



Reprinted
February 26, 2019

SENATE BILL No. 552

DIGEST OF SB 552 (Updated February 25, 2019 6:47 pm - DI 107)

Citations Affected: IC 4-31; IC 4-33; IC 4-35; IC 4-38; IC 6-3.1; IC 6-8.1; IC 31-25; IC 35-45; IC 36-7; IC 36-7.5.

Synopsis: Gaming matters. Authorizes sports wagering at riverboats, racinos, a Vigo County casino, and satellite facilities. Provides for the administration and conduct of sports wagering. Imposes initial and annual fees on a licensed owner, operating agent, vendor, or permit holder conducting sports wagering. Imposes initial and annual licensing fees on vendors conducting sports wagering. Specifies that a vendor contracting with a certificate holder has the same authority to conduct sports wagering as the certificate holder. Requires the use of official data to determine the winner of in-play wagers. Requires the Indiana gaming commission (IGC) to deposit vendor license application fees in the sports wagering fund. Requires the IGC to deposit sports wagering service provider license application fees in the sports wagering fund. Sets forth duties for the IGC concerning: (1) sports wagering; and (2) granting certain gambling licenses. Requires the IGC to adopt administrative rules. Specifies that the IGC may act upon information received from a sports governing body in considering requests to prohibit wagering on particular events or to prohibit making
(Continued next page)

Effective: July 1, 2019.

**Messmer, Ford Jon, Melton, Merritt,
Lanane, Breaux, Randolph Lonnie M**

January 15, 2019, read first time and referred to Committee on Public Policy.
February 11, 2019, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 21, 2019, amended, reported favorably — Do Pass.
February 25, 2019, read second time, amended, ordered engrossed.

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wagers of a particular type. Establishes a sports wagering service provider license. Provides that certain items must be acquired from a person that holds both a supplier's license and a sports wagering service provider license. Provides that certain services must be obtained from a person holding a sports wagering service provider license. Specifies that required background checks apply to employees engaged in activities related to sports wagering. Specifies permissible sports wagering wagers. Prohibits wagering on e-sports. Provides the process for withholding delinquent child support from sports wagering winnings. Makes changes to the appointment of members on breed development advisory committees. Provides each horsemen's association, certain licensees, and any association for backside benevolence shall submit to an audit by an independent public accountant and submit the report to the commission. Repeals the provision that prohibits money distributed to a horsemen's association from being used for lobbying. Authorizes a holder of a Gary riverboat license to change locations under certain circumstances, to another location in Gary or to Vigo County. Provides that, if gaming operations are relocated within the city of Gary, certain units of government may receive supplemental payments from wagering tax distributions. Provides a procedure if the owner of one of the Gary riverboat licenses applies to operate in Vigo County to notify the other riverboat owners who may then file a declaration of interest to compete for ownership of the riverboat license to be located in Vigo County. Sets forth the procedure to determine the value of the Gary riverboat license being proposed to be relocated to Vigo County. Provides that the IGC may determine that the holder of the Gary riverboat license may be required to sell its license to another riverboat owner that filed a declaration of interest. Requires a licensed owner or permit holder operating a casino in Vigo County to enter into a development agreement. Provides that a riverboat operating in Vigo County shall pay: (1) \$2,000,000 to the Indiana horse racing commission annually to be distributed to the breed development funds; (2) \$1,500,000 to the department of natural resources (DNR) and DNR will deposit the payment in the West Baden Springs historic hotel preservation and maintenance fund (fund), each year, for three years; (3) certain sums to the city of Evansville, each year, for three years. Provides that the state treasurer shall distribute the tax revenue from an operating agent operating a riverboat in a historic hotel district (operating agent) to the state general fund and the fund. Provides that if the balance of the fund exceeds \$25,000,000, distribution of tax revenue from the operating agent shall be paid to the state general fund. Repeals the maximum number of owner's licenses that may be issued to a riverboat owner. Provides that a racino is authorized to conduct wagering on table games after submitting a plan to the IGC that meets requirements for table games for riverboats. Provides distributions of taxes from live table games at racetracks. Provides that beginning after June 30, 2020, a licensed owner or racino may not deduct more than \$9,000,000 from adjusted gross receipts from wagering on gambling games. Provides that a racino shall distribute monthly 12% of the adjusted gross receipts of live table game wagering. Imposes a gambling game tax for wagering on table games at racinos. Provides that a Gary riverboat operation relocated to Vigo County and any future relocation of a license is prohibited from relocating within 75 miles of another racetrack, riverboat, inland casino, riverboat operated by an operating agent, or relocated casino. Makes technical corrections and other changes to conform with recent changes to the riverboat law.



Reprinted
February 26, 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. 552

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

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

1 SECTION 1. IC 4-31-2-5.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]: **Sec. 5.8. "E-sports" means a single player or multiplayer**
4 **video game played competitively, typically by professional gamers.**
5 SECTION 2. IC 4-31-2-20.9 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2019]: **Sec. 20.9. "Sports wagering" refers to wagering**
8 **conducted under IC 4-38 on athletic and sporting events involving**
9 **human competitors. The term does not include:**
10 **(1) pari-mutuel wagering on horse racing; or**
11 **(2) wagering on e-sports.**
12 SECTION 3. IC 4-31-3-16 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2019]: **Sec. 16. (a) The bureau shall provide information to a**
15 **certificate holder, as defined in IC 4-38-2, concerning persons who**

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1 are delinquent in child support.

2 (b) Prior to a certificate holder dispersing a payout of six
3 hundred dollars (\$600) or more, in cash winnings, from sports
4 wagering to a person who is delinquent in child support, the
5 certificate holder:

6 (1) may deduct and retain an administrative fee in the amount
7 of the lesser of:

8 (A) three percent (3%) of the amount of delinquent child
9 support withheld under subdivision (2)(A); or

10 (B) one hundred dollars (\$100); and

11 (2) shall:

12 (A) withhold the amount of delinquent child support owed
13 from cash winnings;

14 (B) transmit to the bureau:

15 (i) the amount withheld for delinquent child support;
16 and

17 (ii) identifying information, including the full name,
18 address, and Social Security number of the obligor and
19 the child support case identifier, the date and amount of
20 the payment, and the name and location of the licensed
21 owner, operating agent, or trustee; and

22 (C) issue the obligor a receipt in a form prescribed by the
23 bureau with the total amount withheld for delinquent child
24 support and the administrative fee.

25 (c) The bureau shall notify the obligor at the address provided
26 by the certificate holder that the bureau intends to offset the
27 obligor's delinquent child support with the cash winnings.

28 (d) The bureau shall hold the amount withheld from each cash
29 winnings of an obligor for ten (10) business days before applying
30 the amount as payment to the obligor's delinquent child support.

31 (e) The delinquent child support required to be withheld under
32 this section and an administrative fee described under subsection
33 (b)(1) have priority over any secured or unsecured claim on cash
34 winnings except claims for federal or state taxes that are required
35 to be withheld under federal or state law.

36 SECTION 4. IC 4-31-11-4, AS AMENDED BY P.L.256-2015,
37 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2019]: Sec. 4. (a) Each development committee consists of
39 three (3) members appointed as follows:

40 (1) One (1) member appointed by the governor, who shall chair
41 the committee.

42 (2) One (1) member appointed by the permit holder of the track



1 where the breed of horse races. **lieutenant governor.**

2 (3) One (1) member appointed by the ~~horsemen's association that~~
3 is approved for funding by the Indiana horse racing commission.
4 and representing owners.

5 (b) The members of each development committee must be residents
6 of Indiana who are knowledgeable in horse breeding and racing. and
7 must include one (1) member who is an owner and one (1) member
8 who is a breeder. No more than two (2) members of each development
9 committee may be members of the same political party.

10 (c) If more than one (1) horsemen's association for a breed
11 represents owners; the associations must agree on the associations'
12 appointment described in subsection (a)(3) to the development
13 committee.

14 (c) For a member to be eligible for an appointment and to
15 continue to serve on a development committee under subsection
16 (a), the member must hold a valid current license issued by the
17 commission.

18 SECTION 5. IC 4-33-1-1 IS REPEALED [EFFECTIVE JULY 1,
19 2019]. Sec. 1: This article applies only to the following:

20 (1) Counties contiguous to Lake Michigan:

21 (2) A county that is:

22 (A) contiguous to the Ohio River; and

23 (B) described in IC 4-33-6-1(a)(5).

24 (3) A county that contains a historic hotel district.

25 SECTION 6. IC 4-33-2-2 IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) "Adjusted gross receipts"
27 means:

28 (1) the total of all cash and property (including checks received
29 by a licensee or an operating agent) whether collected or not,
30 received by a licensee or an operating agent from gaming
31 operations; minus

32 (2) the total of:

33 (A) all cash paid out as winnings to patrons; and

34 (B) uncollectible gaming receivables, not to exceed the lesser
35 of:

36 (i) a reasonable provision for uncollectible patron checks
37 received from gaming operations; or

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

41 For purposes of this section, a counter or personal check that is invalid
42 or unenforceable under this article is considered cash received by the



1 licensee or operating agent from gaming operations.

2 **(b) The term does not include amounts received from sports**
 3 **wagering conducted by a licensee or operating agent under**
 4 **IC 4-38.**

5 SECTION 7. IC 4-33-2-17, AS AMENDED BY P.L.255-2015,
 6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2019]: Sec. 17. "Riverboat" means any of the following on
 8 which lawful gambling is authorized under this article:

9 (1) A self-propelled excursion boat ~~located in a county described~~
 10 ~~in IC 4-33-1-1(1) or IC 4-33-1-1(2)~~ that complies with
 11 IC 4-33-6-6(a) **and is located in a county that is contiguous to**
 12 **Lake Michigan or the Ohio River.**

13 (2) A casino located in a historic hotel district.

14 (3) A permanently moored craft operating from a county
 15 described in ~~IC 4-33-1-1(1) or IC 4-33-1-1(2)~~: **subdivision (1).**

16 (4) An inland casino operating under IC 4-33-6-24.

17 **(5) A relocated casino under IC 4-33-6-4.5.**

18 SECTION 8. IC 4-33-2-17.7 IS ADDED TO THE INDIANA CODE
 19 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 20 **1, 2019]: Sec. 17.7. "Sports wagering" refers to wagering**
 21 **conducted under IC 4-38 on athletic and sporting events involving**
 22 **human competitors. The term does not include:**

23 **(1) money spent to participate in paid fantasy sports under**
 24 **IC 4-33-24; or**

25 **(2) wagering on e-sports.**

26 SECTION 9. IC 4-33-3-2, AS AMENDED BY P.L.170-2005,
 27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2019]: Sec. 2. (a) The commission consists of seven (7)
 29 members appointed by the governor.

30 (b) Each member of the commission must:

31 (1) be a resident of Indiana; and

32 (2) have a reasonable knowledge of the practice, procedures, and
 33 principles of gambling operations.

34 (c) At least one (1) member of the commission must be experienced
 35 in law enforcement and criminal investigation.

36 (d) At least one (1) member of the commission must be a certified
 37 public accountant experienced in accounting and auditing.

38 (e) At least one (1) member of the commission must be an attorney
 39 admitted to the practice of law in Indiana.

40 (f) One (1) member of the commission must be a resident of a
 41 county ~~described in IC 4-33-1-1(1)~~: **that is contiguous to Lake**
 42 **Michigan.**



1 (g) One (1) member of the commission must be a resident of a
 2 county ~~described in IC 4-33-1-1(2)~~. **that is contiguous to the Ohio**
 3 **River.**

4 (h) Not more than four (4) members may be affiliated with the same
 5 political party.

6 SECTION 10. IC 4-33-3-22 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. (a) The commission
 8 shall file a written annual report with the governor before September
 9 1 of each year. The commission shall file any additional reports that the
 10 governor requests.

11 (b) The annual report filed under this section must include a
 12 statement describing the following:

13 (1) The receipts and disbursements of the commission.

14 (2) Actions taken by the commission.

15 **(3) The development and fiscal impact of sports wagering**
 16 **conducted under IC 4-38.**

17 ~~(3)~~ **(4)** Any additional information and recommendations that:

18 (A) the commission considers useful; or

19 (B) the governor requests.

20 SECTION 11. IC 4-33-4-28 IS ADDED TO THE INDIANA CODE
 21 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2019]: **Sec. 28. (a) The bureau shall provide information to a**
 23 **certificate holder, as defined in IC 4-38-2, concerning persons who**
 24 **are delinquent in child support.**

25 (b) **Prior to a certificate holder dispersing a payout of six**
 26 **hundred dollars (\$600) or more, in cash winnings, from sports**
 27 **wagering to a person who is delinquent in child support, the**
 28 **certificate holder:**

29 (1) **may deduct and retain an administrative fee in the amount**
 30 **of the lesser of:**

31 (A) **three percent (3%) of the amount of delinquent child**
 32 **support withheld under subdivision (2)(A); or**

33 (B) **one hundred dollars (\$100); and**

34 (2) **shall:**

35 (A) **withhold the amount of delinquent child support owed**
 36 **from cash winnings;**

37 (B) **transmit to the bureau:**

38 (i) **the amount withheld for delinquent child support;**
 39 **and**

40 (ii) **identifying information, including the full name,**
 41 **address, and Social Security number of the obligor and**
 42 **the child support case identifier, the date and amount of**



- 1 the payment, and the name and location of the licensed
 2 owner, operating agent, or trustee; and
 3 **(C) issue the obligor a receipt in a form prescribed by the**
 4 **bureau with the total amount withheld for delinquent child**
 5 **support and the administrative fee.**
 6 **(c) The bureau shall notify the obligor at the address provided**
 7 **by the certificate holder that the bureau intends to offset the**
 8 **obligor's delinquent child support with the cash winnings.**
 9 **(d) The bureau shall hold the amount withheld from each cash**
 10 **winnings of an obligor for ten (10) business days before applying**
 11 **the amount as payment to the obligor's delinquent child support.**
 12 **(e) The delinquent child support required to be withheld under**
 13 **this section and an administrative fee described under subsection**
 14 **(b)(1) have priority over any secured or unsecured claim on cash**
 15 **winnings except claims for federal or state taxes that are required**
 16 **to be withheld under federal or state law.**
 17 SECTION 12. IC 4-33-6-1, AS AMENDED BY P.L.229-2013,
 18 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2019]: Sec. 1. (a) The commission may issue to a person a
 20 license to own a riverboat subject to the numerical and geographical
 21 limitation of owner's licenses under this section ~~section 3-5 of this~~
 22 ~~chapter~~, and IC 4-33-4-17. However, not more than ten (10) owner's
 23 licenses may be in effect at any time. **Except as provided in section**
 24 **4.5 of this chapter**, those ten (10) licenses are as follows:
 25 (1) Two (2) licenses for a ~~riverboat that operates two (2)~~
 26 **riverboats located in or operating** from the city of Gary.
 27 (2) One (1) license for a riverboat that operates from the city of
 28 Hammond.
 29 (3) One (1) license for a riverboat that operates from the city of
 30 East Chicago.
 31 (4) One (1) license for a city located in ~~the counties described~~
 32 ~~under IC 4-33-1-1(1):~~ **a county contiguous to Lake Michigan.**
 33 **However**, this license may not be issued to a city described in
 34 subdivisions (1) through (3).
 35 (5) A total of five (5) licenses for riverboats that operate upon the
 36 Ohio River from the following counties:
 37 (A) Vanderburgh County.
 38 (B) Harrison County.
 39 (C) Switzerland County.
 40 (D) Ohio County.
 41 (E) Dearborn County.
 42 The commission may not issue a license to an applicant if the



- 1 issuance of the license would result in more than one (1) riverboat
 2 operating from a county described in this subdivision.
- 3 (b) In addition to its power to issue owner's licenses under
 4 subsection (a), the commission may also enter into a contract under
 5 IC 4-33-6.5 with respect to the operation of one (1) riverboat on behalf
 6 of the commission in a historic hotel district.
- 7 **(c) This subsection applies only to the relocation of a casino**
 8 **under section 4.5 of this chapter and any future relocation of a**
 9 **license. The commission may not issue a license to an applicant if**
 10 **the issuance of the license would permit the applicant to locate a**
 11 **riverboat less than seventy-five (75) miles from the location of**
 12 **another riverboat licensed under this article or a gambling game**
 13 **facility under IC 4-35, as determined by the distance between the**
 14 **closest point from the proposed location of the applicant's**
 15 **riverboat to the location of another riverboat or gambling game**
 16 **facility.**
- 17 (c) A person holding an owner's license may not move the person's
 18 riverboat from the county in which the riverboat was docked on
 19 January 1, 2007, to any other county.
- 20 SECTION 13. IC 4-33-6-3 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The commission may
 22 not issue an owner's license under this chapter to a person if:
- 23 (1) the person has been convicted of a felony under Indiana law,
 24 the laws of any other state, or laws of the United States;
- 25 (2) the person has knowingly or intentionally submitted an
 26 application for a license under this chapter that contains false
 27 information;
- 28 (3) the person is a member of the commission;
- 29 (4) the person is an officer, a director, or a managerial employee
 30 of a person described in subdivision (1) or (2);
- 31 (5) the person employs an individual who:
 32 (A) is described in subdivision (1), (2), or (3); and
 33 (B) participates in the management or operation of gambling
 34 operations authorized under this article;
- 35 (6) the person owns an ownership interest of more than the total
 36 amount of ownership interest permitted under section 3.5 of this
 37 chapter; or
- 38 (7) (6) a license issued to the person:
 39 (A) under this article; or
 40 (B) to own or operate gambling facilities in another
 41 jurisdiction;
 42 has been revoked.



1 SECTION 14. IC 4-33-6-3.5 IS REPEALED [EFFECTIVE JULY
2 1, 2019]. Sec. 3.5: (a) For purposes of this section, a person is
3 considered to have an ownership interest in a riverboat owner's license
4 if the interest is owned directly or indirectly by the person or by an
5 entity controlled by the person.

6 (b) A person may have up to a one hundred percent (100%)
7 ownership interest in not more than two (2) riverboat licenses issued
8 under this chapter.

9 (c) A person may not have an ownership interest in more than two
10 (2) riverboat owner's licenses issued under this chapter.

11 (d) This section may not be construed to increase the maximum
12 number of licenses permitted under section 1 of this chapter or the
13 number of riverboats that may be owned and operated under a license
14 under section 1 of this chapter.

15 SECTION 15. IC 4-33-6-4.5 IS ADDED TO THE INDIANA CODE
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2019]: (a) A person holding an owner's license under section
18 1(a)(1) of this chapter may move a riverboat using one (1) of the
19 licenses described in section 1(a)(1) of this chapter to a different
20 location in Gary and may move a riverboat using the other license
21 described in section 1(a)(1) of this chapter to a location in Vigo
22 County only if:

23 (1) the licensed owner:

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

27 (B) agrees, upon approval of the request, to relinquish
28 ownership of the property being vacated, and to relocate:

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

31 (ii) one (1) gaming operation to a location in Vigo
32 County;

33 (2) the legislative body of the:

34 (A) city or town of relocation, if the riverboat is relocating
35 to a city or town; or

36 (B) county of relocation, if the riverboat is relocating to an
37 unincorporated area of a county;

38 adopts a resolution approving the relocation of the riverboat;

39 (3) the voters of Vigo County have approved a public question
40 under IC 4-31-4-3 or section 19 of this chapter;

41 (4) the licensed owner complies with all applicable building
42 codes and any safety requirements imposed by the



- 1 **commission;**
 2 **(5) with regard to the gaming operation relocated under**
 3 **subdivision (1)(B)(i), the licensed owner enters into a**
 4 **development agreement (as defined in IC 4-33-23-2) with the**
 5 **city of Gary;**
 6 **(6) with regard to the gaming operation relocated under**
 7 **subdivision (1)(B)(ii), the licensed owner enters into an**
 8 **agreement with the commission to provide an annual**
 9 **distribution of money to be used for shoreline development**
 10 **and infrastructure of the vacated property being relinquished**
 11 **under subdivision (1)(B); and**
 12 **(7) subject to subsection (i), the commission adopts a**
 13 **resolution approving the relocation of the licensed owner's**
 14 **gaming operations.**
 15 **The request must contain any information required by the**
 16 **commission.**
 17 **(b) If voters in Vigo County have not approved a public question**
 18 **described in subsection (a)(3), the Vigo County election board shall**
 19 **place the following question on the ballot in Vigo County during**
 20 **the next primary or general election:**
 21 **"Shall riverboat gambling be permitted in Vigo County?".**
 22 **(c) A public question under subsection (b) shall be placed on the**
 23 **ballot in accordance with IC 3-10-9 and must be certified in**
 24 **accordance with IC 3-10-9-3.**
 25 **(d) The clerk of the circuit court of a county holding an election**
 26 **under this chapter shall certify the results determined under**
 27 **IC 3-12-4-9 to the commission and the department of state revenue.**
 28 **(e) If a public question under this section is placed on the ballot**
 29 **in Vigo County and the voters of Vigo County do not vote in favor**
 30 **of permitting riverboat gambling under this article, a second**
 31 **public question under this section may not be held in Vigo County**
 32 **for at least two (2) years. If the voters of Vigo County vote to reject**
 33 **riverboat gambling a second time, a third or subsequent public**
 34 **question under this section may not be held in Vigo County for at**
 35 **least two (2) years.**
 36 **(f) The commission may impose any requirement on a licensed**
 37 **owner relocating gaming operations under this section.**
 38 **(g) The commission shall prescribe the form of the request for**
 39 **approval to relocate the licensed owner's gaming operations under**
 40 **this section.**
 41 **(h) When reviewing an application to relocate gaming**
 42 **operations under this section, the commission shall consider:**



- 1 (1) economic benefits;
- 2 (2) tax revenue;
- 3 (3) the number of new jobs;
- 4 (4) whether the owner plans to make at least fifty percent
- 5 (50%) of the owner's proposed investment in the Vigo County
- 6 casino for the development of nongaming amenities;
- 7 (5) whether the owner plans an investment of at least one
- 8 hundred fifty million dollars (\$150,000,000) in the
- 9 development of a casino; and
- 10 (6) any other issue deemed appropriate by the commission.

11 (i) The commission shall adopt a resolution approving an
 12 application to transfer gaming operations under this section if the
 13 requirements of this section are met.

14 (j) If a riverboat relocates under this section, the new casino
 15 may be an inland casino as described in section 24 of this chapter.

16 (k) If a riverboat relocates under this section or section 4.6 of
 17 this chapter to Vigo County, the licensed owner shall pay one
 18 million five hundred thousand dollars (\$1,500,000) to the
 19 department of natural resources on a date established by the
 20 licensed owner and the commission in each year, for three (3)
 21 years, that the relocated riverboat is in operation. The department
 22 of natural resources shall deposit the payments received under this
 23 subsection in the West Baden Springs historic hotel preservation
 24 and maintenance fund established under IC 36-7-11.5-11.

25 (l) If a riverboat relocates under this section or section 4.6 of
 26 this chapter to Vigo County, the licensed owner shall pay:

- 27 (1) a one (1) time payment of one million two hundred
- 28 thousand dollars (\$1,200,000) within the first year of the
- 29 relocated riverboat operating in Vigo County;
- 30 (2) a one (1) time payment of nine hundred thousand dollars
- 31 (\$900,000) within the second year of the relocated riverboat
- 32 operating in Vigo County; and
- 33 (3) a one (1) time payment of six hundred thousand dollars
- 34 (\$600,000) within the third year of the relocated riverboat
- 35 operating in Vigo County;

36 to the city of Evansville.

37 SECTION 16. IC 4-33-6-4.6 IS ADDED TO THE INDIANA CODE
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 39 1, 2019]: **Sec. 4.6. (a) If a licensed owner holding a license under**
 40 **section 1(a)(1) of this chapter applies to the commission to relocate**
 41 **gaming operations to a location in Vigo County, the licensed owner**
 42 **shall provide notice of the filing of the application to all of the**



1 owners of riverboats licensed to operate under this article by
2 certified mail, return receipt requested.

3 (b) Any licensed owner may, within thirty (30) days of receipt
4 of a notice under subsection (a), file a declaration of interest to
5 compete for ownership of the riverboat license that is proposed to
6 be relocated to Vigo County.

7 (c) Upon the receipt of any declaration of interest described in
8 subsection (b), the commission shall initiate the following process
9 to value the riverboat license that is being proposed to be relocated
10 to Vigo County:

11 (1) The commission shall retain three (3) appraisers to
12 determine the fair market value of the riverboat license
13 proposed to be relocated to Vigo County. Any licensed owner
14 that filed a declaration of interest shall promptly reimburse
15 the commission for the appraiser's fees.

16 (2) The commission shall select appraisers that have at least
17 five (5) years experience of determining the value of gaming
18 licenses.

19 (3) Each appraiser shall certify to the commission in writing
20 and under oath that the appraiser does not have any conflicts
21 of interest in appraising the value of the riverboat license.

22 (4) Each appraiser shall independently determine the fair
23 market value of the riverboat license that is the subject of the
24 application for relocation of the date of the appraisal. The
25 determination of fair market value shall be based on the
26 riverboat being sited within the city of Gary and shall not
27 include the value of the land the riverboat is located on within
28 the city of Gary.

29 (5) Each appraiser shall submit a report to the commission
30 describing in detail the facts, conclusion, and methodology
31 used by the appraiser to determine the fair market value of
32 the riverboat license.

33 (6) Upon receipt of the appraisals, the commission shall add
34 the fair market value determined by each appraiser and
35 divide the total by three (3) to determine the fair market value
36 of the riverboat license to be relocated to Vigo County. If an
37 appraisal is ten percent (10%) less than the average of the two
38 (2) other appraisals, it shall not be used and the remaining
39 two (2) appraisals shall be added together and the total shall
40 be divided by two (2) to determine the fair market value of the
41 license being relocated to Vigo County.

42 (d) Upon the completion of the process described in subsection



1 (c), the commission may determine whether the holder of the
 2 riverboat license described in section 1(a)(1) of this chapter may be
 3 relocated to Vigo County or be required to sell its license to a
 4 license holder that filed a declaration of interest. In making this
 5 determination, the commission shall consider:

- 6 (1) economic benefits;
 7 (2) tax revenue;
 8 (3) the number of new jobs;
 9 (4) whether the applicant plans to make at least fifty percent
 10 (50%) of the owner's proposed investment in the Vigo County
 11 casino for the development of nongaming amenities;
 12 (5) whether the applicant has a resolution of support from the
 13 legislative body of the unit in Vigo County where it seeks to
 14 relocate;
 15 (6) the financial stability of the applicant;
 16 (7) the applicant's history of community involvement; and
 17 (8) any other factor that the commission considers
 18 appropriate.

