



February 15, 2013

SENATE BILL No. 528

DIGEST OF SB 528 (Updated February 14, 2013 12:26 pm - DI 73)

Citations Affected: IC 4-31; IC 4-33; IC 4-35; IC 5-14; IC 6-1.1; IC 6-3.1; IC 6-8.1; IC 6-9; IC 8-18; IC 12-23; IC 20-26; IC 20-47; IC 35-31.5; IC 36-1; IC 36-7; IC 36-7.5; noncode.

Synopsis: Gaming. Authorizes the use of limited mobile gaming systems. Allows the horse racing commission to reduce the percentage that a permit holder is required to retain from amounts wagered if reducing the amount retained is in the best interests of horse racing in Indiana. Allows gaming licensees to deduct not more \$2,000,000 per state fiscal year for adjusted gross receipts attributable to free play wagering by patrons who live outside Indiana. Authorizes riverboats to move inland. Provides that the lowest bracket of the wagering tax rate schedule for riverboats and racinos that had less than \$75,000,000 of adjusted gross receipts during the preceding state fiscal year is 5% instead of 15%. Imposes an additional tax of \$2,500,000 if the riverboats and racinos taxed under the alternative schedule receive adjusted gross receipts exceeding \$75,000,000 in a particular state fiscal year. Replaces the riverboat admissions tax with a supplemental wagering tax of 3.45%. Provides that entities are entitled to a 50% supplemental distribution in 2014 and no supplemental distribution revenue in a state fiscal year that begins after June 30, 2015. Provides that certain local development agreement reports must be made available through the Indiana transparency web site for local government. Authorizes table games at the racinos. Provides that the racino wagering tax rates match the rates imposed under the riverboat
(Continued next page)

Effective: Upon passage; July 1, 2013; January 1, 2014.

**Boots, Kenley, Leising, Lanane,
Arnold J**

January 14, 2013, read first time and referred to Committee on Public Policy.
January 24, 2013, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 14, 2013, amended, reported favorably — Do Pass.

SB 528—LS 7381/DI 92+



C
O
P
Y

Digest Continued

wagering tax. Requires a racino in Shelby County to resume paying the supplemental fee at 2%, 1%, and 1% in each of the next three state fiscal years. Establishes the Indiana gaming investment tax credit for certain capital investments that are made after December 31, 2013, and before January 1, 2019, by a licensed owner or operating agent of a riverboat or by a racino licensee. Provides that the amount of the tax credit is equal to 10% of the qualified capital investment made by the taxpayer during the taxable year. Specifies that the total amount of tax credits awarded may not exceed \$40,000,000 in a state fiscal year. Adds gaming agents and gaming control officers to the definition of "law enforcement officer" for purposes of the criminal code. Appropriates money in the West Baden Springs historic hotel preservation and maintenance fund to the department of natural resources. Authorizes the owner of the Orange County casino to submit claims of not more than \$2,000,000 per state fiscal year for maintenance expenses of its qualified historic hotel.

C
o
p
y

SB 528—LS 7381/DI 92+



February 15, 2013

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.

C
o
p
y

SENATE BILL No. 528

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

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

1 SECTION 1. IC 4-31-2-1.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]: **Sec. 1.5. "Approved limited mobile gaming system"**
4 **means a limited mobile gaming system approved by the**
5 **commission under IC 4-31-7-9.**

6 SECTION 2. IC 4-31-2-7.5 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2013]: **Sec. 7.5. "Gambling game" has the meaning set forth in**
9 **IC 4-35-2-5.**

10 SECTION 3. IC 4-31-2-10.3 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2013]: **Sec. 10.3. "Limited mobile gaming system" has the**
13 **meaning set forth in IC 4-35-2-7.5.**

14 SECTION 4. IC 4-31-2-10.4 IS ADDED TO THE INDIANA CODE
15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2013]: **Sec. 10.4. "Mobile gaming device" means an electronic**
17 **device, including software, that does the following:**

SB 528—LS 7381/DI 92+



- 1 **(1) Displays information related to pari-mutuel horse racing.**
 2 **(2) Enables a patron to place a wager on pari-mutuel horse**
 3 **racing from an approved location using money placed into a**
 4 **deposit account maintained under the rules of the**
 5 **commission.**

6 SECTION 5. IC 4-31-5-10 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. Upon receipt of an
 8 application from a recognized meeting permit holder, the commission
 9 may grant ~~special~~ permission for:

- 10 (1) more than nine (9) races each day; ~~or~~
 11 (2) race cards lost because of inclement weather or other
 12 emergencies, to be made up at the rate of one (1) race each day or
 13 on additional dates as granted by the commission; **or**
 14 **(3) use of an approved limited mobile gaming system.**

15 SECTION 6. IC 4-31-5.5-6 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. **(a)** A permit holder
 17 or group of permit holders that is authorized to operate satellite
 18 facilities may accept and transmit pari-mutuel wagers on horse racing
 19 at those facilities and may engage in all activities necessary to establish
 20 and operate appropriate satellite wagering facilities, including the
 21 following:

- 22 (1) Live simulcasts of horse racing conducted at the permit
 23 holder's racetrack or at other racetracks. However, a satellite
 24 facility operated by a permit holder may not simulcast races
 25 conducted in other states on any day that is not a live racing day
 26 (as defined in section 3 of this chapter) unless the satellite facility
 27 also simulcasts all available races conducted in Indiana on that
 28 day.
 29 (2) Construction or leasing of satellite wagering facilities.
 30 (3) Sale of food and beverages.
 31 (4) Advertising and promotion.
 32 (5) All other related activities.

33 **(b) A permit holder authorized to operate a satellite facility may**
 34 **use an approved limited mobile gaming system to accept and**
 35 **transmit pari-mutuel wagers on horse racing at the satellite facility**
 36 **in accordance with IC 4-31-7-9.**

37 SECTION 7. IC 4-31-7-1, AS AMENDED BY P.L.233-2007,
 38 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2013]: Sec. 1. (a) A person holding a permit to conduct a
 40 horse racing meeting or a license to operate a satellite facility may
 41 provide a place in the racing meeting grounds or enclosure or the
 42 satellite facility at which the person may conduct and supervise the

C
o
p
y



1 pari-mutuel system of wagering by patrons of legal age on the horse
 2 races conducted or simulcast by the person. The person may not permit
 3 or use:

- 4 (1) another place other than that provided and designated by the
 5 person; or
 6 (2) another method or system of betting or wagering.

7 However, a permit holder licensed to conduct gambling games under
 8 IC 4-35 may permit wagering on ~~slot machines~~ **gambling games** at a
 9 racetrack as permitted by IC 4-35.

10 (b) Except as provided in section 7 of this chapter and IC 4-31-5.5,
 11 the pari-mutuel system of wagering may not be conducted on any races
 12 except the races at the racetrack, grounds, or enclosure for which the
 13 person holds a permit.

14 SECTION 8. IC 4-31-7-9 IS ADDED TO THE INDIANA CODE
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2013]: **Sec. 9. (a) A permit holder may request approval from the
 17 commission to use a limited mobile gaming system in the
 18 pari-mutuel wagering conducted at the following locations
 19 operated by the permit holder:**

- 20 (1) A satellite facility.
 21 (2) An off-track betting facility located at the permit holder's
 22 racetrack.

23 (b) The commission may approve the use of a limited mobile
 24 gaming system to wager on pari-mutuel horse racing in the
 25 facilities described in subsection (a). A person may not transmit a
 26 wager using a mobile gaming device while present in any other
 27 location.

28 SECTION 9. IC 4-31-9-1.5 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1.5. (a) Except as
 30 provided in subsection (b), a person that holds a permit to conduct a
 31 horse racing meeting or a permit holder licensed to operate a satellite
 32 facility shall retain the following amounts from the money withheld
 33 under section 1 of this chapter:**

- 34 (1) For pari-mutuel wagers made at a permit holder's racetrack on
 35 live races, an amount equal to:
 36 (A) eight percent (8%) of the total amount of money wagered
 37 on win, place, and show pools on each racing day; plus
 38 (B) eleven and one-half percent (11.5%) of the total amount of
 39 money wagered on exotic wagering pools on each racing day.
 40 (2) For pari-mutuel wagers made at a permit holder's satellite
 41 facility on simulcasts of races originating from the permit holder's
 42 racetrack, an amount equal to:

C
 O
 P
 Y



- 1 (A) ten percent (10%) of the total amount of money wagered
 2 on win, place, and show pools on each day; plus
 3 (B) thirteen and one-half percent (13.5%) of the total amount
 4 of money wagered on exotic wagering pools on each day.
 5 (3) On the simulcast of races, for the Indiana sending or Indiana
 6 receiving track or its satellite facilities, the amount to be retained,
 7 after deducting:
 8 (A) pari-mutuel tax payments owed to Indiana; and
 9 (B) the contractual obligations owed to the racetrack from
 10 which the races originated;
 11 shall be determined, subject to the approval of the commission, by
 12 one (1) or more contracts between the applicable Indiana permit
 13 holders and the applicable horsemen's association.

14 **(b) If requested in writing by an association, the commission**
 15 **may reduce the percentage that a permit holder must retain under**
 16 **subsection (a)(1), (a)(2), or (a)(3), or any combination of those**
 17 **subdivisions. The commission must find that reducing the amount**
 18 **retained by the permit holder is in the best interest of horse racing**
 19 **in Indiana before granting the association's request.**

20 SECTION 10. IC 4-31-11-11 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. Each development
 22 fund consists of:

- 23 (1) breakage and outs paid into the fund under IC 4-31-9-10;
 24 (2) appropriations by the general assembly;
 25 (3) gifts;
 26 (4) stakes payments;
 27 (5) entry fees; and
 28 (6) money paid into the fund under ~~IC 4-33-12-6~~ **IC 4-35-7-12.**

29 SECTION 11. IC 4-33-2-3.5 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2013]: **Sec. 3.5. (a) Except as provided in subsection (b) or (c),**
 32 **"base year revenue" means the amount of riverboat admission**
 33 **taxes that an entity received in state fiscal year 2002.**

34 **(b) The base year revenue of the Lake County convention and**
 35 **visitors bureau is equal to the product of:**

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

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

- 41 **(1) the amount of riverboat admissions taxes that the Lake**
 42 **County convention and visitors bureau received in state fiscal**

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

year 2002; multiplied by
(2) one-tenth (0.1).

SECTION 12. IC 4-33-2-13.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 13.3. "Limited mobile gaming system" refers to a system that enables a permit holder to accept wagers through the use of mobile gaming devices approved under this article.**

SECTION 13. IC 4-33-2-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 13.5. "Mobile gaming device" means an electronic device, including software, that does the following:**

- (1) Displays information related to a gambling game.**
- (2) Enables a patron to place a wager on a gambling game from an approved location using money placed into a deposit account maintained under the rules of the commission.**

SECTION 14. IC 4-33-2-17, AS AMENDED BY P.L.15-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 17. "Riverboat" means any of the following on which lawful gambling is authorized under this article:**

- (1) A self-propelled excursion boat located in a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2) that complies with IC 4-33-6-6(a).**
- (2) A casino located in a historic hotel district.**
- (3) A permanently moored craft operating from a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2).**
- (4) An inland casino operating under IC 4-33-6-24.**

SECTION 15. IC 4-33-2-17.5 IS REPEALED [EFFECTIVE JULY 1, 2013]. **Sec. 17.5. "Slot machine taxes" means the taxes imposed under IC 4-35-8-1 on the adjusted gross receipts of gambling games conducted under IC 4-35.**

SECTION 16. IC 4-33-2-20 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 20. "Home" means the city or county that is designated as the home of a riverboat by IC 4-33-9-17.**

SECTION 17. IC 4-33-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1. (a) The commission has the following powers and duties for the purpose of administering, regulating, and enforcing the system of riverboat gambling established under this article:**

- (1) All powers and duties specified in this article.**

C
o
p
y



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

33 (b) Applicants and license holders shall reimburse the commission
 34 for costs related to investigations and reinvestigations conducted under
 35 subsection (a)(4).

36 SECTION 18. IC 4-33-4-5 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. The commission
 38 shall adopt standards for the licensing of the following:

- 39 (1) Persons regulated under this article.
- 40 (2) Electronic or mechanical gambling games.
- 41 (3) **Limited mobile gaming systems and mobile gaming**
- 42 **devices.**

C
O
P
Y



1 SECTION 19. IC 4-33-4-13, AS AMENDED BY P.L.15-2011,
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2013]: Sec. 13. (a) This section does not apply to a riverboat:

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

5 **(2) described in IC 4-33-2-17(4).**

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

8 (1) Determine the waterways that are navigable waterways for
 9 purposes of this article.

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

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

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

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

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

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

21 (2) Consider the economic benefit that riverboat gambling
 22 provides to Indiana.

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

25 SECTION 20. IC 4-33-4-17 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) The commission
 27 shall decide promptly and in reasonable order all license applications.

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

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

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

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

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

SB 528—LS 7381/DI 92+



C
O
P
Y

1 (e) (d) The commission shall conduct all requested hearings
2 promptly and in reasonable order.

3 SECTION 21. IC 4-33-4-21.2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 21.2. (a) The Indiana
5 gaming commission shall require a licensed owner or an operating
6 agent to conspicuously display the number of the toll free telephone
7 line described in ~~IC 4-33-12-6~~ **IC 4-33-13.5-10** in the following
8 locations:

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

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

- 14 (1) maintained by the division of mental health and addiction
- 15 under IC 12-23-1-6; and
- 16 (2) funded by the addiction services fund established by
- 17 IC 12-23-2-2.

