

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 99, between lines 30 and 31, begin a new paragraph and insert:
- 2 "SECTION 6. IC 4-33-13-5, AS AMENDED BY P.L.96-2010,
- 3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2011]: Sec. 5. (a) This subsection does not apply to tax
- 5 revenue remitted by an operating agent operating a riverboat in a
- 6 historic hotel district. After funds are appropriated under section 4 of
- 7 this chapter, each month the treasurer of state shall distribute the tax
- 8 revenue deposited in the state gaming fund under this chapter to the
- 9 following:
- 10 (1) The first thirty-three million dollars (\$33,000,000) of tax
- 11 revenues collected under this chapter shall be set aside for
- 12 revenue sharing under subsection (e).
- 13 (2) Subject to subsection (c) and **section 5.1 of this chapter**,
- 14 twenty-five percent (25%) of the remaining tax revenue remitted
- 15 by each licensed owner shall be paid:
- 16 (A) to the city that is designated as the home dock of the
- 17 riverboat from which the tax revenue was collected, in the case
- 18 of:
- 19 (i) a city described in IC 4-33-12-6(b)(1)(A); or
- 20 (ii) a city located in a Lake County; ~~having a population of~~
- 21 ~~more than four hundred thousand (400,000) but less than~~
- 22 ~~seven hundred thousand (700,000); or~~
- 23 (B) to the county that is designated as the home dock of the
- 24 riverboat from which the tax revenue was collected, in the case

1 of a riverboat whose home dock is not in a city described in
2 clause (A).

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

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

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

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

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

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

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

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

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

42 (A) Twenty-two and twenty-five hundredths percent (22.25%)
43 shall be quarterly distributed to the county treasurer of a
44 county having a population of more than thirty-nine thousand
45 six hundred (39,600) but less than forty thousand (40,000) for
46 appropriation by the county fiscal body after receiving a

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

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

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

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

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

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

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

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

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

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

- 40 (1) To reduce the property tax levy of the city, town, or county for
 41 a particular year (a property tax reduction under this subdivision
 42 does not reduce the maximum levy of the city, town, or county
 43 under IC 6-1.1-18.5).
- 44 (2) For deposit in a special fund or allocation fund created under
 45 IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and
 46 IC 36-7-30 to provide funding for debt repayment.

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

3 (4) For police and fire pensions.

4 (5) To carry out any governmental purpose for which the money
5 is appropriated by the fiscal body of the city, town, or county.
6 Money used under this subdivision does not reduce the property
7 tax levy of the city, town, or county for a particular year or reduce
8 the maximum levy of the city, town, or county under
9 IC 6-1.1-18.5.

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

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

23 (2) the sum of:

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

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

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

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

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

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

38 (i) This subsection applies only to the Indiana horse racing
39 commission. For each state fiscal year the amount of the Indiana horse
40 racing commission's supplemental distribution under subsection (g)
41 must be reduced by the amount required to comply with
42 IC 4-33-12-7(a).

43 SECTION 39. IC 4-33-13-5.1 IS ADDED TO THE INDIANA
44 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
45 [EFFECTIVE JULY 1, 2011]: **Sec. 5.1. (a) This section applies only**
46 **to wagering taxes remitted by the riverboats located in the**

1 following cities:

2 (1) Gary.

3 (2) Hammond.

4 (b) As used in this section, "fund" means the Little Calumet
5 River project development fund created under IC 14-13-2.

6 (c) Subject to subsection (e), the treasurer of state shall reduce
7 the aggregate amount payable under section 5(b) of this chapter to
8 Gary and Hammond by the following amounts:

9 (1) Six million eight hundred thousand dollars (\$6,800,000) in
10 state fiscal year 2012.

11 (2) Three million one hundred thousand dollars (\$3,100,000)
12 in state fiscal year 2013 and each state fiscal year thereafter

13 (d) Subject to subsection (e), the treasurer of state shall transfer
14 an amount of wagering tax revenue equal to the reductions made
15 under subsection (c) to the Little Calumet River basin development
16 commission for deposit in the fund. Amounts deposited in the fund
17 under this section must be kept in a segregated account within the
18 fund.

19 (e) If on July 1 of a calendar year the balance in the segregated
20 account within the fund exceeds twelve million dollars
21 (\$12,000,000), the treasurer of state shall suspend distributions to
22 the Little Calumet River basin development commission:

23 (1) for at least twelve (12) months; and

24 (2) until the balance in the segregated account within the fund
25 is less than seven million dollars (\$7,000,000).

26 If the treasurer of state suspends distributions to the Little
27 Calumet River basin development commission and, later, resumes
28 making distributions as permitted by this subsection, the treasurer
29 of state may deduct from the money otherwise payable to Gary and
30 Hammond only the amount necessary to restore a balance of seven
31 million dollars (\$7,000,000) in the segregated account within the
32 fund.

33 (f) The reductions in wagering tax distributions required by this
34 section must be allocated between Gary and Hammond as follows:

35 (1) Forty percent (40%) from the amounts otherwise payable
36 to Gary.

37 (2) Sixty percent (60%) from the amounts otherwise payable
38 to Hammond."

39 Page 115, between lines 1 and 2, begin a new paragraph and insert:
40 "SECTION 60. IC 14-13-2-4 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. The general purposes
42 of this chapter are to do the following:

43 (1) Promote the general health and welfare of citizens of Indiana.

44 (2) Provide for the creation, development, maintenance,
45 administration, and operation of park, recreation, marina, levees,
46 flood control and other public works projects.

47 (3) Create a commission with the authority to carry out the

- 1 purposes of this chapter.
2 (4) Create a commission capable of entering into and fulfilling the
3 requirements of a nonfederal interest (as defined by 42 U.S.C.
4 1962d-5b).
- 5 SECTION 61. IC 14-13-2-19 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. (a) The Little
7 Calumet River project development fund is created. The commission
8 shall make expenditures from the fund only to accomplish the purposes
9 of this chapter.
- 10 (b) The commission shall do the following:
- 11 (1) Hold the fund in the name of the commission.
12 (2) Administer the fund.
13 (3) Make all expenditures from the fund.
14 **(4) Hold money received under IC 4-33-13-5.1 in a segregated**
15 **account within the fund.**
- 16 (c) The money in the fund at the end of a fiscal year remains in the
17 fund and does not revert to any other fund."
18 Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed February 21, 2011.)

Representative Soliday