

SENATE BILL No. 385

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-33.

Synopsis: Gary riverboats. Permits a licensed owner who operates a riverboat in Gary to submit to the gaming commission a plan for the construction of an inland casino. Provides that not more than one riverboat gambling operation may be relocated. Makes conforming changes. Removes obsolete provisions concerning the original riverboat licensing process.

Effective: July 1, 2012.

**Rogers, Kenley, Charbonneau,
Randolph**

January 9, 2012, read first time and referred to Committee on Appropriations.

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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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 385



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 4-33-2-17, AS AMENDED BY P.L.15-2011,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 17. "Riverboat" means any of the following on
4 which lawful gambling is authorized under this article:

- 5 (1) A self-propelled excursion boat located in a county described
- 6 in IC 4-33-1-1(1) or IC 4-33-1-1(2) that complies with
- 7 IC 4-33-6-6(a).
- 8 (2) A casino located in a historic hotel district.
- 9 (3) A permanently moored craft operating from a county
- 10 described in IC 4-33-1-1(1) or IC 4-33-1-1(2).

11 **(4) A casino constructed under IC 4-33-6-24 in Gary.**

12 SECTION 2. IC 4-33-2-20 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2012]: **Sec. 20. "Home" means the city or county designated the**
15 **home of a riverboat by IC 4-33-9-17.**

16 SECTION 3. IC 4-33-4-1 IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The commission has the



1 following powers and duties for the purpose of administering,
 2 regulating, and enforcing the system of riverboat gambling established
 3 under this article:

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

38 (b) Applicants and license holders shall reimburse the commission
 39 for costs related to investigations and reinvestigations conducted under
 40 subsection (a)(4).

41 SECTION 4. IC 4-33-4-13, AS AMENDED BY P.L.15-2011,
 42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2012]: Sec. 13. (a) This section does not apply to a riverboat:

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

3 (2) **constructed under IC 4-33-6-24.**

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

6 (1) Determine the waterways that are navigable waterways for
7 purposes of this article.

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

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

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

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

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

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

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

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

23 SECTION 5. IC 4-33-4-17 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) The commission
25 shall decide promptly and in reasonable order all license applications.

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

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

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

32 ~~(c) (b)~~ A party aggrieved by an action of the commission denying,
33 suspending, revoking, restricting, or refusing the renewal of a license
34 may request a hearing before the commission. A request for a hearing
35 must be made to the commission in writing not more than ten (10) days
36 after service of notice of the action of the commission.

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

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



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1 SECTION 6. IC 4-33-5-1 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2012]: Sec. 1. An applicant for a license or an
 3 operating agent contract under this article must provide the following
 4 information to the commission:

5 (1) The name, business address, and business telephone number
 6 of the applicant.

7 (2) An identification of the applicant.

8 (3) The following information for an applicant that is not an
 9 individual:

10 (A) The state of incorporation or registration.

11 (B) The names of all corporate officers.

12 (C) The identity of the following:

13 (i) Any person in which the applicant has an equity interest
 14 of at least one percent (1%) of all shares. The identification
 15 must include the state of incorporation or registration if
 16 applicable. However, an applicant that has a pending
 17 registration statement filed with the Securities and Exchange
 18 Commission is not required to provide information under
 19 this item.

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

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

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

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

35 (i) The court.

36 (ii) The arresting agency.

37 (iii) The prosecuting agency.

38 (B) The case number.

39 (C) The date and type of offense.

40 (D) The disposition of the case.

41 (E) The location and length of incarceration.

42 (6) If the applicant has had a license or certificate issued by a

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1 licensing authority in Indiana or any other jurisdiction denied,
 2 restricted, suspended, revoked, or not renewed. An applicant must
 3 provide the following information under this subdivision:

4 (A) A statement describing the facts and circumstances
 5 concerning the denial, restriction, suspension, revocation, or
 6 nonrenewal.

7 (B) The date each action described in clause (A) was taken.

8 (C) The reason each action described in clause (A) was taken.

9 (7) If the applicant has:

10 (A) filed or had filed against the applicant a proceeding in
 11 bankruptcy; or

12 (B) been involved in a formal process to adjust, defer,
 13 suspend, or work out the payment of a debt;

14 including the date of filing, the name and location of the court,
 15 and the case and number of the disposition.

16 (8) If the applicant has filed or been served with a complaint or
 17 notice filed with a public body concerning:

18 (A) a delinquency in the payment of; or

19 (B) a dispute over a filing concerning the payment of;

20 a tax required under federal, state, or local law, including the
 21 amount, type of tax, the taxing agency, and times involved.

22 (9) A statement listing the names and titles of public officials or
 23 officers of units of government and relatives of the public officials
 24 or officers who directly or indirectly:

25 (A) have a financial interest in;

26 (B) have a beneficial interest in;

27 (C) are the creditors of;

28 (D) hold a debt instrument issued by; or

29 (E) have an interest in a contractual or service relationship
 30 with;

31 an applicant.