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

20 SECTION 22. IC 4-33-5-1 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. An applicant for a
22 license or an operating agent contract under this article must provide
23 the following information to the commission:

- 24 (1) The name, business address, and business telephone number
- 25 of the applicant.
- 26 (2) An identification of the applicant.
- 27 (3) The following information for an applicant that is not an
- 28 individual:
 - 29 (A) The state of incorporation or registration.
 - 30 (B) The names of all corporate officers.
 - 31 (C) The identity of the following:
 - 32 (i) Any person in which the applicant has an equity interest
 - 33 of at least one percent (1%) of all shares. The identification
 - 34 must include the state of incorporation or registration if
 - 35 applicable. However, an applicant that has a pending
 - 36 registration statement filed with the Securities and Exchange
 - 37 Commission is not required to provide information under
 - 38 this item.
 - 39 (ii) The shareholders or participants of the applicant. An
 - 40 applicant that has a pending registration statement filed with
 - 41 the Securities and Exchange Commission is required to
 - 42 provide only the names of persons holding an interest of

C
O
P
Y



- 1 more than one percent (1%) of all shares.
 2 (4) An identification of any business, including the state of
 3 incorporation or registration if applicable, in which an applicant
 4 or the spouse or children of an applicant has an equity interest of
 5 more than one percent (1%) of all shares.
 6 (5) If the applicant has been indicted, been convicted, pleaded
 7 guilty or nolo contendere, or forfeited bail concerning a criminal
 8 offense other than a traffic violation under the laws of any
 9 jurisdiction. The applicant must include the following information
 10 under this subdivision:
 11 (A) The name and location of the following:
 12 (i) The court.
 13 (ii) The arresting agency.
 14 (iii) The prosecuting agency.
 15 (B) The case number.
 16 (C) The date and type of offense.
 17 (D) The disposition of the case.
 18 (E) The location and length of incarceration.
 19 (6) If the applicant has had a license or certificate issued by a
 20 licensing authority in Indiana or any other jurisdiction denied,
 21 restricted, suspended, revoked, or not renewed. An applicant must
 22 provide the following information under this subdivision:
 23 (A) A statement describing the facts and circumstances
 24 concerning the denial, restriction, suspension, revocation, or
 25 nonrenewal.
 26 (B) The date each action described in clause (A) was taken.
 27 (C) The reason each action described in clause (A) was taken.
 28 (7) If the applicant has:
 29 (A) filed or had filed against the applicant a proceeding in
 30 bankruptcy; or
 31 (B) been involved in a formal process to adjust, defer,
 32 suspend, or work out the payment of a debt;
 33 including the date of filing, the name and location of the court,
 34 and the case and number of the disposition.
 35 (8) If the applicant has filed or been served with a complaint or
 36 notice filed with a public body concerning:
 37 (A) a delinquency in the payment of; or
 38 (B) a dispute over a filing concerning the payment of;
 39 a tax required under federal, state, or local law, including the
 40 amount, type of tax, the taxing agency, and times involved.
 41 (9) A statement listing the names and titles of public officials or
 42 officers of units of government and relatives of the public officials

C
O
P
Y

- 1 or officers who directly or indirectly:
- 2 (A) have a financial interest in;
- 3 (B) have a beneficial interest in;
- 4 (C) are the creditors of;
- 5 (D) hold a debt instrument issued by; or
- 6 (E) have an interest in a contractual or service relationship
- 7 with;
- 8 an applicant.
- 9 (10) If an applicant for an operating agent contract or an owner's
- 10 or a supplier's license has directly or indirectly made a political
- 11 contribution, loan, donation, or other payment to a candidate or an
- 12 office holder in Indiana not more than five (5) years before the
- 13 date the applicant filed the application. An applicant must provide
- 14 information concerning the amount and method of a payment
- 15 described in this subdivision.
- 16 (11) The name and business telephone number of the attorney
- 17 who will represent the applicant in matters before the
- 18 commission.
- 19 (12) A description of a proposed or an approved riverboat gaming
- 20 operation, including the following information:
- 21 (A) The type of ~~boat~~ **riverboat**.
- 22 (B) The **site or** home dock location **of the riverboat**.
- 23 (C) The expected economic benefit to local communities.
- 24 (D) The anticipated or actual number of employees.
- 25 (E) Any statements from the applicant concerning compliance
- 26 with federal and state affirmative action guidelines.
- 27 (F) Anticipated or actual admissions.
- 28 (G) Anticipated or actual adjusted gross gaming receipts.
- 29 (13) A description of the product or service to be supplied by the
- 30 applicant if the applicant has applied for a supplier's license.
- 31 (14) The following information from each licensee or operating
- 32 agent involved in the ownership or management of gambling
- 33 operations:
- 34 (A) An annual balance sheet.
- 35 (B) An annual income statement.
- 36 (C) A list of the stockholders or other persons having at least
- 37 a one percent (1%) beneficial interest in the gambling
- 38 activities of the person who has been issued the owner's
- 39 license or operating agent contract.
- 40 (D) Any other information the commission considers
- 41 necessary for the effective administration of this article.
- 42 SECTION 23. IC 4-33-5-2, AS AMENDED BY P.L.125-2006,

COPY



1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2013]: Sec. 2. Notwithstanding any other law, upon written
3 request from a person, the commission shall provide the following
4 information to the person:

5 (1) Except as provided in section 1.5 of this chapter, the
6 information provided under section 1 of this chapter concerning
7 a licensee or an applicant.

8 (2) The amount of the wagering tax and ~~admission~~ **supplemental**
9 **wagering** tax paid daily to the state by a licensed owner or an
10 operating agent.

11 (3) A copy of a letter providing the reasons for the denial of an
12 owner's license or an operating agent's contract.

13 (4) A copy of a letter providing the reasons for the commission's
14 refusal to allow an applicant to withdraw the applicant's
15 application.

16 SECTION 24. IC 4-33-6-1, AS AMENDED BY P.L.137-2012,
17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2013]: Sec. 1. (a) The commission may issue to a person a
19 license to own a riverboat subject to the numerical and geographical
20 limitation of owner's licenses under this section, section 3.5 of this
21 chapter, and IC 4-33-4-17. However, not more than ten (10) owner's
22 licenses may be in effect at any time. ~~Except as provided in subsection~~
23 ~~(b)~~; Those ten (10) licenses are as follows:

24 (1) Two (2) licenses for a riverboat that operates from the city of
25 Gary.

26 (2) One (1) license for a riverboat that operates from the city of
27 Hammond.

28 (3) One (1) license for a riverboat that operates from the city of
29 East Chicago.

30 (4) One (1) license for a city located in the counties described
31 under IC 4-33-1-1(1). This license may not be issued to a city
32 described in subdivisions (1) through (3).

33 (5) A total of five (5) licenses for riverboats that operate upon the
34 Ohio River from the following counties:

35 (A) Vanderburgh County.

36 (B) Harrison County.

37 (C) Switzerland County.

38 (D) Ohio County.

39 (E) Dearborn County.

40 The commission may not issue a license to an applicant if the
41 issuance of the license would result in more than one (1) riverboat
42 operating from a county described in this subdivision.

C
o
p
y



1 (b) If a city described in subsection (a)(2) or (a)(3) conducts two (2)
2 elections under section 20 of this chapter, and the voters of the city do
3 not vote in favor of permitting riverboat gambling at either of those
4 elections, the license assigned to that city under subsection (a)(2) or
5 (a)(3) may be issued to any city that:

- 6 (1) does not already have a riverboat operating from the city; and
- 7 (2) is located in a county described in IC 4-33-1-1(1).

8 (c) (b) In addition to its power to issue owner's licenses under
9 subsection (a), the commission may also enter into a contract under
10 IC 4-33-6.5 with respect to the operation of one (1) riverboat on behalf
11 of the commission in a historic hotel district.

12 (d) (c) A person holding an owner's license may not move the
13 person's riverboat from the county in which the riverboat was docked
14 on January 1, 2007, to any other county.

15 SECTION 25. IC 4-33-6-4 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) In determining
17 whether to grant an owner's license to an applicant, the commission
18 shall consider the following:

- 19 (1) The character, reputation, experience, and financial integrity
20 of the following:
 - 21 (A) The applicant.
 - 22 (B) A person that:
 - 23 (i) directly or indirectly controls the applicant; or
 - 24 (ii) is directly or indirectly controlled by the applicant or by
25 a person that directly or indirectly controls the applicant.
- 26 (2) The facilities or proposed facilities for the conduct of
27 riverboat gambling.
- 28 (3) The highest prospective total revenue to be collected by the
29 state from the conduct of riverboat gambling.
- 30 (4) The good faith affirmative action plan of each applicant to
31 recruit, train, and upgrade minorities in all employment
32 classifications.
- 33 (5) The financial ability of the applicant to purchase and maintain
34 adequate liability and casualty insurance.
- 35 (6) If the applicant has adequate capitalization to provide and
36 maintain a riverboat for the duration of the license.
- 37 (7) The extent to which the applicant exceeds or meets other
38 standards adopted by the commission.

- 39 (b) **This subsection does not apply to:**
 - 40 (1) **a licensed owner constructing a new riverboat under**
 - 41 **section 24 of this chapter; or**
 - 42 (2) **a person applying for an owner's license to assume control**

C
o
p
y



1 **of a riverboat operating from a dock previously approved by**
2 **the commission.**

3 In an application for an owner's license, the applicant must submit to
4 the commission a proposed design of the riverboat and the dock. The
5 commission may not grant a license to an applicant if the commission
6 determines that it will be difficult or unlikely for the riverboat to depart
7 from the dock.

8 SECTION 26. IC 4-33-6-5 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. In an application for
10 an owner's license, the applicant must state:

- 11 (1) the dock at which the riverboat is based and the navigable
- 12 waterway on which the riverboat will operate; **or**
- 13 (2) **in the case of an application for an owner's license to own**
- 14 **and operate an inland casino under section 24 of this chapter,**
- 15 **the site of the inland casino.**

16 SECTION 27. IC 4-33-6-6, AS AMENDED BY P.L.15-2011,
17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2013]: Sec. 6. (a) Except as provided in subsection (c) **or (d),**
19 a riverboat that operates in a county described in IC 4-33-1-1(1) or
20 IC 4-33-1-1(2) must:

- 21 (1) have either:
 - 22 (A) a valid certificate of inspection from the United States
 - 23 Coast Guard for the carrying of at least five hundred (500)
 - 24 passengers; or
 - 25 (B) a valid certificate of compliance with marine structural and
 - 26 life safety standards determined by the commission; and
- 27 (2) be at least one hundred fifty (150) feet in length.

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

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

37 **(d) A riverboat constructed under section 24 of this chapter**
38 **must comply with all applicable building codes and any safety**
39 **requirements imposed by the commission.**

40 SECTION 28. IC 4-33-6-10 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) An owner's
42 license issued under this chapter permits the holder to own and operate

C
o
p
y



1 one (1) riverboat and equipment for each license.
 2 (b) The holder of an owner's license issued under this chapter may
 3 implement flexible scheduling for the operation of the holder's
 4 riverboat under section 21 of this chapter.
 5 (c) **Except as provided in subsections (d) and (e),** an owner's
 6 license issued under this chapter must specify the place where the
 7 riverboat must operate and dock. ~~However,~~
 8 (d) The commission may permit ~~the~~ a riverboat to dock at a
 9 temporary dock in the applicable city for a specific period of time not
 10 to exceed one (1) year after the owner's license is issued.
 11 (e) **An owner's license issued with respect to a riverboat**
 12 **constructed under section 24 of this chapter must specify the site**
 13 **of the riverboat.**
 14 ~~(d)~~ (f) An owner's initial license expires five (5) years after the
 15 effective date of the license.
 16 SECTION 29. IC 4-33-6-18 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 18. (a) This subsection
 18 applies to cities described in section 1(a)(1) through 1(a)(4) ~~or section~~
 19 ~~(f)(b)~~ of this chapter. The commission may not issue a license
 20 authorizing a riverboat to dock in a city unless the legislative body of
 21 the city has approved an ordinance permitting the docking of riverboats
 22 in the city.
 23 (b) This subsection applies to a county described in section 1(a)(5)
 24 of this chapter if the largest city in the county is contiguous to the Ohio
 25 River. The commission may not issue a license authorizing a riverboat
 26 to dock in the county unless an ordinance permitting the docking of
 27 riverboats in the county has been approved by the legislative body of
 28 the largest city in the county. The license must specify that the home
 29 ~~dock~~ of the riverboat is to be located in the largest city in the county.
 30 (c) This subsection applies to a county described in section 1(a)(5)
 31 of this chapter if the largest city in the county is not contiguous to the
 32 Ohio River. The commission may not issue a license authorizing a
 33 riverboat to dock in the county unless an ordinance permitting the
 34 docking of riverboats in the county has been approved by the county
 35 fiscal body.
 36 (d) This subsection applies to a county in which a historic hotel
 37 district is located. The commission may not enter into a contract under
 38 IC 4-33-6.5 for the operation of a riverboat in the county unless an
 39 ordinance permitting the docking of riverboats in the county has been
 40 approved by the county fiscal body.
 41 (e) **An ordinance adopted before January 1, 2013, authorizing**
 42 **a riverboat to dock in a city or county is sufficient to authorize the**

COPY



1 operation in the city or county of a riverboat constructed under
2 section 24 of this chapter.

3 SECTION 30. IC 4-33-6-24 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2013]: Sec. 24. (a) For purposes of this section, property is
6 considered to be adjacent to a riverboat dock site even if it is
7 separated from the dock site by a public road.

8 (b) A licensed owner may relocate the licensed owner's gaming
9 operations from a docked riverboat to an inland casino if the
10 following conditions are met:

11 (1) The casino is located on property that:
12 (A) is adjacent to the dock site of the licensed owner's
13 riverboat; and

14 (B) was owned by the licensed owner at the time the
15 licensed owner initially received an owner's license.

16 (2) The casino complies with all applicable building codes and
17 any safety requirements imposed by the commission.

18 (c) A licensed owner may not simultaneously conduct gaming
19 operations at an inland casino and a docked riverboat.

20 (d) A licensed owner is not required to obtain the commission's
21 approval before relocating the licensed owner's gaming operations
22 under this section. The commission may not impose a fee for the
23 privilege of relocating a gaming operation under this section.

24 SECTION 31. IC 4-33-6.5-5, AS AMENDED BY P.L.234-2007,
25 SECTION 278, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2013]: Sec. 5. After selecting the most
27 appropriate operating agent applicant, the commission may enter into
28 an operating agent contract with the person. The operating agent
29 contract must comply with this article and include the following terms
30 and conditions:

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

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

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

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

41 (5) The operating agent must comply with any requirements
42 concerning the exterior design of the riverboat that are approved

C
o
p
y



- 1 by the commission.
- 2 (6) Notwithstanding any law limiting the maximum length of
- 3 contracts:
- 4 (A) the initial term of the contract may not exceed twenty (20)
- 5 years; and
- 6 (B) any renewal or extension period permitted under the
- 7 contract may not exceed twenty (20) years.
- 8 (7) The operating agent must collect and remit all taxes under
- 9 ~~IC 4-33-12~~ and IC 4-33-13 and **IC 4-33-13.5**.
- 10 (8) The operating agent must comply with the restrictions on the
- 11 transferability of the operating agent contract under section 12 of
- 12 this chapter.

13 SECTION 32. IC 4-33-9-15 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) All tokens,
 15 chips, or electronic cards that are used to make wagers must be
 16 ~~purchased~~ **acquired** from the owner or operating agent of the riverboat:

- 17 (1) while ~~on board~~ **present in** the riverboat; or
- 18 (2) at an on-shore facility that:
 - 19 (A) has been approved by the commission; and
 - 20 (B) is located where the riverboat docks.
- 21 (b) The tokens, chips, or electronic cards may be ~~purchased~~
- 22 **acquired** by means of an agreement under which the owner or
- 23 operating agent extends credit to the patron.

