



February 12, 2019

SENATE BILL No. 66

DIGEST OF SB 66 (Updated February 11, 2019 12:12 pm - DI 133)

Citations Affected: IC 4-33; IC 8-10; IC 8-26.

Synopsis: Economic Development in Gary. Permits a licensed owner operating a riverboat in Gary to submit to the gaming commission (commission) a request to relocate the owner's gaming operations as follows: (1) One gaming operation to a location that is within the city limits of Gary. (2) One gaming operation to a location determined by the commission. Specifies criteria for evaluating a request. Provides that if a request is approved, the owner shall transfer ownership of the property being vacated to the Gary-Indiana trans-modal compact (trans-modal compact). Requires the licensed owner, with regard to the gaming operation that is relocated within the city limits of Gary, to enter into a development agreement with the city of Gary. Requires the licensed owner, with regard to the gaming operation that is relocated as determined by the commission, to enter into an agreement with the trans-modal compact to provide the trans-modal compact with an annual distribution of money to be used for shoreline development and infrastructure of the vacated property. Establishes the trans-modal compact. Specifies the power and duties of the trans-modal compact. Creates the trans-modal compact board. Specifies the members of the trans-modal compact board. Makes changes to the definition of the term "project" in the ports of Indiana statute. Deletes the provision in current law that includes in the definition certain projects that are located outside of a port. Provides that, after December 31, 2019, creation of a local port authority is subject to the approval of the ports of Indiana.

Effective: July 1, 2019.

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January 3, 2019, read first time and referred to Committee on Rules and Legislative Procedure.
February 11, 2019, amended; reassigned to Committee on Appropriations.

SB 66—LS 6121/DI 13



February 12, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 66

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

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

- 1 SECTION 1. IC 4-33-1-1, AS AMENDED BY P.L.233-2007,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1. This article applies only to the following:
4 (1) Counties contiguous to Lake Michigan.
5 (2) A county that is:
6 (A) contiguous to the Ohio River; and
7 (B) described in IC 4-33-6-1(a)(5).
8 (3) A county that contains a historic hotel district.
9 **(4) An area described in IC 4-33-6-1(a)(6).**
10 SECTION 2. IC 4-33-2-17, AS AMENDED BY P.L.255-2015,
11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2019]: Sec. 17. "Riverboat" means any of the following on
13 which lawful gambling is authorized under this article:
14 (1) A self-propelled excursion boat located in a county described
15 in IC 4-33-1-1(1) or IC 4-33-1-1(2) that complies with
16 IC 4-33-6-6(a).
17 (2) A casino located in a historic hotel district.

SB 66—LS 6121/DI 13



- 1 (3) A permanently moored craft operating from a county
 2 described in IC 4-33-1-1(1) or IC 4-33-1-1(2).
 3 (4) An inland casino operating under **IC 4-33-6-1(a)(6) or**
 4 **IC 4-33-6-24.**
- 5 SECTION 3. IC 4-33-4-1 IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The commission has the
 7 following powers and duties for the purpose of administering,
 8 regulating, and enforcing the system of riverboat gambling established
 9 under this article:
- 10 (1) All powers and duties specified in this article.
 11 (2) All powers necessary and proper to fully and effectively
 12 execute this article.
 13 (3) Jurisdiction and supervision over the following:
 14 (A) All riverboat gambling operations in Indiana.
 15 (B) All persons on riverboats where gambling operations are
 16 conducted.
 17 (4) Investigate and reinvestigate applicants and license holders
 18 and determine the eligibility of applicants for licenses or
 19 operating agent contracts.
 20 (5) Select among competing applicants the applicants that
 21 promote the most economic development in ~~a home dock~~ **the area**
 22 **in which the riverboat is located** and that best serve the interests
 23 of the citizens of Indiana.
 24 (6) Take appropriate administrative enforcement or disciplinary
 25 action against a licensee or an operating agent.
 26 (7) Investigate alleged violations of this article.
 27 (8) Establish fees for licenses issued under this article.
 28 (9) Adopt appropriate standards for the design, appearance,
 29 aesthetics, and construction for riverboats and facilities.
 30 (10) Conduct hearings.
 31 (11) Issue subpoenas for the attendance of witnesses and
 32 subpoenas duces tecum for the production of books, records, and
 33 other relevant documents.
 34 (12) Administer oaths and affirmations to the witnesses.
 35 (13) Prescribe a form to be used by an operating agent or a
 36 licensee involved in the ownership or management of gambling
 37 operations as an application for employment by potential
 38 employees.
 39 (14) Revoke, suspend, or renew licenses issued under this article.
 40 (15) Hire employees to gather information, conduct
 41 investigations, and carry out other tasks under this article.
 42 (16) Take any reasonable or appropriate action to enforce this



