



January 21, 2011

## SENATE BILL No. 47

DIGEST OF SB 47 (Updated January 19, 2011 5:20 pm - DI 110)

**Citations Affected:** IC 4-33; IC 7.1-2; IC 7.1-3; IC 7.1-5.

**Synopsis:** Various riverboat matters. Permits a licensed owner to convert a riverboat into a permanently moored craft without propulsion or navigation equipment. Provides for submission of plans and commission approval of the construction of a permanently moored craft to replace a licensed owner's self-propelled excursion boat. Provides that a licensed owner converting a self-propelled excursion boat into a permanently moored craft is not required to substantially alter the marine structural and life safety systems of the excursion boat if the excursion boat was in service before January 1, 2010. Removes obsolete provisions concerning the original riverboat licensing process. Authorizes a licensed owner or an operating agent to conduct card tournaments in a hotel or other facility owned or leased by the licensed owner or operating agent. Allows a riverboat or a racetrack casino to receive compensation for advertising alcoholic beverages by brand name. Eliminates certain restrictions under which the holder of a gaming permit may pay for complimentary drinks at certain events. Specifies that servers employed by a lessee or caterer providing food and beverage service at a gaming facility do not have to be employed by the gaming entity. Provides that servers who serve alcoholic beverages in a gaming area must be employed by a person holding a gaming site permit.

**Effective:** July 1, 2011.

**Alting, Hershman, Mrvan**

January 5, 2011, read first time and referred to Committee on Public Policy.  
January 20, 2011, amended, reported favorably — Do Pass.

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SB 47—LS 6236/DI 92+



January 21, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## SENATE BILL No. 47

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A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-33-2-7.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7.5. "Flexible  
3 scheduling" refers to the practice of conducting gambling games and  
4 allowing the continuous ingress and egress of ~~passengers~~ **patrons** for  
5 the purpose of gambling. ~~while a riverboat is docked~~.

6 SECTION 2. IC 4-33-2-17, AS AMENDED BY P.L.96-2010,  
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2011]: Sec. 17. "Riverboat" means ~~either~~ **any** of the following  
9 on 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 SECTION 3. IC 4-33-4-13 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) This section

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1 does not apply to a riverboat located in a historic hotel district.

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

4 (1) Determine the waterways that are navigable waterways for  
5 purposes of this article.

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

8 **(3) Approve a plan submitted under IC 4-33-6-23 for:**

9 **(A) the construction of a new permanently moored craft;**  
10 **or**

11 **(B) the conversion of a self-propelled excursion boat into**  
12 **a permanently moored craft.**

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

15 (1) Obtain any required approvals from the United States Army  
16 Corps of Engineers for the operation of riverboats on those  
17 waterways.

18 (2) Consider the economic benefit that riverboat gambling  
19 provides to Indiana.

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

22 SECTION 4. IC 4-33-4-13.5 IS ADDED TO THE INDIANA CODE  
23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
24 1, 2011]: **Sec. 13.5. The commission shall:**

25 **(1) determine the appropriate marine structural and life**  
26 **safety standards for a permanently moored craft approved**  
27 **under section 13 of this chapter; and**

28 **(2) establish maintenance requirements and an inspection**  
29 **schedule to enforce the standards.**

30 **This section does not require a licensed owner converting a**  
31 **self-propelled excursion boat into a permanently moored craft to**  
32 **substantially alter the marine structural and life safety systems of**  
33 **the excursion boat that were required to comply with IC 4-33-6-6**  
34 **if the self-propelled excursion boat was in service before January**  
35 **1, 2011.**

36 SECTION 5. IC 4-33-6-6, AS AMENDED BY P.L.170-2005,  
37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2011]: Sec. 6. (a) **Except as provided in subsection (c),** a  
39 riverboat that operates in a county described in IC 4-33-1-1(1) or  
40 IC 4-33-1-1(2) must:

41 (1) have either:

42 (A) a valid certificate of inspection from the United States

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1 Coast Guard for the carrying of at least five hundred (500)  
 2 passengers; or  
 3 (B) a valid certificate of compliance with marine structural and  
 4 life safety standards determined by the commission; and  
 5 (2) be at least one hundred fifty (150) feet in length.

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

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

15 SECTION 6. IC 4-33-6-23 IS ADDED TO THE INDIANA CODE  
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 17 1, 2011]: **Sec. 23. (a) A licensed owner may submit to the**  
 18 **commission a plan for:**

- 19 (1) constructing a permanently moored craft to replace the
- 20 licensed owner's self-propelled excursion boat; or
- 21 (2) converting the licensed owner's self-propelled excursion
- 22 boat into a permanently moored craft.

23 (b) Upon receiving the commission's approval of a conversion  
 24 plan submitted under subsection (a), a licensed owner may disable  
 25 the propulsion and navigation equipment that had been required  
 26 to comply with section 6(a) of this chapter.