24 SECTION 33. IC 4-33-9-17 IS ADDED TO THE INDIANA CODE
 25 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 26 1, 2013]: **Sec. 17. The following are designated as the homes of each**
 27 **riverboat operating under this article:**

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

38 SECTION 34. IC 4-33-9-18 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2013]: **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**

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

scheduling.

SECTION 35. IC 4-33-9-19 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2013]: **Sec. 19. (a) A licensed owner or operating agent may request approval from the commission to use a limited mobile gaming system in the gambling operations of the licensed owner or operating agent.**

(b) The commission may approve the use of a limited mobile gaming system under this article to wager on gambling games in the gaming area (as defined under the rules of the commission) of a riverboat. A person may not transmit a wager using a mobile gaming device while present in any area other than the gaming area.

SECTION 36. IC 4-33-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **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 37. IC 4-33-12 IS REPEALED [EFFECTIVE JULY 1, 2013]. (Admission Taxes).

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

- (1) admissions tax revenue received by the county under IC 4-33-12-6(d)(2); and**
- (2) (1) supplemental distributions received under IC 4-33-13-5(g); and**
- (2) supplemental wagering tax revenue received by the county under IC 4-33-13.5;**

to the eligible municipalities.

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

- (1) The certification from any decennial census completed by the United States Bureau of the Census.**
- (2) Submission by one (1) or more eligible municipalities of a certified special census commissioned by an eligible municipality**

C
o
p
y



1 and performed by the United States Bureau of the Census.

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

4 (1) payments beginning April 1 of the year following the
5 certification of a special census under subsection (b)(2); and
6 (2) the next quarterly payment following the certification of a
7 decennial census under subsection (b)(1).

8 SECTION 39. IC 4-33-12.5-7, AS ADDED BY P.L.214-2005,
9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2013]: Sec. 7. The county shall make payments under this
11 chapter directly to each eligible municipality. The county shall make
12 payments to the eligible municipalities not more than thirty (30) days
13 after the county receives the quarterly distribution of ~~admission tax~~
14 ~~revenue under IC 4-33-12-6~~ or **supplemental wagering tax revenue**
15 **under IC 4-33-13.5** or the supplemental distributions received under
16 IC 4-33-13-5(g) from the state.

17 SECTION 40. IC 4-33-13-1 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) This section does
19 not apply to a riverboat that has implemented flexible scheduling under
20 IC 4-33-6-21.

21 (b) Subject to section ~~1-5(h)~~ **1.5(j)** of this chapter, a tax is imposed
22 on the adjusted gross receipts received from gambling games
23 authorized under this article at the rate of twenty-two and five-tenths
24 percent (22.5%) of the amount of the adjusted gross receipts.

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

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

30 (e) If the department requires taxes to be remitted under this chapter
31 through electronic funds transfer, the department may allow the
32 licensed owner to file a monthly report to reconcile the amounts
33 remitted to the department.

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

37 SECTION 41. IC 4-33-13-1.5, AS AMENDED BY P.L.233-2007,
38 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2013]: Sec. 1.5. (a) This section applies only to a riverboat
40 that has implemented flexible scheduling under IC 4-33-6-21 or
41 IC 4-33-6.5.

42 (b) **This subsection applies only to a riverboat that received at**

C
o
p
y



1 **least seventy-five million dollars (\$75,000,000) of adjusted gross**
2 **receipts during the preceding state fiscal year.** A graduated tax is
3 imposed on the adjusted gross receipts received from gambling games
4 authorized under this article as follows:

5 (1) Fifteen percent (15%) of the first twenty-five million dollars
6 (\$25,000,000) of adjusted gross receipts received during the
7 period beginning July 1 of each year and ending June 30 of the
8 following year.

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

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

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

24 (5) Thirty-five percent (35%) of all adjusted gross receipts in
25 excess of one hundred fifty million dollars (\$150,000,000) but not
26 exceeding six hundred million dollars (\$600,000,000) received
27 during the period beginning July 1 of each year and ending June
28 30 of the following year.

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

33 **(c) This subsection applies only to a riverboat that received less**
34 **than seventy-five million dollars (\$75,000,000) of adjusted gross**
35 **receipts during the preceding state fiscal year. A graduated tax is**
36 **imposed on the adjusted gross receipts received from gambling**
37 **games authorized under this article as follows:**

38 (1) Five percent (5%) of the first twenty-five million dollars
39 (\$25,000,000) of adjusted gross receipts received during the
40 period beginning July 1 of each year and ending June 30 of
41 the following year.

42 (2) Twenty percent (20%) of the adjusted gross receipts in

C
o
p
y



1 excess of twenty-five million dollars (\$25,000,000) but not
 2 exceeding fifty million dollars (\$50,000,000) received during
 3 the period beginning July 1 of each year and ending June 30
 4 of the following year.

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

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

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

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

24 (d) The licensed owner or operating agent of a riverboat taxed
 25 under subsection (c) shall pay an additional tax of two million five
 26 hundred thousand dollars (\$2,500,000) in any state fiscal year in
 27 which the riverboat's adjusted gross receipts exceed seventy-five
 28 million dollars (\$75,000,000). The additional tax imposed under
 29 this subsection is due before July 1 of the following state fiscal
 30 year.

31 (e) (e) The licensed owner or operating agent shall remit the tax
 32 imposed by this chapter to the department before the close of the
 33 business day following the day the wagers are made.

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

36 (g) (g) If the department requires taxes to be remitted under this
 37 chapter through electronic funds transfer, the department may allow the
 38 licensed owner or operating agent to file a monthly report to reconcile
 39 the amounts remitted to the department.

40 (h) (h) The department may allow taxes remitted under this section
 41 to be reported on the same form used for taxes paid under ~~IC 4-33-12.~~
 42 IC 4-33-13.5.

C
o
p
y



1 (g) (i) If a riverboat implements flexible scheduling during any part
 2 of a period beginning July 1 of each year and ending June 30 of the
 3 following year, the tax rate imposed on the adjusted gross receipts
 4 received while the riverboat implements flexible scheduling shall be
 5 computed as if the riverboat had engaged in flexible scheduling during
 6 the entire period beginning July 1 of each year and ending June 30 of
 7 the following year.

8 (h) (j) If a riverboat:

- 9 (1) implements flexible scheduling during any part of a period
- 10 beginning July 1 of each year and ending June 30 of the following
- 11 year; and
- 12 (2) before the end of that period ceases to operate the riverboat
- 13 with flexible scheduling;

14 the riverboat shall continue to pay a wagering tax at the tax rates
 15 imposed under subsection (b) until the end of that period as if the
 16 riverboat had not ceased to conduct flexible scheduling.

17 SECTION 42. IC 4-33-13-5, AS AMENDED BY P.L.119-2012,
 18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2013]: Sec. 5. (a) This subsection does not apply to tax
 20 revenue remitted by an operating agent operating a riverboat in a
 21 historic hotel district. After funds are appropriated under section 4 of
 22 this chapter, each month the treasurer of state shall distribute the tax
 23 revenue deposited in the state gaming fund under this chapter to the
 24 following:

- 25 (1) The first thirty-three million dollars (\$33,000,000) of tax
- 26 revenues collected under this chapter shall be set aside for
- 27 revenue sharing under subsection (e).
- 28 (2) Subject to subsection (c), twenty-five percent (25%) of the
- 29 remaining tax revenue remitted by each licensed owner shall be
- 30 paid:

31 (A) to the city that is designated as the home dock of the
 32 riverboat from which the tax revenue was collected, in the case
 33 of

- 34 (i) a city described in ~~IC 4-33-12-6(b)(1)(A)~~; **riverboat**
- 35 **located in Dearborn County, Lake County, LaPorte**
- 36 **County, Ohio County, or Vanderburgh County;** or
- 37 (ii) a city located in a county having a population of more
- 38 than four hundred thousand (400,000) but less than seven
- 39 hundred thousand (700,000); or

40 (B) to the county that is designated as the home dock of the
 41 riverboat from which the tax revenue was collected, in the case
 42 of a riverboat whose home dock is not in a city described in

C
o
p
y



- 1 ~~clause (A):~~ **located in Harrison County or Switzerland**
 2 **County.**
- 3 (3) Subject to subsection (d), the remainder of the tax revenue
 4 remitted by each licensed owner shall be paid to the state general
 5 fund. In each state fiscal year, the treasurer of state shall make the
 6 transfer required by this subdivision not later than the last
 7 business day of the month in which the tax revenue is remitted to
 8 the state for deposit in the state gaming fund. However, if tax
 9 revenue is received by the state on the last business day in a
 10 month, the treasurer of state may transfer the tax revenue to the
 11 state general fund in the immediately following month.
- 12 (b) This subsection applies only to tax revenue remitted by an
 13 operating agent operating a riverboat in a historic hotel district. After
 14 funds are appropriated under section 4 of this chapter, each month the
 15 treasurer of state shall distribute the tax revenue remitted by the
 16 operating agent under this chapter as follows:
- 17 (1) Thirty-seven and one-half percent (37.5%) shall be paid to the
 18 state general fund.
- 19 (2) Nineteen percent (19%) shall be paid to the ~~West Baden~~
 20 ~~Springs historic hotel preservation and maintenance fund~~
 21 ~~established by IC 36-7-11.5-11(b). However, at any time the~~
 22 ~~balance in that fund exceeds twenty million dollars~~
 23 ~~(\$20,000,000); the amount described in this subdivision shall be~~
 24 ~~paid to the state general fund.~~
- 25 (3) Eight percent (8%) shall be paid to the Orange County
 26 development commission established under IC 36-7-11.5.
- 27 (4) Sixteen percent (16%) shall be paid in equal amounts to each
 28 town that is located in the county in which the riverboat is located
 29 and contains a historic hotel. The following apply to taxes
 30 received by a town under this subdivision:
- 31 (A) At least twenty-five percent (25%) of the taxes must be
 32 transferred to the school corporation in which the town is
 33 located.
- 34 (B) At least twelve and five-tenths percent (12.5%) of the
 35 taxes imposed on adjusted gross receipts received after June
 36 30, 2010, must be transferred to the Orange County
 37 development commission established by IC 36-7-11.5-3.5.
- 38 (5) Nine percent (9%) shall be paid to the county treasurer of the
 39 county in which the riverboat is located. The county treasurer
 40 shall distribute the money received under this subdivision as
 41 follows:
- 42 (A) Twenty-two and twenty-five hundredths percent (22.25%)

C
 O
 P
 Y



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

C
o
p
y



1 IC 5-28-3-1.

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

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

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

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

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

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

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

- 39 (1) To each city located in the county according to the ratio the
40 city's population bears to the total population of the county.
41 (2) To each town located in the county according to the ratio the
42 town's population bears to the total population of the county.

SB 528—LS 7381/DI 92+



C
O
P
Y

- 1 (3) After the distributions required in subdivisions (1) and (2) are
- 2 made, the remainder shall be retained by the county.
- 3 (f) Money received by a city, town, or county under subsection (e)
- 4 or (h) may be used for any of the following purposes:
- 5 (1) To reduce the property tax levy of the city, town, or county for
- 6 a particular year (a property tax reduction under this subdivision
- 7 does not reduce the maximum levy of the city, town, or county
- 8 under IC 6-1.1-18.5).
- 9 (2) For deposit in a special fund or allocation fund created under
- 10 IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and
- 11 IC 36-7-30 to provide funding for debt repayment.
- 12 (3) To fund sewer and water projects, including storm water
- 13 management projects.
- 14 (4) For police and fire pensions.
- 15 (5) To carry out any governmental purpose for which the money
- 16 is appropriated by the fiscal body of the city, town, or county.
- 17 Money used under this subdivision does not reduce the property
- 18 tax levy of the city, town, or county for a particular year or reduce
- 19 the maximum levy of the city, town, or county under
- 20 IC 6-1.1-18.5.
- 21 (g) This subsection does not apply to an entity receiving money
- 22 under IC 4-33-12-6(c) **(before its repeal)**. Before September 15 of
- 23 each **state fiscal year ending before July 1, 2015**, the treasurer of state
- 24 shall determine the total amount of money distributed to an entity under
- 25 IC 4-33-12-6 **(before its repeal)** during the preceding state fiscal year.
- 26 If the treasurer of state determines that the total amount of money
- 27 distributed to an entity under IC 4-33-12-6 **(before its repeal)** during
- 28 the preceding state fiscal year was less than the entity's base year
- 29 revenue, ~~(as determined under IC 4-33-12-6)~~ the treasurer of state shall
- 30 make a supplemental distribution to the entity from taxes collected
- 31 under this chapter and deposited into the state general fund. ~~Except as~~
- 32 ~~provided in subsection (i);~~ The amount of an entity's supplemental
- 33 distribution is ~~equal to~~ **determined as follows:**
- 34 **(1) For distributions made in 2013, the distribution is equal**
- 35 **to:**
- 36 ~~(+)~~ **(A)** the entity's base year revenue; ~~(as determined under~~
- 37 ~~IC 4-33-12-6);~~ minus
- 38 ~~(-)~~ **(B)** the sum of:
- 39 ~~(A)~~ **(i)** the total amount of money distributed to the entity
- 40 during the preceding state fiscal year under IC 4-33-12-6
- 41 **(before its repeal);** plus
- 42 ~~(B)~~ **(ii)** any amounts deducted under IC 6-3.1-20-7.

C
O
P
Y



- 1 **(2) For distributions made in 2014, the distribution is equal to**
- 2 **fifty percent (50%) of:**
- 3 **(A) the entity's base year revenue; minus**
- 4 **(B) the sum of:**
 - 5 **(i) the total amount of money distributed to the entity**
 - 6 **during the preceding state fiscal year under IC 4-33-12-6**
 - 7 **(before its repeal); plus**
 - 8 **(ii) any amounts deducted under IC 6-3.1-20-7.**

9 **An entity is not entitled to a supplemental distribution under this**
 10 **subsection in a state fiscal year beginning after June 30, 2015.**

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

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

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

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

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

27 SECTION 43. IC 4-33-13-7 IS ADDED TO THE INDIANA CODE
 28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 2013]: **Sec. 7. (a) This section applies to adjusted gross receipts**
 30 **from wagering on gambling games that occurs after June 30, 2013.**

31 **(b) As used in this section, "qualified patron" means a patron of**
 32 **a riverboat who resides outside Indiana.**

33 **(c) As used in this section, "qualified wagering" refers to wagers**
 34 **made by a qualified patron using noncashable vouchers, coupons,**
 35 **electronic credits, or electronic promotions provided by the**
 36 **licensed owner or operating agent.**

37 **(d) Subject to subsection (e), a licensed owner or operating**
 38 **agent may at any time during a state fiscal year deduct from the**
 39 **adjusted gross receipts reported by the licensed owner or operating**
 40 **agent adjusted gross receipts attributable to qualified wagering. A**
 41 **licensed owner or operating agent must take a deduction under this**
 42 **section on a form and in the manner prescribed by the department.**

C
o
p
y



1 (e) A licensed owner or operating agent may not deduct more
2 than two million dollars (\$2,000,000) under this section in a
3 particular state fiscal year.