19 (e) If the commission determines that a license holder that has
 20 filed a declaration of interest may purchase the license of the
 21 license holder described in section 1(a)(1) of this chapter for the
 22 fair market value as determined under subsection (c) and relocate
 23 the gaming operation to Vigo County, the commission shall:

- 24 (1) require the license holder that filed the successful
 25 declaration of interest to promptly deliver to the commission,
 26 not later than ten (10) days after the commission's
 27 determination, an irrevocable letter of credit, issued by a
 28 bank acceptable to the commission, in the amount of the fair
 29 market value in favor of the license holder described in
 30 section 1(a)(1) of this chapter to secure payment for the
 31 purchase price;
 32 (2) fix a date certain for the sale of the license; and
 33 (3) impose other requirements that the commission deems
 34 necessary and appropriate to protect the interest of the state,
 35 the license holder under section 1(a)(1) of this chapter, and
 36 the license holder that filed the successful declaration of
 37 interest.

38 SECTION 17. IC 4-33-6-4.7 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2019]: Sec. 4.7. (a) This section applies to the licensed owner of
 41 a gaming operation that is relocated to Vigo County under section
 42 4.5 of this chapter.



1 **(b) A licensed owner described in subsection (a) shall pay two**
 2 **million dollars (\$2,000,000) by July 15 of each year to the Indiana**
 3 **horse racing commission to be distributed as follows:**

4 **(1) Forty-six percent (46%) to the breed development fund**
 5 **established for thoroughbreds under IC 4-31-11-10.**

6 **(2) Forty-six percent (46%) to the breed development fund**
 7 **established for standardbreds under IC 4-31-11-10.**

8 **(3) Eight percent (8%) to the breed development fund**
 9 **established for quarter horses under IC 4-31-11-10.**

10 SECTION 18. IC 4-33-6-4.8 IS ADDED TO THE INDIANA CODE
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 12 1, 2019]: **Sec. 4.8. (a) This section applies to the licensed owner of**
 13 **a gaming operation that is relocated to Vigo County under section**
 14 **4.5 of this chapter.**

15 **(b) A licensed owner described in subsection (a) shall enter into**
 16 **a development agreement (as defined in IC 4-33-23-2) with:**

17 **(1) the city of Terre Haute and Vigo County, if the casino is**
 18 **operating in Terre Haute; or**

19 **(2) Vigo County, if the casino is operating in Vigo County but**
 20 **not in the city of Terre Haute.**

21 SECTION 19. IC 4-33-6-6, AS AMENDED BY P.L.255-2015,
 22 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2019]: **Sec. 6. (a) Except as provided in subsection (c) or (d),**
 24 **a riverboat that operates in a county ~~described in IC 4-33-1-1(1) or~~**
 25 **~~IC 4-33-1-1(2) that is contiguous to Lake Michigan or the Ohio~~**
 26 **River must:**

27 (1) have either:

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

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

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

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

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



1 (d) A riverboat constructed under section 24 of this chapter **or a**
 2 **riverboat relocated under section 4.5 of this chapter** must comply
 3 with all applicable building codes and any safety requirements imposed
 4 by the commission.

5 SECTION 20. IC 4-33-6-7, AS AMENDED BY P.L.234-2007,
 6 SECTION 302, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) In granting a license under
 8 this chapter, the commission may give favorable consideration to the
 9 following:

10 (1) Economically depressed areas of Indiana.

11 **(2) Areas of Indiana with an undue economic concentration.**

12 ~~(2)~~ **(3)** Applicants presenting plans that provide for significant
 13 economic development over a large geographic area.

14 (b) This subsection applies to any owner's license issued for a city
 15 described in section 1(a)(1) of this chapter. The commission must
 16 require the applicant to provide assurances that economic development
 17 will occur in the city and that adequate infrastructure and site
 18 preparation will be provided to support the riverboat operation. In order
 19 to prove the assurance that economic development will occur, the
 20 applicant must:

21 (1) construct or provide for the construction of an approved hotel;
 22 or

23 (2) cause economic development that will have an economic
 24 impact on the city that exceeds the economic impact that the
 25 construction of an approved hotel would have.

26 (c) This subsection applies to an owner's license issued for the City
 27 of East Chicago. If a controlling interest in the owner's license is
 28 transferred, the fiscal body of the City of East Chicago may adopt an
 29 ordinance voiding any term of the development agreement (as defined
 30 by IC 36-1-8-9.5) between:

31 (1) the city; and

32 (2) the person transferring the controlling interest in the owner's
 33 license;

34 that is in effect as of the date the controlling interest is transferred. The
 35 ordinance may provide for any payments made under the
 36 redevelopment agreement, including those held in escrow, to be
 37 redirected to the City of East Chicago for use as directed by ordinance
 38 of the city fiscal body. A requirement to redirect a payment is valid to
 39 the same extent as if the requirement had been part of the original
 40 agreement. If the ordinance provides for the voiding and renegotiation
 41 of any part of a redevelopment agreement, the mayor of the City of East
 42 Chicago may negotiate with the person acquiring a controlling interest



1 in the owner's license to replace any terms voided by the ordinance.
 2 Terms negotiated under this subsection must be ratified in an ordinance
 3 adopted by the city legislative body.

4 SECTION 21. IC 4-33-6-19 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) This section
 6 applies to:

- 7 (1) a county contiguous to the Ohio River;
 8 (2) a county containing a historic hotel district; ~~and~~
 9 (3) a county contiguous to Lake Michigan that has a population
 10 of less than four hundred thousand (400,000); **and**
 11 **(4) a relocated casino under section 4.5 of this chapter.**

12 (b) Notwithstanding any other provision of this article, the
 13 commission may not:

- 14 (1) issue a license under this article to allow a riverboat to operate
 15 in the county; or
 16 (2) enter into a contract with an operating agent under
 17 IC 4-33-6.5;

18 unless the voters of the county have approved the conducting of
 19 gambling games on riverboats in the county.

20 (c) If the docking of a riverboat in the county is approved by an
 21 ordinance adopted under section 18 of this chapter, or if at least the
 22 number of the registered voters of the county required under IC 3-8-6-3
 23 for a petition to place a candidate on the ballot sign a petition submitted
 24 to the circuit court clerk requesting that a local public question
 25 concerning riverboat gaming be placed on the ballot, the county
 26 election board shall place the following question on the ballot in the
 27 county during the next primary or general election:

28 "Shall riverboat gambling be permitted in ____ County?".

29 (d) A public question under this section shall be placed on the ballot
 30 in accordance with IC 3-10-9 and must be certified in accordance with
 31 IC 3-10-9-3.

32 (e) The clerk of the circuit court of a county holding an election
 33 under this chapter shall certify the results determined under
 34 IC 3-12-4-9 to the commission and the department of state revenue.

35 (f) If a public question under this section is placed on the ballot in
 36 a county and the voters of the county do not vote in favor of permitting
 37 riverboat gambling under this article, a second public question under
 38 this section may not be held in that county for at least two (2) years. If
 39 the voters of the county vote to reject riverboat gambling a second time,
 40 a third or subsequent public question under this section may not be
 41 held in that county until the general election held during the tenth year
 42 following the year that the previous public question was placed on the



1 ballot.

2 SECTION 22. IC 4-33-6-24, AS ADDED BY P.L.255-2015,
3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 24. **(a) This section does not apply to a
5 relocated riverboat in Gary under section 4.5 of this chapter.**

6 ~~(a)~~ **(b)** For purposes of this section, property is considered to be
7 adjacent to a riverboat dock site even if it is separated from the dock
8 site by public rights-of-way or railroad rights-of-way.

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

12 (1) Except as provided in subsection ~~(c)~~; **(d)**, the casino is located
13 on property that the licensed owner owned or leased and used in
14 the conduct of the licensed owner's gaming operations on
15 February 1, 2015.

16 (2) The casino is located on property adjacent to the dock site of
17 the licensed owner's riverboat.

18 (3) The casino complies with all applicable building codes and
19 any safety requirements imposed by the commission.

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

22 ~~(c)~~ **(d)** This subsection applies to a licensed owner that owns or
23 leases property that is considered adjacent to a riverboat dock site
24 under subsection ~~(a)~~; **(b)**. The licensed owner may:

25 (1) acquire part of the public rights-of-way or railroad
26 rights-of-way to form a contiguous parcel with the property
27 owned or leased by the licensed owner on February 1, 2015; and

28 (2) subject to the other requirements of this section, situate an
29 inland casino on the contiguous parcel formed under subdivision

30 (1).

31 ~~(d)~~ **(e)** The commission may impose any requirement upon a
32 licensed owner relocating gaming operations under this section.

33 ~~(e)~~ **(f)** The number of gambling games offered by a licensed owner
34 in an inland facility operated under this section may not exceed the
35 greatest number of gambling games offered by the licensed owner in
36 the licensed owner's docked riverboat since January 1, 2007.

37 SECTION 23. IC 4-33-6-24.5 IS ADDED TO THE INDIANA
38 CODE AS A NEW SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2019]: **Sec. 24.5. (a) This section applies to a
40 relocated riverboat in Gary under section 4.5 of this chapter.**

41 **(b) A licensed owner may relocate the licensed owner's gaming
42 operation from a docked riverboat to an inland casino in Gary if**



1 **the following conditions are met:**

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

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

6 **(c) The commission may impose any requirement upon a**
7 **licensed owner relocating gaming operations under this section.**

8 SECTION 24. IC 4-33-6.5-3.5 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2019]: **Sec. 3.5. This section applies only to**
11 **the relocation of a casino under IC 4-33-6-4.5 and any future**
12 **relocation of a license. The commission may not enter into an**
13 **operating contract with an applicant if the operating agent**
14 **contract would permit the applicant to locate a riverboat less than**
15 **seventy-five (75) miles from the location of another riverboat**
16 **licensed under this article or a gambling game facility under**
17 **IC 4-35, as determined by the distance between the closest point**
18 **from the proposed location of the applicant's riverboat to the**
19 **location of another riverboat or gambling game facility.**

20 SECTION 25. IC 4-33-12-0.5, AS ADDED BY P.L.255-2015,
21 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2019]: **Sec. 0.5. This chapter does not apply to the following:**

23 **(1) A riverboat in a historic hotel district.**

24 **(2) Sports wagering conducted under IC 4-38 at a riverboat.**

25 SECTION 26. IC 4-33-12-9, AS AMENDED BY P.L.109-2018,
26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2019]: **Sec. 9. (a) Except as provided in subsections (g)**
28 **through (j), money paid to a unit of local government under section 6**
29 **or 8 of this chapter:**

30 **(1) must be paid to the fiscal officer of the unit and may be**
31 **deposited in the unit's general fund or riverboat fund established**
32 **under IC 36-1-8-9, or both;**

33 **(2) may not be used to reduce the unit's maximum levy under**
34 **IC 6-1.1-18.5 but may be used at the discretion of the unit to**
35 **reduce the property tax levy of the unit for a particular year;**

36 **(3) may be used for any legal or corporate purpose of the unit,**
37 **including the pledge of money to bonds, leases, or other**
38 **obligations under IC 5-1-14-4; and**

39 **(4) is considered miscellaneous revenue.**

40 **(b) Money paid by the treasurer of state to a county convention and**
41 **visitors bureau or promotion fund under section 6 of this chapter must**
42 **be:**

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- 1 (1) deposited in:
- 2 (A) the county convention and visitor promotion fund; or
- 3 (B) the county's general fund if the county does not have a
- 4 convention and visitor promotion fund; and
- 5 (2) used only for the tourism promotion, advertising, and
- 6 economic development activities of the county and community.
- 7 (c) Money received by the division of mental health and addiction
- 8 under section 6 or 8 of this chapter:
- 9 (1) is annually appropriated to the division of mental health and
- 10 addiction;
- 11 (2) shall be distributed to the division of mental health and
- 12 addiction at times during each state fiscal year determined by the
- 13 budget agency; and
- 14 (3) shall be used by the division of mental health and addiction
- 15 for programs and facilities for the prevention and treatment of
- 16 addictions to drugs, alcohol, and compulsive gambling, including
- 17 the creation and maintenance of a toll free telephone line to
- 18 provide the public with information about these addictions.
- 19 The division shall allocate at least twenty-five percent (25%) of the
- 20 money received to the prevention and treatment of compulsive
- 21 gambling.
- 22 (d) **This subsection does not apply to money distributed with**
- 23 **respect to a Vigo County casino under IC 4-33-6-4.5.** This
- 24 subsection applies to the following entities receiving money under
- 25 section 6 or 8 of this chapter:
- 26 (1) A city or county.
- 27 (2) A county convention and visitors bureau or promotion fund
- 28 for a county other than Lake County.
- 29 (3) The state fair commission.
- 30 (4) The division of mental health and addiction.
- 31 The treasurer of state shall determine the total amount of money paid
- 32 by the treasurer of state to an entity subject to this subsection during
- 33 the state fiscal year 2002. The amount determined under this subsection
- 34 is the base year revenue for each entity subject to this subsection. The
- 35 treasurer of state shall certify the base year revenue determined under
- 36 this subsection to each entity subject to this subsection.
- 37 (e) This subsection applies to the following entities receiving money
- 38 under section 8 of this chapter:
- 39 (1) A county convention and visitors bureau for Lake County.
- 40 (2) The northwest Indiana law enforcement training center.
- 41 The treasurer of state shall determine the total amount of money paid
- 42 by the treasurer of state to the entity described in subdivision (1) during



1 state fiscal year 2002. The amount determined under this subsection
 2 multiplied by nine-tenths (0.9) is the base year revenue for the entity
 3 described in subdivision (1). The amount determined under this
 4 subsection multiplied by one-tenth (0.1) is the base year revenue for the
 5 entity described in subdivision (2). The treasurer of state shall certify
 6 the base year revenue determined under this subsection to each entity
 7 subject to this subsection.

8 (f) **This subsection does not apply to money distributed with**
 9 **respect to a Vigo County casino under IC 4-33-6-4.5.** The total
 10 amount of money distributed to an entity under section 6 or 8 of this
 11 chapter during a state fiscal year may not exceed the entity's base year
 12 revenue as determined under subsection (d) or (e). For purposes of this
 13 section, the treasurer of state shall treat any amounts distributed under
 14 section 8 of this chapter to the northwest Indiana regional development
 15 authority as amounts constructively received by East Chicago, Gary,
 16 Hammond, and Lake County, as appropriate. If the treasurer of state
 17 determines that the total amount of money:

18 (1) distributed to an entity; and

19 (2) constructively received by an entity;

20 under section 6 or 8 of this chapter during a state fiscal year is less than
 21 the entity's base year revenue, the treasurer of state shall make a
 22 supplemental distribution to the entity under IC 4-33-13-5.

23 (g) The Dearborn County council may vote to direct the county
 24 auditor of Dearborn County to make distributions as described in
 25 subsection (h).

26 (h) If a majority of the Dearborn County council vote to direct the
 27 county auditor of Dearborn County to make distributions under this
 28 subsection, the county auditor of Dearborn County shall distribute
 29 twenty-five percent (25%) of money received under section 6 of this
 30 chapter to cities and towns in Dearborn County that have not received
 31 money under section 6 of this chapter, as of January 1, 2017, and where
 32 a riverboat is not located:

33 (1) proportionately using a ratio of the population that each city
 34 and town bears to the total population of all cities and towns in
 35 Dearborn County where a riverboat is not located; and

36 (2) to the fiscal officer of the city or town.

37 (i) A city or town that receives money as described in subsection
 38 (h):

39 (1) may not use the money to reduce the city's or town's maximum
 40 levy under IC 6-1.1-18.5;

41 (2) may use the money to reduce the property tax levy of the city
 42 or town for a specific year; and



- 1 (3) may use the money for any legal or corporate purpose of the
 2 city or town, including the pledge of money to bonds, leases, or
 3 other obligations under IC 5-1-14-4.
- 4 (j) Money distributed under subsection (h) is considered
 5 miscellaneous revenue.
- 6 (k) **This subsection does not apply to money distributed with**
 7 **respect to a Vigo County casino under IC 4-33-6-4.5.** The treasurer
 8 of state shall pay that part of the riverboat admissions taxes that:
 9 (1) exceeds a particular entity's base year revenue; and
 10 (2) would otherwise be due to the entity under this section;
 11 to the state general fund instead of to the entity.
- 12 SECTION 27. IC 4-33-12-10 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2019]: **Sec. 10. (a) This section applies only**
 15 **to a riverboat located in Vigo County.**
- 16 (b) **As used in this section, "board" refers to the capital**
 17 **improvement board of managers established under IC 36-10-8 for**
 18 **Vigo County.**
- 19 (c) **The department shall deposit in the state general fund the**
 20 **tax revenue collected under this chapter.**
- 21 (d) **Except as provided by sections 6 and 8 of this chapter, the**
 22 **treasurer of state shall quarterly pay the following amounts:**
- 23 (1) **Except as provided in section 9(k) of this chapter,**
 24 **thirty-three and one-third percent (33 1/3%) of the**
 25 **admissions tax and supplemental wagering tax collected by**
 26 **the licensed owner during the quarter shall be paid to the:**
- 27 (A) **city in which the riverboat is located, if the riverboat**
 28 **is located in a city; or**
- 29 (B) **county in which the riverboat is located, if the**
 30 **riverboat is not located in a city.**
- 31 (2) **Except as provided in section 9(k) of this chapter,**
 32 **thirty-three and one-third percent (33 1/3%) of the**
 33 **admissions tax and supplemental wagering tax collected by**
 34 **the licensed owner during the quarter shall be paid to the**
 35 **board.**
- 36 (3) **Except as provided in section 9(k) of this chapter, three**
 37 **and thirty-three hundredths percent (3.33%) of the**
 38 **admissions tax and supplemental wagering tax collected by**
 39 **the licensed owner during the quarter shall be paid to the**
 40 **county convention and visitors bureau or promotion fund for**
 41 **the county in which the riverboat is docked.**
- 42 (4) **Except as provided in section 9(k) of this chapter, five**



1 percent (5%) of the admissions tax and supplemental
 2 wagering tax collected by the licensed owner during a quarter
 3 shall be paid to the state fair commission, for use in any
 4 activity that the commission is authorized to carry out under
 5 IC 15-13-3.

6 (5) Except as provided in section 9(k) of this chapter, three
 7 and thirty-three hundredths percent (3.33%) of the
 8 admissions tax and supplemental wagering tax collected by
 9 the licensed owner during the quarter shall be paid to the
 10 division of mental health and addiction. The division shall
 11 allocate at least twenty-five percent (25%) of the funds
 12 derived from the admissions tax and supplemental wagering
 13 tax to the prevention and treatment of compulsive gambling.

14 (6) Twenty-one and six hundred sixty-seven thousandths
 15 percent (21.667%) of the admissions tax and supplemental
 16 wagering tax collected by the licensed owner during the
 17 quarter shall be paid to the state general fund.

18 (e) The board may use money received under this section for
 19 any lawful purpose of the board.

20 SECTION 28. IC 4-33-13-0.5 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2019]: **Sec. 0.5. This chapter does not apply**
 23 **to sports wagering conducted under IC 4-38 at a riverboat.**

24 SECTION 29. IC 4-33-13-5, AS AMENDED BY P.L.212-2018(ss),
 25 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2019]: Sec. 5. (a) This subsection does not apply to tax
 27 revenue remitted by an operating agent operating a riverboat in a
 28 historic hotel district. After funds are appropriated under section 4 of
 29 this chapter, each month the treasurer of state shall distribute the tax
 30 revenue deposited in the state gaming fund under this chapter to the
 31 following:

32 (1) An amount equal to the following shall be set aside for
 33 revenue sharing under subsection (e):

34 (A) Before July 1, 2021, the first thirty-three million dollars
 35 (\$33,000,000) of tax revenues collected under this chapter
 36 shall be set aside for revenue sharing under subsection (e).

37 (B) After June 30, 2021, if the total adjusted gross receipts
 38 received by licensees from gambling games authorized under
 39 this article during the preceding state fiscal year is equal to or
 40 greater than the total adjusted gross receipts received by
 41 licensees from gambling games authorized under this article
 42 during the state fiscal year ending June 30, 2020, the first



- 1 thirty-three million dollars (\$33,000,000) of tax revenues
 2 collected under this chapter shall be set aside for revenue
 3 sharing under subsection (e).
 4 (C) After June 30, 2021, if the total adjusted gross receipts
 5 received by licensees from gambling games authorized under
 6 this article during the preceding state fiscal year is less than
 7 the total adjusted gross receipts received by licensees from
 8 gambling games authorized under this article during the state
 9 year ending June 30, 2020, an amount equal to the first
 10 thirty-three million dollars (\$33,000,000) of tax revenues
 11 collected under this chapter multiplied by the result of:
 12 (i) the total adjusted gross receipts received by licensees
 13 from gambling games authorized under this article during
 14 the preceding state fiscal year; divided by
 15 (ii) the total adjusted gross receipts received by licensees
 16 from gambling games authorized under this article during
 17 the state fiscal year ending June 30, 2020;
 18 shall be set aside for revenue sharing under subsection (e).
 19 (2) Subject to subsection (c), twenty-five percent (25%) of the
 20 remaining tax revenue remitted by each licensed owner shall be
 21 paid:
 22 (A) to the city that is designated as the home dock of the
 23 riverboat from which the tax revenue was collected, in the case
 24 of:
 25 (i) a city described in IC 4-33-12-6(b)(1)(A); or
 26 (ii) a city located in a county having a population of more
 27 than four hundred thousand (400,000) but less than seven
 28 hundred thousand (700,000); or
 29 (B) to the county that is designated as the home dock of the
 30 riverboat from which the tax revenue was collected, in the case
 31 of a riverboat whose home dock is not in a city described in
 32 clause (A).
 33 (3) Subject to subsection (d), the remainder of the tax revenue
 34 remitted by each licensed owner shall be paid to the state general
 35 fund. In each state fiscal year, the treasurer of state shall make the
 36 transfer required by this subdivision not later than the last
 37 business day of the month in which the tax revenue is remitted to
 38 the state for deposit in the state gaming fund. However, if tax
 39 revenue is received by the state on the last business day in a
 40 month, the treasurer of state may transfer the tax revenue to the
 41 state general fund in the immediately following month.
 42 (b) This subsection applies only to tax revenue remitted by an



1 operating agent operating a riverboat in a historic hotel district after
 2 June 30, ~~2015~~: 2019. After funds are appropriated under section 4 of
 3 this chapter, each month the treasurer of state shall distribute the tax
 4 revenue remitted by the operating agent under this chapter as follows:

5 (1) Fifty-six and five-tenths percent (56.5%) shall be paid as
 6 follows:

7 (A) **Sixty-six and four-tenths percent (66.4%) shall be paid**
 8 to the state general fund.

9 (B) **Thirty-three and six-tenths percent (33.6%) shall be**
 10 **paid to the West Baden Springs historic hotel preservation**
 11 **and maintenance fund established by IC 36-7-11.5-11(b).**
 12 **However, at any time the balance in that fund exceeds**
 13 **twenty-five million dollars (\$25,000,000), the amount**
 14 **described in this clause shall be paid to the state general**
 15 **fund.**

16 (2) Forty-three and five-tenths percent (43.5%) shall be paid as
 17 follows:

18 (A) Twenty-two and four-tenths percent (22.4%) shall be paid
 19 as follows:

20 (i) Fifty percent (50%) to the fiscal officer of the town of
 21 French Lick.

22 (ii) Fifty percent (50%) to the fiscal officer of the town of
 23 West Baden Springs.

24 (B) Fourteen and eight-tenths percent (14.8%) shall be paid to
 25 the county treasurer of Orange County for distribution among
 26 the school corporations in the county. The governing bodies
 27 for the school corporations in the county shall provide a
 28 formula for the distribution of the money received under this
 29 clause among the school corporations by joint resolution
 30 adopted by the governing body of each of the school
 31 corporations in the county. Money received by a school
 32 corporation under this clause must be used to improve the
 33 educational attainment of students enrolled in the school
 34 corporation receiving the money. Not later than the first
 35 regular meeting in the school year of a governing body of a
 36 school corporation receiving a distribution under this clause,
 37 the superintendent of the school corporation shall submit to
 38 the governing body a report describing the purposes for which
 39 the receipts under this clause were used and the improvements
 40 in educational attainment realized through the use of the
 41 money. The report is a public record.

42 (C) Thirteen and one-tenth percent (13.1%) shall be paid to the



- 1 county treasurer of Orange County.
- 2 (D) Five and three-tenths percent (5.3%) shall be distributed
3 quarterly to the county treasurer of Dubois County 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 (E) Five and three-tenths percent (5.3%) shall be distributed
12 quarterly to the county treasurer of Crawford County for
13 appropriation by the county fiscal body after receiving a
14 recommendation from the county executive. The county fiscal
15 body for the receiving county shall provide for the distribution
16 of the money received under this clause to one (1) or more
17 taxing units (as defined in IC 6-1.1-1-21) in the county under
18 a formula established by the county fiscal body after receiving
19 a recommendation from the county executive.
- 20 (F) Six and thirty-five hundredths percent (6.35%) shall be
21 paid to the fiscal officer of the town of Paoli.
- 22 (G) Six and thirty-five hundredths percent (6.35%) shall be
23 paid to the fiscal officer of the town of Orleans.
- 24 (H) Twenty-six and four-tenths percent (26.4%) shall be paid
25 to the Indiana economic development corporation established
26 by IC 5-28-3-1 for transfer as follows:
- 27 (i) Beginning after December 31, 2017, ten percent (10%)
28 of the amount transferred under this clause in each calendar
29 year shall be transferred to the South Central Indiana
30 Regional Economic Development Corporation or a
31 successor entity or partnership for economic development
32 for the purpose of recruiting new business to Orange County
33 as well as promoting the retention and expansion of existing
34 businesses in Orange County.
- 35 (ii) The remainder of the amount transferred under this
36 clause in each calendar year shall be transferred to Radius
37 Indiana or a successor regional entity or partnership for the
38 development and implementation of a regional economic
39 development strategy to assist the residents of Orange
40 County and the counties contiguous to Orange County in
41 improving their quality of life and to help promote
42 successful and sustainable communities.



1 To the extent possible, the Indiana economic development
 2 corporation shall provide for the transfer under item (i) to be
 3 made in four (4) equal installments. However, an amount
 4 sufficient to meet current obligations to retire or refinance
 5 indebtedness or leases for which tax revenues under this
 6 section were pledged before January 1, 2015, by the Orange
 7 County development commission shall be paid to the Orange
 8 County development commission before making distributions
 9 to the South Central Indiana Regional Economic Development
 10 Corporation and Radius Indiana or their successor entities or
 11 partnerships. The amount paid to the Orange County
 12 development commission shall proportionally reduce the
 13 amount payable to the South Central Indiana Regional
 14 Economic Development Corporation and Radius Indiana or
 15 their successor entities or partnerships.