32 (10) If an applicant for an operating agent contract or an owner's
 33 or a supplier's license has directly or indirectly made a political
 34 contribution, loan, donation, or other payment to a candidate or an
 35 office holder in Indiana not more than five (5) years before the
 36 date the applicant filed the application. An applicant must provide
 37 information concerning the amount and method of a payment
 38 described in this subdivision.

39 (11) The name and business telephone number of the attorney
 40 who will represent the applicant in matters before the
 41 commission.

42 (12) A description of a proposed or an approved riverboat gaming

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operation, including the following information:

- (A) The type of ~~boat~~ **riverboat**.
 - (B) The **site or** home dock location **of the riverboat**.
 - (C) The expected economic benefit to local communities.
 - (D) The anticipated or actual number of employees.
 - (E) Any statements from the applicant concerning compliance with federal and state affirmative action guidelines.
 - (F) Anticipated or actual admissions.
 - (G) Anticipated or actual adjusted gross gaming receipts.
- (13) A description of the product or service to be supplied by the applicant if the applicant has applied for a supplier's license.
- (14) The following information from each licensee or operating agent involved in the ownership or management of gambling operations:

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

SECTION 7. IC 4-33-6-1, AS AMENDED BY P.L.233-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The commission may issue to a person a license to own a riverboat subject to the numerical and geographical limitation of owner's licenses under this section, section 3.5 of this chapter, and IC 4-33-4-17. However, not more than ten (10) owner's licenses may be in effect at any time. ~~Except as provided in subsection (b)~~; Those ten (10) licenses are as follows:

- (1) Two (2) licenses for a ~~riverboat that operates from the largest city located in the counties described under IC 4-33-1-1(1)~~ **two (2) riverboats that are authorized to operate in Gary in accordance with either of the following:**

- (A) **Two (2) riverboats may be operated from docks on Lake Michigan at the sites approved before January 1, 2012.**

- (B) **Two (2) riverboats may be operated as follows:**

- (i) **One (1) riverboat may be operated from a dock on Lake Michigan at a site approved before January 1, 2012.**

- (ii) **One (1) riverboat may be operated at an inland**

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- 1 **location within the city limits at a facility approved after**
 2 **June 30, 2012, under section 24 of this chapter.**
- 3 (2) One (1) license for a riverboat that operates from ~~the second~~
 4 ~~largest city located in the counties described under~~
 5 ~~IC 4-33-1-1(1): **Hammond.**~~
- 6 (3) One (1) license for a riverboat that operates from ~~the third~~
 7 ~~largest city located in the counties described under~~
 8 ~~IC 4-33-1-1(1): **East Chicago.**~~
- 9 (4) One (1) license for a city located in the counties described
 10 under IC 4-33-1-1(1). This license may not be issued to a city
 11 described in subdivisions (1) through (3): **riverboat that**
 12 **operates from Michigan City.**
- 13 (5) A total of five (5) licenses for riverboats that operate upon the
 14 Ohio River from the following counties:
- 15 (A) Vanderburgh County.
 16 (B) Harrison County.
 17 (C) Switzerland County.
 18 (D) Ohio County.
 19 (E) Dearborn County.
- 20 The commission may not issue a license to an applicant if the
 21 issuance of the license would result in more than one (1) riverboat
 22 operating from a county described in this subdivision.
- 23 ~~(b) If a city described in subsection (a)(2) or (a)(3) conducts two (2)~~
 24 ~~elections under section 20 of this chapter; and the voters of the city do~~
 25 ~~not vote in favor of permitting riverboat gambling at either of those~~
 26 ~~elections; the license assigned to that city under subsection (a)(2) or~~
 27 ~~(a)(3) may be issued to any city that:~~
- 28 ~~(1) does not already have a riverboat operating from the city; and~~
 29 ~~(2) is located in a county described in IC 4-33-1-1(1).~~
- 30 ~~(c) (b) In addition to its power to issue owner's licenses under~~
 31 ~~subsection (a), the commission may also enter into a contract under~~
 32 ~~IC 4-33-6.5 with respect to the operation of one (1) riverboat on behalf~~
 33 ~~of the commission in a historic hotel district.~~
- 34 ~~(d) (c) A person holding an owner's license may not move the~~
 35 ~~person's riverboat from the county in which the riverboat was docked~~
 36 ~~on January 1, 2007, to any other county.~~
- 37 SECTION 8. IC 4-33-6-4 IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) In determining whether to
 39 grant an owner's license to an applicant, the commission shall consider
 40 the following:
- 41 (1) The character, reputation, experience, and financial integrity
 42 of the following:

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- 1 (A) The applicant.
 2 (B) A person that:
 3 (i) directly or indirectly controls the applicant; or
 4 (ii) is directly or indirectly controlled by the applicant or by
 5 a person that directly or indirectly controls the applicant.
 6 (2) The facilities or proposed facilities for the conduct of
 7 riverboat gambling.
 8 (3) The highest prospective total revenue to be collected by the
 9 state from the conduct of riverboat gambling.
 10 (4) The good faith affirmative action plan of each applicant to
 11 recruit, train, and upgrade minorities in all employment
 12 classifications.
 13 (5) The financial ability of the applicant to purchase and maintain
 14 adequate liability and casualty insurance.
 15 (6) If the applicant has adequate capitalization to provide and
 16 maintain a riverboat for the duration of the license.
 17 (7) The extent to which the applicant exceeds or meets other
 18 standards adopted by the commission.
 19 (b) **In an application for an owner's license, Except as provided in**
 20 **subsection (d), the applicant must submit to the commission a**
 21 **proposed design of the riverboat and the dock in an application for an**
 22 **owner's license. However, an applicant that proposes relocating a**
 23 **gambling operation under section 24 of this chapter is not required**
 24 **to submit plans for a dock with respect to the proposed relocation.**
 25 (c) **This subsection does not apply to an applicant applying for**
 26 **a license to operate a riverboat constructed under section 24 of this**
 27 **chapter.** The commission may not grant a license to an applicant if the
 28 commission determines that it will be difficult or unlikely for the
 29 riverboat to depart from the dock.
 30 (d) **An applicant for an owner's license is not required to submit**
 31 **to the commission a proposed design of a riverboat and dock if:**
 32 (1) **the applicant is applying for a license to operate a**
 33 **riverboat in conjunction with a change in ownership of the**
 34 **riverboat; and**
 35 (2) **the applicant proposes making only decorative changes to**
 36 **the riverboat and dock facilities upon assuming control of the**
 37 **gambling operation.**
 38 SECTION 9. IC 4-33-6-5 IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) **This section does not apply**
 40 **to an application concerning a riverboat constructed under section**
 41 **24 of this chapter.**
 42 (b) In an application for an owner's license, the applicant must state

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1 the dock at which the riverboat is based and the navigable waterway on
2 which the riverboat will operate.

3 SECTION 10. IC 4-33-6-6, AS AMENDED BY P.L.15-2011,
4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2012]: Sec. 6. (a) Except as provided in subsection (c) **or (d)**,
6 a riverboat that operates in a county described in IC 4-33-1-1(1) or
7 IC 4-33-1-1(2) must:

8 (1) have either:

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

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

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

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

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

24 **(d) A riverboat constructed under section 24 of this chapter**
25 **must comply with:**

26 **(1) all applicable building codes; and**

27 **(2) any construction and safety requirements imposed by the**
28 **commission.**

29 SECTION 11. IC 4-33-6-10 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) An owner's
31 license issued under this chapter permits the holder to own and operate
32 one (1) riverboat and equipment for each license.

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

36 (c) An owner's license issued under this chapter must specify:

37 **(1) the place where the riverboat must operate and dock; or**

38 **(2) in the case of a riverboat constructed under section 24 of**
39 **this chapter, the place where the riverboat is located.**

40 However, the commission may permit ~~the~~ a riverboat to dock at a
41 temporary dock in the applicable city for a specific period of time not
42 to exceed one (1) year after the owner's license is issued.

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1 (d) An owner's initial license expires five (5) years after the
2 effective date of the license.

3 SECTION 12. IC 4-33-6-18 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) This subsection
5 applies to cities described in section 1(a)(1) through 1(a)(4) or section
6 ~~(1)(b)~~ of this chapter. The commission may not issue a license
7 authorizing a riverboat to dock in a city unless the legislative body of
8 the city has approved an ordinance permitting the docking of riverboats
9 in the city.

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

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

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

28 **(e) An ordinance adopted before January 1, 2012, authorizing**
29 **a riverboat to dock in a city is sufficient to authorize the operation**
30 **in the city of a riverboat constructed under section 24 of this**
31 **chapter.**

32 SECTION 13. IC 4-33-6-24 IS ADDED TO THE INDIANA CODE
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2012]: Sec. 24. **(a) This section applies only to a licensed owner**
35 **that operates a gambling operation in Gary.**

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

40 **(c) If the commission determines that the plan:**
41 **(1) promotes economic development within the city of Gary;**
42 **and**

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1 (2) satisfies the requirements of this section;
2 the commission shall approve the licensed owner's plan. However,
3 not more than one (1) gambling operation may be relocated under
4 this section.

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

7 (1) The proposed facilities of the casino and any related
8 facilities and amenities.

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

11 (3) The good faith affirmative action plan of the licensed
12 owner to recruit, train, and upgrade minorities in all
13 employment classifications.