4 (f) Deductions under this section also apply to a licensee's
5 adjusted gross receipts for purposes of IC 4-33-13.5.

6 SECTION 44. IC 4-33-13.5 IS ADDED TO THE INDIANA CODE
7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2013]:

9 **Chapter 13.5. Supplemental Wagering Tax**

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

12 **Sec. 2.** A supplemental wagering tax is imposed on the adjusted
13 gross receipts received from gambling games authorized under this
14 article at the rate of three and forty-five hundredths percent
15 (3.45%) of the amount of the adjusted gross receipts.

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

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

21 (c) If the department requires taxes to be remitted under this
22 chapter through electronic funds transfer, the department may
23 allow the licensed owner to file a monthly report to reconcile the
24 amounts remitted to the department.

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

28 **Sec. 4.** The department shall deposit tax revenue collected under
29 this chapter in the state gaming fund.

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

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

35 (1) Thirty-three and thirty-three hundredths percent
36 (33.33%) to the city in which the riverboat is located if the
37 city is located in Dearborn County, LaPorte County, Ohio
38 County, or Vanderburgh County.

39 (2) Thirty-three and thirty-three hundredths percent
40 (33.33%) to the county in which the riverboat is located.

41 (3) This subdivision applies only to a riverboat that is located
42 in Harrison County or Switzerland County. Thirty-three and

C
O
P
Y



- 1 **thirty-three hundredths percent (33.33%) to the county in**
- 2 **which the riverboat is located. Amounts paid to the county**
- 3 **under this subdivision are in addition to the amounts paid**
- 4 **under subdivision (2).**
- 5 **(4) Three and thirty-four hundredths percent (3.34%) to the**
- 6 **county convention and visitors bureau or promotion fund for**
- 7 **the county in which the riverboat is located.**
- 8 **(5) Five percent (5%) to the state fair commission.**
- 9 **(6) Three and thirty-four hundredths percent (3.34%) to the**
- 10 **division of mental health and addiction.**
- 11 **(7) Twenty-one and sixty-six hundredths percent (21.66%) to**
- 12 **the state general fund.**

13 **Sec. 6. (a) This section applies to a riverboat located in Lake**
 14 **County.**

15 **(b) Subject to section 12 of this chapter and IC 6-3.1-20-7, the**
 16 **treasurer of state shall quarterly pay the following amounts of the**
 17 **supplemental wagering tax remitted by a licensed owner:**

- 18 **(1) Thirty-three and thirty-three hundredths percent**
- 19 **(33.33%) to the city in which the riverboat is located.**
- 20 **(2) Thirty-three and thirty-three hundredths percent**
- 21 **(33.33%) to the county.**
- 22 **(3) Three percent (3%) to the county convention and visitors**
- 23 **bureau or promotion fund.**
- 24 **(4) Thirty-four hundredths percent (0.34%) to the northwest**
- 25 **Indiana law enforcement training center.**
- 26 **(5) Five percent (5%) to the state fair commission.**
- 27 **(6) Three and thirty-four hundredths percent (3.34%) to the**
- 28 **division of mental health and addiction.**
- 29 **(7) Twenty-one and sixty-six hundredths percent (21.66%) to**
- 30 **the state general fund.**

31 **Sec. 7. (a) This section applies to a riverboat located in Orange**
 32 **County.**

33 **(b) The treasurer of state shall quarterly pay the following**
 34 **amounts of the supplemental wagering tax remitted by the**
 35 **operating agent:**

- 36 **(1) Twenty-nine and thirty-three hundredths percent**
- 37 **(29.33%) to the county treasurer of Orange County. The**
- 38 **county treasurer shall distribute the money received under**
- 39 **this subdivision as follows:**
- 40 **(A) Twenty-two and seventy-five hundredths percent**
- 41 **(22.75%) to the county treasurer of Dubois County.**
- 42 **(B) Twenty-two and seventy-five hundredths percent**

C
O
P
Y



- 1 (22.75%) to the county treasurer of Crawford County.
- 2 (C) Fifty-four and five-tenths percent (54.5%) to be
- 3 retained by the county treasurer of Orange County for
- 4 appropriation by the county fiscal body after receiving a
- 5 recommendation from the county executive.
- 6 (2) Six and sixty-seven hundredths percent (6.67%) to the
- 7 fiscal officer of the town of Orleans. At least twenty percent
- 8 (20%) of the taxes received by the town under this subdivision
- 9 must be transferred to Orleans Community Schools.
- 10 (3) Six and sixty-seven hundredths percent (6.67%) to the
- 11 fiscal officer of the town of Paoli. At least twenty percent
- 12 (20%) of the taxes received by the town under this subdivision
- 13 must be transferred to the Paoli Community School
- 14 Corporation.
- 15 (4) Twenty-six and sixty-seven hundredths percent (26.67%)
- 16 to be paid in equal amounts to the fiscal officers of the towns
- 17 of French Lick and West Baden Springs. At least twenty
- 18 percent (20%) of the taxes received by a town under this
- 19 subdivision must be transferred to the Springs Valley
- 20 Community School Corporation.
- 21 (5) Thirty and sixty-six hundredths percent (30.66%) to the
- 22 Indiana economic development corporation.
- 23 (c) The county fiscal body for Dubois County shall provide for
- 24 the distribution of the money received under subsection (b)(1)(A)
- 25 to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the
- 26 county under a formula established by the county fiscal body after
- 27 receiving a recommendation from the county executive.
- 28 (d) The county fiscal body for Crawford County shall provide
- 29 for the distribution of the money received under subsection
- 30 (b)(1)(B) to one (1) or more taxing units (as defined in
- 31 IC 6-1.1-1-21) in the county under a formula established by the
- 32 county fiscal body after receiving a recommendation from the
- 33 county executive.
- 34 (e) Money received by the Indiana economic development
- 35 corporation under subsection (b)(5) must be used by the
- 36 corporation for the development and implementation of a regional
- 37 economic development strategy to assist the residents of Orange
- 38 County and residents of contiguous counties in improving their
- 39 quality of life and to help promote successful and sustainable
- 40 communities. The regional economic development strategy must
- 41 include goals concerning the following issues:
- 42 (1) Job creation and retention.

COPY



- 1 **(2) Infrastructure, including water, wastewater, and storm**
- 2 **water infrastructure needs.**
- 3 **(3) Housing.**
- 4 **(4) Workforce training.**
- 5 **(5) Health care.**
- 6 **(6) Local planning.**
- 7 **(7) Land use.**
- 8 **(8) Assistance to regional economic development groups.**
- 9 **(9) Other regional development issues as determined by the**
- 10 **Indiana economic development corporation.**

11 **Sec. 8. (a) Money paid to a unit of local government under this**
 12 **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**
- 15 **established under IC 36-1-8-9, or both;**
- 16 **(2) may not be used to reduce the unit's maximum or actual**
- 17 **levy 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**
 22 **as the home of the riverboat from entering into agreements with**
 23 **other units of local government in Indiana or in other states to**
 24 **share the city's or county's part of the tax revenue received under**
 25 **this chapter.**

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

29 **Sec. 10. (a) The division of mental health and addiction shall**
 30 **allocate at least twenty-five percent (25%) of the funds received**
 31 **under this chapter to the prevention and treatment of compulsive**
 32 **gambling.**

33 **(b) Money received by the division of mental health and**
 34 **addiction under this chapter:**

- 35 **(1) is annually appropriated to the division of mental health**
- 36 **and addiction;**
- 37 **(2) shall be distributed to the division of mental health and**
- 38 **addiction at times during each state fiscal year determined by**
- 39 **the budget agency; and**
- 40 **(3) shall be used by the division of mental health and addiction**
- 41 **for programs and facilities for the prevention and treatment**
- 42 **of addictions to drugs, alcohol, and compulsive gambling,**

C
O
P
Y



1 including the creation and maintenance of a toll free
2 telephone line to provide the public with information about
3 these additions.

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

- 6 (1) deposited in:
 - 7 (A) the county convention and visitor promotion fund; or
 - 8 (B) the county's general fund if the county does not have a
9 convention and visitor promotion fund; and
- 10 (2) used only for the tourism promotion, advertising, and
11 economic development activities of the county and
12 community.

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

15 (b) The total amount of money distributed to an entity under
16 this chapter during a state fiscal year may not exceed the entity's
17 base year revenue.

18 (c) The treasurer of state shall pay that part of the riverboat
19 supplemental wagering taxes that:

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

23 (d) If the treasurer of state determines that the total amount of
24 money distributed to an entity under this section during a state
25 fiscal year beginning after June 30, 2013, and ending before July
26 1, 2014, is less than the entity's base year revenue, the treasurer of
27 state shall make a supplemental distribution to the entity under
28 IC 4-33-13-5(g).

29 SECTION 45. IC 4-33-14-9 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) This section
31 applies to a person holding an owner's licenses for riverboats operated
32 from a city described under IC 4-33-6-1(a)(1) through
33 IC 4-33-6-1(a)(3).

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

37 SECTION 46. IC 4-33-21-7, AS ADDED BY P.L.142-2009,
38 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2013]: Sec. 7. (a) A trustee acting under the authority of this
40 chapter must fulfill the trustee's duties as a fiduciary for the owner of
41 the riverboat. In addition, the trustee shall consider the effect of the
42 trustee's actions upon:

C
o
p
y



1 (1) the amount of taxes remitted by the trustee under IC ~~4-33-12~~
2 ~~and IC 4-33-13~~ **and IC 4-33-13.5;**

3 (2) ~~the riverboat's dock city or~~ **and county in which the riverboat**
4 **is located;**

5 (3) the riverboat's employees; and

6 (4) the creditors of the owner of the riverboat.

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

12 SECTION 47. IC 4-33-23-10, AS ADDED BY P.L.82-2011,
13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2013]: Sec. 10. (a) A development provider shall report
15 annually to the commission the following:

16 (1) the total dollar amounts of economic development payments;

17 (2) the parties or specified recipients, or both, that receive
18 economic development payments; and

19 (3) any other items related to an economic development payment
20 that the commission may require.

21 (b) A specified recipient of an economic development payment shall
22 report annually to the commission an accounting of:

23 (1) any economic development payment received by the recipient;
24 and

25 (2) any disbursements of economic development payment money
26 that the recipient makes to:

27 (A) another specified recipient; or

28 (B) an unspecified recipient.

29 (c) A report submitted under subsection (b) must include:

30 (1) the legal name of the person submitting the report;

31 (2) the date, amount, and purpose of each disbursement;

32 (3) the name of each specified or unspecified recipient receiving
33 a disbursement; and

34 (4) any other information that the commission may require.

35 (d) Upon request of the commission, a person submitting a report
36 under subsection (a) or (b) shall attach to the report sufficient
37 documentation to support a transaction described in the report.

38 (e) A report submitted under subsection (a) or (b) must be
39 **submitted to the department of local government finance and** made
40 available electronically through the ~~computer gateway administered by~~
41 ~~the office of technology established by IC 4-13.1-2-1.~~ **Indiana**
42 **transparency Internet web site established under IC 5-14-3.7.**



C
O
P
Y

1 (f) The commission may require, with respect to a report required
2 by this section:

- 3 (1) the format of the report;
4 (2) the deadline by which the report must be filed; and
5 (3) the manner in which the report must be maintained and filed.

6 SECTION 48. IC 4-33-23-17 IS ADDED TO THE INDIANA
7 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
8 [EFFECTIVE JULY 1, 2013]: **Sec. 17. (a) Any political subdivision**
9 **receiving an economic development payment shall annually report**
10 **the following information to the department of local government**
11 **finance:**

12 (1) **The total amount of economic development payments**
13 **received in the previous state fiscal year.**

14 (2) **The balance of the fund in which the political subdivision**
15 **deposited the economic development payments under section**
16 **13 of this chapter as of the end of the previous state fiscal**
17 **year.**

18 (b) **A political subdivision shall submit the report required by**
19 **subsection (a) to the department of local government finance**
20 **before October 1 of each year.**

21 (c) **The department of local government finance shall make the**
22 **report available electronically through the Indiana transparency**
23 **Internet web site established under IC 5-14-3.7.**

24 SECTION 49. IC 4-35-2-5, AS ADDED BY P.L.233-2007,
25 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2013]: Sec. 5. "Gambling game" means **any of the following:**

27 (1) **A game played on a slot machine approved for wagering under**
28 **this article by the commission.**

29 (2) **A table game approved by the commission under**
30 **IC 4-35-7-15.**

31 (3) **The use of a mobile gaming device to make wagers on slot**
32 **machines and table games as permitted by this article.**

33 SECTION 50. IC 4-35-2-7.5 IS ADDED TO THE INDIANA CODE
34 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
35 1, 2013]: **Sec. 7.5. "Limited mobile gaming system" refers to a**
36 **system that enables a permit holder to accept wagers through the**
37 **use of mobile gaming devices approved under this article.**

38 SECTION 51. IC 4-35-2-7.7 IS ADDED TO THE INDIANA CODE
39 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
40 1, 2013]: **Sec. 7.7. "Mobile gaming device" means an electronic**
41 **device, including software, that does the following:**

42 (1) **Displays information related to a gambling game.**

C
o
p
y



1 (2) Enables a patron to place a wager on pari-mutuel horse
2 racing or a gambling game from an approved location using
3 money placed into a deposit account maintained under the
4 rules of the commission.

5 SECTION 52. IC 4-35-2-10, AS ADDED BY P.L.233-2007,
6 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2013]: Sec. 10. "Supplier's license" means a license issued
8 under ~~IC 4-35-6~~; **IC 4-33-7**.

9 SECTION 53. IC 4-35-2-10.5 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2013]: **Sec. 10.5. "Table game" means an**
12 **apparatus used to gamble upon, including the following:**

- 13 (1) A roulette wheel and table.
- 14 (2) A blackjack table.
- 15 (3) A craps table.
- 16 (4) A poker table.
- 17 (5) Any other game approved by the commission.

