

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 140 be amended to read as follows:

- 1 Page 1, between lines 4 and 5, begin a new paragraph and insert:
2 "SECTION 2. IC 4-35-2-5, AS ADDED BY P.L.233-2007,
3 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 5. "Gambling game" means **either or both of**
5 **the following:**
6 (1) A game played on a slot machine approved for wagering under
7 this article by the commission.
8 (2) **A table game approved by the commission under**
9 **IC 4-35-13-1.**
10 SECTION 3. IC 4-35-2-10.3 IS ADDED TO THE INDIANA CODE
11 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
12 **UPON PASSAGE]: Sec. 10.3. "Table game" means any**
13 **nonelectrical or nonelectromechanical apparatus used to gamble**
14 **upon, including the following:**
15 (1) **Roulette wheel and table.**
16 (2) **Blackjack table.**
17 (3) **Crap table.**
18 (4) **Poker table."**
19 Page 1, line 9, delete ";" and insert "**from slot machine wagering;**".
20 Page 2, between lines 6 and 7, begin a new paragraph and insert:
21 "SECTION 6. IC 4-35-7-12, AS AMENDED BY P.L.229-2011,
22 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 12. (a) The Indiana horse racing commission
24 shall enforce the requirements of this section.

1 (b) Except as provided in subsection (j), a licensee shall before the
 2 fifteenth day of each month distribute an amount equal to fifteen
 3 percent (15%) of the adjusted gross receipts of the slot machine
 4 wagering from the previous month at the licensee's racetrack as
 5 provided in this subsection. The Indiana horse racing commission may
 6 not use any of this money for any administrative purpose or other
 7 purpose of the Indiana horse racing commission, and the entire amount
 8 of the money shall be distributed as provided in this section. A licensee
 9 shall pay the first one million five hundred thousand dollars
 10 (\$1,500,000) distributed under this section in a state fiscal year to the
 11 treasurer of state for deposit in the Indiana tobacco master settlement
 12 agreement fund for the purposes of the tobacco use prevention and
 13 cessation program. A licensee shall pay the next two hundred fifty
 14 thousand dollars (\$250,000) distributed under this section in a state
 15 fiscal year to the Indiana horse racing commission for deposit in the
 16 gaming integrity fund established by IC 4-35-8.7-3. After this money
 17 has been distributed to the treasurer of state and the Indiana horse
 18 racing commission, a licensee shall distribute the remaining money
 19 devoted to horse racing purses and to horsemen's associations under
 20 this subsection as follows:

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

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

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

29 (c) A horsemen's association shall expend the amounts distributed
 30 to the horsemen's association under subsection (b)(1) through (b)(2) for
 31 a purpose promoting the equine industry or equine welfare or for a
 32 benevolent purpose that the horsemen's association determines is in the
 33 best interests of horse racing in Indiana for the breed represented by the
 34 horsemen's association. Expenditures under this subsection are subject
 35 to the regulatory requirements of subsection (f).

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

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

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

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

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

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

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

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

2 (A) Three hundred seventy-five thousand dollars (\$375,000)
3 to the state fair commission to be used by the state fair
4 commission to support standardbred racing and facilities at the
5 state fairgrounds.

6 (B) One hundred twenty-five thousand dollars (\$125,000) to
7 the state fair commission to be used by the state fair
8 commission to make grants to county fairs to support
9 standardbred racing and facilities at county fair tracks. The
10 state fair commission shall establish a review committee to
11 include the standardbred association board, the Indiana horse
12 racing commission, and the Indiana county fair association to
13 make recommendations to the state fair commission on grants
14 under this clause.

15 (C) Fifty percent (50%) of the amount remaining after the
16 distributions under clauses (A) and (B) for the following
17 purposes:

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

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

22 (D) Fifty percent (50%) of the amount remaining after the
23 distributions under clauses (A) and (B) to the breed
24 development fund established for standardbreds under
25 IC 4-31-11-10.

26 (3) Eight percent (8%) for quarter horse purposes as follows:

27 (A) Seventy percent (70%) for the following purposes:

28 (i) Ninety-five percent (95%) for quarter horse purses.

