
HOUSE BILL No. 1353

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-31-11-11; IC 4-33; IC 4-35; IC 6-1.1-4-31.5; IC 6-3.1-20-7; IC 6-8.1-1-1; IC 6-9-2-4.3; IC 8-18-8-5; IC 12-23-2; IC 20-26-5-22.5; IC 20-47-1; IC 36-1; IC 36-7-11.5-11; IC 36-7.5-4-16.

Synopsis: Wagering taxes. Requires that wagers made by riverboat and racetrack casino patrons using noncashable vouchers, coupons, electronic credits, or electronic promotions provided by a licensee or operating agent be subtracted from the amounts received from gaming operations by the licensee or operating agent when calculating the adjusted gross receipts of the licensee or operating agent. (Under current law, cash paid out as winnings to patrons and a limited amount of uncollectible receivables are subtracted from the amounts received from gaming operations to calculate the adjusted gross receipts.) Replaces the riverboat admissions tax with a supplemental wagering tax. Provides that the supplemental wagering tax is 2.5% of the adjusted gross receipts of the licensee or operating agent.

Effective: July 1, 2013.

Dermody, Eberhart

January 23, 2013, read first time and referred to Committee on Public Policy.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1353

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 4-31-11-11 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. Each development
- 3 fund consists of:
- 4 (1) breakage and outs paid into the fund under IC 4-31-9-10;
- 5 (2) appropriations by the general assembly;
- 6 (3) gifts;
- 7 (4) stakes payments;
- 8 (5) entry fees; and
- 9 (6) money paid into the fund under ~~IC 4-33-12-6~~. **IC 4-35-7-12.**
- 10 SECTION 2. IC 4-33-2-2 IS AMENDED TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2013]: Sec. 2. **(a) With respect to gaming**
- 12 **operations conducted before July 1, 2013, "adjusted gross receipts"**
- 13 means:
- 14 (1) the total of all cash and property (including checks received
- 15 by a licensee or an operating agent), whether collected or not,
- 16 received by a licensee or an operating agent from gaming
- 17 operations; minus



- 1 (2) the total of:
- 2 (A) all cash paid out as winnings to patrons; and
- 3 (B) uncollectible gaming receivables, not to exceed the lesser
- 4 of:
- 5 (i) a reasonable provision for uncollectible patron checks
- 6 received from gaming operations; or
- 7 (ii) two percent (2%) of the total of all sums, including
- 8 checks, whether collected or not, less the amount paid out as
- 9 winnings to patrons.

10 For purposes of this ~~section~~, **subsection**, a counter or personal check
 11 that is invalid or unenforceable under this article is considered cash
 12 received by the licensee or operating agent from gaming operations.

13 **(b) With respect to gaming operations conducted after June 30,**
 14 **2013, "adjusted gross receipts" means:**

- 15 **(1) the total of all cash and property (including checks**
- 16 **received by a licensee or an operating agent), whether**
- 17 **collected or not, received by a licensee or an operating agent**
- 18 **from gaming operations; minus**
- 19 **(2) the sum of the following:**
- 20 **(A) The total amount of cash paid out as winnings to**
- 21 **patrons.**
- 22 **(B) The total dollar amount of wagers made by a**
- 23 **riverboat's patrons using noncashable vouchers, coupons,**
- 24 **electronic credits, or electronic promotions provided by**
- 25 **the licensee or operating agent.**
- 26 **(C) The amount of uncollectible gaming receivables, not to**
- 27 **exceed the lesser of:**
- 28 **(i) a reasonable provision for uncollectible patron checks**
- 29 **received from gaming operations; or**
- 30 **(ii) two percent (2%) of the total of all sums, including**
- 31 **checks, whether collected or not, less the amount paid**
- 32 **out as winnings to patrons.**

33 **For purposes of this subsection, a counter or personal check that**
 34 **is invalid or unenforceable under this article is considered cash**
 35 **received by the licensee or operating agent from gaming**
 36 **operations.**

37 SECTION 3. IC 4-33-2-3.5 IS ADDED TO THE INDIANA CODE
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 39 1, 2013]: **Sec. 3.5. (a) Except as provided in subsections (b) and (c),**
 40 **"base year revenue" means the amount of riverboat admission**
 41 **taxes that an entity received in state fiscal year 2002.**

42 **(b) The base year revenue of the Lake County convention and**

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1 **visitors bureau is equal to the product of:**

- 2 (1) **the amount of riverboat admissions taxes that the bureau**
 3 **received in state fiscal year 2002; multiplied by**
 4 **(2) nine-tenths (0.9).**

5 **(c) The base year revenue of the northwest Indiana law**
 6 **enforcement training center is equal to the product of:**

- 7 (1) **the amount of riverboat admissions taxes that the Lake**
 8 **county convention and visitors bureau received in state fiscal**
 9 **year 2002; multiplied by**
 10 **(2) one-tenth (0.1).**

11 SECTION 4. IC 4-33-4-21.2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 21.2. (a) The Indiana
 13 gaming commission shall require a licensed owner or an operating
 14 agent to conspicuously display the number of the toll free telephone
 15 line described in ~~IC 4-33-12-6~~ **IC 4-33-13.5-10** in the following
 16 locations:

- 17 (1) On each admission ticket to a riverboat if tickets are issued.
 18 (2) On a poster or placard that is on display in a public area of
 19 each riverboat where gambling games are conducted.

20 (b) The toll free telephone line described in ~~IC 4-33-12-6~~
 21 **IC 4-33-13.5-10** must be:

- 22 (1) maintained by the division of mental health and addiction
 23 under IC 12-23-1-6; and
 24 (2) funded by the addiction services fund established by
 25 IC 12-23-2-2.

26 (c) The commission may adopt rules under IC 4-22-2 necessary to
 27 carry out this section.

28 SECTION 5. IC 4-33-5-2, AS AMENDED BY P.L.125-2006,
 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2013]: Sec. 2. Notwithstanding any other law, upon written
 31 request from a person, the commission shall provide the following
 32 information to the person:

- 33 (1) Except as provided in section 1.5 of this chapter, the
 34 information provided under section 1 of this chapter concerning
 35 a licensee or an applicant.
 36 (2) The amount of the wagering tax and ~~admission~~ **supplemental**
 37 **wagering** tax paid daily to the state by a licensed owner or an
 38 operating agent.
 39 (3) A copy of a letter providing the reasons for the denial of an
 40 owner's license or an operating agent's contract.
 41 (4) A copy of a letter providing the reasons for the commission's
 42 refusal to allow an applicant to withdraw the applicant's

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1 application.

2 SECTION 6. IC 4-33-6.5-5, AS AMENDED BY P.L.234-2007,
3 SECTION 278, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: Sec. 5. After selecting the most
5 appropriate operating agent applicant, the commission may enter into
6 an operating agent contract with the person. The operating agent
7 contract must comply with this article and include the following terms
8 and conditions:

9 (1) The operating agent must pay a nonrefundable initial fee of
10 one million dollars (\$1,000,000) to the commission. The fee must
11 be deposited by the commission into the West Baden Springs
12 historic hotel preservation and maintenance fund established by
13 IC 36-7-11.5-11(b).

14 (2) The operating agent must post a bond as required in section 6
15 of this chapter.

16 (3) The operating agent must implement flexible scheduling.

17 (4) The operating agent must locate the riverboat in a historic
18 hotel district at a location approved by the commission.

19 (5) The operating agent must comply with any requirements
20 concerning the exterior design of the riverboat that are approved
21 by the commission.