18 SECTION 54. IC 4-35-3-1, AS ADDED BY P.L.233-2007,
19 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2013]: Sec. 1. All shipments of **gambling devices, including**
21 slot machines, to licensees in Indiana, the registering, recording, and
22 labeling of which have been completed by the manufacturer or dealer
23 in accordance with 15 U.S.C. 1171 through 15 U.S.C. 1178, are legal
24 shipments of gambling devices into Indiana.

25 SECTION 55. IC 4-35-4-2, AS AMENDED BY P.L.142-2009,
26 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2013]: Sec. 2. (a) The commission shall do the following:

- 28 (1) Adopt rules under IC 4-22-2 that the commission determines
29 are necessary to protect or enhance the following:
 - 30 (A) The credibility and integrity of gambling games authorized
31 under this article.
 - 32 (B) The regulatory process provided in this article.
- 33 (2) Conduct all hearings concerning civil violations of this article.
- 34 (3) Provide for the establishment and collection of license fees
35 imposed under this article, and deposit the license fees in the state
36 general fund.
- 37 (4) Levy and collect penalties for noncriminal violations of this
38 article and deposit the penalties in the state general fund.
- 39 (5) Approve the design, appearance, aesthetics, and construction
40 of slot machine **gambling game** facilities authorized under this
41 article.
- 42 (6) Adopt emergency rules under IC 4-22-2-37.1 if the

C
o
p
y



- 1 commission determines that:
- 2 (A) the need for a rule is so immediate and substantial that
- 3 rulemaking procedures under IC 4-22-2-13 through
- 4 IC 4-22-2-36 are inadequate to address the need; and
- 5 (B) an emergency rule is likely to address the need.
- 6 (7) Adopt rules to establish and implement a voluntary exclusion
- 7 program that meets the requirements of subsection (c).
- 8 (8) Establish the requirements for a power of attorney submitted
- 9 under IC 4-35-5-9.
- 10 (b) The commission shall begin rulemaking procedures under
- 11 IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted
- 12 under subsection (a)(6) not later than thirty (30) days after the adoption
- 13 of the emergency rule under subsection (a)(6).
- 14 (c) Rules adopted under subsection (a)(7) must provide the
- 15 following:
- 16 (1) Except as provided by rule of the commission, a person who
- 17 participates in the voluntary exclusion program agrees to refrain
- 18 from entering a facility at which gambling games are conducted
- 19 or another facility under the jurisdiction of the commission.
- 20 (2) That the name of a person participating in the program will be
- 21 included on a list of persons excluded from all facilities under the
- 22 jurisdiction of the commission.
- 23 (3) Except as provided by rule of the commission, a person who
- 24 participates in the voluntary exclusion program may not petition
- 25 the commission for readmittance to a facility under the
- 26 jurisdiction of the commission.
- 27 (4) That the list of patrons entering the voluntary exclusion
- 28 program and the personal information of the participants are
- 29 confidential and may only be disseminated by the commission to
- 30 the owner or operator of a facility under the jurisdiction of the
- 31 commission for purposes of enforcement and to other entities,
- 32 upon request by the participant and agreement by the commission.
- 33 (5) That an owner of a facility under the jurisdiction of the
- 34 commission shall make all reasonable attempts as determined by
- 35 the commission to cease all direct marketing efforts to a person
- 36 participating in the program.
- 37 (6) That an owner of a facility under the jurisdiction of the
- 38 commission may not cash the check of a person participating in
- 39 the program or extend credit to the person in any manner.
- 40 However, the voluntary exclusion program does not preclude an
- 41 owner from seeking the payment of a debt accrued by a person
- 42 before entering the program.

COPY



1 SECTION 56. IC 4-35-4-7, AS ADDED BY P.L.233-2007,
 2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2013]: Sec. 7. (a) The commission shall adopt standards for
 4 the licensing of the following:

- 5 (1) Persons regulated under this article.
- 6 (2) ~~Slot machines used in~~ Gambling games.
- 7 **(3) Limited mobile gaming systems and mobile gaming**
 8 **devices.**

9 (b) Where applicable, 68 IAC applies to racetracks conducting
 10 gambling games under this article.

11 SECTION 57. IC 4-35-4-12, AS ADDED BY P.L.233-2007,
 12 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2013]: Sec. 12. (a) The commission shall require a licensee to
 14 conspicuously display the number of the toll free telephone line
 15 described in ~~IC 4-33-12-6~~ **IC 4-33-13.5-10** in the following locations:

- 16 (1) On each admission ticket to a facility at which gambling
 17 games are conducted, if tickets are issued.
- 18 (2) On a poster or placard that is on display in a public area of
 19 each facility at which gambling games at racetracks are
 20 conducted.

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

23 SECTION 58. IC 4-35-4-14, AS ADDED BY P.L.142-2009,
 24 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2013]: Sec. 14. (a) The commission may appoint a temporary
 26 trustee for a particular ~~slot machine gambling game~~ facility at a
 27 racetrack if the commission makes the following findings:

- 28 (1) That circumstances requiring a trustee to assume control of
 29 the ~~slot machine gambling game~~ facility are likely to occur.
- 30 (2) That the commission has not approved a power of attorney
 31 identifying any other person to serve as the trustee for the ~~slot~~
 32 ~~machine gambling game~~ facility.
- 33 (3) That there is not enough time to consider and approve a power
 34 of attorney with respect to the ~~slot machine gambling game~~
 35 facility before the circumstances found likely to occur under
 36 subdivision (1) will occur.

37 (b) A person appointed under this section must be qualified to
 38 perform any duty described in this section or IC 4-35-12.

39 (c) A trustee appointed by the commission under this section shall
 40 serve until any of the following occur:

- 41 (1) The commission adopts a resolution under IC 4-35-12-3
 42 authorizing a trustee appointed in an approved power of attorney

C
 O
 P
 Y



- 1 submitted by the permit holder to conduct gambling games under
2 IC 4-35-12.
- 3 (2) The commission revokes the trustee's authority to conduct
4 gambling games as provided by IC 4-35-12-12.
- 5 (3) A new permit holder assumes control of the racetrack, ~~slot~~
6 **machine gambling game** facility, and related properties.
- 7 (d) A trustee appointed by the commission under this section shall
8 exercise the trustee's powers in accordance with:
- 9 (1) the model power of attorney established by the executive
10 director under section 13.2 of this chapter; and
11 (2) IC 4-35-12.
- 12 SECTION 59. IC 4-35-5-2, AS ADDED BY P.L.233-2007,
13 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2013]: Sec. 2. (a) Before issuing a license to a person under
15 this chapter, the commission shall subject the person to a background
16 investigation similar to a background investigation required for an
17 applicant for a riverboat owner's license under IC 4-33-6.
- 18 (b) Before the commission may issue a license to a person under this
19 chapter, the person must submit to the commission for the
20 commission's approval the physical layout of the person's proposed ~~slot~~
21 **machines gambling games** and the facilities that will contain the
22 proposed ~~slot machines:~~ **gambling games**. The facilities that will
23 contain the ~~slot machines gambling games~~ must be connected to the
24 licensee's racetrack facilities.
- 25 SECTION 60. IC 4-35-6-1, AS AMENDED BY P.L.142-2009,
26 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2013]: Sec. 1. ~~(a) Before July 1, 2009, the commission may~~
28 ~~issue a supplier's license under this chapter to a person if:~~
- 29 ~~(1) the person has:~~
- 30 ~~(A) applied for the supplier's license;~~
31 ~~(B) paid a nonrefundable application fee set by the~~
32 ~~commission;~~
33 ~~(C) paid a five thousand dollar (\$5,000) annual supplier's~~
34 ~~license fee; and~~
35 ~~(D) submitted, on forms provided by the commission, two (2)~~
36 ~~sets of:~~
- 37 ~~(i) the individual's fingerprints, if the applicant is an~~
38 ~~individual; or~~
39 ~~(ii) fingerprints for each officer and director of the applicant,~~
40 ~~if the applicant is not an individual; and~~
- 41 ~~(2) the commission has determined that the applicant is eligible~~
42 ~~for a supplier's license.~~

C
O
P
Y

1 (b) Each license issued under this chapter is terminated on July 1,
2 2009.

3 (c) After June 30, 2009, A person may not:

- 4 (1) sell;
- 5 (2) lease; or
- 6 (3) contract to sell or lease;

7 a slot machine gambling game, limited mobile gaming system, or
8 mobile gaming device to a licensee unless the person holds a supplier's
9 license originally issued under IC 4-33-7-1 or renewed under
10 IC 4-33-7-8.

11 SECTION 61. IC 4-35-7-1, AS ADDED BY P.L.233-2007,
12 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2013]: Sec. 1. Gambling games authorized under this article
14 may not be conducted anywhere other than a slot machine gambling
15 game facility located at a racetrack.

16 SECTION 62. IC 4-35-7-2, AS ADDED BY P.L.233-2007,
17 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2013]: Sec. 2. (a) A person who is less than twenty-one (21)
19 years of age may not wager on a slot machine: on a gambling game
20 under this article.

21 (b) Except as provided in subsection (c), a person who is less than
22 twenty-one (21) years of age may not be present in the area of a
23 racetrack where gambling games are conducted.

24 (c) A person who is at least eighteen (18) years of age and who is an
25 employee of the racetrack may be present in the area of the racetrack
26 where gambling games are conducted. However, an employee who is
27 less than twenty-one (21) years of age may not perform any function
28 involving gambling by the patrons of the licensee's slot machine
29 gambling game facility.

30 SECTION 63. IC 4-35-7-4, AS ADDED BY P.L.233-2007,
31 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2013]: Sec. 4. The following may inspect a licensee's slot
33 machine gambling game facility at any time to determine if this article
34 is being violated:

- 35 (1) Employees of the commission.
- 36 (2) Officers of the state police department.

37 SECTION 64. IC 4-35-7-5, AS ADDED BY P.L.233-2007,
38 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2013]: Sec. 5. Employees of the commission have the right to
40 be present in a licensee's slot machine gambling game facility.

41 SECTION 65. IC 4-35-7-6, AS ADDED BY P.L.233-2007,
42 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C
o
p
y



1 JULY 1, 2013]: Sec. 6. ~~A slot machine~~ **Gambling equipment and**
 2 **supplies customarily used in conducting gambling games under this**
 3 **article** may be purchased or leased only from a supplier licensed under
 4 **this article: IC 4-33-7.**

5 SECTION 66. IC 4-35-7-7, AS ADDED BY P.L.233-2007,
 6 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2013]: Sec. 7. Except as provided in ~~section~~ **sections 14 and**
 8 **15** of this chapter, slot machine wagering is the only form of wagering
 9 permitted in a ~~licensee's slot machine~~ facility **licensed under this**
 10 **article.**

11 SECTION 67. IC 4-35-7-8, AS ADDED BY P.L.233-2007,
 12 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2013]: Sec. 8. Wagers may be received only from a person
 14 present in a licensee's ~~slot machine~~ **gambling game** facility. A person
 15 present in a licensee's ~~slot machine~~ **gambling game** facility may not
 16 place or attempt to place a wager on behalf of a person who is not
 17 present in the licensee's ~~slot machine~~ **gambling game** facility.

18 SECTION 68. IC 4-35-7-9, AS ADDED BY P.L.233-2007,
 19 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2013]: Sec. 9. (a) A patron may make a ~~slot machine~~
 21 **gambling game** wager at a racetrack only by means of:

- 22 (1) a **chip, a** token, or an electronic card, ~~purchased~~ **acquired**
 23 from a licensee at the licensee's racetrack; or
 24 (2) money or other negotiable currency.

25 (b) A **chip, a** token, or an electronic card may be ~~purchased~~
 26 **acquired** by means of an agreement under which a licensee extends
 27 credit to the patron.

28 (c) All winnings and payoffs from a ~~slot machine~~ **gambling game**
 29 at a racetrack:

- 30 (1) shall be made in **chips,** tokens, electronic cards, paper tickets,
 31 or other evidence of winnings and payoffs approved by the
 32 commission; and
 33 (2) may not be made in money or other negotiable currency.

34 SECTION 69. IC 4-35-7-10, AS ADDED BY P.L.233-2007,
 35 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: Sec. 10. A **chip, a** token, or an electronic card
 37 described in section 9 of this chapter may be used by a patron while the
 38 patron is present at the racetrack only to make a wager on a ~~slot~~
 39 **machine gambling game** authorized under this article.

40 SECTION 70. IC 4-35-7-12, AS AMENDED BY P.L.229-2011,
 41 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2013]: Sec. 12. (a) The Indiana horse racing commission shall



C
o
p
y

1 enforce the requirements of this section.