14 (4) The financial ability of the licensed owner to purchase and
15 maintain adequate liability and casualty insurance.

16 (5) If the licensed owner has adequate capitalization to
17 provide and maintain a casino for the duration of the license.

18 (6) The extent to which the licensed owner exceeds or meets
19 other standards adopted by the commission.

20 SECTION 14. IC 4-33-9-10.5, AS ADDED BY P.L.15-2011,
21 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2012]: Sec. 10.5. (a) A licensed owner or an operating agent
23 may apply to the commission for approval to conduct card tournaments
24 at a facility other than the riverboat on which the licensed owner or
25 operating agent is authorized to conduct gambling games under this
26 article.

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

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

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

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

34 (B) the land on which the applicant's riverboat is situated, in
35 the case of an application submitted by:

36 (i) an operating agent; or

37 (ii) a licensed owner that operates a riverboat
38 constructed under IC 4-33-6-24.

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

41 (1) date;

42 (2) time;

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1 (3) place; and
2 (4) nature;
3 of the proposed card tournament. The commission may require the
4 applicant to submit any additional information relevant to the
5 commission's consideration of the application.

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

10 SECTION 15. IC 4-33-9-15 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) All tokens,
12 chips, or electronic cards that are used to make wagers must be
13 purchased from the owner or operating agent of the riverboat:

- 14 (1) while on ~~board~~ **the premises of** the riverboat; or
- 15 (2) at an on-shore facility that:
 - 16 (A) has been approved by the commission; and
 - 17 (B) is located where the riverboat docks.

18 (b) The tokens, chips, or electronic cards may be purchased by
19 means of an agreement under which the owner or operating agent
20 extends credit to the patron.

21 SECTION 16. IC 4-33-9-17 IS ADDED TO THE INDIANA CODE
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
23 1, 2012]: **Sec. 17. The following are designated as the homes of the
24 riverboats operating under this article:**

- 25 (1) **The city in which a riverboat described in IC 4-33-2-17(1)**
26 **or IC 4-33-2-17(3) is docked, if the riverboat is docked in:**
 - 27 (A) **a city adjacent to Lake Michigan; or**
 - 28 (B) **the largest city of a county adjacent to the Ohio River.**
- 29 (2) **The county in which a riverboat described in**
30 **IC 4-33-2-17(1) or IC 4-33-2-17(3) is docked, if the riverboat:**
 - 31 (A) **is docked in a county that is adjacent to the Ohio**
32 **River; but**
 - 33 (B) **is not docked in the largest city of that county.**
- 34 (3) **The county in which the riverboat described in**
35 **IC 4-33-2-17(2) is located.**
- 36 (4) **The city in which the riverboat described in**
37 **IC 4-33-2-17(4) is located.**

38 SECTION 17. IC 4-33-9-18 IS ADDED TO THE INDIANA CODE
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
40 1, 2012]: **Sec. 18. Notwithstanding IC 4-33-6-10(b) and**
41 **IC 4-33-6-21(a), a licensed owner that operates a riverboat**
42 **constructed under IC 4-33-6-24 shall implement flexible**

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scheduling.

SECTION 18. IC 4-33-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. An appeal of a final rule or order of the commission may be commenced under IC 4-21.5 in the circuit court of the county containing the ~~dock where~~ **home of** the riverboat. ~~is based.~~

SECTION 19. IC 4-33-12-6, AS AMENDED BY P.L.96-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

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

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

(A) the city in which the riverboat is docked, if the city:

- (i) is located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000); **LaPorte County**; or
- (ii) is contiguous to the Ohio River and is the largest city in the county; and

(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

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

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

shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

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

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), fifteen cents (\$0.15) of

