27 a person that directly or indirectly controls the applicant.

28 (2) The facilities or proposed facilities for the conduct of  
 29 riverboat gambling.

30 (3) The highest prospective total revenue to be collected by the  
 31 state from the conduct of riverboat gambling.

32 (4) The good faith affirmative action plan of each applicant to  
 33 recruit, train, and upgrade minorities in all employment  
 34 classifications.

35 (5) The financial ability of the applicant to purchase and maintain  
 36 adequate liability and casualty insurance.

37 (6) If the applicant has adequate capitalization to provide and  
 38 maintain a riverboat for the duration of the license.

39 (7) The extent to which the applicant exceeds or meets other  
 40 standards adopted by the commission.

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

42 **(1) a licensed owner constructing a new riverboat under**  
 43 **section 24 of this chapter; or**

44 **(2) a person applying for an owner's license to assume control**  
 45 **of a riverboat on which gambling games have been conducted**  
 46 **under an owner's license issued to another person.**

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

6 SECTION 9. IC 4-33-6-5 IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2011]: Sec. 5. **(a) This section does not apply**  
 8 **to an application concerning a riverboat described in**  
 9 **IC 4-33-2-17(4).**

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

13 SECTION 5. IC 4-33-6-6, AS AMENDED BY SEA 47-2011,  
 14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2011]: Sec. 6. (a) Except as provided in ~~subsection~~  
 16 **subsections (c) and (d)**, a riverboat that operates in a county described  
 17 in IC 4-33-1-1(1) or IC 4-33-1-1(2) must:

18 (1) have either:

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

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

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

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

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

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

37 SECTION 11. IC 4-33-6-10 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) An owner's  
 39 license issued under this chapter permits the holder to own and operate  
 40 one (1) riverboat and equipment for each license.

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

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

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

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

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

9           SECTION 12. IC 4-33-6-18 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) This subsection  
11 applies to cities described in section 1(a)(1) through 1(a)(4) ~~or section~~  
12 ~~(+)(b)~~ of this chapter. The commission may not issue a license  
13 authorizing a riverboat to dock in a city unless the legislative body of  
14 the city has approved an ordinance permitting the docking of riverboats  
15 in the city.

16           (b) This subsection applies to a county described in section 1(a)(5)  
17 of this chapter if the largest city in the county is contiguous to the Ohio  
18 River. The commission may not issue a license authorizing a riverboat  
19 to dock in the county unless an ordinance permitting the docking of  
20 riverboats in the county has been approved by the legislative body of  
21 the largest city in the county. The license must specify that the home  
22 dock of the riverboat is to be located in the largest city in the county.

23           (c) This subsection applies to a county described in section 1(a)(5)  
24 of this chapter if the largest city in the county is not contiguous to the  
25 Ohio River. The commission may not issue a license authorizing a  
26 riverboat to dock in the county unless an ordinance permitting the  
27 docking of riverboats in the county has been approved by the county  
28 fiscal body.

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

34           **(e) An ordinance adopted before January 1, 2011, authorizing**  
35 **a riverboat to dock in a city is sufficient to authorize the operation**  
36 **of a riverboat described in IC 4-33-2-17(4) in the city.**

37           SECTION 13. IC 4-33-6-21 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. (a) A licensed  
39 owner may submit a plan for flexible scheduling to the commission by  
40 a date designated by the commission. Upon receipt of an appropriate  
41 plan, the commission shall authorize flexible scheduling and the  
42 licensed owner shall implement the flexible scheduling plan by the date  
43 designated by the commission.

44           (b) A licensed owner that:

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

1           (2) has implemented a flexible scheduling plan may amend the  
 2           plan to include provisions;  
 3           to conduct gambling operations for up to twenty-four (24) hours a day.  
 4           Upon receipt of a plan or an amendment to a plan concerning operating  
 5           hours, the commission shall authorize the licensed owner to implement  
 6           the plan or amendment for the days and hours specified in the plan or  
 7           amendment. The licensed owner shall implement the provisions related  
 8           to operating days and hours by the date designated by the commission.  
 9           If the licensed owner fails or ceases to operate in accordance with the  
 10          authorized provisions concerning operating days and hours, the  
 11          commission may rescind the authorization.