1 article.

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

5 SECTION 4. IC 4-33-6-1, AS AMENDED BY P.L.229-2013,
6 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2019]: Sec. 1. (a) The commission may issue to a person a
8 license to own a riverboat subject to the numerical and geographical
9 limitation of owner's licenses under this section, section 3.5 of this
10 chapter, and IC 4-33-4-17. However, not more than ten (10) owner's
11 licenses may be in effect at any time. Those ten (10) licenses are as
12 follows:

13 (1) **Subject to subdivision (6)**, two (2) licenses for a riverboat
14 that operates from the city of Gary.

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

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

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

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

24 (A) Vanderburgh County.

25 (B) Harrison County.

26 (C) Switzerland County.

27 (D) Ohio County.

28 (E) Dearborn County.

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

32 **(6) Not more than one (1) license for a riverboat that operates**
33 **from a location determined by the commission in a resolution**
34 **approving a request for relocation under section 24(c) of this**
35 **chapter.**

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

40 (c) **Except as provided in subsection (a)(6)**, a person holding an
41 owner's license may not move the person's riverboat from the county in
42 which the riverboat was docked on January 1, 2007, to any other



1 county.

2 SECTION 5. IC 4-33-6-4, AS AMENDED BY P.L.255-2015,
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 4. (a) In determining whether to grant an owner's
5 license to an applicant, the commission shall consider the following:

6 (1) The character, reputation, experience, and financial integrity
7 of the following:

8 (A) The applicant.

9 (B) A person that:

10 (i) directly or indirectly controls the applicant; or

11 (ii) is directly or indirectly controlled by the applicant or by
12 a person that directly or indirectly controls the applicant.

13 (2) The facilities or proposed facilities for the conduct of
14 riverboat gambling.

15 (3) The highest prospective total revenue to be collected by the
16 state from the conduct of riverboat gambling.

17 (4) The good faith affirmative action plan of each applicant to
18 recruit, train, and upgrade minorities in all employment
19 classifications.

20 (5) The financial ability of the applicant to purchase and maintain
21 adequate liability and casualty insurance.

22 (6) If the applicant has adequate capitalization to provide and
23 maintain a riverboat for the duration of the license.

24 (7) The extent to which the applicant exceeds or meets other
25 standards adopted by the commission.

26 (b) This subsection does not apply to:

27 (1) a licensed owner constructing a new riverboat under **section**
28 **1(a)(6)** or section 24 of this chapter; or

29 (2) a person applying for an owner's license to assume control of
30 a riverboat operating from a dock previously approved by the
31 commission.

32 In an application for an owner's license, the applicant must submit to
33 the commission a proposed design of the riverboat and the dock. The
34 commission may not grant a license to an applicant if the commission
35 determines that it will be difficult or unlikely for the riverboat to depart
36 from the dock.

37 SECTION 6. IC 4-33-6-5, AS AMENDED BY P.L.255-2015,
38 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2019]: Sec. 5. In an application for an owner's license, the
40 applicant must state:

41 (1) the dock at which the riverboat is based and the navigable
42 waterway on which the riverboat will operate; or



1 (2) in the case of an application for an owner's license to own and
 2 operate an inland casino under **section 1(a)(6) or** section 24 of
 3 this chapter, the site of the inland casino.