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1 the admissions tax collected by the licensed owner for each
 2 person:
 3 (A) embarking on a gambling excursion during the quarter; or
 4 (B) admitted to a riverboat during a quarter that has
 5 implemented flexible scheduling under IC 4-33-6-21;
 6 shall be paid to the state fair commission, for use in any activity
 7 that the commission is authorized to carry out under IC 15-13-3.
 8 (5) Except as provided in subsection (k), ten cents (\$0.10) of the
 9 admissions tax collected by the licensed owner for each person:
 10 (A) embarking on a gambling excursion during the quarter; or
 11 (B) admitted to a riverboat during the quarter that has
 12 implemented flexible scheduling under IC 4-33-6-21;
 13 shall be paid to the division of mental health and addiction. The
 14 division shall allocate at least twenty-five percent (25%) of the
 15 funds derived from the admissions tax to the prevention and
 16 treatment of compulsive gambling.
 17 (6) Except as provided in subsection (k) and section 7 of this
 18 chapter, sixty-five cents (\$0.65) of the admissions tax collected by
 19 the licensed owner for each person embarking on a gambling
 20 excursion during the quarter or admitted to a riverboat during the
 21 quarter that has implemented flexible scheduling under
 22 IC 4-33-6-21 shall be paid to the Indiana horse racing commission
 23 to be distributed as follows, in amounts determined by the Indiana
 24 horse racing commission, for the promotion and operation of
 25 horse racing in Indiana:
 26 (A) To one (1) or more breed development funds established
 27 by the Indiana horse racing commission under IC 4-31-11-10.
 28 (B) To a racetrack that was approved by the Indiana horse
 29 racing commission under IC 4-31. The commission may make
 30 a grant under this clause only for purses, promotions, and
 31 routine operations of the racetrack. No grants shall be made
 32 for long term capital investment or construction, and no grants
 33 shall be made before the racetrack becomes operational and is
 34 offering a racing schedule.
 35 (c) With respect to tax revenue collected from a riverboat located in
 36 a historic hotel district, the treasurer of state shall quarterly pay the
 37 following:
 38 (1) With respect to admissions taxes collected for a person
 39 admitted to the riverboat before July 1, 2010, the following
 40 amounts:
 41 (A) Twenty-two percent (22%) of the admissions tax collected
 42 during the quarter shall be paid to the county treasurer of the

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county in which the riverboat is located. The county treasurer shall distribute the money received under this clause as follows:

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

(ii) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(iii) Fifty-four and five-tenths percent (54.5%) shall be retained by the county where the riverboat is located for appropriation by the county fiscal body after receiving a recommendation from the county executive.

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

(C) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county

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having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

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

- (i) is located in the county in which the riverboat is located; and
- (ii) contains a historic hotel.

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

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

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

(G) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the Indiana economic development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development strategy must include goals concerning the following issues:

- (i) Job creation and retention.
- (ii) Infrastructure, including water, wastewater, and storm water infrastructure needs.
- (iii) Housing.
- (iv) Workforce training.
- (v) Health care.
- (vi) Local planning.
- (vii) Land use.

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- 1 (viii) Assistance to regional economic development groups.
 2 (ix) Other regional development issues as determined by the
 3 Indiana economic development corporation.
 4 (2) With respect to admissions taxes collected for a person
 5 admitted to the riverboat after June 30, 2010, the following
 6 amounts:
 7 (A) Twenty-nine and thirty-three hundredths percent (29.33%)
 8 to the county treasurer of Orange County. The county treasurer
 9 shall distribute the money received under this clause as
 10 follows:
 11 (i) Twenty-two and seventy-five hundredths percent
 12 (22.75%) to the county treasurer of Dubois County for
 13 distribution in the manner described in subdivision
 14 (1)(A)(i).
 15 (ii) Twenty-two and seventy-five hundredths percent
 16 (22.75%) to the county treasurer of Crawford County for
 17 distribution in the manner described in subdivision
 18 (1)(A)(ii).
 19 (iii) Fifty-four and five-tenths percent (54.5%) to be retained
 20 by the county treasurer of Orange County for appropriation
 21 by the county fiscal body after receiving a recommendation
 22 from the county executive.
 23 (B) Six and sixty-seven hundredths percent (6.67%) to the
 24 fiscal officer of the town of Orleans. At least twenty percent
 25 (20%) of the taxes received by the town under this clause must
 26 be transferred to Orleans Community Schools.
 27 (C) Six and sixty-seven hundredths percent (6.67%) to the
 28 fiscal officer of the town of Paoli. At least twenty percent
 29 (20%) of the taxes received by the town under this clause must
 30 be transferred to the Paoli Community School Corporation.
 31 (D) Twenty-six and sixty-seven hundredths percent (26.67%)
 32 to be paid in equal amounts to the fiscal officers of the towns
 33 of French Lick and West Baden Springs. At least twenty
 34 percent (20%) of the taxes received by a town under this
 35 clause must be transferred to the Springs Valley Community
 36 School Corporation.
 37 (E) Thirty and sixty-six hundredths percent (30.66%) to the
 38 Indiana economic development corporation to be used in the
 39 manner described in subdivision (1)(G).
 40 (d) With respect to tax revenue collected from a riverboat that
 41 operates from a county having a population of more than four hundred
 42 thousand (400,000) but less than seven hundred thousand (700,000);