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

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

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

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

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

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

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

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

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

C
o
p
y



- 1 (ii) Two and four-tenths percent (2.4%) to the horsemen's
 2 association representing thoroughbred owners and trainers.
 3 (iii) Six-tenths percent (0.6%) to the horsemen's association
 4 representing thoroughbred owners and breeders.
 5 (B) Forty percent (40%) to the breed development fund
 6 established for thoroughbreds under IC 4-31-11-10.
 7 (2) Forty-six percent (46%) for standardbred purposes as follows:
 8 (A) Three hundred seventy-five thousand dollars (\$375,000)
 9 to the state fair commission to be used by the state fair
 10 commission to support standardbred racing and facilities at the
 11 state fairgrounds.
 12 (B) One hundred twenty-five thousand dollars (\$125,000) to
 13 the state fair commission to be used by the state fair
 14 commission to make grants to county fairs to support
 15 standardbred racing and facilities at county fair tracks. The
 16 state fair commission shall establish a review committee to
 17 include the standardbred association board, the Indiana horse
 18 racing commission, and the Indiana county fair association to
 19 make recommendations to the state fair commission on grants
 20 under this clause.
 21 (C) Fifty percent (50%) of the amount remaining after the
 22 distributions under clauses (A) and (B) for the following
 23 purposes:
 24 (i) Ninety-six and five-tenths percent (96.5%) for
 25 standardbred purses.
 26 (ii) Three and five-tenths percent (3.5%) to the horsemen's
 27 association representing standardbred owners and trainers.
 28 (D) Fifty percent (50%) of the amount remaining after the
 29 distributions under clauses (A) and (B) to the breed
 30 development fund established for standardbreds under
 31 IC 4-31-11-10.
 32 (3) Eight percent (8%) for quarter horse purposes as follows:
 33 (A) Seventy percent (70%) for the following purposes:
 34 (i) Ninety-five percent (95%) for quarter horse purses.
 35 (ii) Five percent (5%) to the horsemen's association
 36 representing quarter horse owners and trainers.
 37 (B) Thirty percent (30%) to the breed development fund
 38 established for quarter horses under IC 4-31-11-10.
 39 Expenditures under this subsection are subject to the regulatory
 40 requirements of subsection (f).
 41 (e) Money distributed under subsection (b)(1) and (b)(2) shall be
 42 allocated as follows:



C
o
p
y

- 1 (1) Forty-six percent (46%) to the horsemen's association
 2 representing thoroughbred owners and trainers.
- 3 (2) Forty-six percent (46%) to the horsemen's association
 4 representing standardbred owners and trainers.
- 5 (3) Eight percent (8%) to the horsemen's association representing
 6 quarter horse owners and trainers.
- 7 (f) Money distributed under subsection (b)(1), (b)(2), or (b)(3) may
 8 not be expended unless the expenditure is for a purpose authorized in
 9 this section and is either for a purpose promoting the equine industry
 10 or equine welfare or is for a benevolent purpose that is in the best
 11 interests of horse racing in Indiana or the necessary expenditures for
 12 the operations of the horsemen's association required to implement and
 13 fulfill the purposes of this section. The Indiana horse racing
 14 commission may review any expenditure of money distributed under
 15 subsection (b)(1), (b)(2), or (b)(3) to ensure that the requirements of
 16 this section are satisfied. The Indiana horse racing commission shall
 17 adopt rules concerning the review and oversight of money distributed
 18 under subsection (b)(1), (b)(2), or (b)(3) and shall adopt rules
 19 concerning the enforcement of this section. The following apply to a
 20 horsemen's association receiving a distribution of money under
 21 subsection (b)(1), (b)(2), or (b)(3):
- 22 (1) The horsemen's association must annually file a report with
 23 the Indiana horse racing commission concerning the use of the
 24 money by the horsemen's association. The report must include
 25 information as required by the commission.
- 26 (2) The horsemen's association must register with the Indiana
 27 horse racing commission.
- 28 (g) The commission shall provide the Indiana horse racing
 29 commission with the information necessary to enforce this section.
- 30 (h) The Indiana horse racing commission shall investigate any
 31 complaint that a licensee has failed to comply with the horse racing
 32 purse requirements set forth in this section. If, after notice and a
 33 hearing, the Indiana horse racing commission finds that a licensee has
 34 failed to comply with the purse requirements set forth in this section,
 35 the Indiana horse racing commission may:
- 36 (1) issue a warning to the licensee;
 37 (2) impose a civil penalty that may not exceed one million dollars
 38 (\$1,000,000); or
 39 (3) suspend a meeting permit issued under IC 4-31-5 to conduct
 40 a pari-mutuel wagering horse racing meeting in Indiana.
- 41 (i) A civil penalty collected under this section must be deposited in
 42 the state general fund.

C
O
P
Y

1 (j) For a state fiscal year beginning after June 30, 2011, The sum of
 2 the amount of money dedicated to the distribution to the Indiana horse
 3 racing commission for deposit in the gaming integrity fund and the
 4 amount of money dedicated to the purposes described in subsection
 5 (b)(1), (b)(2), and (b)(3) for a particular state fiscal year is **determined**
 6 **as follows:**

7 **(1) For a state fiscal year ending before July 1, 2013, it is equal**
 8 **to the lesser of:**

9 ~~(+)~~ **(A) the result of:**

10 ~~(A)~~ **(i) fifteen percent (15%) of the licensee's adjusted gross**
 11 **receipts for the state fiscal year; minus**

12 ~~(B)~~ **(ii) one million five hundred thousand dollars**
 13 **(\$1,500,000); or**

14 ~~(2)~~ **(B) the result of:**

15 **(A) in the state fiscal year beginning July 1, 2011, and ending**
 16 **June 30, 2012:**

17 **(i) the sum of the amount dedicated to the distribution to the**
 18 **Indiana horse racing commission for deposit in the gaming**
 19 **integrity fund and the amount dedicated to the purposes**
 20 **described in subsection (b)(1), (b)(2), and (b)(3) in the**
 21 **previous state fiscal year; minus**

22 **(ii) one million five hundred thousand dollars (\$1,500,000);**
 23 **and**

24 ~~(B)~~ **in a state fiscal year beginning after June 30, 2012;**

25 **(i) the sum of the amount dedicated to the distribution to the**
 26 **Indiana horse racing commission for deposit in the gaming**
 27 **integrity fund and the amount dedicated to the purposes**
 28 **described in subsection (b)(1), (b)(2), and (b)(3) in the**
 29 **previous state fiscal year; increased by**

30 **(ii) a percentage that does not exceed the percent of increase**
 31 **in the United States Department of Labor Consumer Price**
 32 **Index during the year preceding the year in which an**
 33 **increase is established.**

34 **(2) For a state fiscal year beginning after June 30, 2013, it is**
 35 **equal to the lesser of:**

36 **(A) the result of:**

37 **(i) thirteen percent (13%) of the licensee's adjusted gross**
 38 **receipts for the state fiscal year; minus**

39 **(ii) one million five hundred thousand dollars**
 40 **(\$1,500,000); or**

41 **(B) the result of:**

42 **(i) the sum of the amount dedicated to the distribution to**

C
o
p
y



1 the Indiana horse racing commission for deposit in the
 2 gaming integrity fund and the amount dedicated to the
 3 purposes described in subsection (b)(1), (b)(2), and (b)(3)
 4 in the previous state fiscal year; increased by
 5 (ii) a percentage that does not exceed the percent of
 6 increase in the United States Department of Labor
 7 Consumer Price Index during the year preceding the
 8 year in which an increase is established.

9 (k) If:

10 (1) the amount specified in ~~subdivision (1)~~ subsection (j)(1)(A)
 11 for the state fiscal year exceeds the amount specified in
 12 ~~subdivision (2)~~; subsection (j)(1)(B) for a state fiscal year
 13 ending before July 1, 2013; or

14 (2) the amount specified in subsection (j)(2)(A) for the state
 15 fiscal year exceeds the amount specified in subsection (j)(2)(B)
 16 for a state fiscal year beginning after June 30, 2013;

17 the licensee shall transfer the amount of the excess to the commission
 18 for deposit in the state general fund. The licensee shall adjust the
 19 transfers required under this section in the final month of the state
 20 fiscal year to comply with the requirements of this subsection.

21 SECTION 71. IC 4-35-7-15 IS ADDED TO THE INDIANA CODE
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 23 1, 2013]: **Sec. 15. (a) A licensee may submit a plan to the**
 24 **commission for conducting wagering on table games at the**
 25 **licensee's gambling game facility. A licensee must submit a table**
 26 **game plan before the date designated by the commission. Upon**
 27 **receipt of an appropriate plan, the commission shall authorize**
 28 **wagering on table games at the licensee's gambling game facility.**
 29 **Except as provided in subsection (b), a licensee may not install**
 30 **more table game positions than the number of positions proposed**
 31 **in the table game plan submitted to the commission.**

32 (b) A licensee may install additional table game positions with
 33 the approval of the commission.

34 SECTION 72. IC 4-35-7-16 IS ADDED TO THE INDIANA CODE
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 36 1, 2013]: **Sec. 16. (a) A licensee may request approval from the**
 37 **commission to use a limited mobile gaming system in the gambling**
 38 **operations of the licensee.**

39 (b) The commission may approve the use of a limited mobile
 40 gaming system to wager on gambling games in the gaming area (as
 41 defined under the rules of the commission) of a gambling facility
 42 licensed under this article. A person may not transmit a wager

C
O
P
Y



1 using a mobile gaming device while present in any area other than
2 the gaming area.

3 SECTION 73. IC 4-35-8-1, AS AMENDED BY P.L.172-2011,
4 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 1. (a) **This subsection applies only to a facility**
6 **licensed under this article that received at least seventy-five million**
7 **dollars (\$75,000,000) of adjusted gross receipts during the**
8 **preceding state fiscal year.** A graduated slot machine wagering tax is
9 imposed as follows on one hundred percent (100%) of the adjusted
10 gross receipts received before July 1, 2012, and on ninety-nine percent
11 (99%) of the adjusted gross receipts received after June 30, 2012, from
12 wagering on gambling games authorized by this article:

13 (1) **Twenty-five percent (25%) of the first one hundred million**
14 **dollars (\$100,000,000) of adjusted gross receipts received during**
15 **the period beginning July 1 of each year and ending June 30 of**
16 **the following year.**

17 (2) **Thirty percent (30%) of the adjusted gross receipts in excess**
18 **of one hundred million dollars (\$100,000,000) but not exceeding**
19 **two hundred million dollars (\$200,000,000) received during the**
20 **period beginning July 1 of each year and ending June 30 of the**
21 **following year.**

22 (3) **Thirty-five percent (35%) of the adjusted gross receipts in**
23 **excess of two hundred million dollars (\$200,000,000) received**
24 **during the period beginning July 1 of each year and ending June**
25 **30 of the following year.**

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

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

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

40 (4) **Thirty percent (30%) of the adjusted gross receipts in**
41 **excess of seventy-five million dollars (\$75,000,000) but not**
42 **exceeding one hundred fifty million dollars (\$150,000,000)**



C
o
p
y

1 received during the period beginning July 1 of each year and
2 ending June 30 of the following year.

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

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

12 (b) This subsection applies only to a facility licensed under this
13 article that received less than seventy-five million dollars
14 (\$75,000,000) of adjusted gross receipts during the preceding state
15 fiscal year. A graduated tax is imposed on ninety-nine percent
16 (99%) of the adjusted gross receipts received from gambling games
17 authorized under this article as follows:

18 (1) Five percent (5%) of the first twenty-five million dollars
19 (\$25,000,000) of adjusted gross receipts received during the
20 period beginning July 1 of each year and ending June 30 of
21 the following year.

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

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

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

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

42 (6) Forty percent (40%) of all adjusted gross receipts

C
o
p
y



1 exceeding six hundred million dollars (\$600,000,000) received
2 during the period beginning July 1 of each year and ending
3 June 30 of the following year.

4 (c) A permit holder operating a facility taxed under subsection
5 (b) shall pay an additional tax of two million five hundred thousand
6 dollars (\$2,500,000) in any state fiscal year in which the facility's
7 adjusted gross receipts exceed seventy-five million dollars
8 (\$75,000,000). The additional tax imposed under this subsection is
9 due before July 1 of the following state fiscal year.

10 (b) (d) A licensee shall remit the tax imposed by this section to the
11 department before the close of the business day following the day the
12 wagers are made.

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

15 (d) (f) If the department requires taxes to be remitted under this
16 chapter through electronic funds transfer, the department may allow the
17 licensee to file a monthly report to reconcile the amounts remitted to
18 the department.

19 (e) (g) The payment of the tax under this section must be on a form
20 prescribed by the department.

21 SECTION 74. IC 4-35-8-5 IS ADDED TO THE INDIANA CODE
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
23 1, 2013]: **Sec. 5. (a) This section applies to adjusted gross receipts
24 from wagering on gambling games that occurs after June 30, 2013.**

25 (b) As used in this section, "qualified patron" means a patron of
26 a gambling game facility licensed under this article who resides
27 outside Indiana.

28 (c) As used in this section, "qualified wagering" refers to wagers
29 made by a qualified patron using noncashable vouchers, coupons,
30 electronic credits, or electronic promotions provided by the
31 licensee.

32 (d) Subject to subsection (e), a licensee may at any time during
33 the state fiscal year deduct from the adjusted gross receipts
34 reported by the licensee the adjusted gross receipts attributable to
35 qualified wagering. A licensee must take a deduction under this
36 section on a form and in the manner prescribed by the department.

37 (e) A licensee may not deduct more than two million dollars
38 (\$2,000,000) under this section in a particular state fiscal year.

39 (f) Deductions under this section also apply to a licensee's
40 adjusted gross receipts for purposes of the following statutes:

41 (1) IC 4-35-7-12.

42 (2) IC 4-35-8.5.



C
o
p
y

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(3) IC 4-35-8.9.

SECTION 75. IC 4-35-8.5-1, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Before the fifteenth day of each month, a licensee that offers ~~slot machine gambling game~~ **slot machine gambling game** wagering under this article shall pay to the commission a county ~~slot machine gambling game~~ **slot machine gambling game** wagering fee equal to three percent (3%) of the adjusted gross receipts received from ~~slot machine gambling game~~ **slot machine gambling game** wagering during the previous month at the licensee's racetrack. However, a licensee is not required to pay more than eight million dollars (\$8,000,000) of county ~~slot machine gambling game~~ **slot machine gambling game** wagering fees under this section in any state fiscal year.

(b) The commission shall deposit the county ~~slot machine gambling game~~ **slot machine gambling game** wagering fee received by the commission into a separate account within the state general fund.

SECTION 76. IC 4-35-8.5-2, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. Before the fifteenth day of each month, the treasurer of state shall distribute any county ~~slot machine gambling game~~ **slot machine gambling game** wagering fees received from a licensee during the previous month to the county auditor of the county in which the licensee's racetrack is located.

SECTION 77. IC 4-35-8.5-3, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. The auditor of each county receiving a distribution of county ~~slot machine gambling game~~ **slot machine gambling game** wagering fees under section 2 of this chapter shall distribute the county ~~slot machine gambling game~~ **slot machine gambling game** wagering fees as follows:

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

SECTION 78. IC 4-35-8.8-4, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. The problem gambling fees used by the division under this chapter for the prevention and treatment of compulsive gambling are in addition to any ~~admissions riverboat supplemental wagering~~ **admissions riverboat supplemental wagering** tax revenue allocated by the division under ~~IC 4-33-12-6~~ **IC 4-33-13.5** for the prevention and treatment of compulsive gambling.

SECTION 79. IC 4-35-8.9-1, AS ADDED BY P.L.233-2007,

C
O
P
Y



1 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2013]: Sec. 1. This chapter applies only to **the adjusted gross**
3 **receipts from wagering on gambling games at a gambling game**
4 **facility located in Shelby County for the** state fiscal years beginning
5 after June 30, ~~2007~~, **2013**, and ending before July 1, ~~2012~~: **2016**.

6 SECTION 80. IC 4-35-8.9-2, AS ADDED BY P.L.233-2007,
7 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2013]: Sec. 2. (a) Before the fifteenth day of each month, a
9 licensee that offers ~~slot machine~~ **wagering on gambling games** under
10 this article shall pay to the commission a supplemental fee equal to ~~one~~
11 **percent (1%) the following percentages** of the adjusted gross receipts
12 received by the licensee from ~~slot machine~~ **wagering on gambling**
13 **games:**

14 **(1) Two percent (2%) for the state fiscal year beginning after**
15 **June 30, 2013, and ending before July 1, 2014.**

16 **(2) One percent (1%) for each of the following state fiscal**
17 **years:**

18 **(A) The state fiscal year beginning after June 30, 2014, and**
19 **ending before July 1, 2015.**

20 **(B) The state fiscal year beginning after June 30, 2015, and**
21 **ending before July 1, 2016.**

22 (b) The commission shall deposit the supplemental fees into a
23 separate account within the state general fund.