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

26 (1) exceeds a particular city's or county's base year revenue; and
 27 (2) would otherwise be due to the city or county under this
 28 section;
 29 to the state general fund instead of to the city or county.

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

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

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



1 amount available in the state general fund from the transfers under
2 subsection (a)(3) for the state fiscal year.

3 (e) Except as provided in subsections (l) and (m), before August 15
4 of each year, the treasurer of state shall distribute the wagering taxes
5 set aside for revenue sharing under subsection (a)(1) to the county
6 treasurer of each county that does not have a riverboat according to the
7 ratio that the county's population bears to the total population of the
8 counties that do not have a riverboat. Except as provided in subsection
9 (h), the county auditor shall distribute the money received by the
10 county under this subsection as follows:

11 (1) To each city located in the county according to the ratio the
12 city's population bears to the total population of the county.

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

15 (3) After the distributions required in subdivisions (1) and (2) are
16 made, the remainder shall be retained by the county.

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

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

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

26 (3) To fund sewer and water projects, including storm water
27 management projects.

28 (4) For police and fire pensions.

29 (5) To carry out any governmental purpose for which the money
30 is appropriated by the fiscal body of the city, town, or county.
31 Money used under this subdivision does not reduce the property
32 tax levy of the city, town, or county for a particular year or reduce
33 the maximum levy of the city, town, or county under
34 IC 6-1.1-18.5.

35 (g) Before July 15 of each year, the treasurer of state shall determine
36 the total amount of money distributed to an entity under IC 4-33-12-6
37 or IC 4-33-12-8 during the preceding state fiscal year. If the treasurer
38 of state determines that the total amount of money distributed to an
39 entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state
40 fiscal year was less than the entity's base year revenue (as determined
41 under IC 4-33-12-9), the treasurer of state shall make a supplemental
42 distribution to the entity from taxes collected under this chapter and



- 1 deposited into the state general fund. Except as provided in subsection
 2 (i), the amount of an entity's supplemental distribution is equal to:
 3 (1) the entity's base year revenue (as determined under
 4 IC 4-33-12-9); minus
 5 (2) the sum of:
 6 (A) the total amount of money distributed to the entity and
 7 constructively received by the entity during the preceding state
 8 fiscal year under IC 4-33-12-6 or IC 4-33-12-8; plus
 9 (B) the amount of any admissions taxes deducted under
 10 IC 6-3.1-20-7.
- 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 to a supplemental distribution made after
 23 June 30, 2017. The maximum amount of money that may be distributed
 24 under subsection (g) in a state fiscal year is equal to the following:
 25 (1) Before July 1, 2021, forty-eight million dollars (\$48,000,000).
 26 (2) After June 30, 2021, if the total adjusted gross receipts
 27 received by licensees from gambling games authorized under this
 28 article during the preceding state fiscal year is equal to or greater
 29 than the total adjusted gross receipts received by licensees from
 30 gambling games authorized under this article during the state
 31 fiscal year ending June 30, 2020, the maximum amount is
 32 forty-eight million dollars (\$48,000,000).
 33 (3) After June 30, 2021, if the total adjusted gross receipts
 34 received by licensees from gambling games authorized under this
 35 article during the preceding state fiscal year is less than the total
 36 adjusted gross receipts received by licensees from gambling
 37 games authorized under this article during the state fiscal year
 38 ending June 30, 2020, the maximum amount is equal to the result
 39 of:
 40 (A) forty-eight million dollars (\$48,000,000); multiplied by
 41 (B) the result of:
 42 (i) the total adjusted gross receipts received by licensees



1 from gambling games authorized under this article during
 2 the preceding state fiscal year; divided by
 3 (ii) the total adjusted gross receipts received by licensees
 4 from gambling games authorized under this article during
 5 the state fiscal year ending June 30, 2020.

6 If the total amount determined under subsection (g) exceeds the
 7 maximum amount determined under this subsection, the amount
 8 distributed to an entity under subsection (g) must be reduced according
 9 to the ratio that the amount distributed to the entity under IC 4-33-12-6
 10 or IC 4-33-12-8 bears to the total amount distributed under
 11 IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental
 12 distribution.

13 (j) This subsection applies to a supplemental distribution, if any,
 14 payable to Lake County, Hammond, Gary, or East Chicago under
 15 subsections (g) and (i). Beginning in July 2016, the treasurer of state
 16 shall, after making any deductions from the supplemental distribution
 17 required by IC 6-3.1-20-7, deduct from the remainder of the
 18 supplemental distribution otherwise payable to the unit under this
 19 section the lesser of:

- 20 (1) the remaining amount of the supplemental distribution; or
- 21 (2) the difference, if any, between:
 - 22 (A) three million five hundred thousand dollars (\$3,500,000);
 - 23 minus
 - 24 (B) the amount of admissions taxes constructively received by
 - 25 the unit in the previous state fiscal year.

26 The treasurer of state shall distribute the amounts deducted under this
 27 subsection to the northwest Indiana redevelopment authority
 28 established under IC 36-7.5-2-1 for deposit in the development
 29 authority revenue fund established under IC 36-7.5-4-1.

30 (k) Money distributed to a political subdivision under subsection
 31 (b):

- 32 (1) must be paid to the fiscal officer of the political subdivision
- 33 and may be deposited in the political subdivision's general fund
- 34 or riverboat fund established under IC 36-1-8-9, or both;
- 35 (2) may not be used to reduce the maximum levy under
- 36 IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate
- 37 of a school corporation, but, except as provided in subsection
- 38 (b)(2)(B), may be used at the discretion of the political
- 39 subdivision to reduce the property tax levy of the county, city, or
- 40 town for a particular year;
- 41 (3) except as provided in subsection (b)(2)(B), may be used for
- 42 any legal or corporate purpose of the political subdivision,



1 including the pledge of money to bonds, leases, or other
2 obligations under IC 5-1-14-4; and

3 (4) is considered miscellaneous revenue.

4 Money distributed under subsection (b)(2)(B) must be used for the
5 purposes specified in subsection (b)(2)(B).

6 (l) After June 30, 2020, the amount of wagering taxes that would
7 otherwise be distributed to South Bend under subsection (e) shall be
8 deposited as being received from all riverboats whose supplemental
9 wagering tax, as calculated under IC 4-33-12-1.5(b), is over three and
10 five-tenths percent (3.5%). The amount deposited under this
11 subsection, in each riverboat's account, is proportionate to the
12 supplemental wagering tax received from that riverboat under
13 IC 4-33-12-1.5 in the month of July. The amount deposited under this
14 subsection must be distributed in the same manner as the supplemental
15 wagering tax collected under IC 4-33-12-1.5. This subsection expires
16 June 30, 2021.

17 (m) After June 30, 2021, the amount of wagering taxes that would
18 otherwise be distributed to South Bend under subsection (e) shall be
19 withheld and deposited in the state general fund.

20 SECTION 30. IC 4-33-13-5.3 IS ADDED TO THE INDIANA
21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2019]: **Sec. 5.3. (a) The auditor of state shall**
23 **determine the total amount of money paid by the auditor of state**
24 **to an entity subject to this section under section 5(a)(2) of this**
25 **chapter and IC 4-35-8.5-2 during the state fiscal year 2019. The**
26 **amount determined under this subsection is the base year revenue**
27 **for each entity subject to this section. The auditor of state shall**
28 **certify the base year revenue determined under this subsection to**
29 **each entity subject to this section.**

30 (b) This subsection applies if a person holding a riverboat
31 owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to
32 another location in Gary. If the total amount payable to Gary
33 under section 5 of this chapter is greater than the base revenue
34 determined under subsection (a), the auditor of state shall deduct
35 the lesser of the following from the amount otherwise payable to
36 Gary:

37 (1) The difference between the base revenue determined for
38 Hammond under subsection (a) and the amount payable to
39 Hammond under section 5 of this chapter.

40 (2) The difference between the amount payable to Gary under
41 section 5 of this chapter and the base revenue determined for
42 Gary under subsection (a).



1 The auditor of state shall supplement the amount payable to
 2 Hammond under section 5 of this chapter with the amount
 3 deducted under this subsection. The auditor of state shall make the
 4 determinations and supplement the amount payable under this
 5 subsection each year, for the first three (3) years after the
 6 riverboat relocates to another location in Gary.

7 (c) This subsection applies if a person holding a riverboat
 8 owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to
 9 another location in Gary. If the total amount payable to Gary
 10 under section 5 of this chapter is greater than the base revenue
 11 determined under subsection (a), the auditor of state shall deduct
 12 the lesser of the following from the amount otherwise payable to
 13 Gary:

14 (1) The difference between the base revenue determined for
 15 East Chicago under subsection (a) and the amount payable to
 16 East Chicago under section 5 of this chapter.

17 (2) The difference between the amount payable to Gary under
 18 section 5 of this chapter and the base revenue determined for
 19 Gary under subsection (a).

20 The auditor of state shall supplement the amount payable to East
 21 Chicago under section 5 of this chapter with the amount deducted
 22 under this subsection. The auditor of state shall make the
 23 determinations and supplement the amount payable under this
 24 subsection each year, for the first three (3) years after the
 25 riverboat relocates to another location in Gary.

26 (d) This subsection applies if a person holding a riverboat
 27 owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to
 28 another location in Gary. If the total amount payable to Gary
 29 under section 5(a)(2) of this chapter is greater than the base
 30 revenue determined under subsection (a), the auditor of state shall
 31 deduct the lesser of the following from the amount otherwise
 32 payable to Gary:

33 (1) The difference between the base revenue determined for
 34 Michigan City under subsection (a) and the amount payable
 35 to Michigan City under section 5(a)(2) of this chapter.

36 (2) The difference between the amount payable to Gary under
 37 section 5(a)(2) of this chapter and the base revenue
 38 determined for Gary under subsection (a).

39 The auditor of state shall supplement the amount payable to
 40 Michigan City under section 5(a)(2) of this chapter with the
 41 amount deducted under this subsection. The auditor of state shall
 42 make the determinations and supplement the amount payable



1 under this subsection each year, for the first three (3) years after
2 the riverboat relocates to another location in Gary.

3 (e) This subsection applies if a person holding a riverboat
4 owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to
5 another location in Gary. If the total amount payable to Gary
6 under section 5(a)(2) of this chapter is greater than the base
7 revenue determined under subsection (a), the auditor of state shall
8 deduct the lesser of the following from the amount otherwise
9 payable to Gary:

10 (1) The difference between the base revenue determined for
11 LaPorte County under subsection (a) and the amount payable
12 to LaPorte County under section 5(a)(2) of this chapter.

13 (2) The difference between the amount payable to LaPorte
14 County under section 5(a)(2) of this chapter and the base
15 revenue determined for Gary under subsection (a).

16 The auditor of state shall supplement the amount payable to
17 LaPorte County under section 5(a)(2) of this chapter with the
18 amount deducted under this subsection. The auditor of state shall
19 make the determinations and supplement the amount payable
20 under this subsection each year, for the first three (3) years after
21 the riverboat relocates to another location in Gary.

22 SECTION 31. IC 4-33-13-7, AS AMENDED BY P.L.255-2015,
23 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2019]: Sec. 7. (a) This section applies to adjusted gross
25 receipts from wagering on gambling games that occurs after the
26 effective date of this section, as added by SEA 528-2013.

27 (b) As used in this section, "qualified wagering" refers to wagers
28 made by patrons using noncashable vouchers, coupons, electronic
29 credits, or electronic promotions provided by the licensed owner or
30 operating agent.

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

37 (d) A licensed owner or operating agent may not deduct more than
38 the following amounts in a particular state fiscal year **with respect to**
39 **the qualified wagering conducted at a particular riverboat:**

40 (1) Two million five hundred thousand dollars (\$2,500,000) in a
41 state fiscal year ending before July 1, 2013.

42 (2) Five million dollars (\$5,000,000) in a state fiscal year



1 beginning after June 30, 2013, and ending before July 1, 2015.

2 (3) Seven million dollars (\$7,000,000) in a state fiscal year
3 beginning after June 30, 2015, **and ending before July 1, 2020.**

4 **(4) Nine million dollars (\$9,000,000) in a state fiscal year**
5 **beginning after June 30, 2020.**

6 (e) A licensed owner or operating agent may for a state fiscal year
7 assign all or part of the amount of the deduction under this section that
8 is not claimed by the licensed owner or operating agent for the state
9 fiscal year to another licensed owner, operating agent, or licensee as
10 defined by IC 4-35-2-7. An assignment under this subsection must be
11 in writing and both the licensed owner or operating agent assigning the
12 deduction and the licensed owner, operating agent, or licensee as
13 defined by IC 4-35-2-7 to which the deduction is assigned shall report
14 the assignment to the commission and to the department. The
15 maximum amount that may be assigned under this subsection by a
16 licensed owner or operating agent for a state fiscal year is equal to the
17 result of:

18 (1) seven million dollars (\$7,000,000); minus

19 (2) the amount deducted under this subsection by the licensed
20 owner or operating agent for the state fiscal year.

21 SECTION 32. IC 4-35-2-2, AS AMENDED BY P.L.210-2013,
22 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2019]: Sec. 2. (a) "Adjusted gross receipts" means:

24 (1) the total of all cash and property (including checks received
25 by a licensee, whether collected or not) received by a licensee
26 from gambling games, including amounts that are distributed by
27 a licensee under IC 4-35-7-12; minus

28 (2) the total of:

29 (A) all cash paid out to patrons as winnings for gambling
30 games; and

31 (B) uncollectible gambling game receivables, not to exceed the
32 lesser of:

33 (i) a reasonable provision for uncollectible patron checks
34 received from gambling games; or

35 (ii) two percent (2%) of the total of all sums, including
36 checks, whether collected or not, less the amount paid out to
37 patrons as winnings for gambling games.

38 For purposes of this section, a counter or personal check that is invalid
39 or unenforceable under this article is considered cash received by the
40 licensee from gambling games.

41 **(b) The term does not include amounts received from sports**
42 **wagering conducted by a licensee or operating agent under**



1 **IC 4-38.**

2 SECTION 33. IC 4-35-2-5, AS AMENDED BY P.L.255-2015,
3 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 5. "Gambling game" means any of the following:

- 5 (1) A game played on a slot machine approved for wagering under
6 this article by the commission.
7 (2) A game played on a slot machine through the use of a mobile
8 gaming device approved under this article.
9 (3) A table game approved by the commission under
10 IC 4-35-7-19.

11 **(4) Sports wagering conducted under IC 4-38 at a racetrack.**

12 SECTION 34. IC 4-35-4-17 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2019]: Sec. 17. (a) **The bureau shall provide information to a**

15 **certificate holder, as defined in IC 4-38-2, concerning persons who**
16 **are delinquent in child support.**

17 **(b) Prior to a certificate holder dispersing a payout of six**
18 **hundred dollars (\$600) or more, in cash winnings, from sports**
19 **wagering to a person who is delinquent in child support, the**
20 **certificate holder:**

21 **(1) may deduct and retain an administrative fee in the amount**
22 **of the lesser of:**

- 23 **(A) three percent (3%) of the amount of delinquent child**
24 **support withheld under subdivision (2)(A); or**
25 **(B) one hundred dollars (\$100); and**

26 **(2) shall:**

27 **(A) withhold the amount of delinquent child support owed**
28 **from cash winnings;**

29 **(B) transmit to the bureau:**

30 **(i) the amount withheld for delinquent child support;**
31 **and**

32 **(ii) identifying information, including the full name,**
33 **address, and Social Security number of the obligor and**
34 **the child support case identifier, the date and amount of**
35 **the payment, and the name and location of the licensed**
36 **owner, operating agent, or trustee; and**

37 **(C) issue the obligor a receipt in a form prescribed by the**
38 **bureau with the total amount withheld for delinquent child**
39 **support and the administrative fee.**

40 **(c) The bureau shall notify the obligor at the address provided**
41 **by the certificate holder that the bureau intends to offset the**
42 **obligor's delinquent child support with the cash winnings.**



1 **(d) The bureau shall hold the amount withheld from each cash**
 2 **winnings of an obligor for ten (10) business days before applying**
 3 **the amount as payment to the obligor's delinquent child support.**

4 **(e) The delinquent child support required to be withheld under**
 5 **this section and an administrative fee described under subsection**
 6 **(b)(1) have priority over any secured or unsecured claim on cash**
 7 **winnings except claims for federal or state taxes that are required**
 8 **to be withheld under federal or state law.**

9 SECTION 35. IC 4-35-5-2.4, AS ADDED BY P.L.233-2007,
 10 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2019]: Sec. 2.4. In determining whether to grant a license
 12 under this chapter to an applicant, the commission shall consider the
 13 following:

14 (1) The character, reputation, experience, and financial integrity
 15 of the following:

16 (A) The applicant.

17 (B) A person that:

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

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

21 (2) The facilities or proposed facilities for the conduct of
 22 gambling games. The facilities or proposed facilities must include
 23 capital expenditures of at least one hundred million dollars
 24 (\$100,000,000).

25 (3) The prospective total revenue to be collected by the state from
 26 the conduct of gambling games.

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

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

32 (6) If the applicant has adequate capitalization to provide and
 33 maintain facilities for gambling games for the duration of the
 34 license.

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

37 **(8) Whether the facilities or proposed facilities for the conduct**
 38 **of gambling games are in or will be in areas of undue**
 39 **economic concentration.**

40 SECTION 36. IC 4-35-7-12, AS AMENDED BY P.L.28-2018,
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 12. (a) The Indiana horse racing commission shall



- 1 enforce the requirements of this section.
- 2 (b) A licensee shall before the fifteenth day of each month distribute
- 3 the following amounts for the support of the Indiana horse racing
- 4 industry:
- 5 (1) An amount equal to fifteen percent (15%) of the adjusted
- 6 gross receipts of the slot machine wagering from the previous
- 7 month at each casino operated by the licensee with respect to
- 8 adjusted gross receipts received after June 30, 2013, and before
- 9 January 1, 2014.
- 10 (2) The percentage of the adjusted gross receipts of the slot
- 11 machine wagering from the previous month at each casino
- 12 operated by the licensee that is determined under section 16 or 17
- 13 of this chapter with respect to adjusted gross receipts received
- 14 after December 31, 2013, and before July 1, 2015.
- 15 (3) (1) Subject to section 12.5 of this chapter, the percentage of
- 16 the adjusted gross receipts of the gambling game wagering
- 17 **(except for adjusted gross receipts from sports wagering**
- 18 **under IC 4-38) not including a table game approved by the**
- 19 **commission under section 19 of this chapter**, from the previous
- 20 month at each casino operated by the licensee that is determined
- 21 under section 16 or 17 of this chapter with respect to adjusted
- 22 gross receipts received after June 30, 2015.
- 23 (2) Subject to section 12.3 of this chapter, twelve percent
- 24 (12%) of the adjusted gross receipts of live table game
- 25 wagering from the previous month at each casino operated by
- 26 the licensee.
- 27 (c) **Except for funds allocated to the Indiana horse racing**
- 28 **commission under section 12.3 of this chapter**, the Indiana horse
- 29 racing commission may not use any of the money distributed under this
- 30 section for any administrative purpose or other purpose of the Indiana
- 31 horse racing commission.
- 32 (d) A licensee shall distribute the money devoted to horse racing
- 33 purses and to horsemen's associations under this subsection as follows:
- 34 (1) Five-tenths percent (0.5%) shall be transferred to horsemen's
- 35 associations for equine promotion or welfare according to the
- 36 ratios specified in subsection (g).
- 37 (2) Two and five-tenths percent (2.5%) shall be transferred to
- 38 horsemen's associations for backside benevolence according to
- 39 the ratios specified in subsection (g).
- 40 (3) Ninety-seven percent (97%) shall be distributed to promote
- 41 horses and horse racing as provided in subsection (f).
- 42 (e) A horsemen's association shall expend the amounts distributed



1 to the horsemen's association under subsection (d)(1) through (d)(2) for
 2 a purpose promoting the equine industry or equine welfare or for a
 3 benevolent purpose that the horsemen's association determines is in the
 4 best interests of horse racing in Indiana for the breed represented by the
 5 horsemen's association. Expenditures under this subsection are subject
 6 to the regulatory requirements of subsection (h).

7 (f) A licensee shall distribute the amounts described in subsection
 8 (d)(3) as follows:

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

10 (A) Fifty-five percent (55%) for the following purposes:

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

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

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

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

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

19 (A) Three hundred seventy-five thousand dollars (\$375,000)
 20 to the state fair commission to be used by the state fair
 21 commission to support standardbred racing and facilities at the
 22 state fairgrounds.

23 (B) One hundred twenty-five thousand dollars (\$125,000) to
 24 the state fair commission to be used by the state fair
 25 commission to make grants to county fairs and the department
 26 of parks and recreation in Johnson County to support
 27 standardbred racing and facilities at county fair and county
 28 park tracks. The state fair commission shall establish a review
 29 committee to include the standardbred association board, the
 30 Indiana horse racing commission, the Indiana county fair
 31 association, and a member of the board of directors of a county
 32 park established under IC 36-10 that provides or intends to
 33 provide facilities to support standardbred racing, to make
 34 recommendations to the state fair commission on grants under
 35 this clause. A grant may be provided to the Johnson County
 36 fair or department of parks and recreation under this clause
 37 only if the county fair or department provides matching funds
 38 equal to one dollar (\$1) for every three dollars (\$3) of grant
 39 funds provided.

40 (C) Fifty percent (50%) of the amount remaining after the
 41 distributions under clauses (A) and (B) for the following
 42 purposes:



- 1 (i) Ninety-six and five-tenths percent (96.5%) for
 2 standardbred purses.
- 3 (ii) Three and five-tenths percent (3.5%) to the horsemen's
 4 association representing standardbred owners and trainers.
- 5 (D) Fifty percent (50%) of the amount remaining after the
 6 distributions under clauses (A) and (B) to the breed
 7 development fund established for standardbreds under
 8 IC 4-31-11-10.
- 9 (3) Eight percent (8%) for quarter horse purposes as follows:
 10 (A) Seventy percent (70%) for the following purposes:
 11 (i) Ninety-five percent (95%) for quarter horse purses.
 12 (ii) Five percent (5%) to the horsemen's association
 13 representing quarter horse owners and trainers.
 14 (B) Thirty percent (30%) to the breed development fund
 15 established for quarter horses under IC 4-31-11-10.
- 16 Expenditures under this subsection are subject to the regulatory
 17 requirements of subsection (h).
- 18 (g) Money distributed under subsection (d)(1) and (d)(2) shall be
 19 allocated as follows:
 20 (1) Forty-six percent (46%) to the horsemen's association
 21 representing thoroughbred owners and trainers.
 22 (2) Forty-six percent (46%) to the horsemen's association
 23 representing standardbred owners and trainers.
 24 (3) Eight percent (8%) to the horsemen's association representing
 25 quarter horse owners and trainers.
- 26 (h) Money distributed under this section may not be expended
 27 unless the expenditure is for a purpose authorized in this section and is
 28 either for a purpose promoting the equine industry or equine welfare or
 29 is for a benevolent purpose that is in the best interests of horse racing
 30 in Indiana or the necessary expenditures for the operations of the
 31 horsemen's association required to implement and fulfill the purposes
 32 of this section. The Indiana horse racing commission may review any
 33 expenditure of money distributed under this section to ensure that the
 34 requirements of this section are satisfied. The Indiana horse racing
 35 commission shall adopt rules concerning the review and oversight of
 36 money distributed under this section and shall adopt rules concerning
 37 the enforcement of this section. The following apply to a horsemen's
 38 association receiving a distribution of money under this section:
 39 (1) The horsemen's association must annually file a report with
 40 the Indiana horse racing commission concerning the use of the
 41 money by the horsemen's association. The report must include
 42 information as required by the commission.



- 1 (2) The horsemen's association must register with the Indiana
2 horse racing commission.
- 3 The state board of accounts shall audit the accounts, books, and records
4 of the Indiana horse racing commission. Each horsemen's association,
5 a licensee, and any association for backside benevolence ~~containing~~
6 ~~any information relating to the distribution of money under this section~~
7 **shall submit to an annual audit of their accounts, books, and**
8 **records relating to the distribution of money under this section.**
9 **The audit shall be performed by an independent public accountant**
10 **and the audit report shall be provided to the Indiana horse racing**
11 **commission.**
- 12 (i) The commission shall provide the Indiana horse racing
13 commission with the information necessary to enforce this section.
- 14 (j) The Indiana horse racing commission shall investigate any
15 complaint that a licensee has failed to comply with the horse racing
16 purse requirements set forth in this section. If, after notice and a
17 hearing, the Indiana horse racing commission finds that a licensee has
18 failed to comply with the purse requirements set forth in this section,
19 the Indiana horse racing commission may:
- 20 (1) issue a warning to the licensee;
- 21 (2) impose a civil penalty that may not exceed one million dollars
22 (\$1,000,000); or
- 23 (3) suspend a meeting permit issued under IC 4-31-5 to conduct
24 a pari-mutuel wagering horse racing meeting in Indiana.
- 25 (k) A civil penalty collected under this section must be deposited in
26 the state general fund.
- 27 SECTION 37. IC 4-35-7-12.3 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2019]: **Sec. 12.3. (a) A licensee shall**
30 **distribute the amounts described in section 12(b)(2) of this chapter**
31 **as follows:**
- 32 **(1) The greater of sixteen percent (16%) of adjusted gross**
33 **receipts or one million six hundred thousand dollars**
34 **(\$1,600,000) annually to the Indiana horse racing commission**
35 **operating fund to be used for the regulation of the horse**
36 **racing industry.**
- 37 **(2) The remaining adjusted gross receipts shall be distributed**
38 **as follows:**
- 39 **(A) Forty-six percent (46%) to the breed development fund**
40 **established for thoroughbreds under IC 4-31-11-10.**
- 41 **(B) Forty-six percent (46%) for standardbred purposes**
42 **described in IC 4-35-7-12(f)(2).**



1 **(C) Eight percent (8%) to the breed development fund**
 2 **established for quarter horses under IC 4-31-11-10.**

3 **(b) Money distributed under this section shall be used for purses**
 4 **or monetary awards in the Indiana racing program for each breed**
 5 **receiving distributed funds under subsection (a)(2).**

6 SECTION 38. IC 4-35-7-12.5, AS ADDED BY P.L.213-2015,
 7 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2019]: Sec. 12.5. (a) This section applies to adjusted gross
 9 receipts received after June 30, 2015.