22 (6) Notwithstanding any law limiting the maximum length of
23 contracts:

24 (A) the initial term of the contract may not exceed twenty (20)
25 years; and

26 (B) any renewal or extension period permitted under the
27 contract may not exceed twenty (20) years.

28 (7) The operating agent must collect and remit all taxes under
29 ~~IC 4-33-12~~ and IC 4-33-13 and **IC 4-33-13.5**.

30 (8) The operating agent must comply with the restrictions on the
31 transferability of the operating agent contract under section 12 of
32 this chapter.

33 SECTION 7. IC 4-33-12 IS REPEALED [EFFECTIVE JULY 1,
34 2013]. (Admission Taxes).

35 SECTION 8. IC 4-33-12.5-6, AS ADDED BY P.L.214-2005,
36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2013]: Sec. 6. (a) ~~The Lake County described in~~
38 ~~IC 4-33-12-6(d)~~ shall distribute twenty-five percent (25%) of the:

39 ~~(1) admissions tax revenue received by the county under~~
40 ~~IC 4-33-12-6(d)(2); and~~

41 ~~(2) (1) supplemental distributions received under IC 4-33-13-5(g);~~
42 **and**

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1 **(2) supplemental wagering tax revenue received by the county**
2 **under IC 4-33-13.5;**
3 to the eligible municipalities.

4 (b) The amount that shall be distributed by the county to each
5 eligible municipality under subsection (a) is based on the eligible
6 municipality's proportionate share of the total population of all eligible
7 municipalities. The most current certified census information available
8 shall be used to determine an eligible municipality's proportionate
9 share under this subsection. The determination of proportionate shares
10 under this subsection shall be modified under the following conditions:

11 (1) The certification from any decennial census completed by the
12 United States Bureau of the Census.

13 (2) Submission by one (1) or more eligible municipalities of a
14 certified special census commissioned by an eligible municipality
15 and performed by the United States Bureau of the Census.

16 (c) If proportionate shares are modified under subsection (b),
17 distribution to eligible municipalities shall change with the:

18 (1) payments beginning April 1 of the year following the
19 certification of a special census under subsection (b)(2); and

20 (2) the next quarterly payment following the certification of a
21 decennial census under subsection (b)(1).

22 SECTION 9. IC 4-33-12.5-7, AS ADDED BY P.L.214-2005,
23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2013]: Sec. 7. The county shall make payments under this
25 chapter directly to each eligible municipality. The county shall make
26 payments to the eligible municipalities not more than thirty (30) days
27 after the county receives the quarterly distribution of ~~admission tax~~
28 ~~revenue under IC 4-33-12-6~~ **or supplemental wagering tax revenue**
29 **under IC 4-33-13.5** or the supplemental distributions received under
30 IC 4-33-13-5(g) from the state.

31 SECTION 10. IC 4-33-13-1 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) This section does
33 not apply to a riverboat that has implemented flexible scheduling under
34 IC 4-33-6-21.

35 (b) Subject to section 1.5(h) of this chapter, a tax is imposed on the
36 adjusted gross receipts received from gambling games authorized under
37 this article at the rate of twenty-two and five-tenths percent (22.5%) of
38 the amount of the adjusted gross receipts.

39 (c) The licensed owner shall remit the tax imposed by this chapter
40 to the department before the close of the business day following the day
41 the wagers are made.

42 (d) The department may require payment under this section to be

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1 made by electronic funds transfer (as defined in IC 4-8.1-2-7(e)).

2 (e) If the department requires taxes to be remitted under this chapter
3 through electronic funds transfer, the department may allow the
4 licensed owner to file a monthly report to reconcile the amounts
5 remitted to the department.

6 (f) The department may allow taxes remitted under this section to
7 be reported on the same form used for taxes paid under ~~IC 4-33-12-~~
8 **IC 4-33-13.5.**

9 SECTION 11. IC 4-33-13-1.5, AS AMENDED BY P.L.233-2007,
10 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2013]: Sec. 1.5. (a) This section applies only to a riverboat
12 that has implemented flexible scheduling under IC 4-33-6-21 or
13 IC 4-33-6.5.

14 (b) A graduated tax is imposed on the adjusted gross receipts
15 received from gambling games authorized under this article as follows:

16 (1) Fifteen percent (15%) of the first twenty-five million dollars
17 (\$25,000,000) of adjusted gross receipts received during the
18 period beginning July 1 of each year and ending June 30 of the
19 following year.

20 (2) Twenty percent (20%) of the adjusted gross receipts in excess
21 of twenty-five million dollars (\$25,000,000) but not exceeding
22 fifty million dollars (\$50,000,000) received during the period
23 beginning July 1 of each year and ending June 30 of the following
24 year.

25 (3) Twenty-five percent (25%) of the adjusted gross receipts in
26 excess of fifty million dollars (\$50,000,000) but not exceeding
27 seventy-five million dollars (\$75,000,000) received during the
28 period beginning July 1 of each year and ending June 30 of the
29 following year.

30 (4) Thirty percent (30%) of the adjusted gross receipts in excess
31 of seventy-five million dollars (\$75,000,000) but not exceeding
32 one hundred fifty million dollars (\$150,000,000) received during
33 the period beginning July 1 of each year and ending June 30 of
34 the following year.

35 (5) Thirty-five percent (35%) of all adjusted gross receipts in
36 excess of one hundred fifty million dollars (\$150,000,000) but not
37 exceeding six hundred million dollars (\$600,000,000) received
38 during the period beginning July 1 of each year and ending June
39 30 of the following year.

40 (6) Forty percent (40%) of all adjusted gross receipts exceeding
41 six hundred million dollars (\$600,000,000) received during the
42 period beginning July 1 of each year and ending June 30 of the

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- 1 following year.
- 2 (c) The licensed owner or operating agent shall remit the tax
3 imposed by this chapter to the department before the close of the
4 business day following the day the wagers are made.
- 5 (d) The department may require payment under this section to be
6 made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).
- 7 (e) If the department requires taxes to be remitted under this chapter
8 through electronic funds transfer, the department may allow the
9 licensed owner or operating agent to file a monthly report to reconcile
10 the amounts remitted to the department.
- 11 (f) The department may allow taxes remitted under this section to
12 be reported on the same form used for taxes paid under ~~IC 4-33-12:~~
13 **IC 4-33-13.5.**
- 14 (g) If a riverboat implements flexible scheduling during any part of
15 a period beginning July 1 of each year and ending June 30 of the
16 following year, the tax rate imposed on the adjusted gross receipts
17 received while the riverboat implements flexible scheduling shall be
18 computed as if the riverboat had engaged in flexible scheduling during
19 the entire period beginning July 1 of each year and ending June 30 of
20 the following year.
- 21 (h) If a riverboat:
- 22 (1) implements flexible scheduling during any part of a period
23 beginning July 1 of each year and ending June 30 of the following
24 year; and
- 25 (2) before the end of that period ceases to operate the riverboat
26 with flexible scheduling;
- 27 the riverboat shall continue to pay a wagering tax at the tax rates
28 imposed under subsection (b) until the end of that period as if the
29 riverboat had not ceased to conduct flexible scheduling.
- 30 SECTION 12. IC 4-33-13-5, AS AMENDED BY P.L.119-2012,
31 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2013]: Sec. 5. (a) This subsection does not apply to tax
33 revenue remitted by an operating agent operating a riverboat in a
34 historic hotel district. After funds are appropriated under section 4 of
35 this chapter, each month the treasurer of state shall distribute the tax
36 revenue deposited in the state gaming fund under this chapter to the
37 following:
- 38 (1) The first thirty-three million dollars (\$33,000,000) of tax
39 revenues collected under this chapter shall be set aside for
40 revenue sharing under subsection (e).
- 41 (2) Subject to subsection (c), twenty-five percent (25%) of the
42 remaining tax revenue remitted by each licensed owner shall be

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1 paid:

2 (A) to the city that is designated as the home dock of the
3 riverboat from which the tax revenue was collected, in the case
4 of

5 (i) a city described in IC 4-33-12-6(b)(1)(A); a riverboat
6 located in Dearborn County, Lake County, LaPorte
7 County, Ohio County, or Vanderburgh County; or

8 (ii) a city located in a county having a population of more
9 than four hundred thousand (400,000) but less than seven
10 hundred thousand (700,000); or

11 (B) to the county that is designated as the home dock of the
12 riverboat from which the tax revenue was collected, in the case
13 of a riverboat whose home dock is not in a city described in
14 clause (A): located in Harrison County or Switzerland
15 County.