4 SECTION 7. IC 4-33-6-6, AS AMENDED BY P.L.255-2015,
 5 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 6. (a) Except as provided in subsection (c) or (d),
 7 a riverboat that operates in a county described in IC 4-33-1-1(1) or
 8 IC 4-33-1-1(2) must:

- 9 (1) have either:
 10 (A) a valid certificate of inspection from the United States
 11 Coast Guard for the carrying of at least five hundred (500)
 12 passengers; or
 13 (B) a valid certificate of compliance with marine structural and
 14 life safety standards determined by the commission; and
 15 (2) be at least one hundred fifty (150) feet in length.

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

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

25 (d) A riverboat constructed under **section 1(a)(6) or** section 24 of
 26 this chapter must comply with all applicable building codes and any
 27 safety requirements imposed by the commission.

28 SECTION 8. IC 4-33-6-24, AS ADDED BY P.L.255-2015,
 29 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 24. (a) For purposes of this section, property is
 31 considered to be adjacent to a riverboat dock site even if it is separated
 32 from the dock site by public rights-of-way or railroad rights-of-way.

33 (b) A licensed owner may relocate the licensed owner's gaming
 34 operation from a docked riverboat to an inland casino if the following
 35 conditions are met:

- 36 (1) Except as provided in subsection ~~(c)~~; **(d)**, the casino is located
 37 on property that the licensed owner owned or leased and used in
 38 the conduct of the licensed owner's gaming operations on
 39 February 1, 2015.
 40 (2) The casino is located on property adjacent to the dock site of
 41 the licensed owner's riverboat.
 42 (3) The casino complies with all applicable building codes and



1 any safety requirements imposed by the commission.

2 (4) The commission approves the relocation of the licensed
3 owner's gaming operation.

4 **(c) A licensed owner who holds two (2) licenses described in**
5 **section 1(a)(1) of this chapter may relocate the licensed owner's**
6 **gaming operations from a docked riverboat to inland casinos if the**
7 **following conditions are met:**

8 **(1) The licensed owner:**

9 **(A) submits to the commission, with agreement from the**
10 **legislative body of the city of Gary, a request for approval**
11 **to relocate the licensed owner's gaming operations; and**

12 **(B) agrees, upon approval of the request to relocate, to**
13 **transfer ownership of the property being vacated to the**
14 **Gary-Indiana trans-modal compact established by**
15 **IC 8-26-3-1 and to relocate:**

16 **(i) one (1) gaming operation to a location that is within**
17 **the city limits of Gary; and**

18 **(ii) one (1) gaming operation to a location determined by**
19 **the commission in a resolution adopted under**
20 **subdivision (5).**

21 **The request must contain any information required by the**
22 **commission.**

23 **(2) The licensed owner complies with all applicable building**
24 **codes and any safety requirements imposed by the**
25 **commission.**

26 **(3) With regard to the gaming operation relocated under**
27 **subdivision (1)(B)(i), the licensed owner enters into a**
28 **development agreement (as defined in IC 4-33-23-2) with the**
29 **city of Gary.**

30 **(4) With regard to the gaming operation relocated under**
31 **subdivision (1)(B)(ii), the licensed owner enters into an**
32 **agreement with the Gary-Indiana trans-modal compact**
33 **established by IC 8-26-3-1 to provide the Gary-Indiana**
34 **trans-modal compact with an annual distribution of money to**
35 **be used for shoreline development and infrastructure of the**
36 **property being vacated to the Gary-Indiana trans-modal**
37 **compact under subdivision (1)(B).**

38 **(5) Subject to subsection (g), the commission adopts a**
39 **resolution approving the relocation of the licensed owner's**
40 **gaming operations.**

41 **(e) (d) This subsection applies to a licensed owner that owns or**
42 **leases property that is considered adjacent to a riverboat dock site**