10 (b) A licensee shall annually withhold the product of:
 11 (1) seventy-five thousand dollars (\$75,000); multiplied by
 12 (2) the number of racetracks operated by the licensee;
 13 from the amount that must be distributed under section ~~12(b)(3)~~
 14 **12(b)(1)** of this chapter.

15 (c) A licensee shall transfer the amount withheld under subsection
 16 (b) to the Indiana horse racing commission for deposit in the gaming
 17 integrity fund established by IC 4-35-8.7-3. Money transferred under
 18 this subsection must be used for the purposes described in
 19 IC 4-35-8.7-3(f)(1).

20 SECTION 39. IC 4-35-7-13, AS AMENDED BY P.L.95-2008,
 21 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2019]: Sec. 13. (a) The definitions in IC 3-5-2 apply to this
 23 section to the extent they do not conflict with the definitions in this
 24 article.

25 (b) As used in this section, "candidate" refers to any of the
 26 following:

- 27 (1) A candidate for a state office.
- 28 (2) A candidate for a legislative office.
- 29 (3) A candidate for a local office.

30 (c) As used in this section, "committee" refers to any of the
 31 following:

- 32 (1) A candidate's committee.
- 33 (2) A regular party committee.
- 34 (3) A committee organized by a legislative caucus of the house of
 35 the general assembly.
- 36 (4) A committee organized by a legislative caucus of the senate
 37 of the general assembly.

38 (d) Money distributed to a horsemen's association under section 12
 39 of this chapter may not be used for any of the following purposes:

- 40 ~~(1) to make a contribution to a candidate or a committee.~~
- 41 ~~(2) For lobbying (as defined in IC 2-7-1-9).~~

42 SECTION 40. IC 4-35-7-16, AS AMENDED BY P.L.255-2015,



1 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2019]: Sec. 16. (a) The amount of gambling game revenue
 3 that must be distributed under section ~~12(b)(3)~~ **12(b)(1) and 12(b)(2)**
 4 of this chapter must be determined in a distribution agreement entered
 5 into by negotiation committees representing all licensees and the
 6 horsemen's associations having contracts with licensees that have been
 7 approved by the Indiana horse racing commission.

8 (b) Each horsemen's association shall appoint a representative to a
 9 negotiation committee to negotiate the distribution agreement required
 10 by subsection (a). If there is an even number of horsemen's associations
 11 appointing representatives to the committee, the members appointed by
 12 each horsemen's association shall jointly appoint an at-large member
 13 of the negotiation committee to represent the interests of all of the
 14 horsemen's associations. The at-large member is entitled to the same
 15 rights and privileges of the members appointed by the horsemen's
 16 associations.

17 (c) Each licensee shall appoint a representative to a negotiation
 18 committee to negotiate the distribution agreement required by
 19 subsection (a). If there is an even number of licensees, the members
 20 appointed by each licensee shall jointly appoint an at-large member of
 21 the negotiation committee to represent the interests of all of the
 22 licensees. The at-large member is entitled to the same rights and
 23 privileges of the members appointed by the licensees.

24 (d) If a majority of the members of each negotiation committee is
 25 present, the negotiation committees may negotiate and enter into a
 26 distribution agreement binding all horsemen's associations and all
 27 licensees as required by subsection (a).

28 (e) The initial distribution agreement entered into by the negotiation
 29 committees:

- 30 (1) must be in writing;
- 31 (2) must be submitted to the Indiana horse racing commission
- 32 before October 1, 2013;
- 33 (3) must be approved by the Indiana horse racing commission
- 34 before January 1, 2014; and
- 35 (4) may contain any terms determined to be necessary and
- 36 appropriate by the negotiation committees, subject to subsection
- 37 (f) and section 12 of this chapter.

38 (f) A distribution agreement must provide that at least ten percent
 39 (10%) and not more than twelve percent (12%) of a licensee's adjusted
 40 gross receipts must be distributed under section ~~12(b)(3)~~ **12(b)(1) and**
 41 **12(b)(2)** of this chapter. A distribution agreement applies to adjusted
 42 gross receipts received by the licensee after December 31 of the



1 calendar year in which the distribution agreement is approved by the
2 Indiana horse racing commission.

3 (g) A distribution agreement may expire on December 31 of a
4 particular calendar year if a subsequent distribution agreement will take
5 effect on January 1 of the following calendar year. A subsequent
6 distribution agreement:

7 (1) is subject to the approval of the Indiana horse racing
8 commission; and

9 (2) must be submitted to the Indiana horse racing commission
10 before October 1 of the calendar year preceding the calendar year
11 in which the distribution agreement will take effect.

12 (h) The Indiana horse racing commission shall annually report to the
13 budget committee on the effect of each distribution agreement on the
14 Indiana horse racing industry before January 1 of the following
15 calendar year.

16 SECTION 41. IC 4-35-7-17, AS ADDED BY P.L.210-2013,
17 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2019]: Sec. 17. (a) Subject to subsection (b), if:

19 (1) a distribution agreement is not submitted to the Indiana horse
20 racing commission before the deadlines imposed by section 16 of
21 this chapter; or

22 (2) the Indiana horse racing commission is unable to approve a
23 distribution agreement;

24 the Indiana horse racing commission shall determine the percentage of
25 a licensee's adjusted gross receipts that must be distributed under
26 section **12(b)(1) and** 12(b)(2) of this chapter.

27 (b) The Indiana horse racing commission shall give the negotiation
28 committees an opportunity to correct any deficiencies in a proposed
29 distribution agreement before making a determination of the applicable
30 percentage under subsection (a).

31 (c) The Indiana horse racing commission shall consider the factors
32 used to evaluate a distribution agreement under section 18 of this
33 chapter when making a determination under subsection (a).

34 SECTION 42. IC 4-35-7-19, AS ADDED BY P.L.255-2015,
35 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2019]: Sec. 19. (a) After ~~March 1, 2021~~, **July 1, 2019**, and
37 ~~before June 30, 2021~~, a licensee may submit a plan to the commission
38 for conducting wagering on table games at the licensee's gambling
39 game facility. ~~The commission shall consider a plan submitted under~~
40 ~~this subsection within forty-five (45) days of receiving the plan.~~

41 (b) ~~In making its determination to authorize wagering on table~~
42 ~~games, the commission shall consider the potential:~~



- 1 (1) economic benefits;
- 2 (2) tax revenue;
- 3 (3) number of new jobs; and
- 4 (4) capital investments;

5 that could occur if the commission authorizes wagering on table games
6 based on a plan submitted under subsection (a):

7 ~~(c)~~ **(b) Upon receipt of a** After considering a plan submitted under
8 subsection (a) and the criteria described in subsection (b), **that meets**
9 **the requirements under IC 4-33 for table games at riverboats**, the
10 commission **may shall** authorize wagering on table games at the
11 licensee's gambling game facility.

12 ~~(d)~~ **(c)** A licensee may not:

- 13 (1) install more gambling games than the number of gambling
14 games proposed in the table game plan submitted to the
15 commission; and
- 16 (2) offer more than two thousand two hundred (2,200) gambling
17 games as provided under section 11(b) of this chapter.

18 SECTION 43. IC 4-35-8-1, AS AMENDED BY P.L.212-2018(ss),
19 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2019]: Sec. 1. (a) A graduated slot machine gambling game
21 wagering tax is imposed as follows on ~~ninety-nine percent (99%)~~ of the
22 ~~adjusted gross receipts received after June 30, 2012, and before July 1,~~
23 ~~2013; on ninety-one and five-tenths percent (91.5%)~~ of the adjusted
24 ~~gross receipts received after June 30, 2013, and before July 1, 2015;~~
25 ~~and on eighty-eight percent (88%)~~ of the adjusted gross receipts
26 ~~received after June 30, 2015;~~ from wagering on gambling games
27 **(except for adjusted gross receipts from sports wagering under**
28 **IC 4-38)** authorized by this article:

- 29 (1) Twenty-five percent (25%) of the first one hundred million
30 dollars (\$100,000,000) of adjusted gross receipts received during
31 the period beginning July 1 of each year and ending June 30 of
32 the following year.
- 33 (2) Thirty percent (30%) of the adjusted gross receipts in excess
34 of one hundred million dollars (\$100,000,000) but not exceeding
35 two hundred million dollars (\$200,000,000) received during the
36 period beginning July 1 of each year and ending June 30 of the
37 following year.
- 38 (3) Thirty-five percent (35%) of the adjusted gross receipts in
39 excess of two hundred million dollars (\$200,000,000) received
40 during the period beginning July 1 of each year and ending June
41 30 of the following year.

42 **(b) A gambling game tax is imposed on eighty-eight percent**



1 **(88%) of the adjusted gross receipts received from wagering on**
 2 **table games authorized under this article. The tax is equal to**
 3 **twenty percent (20%) of the adjusted gross receipts received by a**
 4 **licensee during the period beginning July 1 of each year and ending**
 5 **June 30 the following year.**

6 ~~(b)~~ (c) A licensee shall do the following:

7 (1) Remit the daily amount of tax imposed by this section to the
 8 department on the twenty-fourth calendar day of each month. Any
 9 taxes collected during the month but after the day on which the
 10 taxes are required to be paid shall be paid to the department at the
 11 same time the following month's taxes are due.

12 (2) Report gaming activity information to the commission daily
 13 on forms prescribed by the commission.

14 ~~(c)~~ (d) The payment of the tax under this section must be in a
 15 manner prescribed by the department.

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

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

22 SECTION 44. IC 4-35-8-5, AS AMENDED BY P.L.255-2015,
 23 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: Sec. 5. (a) This section applies to adjusted gross
 25 receipts from wagering on gambling games that occurs after the
 26 effective date of this section, as added by SEA 528-2013.

27 (b) As used in this section, "qualified wagering" refers to wagers
 28 made by patrons using noncashable vouchers, coupons, electronic
 29 credits, or electronic promotions provided by the licensee.

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

35 (d) A licensee may not deduct more than the following amounts in
 36 a particular state fiscal year:

37 (1) Two million five hundred thousand dollars (\$2,500,000) in a
 38 state fiscal year ending before July 1, 2013.

39 (2) Five million dollars (\$5,000,000) in a state fiscal year
 40 beginning after June 30, 2013, and ending before July 1, 2015.

41 (3) Seven million dollars (\$7,000,000) in a state fiscal year
 42 beginning after June 30, 2015, **and ending before July 1, 2020.**



- 1 **(4) Nine million dollars (\$9,000,000) in a state fiscal year**
 2 **beginning after June 30, 2020.**
- 3 (e) Deductions under this section also apply to a licensee's adjusted
 4 gross receipts for purposes of the following statutes:
 5 (1) IC 4-35-7-12.
 6 (2) IC 4-35-8.5.
 7 (3) IC 4-35-8.9.
- 8 (f) A licensee may for a state fiscal year assign all or part of the
 9 amount of the deduction under this section that is not claimed by the
 10 licensee for the state fiscal year to another licensee, a licensed owner
 11 as defined by IC 4-33-2-13, or an operating agent as defined by
 12 IC 4-33-2-14.5. An assignment under this subsection must be in writing
 13 and both the licensee assigning the deduction and the licensee, licensed
 14 owner as defined by IC 4-33-2-13, or operating agent as defined by
 15 IC 4-33-2-14.5, to which the deduction is assigned shall report the
 16 assignment to the commission and to the department. The maximum
 17 amount that may be assigned under this subsection by a licensee for a
 18 state fiscal year is equal to the result of:
 19 (1) seven million dollars (\$7,000,000); minus
 20 (2) the amount deducted under this subsection by the licensee for
 21 the state fiscal year.
- 22 SECTION 45. IC 4-35-8.5-0.5 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2019]: **Sec. 0.5. This chapter does not apply**
 25 **to sports wagering conducted under IC 4-38 at a riverboat.**
- 26 SECTION 46. IC 4-38 IS ADDED TO THE INDIANA CODE AS
 27 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 28 2019]:
- 29 **ARTICLE 38. SPORTS WAGERING**
 30 **Chapter 1. General Provisions**
- 31 **Sec. 1. Pursuant to 15 U.S.C. 1172, approved January 2, 1951,**
 32 **the state of Indiana, acting by and through duly elected and**
 33 **qualified members of the legislature, does declare and proclaim**
 34 **that the state is exempt from the provisions of 15 U.S.C. 1172.**
- 35 **Sec. 2. All shipments of gambling devices used to conduct sports**
 36 **wagering under this article to an operating agent, a licensed owner,**
 37 **or a permit holder in Indiana, the registering, recording, and**
 38 **labeling of which have been completed by the manufacturer or**
 39 **dealer thereof in accordance with 15 U.S.C. 1171 through 1178, are**
 40 **legal shipments of gambling devices into Indiana.**
- 41 **Sec. 3. The commission shall regulate and administer sports**
 42 **wagering conducted by a certificate holder or vendor under this**



1 article.

2 **Sec. 4. The commission has the following powers and duties for**
 3 **the purpose of administering, regulating, and enforcing the system**
 4 **of sports wagering authorized under this article:**

- 5 (1) All powers and duties specified in this article.
 6 (2) All powers necessary and proper to fully and effectively
 7 execute this article.
 8 (3) Jurisdiction and supervision over the following:
 9 (A) All sports wagering operations in Indiana.
 10 (B) All persons at licensed facilities where sports wagering
 11 is conducted.
 12 (4) Any power specified in IC 4-33 or IC 4-35 concerning the
 13 supervision of persons conducting gambling games, patrons
 14 wagering on gambling games, and the facilities in which
 15 gambling games are conducted.
 16 (5) To investigate and reinvestigate applicants, certificate
 17 holders, licensees, and vendors.
 18 (6) To investigate alleged violations of this article.
 19 (7) To revoke, suspend, or renew certificates and licenses
 20 under this article.
 21 (8) To take any reasonable or appropriate action to enforce
 22 this article.

23 **Sec. 5. The commission may do the following:**

- 24 (1) Take appropriate administrative enforcement or
 25 disciplinary action against a person who violates this article.
 26 (2) Conduct hearings.
 27 (3) Issue subpoenas for the attendance of witnesses and
 28 subpoenas duces tecum for the production of books, records,
 29 and other relevant documents.
 30 (4) Administer oaths and affirmations to witnesses.

31 **Chapter 2. Definitions**

32 **Sec. 1. The definitions set forth in this chapter apply throughout**
 33 **this article unless the context clearly denotes otherwise.**

34 **Sec. 2. "Adjusted gross receipts" means:**

- 35 (1) the total of all cash and property (including checks
 36 received by a certificate holder, whether collected or not)
 37 received by a certificate holder from sports wagering; minus
 38 (2) the total of:
 39 (A) all cash paid out as winnings to sports wagering
 40 patrons; and
 41 (B) uncollectible gaming receivables, not to exceed the
 42 lesser of:



- 1 (i) a reasonable provision for uncollectible patron checks
 2 received from sports wagering; or
 3 (ii) two percent (2%) of the total of all sums (including
 4 checks, whether collected or not) less the amount paid
 5 out as winnings to sports wagering patrons.

6 For purposes of this section, a counter or personal check that is
 7 invalid or unenforceable under this article is considered cash
 8 received by the certificate holder from sports wagering.

9 Sec. 3. "Amateur youth sporting event" refers to any sporting
 10 event in which an individual:

- 11 (1) must be less than eighteen (18) years of age to participate;
 12 and
 13 (2) is prohibited, as a condition of participating in the sporting
 14 event, from receiving direct or indirect compensation for the
 15 use of the individual's athletic skill in any manner with
 16 respect to the sport in which the particular sporting event is
 17 conducted.

18 Sec. 4. "Certificate holder" means a licensed owner, operating
 19 agent, or permit holder issued a certificate of authority by the
 20 commission authorizing the licensed owner, operating agent, or
 21 permit holder to conduct sports wagering independently or
 22 through a vendor under this article.

23 Sec. 5. "Commission" refers to the Indiana gaming commission
 24 established by IC 4-33-3-1.

25 Sec. 6. "Department" refers to the department of state revenue.

26 Sec. 7. "E-sports" means a single player or multiplayer video
 27 game played competitively, typically by professional gamers.

28 Sec. 8. "Geofence" means a virtual geographic boundary
 29 defined by GPS or RFID technology, which enables software to
 30 trigger a response when a mobile device enters or leaves a
 31 particular area.

32 Sec. 9. "Gross receipts" means the total amount of money
 33 exchanged for the purchase of electronic cards by sports wagering
 34 patrons.

35 Sec. 10. "In-play wagering" refers to the practice of placing a
 36 wager after a sporting event has started.

37 Sec. 11. "Licensed facility" means any of the following:

- 38 (1) A satellite facility operated under IC 4-31-5.5.
 39 (2) A riverboat operated under IC 4-33.
 40 (3) A gambling game facility operated under IC 4-35.
 41 (4) A relocated riverboat under IC 4-33-6-4.5.

42 Sec. 12. "Licensed owner" has the meaning set forth in



- 1 IC 4-33-2-13.
 2 Sec. 13. "Occupational license" means a license issued by the
 3 commission under IC 4-33-8.
 4 Sec. 14. "Operating agent" means a person with whom the
 5 commission has entered into a contract under IC 4-33-6.5 to
 6 operate a riverboat in a historic hotel district.
 7 Sec. 15. "Permit holder" has the meaning set forth in
 8 IC 4-31-2-14.
 9 Sec. 16. "Person" means an individual, a sole proprietorship, a
 10 partnership, an association, a fiduciary, a corporation, a limited
 11 liability company, or any other business entity.
 12 Sec. 17. "Riverboat" has the meaning set forth in IC 4-33-2-17.
 13 Sec. 18. "Sports wagering" refers to wagering conducted under
 14 this article on athletic and sporting events involving human
 15 competitors. The term does not include pari-mutuel wagering on
 16 horse racing or money spent to participate in paid fantasy sports
 17 under IC 4-33-24.
 18 Sec. 19. "Sports wagering device" refers to a mechanical,
 19 electrical, or computerized contrivance, terminal, device,
 20 apparatus, piece of equipment, or supply approved by the
 21 commission for conducting sports wagering under this article.
 22 Sec. 20. "Sports wagering service provider" means a person
 23 that contracts with a certificate holder, a vendor, or an applicant
 24 for a certificate of authority under IC 4-38-4 or vendor's license to:
 25 (1) sell, lease, offer, or otherwise provide or distribute a sports
 26 wagering device or associated equipment;
 27 (2) service a sports wagering device or associated equipment;
 28 or
 29 (3) provide risk management services, integrity services, or
 30 odds.
 31 Sec. 21. "Sports wagering service provider license" means a
 32 license issued under IC 4-38-7.
 33 Sec. 22. "Supplier's license" means a license issued under
 34 IC 4-33-7.
 35 Sec. 23. "Vendor" means a person with whom a certificate
 36 holder contracts for either of the following:
 37 (1) Conducting or managing sports wagering operations
 38 within a licensed facility.
 39 (2) Conducting sports wagering through mobile devices under
 40 IC 4-38-5-10.
 41 Sec. 24. "Vendor's license" means a license issued to a vendor
 42 under IC 4-38-6.



1 **Chapter 3. Administrative Rules**

2 **Sec. 1. The commission shall adopt rules under IC 4-22-2,**
 3 **including emergency rules in the manner provided under**
 4 **IC 4-22-2-37.1, to implement this article. Rules adopted under this**
 5 **section must include the following:**

6 **(1) Standards for the conduct of sports wagering under this**
 7 **article.**

8 **(2) Standards and procedures to govern the conduct of sports**
 9 **wagering, including the manner in which:**

10 **(A) wagers are received;**

11 **(B) payouts are paid; and**

12 **(C) point spreads, lines, and odds are determined.**

13 **(3) Standards for allowing a certificate holder to offer sports**
 14 **wagering as an interactive form of gaming.**

15 **(4) Standards for allowing a certificate holder to accept**
 16 **wagers through a mobile device under IC 4-38-5-10.**

17 **(5) Rules prescribing the manner in which a certificate**
 18 **holder's books and financial records relating to sports**
 19 **wagering are maintained and audited, including standards for**
 20 **the daily counting of a certificate holder's gross receipts from**
 21 **sports wagering and standards to ensure that internal**
 22 **controls are followed.**

23 **(6) Rules concerning the detection and prevention of**
 24 **compulsive gambling.**

25 **(7) Standards for approving procedures and technologies**
 26 **necessary to comply with the requirements of IC 4-38-9.**

27 **(8) Standards for approving procedures and technologies**
 28 **necessary for a certificate holder or vendor to securely and**
 29 **efficiently maintain and store records of all bets and wagers**
 30 **placed with the certificate holder or vendor.**

31 **(9) Rules establishing geofence standards concerning where a**
 32 **wager may and may not be placed, including:**

33 **(A) only placing wagers within the boundaries of Indiana;**
 34 **and**

35 **(B) prohibiting wagers at the location of particular**
 36 **sporting events.**

37 **Sec. 2. Rules adopted under section 1 of this chapter must**
 38 **require a certificate holder to do the following:**

39 **(1) Designate an area within the licensed facility operated by**
 40 **the certificate holder for sports wagering conducted under**
 41 **this article.**

42 **(2) Ensure that the certificate holder's surveillance system**



1 covers all areas of the certificate holder's licensed facility in
2 which sports wagering is conducted.

3 (3) Allow the commission to be present through the
4 commission's gaming agents during the time sports wagering
5 is conducted in all areas of the certificate holder's licensed
6 facility in which sports wagering is conducted to do the
7 following:

8 (A) Ensure maximum security of the counting and storage
9 of the sports wagering revenue received by the certificate
10 holder.

11 (B) Certify the sports wagering revenue received by the
12 certificate holder.

13 (C) Receive complaints from the public.

14 (D) Conduct other investigations into the conduct of sports
15 wagering and the maintenance of the equipment that the
16 commission considers necessary and proper for sports
17 wagering.

18 (4) Ensure that individuals who are less than twenty-one (21)
19 years of age do not make wagers under this article.

20 (5) Provide written information to sports wagering patrons
21 about sports wagering, payouts, winning wagers, and other
22 information considered relevant by the commission.

23 **Chapter 4. Authority to Conduct Sports Wagering**

24 **Sec. 1. A person holding a certificate of authority issued under**
25 **this chapter is authorized to conduct sports wagering under this**
26 **article after June 30, 2019.**

27 **Sec. 2. Beginning July 1, 2019, the commission may accept**
28 **applications for a certificate of authority from any licensed owner,**
29 **operating agent, or permit holder that wishes to conduct sports**
30 **wagering under this article. The commission shall prescribe the**
31 **form of the application.**

32 **Sec. 3. (a) A licensed owner, operating agent, or permit holder**
33 **that wishes to offer sports wagering under this article at a**
34 **riverboat operated under IC 4-33 or a gambling game facility**
35 **operated under IC 4-35 must:**

36 (1) submit an application to the commission in the manner
37 prescribed by the commission for each licensed facility in
38 which the applicant wishes to conduct sports wagering; and

39 (2) pay an initial fee of one hundred thousand dollars
40 (\$100,000).

41 (b) A permit holder that wishes to offer sports wagering under
42 this article at a satellite facility operated under IC 4-31-5.5 must:



1 (1) Submit an application to the commission in the manner
2 prescribed by the commission for each satellite facility in
3 which the applicant wishes to conduct sports wagering.

4 (2) Pay an initial fee of one hundred thousand dollars
5 (\$100,000).

6 **Sec. 4. Upon:**

7 (1) receipt of the application and fee required by section 3 of
8 this chapter; and

9 (2) approving the submitted application;

10 the commission shall issue a certificate of authority to a licensed
11 owner, an operating agent, or a permit holder authorizing the
12 licensed owner, operating agent, or permit holder to conduct sports
13 wagering under this article in a designated licensed facility.

14 **Sec. 5. The commission shall deposit fees received under section**
15 **3 of this chapter in the sports wagering fund established by**
16 **IC 4-38-8-2.**

17 **Chapter 5. Conduct of Sports Wagering**

18 **Sec. 1. (a) The commission shall test new sports wagering**
19 **devices and new forms, variations, or composites of sports**
20 **wagering under the terms and conditions that the commission**
21 **considers appropriate before authorizing a certificate holder to**
22 **offer a new sports wagering device or a new form, variation, or**
23 **composite of sports wagering.**

24 (b) A certificate holder shall provide all data relating to the
25 conduct of sports wagering to the commission.

26 (c) The commission may provide data received from a certificate
27 holder to any governing body conducting a sporting event
28 described in section 4(a) of this chapter.

29 **Sec. 2. A certificate holder shall designate an area within each**
30 **licensed facility in which the certificate holder is authorized to**
31 **conduct sports wagering under this article. Except as provided in**
32 **section 10 of this chapter, sports wagering may not be conducted**
33 **at any location other than the area designated under this section.**

34 **Sec. 3. (a) Except as provided in subsection (b), a person who is**
35 **less than twenty-one (21) years of age may not be present in an**
36 **area where sports wagering is being conducted.**

37 (b) A person who is at least eighteen (18) years of age and who
38 is an employee of a certificate holder's licensed facility may be
39 present in an area where sports wagering is conducted. However,
40 an employee who is less than twenty-one (21) years of age may not
41 perform any function involving sports wagering by the patrons.

42 **Sec. 4. (a) A certificate holder or vendor may accept wagers on**



1 professional and collegiate sporting events approved for sports
 2 wagering by the commission, and other events as approved by the
 3 commission. Except as provided in subsection (c), a certificate
 4 holder or vendor may use data selected in its discretion to
 5 determine whether a wager is a winning wager.

6 (b) A certificate holder or vendor may not accept wagers on
 7 e-sports regardless of whether the e-sports event involves one (1)
 8 or multiple players.

9 (c) In-play wagering is authorized under this article. A
 10 certificate holder or vendor must determine that an in-play wager
 11 is a winning wager using only official data provided by the
 12 governing body conducting a sporting event described in
 13 subsection (a).

14 **Sec. 5.** A certificate holder or vendor may not accept wagers on
 15 the following:

16 (1) High school and other amateur youth sporting events.

17 (2) A sporting event that has not been approved for sports
 18 wagering by the commission.

19 **Sec. 6.** A certificate holder or vendor may not cancel wagering
 20 on a particular sporting event after posting odds and beginning to
 21 accept wagers on the sporting event, except in the event of obvious
 22 error, at the certificate holder's or vendor's discretion. A
 23 certificate holder or vendor must pay winning patrons following
 24 the end of the sporting event.

25 **Sec. 7.** A certificate holder or vendor may not permit any sports
 26 wagering on the premises of a licensed facility except as permitted
 27 by this article.