16 (3) Subject to subsection (d), the remainder of the tax revenue
17 remitted by each licensed owner shall be paid to the state general
18 fund. In each state fiscal year, the treasurer of state shall make the
19 transfer required by this subdivision not later than the last
20 business day of the month in which the tax revenue is remitted to
21 the state for deposit in the state gaming fund. However, if tax
22 revenue is received by the state on the last business day in a
23 month, the treasurer of state may transfer the tax revenue to the
24 state general fund in the immediately following month.

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

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

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

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

40 (4) Sixteen percent (16%) shall be paid in equal amounts to each
41 town that is located in the county in which the riverboat is located
42 and contains a historic hotel. The following apply to taxes

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received by a town under this subdivision:

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

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

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

(A) Twenty-two and twenty-five hundredths percent (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than forty thousand (40,000) but less than forty-two thousand (42,000) 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 clause 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.

(B) Twenty-two and twenty-five hundredths percent (22.25%) 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 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 clause 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.

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

(6) Five percent (5%) shall be paid to a town having a population of more than two thousand (2,000) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than

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1 twenty thousand (20,000). At least forty percent (40%) of the
 2 taxes received by a town under this subdivision must be
 3 transferred to the school corporation in which the town is located.

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

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

15 (c) For each city and county receiving money under subsection
 16 (a)(2), the treasurer of state shall determine the total amount of money
 17 paid by the treasurer of state to the city or county during the state fiscal
 18 year 2002. The amount determined is the base year revenue for the city
 19 or county. The treasurer of state shall certify the base year revenue
 20 determined under this subsection to the city or county. The total
 21 amount of money distributed to a city or county under this section
 22 during a state fiscal year may not exceed the entity's base year revenue.
 23 For each state fiscal year, the treasurer of state shall pay that part of the
 24 riverboat wagering taxes that:

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

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

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

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

37 The treasurer of state shall make transfers on a monthly basis as needed
 38 to meet the obligations of the build Indiana fund. If in any state fiscal
 39 year insufficient money is transferred to the state general fund under
 40 subsection (a)(3) to comply with this subsection, the treasurer of state
 41 shall reduce the amount transferred to the build Indiana fund to the
 42 amount available in the state general fund from the transfers under

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1 subsection (a)(3) for the state fiscal year.

2 (e) Before August 15 of each year, the treasurer of state shall

3 distribute the wagering taxes set aside for revenue sharing under

4 subsection (a)(1) to the county treasurer of each county that does not

5 have a riverboat according to the ratio that the county's population

6 bears to the total population of the counties that do not have a

7 riverboat. Except as provided in subsection (h), the county auditor shall

8 distribute the money received by the county under this subsection as

9 follows:

10 (1) To each city located in the county according to the ratio the

11 city's population bears to the total population of the county.

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

13 town's population bears to the total population of the county.

14 (3) After the distributions required in subdivisions (1) and (2) are

15 made, the remainder shall be retained by the county.

16 (f) Money received by a city, town, or county under subsection (e)

17 or (h) may be used for any of the following purposes:

18 (1) To reduce the property tax levy of the city, town, or county for

19 a particular year (a property tax reduction under this subdivision

20 does not reduce the maximum levy of the city, town, or county

21 under IC 6-1.1-18.5).

22 (2) For deposit in a special fund or allocation fund created under

23 IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and

24 IC 36-7-30 to provide funding for debt repayment.

25 (3) To fund sewer and water projects, including storm water

26 management projects.

27 (4) For police and fire pensions.

28 (5) To carry out any governmental purpose for which the money

29 is appropriated by the fiscal body of the city, town, or county.

30 Money used under this subdivision does not reduce the property

31 tax levy of the city, town, or county for a particular year or reduce

32 the maximum levy of the city, town, or county under

33 IC 6-1.1-18.5.

34 (g) This subsection does not apply to an entity receiving money

35 under ~~IC 4-33-12-6(c)~~ **IC 4-33-13.5-7**. Before September 15 of each

36 year, the treasurer of state shall determine the total amount of money

37 distributed to an entity under IC 4-33-12-6 (**before its repeal**) or

38 **IC 4-33-13.5** during the preceding state fiscal year. If the treasurer of

39 state determines that the total amount of money distributed to an entity

40 under IC 4-33-12-6 (**before its repeal**) or **IC 4-33-13.5** during the

41 preceding state fiscal year was less than the entity's base year revenue,

42 (~~as determined under IC 4-33-12-6~~) the treasurer of state shall make a

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1 supplemental distribution to the entity from taxes collected under this
 2 chapter and deposited into the state general fund. ~~Except as provided~~
 3 ~~in subsection (i)~~; The amount of an entity's supplemental distribution
 4 is equal to:

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

7 (2) the sum of:

8 (A) the total amount of money distributed to the entity during
 9 the preceding state fiscal year under IC 4-33-12-6 **(before its**
 10 **repeal) or IC 4-33-13.5**; plus

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

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

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

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

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

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

28 SECTION 13. IC 4-33-13.5 IS ADDED TO THE INDIANA CODE
 29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2013]:

31 **Chapter 13.5. Riverboat Supplemental Wagering Tax**

32 **Sec. 1. This chapter applies to the adjusted gross receipts**
 33 **received from wagering on gambling games after June 30, 2013.**

34 **Sec. 2. A supplemental wagering tax is imposed on the adjusted**
 35 **gross receipts received from gambling games authorized under this**
 36 **article at the rate of two and five-tenths percent (2.5%) of the**
 37 **amount of the adjusted gross receipts.**

38 **Sec. 3. (a) The licensed owner shall remit the tax imposed by this**
 39 **chapter to the department before the close of the business day**
 40 **following the day the wagers are made.**

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



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1 (c) If the department requires taxes to be remitted under this
2 chapter through electronic funds transfer, the department may
3 allow the licensed owner to file a monthly report to reconcile the
4 amounts remitted to the department.

5 (d) The department may allow taxes remitted under this section
6 to be reported on the same form used for taxes paid under
7 IC 4-33-13.

8 Sec. 4. The department shall deposit tax revenue collected under
9 this chapter in the state gaming fund.

10 Sec. 5. (a) This section applies to a riverboat located in LaPorte
11 County or a county that is adjacent to the Ohio River.

12 (b) Subject to section 13 of this chapter, the treasurer of state
13 shall quarterly pay the following amounts of the supplemental
14 wagering tax remitted by a licensed owner:

15 (1) Thirty-three and thirty-three hundredths percent
16 (33.33%) to the city in which the riverboat is located if the
17 city is located in Dearborn County, LaPorte County, Ohio
18 County, or Vanderburgh County.

19 (2) Thirty-three and thirty-three hundredths percent
20 (33.33%) to the county in which the riverboat is located.