27 (c) A licensed owner operating a permanently moored craft is  
 28 not required to employ personnel that had been required to  
 29 operate a self-propelled excursion boat.

30 SECTION 7. IC 4-33-9-1, AS AMENDED BY P.L.142-2009,  
 31 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2011]: **Sec. 1. Gambling may be conducted on a riverboat or**  
 33 **in a facility in which a card tournament approved under section**  
 34 **10.5 of this chapter is conducted by:**

- 35 (1) a licensed owner;
- 36 (2) an operating agent; or
- 37 (3) a trustee in accordance with IC 4-33-21.

38 SECTION 8. IC 4-33-9-10 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 10. (a) Wagers may be**  
 40 **received only from a person present on a riverboat or in a facility in**  
 41 **which a card tournament approved under section 10.5 of this**  
 42 **chapter is conducted.**

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1 (b) A person present on a riverboat or in a facility in which a card  
2 tournament approved under section 10.5 of this chapter is  
3 conducted may not place or attempt to place a wager on behalf of  
4 another person who is not present on the riverboat or in the facility  
5 during the approved card tournament.

6 SECTION 9. IC 4-33-9-10.5 IS ADDED TO THE INDIANA CODE  
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
8 1, 2011]: Sec. 10.5. (a) A licensed owner or an operating agent may  
9 apply to the commission for approval to conduct card tournaments  
10 at a facility other than the riverboat on which the licensed owner  
11 or operating agent is authorized to conduct gambling games under  
12 this article.

13 (b) The application must specify the facility in which the  
14 licensed owner or operating agent will conduct the card  
15 tournament if the application is approved. The facility must be in  
16 a hotel or other permanent structure that is:

- 17 (1) owned or leased by the licensed owner or operating agent;
- 18 and
- 19 (2) located on land that is adjacent to:
  - 20 (A) the dock to which the applicant's riverboat is moored;
  - 21 or
  - 22 (B) the land on which the applicant's riverboat is situated,
  - 23 in the case of an application submitted by an operating
  - 24 agent.

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

- 27 (1) date;
- 28 (2) time;
- 29 (3) place; and
- 30 (4) nature;

31 of the proposed card tournament. The commission may require the  
32 applicant to submit any additional information relevant to the  
33 commission's consideration of the application.

34 (d) As a condition of its approval, the commission may impose  
35 upon the applicant any requirement that the commission  
36 determines is necessary to protect the credibility and integrity of  
37 gambling operations authorized by this article.

38 SECTION 10. IC 7.1-2-3-16.5 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16.5. (a) As used in this  
40 section, "facility" includes the following:

- 41 (1) A facility to which IC 7.1-3-1-25(a) applies.
- 42 (2) A tract that contains a premises that is described in

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1 IC 7.1-3-1-14(c)(2).  
 2 (3) A horse track or satellite facility to which IC 7.1-3-17.7  
 3 applies.  
 4 **(4) A riverboat or racetrack to which IC 7.1-3-17.5 applies.**  
 5 ~~(4)~~ **(5) A tract that contains an entertainment complex.**  
 6 (b) As used in this section, "tract" has the meaning set forth in  
 7 IC 6-1.1-1-22.5.  
 8 (c) A facility may advertise alcoholic beverages:  
 9 (1) in the facility's interior; or  
 10 (2) on the facility's exterior.  
 11 (d) The commission may not exercise the prohibition power  
 12 contained in section 16(a) of this chapter on advertising by a brewer,  
 13 distiller, rectifier, or vintner in or on a facility.  
 14 (e) Notwithstanding IC 7.1-5-5-10 and IC 7.1-5-5-11, a facility may  
 15 provide advertising to a permittee that is a brewer, distiller, rectifier, or  
 16 vintner in exchange for compensation from that permittee.  
 17 SECTION 11. IC 7.1-3-17.5-6, AS AMENDED BY P.L.94-2008,  
 18 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2011]: Sec. 6. Notwithstanding IC 7.1-5-5-7, the holder of a  
 20 gaming site permit may, subject to the approval of the commission,  
 21 provide alcoholic beverages to guests without charge at an event on the  
 22 licensed premises. ~~if all the following requirements are met:~~  
 23 ~~(1) Each alcoholic beverage dispensed to a guest:~~  
 24 ~~(A) is entered into a cash register that records and itemizes on~~  
 25 ~~the cash register tape each alcoholic beverage dispensed; and~~  
 26 ~~(B) is entered into a cash register as a sale and at the same~~  
 27 ~~price that is charged to the general public:~~  
 28 ~~(2) At the conclusion of the event, all alcoholic beverages~~  
 29 ~~recorded on the cash register tape are paid by the holder of the~~  
 30 ~~gaming site permit.~~  
 31 ~~(3) All records of the alcoholic beverage sales, including the cash~~  
 32 ~~register tape, shall be maintained by the holder of the gaming site~~  
 33 ~~permit for not less than two (2) years.~~  
 34 ~~(4) The holder of the gaming site permit complies with the rules~~  
 35 ~~of the commission:~~  
 36 SECTION 12. IC 7.1-3-17.5-7 IS ADDED TO THE INDIANA  
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. **(a) As used in this section,**  
 38 **"gaming facility" refers to one (1) or more of the following:**  
 39 **(1) A riverboat (as defined in IC 4-33-2-17).**  
 40 **(2) A slot machine facility licensed under IC 4-35.**  
 41 **(3) Any hotel, golf course, or other facility that is:**  
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1 (A) owned by a person holding a gaming site permit; and  
2 (B) related to the operation of the holder's riverboat or slot  
3 machine facility.