28 **Sec. 8. (a)** A sports wagering device, platform, or other means
 29 of conducting sports wagering must be:

30 (1) approved by the commission; and

31 (2) acquired by a certificate holder or vendor from a person
 32 holding both a supplier's license and a sports wagering service
 33 provider license.

34 (b) The commission shall determine whether other supplies and
 35 equipment used to conduct sports wagering require a certificate
 36 holder to acquire the supplies and equipment from a person
 37 holding both a supplier's license and a sports wagering service
 38 provider license.

39 (c) IC 4-33-7 applies to the distribution of sports wagering
 40 devices and the conduct of sports wagering under this article.

41 **Sec. 9.** The commission shall determine the occupations related
 42 to sports wagering that require an occupational license. IC 4-33-8



1 applies to the conduct of sports wagering under this article.

2 **Sec. 10.** A certificate holder or vendor may accept wagers
3 placed using a mobile device from a patron if the patron registers
4 with the certificate holder or vendor as a mobile device user and
5 acquires any necessary mobile device applications from the
6 certificate holder. A patron may register under this section in
7 person at the certificate holder's licensed facility or online using an
8 Internet form approved by the commission.

9 **Sec. 11.** IC 4-31-3-16, IC 4-31-6-11, IC 4-33-4-28, IC 4-33-8.5,
10 IC 4-35-4-17, and IC 4-35-6.7 apply, as appropriate, to sports
11 wagering conducted at a licensed facility.

12 **Sec. 12. (a)** This section applies to sports wagering conducted at
13 a satellite facility by a certificate holder that is a permit holder.

14 **(b)** A certificate issued under this article is null and void if the
15 certificate holder fails to:

16 (1) maintain a license issued under IC 4-31-5.5 to operate the
17 satellite facility; or

18 (2) satisfy the conditions for obtaining a satellite facility
19 license set forth in IC 4-31-5.5-3(b)(3) in the certificate
20 holder's operation of the satellite facility.

21 **Chapter 6. Vendors**

22 **Sec. 1.** A person must hold a license issued under this chapter
23 before entering into a contract as a vendor with a certificate
24 holder.

25 **Sec. 2.** The commission may issue a vendor's license to a
26 qualified applicant.

27 **Sec. 3. (a)** A person applying for a vendor's license under this
28 chapter must pay a nonrefundable application fee of one hundred
29 thousand dollars (\$100,000) to the commission. The commission
30 shall deposit fees received under this section in the sports wagering
31 fund established by IC 4-38-8-2.

32 **(b)** An applicant must submit the following on forms provided
33 by the commission:

34 (1) If the applicant is an individual, two (2) sets of the
35 individual's fingerprints.

36 (2) If the applicant is not an individual, two (2) sets of
37 fingerprints for each officer and director of the applicant.

38 **(c)** The commission shall review the applications for a vendor's
39 license under this chapter and shall inform each applicant of the
40 commission's decision concerning the issuance of the vendor's
41 license.

42 **(d)** The costs of investigating an applicant for a vendor's license



1 under this chapter shall be paid from the application fee paid by
2 the applicant.

3 (e) An applicant for a vendor's license under this chapter must
4 pay all additional costs that are:

- 5 (1) associated with the investigation of the applicant; and
6 (2) greater than the amount of the application fee paid by the
7 applicant.

8 Sec. 4. In determining whether to grant a vendor's license to an
9 applicant, the commission shall consider the character, reputation,
10 experience, and financial integrity of the following:

- 11 (1) The applicant.
12 (2) A person that:
13 (A) directly or indirectly controls the applicant; or
14 (B) is directly or indirectly controlled by the applicant or
15 by a person that directly or indirectly controls the
16 applicant.

17 Sec. 5. (a) The state police department may assist the
18 commission in conducting background investigations of applicants
19 for a vendor's license. The commission may forward all
20 fingerprints required to be submitted by license applicants under
21 this chapter to the Federal Bureau of Investigation or any other
22 agency for the purpose of screening applicants. The commission
23 shall reimburse the state police department for the costs incurred
24 by the state police department as a result of the assistance. The
25 commission shall make the payment from fees collected from
26 applicants.

27 (b) The commission through its gaming agents shall conduct
28 background investigations of applicants. Costs incurred conducting
29 the investigations must be paid from fees collected from applicants.

30 Sec. 6. A person holding a vendor's license shall pay to the
31 commission an annual administrative fee of fifty thousand dollars
32 (\$50,000). The fee imposed by this section is due one (1) year after
33 the date that the vendor begins performing services under a
34 contract with a certificate holder in the conduct of sports wagering
35 under this article and on each annual anniversary date thereafter.
36 The commission shall deposit the administrative fees received
37 under this section in the sports wagering fund established by
38 IC 4-38-8-2.

39 Sec. 7. A certificate holder may not contract with more than
40 three (3) vendors.

41 Chapter 7. Sports Wagering Service Providers

42 Sec. 1. A person must hold a license issued under this chapter



1 before entering into a contract as a sports wagering service
 2 provider with a certificate holder, a vendor, or an applicant for a
 3 certificate of authority under IC 4-38-4 or a vendor's license.

4 **Sec. 2.** The commission may issue a sports wagering service
 5 provider license to a qualified applicant.

6 **Sec. 3. (a)** A person applying for a sports wagering service
 7 provider license under this chapter must pay a nonrefundable
 8 application fee of one hundred thousand dollars (\$100,000) to the
 9 commission. The commission shall deposit fees received under this
 10 section in the sports wagering fund established by IC 4-38-8-2.

11 **(b)** An applicant must submit a completed application on a form
 12 prescribed by the commission.

13 **Sec. 4.** While considering a person's application for a sports
 14 wagering service provider license, the commission may issue the
 15 person a temporary license to conduct business under this article
 16 if the following criteria are met:

17 **(1)** The person has filed with the commission either of the
 18 following:

19 **(A)** A completed application.

20 **(B)** A substantially complete application as determined by
 21 the commission.

22 **(2)** The person agrees in writing to the following conditions of
 23 the temporary license issued under this section:

24 **(A)** The temporary license does not create a right or
 25 privilege to continue conducting business under this article
 26 if the person's application for a sports wagering service
 27 provider license is rejected by the commission.

28 **(B)** The commission may rescind the person's temporary
 29 license and the authority to conduct business under this
 30 article at any time, with or without notice to the person, if:

31 **(i)** the commission is informed that the suitability of the
 32 person may be at issue; and

33 **(ii)** the person fails to cooperate with the commission in
 34 the commission's investigation into the qualifications and
 35 suitability of the person for a sports wagering service
 36 provider license.

37 **Sec. 5.** When reviewing a person's application for a sports
 38 wagering service provider license, the commission:

39 **(1)** shall consider the suitability findings of other jurisdictions
 40 in which the person is licensed, certified, or authorized to
 41 conduct business as a sports wagering service provider; and

42 **(2)** may waive requirements set forth in the application form



1 prescribed by the commission if:

2 (A) the suitability findings of other jurisdictions provide
3 sufficient information to fully consider the person's
4 application; and

5 (B) the person provides all the information otherwise
6 requested by the commission.

7 **Chapter 8. Annual License Fees**

8 **Sec. 1.** A certificate holder shall pay to the commission an
9 annual administrative fee of fifty thousand dollars (\$50,000). The
10 fee imposed by this section is due one (1) year after the date that
11 the certificate holder commences sports wagering operations under
12 this article and on each annual anniversary date thereafter. The
13 commission shall deposit the administrative fees received under
14 this section in the sports wagering fund established by section 2 of
15 this chapter.

16 **Sec. 2. (a)** The sports wagering fund is established.

17 **(b)** The commission shall administer the fund.

18 **(c)** The fund consists of the following:

19 (1) Initial fees deposited in the fund under IC 4-38-4-5.

20 (2) Fees deposited in the fund under IC 4-38-6.

21 (3) Fees deposited in the fund under IC 4-38-7.

22 (4) Administrative fees deposited in the fund under section 1
23 of this chapter.

24 **Chapter 9. Integrity Requirements**

25 **Sec. 1. (a)** A certificate holder or vendor shall conduct:

26 (1) background checks on newly hired employees engaged in
27 activities related to the conducting of sports wagering; and

28 (2) annual background checks on all existing employees
29 engaged in activities related to the conducting of sports
30 wagering.

31 A background check conducted under this section must include a
32 search for criminal history and any charges or convictions
33 involving corruption or manipulation of sporting events and any
34 association with organized crime.

35 **(b)** A person may not obtain any of the following required for
36 conducting business under this article unless the person meets the
37 suitability requirements determined by the commission:

38 (1) A vendor's license.

39 (2) A sports wagering service provider license.

40 (3) A supplier's license.

41 (4) An occupational license.

42 **Sec. 2. (a)** A certificate holder, vendor, or sports wagering



1 service provider shall employ commercially reasonable methods to
 2 maintain the security of wagering data, customer data, and other
 3 confidential information from unauthorized access and
 4 dissemination.

5 (b) Nothing in this article precludes the use of Internet or cloud
 6 based hosting of data described in subsection (a) or any disclosure
 7 of information required by court order, other law, or this article.

8 **Sec. 3. The commission shall prohibit a certificate holder or**
 9 **vendor from accepting wagers placed by any of the following:**

10 (1) A partnership, a corporation, an association, or any other
 11 entity that is not an individual.

12 (2) A person who is not at least twenty-one (21) years of age.

13 (3) A certificate holder, a vendor, a director, officer, or
 14 employee of a certificate holder or vendor, or a relative of a
 15 certificate holder or vendor.

16 (4) A sports wagering service provider, a director, officer, or
 17 employee of a sports wagering service provider, or a relative
 18 of a sports wagering service provider.

19 (5) With respect to a sporting event sponsored, organized, or
 20 conducted by a particular sports governing body, any of the
 21 following:

22 (A) An employee of the sports governing body.

23 (B) A game official employed by or under contract with the
 24 sports governing body.

25 (C) A coach, manager, or other personnel employed by or
 26 under contract with a member club of the sports governing
 27 body.

28 (D) An athlete who is:

29 (i) under contract with a member club of the sports
 30 governing body in the case of a team sport; or

31 (ii) eligible to participate in events conducted by the
 32 sports governing body in the case of an individual sport.

33 (E) An employee of a union representing athletes or game
 34 officials.

35 (F) A relative of an individual described in clauses (A)
 36 through (E).

37 (6) An individual convicted of a state or federal crime relating
 38 to sports wagering.

39 **Sec. 4. (a) The commission may use information received from**
 40 **a sports governing body to determine whether to allow:**

41 (1) wagering on a particular event; or

42 (2) patrons to make wagers of a particular type.



1 (b) If a sports governing body requests wagering information or
 2 requests the commission to prohibit wagering on a particular event
 3 or making wagers of a particular type, the commission shall grant
 4 the request upon a demonstration of good cause from the sports
 5 governing body.

6 (c) The commission shall respond to a request from a sports
 7 governing body concerning a particular event:

8 (1) before the start of the event; or

9 (2) if it is not feasible to respond before the start of the event,
 10 as expeditiously as possible.

11 **Sec. 5. The commission and each certificate holder or vendor**
 12 **shall cooperate with investigations conducted by sports governing**
 13 **bodies or law enforcement agencies, including by providing or**
 14 **facilitating the provision of betting information and audio or video**
 15 **files relating to persons placing wagers. Information shared under**
 16 **this section is confidential.**

17 **Sec. 6. A certificate holder or vendor shall immediately report**
 18 **to the commission any information relating to:**

19 (1) criminal or disciplinary proceedings commenced against
 20 the certificate holder or vendor in connection with its
 21 operations;

22 (2) bets or wagers that violate state or federal law;

23 (3) abnormal betting activity or patterns that may indicate a
 24 concern regarding the integrity of a sporting event or events;

25 (4) any potential breach of the relevant sport's governing
 26 body's internal rules and codes of conduct pertaining to sports
 27 wagering;

28 (5) any other conduct that corrupts a betting outcome of a
 29 sporting event or events for purposes of financial gain; and

30 (6) suspicious or illegal wagering activities, including use of
 31 funds derived from illegal activity, wagers to conceal or
 32 launder funds derived from illegal activity, using agents to
 33 place wagers, and using false identification.

34 A certificate holder or vendor shall also immediately report
 35 information relating to conduct described in subdivision (3), (4), or
 36 (5) to the relevant sports governing body.

37 **Sec. 7. A certificate holder or vendor shall maintain the**
 38 **confidentiality of information provided by a sports governing body**
 39 **to the certificate holder or vendor, unless disclosure is required by**
 40 **this article, the commission, other law, or court order.**

41 **Sec. 8. Information provided to the commission by a sports**
 42 **governing body is confidential and may not be disclosed under**



1 **IC 5-14.**

2 SECTION 47. IC 6-3.1-20-7, AS AMENDED BY P.L.204-2016,
 3 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2019]: Sec. 7. (a) The department shall before July 1 of each
 5 year determine the following:

6 (1) The greater of:
 7 (A) eight million five hundred thousand dollars (\$8,500,000);
 8 or
 9 (B) the amount of credits allowed under this chapter for
 10 taxable years ending before January 1 of the year.

11 (2) The quotient of:
 12 (A) the amount determined under subdivision (1); divided by
 13 (B) four (4).

14 (b) Except as provided in subsection (d), one-half (1/2) of the
 15 amount determined by the department under subsection (a)(2) shall be:

16 (1) deducted each quarter from the riverboat ~~admissions~~
 17 **supplemental wagering** tax revenue otherwise payable to the
 18 county under IC 4-33-12-8 and the supplemental distribution
 19 otherwise payable to the county under IC 4-33-13-5(g); and
 20 (2) paid instead to the state general fund.

21 (c) Except as provided in subsection (d), one-sixth (1/6) of the
 22 amount determined by the department under subsection (a)(2) shall be:

23 (1) deducted each quarter from the riverboat ~~admissions~~
 24 **supplemental wagering** tax revenue otherwise payable under
 25 IC 4-33-12-8 and the supplemental distribution otherwise payable
 26 under IC 4-33-13-5(g) to each of the following:

27 (A) The largest city by population located in the county.
 28 (B) The second largest city by population located in the
 29 county.
 30 (C) The third largest city by population located in the county;
 31 and
 32 (2) paid instead to the state general fund.

33 (d) If the amount determined by the department under subsection
 34 (a)(1)(B) is less than eight million five hundred thousand dollars
 35 (\$8,500,000), the difference of:

36 (1) eight million five hundred thousand dollars (\$8,500,000);
 37 minus
 38 (2) the amount determined by the department under subsection
 39 (a)(1)(B);

40 shall be paid in four (4) equal quarterly payments to the northwest
 41 Indiana regional development authority established by IC 36-7.5-2-1
 42 instead of the state general fund. Any amounts paid under this



1 subsection shall be used by the northwest Indiana regional
 2 development authority only to establish or improve public mass rail
 3 transportation systems in Lake County.

4 SECTION 48. IC 6-8.1-1-1, AS AMENDED BY P.L.212-2018(ss),
 5 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 1."Listed taxes" or "taxes" includes only the
 7 pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the supplemental
 8 wagering tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the
 9 ~~slot machine gambling game~~ wagering tax (IC 4-35-8); the type II
 10 gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1)
 11 (repealed); the utility receipts and utility services use taxes (IC 6-2.3);
 12 the state gross retail and use taxes (IC 6-2.5); the adjusted gross income
 13 tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the
 14 county adjusted gross income tax (IC 6-3.5-1.1) (repealed); the county
 15 option income tax (IC 6-3.5-6) (repealed); the county economic
 16 development income tax (IC 6-3.5-7) (repealed); the local income tax
 17 (IC 6-3.6); the auto rental excise tax (IC 6-6-9); the financial
 18 institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel
 19 tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax
 20 collected under a reciprocal agreement under IC 6-8.1-3; the vehicle
 21 excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the
 22 commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on
 23 recreational vehicles and truck campers (IC 6-6-5.1); the hazardous
 24 waste disposal tax (IC 6-6-6.6) (repealed); the heavy equipment rental
 25 excise tax (IC 6-6-15); the cigarette tax (IC 6-7-1); the beer excise tax
 26 (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax
 27 (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise
 28 tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various
 29 innkeeper's taxes (IC 6-9); the various food and beverage taxes
 30 (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil
 31 inspection fee (IC 16-44-2); the penalties assessed for oversize vehicles
 32 (IC 9-20-3 and IC 9-20-18); the fees and penalties assessed for
 33 overweight vehicles (IC 9-20-4 and IC 9-20-18); and any other tax or
 34 fee that the department is required to collect or administer.

35 SECTION 49. IC 31-25-4-8.5, AS AMENDED BY P.L.212-2016,
 36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2019]: Sec. 8.5. In addition to the duties imposed by sections
 38 7 and 8 of this chapter, the bureau shall do the following:

- 39 (1) Share data regarding obligors who are delinquent with:
 40 (A) a licensed owner, operating agent, and trustee in
 41 accordance with IC 4-33-4-27;
 42 (B) a permit holder and trustee in accordance with



- 1 IC 4-35-4-16;
 2 (C) the state lottery commission; ~~and~~
 3 (D) a game operator or licensee in accordance with
 4 IC 4-33-24-29; ~~and~~
 5 **(E) a certificate holder as provided in IC 4-31-3-16,**
 6 **IC 4-33-4-28, and IC 4-35-4-17;**
 7 to allow for the interception of cash winnings and prizes from the
 8 obligors.
 9 (2) Distribute money collected from the persons described in
 10 subdivision (1) according to federal child support laws and
 11 regulations.
 12 SECTION 50. IC 35-45-5-14 IS ADDED TO THE INDIANA
 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2019]: **Sec. 14. This chapter does not apply**
 15 **to sports wagering conducted under IC 4-38.**
 16 SECTION 51. IC 36-7-11.5-11, AS AMENDED BY P.L.255-2015,
 17 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2019]: Sec. 11. (a) As used in this section, "fund" refers to the
 19 West Baden Springs historic hotel preservation and maintenance fund
 20 established by subsection (b).
 21 (b) The West Baden Springs historic hotel preservation and
 22 maintenance fund is established. The fund consists of the following:
 23 (1) Amounts deposited in the fund under IC 4-33-6.5-6,
 24 IC 4-33-12-6 (before the enactment of P.L.96-2010),
 25 IC 4-33-13-5(b) (before July 1, 2015), IC 6-9-45.5, and
 26 IC 6-9-45.6.
 27 (2) Grants and gifts that the department of natural resources
 28 receives for the fund under terms, obligations, and liabilities that
 29 the department considers appropriate.
 30 (3) The one million dollar (\$1,000,000) initial fee paid to the
 31 gaming commission under IC 4-33-6.5.
 32 (4) Any amount transferred to the fund upon the repeal of
 33 IC 36-7-11.5-8 (the community trust fund).
 34 **(5) Amounts paid to the department of natural resources**
 35 **under IC 4-33-6-4.5(k).**
 36 The fund shall be administered by the department of natural resources.
 37 The expenses of administering the fund shall be paid from money in
 38 the fund.
 39 (c) The treasurer of state shall invest the money in the fund that is
 40 not currently needed to meet the obligations of the fund in the same
 41 manner as other public funds may be invested. The treasurer of state
 42 shall deposit in the fund the interest that accrues from the investment



1 of the fund.

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

4 (e) ~~One million dollars (\$1,000,000) is appropriated from the fund~~
5 ~~to the department of natural resources in the state fiscal year beginning~~
6 ~~after June 30, 2014, and ending before July 1, 2015.~~ Two million
7 dollars (\$2,000,000) is appropriated from the fund to the department of
8 natural resources in each state fiscal year beginning after June 30,
9 2015. The money appropriated under this subsection may be used by
10 the department of natural resources only for the following purposes:

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

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

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

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

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

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

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

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

32 SECTION 52. IC 36-7.5-4-2, AS AMENDED BY P.L.189-2018,
33 SECTION 172, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Except as provided in
35 subsections (b) and (d), the fiscal officer of each city and county
36 described in IC 36-7.5-2-3(b) shall each transfer three million five
37 hundred thousand dollars (\$3,500,000) each year to the development
38 authority for deposit in the development authority revenue fund
39 established under section 1 of this chapter. However, if a county having
40 a population of more than one hundred fifty thousand (150,000) but
41 less than one hundred seventy thousand (170,000) ceases to be a
42 member of the development authority and two (2) or more



1 municipalities in the county have become members of the development
 2 authority as authorized by IC 36-7.5-2-3(i), the transfer of the local
 3 income tax revenue that is dedicated to economic development
 4 purposes that is required to be transferred under IC 6-3.6-11-6 is the
 5 contribution of the municipalities in the county that have become
 6 members of the development authority.

7 (b) This subsection applies only if:

8 (1) the fiscal body of the county described in IC 36-7.5-2-3(e) has
 9 adopted an ordinance under IC 36-7.5-2-3(e) providing that the
 10 county is joining the development authority;

11 (2) the fiscal body of the city described in IC 36-7.5-2-3(e) has
 12 adopted an ordinance under IC 36-7.5-2-3(e) providing that the
 13 city is joining the development authority; and

14 (3) the county described in IC 36-7.5-2-3(e) is an eligible county
 15 participating in the development authority.

16 The fiscal officer of the county described in IC 36-7.5-2-3(e) shall
 17 transfer two million six hundred twenty-five thousand dollars
 18 (\$2,625,000) each year to the development authority for deposit in the
 19 development authority revenue fund established under section 1 of this
 20 chapter. The fiscal officer of the city described in IC 36-7.5-2-3(e) shall
 21 transfer eight hundred seventy-five thousand dollars (\$875,000) each
 22 year to the development authority for deposit in the development
 23 authority revenue fund established under section 1 of this chapter.

24 (c) This subsection does not apply to Lake County, Hammond, Gary,
 25 or East Chicago. The following apply to the remaining transfers
 26 required by subsections (a) and (b):

27 (1) Except for transfers of money described in subdivision (4)(D),
 28 the transfers shall be made without appropriation by the city or
 29 county fiscal body or approval by any other entity.

30 (2) Except as provided in subdivision (3), each fiscal officer shall
 31 transfer eight hundred seventy-five thousand dollars (\$875,000)
 32 to the development authority revenue fund before the last
 33 business day of January, April, July, and October of each year.
 34 Food and beverage tax revenue deposited in the fund under
 35 IC 6-9-36-8 is in addition to the transfers required by this section.

36 (3) The fiscal officer of the county described in IC 36-7.5-2-3(e)
 37 shall transfer six hundred fifty-six thousand two hundred fifty
 38 dollars (\$656,250) to the development authority revenue fund
 39 before the last business day of January, April, July, and October
 40 of each year. The county is not required to make any payments or
 41 transfers to the development authority covering any time before
 42 January 1, 2017. The fiscal officer of a city described in



1 IC 36-7.5-2-3(e) shall transfer two hundred eighteen thousand
 2 seven hundred fifty dollars (\$218,750) to the development
 3 authority revenue fund before the last business day of January,
 4 April, July, and October of each year. The city is not required to
 5 make any payments or transfers to the development authority
 6 covering any time before January 1, 2017.

7 (4) The transfers shall be made from one (1) or more of the
 8 following:

9 (A) Riverboat admissions tax revenue received by the city or
 10 county, riverboat wagering tax revenue received by the city or
 11 county, or riverboat incentive payments received from a
 12 riverboat licensee by the city or county.

13 (B) Any local income tax revenue that is dedicated to
 14 economic development purposes under IC 6-3.6-6 and
 15 received under IC 6-3.6-9 by the city or county.

16 (C) Any other local revenue other than property tax revenue
 17 received by the city or county.

18 (D) In the case of a county described in IC 36-7.5-2-3(e) or a
 19 city described in IC 36-7.5-2-3(e), any money from the major
 20 moves construction fund that is distributed to the county or
 21 city under IC 8-14-16.

22 (d) This subsection applies only to Lake County, Hammond, Gary,
 23 and East Chicago. The obligations of each city and the county under
 24 subsection (a) are satisfied by the distributions made by the auditor of
 25 state on behalf of each unit under ~~IC 4-33-12-6(d)~~ **IC 4-33-12-8** and
 26 IC 4-33-13-5(j). However, if the total amount distributed under IC 4-33
 27 on behalf of a unit with respect to a particular state fiscal year is less
 28 than the amount required by subsection (a), the fiscal officer of the unit
 29 shall transfer the amount of the shortfall to the authority from any
 30 source of revenue available to the unit other than property taxes. The
 31 auditor of state shall certify the amount of any shortfall to the fiscal
 32 officer of the unit after making the distribution required by
 33 IC 4-33-13-5(j) on behalf of the unit with respect to a particular state
 34 fiscal year.

35 (e) A transfer made on behalf of a county, city, or town under this
 36 section after December 31, 2018:

37 (1) is considered to be a payment for services provided to
 38 residents by a rail project as those services are rendered; and

39 (2) does not impair any pledge of revenues under this article
 40 because a pledge by the development authority of transferred
 41 revenue under this section to the payment of bonds, leases, or
 42 obligations under this article or IC 5-1.3:



- 1 (A) constitutes the obligations of the northwest Indiana
2 regional development authority; and
3 (B) does not constitute an indebtedness of a county, city, or
4 town described in this section or of the state within the
5 meaning or application of any constitutional or statutory
6 provision or limitation.
- 7 (f) Neither the transfer of revenue as provided in this section nor the
8 pledge of revenue transferred under this section is an impairment of
9 contract within the meaning or application of any constitutional
10 provision or limitation because of the following:
- 11 (1) The statutes governing local taxes, including the transferred
12 revenue, have been the subject of legislation annually since 1973,
13 and during that time the statutes have been revised, amended,
14 expanded, limited, and recodified dozens of times.
- 15 (2) Owners of bonds, leases, or other obligations to which local
16 tax revenues have been pledged recognize that the regulation of
17 local taxes has been extensive and consistent.
- 18 (3) All bonds, leases, or other obligations, due to their essential
19 contractual nature, are subject to relevant state and federal law
20 that is enacted after the date of a contract.
- 21 (4) The state of Indiana has a legitimate interest in assisting the
22 development authority in financing rail projects.
- 23 (g) All proceedings had and actions described in this section are
24 valid pledges under IC 5-1-14-4 as of the date of those proceedings or
25 actions and are hereby legalized and declared valid if taken before
26 March 15, 2018.



COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 552, 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:

Page 1, line 3, after "a" insert "**single player or**".

Page 2, delete lines 1 through 20.

Page 5, between lines 14 and 15, begin a new paragraph and insert:

"(c) This subsection does not apply to the relocation of a casino under IC 4-33-6-4.5. The commission may not issue a license to an applicant if the issuance of the license would permit the applicant to locate a riverboat less than seventy-five (75) miles from the location of another riverboat licensed under this article or a gambling game facility under IC 4-35, as determined by the distance between the closest point from the proposed location of the applicant's riverboat to the location of another riverboat or gambling game facility."