- 1 under subsection (a). The licensed owner may:
- 2 (1) acquire part of the public rights-of-way or railroad
- 3 rights-of-way to form a contiguous parcel with the property
- 4 owned or leased by the licensed owner on February 1, 2015; and
- 5 (2) subject to the other requirements of this section, situate an
- 6 inland casino on the contiguous parcel formed under subdivision
- 7 (1).
- 8 ~~(d)~~ (e) The commission may impose any requirement upon a
- 9 licensed owner relocating gaming operations under this section.
- 10 ~~(e)~~ (f) The number of gambling games offered by a licensed owner
- 11 in an inland facility operated under this section may not exceed the
- 12 greatest number of gambling games offered by the licensed owner in
- 13 the licensed owner's docked riverboat since January 1, 2007.
- 14 **(g) In considering whether to approve a request to relocate the**
- 15 **gaming operation described in subsection (c)(1), the commission**
- 16 **shall consider the following:**
- 17 **(1) Any economic benefits.**
- 18 **(2) Any effect on tax revenue.**
- 19 **(3) Any change in the number of jobs related to the relocation.**
- 20 **(4) Any capital investments.**
- 21 **(5) Any other issue considered appropriate by the**
- 22 **commission.**
- 23 SECTION 9. IC 4-33-6-25, AS ADDED BY P.L.255-2015,
- 24 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2019]: Sec. 25. (a) This section does not apply to a riverboat
- 26 gaming operation:
- 27 **(1) described in section 1(a)(6); or**
- 28 **(2) relocated under section 24;**
- 29 of this chapter.
- 30 (b) The number of gambling games offered by a licensed owner or
- 31 operating agent within the riverboat operated by the licensed owner or
- 32 operating agent may not exceed the greatest number of gambling games
- 33 offered by the licensed owner or operating agent since January 1, 2007.
- 34 SECTION 10. IC 8-10-1-2, AS AMENDED BY P.L.98-2008,
- 35 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2019]: Sec. 2. ~~As used in this chapter, The following words~~
- 37 ~~and terms shall have the following meanings, definitions set forth in~~
- 38 ~~this section apply throughout this chapter unless the context shall~~
- 39 ~~indicate indicates another or different meaning or intent:~~
- 40 (a) ~~The word "Commission" shall mean means~~ the commission
- 41 created by section 3(b) of this chapter, or, if ~~said the~~ commission ~~shall~~
- 42 ~~be is~~ abolished, the board, body, or commission succeeding to the



1 principal functions thereof, or to whom the powers given by this
2 chapter to the commission ~~shall be~~ **are** given by law.

3 (b) ~~The word "Port" shall include~~ **includes** any combination of:

4 (1) any place or places on Lake Michigan, the Ohio River, the
5 Wabash River, or other water bodies, natural or artificial, in
6 which water-borne vessels capable of carrying articles of
7 commerce over navigable bodies of water may be loaded,
8 unloaded, or accommodated; and

9 (2) nonmaritime port and traffic exchange points throughout
10 Indiana for the transfer of goods and passengers between all
11 modes of transportation.

12 (c) ~~The word "Project" shall include:~~ **includes**

13 ~~(1)~~ any facilities, adjuncts, and appurtenances necessary or useful
14 to operate a modern port, whether or not permanently situated at
15 the port, including:

16 ~~(A)~~ **(1)** the dredging of approaches to a port; and

17 ~~(B)~~ **(2)** breakwaters, inner harbors, outer harbors, channels,
18 canals, turning basins, docks, wharves, piers, quays, slips,
19 loading, unloading, handling and storage equipment, warehouses,
20 refrigerating plants and equipment, elevators for the handling and
21 storage of grain, coal and other bulk commodities, terminal
22 buildings or facilities, railroad equipment and trackage, roadways,
23 airplane landing fields, parking lots, garages, automotive
24 equipment, tugs, ferries, maintenance and construction vessels,
25 communication systems, sewers, drains, works for the treatment
26 of sewage, garbage and wastes, and the furnishing of utility
27 service necessary to serve the property under the jurisdiction or
28 control of the ports of Indiana and other buildings and facilities
29 which the ports of Indiana may deem necessary for the operation
30 of the port. ~~and~~