24 SECTION 81. IC 4-35-9-2, AS ADDED BY P.L.233-2007,
25 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2013]: Sec. 2. A person who knowingly or intentionally aids,
27 induces, or causes a person who is:

28 (1) less than twenty-one (21) years of age; and

29 (2) not an employee of a licensee;

30 to enter or attempt to enter the licensee's ~~slot machine~~ **gambling game**
31 **facility** commits a Class A misdemeanor.

32 SECTION 82. IC 4-35-9-3, AS ADDED BY P.L.233-2007,
33 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2013]: Sec. 3. A person who:

35 (1) is not an employee of a licensee;

36 (2) is less than twenty-one (21) years of age; and

37 (3) knowingly or intentionally enters the licensee's ~~slot machine~~
38 **gambling game** facility;

39 commits a Class A misdemeanor.

40 SECTION 83. IC 4-35-9-4, AS ADDED BY P.L.233-2007,
41 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2013]: Sec. 4. A person who knowingly or intentionally:

C
o
p
y



- 1 (1) makes a false statement on an application submitted under this
- 2 article;
- 3 (2) conducts a gambling game in a manner other than the manner
- 4 required under this article; or
- 5 (3) wagers or accepts a wager at a location other than a licensee's
- 6 **slot machine gambling game** facility;
- 7 commits a Class A misdemeanor.

8 SECTION 84. IC 4-35-11-1, AS ADDED BY P.L.233-2007,
 9 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2013]: Sec. 1. This chapter applies to persons holding a permit
 11 to operate a racetrack under IC 4-31-5 at which **slot machines**
 12 **gambling games** are licensed under this article.

13 SECTION 85. IC 4-35-11-2, AS ADDED BY P.L.233-2007,
 14 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2013]: Sec. 2. The general assembly declares that it is
 16 essential for minority and women's business enterprises to have the
 17 opportunity for full participation in the racetrack industry if minority
 18 and women's business enterprises are to obtain social and economic
 19 parity and if the economies of the cities, towns, and counties in which
 20 **slot machines gambling games** are operated at racetracks are to be
 21 stimulated as contemplated by this article.

22 SECTION 86. IC 4-35-12-9, AS ADDED BY P.L.142-2009,
 23 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2013]: Sec. 9. A trustee acting under the authority of this
 25 chapter may conduct the operations of any hotel, restaurant, golf
 26 course, or other amenity related to the racetrack's **slot machine**
 27 **gambling game** facility.

28 SECTION 87. IC 5-14-3.8-3, AS ADDED BY P.L.172-2011,
 29 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2013]: Sec. 3. (a) The department, working with the office of
 31 technology established by IC 4-13.1-2-1, or another organization that
 32 is part of a state educational institution, the office of management and
 33 budget established by IC 4-3-22-3, and the state board of accounts
 34 established by IC 5-11-1-1, shall post on the Indiana transparency
 35 Internet web site the following:

- 36 (1) The financial reports required by IC 5-11-1-4.
- 37 (2) The report on expenditures per capita prepared under
- 38 IC 6-1.1-33.5-7.
- 39 (3) A listing of the property tax rates certified by the department.
- 40 (4) An index of audit reports prepared by the state board of
- 41 accounts.
- 42 (5) **Local development agreement reports prepared under**

COPY



IC 4-33-23-10 and IC 4-33-23-17.

~~(5)~~ (6) Any other financial information deemed appropriate by the department.

SECTION 88. IC 6-1.1-4-31.5, AS AMENDED BY P.L.112-2012, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 31.5. (a) As used in this section, "department" refers to the department of local government finance.

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

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

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

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

- (1) data;
- (2) records;
- (3) maps;
- (4) parcel record cards;
- (5) forms;
- (6) computer software systems;
- (7) computer hardware systems; and
- (8) other information;



C
o
p
y

1 related to the assessment or reassessment of real property in the county.
 2 The information described in this subsection must be provided at no
 3 cost to the department or the contractor of the department. A failure to
 4 provide information requested under this subsection constitutes a
 5 failure to perform a duty related to an assessment or a general
 6 reassessment under section 4 of this chapter or under a county's
 7 reassessment plan prepared under section 4.2 of this chapter and is
 8 subject to IC 6-1.1-37-2.

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

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

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

- 22 (1) is subject to appeal by the taxpayer under section 31.7 of this
 23 chapter; and
- 24 (2) must include a statement of the taxpayer's rights under section
 25 31.7 of this chapter.

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

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

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



C
o
p
y

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

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

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

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

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

41 (l) The department or the contractor of the department shall use the
 42 land values determined under section 13.6 of this chapter for a county

C
o
p
y



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

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

15 (1) a county auditor fails to:

16 (A) certify the contractor's bill;

17 (B) publish the contractor's claim;

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

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

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

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

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

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

32 (1) verify the accuracy of the contractor's assertion in the notice
 33 that:

34 (A) a failure occurred as described in subsection (m)(1) or
 35 (m)(2); or

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

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

41 (o) Upon receipt of the department's approval of a contractor's bill
 42 under subsection (n), the treasurer of state shall pay the contractor the

C
O
P
Y



1 amount of the bill approved by the department from money in the
2 possession of the state that would otherwise be available for
3 distribution to the county, including distributions of admissions taxes
4 or wagering taxes.

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

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

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

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

21 SECTION 89. IC 6-3.1-17-7, AS AMENDED BY P.L.4-2005,
22 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JANUARY 1, 2014]: Sec. 7. (a) To be entitled to a credit under this
24 chapter, a taxpayer must request the Indiana economic development
25 corporation to determine whether costs incurred to build or refurbish
26 a riverboat are qualified investments.

27 (b) The request under subsection (a) must be made before the costs
28 are incurred.

29 (c) The Indiana economic development corporation shall find that
30 costs are a qualified investment to the extent that the costs result:

31 (1) from work performed in Indiana to build or refurbish a
32 riverboat; and

33 (2) in taxable income to any other Indiana taxpayer;

34 as determined under the standards adopted by the Indiana economic
35 development corporation.

36 **(d) A taxpayer may not receive a credit under this chapter for**
37 **a qualified investment made after December 31, 2013.**

38 SECTION 90. IC 6-3.1-17.5 IS ADDED TO THE INDIANA CODE
39 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
40 JANUARY 1, 2014]:

41 **Chapter 17.5. Indiana Gaming Investment Tax Credit**

42 **Sec. 1. As used in this chapter, "gaming facility" means the**

C
o
p
y



- 1 following:
- 2 (1) A riverboat.
- 3 (2) A facility at which gambling games may be conducted at
- 4 a racetrack under IC 4-35-7.
- 5 Sec. 2. As used in this chapter, "licensed owner" has the
- 6 meaning set forth in IC 4-33-2-13.
- 7 Sec. 3. As used in this chapter, "operating agent" has the
- 8 meaning set forth in IC 4-33-2-14.5.
- 9 Sec. 4. As used in this chapter, "pass through entity" means:
- 10 (1) a corporation that is exempt from the adjusted gross
- 11 income tax under IC 6-3-2-2.8(2);
- 12 (2) a partnership;
- 13 (3) a limited liability company; or
- 14 (4) a limited liability partnership.
- 15 Sec. 5. As used in this chapter, "permit holder" means a permit
- 16 holder under IC 4-35 that has been issued a license under IC 4-35-5
- 17 to conduct gambling games at the permit holder's racetrack.
- 18 Sec. 6. As used in this chapter, "qualified capital investment"
- 19 means any capital investment that:
- 20 (1) is made by a licensed owner, an operating agent, or a
- 21 permit holder;
- 22 (2) exceeds two million dollars (\$2,000,000);
- 23 (3) subject to section 11(d) of this chapter, is made for:
- 24 (A) onsite infrastructure improvements for the property on
- 25 which a gaming facility is located;
- 26 (B) construction of a gaming facility or other buildings or
- 27 improvements on the property on which a gaming facility
- 28 is located;
- 29 (C) rehabilitation, alteration, or major repair of a gaming
- 30 facility or of existing buildings or improvements on the
- 31 property on which a gaming facility is located; or
- 32 (D) installation of fixtures and equipment (other than
- 33 fixtures or equipment directly related to gaming) in a
- 34 gaming facility or in another building or improvements on
- 35 the property on which a gaming facility is located;
- 36 (4) is made after December 31, 2013, and before January 1,
- 37 2019; and
- 38 (5) is approved by the Indiana economic development
- 39 corporation under section 11 of this chapter as a qualified
- 40 capital investment.
- 41 Sec. 7. As used in this chapter, "riverboat" has the meaning set
- 42 forth in IC 4-33-2-17.



C
O
P
Y

1 **Sec. 8.** As used in this chapter, "state income tax liability"
2 means a taxpayer's total tax liability that is incurred under
3 IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax), as
4 computed after the application of the credits that under
5 IC 6-3.1-1-2 are to be applied before the credit provided by this
6 chapter.

7 **Sec. 9. (a)** A taxpayer that:

8 (1) is a licensed owner, an operating agent, or a permit holder;
9 and

10 (2) makes a qualified capital investment during a taxable
11 year;

12 is entitled to a credit against the taxpayer's state income tax
13 liability for that taxable year.

14 (b) The amount of the credit to which a taxpayer is entitled is
15 equal to ten percent (10%) multiplied by the qualified capital
16 investment made by the taxpayer during the taxable year.

17 **Sec. 10. (a)** If the amount determined under section 9(b) of this
18 chapter for a taxpayer in a taxable year exceeds the taxpayer's
19 state income tax liability for that taxable year, the taxpayer may
20 carry the excess over to the following nine (9) taxable years. The
21 amount of the credit carryover from a taxable year shall be
22 reduced to the extent that the carryover is used by the taxpayer to
23 obtain a credit under this chapter for any subsequent taxable year.

24 (b) A taxpayer is not entitled to a carryback or refund of any
25 unused credit.

26 (c) A taxpayer is not entitled to a credit under this chapter for
27 a qualified capital investment if the taxpayer claims any other state
28 tax credit for that same qualified capital investment.

29 **Sec. 10.5.** The total amount of tax credits awarded under this
30 chapter may not exceed forty million dollars (\$40,000,000) in a
31 state fiscal year.

32 **Sec. 11. (a)** To be entitled to a credit under this chapter, a
33 taxpayer must request the Indiana economic development
34 corporation to determine whether costs incurred are qualified
35 capital investments as required by this chapter.

36 (b) The request under subsection (a) must be made before the
37 costs are incurred.

38 (c) The Indiana economic development corporation must find
39 that costs meet the requirements of qualified capital investments
40 under this chapter, as determined under the standards adopted by
41 the Indiana economic development corporation.

42 (d) This subsection applies to costs incurred for a building or

C
O
P
Y



1 improvement that is not a gaming facility. The costs incurred for:

2 (1) the construction of the buildings or improvements on the
3 property on which a gaming facility is located;

4 (2) the rehabilitation, alteration, or major repair of an
5 existing building or improvement on the property on which a
6 gaming facility is located; or

7 (3) the installation of fixtures and equipment in a building or
8 improvements on the property on which a gaming facility is
9 located;

10 are not eligible for the tax credit under this chapter unless the
11 Indiana economic development corporation determines that the
12 building or improvement is directly related to hospitality and that
13 the building or improvement will enhance the experience of the
14 patrons of the gaming facility.

15 (e) The costs incurred for fixtures or equipment directly related
16 to gaming are not eligible for the tax credit under this chapter.

17 Sec. 12. If a pass through entity is entitled to a credit under this
18 chapter but does not have state income tax liability against which
19 the tax credit may be applied, an individual who is a shareholder,
20 partner, beneficiary, or member of the pass through entity is
21 entitled to a tax credit equal to:

22 (1) the tax credit determined for the pass through entity for
23 the taxable year; multiplied by

24 (2) the percentage of the pass through entity's distributive
25 income to which the shareholder, partner, beneficiary, or
26 member is entitled.

27 The credit provided under this section is in addition to a tax credit
28 to which a shareholder, partner, beneficiary, or member of a pass
29 through entity is entitled. However, a pass through entity and an
30 individual who is a shareholder, partner, beneficiary, or member
31 of a pass through entity may not claim more than one (1) credit for
32 the same qualified capital investment.

33 Sec. 13. (a) A taxpayer may assign any part of the tax credit to
34 which the taxpayer is entitled under this chapter if:

35 (1) the person to whom the tax credit is assigned is
36 constructing a new amenity that:

37 (A) is directly related to the gaming facility; and

38 (B) will enhance the experience of the patrons of the
39 gaming facility; and

40 (2) the Indiana economic development corporation approves
41 the assignment of the tax credit.

42 (b) A tax credit that is assigned under this section remains

C
O
P
Y



1 subject to this chapter.

2 (c) An assignment of a tax credit under this section must be in
3 writing, and both the taxpayer and the person to whom the tax
4 credit is assigned must report the assignment on their state tax
5 return for the year in which the assignment is made, in the manner
6 prescribed by the department.

7 Sec. 14. To receive the credit provided by this chapter, a
8 taxpayer must claim the credit on the taxpayer's state income tax
9 return or returns in the manner prescribed by the department. The
10 taxpayer shall submit to the department the certification of credit
11 by the Indiana economic development corporation, proof of
12 payment of the qualified capital investment, and all other
13 information that the department determines is necessary for the
14 calculation of the credit provided by this chapter and for the
15 determination of whether an investment cost is a qualified capital
16 investment for purposes of this chapter.

17 SECTION 91. IC 6-3.1-20-7 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) The department
19 shall before July 1 of each year determine the amount of credits
20 allowed under this chapter for taxable years ending before January 1 of
21 the year.

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

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

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

- 30 (1) deducted during the year from the riverboat ~~admissions~~
31 **supplemental wagering** tax revenue otherwise payable under
32 ~~IC 4-33-12-6(d)(1)~~ **IC 4-33-13.5** to each of the following:
33 (A) The largest city by population located in the county.
34 (B) The second largest city by population located in the
35 county.
36 (C) The third largest city by population located in the county;
37 and
38 (2) paid instead to the state general fund.