Page 6, line 18, delete "Lake County" and insert "**Gary**".

Page 6, line 26, delete "a" and insert "**an**".

Page 6, line 30, delete "the county to which the riverboat is" and insert "**Vigo County**".

Page 6, line 31, delete "relocating".

Page 6, line 33, delete "a county" and insert "**Vigo County**".

Page 6, line 34, delete "county" and insert "**Vigo County**".

Page 6, line 35, delete "the county" and insert "**Vigo County**".

Page 6, line 37, delete "____" and insert "**Vigo**".

Page 7, line 3, delete "a county" and insert "**Vigo County**".

Page 7, line 3, delete "the county" and insert "**Vigo County**".

Page 7, line 5, delete "that county" and insert "**Vigo County**".

Page 7, line 6, delete "the county" and insert "**Vigo County**".

Page 7, line 8, delete "that county" and insert "**Vigo County**".

Page 7, between lines 33 and 34, begin a new paragraph and insert:

"(k) If a riverboat relocates under this section, the licensed owner shall pay six million dollars (\$6,000,000) to the city of Evansville. Eighty percent (80%) of the funds received under this subsection must be applied to reduce the property lease payments of the licensed owner of the inland casino located in Evansville."

Page 7, line 34, delete "(k)" and insert "**(I)**".

Page 8, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 16. IC 4-33-6-24, AS ADDED BY P.L.255-2015,



SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 24. **(a) This section does not apply to a relocated riverboat in Gary under section 4.5 of this chapter.**

~~(a)~~ **(b)** For purposes of this section, property is considered to be adjacent to a riverboat dock site even if it is separated from the dock site by public rights-of-way or railroad rights-of-way.

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

- (1) Except as provided in subsection ~~(c)~~; **(d)**, the casino is located on property that the licensed owner owned or leased and used in the conduct of the licensed owner's gaming operations on February 1, 2015.
- (2) The casino is located on property adjacent to the dock site of the licensed owner's riverboat.
- (3) The casino complies with all applicable building codes and any safety requirements imposed by the commission.
- (4) The commission approves the relocation of the licensed owner's gaming operation.

~~(c)~~ **(d)** This subsection applies to a licensed owner that owns or leases property that is considered adjacent to a riverboat dock site under subsection ~~(a)~~; **(b)**. The licensed owner may:

- (1) acquire part of the public rights-of-way or railroad rights-of-way to form a contiguous parcel with the property owned or leased by the licensed owner on February 1, 2015; and
- (2) subject to the other requirements of this section, situate an inland casino on the contiguous parcel formed under subdivision (1).

~~(d)~~ **(e)** The commission may impose any requirement upon a licensed owner relocating gaming operations under this section.

~~(e)~~ **(f)** The number of gambling games offered by a licensed owner in an inland facility operated under this section may not exceed the greatest number of gambling games offered by the licensed owner in the licensed owner's docked riverboat since January 1, 2007.

SECTION 17. IC 4-33-6-24.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 24.5. **(a) This section applies to a relocated riverboat in Gary under section 4.5 of this chapter.**

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

- (1) The casino complies with all applicable building codes and**



any safety requirements imposed by the commission.

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

(c) The commission may impose any requirement upon a licensed owner relocating gaming operations under this section.

SECTION 18. IC 4-33-6.5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 3.5. This section does not apply to the relocation of a casino under IC 4-33-6-4.5. The commission may not enter into an operating contract with an applicant if the operating agent contract would permit the applicant to locate a riverboat less than seventy-five (75) miles from the location of another riverboat licensed under this article or a gambling game facility under IC 4-35, as determined by the distance between the closest point from the proposed location of the applicant's riverboat to the location or another riverboat or gambling game facility."**

Page 9, delete lines 1 through 19.

Page 9, line 40, delete "transfer the license to" and insert "**operate a satellite location or joint venture satellite location with another licensed owner."**

Page 9, delete lines 41 through 42.

Page 10, delete lines 36 through 38.

Page 10, line 39, delete "6." and insert "5."

Page 11, between lines 5 and 6, begin a new paragraph and insert:

"Sec. 6. A licensed owner or permit holder operating a casino under this chapter shall pay two million dollars (\$2,000,000) by July 15 of each year to the Indiana horse racing commission to be distributed as follows:

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

(2) Forty-six percent (46%) to the breed development fund established for standardbreds under IC 4-31-11-10.

(3) Eight percent (8%) to the breed development fund established for quarter horses under IC 4-31-11-10.

Sec. 7. A licensed owner or permit holder operating a casino under this chapter shall pay six million dollars (\$6,000,000) to the city of Evansville. Eighty percent (80%) of the funds received under this subsection must be applied to reduce the property lease payments of the licensed owner of the inland casino located in Evansville."

Page 13, between lines 39 and 40, begin a new paragraph and insert:



"SECTION 30. IC 4-33-12-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 10. (a) This section applies only to a riverboat located in Vigo County.**

(b) As used in this section, "board" refers to the capital improvement board of managers established under IC 36-10-8 for Vigo County.

(c) The treasurer of state shall quarterly pay one dollar (\$1) of the supplemental wagering tax collected by the licensed owner under this chapter for each person admitted to the riverboat during the quarter to the board. The payment required by this subsection is instead of a payment to the fiscal officer of Vigo County under section 6(b)(2) of this chapter.

(d) The board may use money received under this section for any lawful purpose of the board."

Page 14, between lines 1 and 2, begin a new paragraph and insert:
 "SECTION 31. IC 4-33-13-5, AS AMENDED BY P.L.212-2018(ss), SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:**

(1) An amount equal to the following shall be set aside for revenue sharing under subsection (e):

(A) Before July 1, 2021, the first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(B) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is equal to or greater than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(C) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is less than the total adjusted gross receipts received by licensees from



gambling games authorized under this article during the state year ending June 30, 2020, an amount equal to the first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter multiplied by the result of:

(i) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year; divided by

(ii) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020;

shall be set aside for revenue sharing under subsection (e).

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

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

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

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

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

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

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district after June 30, ~~2015~~ **2019**. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) Fifty-six and five-tenths percent (56.5%) shall be paid **as follows:**

(A) **Sixty-six and four-tenths percent (66.4%) shall be paid**



to the state general fund.

(B) Thirty-three and six-tenths percent (33.6%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(2) Forty-three and five-tenths percent (43.5%) shall be paid as follows:

(A) Twenty-two and four-tenths percent (22.4%) shall be paid as follows:

(i) Fifty percent (50%) to the fiscal officer of the town of French Lick.

(ii) Fifty percent (50%) to the fiscal officer of the town of West Baden Springs.

(B) Fourteen and eight-tenths percent (14.8%) shall be paid to the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this clause among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this clause must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this clause, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this clause were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(C) Thirteen and one-tenth percent (13.1%) shall be paid to the county treasurer of Orange County.

(D) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(E) Five and three-tenths percent (5.3%) shall be distributed



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

(F) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Paoli.

(G) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Orleans.

(H) Twenty-six and four-tenths percent (26.4%) shall be paid to the Indiana economic development corporation established by IC 5-28-3-1 for transfer as follows:

(i) Beginning after December 31, 2017, ten percent (10%) of the amount transferred under this clause in each calendar year shall be transferred to the South Central Indiana Regional Economic Development Corporation or a successor entity or partnership for economic development for the purpose of recruiting new business to Orange County as well as promoting the retention and expansion of existing businesses in Orange County.

(ii) The remainder of the amount transferred under this clause in each calendar year shall be transferred to Radius Indiana or a successor regional entity or partnership for the development and implementation of a regional economic development strategy to assist the residents of Orange County and the counties contiguous to Orange County in improving their quality of life and to help promote successful and sustainable communities.

To the extent possible, the Indiana economic development corporation shall provide for the transfer under item (i) to be made in four (4) equal installments. However, an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under this section were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission before making distributions to the South Central Indiana Regional Economic Development Corporation and Radius Indiana or their successor entities or partnerships. The amount paid to the Orange County



development commission shall proportionally reduce the amount payable to the South Central Indiana Regional Economic Development Corporation and Radius Indiana or their successor entities or partnerships.

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

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

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

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

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

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

(e) Except as provided in subsections (l) and (m), before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection 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 in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

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

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

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

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

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) Before July 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-9), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection

(i), the amount of an entity's supplemental distribution is equal to:

(1) the entity's base year revenue (as determined under IC 4-33-12-9); minus

(2) the sum of:

(A) the total amount of money distributed to the entity and constructively received by the entity during the preceding state fiscal year under IC 4-33-12-6 or IC 4-33-12-8; plus

(B) the amount of any admissions taxes deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a



consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

- (1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

(i) This subsection applies to a supplemental distribution made after June 30, 2017. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is equal to the following:

- (1) Before July 1, 2021, forty-eight million dollars (\$48,000,000).
- (2) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is equal to or greater than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the maximum amount is forty-eight million dollars (\$48,000,000).
- (3) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is less than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the maximum amount is equal to the result of:

(A) forty-eight million dollars (\$48,000,000); multiplied by

(B) the result of:

- (i) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year; divided by
- (ii) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020.

If the total amount determined under subsection (g) exceeds the maximum amount determined under this subsection, the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 or IC 4-33-12-8 bears to the total amount distributed under IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental



distribution.

(j) This subsection applies to a supplemental distribution, if any, payable to Lake County, Hammond, Gary, or East Chicago under subsections (g) and (i). Beginning in July 2016, the treasurer of state shall, after making any deductions from the supplemental distribution required by IC 6-3.1-20-7, deduct from the remainder of the supplemental distribution otherwise payable to the unit under this section the lesser of:

- (1) the remaining amount of the supplemental distribution; or
- (2) the difference, if any, between:
 - (A) three million five hundred thousand dollars (\$3,500,000); minus
 - (B) the amount of admissions taxes constructively received by the unit in the previous state fiscal year.

The treasurer of state shall distribute the amounts deducted under this subsection to the northwest Indiana redevelopment authority established under IC 36-7.5-2-1 for deposit in the development authority revenue fund established under IC 36-7.5-4-1.

(k) Money distributed to a political subdivision under subsection (b):

- (1) must be paid to the fiscal officer of the political subdivision and may be deposited in the political subdivision's general fund or riverboat fund established under IC 36-1-8-9, or both;
- (2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in subsection (b)(2)(B), may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;
- (3) except as provided in subsection (b)(2)(B), may be used for any legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and
- (4) is considered miscellaneous revenue.

Money distributed under subsection (b)(2)(B) must be used for the purposes specified in subsection (b)(2)(B).

(l) After June 30, 2020, the amount of wagering taxes that would otherwise be distributed to South Bend under subsection (e) shall be deposited as being received from all riverboats whose supplemental wagering tax, as calculated under IC 4-33-12-1.5(b), is over three and five-tenths percent (3.5%). The amount deposited under this subsection, in each riverboat's account, is proportionate to the



supplemental wagering tax received from that riverboat under IC 4-33-12-1.5 in the month of July. The amount deposited under this subsection must be distributed in the same manner as the supplemental wagering tax collected under IC 4-33-12-1.5. This subsection expires June 30, 2021.

(m) After June 30, 2021, the amount of wagering taxes that would otherwise be distributed to South Bend under subsection (e) shall be withheld and deposited in the state general fund.

SECTION 32. IC 4-33-13-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5.3. (a) The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this section under section 5 of this chapter and IC 4-33-8.5-2 during the state fiscal year 2019. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(b) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5 of this chapter is greater than the base revenue determined under subsection (a), the treasurer of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

- (1) the difference between the base revenue determined for Hammond under subsection (a) and the amount payable to Hammond under section 5 of this chapter; or**
- (2) the difference between the amount payable to Gary under section 5 of this chapter and the base revenue determined for Gary under subsection (a).**

The treasurer of state shall supplement the amount payable to Hammond under section 5 of this chapter with the amount deducted under this subsection.

(c) This subsection applies if a casino is located in Vigo County under IC 4-33-6-4.5 or IC 4-33-9.5. The treasurer of state shall deduct the greater of the following from the amount otherwise payable to Vigo County under section 5 of this chapter:

- (1) Zero dollars (\$0); or**
- (2) The sum of:**
 - (A) the difference between the base revenue determined for Shelby County under subsection (a) and the amount**



payable to Shelby County under IC 4-35-8.5-2; and
**(B) the difference between the base revenue determined for
 Madison County under subsection (a) and the amount
 payable to Madison County under IC 4-35-8.5-2.**

The treasurer of state shall distribute fifty percent (50%) of the amount deducted under this subsection to the county auditor of Shelby County under IC 4-35-8.5-2 and fifty percent (50%) of the amount deducted under this subsection to the county auditor of Madison County under IC 4-35-8.5-2.

SECTION 33. IC 4-33-13-7, AS AMENDED BY P.L.255-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) This section applies to adjusted gross receipts from wagering on gambling games that occurs after the effective date of this section, as added by SEA 528-2013.

(b) As used in this section, "qualified wagering" refers to wagers made by patrons using noncashable vouchers, coupons, electronic credits, or electronic promotions provided by the licensed owner or operating agent.

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

(d) A licensed owner or operating agent may not deduct more than the following amounts in a particular state fiscal year **with respect to the qualified wagering conducted at a particular riverboat:**

- (1) Two million five hundred thousand dollars (\$2,500,000) in a state fiscal year ending before July 1, 2013.
- (2) Five million dollars (\$5,000,000) in a state fiscal year beginning after June 30, 2013, and ending before July 1, 2015.
- (3) Seven million dollars (\$7,000,000) in a state fiscal year beginning after June 30, 2015, **and ending before July 1, 2020.**
- (4) **Nine million dollars (\$9,000,000) in a state fiscal year beginning after June 30, 2020.**

(e) A licensed owner or operating agent may for a state fiscal year assign all or part of the amount of the deduction under this section that is not claimed by the licensed owner or operating agent for the state fiscal year to another licensed owner, operating agent, or licensee as defined by IC 4-35-2-7. An assignment under this subsection must be in writing and both the licensed owner or operating agent assigning the deduction and the licensed owner, operating agent, or licensee as



defined by IC 4-35-2-7 to which the deduction is assigned shall report the assignment to the commission and to the department. The maximum amount that may be assigned under this subsection by a licensed owner or operating agent for a state fiscal year is equal to the result of:

- (1) seven million dollars (\$7,000,000); minus
- (2) the amount deducted under this subsection by the licensed owner or operating agent for the state fiscal year."

Page 14, line 37, after "wagering" insert ", **not including a table game approved by the commission under section 19 of this chapter,**".

Page 14, line 41, delete "the percentage of" and insert "**twenty percent (20%) of the**".

Page 15, line 1, delete "licensee, as" and insert "**licensee.**".

Page 15, delete line 2.

Page 17, line 21, reset in roman "state board of accounts shall audit the accounts, books and records".

Page 17, line 22, reset in roman "of the".

Page 17, line 22, delete "commission, each" and insert "commission. Each".

Page 17, line 23, strike "a".

Page 17, line 23, strike "any".

Page 17, line 25, delete "conduct an" and insert "**submit to an annual**".

Page 17, line 26, delete "section and provide" and insert "**section. The audit shall be performed by an independent public accountant and the audit report shall be provided**".

Page 17, line 27, delete "a copy of the audit".

Page 18, line 20, delete "sire".

Page 21, delete lines 8 through 37, begin a new paragraph and insert:

"SECTION 36. IC 4-35-7-19, AS ADDED BY P.L.255-2015, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) After ~~March 1, 2021~~, **July 1, 2019**, and before ~~June 30, 2021~~, a licensee may submit a plan to the commission for conducting wagering on table games at the licensee's gambling game facility. ~~The commission shall consider a plan submitted under this subsection within forty-five (45) days of receiving the plan.~~

(b) ~~In making its determination to authorize wagering on table games, the commission shall consider the potential:~~

- (1) ~~economic benefits;~~
- (2) ~~tax revenue;~~



(3) number of new jobs; and

(4) capital investments;

that could occur if the commission authorizes wagering on table games based on a plan submitted under subsection (a):

(c) **(b) Upon receipt of a** After considering a plan submitted under subsection (a) and the criteria described in subsection (b), **that meets the requirements under IC 4-33 for table games at riverboats**, the commission **may shall** authorize wagering on table games at the licensee's gambling game facility.

(d) A licensee may not:

(1) install more gambling games than the number of gambling games proposed in the table game plan submitted to the commission; and

(2) offer more than two thousand two hundred (2,200) gambling games as provided under section 11(b) of this chapter.

SECTION 37. IC 4-35-8-1, AS AMENDED BY P.L.212-2018(ss), SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A graduated slot machine gambling game wagering tax is imposed as follows on ninety-nine percent (99%) of the adjusted gross receipts received after June 30, 2012, and before July 1, 2013, on ninety-one and five-tenths percent (91.5%) of the adjusted gross receipts received after June 30, 2013, and before July 1, 2015, and on eighty-eight percent (88%) of the adjusted gross receipts received after June 30, 2015, from wagering on gambling games slot machines authorized by this article:

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

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

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

(b) A gambling game tax is imposed on eighty-eight percent (88%) of the adjusted gross receipts received from wagering on table games authorized under this article. The tax is equal to twenty percent (20%) of the adjusted gross receipts received by a



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

~~(b)~~ (c) A licensee shall do the following:

(1) Remit the daily amount of tax imposed by this section to the department on the twenty-fourth calendar day of each month. Any taxes collected during the month but after the day on which the taxes are required to be paid shall be paid to the department at the same time the following month's taxes are due.

(2) Report gaming activity information to the commission daily on forms prescribed by the commission.

~~(c)~~ (d) The payment of the tax under this section must be in a manner prescribed by the department.

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

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

SECTION 38. IC 4-35-8-5, AS AMENDED BY P.L.255-2015, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) This section applies to adjusted gross receipts from wagering on gambling games that occurs after the effective date of this section, as added by SEA 528-2013.

(b) As used in this section, "qualified wagering" refers to wagers made by patrons using noncashable vouchers, coupons, electronic credits, or electronic promotions provided by the licensee.

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

(d) A licensee may not deduct more than the following amounts in a particular state fiscal year:

(1) Two million five hundred thousand dollars (\$2,500,000) in a state fiscal year ending before July 1, 2013.

(2) Five million dollars (\$5,000,000) in a state fiscal year beginning after June 30, 2013, and ending before July 1, 2015.

(3) Seven million dollars (\$7,000,000) in a state fiscal year beginning after June 30, 2015.

(4) Nine million dollars (\$9,000,000) in a state fiscal year beginning after June 30, 2020.

(e) Deductions under this section also apply to a licensee's adjusted



gross receipts for purposes of the following statutes:

- (1) IC 4-35-7-12.
- (2) IC 4-35-8.5.
- (3) IC 4-35-8.9.

(f) A licensee may for a state fiscal year assign all or part of the amount of the deduction under this section that is not claimed by the licensee for the state fiscal year to another licensee, a licensed owner as defined by IC 4-33-2-13, or an operating agent as defined by IC 4-33-2-14.5. An assignment under this subsection must be in writing and both the licensee assigning the deduction and the licensee, licensed owner as defined by IC 4-33-2-13, or operating agent as defined by IC 4-33-2-14.5, to which the deduction is assigned shall report the assignment to the commission and to the department. The maximum amount that may be assigned under this subsection by a licensee for a state fiscal year is equal to the result of:

- (1) seven million dollars (\$7,000,000); minus
- (2) the amount deducted under this subsection by the licensee for the state fiscal year."

Page 22, between lines 10 and 11, begin a new paragraph and insert:

"Sec. 3. The commission shall regulate and administer sports wagering conducted by a certificate holder or vendor under this article.

Sec. 4. The commission has the following powers and duties for the purpose of administering, regulating, and enforcing the system of sports wagering authorized under this article:

- (1) All powers and duties specified in this article.
- (2) All powers necessary and proper to fully and effectively execute this article.
- (3) Jurisdiction and supervision over the following:
 - (A) All sports wagering operations in Indiana.
 - (B) All persons at licensed facilities where sports wagering is conducted.
- (4) Any power specified in IC 4-33 or IC 4-35 concerning the supervision of persons conducting gambling games, patrons wagering on gambling games, and the facilities in which gambling games are conducted.
- (5) To investigate and reinvestigate applicants, certificate holders, licensees, and vendors.
- (6) To investigate alleged violations of this article.
- (7) To revoke, suspend, or renew certificates and licenses under this article.
- (8) To take any reasonable or appropriate action to enforce



this article.

Sec. 5. The commission may do the following:

- (1) Take appropriate administrative enforcement or disciplinary action against a person who violates this article.**
- (2) Conduct hearings.**
- (3) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other relevant documents.**
- (4) Administer oaths and affirmations to witnesses."**

Page 22, delete lines 12 through 36, begin a new paragraph and insert:

"Sec. 1. The definitions set forth in this chapter apply throughout this article unless the context clearly denotes otherwise.

Sec. 2. "Adjusted gross receipts" means:

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

For purposes of this section, a counter or personal check that is invalid or unenforceable under this article is considered cash received by the certificate holder from sports wagering.

Sec. 3. "Amateur youth sporting event" refers to any sporting event in which an individual:

- (1) must be less than eighteen (18) years of age to participate; and**
- (2) is prohibited, as a condition of participating in the sporting event, from receiving direct or indirect compensation for the use of the individual's athletic skill in any manner with respect to the sport in which the particular sporting event is conducted.**

Sec. 4. "Certificate holder" means a licensed owner, operating agent, or permit holder issued a certificate of authority by the commission authorizing the licensed owner, operating agent, or



permit holder to conduct sports wagering independently or through a vendor under this article.

Sec. 5. "Commission" refers to the Indiana gaming commission established by IC 4-33-3-1.

Page 22, line 37, delete "4." and insert "6."

Page 22, line 38, delete "5." and insert "7."

Page 22, line 38, after "a" insert "**single player or**".

Page 22, delete lines 40 through 42, begin a new paragraph and insert:

"Sec. 8. "Geofence" means a virtual geographic boundary defined by GPS or RFID technology, which enables software to trigger a response when a mobile device enters or leaves a particular area.

Sec. 9. "Gross receipts" means the total amount of money exchanged for the purchase of electronic cards by sports wagering patrons.

Sec. 10. "In-play wagering" refers to the practice of placing a wage after a sporting event has started.

Sec. 11. "Licensed facility" means any of the following:

- (1) A satellite facility operated under IC 4-31-5.5.**
- (2) A riverboat operated under IC 4-33.**
- (3) A gambling game facility operated under IC 4-35.**
- (4) A Vigo County casino under IC 4-33-9.5.**
- (5) A relocated riverboat under IC 4-33-6-4.5.**

Sec. 12. "Licensed owner" has the meaning set forth in IC 4-33-2-13.

Sec. 13. "Occupational license" means a license issued by the commission under IC 4-33-8.

Sec. 14. "Operating agent" means a person with whom the commission has entered into a contract under IC 4-33-6.5 to operate a riverboat in a historic hotel district.

Sec. 15. "Permit holder" has the meaning set forth in IC 4-31-2-14.

Sec. 16. "Person" means an individual, a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity.

Sec. 17. "Riverboat" has the meaning set forth in IC 4-33-2-17.

Sec. 18. "Sports wagering" refers to wagering conducted under this article on athletic and sporting events involving human competitors. The term does not include pari-mutuel wagering on horse racing or money spent to participate in paid fantasy sports under IC 4-33-24.



Sec. 19. "Sports wagering device" refers to a mechanical, electrical, or computerized contrivance, terminal, device, apparatus, piece of equipment, or supply approved by the commission for conducting sports wagering under this article.

Sec. 20. "Sports wagering service provider" means a person that contracts with a certificate holder, a vendor, or an applicant for a certificate of authority under IC 4-38-4 or vendor's license to:

- (1) sell, lease, offer, or otherwise provide or distribute a sports wagering device or associated equipment;**
- (2) service a sports wagering device or associated equipment;**
- or**
- (3) provide risk management services, integrity services, or odds.**

Sec. 21. "Sports wagering service provider license" means a license issued under IC 4-38-7.

Sec. 22. "Supplier's license" means a license issued under IC 4-33-7.

Sec. 23. "Vendor" means a person with whom a certificate holder contracts for either of the following:

- (1) Conducting or managing sports wagering operations within a licensed facility.**
- (2) Conducting sports wagering through mobile devices under IC 4-38-5-10.**

Sec. 24. "Vendor's license" means a license issued to a vendor under IC 4-38-6."

Page 23, delete lines 1 through 32.

Page 24, line 6, delete "IC 4-38-5-9." and insert "**IC 4-38-5-10.**".

Page 24, between lines 14 and 15, begin a new line block indented and insert:

"(7) Standards for approving procedures and technologies necessary to comply with the requirements of IC 4-38-9.

(8) Standards for approving procedures and technologies necessary for a certificate holder or vendor to securely and efficiently maintain and store records of all bets and wagers placed with the certificate holder or vendor.

(9) Rules establishing geofence standards concerning where a wager may and may not be placed, including:

(A) only placing wagers within the boundaries of Indiana; and

(B) prohibiting wagers at the location of particular sporting events."

Page 25, delete lines 1 through 3.



Page 25, line 7, delete "December 31," and insert "**June 30**,".

Page 25, line 8, delete "October" and insert "**July**".

Page 25, line 20, delete "equal to the greater of:" and insert "**of one hundred thousand dollars (\$100,000)**".

Page 25, delete lines 21 through 26.

Page 25, line 32, delete "equal to the greater of:" and insert "**of one hundred thousand dollars (\$100,000)**".

Sec. 4. Upon:

(1) receipt of the application and fee required by section 3 of this chapter; and

(2) approving the submitted application;

the commission shall issue a certificate of authority to a licensed owner, an operating agent, or a permit holder authorizing the licensed owner, operating agent, or permit holder to conduct sports wagering under this article in a designated licensed facility.

Sec. 5. The commission shall deposit fees received under section 3 of this chapter in the sports wagering fund established by IC 4-38-8-2."

Page 25, delete lines 33 through 42.

Page 26, delete lines 1 through 4.

Page 26, delete lines 30 through 42, begin a new paragraph and insert:

"Sec. 4. (a) A certificate holder or vendor may accept wagers on professional and collegiate sporting events approved for sports wagering by the commission. Except as provided in subsection (c), a certificate holder or vendor may use data selected in its discretion to determine whether a wager is a winning wager.

(b) A certificate holder or vendor may not accept wagers on e-sports regardless of whether the e-sports event involves one (1) or multiple players.