12          **(c) Notwithstanding subsection (a), a licensed owner operating**  
 13          **a riverboat described in IC 4-33-2-17(4) shall implement flexible**  
 14          **scheduling.**

15          SECTION 14. IC 4-33-6-24 IS ADDED TO THE INDIANA CODE  
 16          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 17          1, 2011]: **Sec. 24. (a) This section applies only to a licensed owner**  
 18          **that operates a riverboat gambling operation in Gary.**

19          **(b) A licensed owner may submit to the commission a plan for**  
 20          **the construction of an inland casino within the city limits of the city**  
 21          **of Gary. The plan must include the proposed design of the casino**  
 22          **and any related facilities and amenities.**

23          **(c) If the commission determines that the plan:**

24                 **(1) promotes economic development within the city of Gary;**  
 25                 **and**

26                 **(2) satisfies the requirements of this section;**

27          **the commission shall approve the licensed owner's plan. However,**  
 28          **not more than one (1) riverboat gambling operation may be**  
 29          **relocated under this section.**

30          **(d) The commission shall evaluate an inland casino plan**  
 31          **submitted under this section using the following criteria:**

32                 **(1) The proposed facilities of the casino and any related**  
 33                 **facilities and amenities.**

34                 **(2) The highest prospective total revenue to be collected by the**  
 35                 **state from the conduct of gambling at the casino.**

36                 **(3) The good faith affirmative action plan of the licensed**  
 37                 **owner to recruit, train, and upgrade minorities in all**  
 38                 **employment classifications.**

39                 **(4) The financial ability of the licensed owner to purchase and**  
 40                 **maintain adequate liability and casualty insurance.**

41                 **(5) If the applicant has adequate capitalization to provide and**  
 42                 **maintain a casino for the duration of the license.**

43                 **(6) The extent to which the applicant exceeds or meets other**  
 44                 **standards adopted by the commission.**

45          **(e) If the commission approves a licensed owner's plan to**  
 46          **relocate a riverboat gambling operation under this section, the**  
 47          **commission may not renew an owner's license for a second**

1 **riverboat gambling operation located in Gary for a calendar year**  
 2 **beginning after December 31 of the calendar year in which**  
 3 **gambling operations commence at an inland casino in Gary.**

4 SECTION 15. IC 4-33-9-17 IS ADDED TO THE INDIANA CODE  
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 6 1, 2011]: **Sec. 17. The following are designated as the homes of each**  
 7 **riverboat operating under this article:**

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

10 **(A) a city adjacent to Lake Michigan; or**

11 **(B) the largest city of a county adjacent to the Ohio River.**

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

14 **(A) is docked in a county that is adjacent to the Ohio**  
 15 **River; but**

16 **(B) not docked in the largest city of that county.**

17 **(3) The county in which the riverboat described in**  
 18 **IC 4-33-2-17(2) is located.**

19 **(4) The city in which the riverboat described in**  
 20 **IC 4-33-2-17(4) is located.**

21 SECTION 16. IC 4-33-11-2 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 2. An appeal of a final**  
 23 **rule or order of the commission may be commenced under IC 4-21.5 in**  
 24 **the circuit court of the county containing the dock ~~where or site of the~~**  
 25 **riverboat. ~~is based.~~**

26 SECTION 17. IC 4-33-13-5, AS AMENDED BY P.L.96-2010,  
 27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2011]: **Sec. 5. (a) This subsection does not apply to tax**  
 29 **revenue remitted by an operating agent operating a riverboat in a**  
 30 **historic hotel district. After funds are appropriated under section 4 of**  
 31 **this chapter, each month the treasurer of state shall distribute the tax**  
 32 **revenue deposited in the state gaming fund under this chapter to the**  
 33 **following:**

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

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

40 **(A) to the city that is designated as the home ~~dock~~ of the**  
 41 **riverboat from which the tax revenue was collected, in the case**  
 42 **of a riverboat located in:**

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

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

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

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

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

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

21 (2) Nineteen percent (19%) shall be paid to the West Baden  
 22 Springs historic hotel preservation and maintenance fund  
 23 established by IC 36-7-11.5-11(b). However, at any time the  
 24 balance in that fund exceeds twenty million dollars  
 25 (\$20,000,000), the amount described in this subdivision shall be  
 26 paid to the state general fund.