39 SECTION 92. IC 6-8.1-1-1, AS AMENDED BY P.L.182-2009(ss),
40 SECTION 247, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2013]: Sec. 1. "Listed taxes" or "taxes" includes
42 only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); ~~the~~



C
O
P
Y

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

31 SECTION 93. IC 6-9-2-4.3, AS AMENDED BY P.L.172-2011,
 32 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2013]: Sec. 4.3. (a) The Lake County convention and visitor
 34 bureau shall establish a convention, tourism, and visitor promotion
 35 alternate revenue fund (referred to in this chapter as the "alternate
 36 revenue fund"). The bureau may deposit in the alternate revenue fund
 37 all money received by the bureau after June 30, 2005, that is not
 38 required to be deposited in the promotion fund under section 2 of this
 39 chapter or a fund established by the bureau, including appropriations,
 40 gifts, grants, membership dues, and contributions from any public or
 41 private source.

42 (b) The bureau may, without appropriation by the county council,



C
o
p
y

1 expend money from the alternate revenue fund to promote and
 2 encourage conventions, trade shows, visitors, special events, sporting
 3 events, and exhibitions in the county. Money may be paid from the
 4 alternate revenue fund by claim in the same manner as municipalities
 5 may pay claims under IC 5-11-10-1.6.

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

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

14 SECTION 94. IC 8-18-8-5, AS AMENDED BY P.L.30-2012,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2013]: Sec. 5. All expenses incurred in the maintenance of
 17 county highways shall first be paid out of funds from the gasoline tax,
 18 special fuel tax, and the motor vehicle registration fees that are paid to
 19 the counties by the state. In addition, a county may use funds derived
 20 from the:

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

30 SECTION 95. IC 12-23-2-2 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The addiction
 32 services fund is established for the deposit of excise taxes on alcoholic
 33 beverages as described in IC 7.1-4-11 and ~~taxes on riverboat~~
 34 ~~admissions~~ **supplemental wagering taxes received** under
 35 ~~IC 4-33-12-6. IC 4-33-13.5.~~

36 SECTION 96. IC 12-23-2-5, AS AMENDED BY P.L.1-2009,
 37 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2013]: Sec. 5. The general assembly shall
 39 appropriate money from the addiction services fund solely for the
 40 purpose of funding programs:

- 41 (1) that provide prevention services and intervention and
 42 treatment services for individuals who are psychologically or



C
o
p
y

1 physiologically dependent upon alcohol or other drugs; and
 2 (2) that are for the prevention and treatment of gambling
 3 problems.

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

9 SECTION 97. IC 12-23-2-7 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) For each state
 11 fiscal year, the division may not spend more than an amount equal to
 12 five percent (5%) of the total amount received by the division from the
 13 fund established under section 2 of this chapter for the administrative
 14 costs associated with the use of money received from the fund.

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

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

25 SECTION 98. IC 20-26-5-22.5, AS ADDED BY P.L.214-2005,
 26 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2013]: Sec. 22.5. (a) A school corporation may participate in
 28 the establishment of a public school foundation.

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

36 (1) The foundation is:

37 (A) exempt from federal income taxation under Section
 38 501(c)(3) of the Internal Revenue Code; and

39 (B) organized as an Indiana nonprofit corporation for the
 40 purposes of providing educational funds for scholarships,
 41 teacher education, capital programs, and special programs for
 42 school corporations.



C
 O
 P
 Y

- 1 (2) Except as provided in subdivision (3), the foundation retains
- 2 all rights to a donation, including investment powers. The
- 3 foundation may hold a donation as a permanent endowment.
- 4 (3) The foundation agrees to do the following:
- 5 (A) Distribute the income from a donation only to the school
- 6 corporation.
- 7 (B) Return a donation to the general fund of the school
- 8 corporation if the foundation:
- 9 (i) loses the foundation's status as a foundation exempt from
- 10 federal income taxation under Section 501(c)(3) of the
- 11 Internal Revenue Code;
- 12 (ii) is liquidated; or
- 13 (iii) violates any condition set forth in this subdivision.
- 14 (c) A school corporation may use the proceeds received under this
- 15 section from a foundation only for educational purposes of the school
- 16 corporation described in subsection (b)(1)(B).
- 17 (d) The governing body of the school corporation may appoint
- 18 members to the foundation.
- 19 (e) The treasurer of the governing body of the school corporation
- 20 may serve as the treasurer of the foundation.
- 21 SECTION 99. IC 20-47-1-1, AS ADDED BY P.L.2-2006,
- 22 SECTION 170, IS AMENDED TO READ AS FOLLOWS
- 23 [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this chapter,
- 24 "proceeds from riverboat gaming" means tax revenue received by a
- 25 political subdivision under ~~IC 4-33-12-6~~, IC 4-33-13, **IC 4-33-13.5**, or
- 26 an agreement to share a city's or county's part of the tax revenue.
- 27 SECTION 100. IC 20-47-1-5, AS AMENDED BY P.L.142-2009,
- 28 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2013]: Sec. 5. (a) The governing body of a school corporation
- 30 may donate the proceeds of a grant, a gift, a donation, an endowment,
- 31 a bequest, a trust, an agreement to share tax revenue received by a city
- 32 or county under ~~IC 4-33-12-6~~ or IC 4-33-13 or **IC 4-33-13.5**, or an
- 33 agreement to share revenue received by a political subdivision under
- 34 IC 4-35-8.5, or other funds not generated from taxes levied by the
- 35 school corporation, to a foundation under the following conditions:
- 36 (1) The foundation is a charitable nonprofit community
- 37 foundation.
- 38 (2) The foundation retains all rights to the donation, including
- 39 investment powers, except as provided in subdivision (3).
- 40 (3) The foundation agrees to do the following:
- 41 (A) Hold the donation as a permanent endowment.
- 42 (B) Distribute the income from the donation only to the school

COPY



1 corporation as directed by resolution of the governing body of
 2 the school corporation.
 3 (C) Return the donation to the general fund of the school
 4 corporation if the foundation:
 5 (i) loses the foundation's status as a public charitable
 6 organization;
 7 (ii) is liquidated; or
 8 (iii) violates any condition of the endowment set by the
 9 governing body of the school corporation.
 10 (b) A school corporation may use income received under this
 11 section from a community foundation only for purposes of the school
 12 corporation.

13 SECTION 101. IC 35-31.5-2-185, AS ADDED BY P.L.114-2012,
 14 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]: Sec. 185. (a) "Law enforcement officer" means:
 16 (1) a police officer (including a correctional police officer),
 17 sheriff, constable, marshal, prosecuting attorney, special
 18 prosecuting attorney, special deputy prosecuting attorney, the
 19 securities commissioner, or the inspector general;
 20 (2) a deputy of any of those persons;
 21 (3) an investigator for a prosecuting attorney or for the inspector
 22 general;
 23 (4) a conservation officer;
 24 (5) an enforcement officer of the alcohol and tobacco
 25 commission; or
 26 (6) an enforcement officer of the securities division of the office
 27 of the secretary of state; or
 28 (7) a gaming agent employed under IC 4-33-4.5 or a gaming
 29 control officer employed under IC 4-33-20.

30 (b) "Law enforcement officer", for purposes of IC 35-42-2-1,
 31 includes an alcoholic beverage enforcement officer, as set forth in
 32 IC 35-42-2-1(b)(1).

33 (c) "Law enforcement officer", for purposes of IC 35-45-15,
 34 includes a federal enforcement officer, as set forth in
 35 IC 35-45-15-3.

36 SECTION 102. IC 36-1-8-9, AS AMENDED BY P.L.199-2005,
 37 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2013]: Sec. 9. (a) Each unit that receives:
 39 (1) tax revenue under ~~IC 4-33-12-6~~ or IC 4-33-13 or
 40 IC 4-33-13.5;
 41 (2) revenue under an agreement to share the tax revenue received
 42 under ~~IC 4-33-12~~ or IC 4-33-13 or IC 4-33-13.5 by another unit;

COPY



1 or
 2 (3) revenue under a development agreement (as defined in section
 3 9.5 of this chapter);
 4 may establish a riverboat fund. Money in the fund may be used for any
 5 legal or corporate purpose of the unit.

6 (b) The riverboat fund established under subsection (a) shall be
 7 administered by the unit's treasurer, and the expenses of administering
 8 the fund shall be paid from money in the fund. Money in the fund not
 9 currently needed to meet the obligations of the fund may be invested
 10 in the same manner as other public funds may be invested. Interest that
 11 accrues from these investments shall be deposited in the fund. Money
 12 in the fund at the end of a particular fiscal year does not revert to the
 13 unit's general fund.

14 SECTION 103. IC 36-1-14-1, AS AMENDED BY P.L.142-2009,
 15 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2013]: Sec. 1. (a) This section does not apply to donations of
 17 gaming revenue to a public school endowment corporation under
 18 IC 20-47-1-3.

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

21 (1) Tax revenue received by a unit under ~~IC 4-33-12-6,~~
 22 IC 4-33-13, **IC 4-33-13.5**, or an agreement to share a city's or
 23 county's part of the tax revenue.

24 (2) Revenue received by a unit under IC 4-35-8.5 or an agreement
 25 to share revenue received by another unit under IC 4-35-8.5.

26 (c) Notwithstanding IC 8-1.5-2-6(d), a unit may donate the proceeds
 27 from the sale of a utility or facility or from a grant, a gift, a donation,
 28 an endowment, a bequest, a trust, or gaming revenue to a foundation
 29 under the following conditions:

30 (1) The foundation is a charitable nonprofit community
 31 foundation.

32 (2) The foundation retains all rights to the donation, including
 33 investment powers.

34 (3) The foundation agrees to do the following:

35 (A) Hold the donation as a permanent endowment.

36 (B) Distribute the income from the donation only to the unit as
 37 directed by resolution of the fiscal body of the unit.

38 (C) Return the donation to the general fund of the unit if the
 39 foundation:

40 (i) loses the foundation's status as a public charitable
 41 organization;

42 (ii) is liquidated; or



C
 o
 p
 y

1 (iii) violates any condition of the endowment set by the
2 fiscal body of the unit.

3 SECTION 104. IC 36-7-11.5-11, AS AMENDED BY P.L.229-2011,
4 SECTION 266, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) As used in this section,
6 "fund" refers to the West Baden Springs historic hotel preservation and
7 maintenance fund established by subsection (b).

8 (b) The West Baden Springs historic hotel preservation and
9 maintenance fund is established. The fund consists of the following:

- 10 (1) Amounts deposited in the fund under IC 4-33-6.5-6,
11 IC 4-33-12-6(c) (**before its repeal**) and IC 4-33-13-5(b).
- 12 (2) Grants and gifts that the department of natural resources
13 receives for the fund under terms, obligations, and liabilities that
14 the department considers appropriate.
- 15 (3) The one million dollar (\$1,000,000) initial fee paid to the
16 gaming commission under IC 4-33-6.5.
- 17 (4) Any amount transferred to the fund upon the repeal of
18 IC 36-7-11.5-8 (the community trust fund).

19 The fund shall be administered by the department of natural resources.
20 The expenses of administering the fund shall be paid from money in
21 the fund.

22 (c) The treasurer of state shall invest the money in the fund that is
23 not currently needed to meet the obligations of the fund in the same
24 manner as other public funds may be invested. The treasurer of state
25 shall deposit in the fund the interest that accrues from the investment
26 of the fund.

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

29 (e) ~~The interest accruing to~~ **Money in** the fund is annually
30 appropriated to the department of natural resources only for the
31 following purposes:

- 32 (1) To reimburse claims made for expenditures to maintain a
33 qualified historic hotel, as determined by the owner of the hotel
34 riverboat resort.
 - 35 (2) To reimburse claims made for expenditures to maintain:
 - 36 (A) the grounds surrounding a qualified historic hotel;
 - 37 (B) supporting buildings and structures related to a qualified
38 historic hotel; and
 - 39 (C) other facilities used by the guests of the qualified historic
40 hotel;
- 41 as determined by the owner of the hotel riverboat resort.

42 **The owner of the hotel riverboat resort may not receive more than**

C
o
p
y



1 **two million dollars (\$2,000,000) under this subsection in a**
 2 **particular state fiscal year.**

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

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

15 SECTION 105. IC 36-7.5-4-16, AS ADDED BY P.L.214-2005,
 16 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2013]: Sec. 16. (a) This section applies if:

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

21 (2) the development authority has bonds or other debt or lease
 22 obligations outstanding.

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

24 (1) Deduct from amounts otherwise payable to the city or town
 25 under ~~IC 4-33-12~~ or IC 4-33-13 **or IC 4-33-13.5** an amount equal
 26 to the amount of the transfer or part of the transfer under section
 27 2 of this chapter that the city or county failed to make.

28 (2) Pay the amount deducted under subdivision (1) to the
 29 development authority.

30 SECTION 106. [EFFECTIVE JULY 1, 2013] (a) **IC 4-33-13-1.5,**
 31 **as amended by this act, applies to adjusted gross receipts received**
 32 **from wagering on gambling games after June 30, 2013.**

33 (b) **This SECTION expires July 1, 2014.**

34 SECTION 107. [EFFECTIVE JULY 1, 2013] (a) **IC 4-35-7-12(b),**
 35 **as amended by this act, applies to adjusted gross receipts received**
 36 **from wagering on gambling games after June 30, 2013.**

37 (b) **The following apply to the adjusted gross receipts of slot**
 38 **machine wagering occurring before July 1, 2013:**

39 (1) **Subject to subdivision (2), a licensee shall make the**
 40 **transfers required by IC 4-35-7-12, as in effect on January 1,**
 41 **2013, with respect to the adjusted gross receipts of slot**
 42 **machine wagering occurring in June 2013.**

C
o
p
y



1 **(2) A licensee shall adjust the transfers required by**
 2 **subdivision (1) in accordance with IC 4-35-7-12(j), as in effect**
 3 **on January 1, 2013.**
 4 **(3) A licensee shall make the transfers required by subdivision**
 5 **(1) before July 15, 2013.**
 6 **(c) This SECTION expires July 1, 2014.**
 7 SECTION 108. [EFFECTIVE JULY 1, 2013] **(a) IC 4-35-8-1, as**
 8 **amended by this act, applies to adjusted gross receipts received**
 9 **from wagering on gambling games after June 30, 2013.**
 10 **(b) This SECTION expires July 1, 2014.**
 11 SECTION 109. [EFFECTIVE JANUARY 1, 2014] **(a)**
 12 **IC 6-3.1-17.5, as added by this act, applies to taxable years**
 13 **beginning after December 31, 2013.**
 14 **(b) This SECTION expires July 1, 2015.**
 15 SECTION 110. **An emergency is declared for this act.**

C
o
p
y



COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 528, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is made to Senate Bill 528 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 9, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 528, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 528 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 8, Nays 4.

C
O
P
Y