31 ~~(2) any other project located in Indiana, other than at a port, that~~
32 ~~the ports of Indiana finds will enhance, foster, aid, provide, or~~
33 ~~promote economic development, public-private partnerships, and~~
34 ~~other industrial, commercial, business, and transportation~~
35 ~~purposes.~~

36 (d) ~~The word "Cost" as applied to a port or project means:~~

37 (1) the cost of construction;

38 (2) the cost of acquisition of all land, rights-of-way, property,
39 rights, easements and interests, including lands under water and
40 riparian rights acquired by the ports of Indiana for construction;

41 (3) the cost of demolishing or removing any buildings or
42 structures on land so acquired, including the cost of acquiring any



- 1 lands to which buildings or structures may be moved;
 2 (4) the cost of relocating public roads;
 3 (5) the cost of land or easements for roads;
 4 (6) the cost of all machinery and equipment;
 5 (7) financing charges;
 6 (8) interest prior to and during construction and for not exceeding
 7 two (2) years after the estimated date of completion of
 8 construction;
 9 (9) the cost of engineering and legal expenses, plans,
 10 specifications, surveys, and estimates of cost, traffic, and
 11 revenues;
 12 (10) other expenses necessary or incident to determining the
 13 feasibility or practicability of constructing any such project;
 14 (11) administrative expense;
 15 (12) other expenses as may be necessary or incident to the
 16 acquisition or construction of the project, the financing of the
 17 acquisition or construction, and the placing of the project in
 18 operation, including the amount authorized in the resolution of the
 19 commission providing for the issuance of revenue bonds to be
 20 paid into any special funds from the proceeds of the bonds; and
 21 (13) any obligation, cost, or expense incurred by any
 22 governmental agency or person for surveys, borings, the
 23 preparation of plans and specifications, and other engineering
 24 services, or any other cost described in this section that is
 25 incurred in connection with the acquisition or construction of a
 26 project may be regarded as part of the cost of the project and may
 27 be reimbursed out of the proceeds of revenue bonds as authorized
 28 by this chapter.
- 29 (e) ~~The word "Owner" shall include~~ **includes** all individuals,
 30 copartnerships, associations, or corporations having any title or interest
 31 in any property, rights, easements, and other interests authorized to be
 32 acquired by this chapter.
- 33 (f) ~~The word "Revenues" shall mean~~ **means** all fees, tolls, rentals,
 34 gifts, grants, moneys, and all other funds coming into the possession or
 35 under the control of the ports of Indiana by virtue of the terms and
 36 provisions of this article, but ~~shall does~~ not include real property or
 37 personal property other than money, nor the proceeds from the sale of
 38 bonds issued under ~~provisions of~~ this chapter.
- 39 (g) ~~The word "Public roads" shall include~~ **includes** all public
 40 highways, roads, and streets in the state, whether maintained by the
 41 state, county, city, township, or other political subdivision.
- 42 (h) "Ports of Indiana" means the ports of Indiana created by section