21 (3) This subdivision applies only to a riverboat that is located
22 in Harrison County or Switzerland County. Thirty-three and
23 thirty-three hundredths percent (33.33%) to the county in
24 which the riverboat is located. Amounts paid to the county
25 under this subdivision are in addition to the amounts paid
26 under subdivision (2).

27 (4) Three and thirty-four hundredths percent (3.34%) to the
28 county convention and visitors bureau or promotion fund for
29 the county in which the riverboat is located.

30 (5) Five percent (5%) to the state fair commission.

31 (6) Three and thirty-four hundredths percent (3.34%) to the
32 division of mental health and addiction.

33 (7) Twenty-one and sixty-six hundredths percent (21.66%) to
34 the state general fund.

35 Sec. 6. (a) This section applies to a riverboat located in Lake
36 County.

37 (b) Subject to section 13 of this chapter and IC 6-3.1-20-7, the
38 treasurer of state shall quarterly pay the following amounts of the
39 supplemental wagering tax remitted by a licensed owner:

40 (1) Thirty-three and thirty-three hundredths percent
41 (33.33%) to the city in which the riverboat is located.

42 (2) Thirty-three and thirty-three hundredths percent

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- 1 **(33.33%) to the county.**
- 2 **(3) Three percent (3%) to the county convention and visitors**
- 3 **bureau or promotion fund.**
- 4 **(4) Thirty-four hundredths percent (0.34%) to the northwest**
- 5 **Indiana law enforcement training center.**
- 6 **(5) Five percent (5%) to the state fair commission.**
- 7 **(6) Three and thirty-four hundredths percent (3.34%) to the**
- 8 **division of mental health and addiction.**
- 9 **(7) Twenty-one and sixty-six hundredths percent (21.66%) to**
- 10 **the state general fund.**
- 11 **Sec. 7. (a) This section applies to a riverboat located in Orange**
- 12 **County.**
- 13 **(b) The treasurer of state shall quarterly pay the following**
- 14 **amounts of the supplemental wagering tax remitted by the**
- 15 **operating agent:**
- 16 **(1) Twenty-nine and thirty-three hundredths percent**
- 17 **(29.33%) to the county treasurer of Orange County. The**
- 18 **county treasurer shall distribute the money received under**
- 19 **this clause as follows:**
- 20 **(A) Twenty-two and seventy-five hundredths percent**
- 21 **(22.75%) to the county treasurer of Dubois County.**
- 22 **(B) Twenty-two and seventy-five hundredths percent**
- 23 **(22.75%) to the county treasurer of Crawford County.**
- 24 **(C) Fifty-four and five-tenths percent (54.5%) to be**
- 25 **retained by the county treasurer of Orange County for**
- 26 **appropriation by the county fiscal body after receiving a**
- 27 **recommendation from the county executive.**
- 28 **(2) Six and sixty-seven hundredths percent (6.67%) to the**
- 29 **fiscal officer of the town of Orleans. At least twenty percent**
- 30 **(20%) of the taxes received by the town under this subdivision**
- 31 **must be transferred to Orleans Community Schools.**
- 32 **(3) Six and sixty-seven hundredths percent (6.67%) to the**
- 33 **fiscal officer of the town of Paoli. At least twenty percent**
- 34 **(20%) of the taxes received by the town under this subdivision**
- 35 **must be transferred to the Paoli Community School**
- 36 **Corporation.**
- 37 **(4) Twenty-six and sixty-seven hundredths percent (26.67%)**
- 38 **to be paid in equal amounts to the fiscal officers of the towns**
- 39 **of French Lick and West Baden Springs. At least twenty**
- 40 **percent (20%) of the taxes received by a town under this**
- 41 **subdivision must be transferred to the Springs Valley**
- 42 **Community School Corporation.**

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1 **(5) Thirty and sixty-six hundredths percent (30.66%) to the**
2 **Indiana economic development corporation.**

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

8 **(d) The county fiscal body for Crawford County shall provide**
9 **for the distribution of the money received under subsection**
10 **(b)(1)(B) to one (1) or more taxing units (as defined in**
11 **IC 6-1.1-1-21) in the county under a formula established by the**
12 **county fiscal body after receiving a recommendation from the**
13 **county executive.**

14 **(e) Money received by the Indiana economic development**
15 **corporation under subsection (b)(5) must be used by the**
16 **corporation for the development and implementation of a regional**
17 **economic development strategy to assist the residents of Orange**
18 **County and residents of contiguous counties in improving their**
19 **quality of life and to help promote successful and sustainable**
20 **communities. The regional economic development strategy must**
21 **include goals concerning the following issues:**

- 22 **(1) Job creation and retention.**
- 23 **(2) Infrastructure, including water, wastewater, and storm**
24 **water infrastructure needs.**
- 25 **(3) Housing.**
- 26 **(4) Workforce training.**
- 27 **(5) Health care.**
- 28 **(6) Local planning.**
- 29 **(7) Land use.**
- 30 **(8) Assistance to regional economic development groups.**
- 31 **(9) Other regional development issues as determined by the**
32 **Indiana economic development corporation.**

33 **Sec. 8. (a) Money paid to a unit of local government under this**
34 **chapter:**

- 35 **(1) must be paid to the fiscal officer of the unit and may be**
36 **deposited in the unit's general fund or riverboat fund**
37 **established under IC 36-1-8-9, or both;**
- 38 **(2) may not be used to reduce the unit's maximum or actual**
39 **levy under IC 6-1.1-18.5; and**
- 40 **(3) may be used for any legal or corporate purpose of the unit,**
41 **including the pledge of money to bonds, leases, or other**
42 **obligations under IC 5-1-14-4.**

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

6 Sec. 9. Money received under this chapter by the state fair
7 commission may be used in any activity that the commission is
8 authorized to carry out under IC 15-13-3.

9 Sec. 10. (a) The division of mental health and addiction shall
10 allocate at least twenty-five percent (25%) of the funds derived
11 from the admissions tax to the prevention and treatment of
12 compulsive gambling.

13 (b) Money received by the division of mental health and
14 addiction under this chapter:

15 (1) is annually appropriated to the division of mental health
16 and addiction;

17 (2) shall be distributed to the division of mental health and
18 addiction at times during each state fiscal year determined by
19 the budget agency; and

20 (3) shall be used by the division of mental health and addiction
21 for programs and facilities for the prevention and treatment
22 of addictions to drugs, alcohol, and compulsive gambling,
23 including the creation and maintenance of a toll free
24 telephone line to provide the public with information about
25 these addictions.

26 Sec. 11. Money received under this chapter by a county
27 convention and visitor bureau or promotion fund shall be:

28 (1) deposited in:

29 (A) the county convention and visitor promotion fund; or

30 (B) the county's general fund if the county does not have a
31 convention and visitor promotion fund; and

32 (2) used only for the tourism promotion, advertising, and
33 economic development activities of the county and
34 community.

35 Sec. 12. (a) This section does not apply to an entity receiving
36 money under section 7 of this chapter.

37 (b) The total amount of money distributed to an entity under
38 this chapter during a state fiscal year may not exceed the entity's
39 base year revenue. If the treasurer of state determines that the
40 total amount of money distributed to an entity under this chapter
41 during a state fiscal year is less than the entity's base year revenue,
42 the treasurer of state shall make a supplemental distribution to the

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entity under IC 4-33-13-5(g).

Sec. 13. (a) This section does not apply to an entity receiving money under section 7 of this chapter.

(b) The treasurer of state shall pay that part of the supplemental wagering tax that:

- (1) exceeds a particular entity's base year revenue; and
- (2) would otherwise be due to the entity under this chapter; to the state general fund instead of to the entity.