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

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

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

36 (B) At least twelve and five-tenths percent (12.5%) of the  
 37 taxes imposed on adjusted gross receipts received after June  
 38 30, 2010, must be transferred to the Orange County  
 39 development commission established by IC 36-7-11.5-3.5.

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

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

- 1 six hundred (39,600) but less than forty thousand (40,000) for  
 2 appropriation by the county fiscal body after receiving a  
 3 recommendation from the county executive. The county fiscal  
 4 body for the receiving county shall provide for the distribution  
 5 of the money received under this clause to one (1) or more  
 6 taxing units (as defined in IC 6-1.1-1-21) in the county under  
 7 a formula established by the county fiscal body after receiving  
 8 a recommendation from the county executive.
- 9 (B) Twenty-two and twenty-five hundredths percent (22.25%)  
 10 shall be quarterly distributed to the county treasurer of a  
 11 county having a population of more than ten thousand seven  
 12 hundred (10,700) but less than twelve thousand (12,000) for  
 13 appropriation by the county fiscal body after receiving a  
 14 recommendation from the county executive. The county fiscal  
 15 body for the receiving county shall provide for the distribution  
 16 of the money received under this clause to one (1) or more  
 17 taxing units (as defined in IC 6-1.1-1-21) in the county under  
 18 a formula established by the county fiscal body after receiving  
 19 a recommendation from the county executive.
- 20 (C) Fifty-five and five-tenths percent (55.5%) shall be retained  
 21 by the county in which the riverboat is located for  
 22 appropriation by the county fiscal body after receiving a  
 23 recommendation from the county executive.
- 24 (6) Five percent (5%) shall be paid to a town having a population  
 25 of more than two thousand two hundred (2,200) but less than  
 26 three thousand five hundred (3,500) located in a county having a  
 27 population of more than nineteen thousand three hundred  
 28 (19,300) but less than twenty thousand (20,000). At least forty  
 29 percent (40%) of the taxes received by a town under this  
 30 subdivision must be transferred to the school corporation in which  
 31 the town is located.
- 32 (7) Five percent (5%) shall be paid to a town having a population  
 33 of more than three thousand five hundred (3,500) located in a  
 34 county having a population of more than nineteen thousand three  
 35 hundred (19,300) but less than twenty thousand (20,000). At least  
 36 forty percent (40%) of the taxes received by a town under this  
 37 subdivision must be transferred to the school corporation in which  
 38 the town is located.
- 39 (8) Five-tenths percent (0.5%) of the taxes imposed on adjusted  
 40 gross receipts received after June 30, 2010, shall be paid to the  
 41 Indiana economic development corporation established by  
 42 IC 5-28-3-1.
- 43 (c) For each city and county receiving money under subsection  
 44 (a)(2), the treasurer of state shall determine the total amount of money  
 45 paid by the treasurer of state to the city or county during the state fiscal  
 46 year 2002. The amount determined is the base year revenue for the city

1 or county. The treasurer of state shall certify the base year revenue  
 2 determined under this subsection to the city or county. The total  
 3 amount of money distributed to a city or county under this section  
 4 during a state fiscal year may not exceed the entity's base year revenue.  
 5 For each state fiscal year, the treasurer of state shall pay that part of the  
 6 riverboat wagering taxes that:

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

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

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

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

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

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

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

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

- 42 (1) To reduce the property tax levy of the city, town, or county for  
 43 a particular year (a property tax reduction under this subdivision  
 44 does not reduce the maximum levy of the city, town, or county  
 45 under IC 6-1.1-18.5).
- 46 (2) For deposit in a special fund or allocation fund created under