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- 1 **Lake County**, the treasurer of state shall quarterly pay the following
- 2 amounts:
- 3 (1) Except as provided in subsection (k), one dollar (\$1) of the
- 4 admissions tax collected by the licensed owner for each person:
- 5 (A) embarking on a gambling excursion during the quarter; or
- 6 (B) admitted to a riverboat during the quarter that has
- 7 implemented flexible scheduling under IC 4-33-6-21;
- 8 shall be paid to the city in which the riverboat is ~~docked~~ **located**.
- 9 (2) Except as provided in subsection (k), one dollar (\$1) of the
- 10 admissions tax collected by the licensed owner for each person:
- 11 (A) embarking on a gambling excursion during the quarter; or
- 12 (B) admitted to a riverboat during the quarter that has
- 13 implemented flexible scheduling under IC 4-33-6-21;
- 14 shall be paid to the county in which the riverboat is ~~docked~~
- 15 **located**.
- 16 (3) Except as provided in subsection (k), nine cents (\$0.09) of the
- 17 admissions tax collected by the licensed owner for each person:
- 18 (A) embarking on a gambling excursion during the quarter; or
- 19 (B) admitted to a riverboat during the quarter that has
- 20 implemented flexible scheduling under IC 4-33-6-21;
- 21 shall be paid to the county convention and visitors bureau or
- 22 promotion fund for the county in which the riverboat is ~~docked~~
- 23 **located**.
- 24 (4) Except as provided in subsection (k), one cent (\$0.01) of the
- 25 admissions tax collected by the licensed owner for each person:
- 26 (A) embarking on a gambling excursion during the quarter; or
- 27 (B) admitted to a riverboat during the quarter that has
- 28 implemented flexible scheduling under IC 4-33-6-21;
- 29 shall be paid to the northwest Indiana law enforcement training
- 30 center.
- 31 (5) Except as provided in subsection (k), fifteen cents (\$0.15) of
- 32 the admissions tax collected by the licensed owner for each
- 33 person:
- 34 (A) embarking on a gambling excursion during the quarter; or
- 35 (B) admitted to a riverboat during a quarter that has
- 36 implemented flexible scheduling under IC 4-33-6-21;
- 37 shall be paid to the state fair commission for use in any activity
- 38 that the commission is authorized to carry out under IC 15-13-3.
- 39 (6) Except as provided in subsection (k), ten cents (\$0.10) of the
- 40 admissions tax collected by the licensed owner for each person:
- 41 (A) embarking on a gambling excursion during the quarter; or
- 42 (B) admitted to a riverboat during the quarter that has

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1 implemented flexible scheduling under IC 4-33-6-21;
 2 shall be paid to the division of mental health and addiction. The
 3 division shall allocate at least twenty-five percent (25%) of the
 4 funds derived from the admissions tax to the prevention and
 5 treatment of compulsive gambling.
 6 (7) Except as provided in subsection (k) and section 7 of this
 7 chapter, sixty-five cents (\$0.65) of the admissions tax collected by
 8 the licensed owner for each person embarking on a gambling
 9 excursion during the quarter or admitted to a riverboat during the
 10 quarter that has implemented flexible scheduling under
 11 IC 4-33-6-21 shall be paid to the Indiana horse racing commission
 12 to be distributed as follows, in amounts determined by the Indiana
 13 horse racing commission, for the promotion and operation of
 14 horse racing in Indiana:
 15 (A) To one (1) or more breed development funds established
 16 by the Indiana horse racing commission under IC 4-31-11-10.
 17 (B) To a racetrack that was approved by the Indiana horse
 18 racing commission under IC 4-31. The commission may make
 19 a grant under this clause only for purses, promotions, and
 20 routine operations of the racetrack. No grants shall be made
 21 for long term capital investment or construction, and no grants
 22 shall be made before the racetrack becomes operational and is
 23 offering a racing schedule.
 24 (e) Money paid to a unit of local government under subsection (b),
 25 (c), or (d):
 26 (1) must be paid to the fiscal officer of the unit and may be
 27 deposited in the unit's general fund or riverboat fund established
 28 under IC 36-1-8-9, or both;
 29 (2) may not be used to reduce the unit's maximum levy under
 30 IC 6-1.1-18.5 but may be used at the discretion of the unit to
 31 reduce the property tax levy of the unit for a particular year;
 32 (3) may be used for any legal or corporate purpose of the unit,
 33 including the pledge of money to bonds, leases, or other
 34 obligations under IC 5-1-14-4; and
 35 (4) is considered miscellaneous revenue.
 36 (f) Money paid by the treasurer of state under subsection (b)(3) or
 37 (d)(3) shall be:
 38 (1) deposited in:
 39 (A) the county convention and visitor promotion fund; or
 40 (B) the county's general fund if the county does not have a
 41 convention and visitor promotion fund; and
 42 (2) used only for the tourism promotion, advertising, and