SECTION 14. IC 4-33-21-7, AS ADDED BY P.L.142-2009, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) A trustee acting under the authority of this chapter must fulfill the trustee's duties as a fiduciary for the owner of the riverboat. In addition, the trustee shall consider the effect of the trustee's actions upon:

- (1) the amount of taxes remitted by the trustee under ~~IC 4-33-12~~ and IC 4-33-13 and IC 4-33-13.5;
- (2) the riverboat's dock city or and county in which the riverboat is located;
- (3) the riverboat's employees; and
- (4) the creditors of the owner of the riverboat.

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

SECTION 15. IC 4-35-2-2, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) With respect to gambling games conducted before July 1, 2013, "adjusted gross receipts" means:

- (1) the total of all cash and property (including checks received by a licensee, whether collected or not) received by a licensee from gambling games; minus
- (2) the total of:
 - (A) all cash paid out to patrons as winnings for gambling games; and
 - (B) uncollectible gambling game receivables, not to exceed the lesser of:
 - (i) a reasonable provision for uncollectible patron checks received from gambling games; or
 - (ii) two percent (2%) of the total of all sums, including checks, whether collected or not, less the amount paid out to patrons as winnings for gambling games.

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1 For purposes of this ~~section~~, **subsection**, a counter or personal check
2 that is invalid or unenforceable under this article is considered cash
3 received by the licensee from gambling games.

4 **(b) With respect to gambling games conducted after June 30,**
5 **2013, "adjusted gross receipts" means:**

6 **(1) the total of all cash and property (including checks**
7 **received by a licensee), whether collected or not, received by**
8 **a licensee from gambling games; minus**

9 **(2) the sum of the following:**

10 **(A) The total amount of cash paid out as winnings to**
11 **patrons.**

12 **(B) The total dollar amount of wagers made by a licensee's**
13 **patrons using noncashable vouchers, coupons, electronic**
14 **credits, or electronic promotions provided by the licensee.**

15 **(C) The amount of uncollectible gambling game**
16 **receivables, not to exceed the lesser of:**

17 **(i) a reasonable provision for uncollectible patron checks**
18 **received from gambling games; or**

19 **(ii) two percent (2%) of the total of all sums, including**
20 **checks, whether collected or not, less the amount paid**
21 **out as winnings to patrons.**

22 **For purposes of this subsection, a counter or personal check that**
23 **is invalid or unenforceable under this article is considered cash**
24 **received by the licensee from gambling games.**

25 SECTION 16. IC 4-35-4-12, AS ADDED BY P.L.233-2007,
26 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2013]: Sec. 12. (a) The commission shall require a licensee to
28 conspicuously display the number of the toll free telephone line
29 described in ~~IC 4-33-12-6~~ **IC 4-33-13.5-10** in the following locations:

30 (1) On each admission ticket to a facility at which gambling
31 games are conducted, if tickets are issued.

32 (2) On a poster or placard that is on display in a public area of
33 each facility at which gambling games at racetracks are
34 conducted.

35 (b) The commission may adopt rules under IC 4-22-2 necessary to
36 carry out this section.

37 SECTION 17. IC 4-35-8.8-4, AS ADDED BY P.L.233-2007,
38 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2013]: Sec. 4. The problem gambling fees used by the division
40 under this chapter for the prevention and treatment of compulsive
41 gambling are in addition to any ~~admissions~~ **riverboat supplemental**
42 **wagering** tax revenue allocated by the division under ~~IC 4-33-12-6~~

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1 **IC 4-33-13.5** for the prevention and treatment of compulsive gambling.

2 SECTION 18. IC 6-1.1-4-31.5, AS AMENDED BY P.L.112-2012,
3 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2013]: Sec. 31.5. (a) As used in this section, "department"
5 refers to the department of local government finance.

6 (b) If the department makes a determination and informs local
7 officials under section 31(c) of this chapter, the department may order
8 a state conducted assessment or reassessment in the county subject to
9 the time limitation in that subsection.

10 (c) If the department orders a state conducted assessment or
11 reassessment in a county, the department shall assume the duties of the
12 county assessor. Notwithstanding sections 15 and 17 of this chapter, a
13 county assessor subject to an order issued under this section may not
14 assess property or have property assessed for the assessment or general
15 reassessment under section 4 of this chapter or under a county's
16 reassessment plan prepared under section 4.2 of this chapter. Until the
17 state conducted assessment or reassessment is completed under this
18 section, the assessment or reassessment duties of the county assessor
19 are limited to providing the department or a contractor of the
20 department the support and information requested by the department
21 or the contractor.

22 (d) Before assuming the duties of a county assessor, the department
23 shall transmit a copy of the department's order requiring a state
24 conducted assessment or reassessment to the county assessor, the
25 county fiscal body, the county auditor, and the county treasurer. Notice
26 of the department's actions must be published one (1) time in a
27 newspaper of general circulation published in the county. The
28 department is not required to conduct a public hearing before taking
29 action under this section.

30 (e) A county assessor subject to an order issued under this section
31 shall, at the request of the department or the department's contractor,
32 make available and provide access to all:

- 33 (1) data;
- 34 (2) records;
- 35 (3) maps;
- 36 (4) parcel record cards;
- 37 (5) forms;
- 38 (6) computer software systems;
- 39 (7) computer hardware systems; and
- 40 (8) other information;

41 related to the assessment or reassessment of real property in the county.
42 The information described in this subsection must be provided at no

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1 cost to the department or the contractor of the department. A failure to
 2 provide information requested under this subsection constitutes a
 3 failure to perform a duty related to an assessment or a general
 4 reassessment under section 4 of this chapter or under a county's
 5 reassessment plan prepared under section 4.2 of this chapter and is
 6 subject to IC 6-1.1-37-2.

7 (f) The department may enter into a contract with a professional
 8 appraising firm to conduct an assessment or reassessment under this
 9 section. If a county entered into a contract with a professional
 10 appraising firm to conduct the county's assessment or reassessment
 11 before the department orders a state conducted assessment or
 12 reassessment in the county under this section, the contract:

- 13 (1) is as valid as if it had been entered into by the department; and
 14 (2) shall be treated as the contract of the department.

15 (g) After receiving the report of assessed values from the appraisal
 16 firm acting under a contract described in subsection (f), the department
 17 shall give notice to the taxpayer and the county assessor, by mail, of the
 18 amount of the assessment or reassessment. The notice of assessment or
 19 reassessment:

- 20 (1) is subject to appeal by the taxpayer under section 31.7 of this
 21 chapter; and
 22 (2) must include a statement of the taxpayer's rights under section
 23 31.7 of this chapter.

24 (h) The department shall forward a bill for services provided under
 25 a contract described in subsection (f) to the auditor of the county in
 26 which the state conducted reassessment occurs. The county shall pay
 27 the bill under the procedures prescribed by subsection (i).

28 (i) A county subject to an order issued under this section shall pay
 29 the cost of a contract described in subsection (f), without appropriation,
 30 from the county property reassessment fund. A contractor may
 31 periodically submit bills for partial payment of work performed under
 32 the contract. Notwithstanding any other law, a contractor is entitled to
 33 payment under this subsection for work performed under a contract if
 34 the contractor:

- 35 (1) submits to the department a fully itemized, certified bill in the
 36 form required by IC 5-11-10-1 for the costs of the work performed
 37 under the contract;
 38 (2) obtains from the department:
 39 (A) approval of the form and amount of the bill; and
 40 (B) a certification that the billed goods and services have been
 41 received and comply with the contract; and
 42 (3) files with the county auditor:

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- 1 (A) a duplicate copy of the bill submitted to the department;
- 2 (B) proof of the department's approval of the form and amount
- 3 of the bill; and
- 4 (C) the department's certification that the billed goods and
- 5 services have been received and comply with the contract.