- 1 3(a) of this chapter.
- 2 SECTION 11. IC 8-10-5-2, AS AMENDED BY P.L.49-2010,
 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2019]: Sec. 2. (a) **Subject to subsection (c)**, any municipal
 5 corporation, county, or any combination of a municipal corporation,
 6 municipal corporations, county, or counties may create a port authority
 7 and there may be created a port authority in a county having a
 8 population of more than four hundred thousand (400,000) but less than
 9 seven hundred thousand (700,000). Such authority may operate in
 10 addition to any municipal authority that may be created under this
 11 chapter. A municipal corporation shall act by ordinance, and a county
 12 shall act by resolution of the county commissioners in authorizing the
 13 creation of a port authority. A port authority created hereunder shall be
 14 a body corporate and politic which may sue and be sued, plead and be
 15 impleaded, and shall have the powers and jurisdiction enumerated in
 16 this chapter. The exercise by such port authority of the powers
 17 conferred upon it shall be deemed to be essential governmental
 18 functions of the state of Indiana, but no port authority shall be immune
 19 from liability by reason thereof.
- 20 (b) In the exercise of the powers and authorities herein granted said
 21 port authority shall have power to make and enter into any and all
 22 contracts that may be necessary to effectuate the purposes of this
 23 chapter. Except as otherwise expressly provided by this chapter, a
 24 contract made by a port authority is not subject to ratification by any
 25 other board, body, or officer.
- 26 (c) **After December 31, 2019, creation of a port authority under**
 27 **subsection (a) is subject to the approval of the ports of Indiana.**
- 28 SECTION 12. IC 8-26 IS ADDED TO THE INDIANA CODE AS
 29 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 30 2019]:
- 31 **ARTICLE 26. GARY-INDIANA TRANS-MODAL COMPACT**
 32 **Chapter 1. General Provisions**
 33 **Sec. 1. The general assembly finds the following:**
- 34 (1) **The location of the city of Gary presents unique and**
 35 **distinct opportunities related to transportation and economic**
 36 **development that are different in scope and type than those**
 37 **faced by other units of local government in Indiana.**
- 38 (2) **A unique approach is required to fully take advantage of**
 39 **the economic development potential of the location including**
 40 **the city of Gary, the Gary/Chicago International Airport, the**
 41 **port of Gary, and transportation infrastructure within the**
 42 **geographic footprint of those assets.**



1 (3) The powers and responsibilities provided under this article
2 to the Gary-Indiana trans-modal compact established by
3 IC 8-26-3-1 are necessary and appropriate to carry out the
4 public purposes of encouraging economic development and
5 further facilitating the provision of transportation, logistics,
6 and international trade services and economic development
7 projects.

8 (4) The exercise of powers and responsibilities granted under
9 this article to the Gary-Indiana trans-modal compact
10 established by IC 8-26-3-1 are critical to economic
11 development not only in the city of Gary, but in the state of
12 Indiana, and is a public purpose.

13 **Chapter 2. Definitions**

14 **Sec. 1.** The definitions in this chapter apply throughout this
15 article.

16 **Sec. 2.** As used in this article, "compact board" means the
17 Gary-Indiana trans-modal compact board created under
18 IC 8-26-4-1.

19 **Sec. 3.** As used in this article, "NWIRDA" means the northwest
20 Indiana regional development authority established by
21 IC 36-7.5-2-1.

22 **Sec. 4.** As used in this article, "steering committee" means a
23 project steering committee established by the compact board under
24 IC 8-26-4-3.

25 **Sec. 5.** As used in this article, "trans-modal compact" means the
26 Gary-Indiana trans-modal compact established by IC 8-26-3-1.

27 **Chapter 3. Gary-Indiana Trans-modal Compact**

28 **Sec. 1.** The Gary-Indiana trans-modal compact is established as
29 a separate body corporate and politic.

30 **Sec. 2.** Each entity involved in the trans-modal compact remains
31 an autonomous entity and may act independently on projects that
32 are not related to the Gary waterfront or to related efforts in the
33 trans-modal compact area.

34 **Chapter 4. Gary-Indiana Trans-modal Compact Board**

35 **Sec. 1.** The Gary-Indiana trans-modal compact board is created
36 to govern the trans-modal compact. The members of the compact
37 board must be appointed as provided under this chapter.

38 **Sec. 2. (a)** The compact board is comprised of the following
39 seven (7) members:

40 (1) One (1) member from either the:

41 (A) Gary/Chicago International Airport Authority board;
42 or



- 1 **(B) Gary port authority;**
 2 **who is appointed by the mayor of Gary. The member**
 3 **appointed under this subdivision serves at the pleasure of the**
 4 **mayor.**
 5 **(2) One (1) member from the NWIRDA who is appointed by**
 6 **the northwest Indiana regional development board.**
 7 **(3) One (1) member appointed by the governor. The member**
 8 **appointed under this subdivision serves at the pleasure of the**
 9 **governor.**
 10 **(4) One (1) member appointed by the mayor of Gary. The**
 11 **member appointed under this subdivision serves at the**
 12 **pleasure of the mayor.**
 13 **(5) The secretary of the Indiana economic development**
 14 **corporation, or the secretary's designee.**
 15 **(6) The executive director of the Indiana finance authority, or**
 16 **the executive director's designee.**
 17 **(7) The commissioner of the department of transportation, or**
 18 **the commissioner's designee.**
 19 **(b) The members appointed under subsection (a)(3) and (a)(4)**
 20 **must have knowledge and at least five (5) years professional work**
 21 **experience in at least one (1) of the following:**
 22 **(1) Rail or air transportation.**
 23 **(2) Regional economic development.**
 24 **(3) Business or finance.**
 25 **Sec. 3. The compact board may establish a project steering**
 26 **committee. The steering committee must include representation of**
 27 **the following:**
 28 **(1) The Gary city-council.**
 29 **(2) The World Trade Center, Indianapolis.**
 30 **(3) The NWIRDA.**
 31 **(4) The Indiana finance authority.**
 32 **(5) The department of transportation.**
 33 **(6) The Gary-Chicago International Airport.**
 34 **(7) The Gary port authority.**
 35 **(8) The office of the mayor of the city of Gary.**
 36 **(9) The state of Indiana.**
 37 **Sec. 4. (a) Except as provided in subsections (b) and (c), a**
 38 **member appointed to the compact board serves a four (4) year**
 39 **term.**
 40 **(b) A member serves at the pleasure of the appointing authority.**
 41 **A member may be reappointed to subsequent terms.**
 42 **(c) If a vacancy occurs on the compact board, the appointing**



1 authority that made the original appointment shall fill the vacancy
 2 by appointing a new member to serve the remainder of the vacated
 3 term.

4 (d) Each member appointed to the compact board, before
 5 entering upon the duties of the position, shall take and subscribe an
 6 oath of office under IC 5-4-1, which shall be endorsed upon the
 7 certificate of appointment and filed with the records of the
 8 compact board.

9 (e) A member appointed to the compact board is not entitled to
 10 receive any compensation for performance of the member's duties.

11 Sec. 5. (a) The compact board shall hold an organizational
 12 meeting each January. Except as provided in subsection (b), at the
 13 annual organizational meeting, the compact board shall elect the
 14 following officers from among the members of the compact board:

15 (1) A chair.

16 (2) A vice chair.

17 (3) A secretary.

18 (b) Before January 2020, the mayor of the city of Gary shall
 19 appoint the chair from among the members under section 2 of this
 20 chapter. Beginning with the organizational meeting in January
 21 2020, the compact board shall elect a member to serve as chair.

22 (c) The affirmative votes of at least four (4) members of the
 23 compact board are necessary to elect an officer under subsection
 24 (a).

25 (d) An officer elected under subsection (a) serves in the officer's
 26 position from the date of the officer's election until the officer's
 27 successor is elected and qualified.

28 (e) The NWIRDA shall serve as the fiscal agent and officer of
 29 the compact board.

30 Sec. 6. (a) Subject to subsection (b), the compact board may
 31 adopt bylaws and rules that the compact board considers necessary
 32 for the proper conduct of the compact board's duties and the
 33 safeguarding of the compact's funds and property.

34 (b) The compact board shall include in the rules a statement
 35 that recognizes that a member of the compact board is a public
 36 servant subject to IC 35-44.1-1-4 concerning conflicts of interest.

37 Chapter 5. Duties and Powers of the Gary-Indiana Trans-modal
 38 Compact

39 Sec. 1. The purpose of the compact is to oversee, direct, support,
 40 coordinate, and plan for the development, enhancement, and
 41 operation of infrastructure serving the trans-modal compact area,
 42 and to fully participate in the regional, state, national, and global



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economies.