29 (ii) Five percent (5%) to the horsemen's association
30 representing quarter horse owners and trainers.

31 (B) Thirty percent (30%) to the breed development fund
32 established for quarter horses under IC 4-31-11-10.

33 Expenditures under this subsection are subject to the regulatory
34 requirements of subsection (f).

35 (e) Money distributed under subsection (b)(1) and (b)(2) shall be
36 allocated as follows:

37 (1) Forty-six percent (46%) to the horsemen's association
38 representing thoroughbred owners and trainers.

39 (2) Forty-six percent (46%) to the horsemen's association
40 representing standardbred owners and trainers.

41 (3) Eight percent (8%) to the horsemen's association representing
42 quarter horse owners and trainers.

43 (f) Money distributed under subsection (b)(1), (b)(2), or (b)(3) may
44 not be expended unless the expenditure is for a purpose authorized in
45 this section and is either for a purpose promoting the equine industry
46 or equine welfare or is for a benevolent purpose that is in the best

1 interests of horse racing in Indiana or the necessary expenditures for
 2 the operations of the horsemen's association required to implement and
 3 fulfill the purposes of this section. The Indiana horse racing
 4 commission may review any expenditure of money distributed under
 5 subsection (b)(1), (b)(2), or (b)(3) to ensure that the requirements of
 6 this section are satisfied. The Indiana horse racing commission shall
 7 adopt rules concerning the review and oversight of money distributed
 8 under subsection (b)(1), (b)(2), or (b)(3) and shall adopt rules
 9 concerning the enforcement of this section. The following apply to a
 10 horsemen's association receiving a distribution of money under
 11 subsection (b)(1), (b)(2), or (b)(3):

12 (1) The horsemen's association must annually file a report with
 13 the Indiana horse racing commission concerning the use of the
 14 money by the horsemen's association. The report must include
 15 information as required by the commission.

16 (2) The horsemen's association must register with the Indiana
 17 horse racing commission.

18 (g) The commission shall provide the Indiana horse racing
 19 commission with the information necessary to enforce this section.

20 (h) The Indiana horse racing commission shall investigate any
 21 complaint that a licensee has failed to comply with the horse racing
 22 purse requirements set forth in this section. If, after notice and a
 23 hearing, the Indiana horse racing commission finds that a licensee has
 24 failed to comply with the purse requirements set forth in this section,
 25 the Indiana horse racing commission may:

26 (1) issue a warning to the licensee;

27 (2) impose a civil penalty that may not exceed one million dollars
 28 (\$1,000,000); or

29 (3) suspend a meeting permit issued under IC 4-31-5 to conduct
 30 a pari-mutuel wagering horse racing meeting in Indiana.

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

33 (j) For a state fiscal year beginning after June 30, 2011, the sum of
 34 the amount of money dedicated to the distribution to the Indiana horse
 35 racing commission for deposit in the gaming integrity fund and the
 36 amount of money dedicated to the purposes described in subsection
 37 (b)(1), (b)(2), and (b)(3) for a particular state fiscal year is equal to the
 38 lesser of:

39 (1) the result of:

40 (A) fifteen percent (15%) of the licensee's adjusted gross
 41 receipts **from slot machine wagering** for the state fiscal year;
 42 minus

43 (B) one million five hundred thousand dollars (\$1,500,000); or

44 (2) the result of:

45 (A) in the state fiscal year beginning July 1, 2011, and ending
 46 June 30, 2012:

- 1 (i) the sum of the amount dedicated to the distribution to the
 2 Indiana horse racing commission for deposit in the gaming
 3 integrity fund and the amount dedicated to the purposes
 4 described in subsection (b)(1), (b)(2), and (b)(3) in the
 5 previous state fiscal year; minus
 6 (ii) one million five hundred thousand dollars (\$1,500,000);
 7 and
 8 (B) in a state fiscal year beginning after June 30, 2012, the
 9 sum of the amount dedicated to the distribution to the Indiana
 10 horse racing commission for deposit in the gaming integrity
 11 fund and the amount dedicated to the purposes described in
 12 subsection (b)(1), (b)(2), and (b)(3) in the previous state fiscal
 13 year;
 14 increased by a percentage that does not exceed the percent of
 15 increase in the United States Department of Labor Consumer
 16 Price Index during the year preceding the year in which an
 17 increase is established.
- 18 If the amount specified in subdivision (1) for the state fiscal year
 19 exceeds the amount specified in subdivision (2), the licensee shall
 20 transfer the amount of the excess to the commission for deposit in the
 21 state general fund. The licensee shall adjust the transfers required
 22 under this section in the final month of the state fiscal year to comply
 23 with the requirements of this subsection."
- 24 Page 2, line 21, after "receipts" insert "**from slot machine**
 25 **wagering**".
- 26 Page 2, line 32, after "receipts" insert "**from slot machine**
 27 **wagering**".
- 28 Page 2, line 34, after "receipts" insert "**from slot machine**
 29 **wagering**".
- 30 Page 2, line 34, strike "gambling" and insert "**slot machines**".
- 31 Page 2, line 35, strike "games".
- 32 Page 2, line 37, after "receipts" insert "**from slot machine**
 33 **wagering**".
- 34 Page 2, line 40, after "receipts" insert "**from slot machine**
 35 **wagering**".
- 36 Page 3, line 3, after "receipts" insert "**from slot machine**
 37 **wagering**".
- 38 Page 3, line 31, delete "." and insert "**from slot machine**
 39 **wagering**".
- 40 Page 3, line 36, delete "." and insert "**from slot machine**
 41 **wagering**".
- 42 Page 4, line 2, delete "." and insert "**from slot machine wagering**".
- 43 Page 4, line 10, delete "gambling" and insert "**slot machines**".
- 44 Page 4, line 11, delete "games".
- 45 Page 4, line 30, after "receipts" insert "**from slot machine**
 46 **wagering**".

1 Page 5, between lines 3 and 4, begin a new paragraph and insert:
2 "SECTION 11. IC 4-35-13 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]:

5 **Chapter 13. Table Games**

6 **Sec. 1. (a) A licensee may submit a plan for conducting wagering**
7 **on table games at the licensee's gaming facility to the commission**
8 **by a date designated by the commission. Upon receipt of an**
9 **appropriate plan, the commission shall authorize wagering on table**
10 **games at the licensee's gaming facility. The licensee shall**
11 **implement the approved plan by the date designated by the**
12 **commission, which may not be earlier than July 1, 2012.**

13 **(b) The commission may not approve a plan that does not**
14 **propose the installation of at least ninety (90) table games.**

15 **(c) After an approved plan is implemented, a licensee must**
16 **obtain the approval of the commission before installing additional**
17 **table games at the licensee's gaming facility.**

18 **Sec. 2. A tax is imposed on the adjusted gross receipts received**
19 **under this chapter at the rate of twenty percent (20%) of the**
20 **amount of the adjusted gross receipts received from wagering on**
21 **table games.**

22 **Sec. 3. (a) The licensee shall remit the tax imposed by this**
23 **chapter to the department before the close of the business day**
24 **following the day the wagers are made.**

25 **(b) The payment of the tax imposed by this chapter must be on**
26 **a form prescribed by the department.**

27 **(c) The department may require payment under this section to**
28 **be made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).**

29 **(d) If the department requires taxes to be remitted under this**
30 **chapter through electronic funds transfer, the department may**
31 **allow the licensee to file a monthly report to reconcile the amounts**
32 **remitted to the department.**

33 **Sec. 4. The department shall deposit the taxes collected under**
34 **this chapter in the state general fund.**

35 **Sec. 5. A licensee's adjusted gross receipts from wagering on**
36 **table games may not be considered when determining the amount**
37 **of the licensee's obligations under any of the following:**

- 1 **(1) IC 4-35-7-12.**
- 2 **(2) IC 4-35-8.**
- 3 **(3) IC 4-35-8.5.**
- 4 **(4) IC 4-35-8.9."**
- 5 Renumber all SECTIONS consecutively.
 (Reference is to ESB 140 as printed February 27, 2012.)

Representative Eberhart