(c) In-play wagering is authorized under this article. A certificate holder or vendor must determine that an in-play wager is a winning wager using only official data provided by the governing body conducting a sporting event described in subsection (a).

Sec. 5. A certificate holder or vendor may not accept wagers on the following:

(1) High school and other amateur youth sporting events.

(2) A sporting event that has not been approved for sports wagering by the commission.

Sec. 6. A certificate holder or vendor may not cancel wagering on a particular sporting event after posting odds and beginning to



accept wagers on the sporting event. A certificate holder or vendor must pay winning patrons following the end of the sporting event.

Sec. 7. A certificate holder or vendor may not permit any sports wagering on the premises of a licensed facility except as permitted by this article.

Sec. 8. (a) A sports wagering device, platform, or other means of conducting sports wagering must be:

- (1) approved by the commission; and
- (2) acquired by a certificate holder or vendor from a person holding both a supplier's license and a sports wagering service provider license.

(b) The commission shall determine whether other supplies and equipment used to conduct sports wagering require a certificate holder to acquire the supplies and equipment from a person holding both a supplier's license and a sports wagering service provider license.

(c) IC 4-33-7 applies to the distribution of sports wagering devices and the conduct of sports wagering under this article.

Sec. 9. The commission shall determine the occupations related to sports wagering that require an occupational license. IC 4-33-8 applies to the conduct of sports wagering under this article.

Sec. 10. A certificate holder or vendor may accept wagers placed using a mobile device from a patron if the patron registers with the certificate holder or vendor as a mobile device user and acquires any necessary mobile device applications from the certificate holder. A patron may register under this section in person at the certificate holder's licensed facility or online using an Internet form approved by the commission.

Sec. 11. IC 4-31-6-11, IC 4-33-4-27, IC 4-33-8.5, IC 4-35-4-16, and IC 4-35-6.7 apply, as appropriate, to sports wagering conducted at a licensed facility.

Sec. 12. (a) This section applies to sports wagering conducted at a satellite facility by a certificate holder that is a permit holder.

(b) A certificate issued under this article is null and void if the certificate holder fails to:

- (1) maintain a license issued under IC 4-31-5.5 to operate the satellite facility; or
- (2) satisfy the conditions for obtaining a satellite facility license set forth in IC 4-31-5.5-3(b)(3) in the certificate holder's operation of the satellite facility.

Chapter 6. Vendors

Sec. 1. A person must hold a license issued under this chapter



before entering into a contract as a vendor with a certificate holder.

Sec. 2. The commission may issue a vendor's license to a qualified applicant.

Sec. 3. (a) A person applying for a vendor's license under this chapter must pay a nonrefundable application fee of one hundred thousand dollars (\$100,000) to the commission. The commission shall deposit fees received under this section in the sports wagering fund established by IC 4-38-8-2.

(b) An applicant must submit the following on forms provided by the commission:

(1) If the applicant is an individual, two (2) sets of the individual's fingerprints.

(2) If the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant.

(c) The commission shall review the applications for a vendor's license under this chapter and shall inform each applicant of the commission's decision concerning the issuance of the vendor's license.

(d) The costs of investigating an applicant for a vendor's license under this chapter shall be paid from the application fee paid by the applicant.

(e) An applicant for a vendor's license under this chapter must pay all additional costs that are:

(1) associated with the investigation of the applicant; and

(2) greater than the amount of the application fee paid by the applicant.

Sec. 4. In determining whether to grant a vendor's license to an applicant, the commission shall consider the character, reputation, experience, and financial integrity of the following:

(1) The applicant.

(2) A person that:

(A) directly or indirectly controls the applicant; or

(B) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.

Sec. 5. (a) The state police department may assist the commission in conducting background investigations of applicants for a vendor's license. The commission may forward all fingerprints required to be submitted by license applicants under this chapter to the Federal Bureau of Investigation or any other agency for the purpose of screening applicants. The commission



shall reimburse the state police department for the costs incurred by the state police department as a result of the assistance. The commission shall make the payment from fees collected from applicants.

(b) The commission through its gaming agents shall conduct background investigations of applicants. Costs incurred conducting the investigations must be paid from fees collected from applicants.

Sec. 6. A person holding a vendor's license shall pay to the commission an annual administrative fee of fifty thousand dollars (\$50,000). The fee imposed by this section is due one (1) year after the date that the vendor begins performing services under a contract with a certificate holder in the conduct of sports wagering under this article and on each annual anniversary date thereafter. The commission shall deposit the administrative fees received under this section in the sports wagering fund.

Sec. 7. A certificate holder may not contract with more than three (3) vendors.

Chapter 7. Sports Wagering Service Providers

Sec. 1. A person must hold a license issued under this chapter before entering into a contract as a sports wagering service provider with a certificate holder, a vendor, or an applicant for a certificate of authority under IC 4-38-4 or a vendor's license.

Sec. 2. The commission may issue a sports wagering service provider license to a qualified applicant.

Sec. 3. (a) A person applying for a sports wagering service provider license under this chapter must pay a nonrefundable application fee of one hundred thousand dollars (\$100,000) to the commission. The commission shall deposit fees received under this section in the sports wagering fund established by IC 4-38-8-2.

(b) An applicant must submit a completed application on a form prescribed by the commission.

Sec. 4. While considering a person's application for a sports wagering service provider license, the commission may issue the person a temporary license to conduct business under this article if the following criteria are met:

- (1) The person has filed with the commission either of the following:
 - (A) A completed application.
 - (B) A substantially complete application as determined by the commission.
- (2) The person agrees in writing to the following conditions of the temporary license issued under this section:



(A) The temporary license does not create a right or privilege to continue conducting business under this article if the person's application for a sports wagering service provider license is rejected by the commission.

(B) The commission may rescind the person's temporary license and the authority to conduct business under this article at any time, with or without notice to the person, if:

- (i) the commission is informed that the suitability of the person may be at issue; and
- (ii) the person fails to cooperate with the commission in the commission's investigation into the qualifications and suitability of the person for a sports wagering service provider license.

Sec. 5. When reviewing a person's application for a sports wagering service provider license, the commission:

- (1) shall consider the suitability findings of other jurisdictions in which the person is licensed, certified, or authorized to conduct business as a sports wagering service provider; and
- (2) may waive requirements set forth in the application form prescribed by the commission if:

(A) the suitability findings of other jurisdictions provide sufficient information to fully consider the person's application; and

(B) the person provides all the information otherwise requested by the commission."

Page 27, delete lines 1 through 40.

Page 27, line 41, delete "6." and insert "**8. Annual License**".

Page 28, line 1, delete "seventy-five" and insert "**fifty**".

Page 28, line 2, delete "\$75,000)." and insert "**(\$50,000)**".

Page 28, line 9, delete "administrative fees deposited in the" and insert "**following**:"

- (1) Initial fees deposited in the fund under IC 4-38-4-5.
- (2) Fees deposited in the fund under IC 4-38-6.
- (3) Fees deposited in the fund under IC 4-38-7.
- (4) Administrative fees deposited in the fund under section 1 of this chapter.

Chapter 9. Integrity Requirements

Sec. 1. (a) A certificate holder or vendor shall conduct:

- (1) background checks on newly hired employees engaged in activities related to the conducting of sports wagering; and
- (2) annual background checks on all existing employees engaged in activities related to the conducting of sports



wagering.

A background check conducted under this section must include a search for criminal history and any charges or convictions involving corruption or manipulation of sporting events and any association with organized crime.

(b) A person may not obtain any of the following required for conducting business under this article unless the person meets the suitability requirements determined by the commission:

- (1) A vendor's license.
- (2) A sports wagering service provider license.
- (3) A supplier's license.
- (4) An occupational license.

Sec. 2. (a) A certificate holder, vendor, or sports wagering service provider shall employ commercially reasonable methods to maintain the security of wagering data, customer data, and other confidential information from unauthorized access and dissemination.

(b) Nothing in this article precludes the use of Internet or cloud based hosting of data described in subsection (a) or any disclosure of information required by court order, other law, or this article.

Sec. 3. The commission shall prohibit a certificate holder or vendor from accepting wagers placed by any of the following:

- (1) A partnership, a corporation, an association, or any other entity that is not an individual.
- (2) A person who is not at least twenty-one (21) years of age.
- (3) A certificate holder, a vendor, a director, officer, or employee of a certificate holder or vendor, or a relative of a certificate holder or vendor.
- (4) A sports wagering service provider, a director, officer, or employee of a sports wagering service provider, or a relative of a sports wagering service provider.
- (5) With respect to a sporting event sponsored, organized, or conducted by a particular sports governing body, any of the following:
 - (A) An employee of the sports governing body.
 - (B) A game official employed by or under contract with the sports governing body.
 - (C) A coach, manager, or other personnel employed by or under contract with a member club of the sports governing body.
 - (D) An athlete who is:
 - (i) under contract with a member club of the sports



governing body in the case of a team sport; or

(ii) eligible to participate in events conducted by the sports governing body in the case of an individual sport.

(E) An employee of a union representing athletes or game officials.

(F) A relative of an individual described in clauses (A) through (E).

(6) An individual convicted of a state or federal crime relating to sports wagering.

Sec. 4. (a) The commission may use information received from a sports governing body to determine whether to allow:

(1) wagering on a particular event; or

(2) patrons to make wagers of a particular type.

(b) If a sports governing body requests wagering information or requests the commission to prohibit wagering on a particular event or making wagers of a particular type, the commission shall grant the request upon a demonstration of good cause from the sports governing body.

(c) The commission shall respond to a request from a sports governing body concerning a particular event:

(1) before the start of the event; or

(2) if it is not feasible to respond before the start of the event, as expeditiously as possible.

Sec. 5. The commission and each certificate holder or vendor shall cooperate with investigations conducted by sports governing bodies or law enforcement agencies, including by providing or facilitating the provision of betting information and audio or video files relating to persons placing wagers. Information shared under this section is confidential.

Sec. 6. A certificate holder or vendor shall immediately report to the commission any information relating to:

(1) criminal or disciplinary proceedings commenced against the certificate holder or vendor in connection with its operations;

(2) bets or wagers that violate state or federal law;

(3) abnormal betting activity or patterns that may indicate a concern regarding the integrity of a sporting event or events;

(4) any potential breach of the relevant sport's governing body's internal rules and codes of conduct pertaining to sports wagering;

(5) any other conduct that corrupts a betting outcome of a sporting event or events for purposes of financial gain; and



(6) suspicious or illegal wagering activities, including use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, using agents to place wagers, and using false identification.

A certificate holder or vendor shall also immediately report information relating to conduct described in subdivision (3), (4), or (5) to the relevant sports governing body.

Sec. 7. A certificate holder or vendor shall maintain the confidentiality of information provided by a sports governing body to the certificate holder or vendor, unless disclosure is required by this article, the commission, other law, or court order.

Sec. 8. Information provided to the commission by a sports governing body is confidential and may not be disclosed under IC 5-14."

Page 28, delete lines 10 through 17, begin a new paragraph and insert:

"SECTION 41. IC 6-8.1-1-1, AS AMENDED BY P.L.212-2018(ss), SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1."Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the supplemental wagering tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the ~~slot machine gambling game~~ wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1) (repealed); the county option income tax (IC 6-3.5-6) (repealed); the county economic development income tax (IC 6-3.5-7) (repealed); the local income tax (IC 6-3.6); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the vehicle excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) (repealed); the heavy equipment rental excise tax (IC 6-6-15); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC



6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-20-18); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-20-18); and any other tax or fee that the department is required to collect or administer."

Page 28, line 41, delete "IC 4-33-9.5-6(b)." and insert "**IC 4-33-9.5-5(b).**".

Renumber all SECTIONS consecutively.

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

(Reference is to SB 552 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 10, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 552, 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:

Page 1, delete lines 12 through 15, begin a new paragraph and insert:

"SECTION 3. IC 4-31-3-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 16. (a) The bureau shall provide information to a certificate holder, as defined in IC 4-38-2, concerning persons who are delinquent in child support.**

(b) Prior to a certificate holder dispersing a payout of six hundred dollars (\$600) or more, in cash winnings, from sports wagering to a person who is delinquent in child support, the certificate holder:

(1) may deduct and retain an administrative fee in the amount of the lesser of:

(A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or

(B) one hundred dollars (\$100); and

(2) shall:

(A) withhold the amount of delinquent child support owed

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from cash winnings;

(B) transmit to the bureau:

(i) the amount withheld for delinquent child support; and

(ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the licensed owner, operating agent, or trustee; and

(C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.

(c) The bureau shall notify the obligor at the address provided by the certificate holder that the bureau intends to offset the obligor's delinquent child support with the cash winnings.

(d) The bureau shall hold the amount withheld from each cash winnings of an obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.

(e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (b)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law."

Page 2, delete line 42.

Page 3, line 1, delete "(6)" and insert "(5)".

Page 4, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 12. IC 4-33-4-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 28. (a) The bureau shall provide information to a certificate holder, as defined in IC 4-38-2, concerning persons who are delinquent in child support.**

(b) Prior to a certificate holder dispersing a payout of six hundred dollars (\$600) or more, in cash winnings, from sports wagering to a person who is delinquent in child support, the certificate holder:

(1) may deduct and retain an administrative fee in the amount of the lesser of:

(A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or

(B) one hundred dollars (\$100); and

(2) shall:

(A) withhold the amount of delinquent child support owed



from cash winnings;

(B) transmit to the bureau:

(i) the amount withheld for delinquent child support; and

(ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the licensed owner, operating agent, or trustee; and

(C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.

(c) The bureau shall notify the obligor at the address provided by the certificate holder that the bureau intends to offset the obligor's delinquent child support with the cash winnings.

(d) The bureau shall hold the amount withheld from each cash winnings of an obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.

(e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (b)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law."

Page 4, line 11, delete "chapter and IC 4-33-9.5," and insert "chapter,".

Page 4, line 37, delete "does not apply" and insert "**applies only**".

Page 4, line 38, delete "IC 4-33-6-4.5." and insert "**section 4.5 of this chapter and any future relocation of a license.**".

Page 6, delete lines 2 through 42, begin a new paragraph and insert:

"SECTION 13. IC 4-33-6-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **(a) A person holding an owner's license under section 1(a)(1) of this chapter may move a riverboat using one (1) of the licenses described in section 1(a)(1) of this chapter to a different location in Gary and may move a riverboat using the other license described in section 1(a)(1) of this chapter to a location in Vigo County only if:**

(1) the licensed owner:

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

(B) agrees, upon approval of the request, to relinquish



ownership of the property being vacated, and to relocate:

- (i) one (1) gaming operation to a location that is within the city limits of Gary; and
 - (ii) one (1) gaming operation to a location in Vigo County;
- (2) the legislative body of the:
- (A) city or town of relocation, if the riverboat is relocating to a city or town; or
 - (B) county of relocation, if the riverboat is relocating to an unincorporated area of a county;
- adopts a resolution approving the relocation of the riverboat;
- (3) the voters of Vigo County have approved a public question under IC 4-31-4-3 or section 19 of this chapter;
- (4) the licensed owner complies with all applicable building codes and any safety requirements imposed by the commission;
- (5) with regard to the gaming operation relocated under subdivision (1)(B)(i), the licensed owner enters into a development agreement (as defined in IC 4-33-23-2) with the city of Gary;
- (6) with regard to the gaming operation relocated under subdivision (1)(B)(ii), the licensed owner enters into an agreement with the commission to provide an annual distribution of money to be used for shoreline development and infrastructure of the vacated property being relinquished under subdivision (1)(B); and
- (7) subject to subsection (i), the commission adopts a resolution approving the relocation of the licensed owner's gaming operations.

The request must contain any information required by the commission.

(b) If voters in Vigo County have not approved a public question described in subsection (a)(3), the Vigo County election board shall place the following question on the ballot in Vigo County during the next primary or general election:

"Shall riverboat gambling be permitted in Vigo County?".

(c) A public question under subsection (b) shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

(d) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.



(e) If a public question under this section is placed on the ballot in Vigo County and the voters of Vigo County do not vote in favor of permitting riverboat gambling under this article, a second public question under this section may not be held in Vigo County for at least two (2) years. If the voters of Vigo County vote to reject riverboat gambling a second time, a third or subsequent public question under this section may not be held in Vigo County for at least two (2) years.

(f) The commission may impose any requirement on a licensed owner relocating gaming operations under this section.

(g) The commission shall prescribe the form of the request for approval to relocate the licensed owner's gaming operations under this section.

(h) When reviewing an application to relocate gaming operations under this section, the commission shall consider:

- (1) economic benefits;
- (2) tax revenue;
- (3) the number of new jobs;
- (4) whether the owner plans to make at least fifty percent (50%) of the owner's proposed investment in the Vigo County casino for the development of nongaming amenities;
- (5) whether the owner plans an investment of at least one hundred fifty million dollars (\$150,000,000) in the development of a casino; and
- (6) any other issue deemed appropriate by the commission.

(i) The commission shall adopt a resolution approving an application to transfer gaming operations under this section if the requirements of this section are met.

(j) If a riverboat relocates under this section, the new casino may be an inland casino as described in section 24 of this chapter.

SECTION 14. IC 4-33-6-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4.6. If gaming operations are relocated within the city limits of Gary under section 4.5(a)(1)(B)(i) of this chapter, the city of Gary may provide funding to:**

- (1) Hammond;
- (2) East Chicago; and
- (3) Michigan City;

to supplement amounts payable to those cities under IC 4-33-13-5.

SECTION 15. IC 4-33-6-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4.7. (a) This section applies to the licensed owner of**



a gaming operation that is relocated to Vigo County under section 4.5 of this chapter.

(b) A licensed owner described in subsection (a) shall pay two million dollars (\$2,000,000) by July 15 of each year to the Indiana horse racing commission to be distributed as follows:

- (1) Forty-six percent (46%) to the breed development fund established for thoroughbreds under IC 4-31-11-10.
- (2) Forty-six percent (46%) to the breed development fund established for standardbreds under IC 4-31-11-10.
- (3) Eight percent (8%) to the breed development fund established for quarter horses under IC 4-31-11-10.

(c) This section expires July 1, 2022.

SECTION 16. IC 4-33-6-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4.8. (a) This section applies to the licensed owner of a gaming operation that is relocated to Vigo County under section 4.5 of this chapter.**

(b) A licensed owner described in subsection (a) shall enter into a development agreement (as defined in IC 4-33-23-2) with:

- (1) the city of Terre Haute and Vigo County, if the casino is operating in Terre Haute; or
- (2) Vigo County, if the casino is operating in Vigo County but not in the city of Terre Haute."

Page 7, delete lines 1 through 29.

Page 8, line 10, after "chapter" delete "," and insert "or".

Page 8, line 11, delete ", or a Vigo".

Page 8, line 12, delete "County casino under IC 4-33-9.5".

Page 8, between lines 14 and 15, begin a new paragraph and insert: "SECTION 18. IC 4-33-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 19. (a) This section applies to:**

- (1) a county contiguous to the Ohio River;
- (2) a county containing a historic hotel district; ~~and~~
- (3) a county contiguous to Lake Michigan that has a population of less than four hundred thousand (400,000); ~~and~~
- (4) a relocated casino under section 4.5 of this chapter.**

(b) Notwithstanding any other provision of this article, the commission may not:

- (1) issue a license under this article to allow a riverboat to operate in the county; or
- (2) enter into a contract with an operating agent under IC 4-33-6.5;



unless the voters of the county have approved the conducting of gambling games on riverboats in the county.

(c) If the docking of a riverboat in the county is approved by an ordinance adopted under section 18 of this chapter, or if at least the number of the registered voters of the county required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning riverboat gaming be placed on the ballot, the county election board shall place the following question on the ballot in the county during the next primary or general election:

"Shall riverboat gambling be permitted in ____ County?"

(d) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

(e) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(f) If a public question under this section is placed on the ballot in a county and the voters of the county do not vote in favor of permitting riverboat gambling under this article, a second public question under this section may not be held in that county for at least two (2) years. If the voters of the county vote to reject riverboat gambling a second time, a third or subsequent public question under this section may not be held in that county until the general election held during the tenth year following the year that the previous public question was placed on the ballot."

Page 9, line 23, delete "does not apply" and insert "**applies only**".

Page 9, line 24, delete "IC 4-33-6-4.5." and insert "**IC 4-33-6-4.5 and any future relocation of a license.**".

Page 9, line 31, delete "or another" and insert "**of another**".

Page 9, delete lines 33 through 42.

Delete page 10.

Page 11, delete lines 1 through 30.

Page 12, line 34, delete "IC 4-33-9.5" and insert "**IC 4-33-6-4.5**".

Page 13, line 20, delete "IC 4-33-9.5" and insert "**IC 4-33-6-4.5**".

Page 14, line 18, delete "IC 4-33-9.5" and insert "**IC 4-33-6-4.5**".

Page 14, delete lines 30 through 35, begin a new paragraph and insert:

"(c) The department shall deposit in the state general fund the tax revenue collected under this chapter.

(d) Except as provided by sections 6 and 8 of this chapter, the treasurer of state shall quarterly pay the following amounts:



(1) Except as provided in section 9(k) of this chapter, thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter shall be paid to the:

(A) city in which the riverboat is located, if the riverboat is located in a city; or

(B) county in which the riverboat is located, if the riverboat is not located in a city.

(2) Except as provided in section 9(k) of this chapter, thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter shall be paid to the board.

(3) Except as provided in section 9(k) of this chapter, three and thirty-three hundredths percent (3.33%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in section 9(k) of this chapter, five percent (5%) of the admissions tax and supplemental wagering tax collected by the licensed owner during a quarter shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(5) Except as provided in section 9(k) of this chapter, three and thirty-three hundredths percent (3.33%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax and supplemental wagering tax to the prevention and treatment of compulsive gambling.

(6) Twenty-one and six hundred sixty-seven thousandths percent (21.667%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter shall be paid to the state general fund."

Page 14, line 36, delete "(d)" and insert "(e)".

Page 14, delete line 42.

Delete pages 15 through 22.

Page 23, delete lines 1 through 34.

Page 24, between lines 33 and 34, begin a new paragraph and insert:



"SECTION 27. IC 4-35-2-2, AS AMENDED BY P.L.210-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. **(a)** "Adjusted gross receipts" means:

- (1) the total of all cash and property (including checks received by a licensee, whether collected or not) received by a licensee from gambling games, including amounts that are distributed by a licensee under IC 4-35-7-12; minus
- (2) the total of:
 - (A) all cash paid out to patrons as winnings for gambling games; and
 - (B) uncollectible gambling game receivables, not to exceed the lesser of:
 - (i) a reasonable provision for uncollectible patron checks received from gambling games; or
 - (ii) two percent (2%) of the total of all sums, including checks, whether collected or not, less the amount paid out to patrons as winnings for gambling games.

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

(b) The term does not include amounts received from sports wagering conducted by a licensee or operating agent under IC 4-38."

Page 25, delete lines 2 through 8, begin a new paragraph and insert:

"SECTION 29. IC 4-35-4-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. **(a) The bureau shall provide information to a certificate holder, as defined in IC 4-38-2, concerning persons who are delinquent in child support.**

(b) Prior to a certificate holder dispersing a payout of six hundred dollars (\$600) or more, in cash winnings, from sports wagering to a person who is delinquent in child support, the certificate holder:

- (1) may deduct and retain an administrative fee in the amount of the lesser of:**
 - (A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or**
 - (B) one hundred dollars (\$100); and**
- (2) shall:**
 - (A) withhold the amount of delinquent child support owed from cash winnings;**
 - (B) transmit to the bureau:**



- (i) the amount withheld for delinquent child support; and
 - (ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the licensed owner, operating agent, or trustee; and
- (C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.

(c) The bureau shall notify the obligor at the address provided by the certificate holder that the bureau intends to offset the obligor's delinquent child support with the cash winnings.

(d) The bureau shall hold the amount withheld from each cash winnings of an obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.

(e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (b)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law.

SECTION 27. IC 4-35-7-11, AS AMENDED BY P.L.255-2015, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) Before ~~January 2, 2021~~, **July 2, 2019**, a licensee may not install more than two thousand (2,000) slot machines on the premises of the licensee's racetrack without the approval of the commission.

(b) After ~~January 1, 2021~~, **July 1, 2019**, a licensee may not offer more than two thousand two hundred (2,200) gambling games on the premises of a licensee's racetrack."

Page 25, line 27, delete "wagering," and insert "wagering **(except for adjusted gross receipts from sports wagering under IC 4-38)**".

Page 25, line 33, delete "twenty" and insert "**twelve**".

Page 25, line 34, delete "(20%)" and insert "**(12%)**".

Page 32, line 22, after "(d)" insert "**(c)**".

Page 32, line 22, reset in roman "A licensee may not:".

Page 32, reset in roman lines 23 through 27.

Page 32, line 36, reset in roman "gambling games".

Page 32, line 36, delete "slot" and insert "**(except for adjusted gross receipts from sports wagering under IC 4-38)**".

Page 32, line 37, delete "machines".

Page 33, delete lines 9 through 14.



Page 33, line 15, reset in roman "(b)".

Page 33, line 15, delete "(c)".

Page 33, line 23, reset in roman "(c)".

Page 33, line 23, delete "(d)".

Page 33, line 25, reset in roman "(d)".

Page 33, line 25, delete "(e)".

Page 33, line 29, reset in roman "(e)".

Page 33, line 29, delete "(f)".

Page 34, line 9, delete "2015." and insert "2015, **and ending before July 1, 2020.**".

Page 34, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 37. IC 4-35-8.5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 0.5. This chapter does not apply to sports wagering conducted under IC 4-38 at a riverboat.**"

Page 36, line 41, delete "wage" and insert "**wager**".

Page 40, line 38, delete "9" and insert "**10**".

Page 41, line 8, delete "commission." and insert "**commission, and other events as approved by the commission.**".

Page 41, line 26, delete "event." and insert "**event, except in the event of obvious error, at the certificate holder's or vendor's discretion.**".

Page 42, line 12, after "11." insert "**IC 4-31-3-16,**".

Page 42, line 12, delete "IC 4-33-4-27," and insert "**IC 4-33-4-28,**".

Page 42, line 12, delete "IC 4-35-4-16," and insert "**IC 4-35-4-17,**".

Page 43, line 40, delete "fund." and insert "**fund established by IC 4-38-8-2.**".

Page 45, line 16, delete "fund." and insert "**fund established by section 2 of this chapter.**".

Page 48, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 38. IC 6-3.1-20-7, AS AMENDED BY P.L.204-2016, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The department shall before July 1 of each year determine the following:

(1) The greater of:

(A) eight million five hundred thousand dollars (\$8,500,000);

or

(B) the amount of credits allowed under this chapter for taxable years ending before January 1 of the year.