6 The department's approval and certification of a bill under subdivision
 7 (2) shall be treated as conclusively resolving the merits of a contractor's
 8 claim. Upon receipt of the documentation described in subdivision (3),
 9 the county auditor shall immediately certify that the bill is true and
 10 correct without further audit and submit the claim to the county
 11 executive. The county executive shall allow the claim, in full, as
 12 approved by the department, without further examination of the merits
 13 of the claim in a regular or special session that is held not less than
 14 three (3) days and not more than seven (7) days after the date the claim
 15 is certified by the county fiscal officer if the procedures in IC 5-11-10-2
 16 are used to approve the claim or the date the claim is placed on the
 17 claim docket under IC 36-2-6-4 if the procedures in IC 36-2-6-4 are
 18 used to approve the claim. Upon allowance of the claim by the county
 19 executive, the county auditor shall immediately issue a warrant or
 20 check for the full amount of the claim approved by the department.
 21 Compliance with this subsection constitutes compliance with
 22 IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and
 23 payment of a claim in compliance with this subsection is not subject to
 24 remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply
 25 to a claim submitted under this subsection. IC 5-11-10-1.6(d) applies
 26 to a fiscal officer who pays a claim in compliance with this subsection.

27 (j) Notwithstanding IC 4-13-2, a period of seven (7) days is
 28 permitted for each of the following to review and act under IC 4-13-2
 29 on a contract of the department entered into under this section:

- 30 (1) The commissioner of the Indiana department of
- 31 administration.
- 32 (2) The director of the budget agency.
- 33 (3) The attorney general.

34 (k) If money in the county's property reassessment fund is
 35 insufficient to pay for an assessment or reassessment conducted under
 36 this section, the department may increase the tax rate and tax levy of
 37 the county's property reassessment fund to pay the cost and expenses
 38 related to the assessment or reassessment.

39 (l) The department or the contractor of the department shall use the
 40 land values determined under section 13.6 of this chapter for a county
 41 subject to an order issued under this section to the extent that the
 42 department or the contractor finds that the land values reflect the true

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1 tax value of land, as determined under this article and the rules of the
 2 department. If the department or the contractor finds that the land
 3 values determined for the county under section 13.6 of this chapter do
 4 not reflect the true tax value of land, the department or the contractor
 5 shall determine land values for the county that reflect the true tax value
 6 of land, as determined under this article and the rules of the
 7 department. Land values determined under this subsection shall be
 8 used to the same extent as if the land values had been determined under
 9 section 13.6 of this chapter. The department or the contractor of the
 10 department shall notify the county's assessing officials of the land
 11 values determined under this subsection.

12 (m) A contractor of the department may notify the department if:

13 (1) a county auditor fails to:

14 (A) certify the contractor's bill;

15 (B) publish the contractor's claim;

16 (C) submit the contractor's claim to the county executive; or

17 (D) issue a warrant or check for payment of the contractor's
 18 bill;

19 as required by subsection (i) at the county auditor's first legal
 20 opportunity to do so;

21 (2) a county executive fails to allow the contractor's claim as
 22 legally required by subsection (i) at the county executive's first
 23 legal opportunity to do so; or

24 (3) a person or an entity authorized to act on behalf of the county
 25 takes or fails to take an action, including failure to request an
 26 appropriation, and that action or failure to act delays or halts
 27 progress under this section for payment of the contractor's bill.

28 (n) The department, upon receiving notice under subsection (m)
 29 from a contractor of the department, shall:

30 (1) verify the accuracy of the contractor's assertion in the notice
 31 that:

32 (A) a failure occurred as described in subsection (m)(1) or
 33 (m)(2); or

34 (B) a person or an entity acted or failed to act as described in
 35 subsection (m)(3); and

36 (2) provide to the treasurer of state the department's approval
 37 under subsection (i)(2)(A) of the contractor's bill with respect to
 38 which the contractor gave notice under subsection (m).

39 (o) Upon receipt of the department's approval of a contractor's bill
 40 under subsection (n), the treasurer of state shall pay the contractor the
 41 amount of the bill approved by the department from money in the
 42 possession of the state that would otherwise be available for

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1 distribution to the county, including distributions of admissions taxes
2 or wagering taxes.

3 (p) The treasurer of state shall withhold from the money that would
4 be distributed under ~~IC 4-33-12-6~~, IC 4-33-13-5, **IC 4-33-13.5**, or any
5 other law to a county described in a notice provided under subsection
6 (m) the amount of a payment made by the treasurer of state to the
7 contractor of the department under subsection (o). Money shall be
8 withheld from any source payable to the county.

9 (q) Compliance with subsections (m) through (p) constitutes
10 compliance with IC 5-11-10.

11 (r) IC 5-11-10-1.6(d) applies to the treasurer of state with respect to
12 the payment made in compliance with subsections (m) through (p).
13 This subsection and subsections (m) through (p) must be interpreted
14 liberally so that the state shall, to the extent legally valid, ensure that
15 the contractual obligations of a county subject to this section are paid.
16 Nothing in this section shall be construed to create a debt of the state.

17 (s) The provisions of this section are severable as provided in
18 IC 1-1-1-8(b).

19 SECTION 19. IC 6-3.1-20-7 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) The department
21 shall before July 1 of each year determine the amount of credits
22 allowed under this chapter for taxable years ending before January 1 of
23 the year.

24 (b) One-half (1/2) of the amount determined by the department
25 under subsection (a) shall be:

- 26 (1) deducted during the year from the riverboat ~~admissions~~
27 **supplemental wagering** tax revenue otherwise payable to the
28 county under ~~IC 4-33-12-6(d)(2)~~; **IC 4-33-13.5**; and
29 (2) paid instead to the state general fund.

30 (c) One-sixth (1/6) of the amount determined by the department
31 under subsection (a) shall be:

- 32 (1) deducted during the year from the riverboat ~~admissions~~
33 **supplemental wagering** tax revenue otherwise payable under
34 ~~IC 4-33-12-6(d)(1)~~ **IC 4-33-13.5** to each of the following:

- 35 (A) The largest city by population located in the county.
36 (B) The second largest city by population located in the
37 county.
38 (C) The third largest city by population located in the county;
39 and

- 40 (2) paid instead to the state general fund.

41 SECTION 20. IC 6-8.1-1-1, AS AMENDED BY P.L.182-2009(ss),
42 SECTION 247, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2013]: Sec. 1. "Listed taxes" or "taxes" includes
 2 only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); ~~the~~
 3 ~~riverboat admissions tax (IC 4-33-12)~~; the riverboat wagering tax
 4 (IC 4-33-13); **the riverboat supplemental wagering tax**
 5 **(IC 4-33-13.5)**; the slot machine wagering tax (IC 4-35-8); the type II
 6 gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1)
 7 (repealed); the utility receipts and utility services use taxes (IC 6-2.3);
 8 the state gross retail and use taxes (IC 6-2.5); the adjusted gross income
 9 tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the
 10 county adjusted gross income tax (IC 6-3.5-1.1); the county option
 11 income tax (IC 6-3.5-6); the county economic development income tax
 12 (IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the financial
 13 institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative
 14 fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor
 15 carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a
 16 reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax
 17 (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); the excise
 18 tax imposed on recreational vehicles and truck campers (IC 6-6-5.1);
 19 the hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax
 20 (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax
 21 (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax
 22 (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum
 23 severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the
 24 various food and beverage taxes (IC 6-9); the county admissions tax
 25 (IC 6-9-13 and IC 6-9-28); the regional transportation improvement
 26 income tax (IC 8-24-17); the oil inspection fee (IC 16-44-2); the
 27 emergency and hazardous chemical inventory form fee (IC 6-6-10); the
 28 penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the
 29 fees and penalties assessed for overweight vehicles (IC 9-20-4 and
 30 IC 9-30); the underground storage tank fee (IC 13-23); the solid waste
 31 management fee (IC 13-20-22); and any other tax or fee that the
 32 department is required to collect or administer.