Sec. 2. (a) The compact may do any of the following:

- (1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip land and projects for the trans-modal compact area.**
- (2) Lease land or projects to an eligible political subdivision.**
- (3) Finance and construct additional improvements to projects or other capital improvements owned by the trans-modal compact.**
- (4) Acquire land, one (1) or more projects, or portions of one (1) or more projects, from an eligible political subdivision, and any additional improvements that may be made to the land or projects.**
- (5) Acquire one (1) or more projects, or portions of one (1) or more projects, from an eligible political subdivision by purchase or lease.**
- (6) Make loans, loan guarantees, and grants or provide other financial assistance to member entities.**
- (7) After giving proper notice, enter upon any lots or lands for the purpose of surveying or examination to determine the location of a project.**
- (8) Make or enter into any contracts or agreements necessary or incidental to the performance of the trans-modal compact's duties and the execution of the trans-modal compact's powers under this article.**
- (9) Sue, be sued, and be impleaded.**
- (10) Design, order, contract for, construct, reconstruct, and renovate a project or improvements to a project.**
- (11) Appoint an executive director and employ or contract with appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any other consultants or employees necessary or desired by the compact to exercise the trans-modal compact's powers and duties under this article.**
- (12) Accept loans, grants, and other forms of financial assistance from the federal government, state government, a political subdivision, or any other public or private source.**
- (13) Use the trans-modal compact's funds to match federal grants or make loans, loan guarantees, or grants to carry out the trans-modal compact's powers and duties under this article.**
- (14) Provide funding for regional transportation**



1 infrastructure projects.

2 (15) Enter into public-private partnership agreements under
3 IC 8-15.7.

4 (b) Except as otherwise provided in this article, the trans-modal
5 compact shall have the powers described in this article. The powers
6 of the trans-modal compact shall not limit, preempt, or supersede
7 the authority, power, or rights of any members of the trans-modal
8 compact. The powers of each member and the powers of the
9 trans-modal compact may be jointly exercised.

10 Sec. 3. (a) The trans-modal compact may issue bonds or
11 obligations for the purpose of obtaining money to pay the costs of:

12 (1) acquiring real or personal property, including capital
13 improvements; and

14 (2) acquiring, constructing, improving, reconstructing, or
15 renovating one (1) or more projects.

16 (b) The bonds are payable only from:

17 (1) lease rentals from the lease of the projects for which the
18 bonds were issued;

19 (2) insurance proceeds;

20 (3) except as otherwise provided by law, revenue received by
21 the trans-modal compact; and

22 (4) any other funds pledged or available to the trans-modal
23 compact.

24 (c) Any issuance of bonds shall be authorized by a resolution of
25 the trans-modal compact board.

26 (d) The terms and form of the bonds must be set out in the
27 resolution under subsection (c) or in a form of trust indenture
28 approved in the resolution under subsection (c).

29 (e) The bonds shall mature within twenty-five (25) years.

30 (f) The trans-modal compact may sell the bonds only to the
31 Indiana finance authority established by IC 5-1.2-3 upon terms
32 determined by the trans-modal compact and the Indiana finance
33 authority.

34 (g) All money received from bonds issued under this section
35 shall be applied solely to the payment of the cost of acquiring,
36 constructing, improving, reconstructing, or renovating one (1) or
37 more projects, or for the cost of refunding or refinancing
38 outstanding bonds, for which the bonds are issued.

39 Sec. 4. The receipts and disbursements of the trans-modal
40 compact shall be subject to an annual audit by the state board of
41 accounts. At the discretion of the state examiner, a qualified
42 independent public accountant may conduct the annual audit. The



1 report of the audit shall be incorporated into and become part of
2 the annual report of the trans-modal compact required under
3 section 5 of this chapter.

4 Sec. 5. The trans-modal compact shall issue an annual report to
5 the legislative council, the governor, the mayor of the city of Gary,
6 and to each member entity. A report submitted under this section
7 to the legislative council must be in an electronic format under
8 IC 5-14-6.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 66, 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 the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 66 as introduced.)

BRAY, Chairperson