- 1 IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and  
 2 IC 36-7-30 to provide funding for debt repayment.
- 3 (3) To fund sewer and water projects, including storm water  
 4 management projects.
- 5 (4) For police and fire pensions.
- 6 (5) To carry out any governmental purpose for which the money  
 7 is appropriated by the fiscal body of the city, town, or county.  
 8 Money used under this subdivision does not reduce the property  
 9 tax levy of the city, town, or county for a particular year or reduce  
 10 the maximum levy of the city, town, or county under  
 11 IC 6-1.1-18.5.
- 12 (g) This subsection does not apply to an entity receiving money  
 13 under IC 4-33-12-6(c). Before September 15 of each year, the treasurer  
 14 of state shall determine the total amount of money distributed to an  
 15 entity under IC 4-33-12-6 during the preceding state fiscal year. If the  
 16 treasurer of state determines that the total amount of money distributed  
 17 to an entity under IC 4-33-12-6 during the preceding state fiscal year  
 18 was less than the entity's base year revenue (as determined under  
 19 IC 4-33-12-6), the treasurer of state shall make a supplemental  
 20 distribution to the entity from taxes collected under this chapter and  
 21 deposited into the state general fund. Except as provided in subsection  
 22 (i), the amount of an entity's supplemental distribution is equal to:
- 23 (1) the entity's base year revenue (as determined under  
 24 IC 4-33-12-6); minus  
 25 (2) the sum of:
- 26 (A) the total amount of money distributed to the entity during  
 27 the preceding state fiscal year under IC 4-33-12-6; plus  
 28 (B) any amounts deducted under IC 6-3.1-20-7.
- 29 (h) This subsection applies only to a county containing a  
 30 consolidated city. The county auditor shall distribute the money  
 31 received by the county under subsection (e) as follows:
- 32 (1) To each city, other than a consolidated city, located in the  
 33 county according to the ratio that the city's population bears to the  
 34 total population of the county.
- 35 (2) To each town located in the county according to the ratio that  
 36 the town's population bears to the total population of the county.
- 37 (3) After the distributions required in subdivisions (1) and (2) are  
 38 made, the remainder shall be paid in equal amounts to the  
 39 consolidated city and the county.
- 40 (i) This subsection applies only to the Indiana horse racing  
 41 commission. For each state fiscal year the amount of the Indiana horse  
 42 racing commission's supplemental distribution under subsection (g)  
 43 must be reduced by the amount required to comply with  
 44 IC 4-33-12-7(a).
- 45 SECTION 18. IC 4-33-13-6 IS AMENDED TO READ AS  
 46 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Money paid to a

- 1 unit of local government under this chapter:
- 2 (1) must be paid to the fiscal officer of the unit and may be
- 3 deposited in the unit's general fund or riverboat fund established
- 4 under IC 36-1-8-9, or both;
- 5 (2) may not be used to reduce the unit's maximum or actual levy
- 6 under IC 6-1.1-18.5; and
- 7 (3) may be used for any legal or corporate purpose of the unit,
- 8 including the pledge of money to bonds, leases, or other
- 9 obligations under IC 5-1-14-4.
- 10 (b) This chapter does not prohibit the city or county designated as
- 11 the home dock of the riverboat from entering into agreements with
- 12 other units of local government in Indiana or in other states to share the
- 13 city's or county's part of the tax revenue received under this chapter.
- 14 SECTION 19. IC 4-33-14-9 IS AMENDED TO READ AS
- 15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) This section
- 16 applies to a person holding an owner's licenses for riverboats operated
- 17 from a city described under IC 4-33-6-1(a)(1) through
- 18 IC 4-33-6-1(a)(3): **a licensed owner who owns a riverboat located in**
- 19 **East Chicago, Gary, or Hammond.**
- 20 (b) The commission shall require persons holding owner's licenses
- 21 **a licensed owner** to adopt policies concerning the preferential hiring
- 22 of residents of the city in which the riverboat ~~docks~~ **is located** for
- 23 riverboat jobs.
- 24 SECTION 20. IC 4-33-21-7, AS ADDED BY P.L.142-2009,
- 25 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2011]: Sec. 7. (a) A trustee acting under the authority of this
- 27 chapter must fulfill the trustee's duties as a fiduciary for the owner of
- 28 the riverboat. In addition, the trustee shall consider the effect of the
- 29 trustee's actions upon:
- 30 (1) the amount of taxes remitted by the trustee under IC 4-33-12
- 31 and IC 4-33-13;
- 32 (2) the riverboat's ~~dock~~ city or **and county in which the riverboat**
- 33 **is located;**
- 34 (3) the riverboat's employees; and
- 35 (4) the creditors of the owner of the riverboat.

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

6           Renumber all SECTIONS consecutively.  
          (Reference is to ESB 105 as printed April 18, 2011.)

---

Representative Brown C