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1 economic development activities of the county and community.
 2 (g) Money received by the division of mental health and addiction
 3 under subsections (b)(5) and (d)(6):
 4 (1) is annually appropriated to the division of mental health and
 5 addiction;
 6 (2) shall be distributed to the division of mental health and
 7 addiction at times during each state fiscal year determined by the
 8 budget agency; and
 9 (3) shall be used by the division of mental health and addiction
 10 for programs and facilities for the prevention and treatment of
 11 addictions to drugs, alcohol, and compulsive gambling, including
 12 the creation and maintenance of a toll free telephone line to
 13 provide the public with information about these addictions. The
 14 division shall allocate at least twenty-five percent (25%) of the
 15 money received to the prevention and treatment of compulsive
 16 gambling.
 17 (h) This subsection applies to the following:
 18 (1) Each entity receiving money under subsection (b).
 19 (2) Each entity receiving money under subsection (d)(1) through
 20 (d)(2).
 21 (3) Each entity receiving money under subsection (d)(5) through
 22 (d)(7).
 23 The treasurer of state shall determine the total amount of money paid
 24 by the treasurer of state to an entity subject to this subsection during
 25 the state fiscal year 2002. The amount determined under this subsection
 26 is the base year revenue for each entity subject to this subsection. The
 27 treasurer of state shall certify the base year revenue determined under
 28 this subsection to each entity subject to this subsection.
 29 (i) This subsection applies to an entity receiving money under
 30 subsection (d)(3) or (d)(4). The treasurer of state shall determine the
 31 total amount of money paid by the treasurer of state to the entity
 32 described in subsection (d)(3) during state fiscal year 2002. The
 33 amount determined under this subsection multiplied by nine-tenths
 34 (0.9) is the base year revenue for the entity described in subsection
 35 (d)(3). The amount determined under this subsection multiplied by
 36 one-tenth (0.1) is the base year revenue for the entity described in
 37 subsection (d)(4). The treasurer of state shall certify the base year
 38 revenue determined under this subsection to each entity subject to this
 39 subsection.
 40 (j) This subsection does not apply to an entity receiving money
 41 under subsection (c). For state fiscal years beginning after June 30,
 42 2002, the total amount of money distributed to an entity under this

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1 section during a state fiscal year may not exceed the entity's base year
 2 revenue as determined under subsection (h) or (i). If the treasurer of
 3 state determines that the total amount of money distributed to an entity
 4 under this section during a state fiscal year is less than the entity's base
 5 year revenue, the treasurer of state shall make a supplemental
 6 distribution to the entity under IC 4-33-13-5(g).

7 (k) This subsection does not apply to an entity receiving money
 8 under subsection (c). For state fiscal years beginning after June 30,
 9 2002, the treasurer of state shall pay that part of the riverboat
 10 admissions taxes that:

11 (1) exceeds a particular entity's base year revenue; and

12 (2) would otherwise be due to the entity under this section;

13 to the state general fund instead of to the entity.

14 SECTION 20. IC 4-33-13-5, AS AMENDED BY P.L.96-2010,
 15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2012]: Sec. 5. (a) This subsection does not apply to tax
 17 revenue remitted by an operating agent operating a riverboat in a
 18 historic hotel district. After funds are appropriated under section 4 of
 19 this chapter, each month the treasurer of state shall distribute the tax
 20 revenue deposited in the state gaming fund under this chapter to the
 21 following:

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

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

28 (A) to the city that is designated as the home dock of the
 29 riverboat from which the tax revenue was collected, in the case
 30 of

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

32 (ii) a city located in a county having a population of more
 33 than four hundred thousand (400,000) but less than seven
 34 hundred thousand (700,000); a riverboat located in
 35 Dearborn County, Lake County, LaPorte County, Ohio
 36 County, or Vanderburgh County; or

37 (B) to the county that is designated as the home dock of the
 38 riverboat from which the tax revenue was collected, in the case
 39 of a riverboat whose home dock is not in a city described in
 40 clause (A); located in Harrison County or Switzerland
 41 County.

42 (3) Subject to subsection (d), the remainder of the tax revenue

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

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

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

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

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

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

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

31 (B) At least twelve and five-tenths percent (12.5%) of the
 32 taxes imposed on adjusted gross receipts received after June
 33 30, 2010, must be transferred to the Orange County
 34 development commission established by IC 36-7-11.5-3.5.

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

39 (A) Twenty-two and twenty-five hundredths percent (22.25%)
 40 shall be quarterly distributed to the county treasurer of a
 41 county having a population of more than thirty-nine thousand
 42 six hundred (39,600) but less than forty thousand (40,000) for

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1 appropriation by the county fiscal body after receiving a
 2 recommendation from the county executive. The county fiscal
 3 body for the receiving county shall provide for the distribution
 4 of the money received under this clause to one (1) or more
 5 taxing units (as defined in IC 6-1.1-1-21) in the county under
 6 a formula established by the county fiscal body after receiving
 7 a recommendation from the county executive.

8 (B) Twenty-two and twenty-five hundredths percent (22.25%)
 9 shall be quarterly distributed to the county treasurer of a
 10 county having a population of more than ten thousand seven
 11 hundred (10,700) but less than twelve thousand (12,000) for
 12 appropriation by the county fiscal body after receiving a
 13 recommendation from the county executive. The county fiscal
 14 body for the receiving county shall provide for the distribution
 15 of the money received under this clause to one (1) or more
 16 taxing units (as defined in IC 6-1.1-1-21) in the county under
 17 a formula established by the county fiscal body after receiving
 18 a recommendation from the county executive.