4 (b) As used in this section, "server" means an individual who  
5 serves alcoholic beverages at a gaming facility.

6 (c) Except as provided in subsection (d), a server is not required  
7 to be employed by a person holding a gaming site permit if the  
8 server satisfies the following requirements:

9 (1) The server is employed by a person who:  
10 (A) leases space at a gaming facility for the purpose of  
11 providing food or beverages to the patrons of the gaming  
12 facility; or

13 (B) is a caterer or other person contracted to provide food  
14 or beverages at an event held at the gaming facility.

15 (2) The server holds a valid employee permit issued under  
16 IC 7.1-3-18-9.

17 (d) A server who serves alcoholic beverages in a gaming area (as  
18 defined in the rules adopted by the Indiana gaming commission)  
19 must be employed by a person holding a gaming site permit.

20 SECTION 13. IC 7.1-5-2-7 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) The term  
22 "premises" as used in this subsection does not include ~~(1) a facility (as~~  
23 ~~defined in IC 7.1-2-3-16.5). or (2) a horse track to which IC 7.1-3-17.7~~  
24 ~~applies~~: A primary source of supply, wholesaler, or salesman of  
25 alcoholic beverages, or the agent or representative of a primary source  
26 of supply, wholesaler, or salesman of alcoholic beverages may not  
27 directly or indirectly place, display, or maintain or cause to be placed,  
28 displayed, or maintained a sign advertising alcoholic beverages by  
29 brand name within two hundred (200) feet of a premises having a  
30 retailer or dealer permit to sell alcoholic beverages. The distance must  
31 be determined by measuring between the nearest point on the licensed  
32 premises to the nearest point of the sign.

33 (b) A sign advertising alcoholic beverages by brand name may not  
34 indicate by arrows, hands, or other similar devices a particular retailer  
35 or dealer premises.

36 (c) Notwithstanding subsection (a), a primary source of supply,  
37 wholesaler, or salesman of alcoholic beverages, or the agent or  
38 representative of a primary source of supply, wholesaler, or salesman  
39 of alcoholic beverages may place, display, maintain or cause to be  
40 placed, displayed, or maintained temporary banners or pennants  
41 advertising alcoholic beverages by brand name on or within two  
42 hundred (200) feet of a retailer or dealer premises if the banners or

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1 pennants commemorate a sporting event, festival, or holiday held in  
2 Indiana. The banners or pennants may be displayed under this  
3 subsection beginning twenty-one (21) days before the sporting event,  
4 festival, or holiday and ending five (5) days after the close of the  
5 sporting event, festival, or holiday.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 47, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 14, delete "vessel" and insert "**craft**".

Page 2, line 9, delete "vessel;" and insert "**craft;**".

Page 2, line 12, delete "vessel." and insert "**craft.**".

Page 2, line 26, delete "vessel" and insert "**craft**".

Page 2, line 31, delete "vessel" and insert "**craft**".

Page 3, line 14, delete "vessel." and insert "**craft.**".

Page 3, line 19, delete "vessel" and insert "**craft**".

Page 3, line 22, delete "vessel." and insert "**craft.**".

Page 3, line 27, delete "vessel" and insert "**craft**".

Page 4, line 15, after "in" insert "**a hotel or other permanent structure that is:**

**(1) owned or leased by the licensed owner or operating agent;  
and**

**(2) located on land that is adjacent to:**

**(A) the dock to which the applicant's riverboat is moored;  
or**

**(B) the land on which the applicant's riverboat is situated,  
in the case of an application submitted by an operating  
agent."**

Page 4, delete lines 16 through 19.

Page 6, line 1, delete "A" and insert "**Except as provided in subsection (d), a**".

Page 6, between lines 11 and 12, begin a new paragraph and insert:

**"(d) A server who serves alcoholic beverages in a gaming area (as defined in the rules adopted by the Indiana gaming commission) must be employed by a person holding a gaming site permit."**

and when so amended that said bill do pass.

(Reference is to SB 47 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 9, Nays 1.

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