33 SECTION 21. IC 6-9-2-4.3, AS AMENDED BY P.L.172-2011,
 34 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2013]: Sec. 4.3. (a) The Lake County convention and visitor
 36 bureau shall establish a convention, tourism, and visitor promotion
 37 alternate revenue fund (referred to in this chapter as the "alternate
 38 revenue fund"). The bureau may deposit in the alternate revenue fund
 39 all money received by the bureau after June 30, 2005, that is not
 40 required to be deposited in the promotion fund under section 2 of this
 41 chapter or a fund established by the bureau, including appropriations,
 42 gifts, grants, membership dues, and contributions from any public or



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1 private source.

2 (b) The bureau may, without appropriation by the county council,
3 expend money from the alternate revenue fund to promote and
4 encourage conventions, trade shows, visitors, special events, sporting
5 events, and exhibitions in the county. Money may be paid from the
6 alternate revenue fund by claim in the same manner as municipalities
7 may pay claims under IC 5-11-10-1.6.

8 (c) All money in the alternate revenue fund shall be deposited, held,
9 secured, invested, and paid in accordance with statutes relating to the
10 handling of public funds. The handling and expenditure of money in
11 the alternate revenue fund is subject to audit and supervision by the
12 state board of accounts.

13 (d) Money derived from the taxes imposed under ~~IC 4-33-12 and~~
14 ~~IC 4-33-13~~ **and IC 4-33-13.5** may not be transferred to the alternate
15 revenue fund.

16 SECTION 22. IC 8-18-8-5, AS AMENDED BY P.L.30-2012,
17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2013]: Sec. 5. All expenses incurred in the maintenance of
19 county highways shall first be paid out of funds from the gasoline tax,
20 special fuel tax, and the motor vehicle registration fees that are paid to
21 the counties by the state. In addition, a county may use funds derived
22 from the:

- 23 (1) county motor vehicle excise surtax;
24 (2) county wheel tax;
25 (3) county adjusted gross income tax;
26 (4) county option income tax;
27 ~~(5) riverboat admission tax (IC 4-33-12);~~
28 ~~(6) (5) riverboat wagering tax (IC 4-33-13); or~~
29 **(6) riverboat supplemental wagering tax (IC 4-33-13.5); or**
30 (7) property taxes and miscellaneous revenue deposited in the
31 county general fund.

32 SECTION 23. IC 12-23-2-2 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The addiction
34 services fund is established for the deposit of excise taxes on alcoholic
35 beverages as described in IC 7.1-4-11 and ~~taxes on riverboat~~
36 ~~admissions~~ **supplemental wagering taxes received** under
37 ~~IC 4-33-12-6. IC 4-33-13.5.~~

38 SECTION 24. IC 12-23-2-5, AS AMENDED BY P.L.1-2009,
39 SECTION 107, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2013]: Sec. 5. The general assembly shall
41 appropriate money from the addiction services fund solely for the
42 purpose of funding programs:



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- 1 (1) that provide prevention services and intervention and
 2 treatment services for individuals who are psychologically or
 3 physiologically dependent upon alcohol or other drugs; and
 4 (2) that are for the prevention and treatment of gambling
 5 problems.

6 Programs funded by the addiction services fund must include the
 7 creation and maintenance of a toll free telephone line under
 8 ~~IC 4-33-12-6(e)(3)~~ **IC 4-33-13.5-10** to provide the public with
 9 information about programs that provide help with gambling, alcohol,
 10 and drug addiction problems.

11 SECTION 25. IC 12-23-2-7 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) For each state
 13 fiscal year, the division may not spend more than an amount equal to
 14 five percent (5%) of the total amount received by the division from the
 15 fund established under section 2 of this chapter for the administrative
 16 costs associated with the use of money received from the fund.

17 (b) The division shall allocate at least twenty-five percent (25%) of
 18 the funds derived from the riverboat **admissions supplemental**
 19 **wagering** tax under ~~IC 4-33-12-6~~ **IC 4-33-13.5** to the prevention and
 20 treatment of compulsive gambling.

21 (c) The division shall reimburse the Indiana gaming commission for
 22 the costs incurred in administering a voluntary exclusion program
 23 established under the rules of the Indiana gaming commission. The
 24 division shall pay the reimbursement from funds derived from the
 25 riverboat **admissions supplemental wagering** tax under ~~IC 4-33-12-6~~.
 26 **IC 4-33-13.5.**

27 SECTION 26. IC 20-26-5-22.5, AS ADDED BY P.L.214-2005,
 28 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2013]: Sec. 22.5. (a) A school corporation may participate in
 30 the establishment of a public school foundation.

31 (b) The governing body of a school corporation may receive the
 32 proceeds of a grant, a restricted gift, an unrestricted gift, a donation, an
 33 endowment, a bequest, a trust, an agreement to share tax revenue
 34 received by a city or county under ~~IC 4-33-12-6~~ **or IC 4-33-13 or**
 35 **IC 4-33-13.5**, or other funds not generated from taxes levied by the
 36 school corporation to create a foundation under the following
 37 conditions:

- 38 (1) The foundation is:
 39 (A) exempt from federal income taxation under Section
 40 501(c)(3) of the Internal Revenue Code; and
 41 (B) organized as an Indiana nonprofit corporation for the
 42 purposes of providing educational funds for scholarships,



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- 1 teacher education, capital programs, and special programs for
- 2 school corporations.
- 3 (2) Except as provided in subdivision (3), the foundation retains
- 4 all rights to a donation, including investment powers. The
- 5 foundation may hold a donation as a permanent endowment.
- 6 (3) The foundation agrees to do the following:
- 7 (A) Distribute the income from a donation only to the school
- 8 corporation.
- 9 (B) Return a donation to the general fund of the school
- 10 corporation if the foundation:
- 11 (i) loses the foundation's status as a foundation exempt from
- 12 federal income taxation under Section 501(c)(3) of the
- 13 Internal Revenue Code;
- 14 (ii) is liquidated; or
- 15 (iii) violates any condition set forth in this subdivision.
- 16 (c) A school corporation may use the proceeds received under this
- 17 section from a foundation only for educational purposes of the school
- 18 corporation described in subsection (b)(1)(B).
- 19 (d) The governing body of the school corporation may appoint
- 20 members to the foundation.
- 21 (e) The treasurer of the governing body of the school corporation
- 22 may serve as the treasurer of the foundation.
- 23 SECTION 27. IC 20-47-1-1, AS ADDED BY P.L.2-2006,
- 24 SECTION 170, IS AMENDED TO READ AS FOLLOWS
- 25 [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this chapter,
- 26 "proceeds from riverboat gaming" means tax revenue received by a
- 27 political subdivision under ~~IC 4-33-12-6~~, IC 4-33-13, **IC 4-33-13.5**, or
- 28 an agreement to share a city's or county's part of the tax revenue.
- 29 SECTION 28. IC 20-47-1-5, AS AMENDED BY P.L.142-2009,
- 30 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2013]: Sec. 5. (a) The governing body of a school corporation
- 32 may donate the proceeds of a grant, a gift, a donation, an endowment,
- 33 a bequest, a trust, an agreement to share tax revenue received by a city
- 34 or county under ~~IC 4-33-12-6~~ or IC 4-33-13 or **IC 4-33-13.5**, or an
- 35 agreement to share revenue received by a political subdivision under
- 36 IC 4-35-8.5, or other funds not generated from taxes levied by the
- 37 school corporation, to a foundation under the following conditions:
- 38 (1) The foundation is a charitable nonprofit community
- 39 foundation.
- 40 (2) The foundation retains all rights to the donation, including
- 41 investment powers, except as provided in subdivision (3).
- 42 (3) The foundation agrees to do the following:

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- 1 (A) Hold the donation as a permanent endowment.
- 2 (B) Distribute the income from the donation only to the school
- 3 corporation as directed by resolution of the governing body of
- 4 the school corporation.
- 5 (C) Return the donation to the general fund of the school
- 6 corporation if the foundation:
- 7 (i) loses the foundation's status as a public charitable
- 8 organization;
- 9 (ii) is liquidated; or
- 10 (iii) violates any condition of the endowment set by the
- 11 governing body of the school corporation.

12 (b) A school corporation may use income received under this
 13 section from a community foundation only for purposes of the school
 14 corporation.

15 SECTION 29. IC 36-1-8-9, AS AMENDED BY P.L.199-2005,
 16 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2013]: Sec. 9. (a) Each unit that receives:

- 18 (1) tax revenue under ~~IC 4-33-12-6~~ or IC 4-33-13 or
- 19 **IC 4-33-13.5;**
- 20 (2) revenue under an agreement to share the tax revenue received
- 21 under ~~IC 4-33-12~~ or IC 4-33-13 or **IC 4-33-13.5** by another unit;
- 22 or
- 23 (3) revenue under a development agreement (as defined in section
- 24 9.5 of this chapter);

25 may establish a riverboat fund. Money in the fund may be used for any
 26 legal or corporate purpose of the unit.

27 (b) The riverboat fund established under subsection (a) shall be
 28 administered by the unit's treasurer, and the expenses of administering
 29 the fund shall be paid from money in the fund. Money in the fund not
 30 currently needed to meet the obligations of the fund may be invested
 31 in the same manner as other public funds may be invested. Interest that
 32 accrues from these investments shall be deposited in the fund. Money
 33 in the fund at the end of a particular fiscal year does not revert to the
 34 unit's general fund.

35 SECTION 30. IC 36-1-14-1, AS AMENDED BY P.L.142-2009,
 36 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2013]: Sec. 1. (a) This section does not apply to donations of
 38 gaming revenue to a public school endowment corporation under
 39 IC 20-47-1-3.

40 (b) As used in this section, "gaming revenue" means either of the
 41 following:

- 42 (1) Tax revenue received by a unit under ~~IC 4-33-12-6;~~

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1 IC 4-33-13, **IC 4-33-13.5**, or an agreement to share a city's or
2 county's part of the tax revenue.
3 (2) Revenue received by a unit under IC 4-35-8.5 or an agreement
4 to share revenue received by another unit under IC 4-35-8.5.
5 (c) Notwithstanding IC 8-1.5-2-6(d), a unit may donate the proceeds
6 from the sale of a utility or facility or from a grant, a gift, a donation,
7 an endowment, a bequest, a trust, or gaming revenue to a foundation
8 under the following conditions:
9 (1) The foundation is a charitable nonprofit community
10 foundation.
11 (2) The foundation retains all rights to the donation, including
12 investment powers.
13 (3) The foundation agrees to do the following:
14 (A) Hold the donation as a permanent endowment.
15 (B) Distribute the income from the donation only to the unit as
16 directed by resolution of the fiscal body of the unit.
17 (C) Return the donation to the general fund of the unit if the
18 foundation:
19 (i) loses the foundation's status as a public charitable
20 organization;
21 (ii) is liquidated; or
22 (iii) violates any condition of the endowment set by the
23 fiscal body of the unit.
24 SECTION 31. IC 36-7-11.5-11, AS AMENDED BY P.L.229-2011,
25 SECTION 266, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) As used in this section,
27 "fund" refers to the West Baden Springs historic hotel preservation and
28 maintenance fund established by subsection (b).
29 (b) The West Baden Springs historic hotel preservation and
30 maintenance fund is established. The fund consists of the following:
31 (1) Amounts deposited in the fund under IC 4-33-6.5-6,
32 IC 4-33-12-6(c) (**before its repeal**), and IC 4-33-13-5(b).
33 (2) Grants and gifts that the department of natural resources
34 receives for the fund under terms, obligations, and liabilities that
35 the department considers appropriate.
36 (3) The one million dollar (\$1,000,000) initial fee paid to the
37 gaming commission under IC 4-33-6.5.
38 (4) Any amount transferred to the fund upon the repeal of
39 IC 36-7-11.5-8 (the community trust fund).
40 The fund shall be administered by the department of natural resources.
41 The expenses of administering the fund shall be paid from money in
42 the fund.

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1 (c) The treasurer of state shall invest the money in the fund that is
 2 not currently needed to meet the obligations of the fund in the same
 3 manner as other public funds may be invested. The treasurer of state
 4 shall deposit in the fund the interest that accrues from the investment
 5 of the fund.

6 (d) Money in the fund at the end of a state fiscal year does not revert
 7 to the state general fund.

8 (e) The interest accruing to the fund is annually appropriated to the
 9 department of natural resources only for the following purposes:

10 (1) To reimburse claims made for expenditures to maintain a
 11 qualified historic hotel, as determined by the owner of the hotel
 12 riverboat resort.

13 (2) To reimburse claims made for expenditures to maintain:

14 (A) the grounds surrounding a qualified historic hotel;

15 (B) supporting buildings and structures related to a qualified
 16 historic hotel; and

17 (C) other facilities used by the guests of the qualified historic
 18 hotel;

19 as determined by the owner of the hotel riverboat resort.

20 (f) The department of natural resources shall promptly pay each
 21 claim for a purpose described in subsection (e) to the extent of the
 22 balance of interest available in the fund, without review or approval of
 23 the project or claim under IC 14-21 or IC 36-7-11. IC 14-21-1-18 does
 24 not apply to projects or claims paid for maintenance under this section.
 25 If insufficient money is available to fully pay all of the submitted
 26 claims, the department of natural resources shall pay the claims in the
 27 order in which they are received until each claim is fully paid.

28 (g) Notwithstanding IC 4-9.1-1-7, IC 4-12-1-12, IC 4-13-2-18, or
 29 any other law, interest accruing to the fund may not be withheld,
 30 transferred, assigned, or reassigned to a purpose other than the
 31 reimbursement of claims under subsection (f).

32 SECTION 32. IC 36-7.5-4-16, AS ADDED BY P.L.214-2005,
 33 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2013]: Sec. 16. (a) This section applies if:

35 (1) a city or county described in IC 36-7.5-2-3 fails to make a
 36 transfer or a part of a transfer required by section 2 of this
 37 chapter; and

38 (2) the development authority has bonds or other debt or lease
 39 obligations outstanding.

40 (b) The treasurer of state shall do the following:

41 (1) Deduct from amounts otherwise payable to the city or town
 42 under ~~IC 4-33-12~~ or IC 4-33-13 or **IC 4-33-13.5** an amount equal

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1 to the amount of the transfer or part of the transfer under section
2 2 of this chapter that the city or county failed to make.
3 (2) Pay the amount deducted under subdivision (1) to the
4 development authority.

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