19 (C) Fifty-five and five-tenths percent (55.5%) shall be retained
 20 by the county in which the riverboat is located for
 21 appropriation by the county fiscal body after receiving a
 22 recommendation from the county executive.

23 (6) Five percent (5%) shall be paid to a town having a population
 24 of more than two thousand two hundred (2,200) but less than
 25 three thousand five hundred (3,500) located in a county having a
 26 population of more than nineteen thousand three hundred
 27 (19,300) but less than twenty thousand (20,000). At least forty
 28 percent (40%) of the taxes received by a town under this
 29 subdivision must be transferred to the school corporation in which
 30 the town is located.

31 (7) Five percent (5%) shall be paid to a town having a population
 32 of more than three thousand five hundred (3,500) located in a
 33 county having a population of more than nineteen thousand three
 34 hundred (19,300) but less than twenty thousand (20,000). At least
 35 forty percent (40%) of the taxes received by a town under this
 36 subdivision must be transferred to the school corporation in which
 37 the town is located.

38 (8) Five-tenths percent (0.5%) of the taxes imposed on adjusted
 39 gross receipts received after June 30, 2010, shall be paid to the
 40 Indiana economic development corporation established by
 41 IC 5-28-3-1.

42 (c) For each city and county receiving money under subsection

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1 (a)(2), the treasurer of state shall determine the total amount of money
 2 paid by the treasurer of state to the city or county during the state fiscal
 3 year 2002. The amount determined is the base year revenue for the city
 4 or county. The treasurer of state shall certify the base year revenue
 5 determined under this subsection to the city or county. The total
 6 amount of money distributed to a city or county under this section
 7 during a state fiscal year may not exceed the entity's base year revenue.
 8 For each state fiscal year, the treasurer of state shall pay that part of the
 9 riverboat wagering taxes that:

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

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

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

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

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

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

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

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

3 (1) To reduce the property tax levy of the city, town, or county for
 4 a particular year (a property tax reduction under this subdivision
 5 does not reduce the maximum levy of the city, town, or county
 6 under IC 6-1.1-18.5).

7 (2) For deposit in a special fund or allocation fund created under
 8 IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and
 9 IC 36-7-30 to provide funding for debt repayment.

10 (3) To fund sewer and water projects, including storm water
 11 management projects.

12 (4) For police and fire pensions.

13 (5) To carry out any governmental purpose for which the money
 14 is appropriated by the fiscal body of the city, town, or county.

15 Money used under this subdivision does not reduce the property
 16 tax levy of the city, town, or county for a particular year or reduce
 17 the maximum levy of the city, town, or county under
 18 IC 6-1.1-18.5.

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

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

32 (2) the sum of:

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

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

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

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

42 (2) To each town located in the county according to the ratio that

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1 the town's population bears to the total population of the county.
 2 (3) After the distributions required in subdivisions (1) and (2) are
 3 made, the remainder shall be paid in equal amounts to the
 4 consolidated city and the county.

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

10 SECTION 21. IC 4-33-13-6 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Money paid to a
 12 unit of local government under this chapter:

- 13 (1) must be paid to the fiscal officer of the unit and may be
 14 deposited in the unit's general fund or riverboat fund established
 15 under IC 36-1-8-9, or both;
- 16 (2) may not be used to reduce the unit's maximum or actual levy
 17 under IC 6-1.1-18.5; and
- 18 (3) may be used for any legal or corporate purpose of the unit,
 19 including the pledge of money to bonds, leases, or other
 20 obligations under IC 5-1-14-4.

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

25 SECTION 22. IC 4-33-14-9 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) This section
 27 applies to a person holding an owner's licenses license for riverboats
 28 a riverboat operated from a city described under IC 4-33-6-1(a)(1)
 29 through IC 4-33-6-1(a)(3): **located in Lake County.**

30 (b) The commission shall require persons holding owner's licenses
 31 to adopt policies concerning the preferential hiring of residents of the
 32 city in which the riverboat ~~docks~~ **is located** for riverboat jobs.

33 SECTION 23. IC 4-33-21-7, AS ADDED BY P.L.142-2009,
 34 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2012]: Sec. 7. (a) A trustee acting under the authority of this
 36 chapter must fulfill the trustee's duties as a fiduciary for the owner of
 37 the riverboat. In addition, the trustee shall consider the effect of the
 38 trustee's actions upon:

- 39 (1) the amount of taxes remitted by the trustee under IC 4-33-12
 40 and IC 4-33-13;
- 41 (2) the ~~riverboat's dock~~ **city or and county in which the riverboat**
 42 **is located;**

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

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