(2) The quotient of:

(A) the amount determined under subdivision (1); divided by

(B) four (4).



(b) Except as provided in subsection (d), one-half (1/2) of the amount determined by the department under subsection (a)(2) shall be:

- (1) deducted each quarter from the riverboat ~~admissions~~ **supplemental wagering** tax revenue otherwise payable to the county under IC 4-33-12-8 and the supplemental distribution otherwise payable to the county under IC 4-33-13-5(g); and
- (2) paid instead to the state general fund.

(c) Except as provided in subsection (d), one-sixth (1/6) of the amount determined by the department under subsection (a)(2) shall be:

- (1) deducted each quarter from the riverboat ~~admissions~~ **supplemental wagering** tax revenue otherwise payable under IC 4-33-12-8 and the supplemental distribution otherwise payable under IC 4-33-13-5(g) to each of the following:
 - (A) The largest city by population located in the county.
 - (B) The second largest city by population located in the county.
 - (C) The third largest city by population located in the county;
- and

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

(d) If the amount determined by the department under subsection (a)(1)(B) is less than eight million five hundred thousand dollars (\$8,500,000), the difference of:

- (1) eight million five hundred thousand dollars (\$8,500,000); minus
- (2) the amount determined by the department under subsection (a)(1)(B);

shall be paid in four (4) equal quarterly payments to the northwest Indiana regional development authority established by IC 36-7.5-2-1 instead of the state general fund. Any amounts paid under this subsection shall be used by the northwest Indiana regional development authority only to establish or improve public mass rail transportation systems in Lake County."

Page 48, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 42. IC 31-25-4-8.5, AS AMENDED BY P.L.212-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8.5. In addition to the duties imposed by sections 7 and 8 of this chapter, the bureau shall do the following:

- (1) Share data regarding obligors who are delinquent with:
 - (A) a licensed owner, operating agent, and trustee in accordance with IC 4-33-4-27;
 - (B) a permit holder and trustee in accordance with IC 4-35-4-16;



- (C) the state lottery commission; ~~and~~
 (D) a game operator or licensee in accordance with
 IC 4-33-24-29; ~~and~~
**(E) a certificate holder as provided in IC 4-31-3-16,
 IC 4-33-4-28, and IC 4-35-4-17;**

to allow for the interception of cash winnings and prizes from the obligors.

(2) Distribute money collected from the persons described in subdivision (1) according to federal child support laws and regulations."

Page 48, delete lines 38 through 42.

Delete page 49.

Page 50, delete lines 1 through 11, begin a new paragraph and insert:

"SECTION 43. IC 36-7.5-4-2, AS AMENDED BY P.L.189-2018, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Except as provided in subsections (b) and (d), the fiscal officer of each city and county described in IC 36-7.5-2-3(b) shall each transfer three million five hundred thousand dollars (\$3,500,000) each year to the development authority for deposit in the development authority revenue fund established under section 1 of this chapter. However, if a county having a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000) ceases to be a member of the development authority and two (2) or more municipalities in the county have become members of the development authority as authorized by IC 36-7.5-2-3(i), the transfer of the local income tax revenue that is dedicated to economic development purposes that is required to be transferred under IC 6-3.6-11-6 is the contribution of the municipalities in the county that have become members of the development authority.

(b) This subsection applies only if:

- (1) the fiscal body of the county described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the development authority;
- (2) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority; and
- (3) the county described in IC 36-7.5-2-3(e) is an eligible county participating in the development authority.

The fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer two million six hundred twenty-five thousand dollars



(\$2,625,000) each year to the development authority for deposit in the development authority revenue fund established under section 1 of this chapter. The fiscal officer of the city described in IC 36-7.5-2-3(e) shall transfer eight hundred seventy-five thousand dollars (\$875,000) each year to the development authority for deposit in the development authority revenue fund established under section 1 of this chapter.

(c) This subsection does not apply to Lake County, Hammond, Gary, or East Chicago. The following apply to the remaining transfers required by subsections (a) and (b):

(1) Except for transfers of money described in subdivision (4)(D), the transfers shall be made without appropriation by the city or county fiscal body or approval by any other entity.

(2) Except as provided in subdivision (3), each fiscal officer shall transfer eight hundred seventy-five thousand dollars (\$875,000) to the development authority revenue fund before the last business day of January, April, July, and October of each year. Food and beverage tax revenue deposited in the fund under IC 6-9-36-8 is in addition to the transfers required by this section.

(3) The fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer six hundred fifty-six thousand two hundred fifty dollars (\$656,250) to the development authority revenue fund before the last business day of January, April, July, and October of each year. The county is not required to make any payments or transfers to the development authority covering any time before January 1, 2017. The fiscal officer of a city described in IC 36-7.5-2-3(e) shall transfer two hundred eighteen thousand seven hundred fifty dollars (\$218,750) to the development authority revenue fund before the last business day of January, April, July, and October of each year. The city is not required to make any payments or transfers to the development authority covering any time before January 1, 2017.

(4) The transfers shall be made from one (1) or more of the following:

(A) Riverboat admissions tax revenue received by the city or county, riverboat wagering tax revenue received by the city or county, or riverboat incentive payments received from a riverboat licensee by the city or county.

(B) Any local income tax revenue that is dedicated to economic development purposes under IC 6-3.6-6 and received under IC 6-3.6-9 by the city or county.

(C) Any other local revenue other than property tax revenue received by the city or county.



(D) In the case of a county described in IC 36-7.5-2-3(e) or a city described in IC 36-7.5-2-3(e), any money from the major moves construction fund that is distributed to the county or city under IC 8-14-16.

(d) This subsection applies only to Lake County, Hammond, Gary, and East Chicago. The obligations of each city and the county under subsection (a) are satisfied by the distributions made by the auditor of state on behalf of each unit under ~~IC 4-33-12-6(d)~~ **IC 4-33-12-8** and IC 4-33-13-5(j). However, if the total amount distributed under IC 4-33 on behalf of a unit with respect to a particular state fiscal year is less than the amount required by subsection (a), the fiscal officer of the unit shall transfer the amount of the shortfall to the authority from any source of revenue available to the unit other than property taxes. The auditor of state shall certify the amount of any shortfall to the fiscal officer of the unit after making the distribution required by IC 4-33-13-5(j) on behalf of the unit with respect to a particular state fiscal year.

(e) A transfer made on behalf of a county, city, or town under this section after December 31, 2018:

- (1) is considered to be a payment for services provided to residents by a rail project as those services are rendered; and
- (2) does not impair any pledge of revenues under this article because a pledge by the development authority of transferred revenue under this section to the payment of bonds, leases, or obligations under this article or IC 5-1.3:

- (A) constitutes the obligations of the northwest Indiana regional development authority; and
- (B) does not constitute an indebtedness of a county, city, or town described in this section or of the state within the meaning or application of any constitutional or statutory provision or limitation.

(f) Neither the transfer of revenue as provided in this section nor the pledge of revenue transferred under this section is an impairment of contract within the meaning or application of any constitutional provision or limitation because of the following:

- (1) The statutes governing local taxes, including the transferred revenue, have been the subject of legislation annually since 1973, and during that time the statutes have been revised, amended, expanded, limited, and recodified dozens of times.
- (2) Owners of bonds, leases, or other obligations to which local tax revenues have been pledged recognize that the regulation of local taxes has been extensive and consistent.



(3) All bonds, leases, or other obligations, due to their essential contractual nature, are subject to relevant state and federal law that is enacted after the date of a contract.

(4) The state of Indiana has a legitimate interest in assisting the development authority in financing rail projects.

(g) All proceedings had and actions described in this section are valid pledges under IC 5-1-14-4 as of the date of those proceedings or actions and are hereby legalized and declared valid if taken before March 15, 2018."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 552 as printed February 12, 2019.)

MISHLER, Chairperson

Committee Vote: Yeas 12, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 552 be amended to read as follows:

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 4. IC 4-31-11-4, AS AMENDED BY P.L.256-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Each development committee consists of three (3) members appointed as follows:

(1) One (1) member appointed by the governor, who shall chair the committee.

(2) One (1) member appointed by the ~~permit holder of the track where the breed of horse races:~~ **lieutenant governor.**

(3) One (1) member appointed by the ~~horsemen's association that is approved for funding by the~~ Indiana horse racing commission. ~~and representing owners.~~

(b) The members of each development committee must be residents of Indiana who are knowledgeable in horse breeding and racing. ~~and must include one (1) member who is an owner and one (1) member who is a breeder.~~ No more than two (2) members of each development committee may be members of the same political party.

(c) ~~If more than one (1) horsemen's association for a breed represents owners; the associations must agree on the associations'~~

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appointment described in subsection (a)(3) to the development committee.

(c) For a member to be eligible for an appointment and to continue to serve on a development committee under subsection (a), the member must hold a valid current license issued by the commission."

Page 9, between lines 33 and 34, begin a new paragraph and insert:

"(k) If a riverboat relocates under this section or section 4.6 of this chapter to Vigo County, the licensed owner shall pay one million five hundred thousand dollars (\$1,500,000) to the department of natural resources on a date established by the licensed owner and the commission in each year, for three (3) years, that the relocated riverboat is in operation. The department of natural resources shall deposit the payments RECEIVED under this subsection in the West Baden Springs historic hotel preservation and maintenance fund established under IC 36-7-11.5-11.

(l) If a riverboat relocates under this section or section 4.6 of this chapter to Vigo County, the licensed owner shall pay:

(1) a one (1) time payment of one million two hundred thousand dollars (\$1,200,000) within the first year of the relocated riverboat operating in Vigo County;

(2) a one (1) time payment of nine hundred thousand dollars (\$900,000) within the second year of the relocated riverboat operating in Vigo County; and

(3) a one (1) time payment of six hundred thousand dollars (\$600,000) within the third year of the relocated riverboat operating in Vigo County;

to the city of Evansville."

Page 9, line 36, delete "If gaming operations are relocated within the city" and insert **"(a) If a licensed owner holding a license under section 1(a)(1) of this chapter applies to the commission to relocate gaming operations to a location in Vigo County, the licensed owner shall provide notice of the filing of the application to all of the owners of riverboats licensed to operate under this article by certified mail, return receipt requested.**

(b) Any licensed owner may, within thirty (30) days of receipt of a notice under subsection (a), file a declaration of interest to compete for ownership of the riverboat license that is proposed to be relocated to Vigo County.

(c) Upon the receipt of any declaration of interest described in subsection (b), the commission shall initiate the following process



to value the riverboat license that is being proposed to be relocated to Vigo County:

(1) The commission shall retain three (3) appraisers to determine the fair market value of the riverboat license proposed to be relocated to Vigo County. Any licensed owner that filed a declaration of interest shall promptly reimburse the commission for the appraiser's fees.

(2) The commission shall select appraisers that have at least five (5) years experience of determining the value of gaming licenses.

(3) Each appraiser shall certify to the commission in writing and under oath that the appraiser does not have any conflicts of interest in appraising the value of the riverboat license.

(4) Each appraiser shall independently determine the fair market value of the riverboat license that is the subject of the application for relocation of the date of the appraisal. The determination of fair market value shall be based on the riverboat being sited within the city of Gary and shall not include the value of the land the riverboat is located on within the city of Gary.

(5) Each appraiser shall submit a report to the commission describing in detail the facts, conclusion, and methodology used by the appraiser to determine the fair market value of the riverboat license.

(6) Upon receipt of the appraisals, the commission shall add the fair market value determined by each appraiser and divide the total by three (3) to determine the fair market value of the riverboat license to be relocated to Vigo County. If an appraisal is ten percent (10%) less than the average of the two (2) other appraisals, it shall not be used and the remaining two (2) appraisals shall be added together and the total shall be divided by two (2) to determine the fair market value of the license being relocated to Vigo County.

(d) Upon the completion of the process described in subsection (c), the commission may determine whether the holder of the riverboat license described in section 1(a)(1) of this chapter may be relocated to Vigo County or be required to sell its license to a license holder that filed a declaration of interest. In making this determination, the commission shall consider:

- (1) economic benefits;
- (2) tax revenue;
- (3) the number of new jobs;



- (4) whether the applicant plans to make at least fifty percent (50%) of the owner's proposed investment in the Vigo County casino for the development of nongaming amenities;
- (5) whether the applicant has a resolution of support from the legislative body of the unit in Vigo County where it seeks to relocate;
- (6) the financial stability of the applicant;
- (7) the applicant's history of community involvement; and
- (8) any other factor that the commission considers appropriate.

(e) If the commission determines that a license holder that has filed a declaration of interest may purchase the license of the license holder described in section 1(a)(1) of this chapter for the fair market value as determined under subsection (c) and relocate the gaming operation to Vigo County, the commission shall:

- (1) require the license holder that filed the successful declaration of interest to promptly deliver to the commission, not later than ten (10) days after the commission's determination, an irrevocable letter of credit, issued by a bank acceptable to the commission, in the amount of the fair market value in favor of the license holder described in section 1(a)(1) of this chapter to secure payment for the purchase price;
- (2) fix a date certain for the sale of the license; and
- (3) impose other requirements that the commission deems necessary and appropriate to protect the interest of the state, the license holder under section 1(a)(1) of this chapter, and the license holder that filed the successful declaration of interest."

Page 9, delete lines 37 through 42.

Page 10, delete line 15.

Page 11, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 18. IC 4-33-6-7, AS AMENDED BY P.L.234-2007, SECTION 302, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) In granting a license under this chapter, the commission may give favorable consideration to the following:

- (1) Economically depressed areas of Indiana.
 - (2) **Areas of Indiana with an undue economic concentration.**
 - (2) (3) Applicants presenting plans that provide for significant economic development over a large geographic area.
- (b) This subsection applies to any owner's license issued for a city



described in section 1(a)(1) of this chapter. The commission must require the applicant to provide assurances that economic development will occur in the city and that adequate infrastructure and site preparation will be provided to support the riverboat operation. In order to prove the assurance that economic development will occur, the applicant must:

- (1) construct or provide for the construction of an approved hotel; or
- (2) cause economic development that will have an economic impact on the city that exceeds the economic impact that the construction of an approved hotel would have.

(c) This subsection applies to an owner's license issued for the City of East Chicago. If a controlling interest in the owner's license is transferred, the fiscal body of the City of East Chicago may adopt an ordinance voiding any term of the development agreement (as defined by IC 36-1-8-9.5) between:

- (1) the city; and
- (2) the person transferring the controlling interest in the owner's license;

that is in effect as of the date the controlling interest is transferred. The ordinance may provide for any payments made under the redevelopment agreement, including those held in escrow, to be redirected to the City of East Chicago for use as directed by ordinance of the city fiscal body. A requirement to redirect a payment is valid to the same extent as if the requirement had been part of the original agreement. If the ordinance provides for the voiding and renegotiation of any part of a redevelopment agreement, the mayor of the City of East Chicago may negotiate with the person acquiring a controlling interest in the owner's license to replace any terms voided by the ordinance. Terms negotiated under this subsection must be ratified in an ordinance adopted by the city legislative body."

Page 17, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 27. IC 4-33-13-5, AS AMENDED BY P.L.212-2018(ss), SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

- (1) An amount equal to the following shall be set aside for revenue sharing under subsection (e):

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(A) Before July 1, 2021, the first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(B) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is equal to or greater than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(C) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is less than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state year ending June 30, 2020, an amount equal to the first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter multiplied by the result of:

(i) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year; divided by

(ii) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020;

shall be set aside for revenue sharing under subsection (e).

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

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

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

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

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

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



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

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district after June 30, ~~2015~~ 2019. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) Fifty-six and five-tenths percent (56.5%) shall be paid as follows:

(A) **Sixty-six and four-tenths percent (66.4%) shall be paid to the state general fund.**

(B) **Thirty-three and six-tenths percent (33.6%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds twenty-five million dollars (\$25,000,000), the amount described in this clause shall be paid to the state general fund.**

(2) Forty-three and five-tenths percent (43.5%) shall be paid as follows:

(A) Twenty-two and four-tenths percent (22.4%) shall be paid as follows:

(i) Fifty percent (50%) to the fiscal officer of the town of French Lick.

(ii) Fifty percent (50%) to the fiscal officer of the town of West Baden Springs.

(B) Fourteen and eight-tenths percent (14.8%) shall be paid to the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this clause among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this clause must be used to improve the educational attainment of students enrolled in the school



corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this clause, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this clause were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(C) Thirteen and one-tenth percent (13.1%) shall be paid to the county treasurer of Orange County.

(D) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(E) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Crawford County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(F) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Paoli.

(G) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Orleans.

(H) Twenty-six and four-tenths percent (26.4%) shall be paid to the Indiana economic development corporation established by IC 5-28-3-1 for transfer as follows:

- (i) Beginning after December 31, 2017, ten percent (10%) of the amount transferred under this clause in each calendar year shall be transferred to the South Central Indiana Regional Economic Development Corporation or a successor entity or partnership for economic development for the purpose of recruiting new business to Orange County as well as promoting the retention and expansion of existing



businesses in Orange County.

(ii) The remainder of the amount transferred under this clause in each calendar year shall be transferred to Radius Indiana or a successor regional entity or partnership for the development and implementation of a regional economic development strategy to assist the residents of Orange County and the counties contiguous to Orange County in improving their quality of life and to help promote successful and sustainable communities.

To the extent possible, the Indiana economic development corporation shall provide for the transfer under item (i) to be made in four (4) equal installments. However, an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under this section were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission before making distributions to the South Central Indiana Regional Economic Development Corporation and Radius Indiana or their successor entities or partnerships. The amount paid to the Orange County development commission shall proportionally reduce the amount payable to the South Central Indiana Regional Economic Development Corporation and Radius Indiana or their successor entities or partnerships.

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

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

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

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

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

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

(e) Except as provided in subsections (l) and (m), before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection 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 in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

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

- (1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).
- (2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for debt repayment.
- (3) To fund sewer and water projects, including storm water management projects.
- (4) For police and fire pensions.
- (5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under



IC 6-1.1-18.5.

(g) Before July 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-9), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (i), the amount of an entity's supplemental distribution is equal to:

- (1) the entity's base year revenue (as determined under IC 4-33-12-9); minus
- (2) the sum of:
 - (A) the total amount of money distributed to the entity and constructively received by the entity during the preceding state fiscal year under IC 4-33-12-6 or IC 4-33-12-8; plus
 - (B) the amount of any admissions taxes deducted under IC 6-3.1-20-7.

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

- (1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

(i) This subsection applies to a supplemental distribution made after June 30, 2017. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is equal to the following:

- (1) Before July 1, 2021, forty-eight million dollars (\$48,000,000).
- (2) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is equal to or greater than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the maximum amount is forty-eight million dollars (\$48,000,000).
- (3) After June 30, 2021, if the total adjusted gross receipts



received by licensees from gambling games authorized under this article during the preceding state fiscal year is less than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the maximum amount is equal to the result of:

- (A) forty-eight million dollars (\$48,000,000); multiplied by
- (B) the result of:
 - (i) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year; divided by
 - (ii) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020.

If the total amount determined under subsection (g) exceeds the maximum amount determined under this subsection, the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 or IC 4-33-12-8 bears to the total amount distributed under IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental distribution.

(j) This subsection applies to a supplemental distribution, if any, payable to Lake County, Hammond, Gary, or East Chicago under subsections (g) and (i). Beginning in July 2016, the treasurer of state shall, after making any deductions from the supplemental distribution required by IC 6-3.1-20-7, deduct from the remainder of the supplemental distribution otherwise payable to the unit under this section the lesser of:

- (1) the remaining amount of the supplemental distribution; or
- (2) the difference, if any, between:
 - (A) three million five hundred thousand dollars (\$3,500,000); minus
 - (B) the amount of admissions taxes constructively received by the unit in the previous state fiscal year.

The treasurer of state shall distribute the amounts deducted under this subsection to the northwest Indiana redevelopment authority established under IC 36-7.5-2-1 for deposit in the development authority revenue fund established under IC 36-7.5-4-1.

(k) Money distributed to a political subdivision under subsection (b):

- (1) must be paid to the fiscal officer of the political subdivision and may be deposited in the political subdivision's general fund



or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in subsection (b)(2)(B), may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;

(3) except as provided in subsection (b)(2)(B), may be used for any legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

Money distributed under subsection (b)(2)(B) must be used for the purposes specified in subsection (b)(2)(B).

(l) After June 30, 2020, the amount of wagering taxes that would otherwise be distributed to South Bend under subsection (e) shall be deposited as being received from all riverboats whose supplemental wagering tax, as calculated under IC 4-33-12-1.5(b), is over three and five-tenths percent (3.5%). The amount deposited under this subsection, in each riverboat's account, is proportionate to the supplemental wagering tax received from that riverboat under IC 4-33-12-1.5 in the month of July. The amount deposited under this subsection must be distributed in the same manner as the supplemental wagering tax collected under IC 4-33-12-1.5. This subsection expires June 30, 2021.

(m) After June 30, 2021, the amount of wagering taxes that would otherwise be distributed to South Bend under subsection (e) shall be withheld and deposited in the state general fund.

SECTION 27. IC 4-33-13-5.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.3. (a) The auditor of state shall determine the total amount of money paid by the auditor of state to an entity subject to this section under IC 4-35-8.5-2 and section 5 of this chapter during the state fiscal year 2019. The amount determined under this subsection is the base year revenue for each entity subject to this section. The auditor of state shall certify the base year revenue determined under this subsection to each entity subject to this section.**

(b) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5 of this chapter is greater than the base revenue



determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

- (1) The difference between the base revenue determined for Hammond under subsection (a) and the amount payable to Hammond under section 5 of this chapter.
- (2) The difference between the amount payable to Gary under section 5 of this chapter and the base revenue determined for Gary under subsection (a).

The auditor of state shall supplement the amount payable to Hammond under section 5 of this chapter with the amount deducted under this subsection. The auditor of state shall make the determinations and supplement the amount payable under this subsection each year, for the first three (3) years after the riverboat relocates to another location in Gary.

(c) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5 of this chapter is greater than the base revenue determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

- (1) The difference between the base revenue determined for East Chicago under subsection (a) and the amount payable to East Chicago under section 5 of this chapter.
- (2) The difference between the amount payable to Gary under section 5 of this chapter and the base revenue determined for Gary under subsection (a).

The auditor of state shall supplement the amount payable to East Chicago under section 5 of this chapter with the amount deducted under this subsection. The auditor of state shall make the determinations and supplement the amount payable under this subsection each year, for the first three (3) years after the riverboat relocates to another location in Gary.

(d) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5(a)(2) of this chapter is greater than the base revenue determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

- (1) The difference between the base revenue determined for



Michigan City under subsection (a) and the amount payable to Michigan City under section 5(a)(2) of this chapter.

(2) The difference between the amount payable to Gary under section 5(a)(2) of this chapter and the base revenue determined for Gary under subsection (a).

The auditor of state shall supplement the amount payable to Michigan City under section 5(a)(2) of this chapter with the amount deducted under this subsection. The auditor of state shall make the determinations and supplement the amount payable under this subsection each year, for the first three (3) years after the riverboat relocates to another location in Gary.

(e) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5(a)(2) of this chapter is greater than the base revenue determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

(1) The difference between the base revenue determined for LaPorte County under subsection (a) and the amount payable to Michigan City under section 5(a)(2) of this chapter.

(2) The difference between the amount payable to LaPorte County under section 5(a)(2) of this chapter and the base revenue determined for Gary under subsection (a).

The auditor of state shall supplement the amount payable to LaPorte County under section 5(a)(2) of this chapter with the amount deducted under this subsection. The auditor of state shall make the determinations and supplement the amount payable under this subsection each year, for the first three (3) years after the riverboat relocates to another location in Gary."

Page 20, delete lines 18 through 26, begin a new paragraph and insert:

"SECTION 32. IC 4-35-5-2.4, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.4. In determining whether to grant a license under this chapter to an applicant, the commission shall consider the following:

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

(A) The applicant.

(B) A person that:

(i) directly or indirectly controls the applicant; or



- (ii) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.
- (2) The facilities or proposed facilities for the conduct of gambling games. The facilities or proposed facilities must include capital expenditures of at least one hundred million dollars (\$100,000,000).
- (3) The prospective total revenue to be collected by the state from the conduct of gambling games.
- (4) The good faith affirmative action plan of each applicant to recruit, train, and upgrade minorities in all employment classifications.
- (5) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
- (6) If the applicant has adequate capitalization to provide and maintain facilities for gambling games for the duration of the license.
- (7) The extent to which the applicant exceeds or meets other standards adopted by the commission.
- (8) Whether the facilities or proposed facilities for the conduct of gambling games are in or will be in areas of undue economic concentration."**

Page 28, between lines 28 and 29, begin a new paragraph and insert:

"(b) A gambling game tax is imposed on eighty-eight percent (88%) of the adjusted gross receipts received from wagering on table games authorized under this article. The tax is equal to twenty percent (20%) of the adjusted gross receipts received by a licensee during the period beginning July 1 of each year and ending June 30 the following year."

Page 28, line 29, strike "(b)" and insert "(c)".

Page 28, line 37, strike "(c)" and insert "(d)".

Page 28, line 39, strike "(d)" and insert "(e)".

Page 29, line 1, strike "(e)" and insert "(f)".

Page 32, delete line 22.

Page 32, line 23, delete "(5)" and insert "(4)".

Page 35, line 17, delete "must do the following:" and insert "**must:**".

Page 35, line 18, delete "Submit" and insert "**submit**".

Page 35, line 20, delete "wagering." and insert "**wagering; and**".

Page 35, line 21, delete "Pay" and insert "**pay**".

Page 45, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 46. IC 36-7-11.5-11, AS AMENDED BY P.L.255-2015, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) As used in this section, "fund" refers to the



West Baden Springs historic hotel preservation and maintenance fund established by subsection (b).

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

(1) Amounts deposited in the fund under IC 4-33-6.5-6, IC 4-33-12-6 (before the enactment of P.L.96-2010), IC 4-33-13-5(b) (before July 1, 2015), IC 6-9-45.5, and IC 6-9-45.6.

(2) Grants and gifts that the department of natural resources receives for the fund under terms, obligations, and liabilities that the department considers appropriate.

(3) The one million dollar (\$1,000,000) initial fee paid to the gaming commission under IC 4-33-6.5.

(4) Any amount transferred to the fund upon the repeal of IC 36-7-11.5-8 (the community trust fund).

(5) Amounts paid to the department of natural resources under IC 4-33-6-4.5(k).

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

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

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

(e) ~~One million dollars (\$1,000,000) is appropriated from the fund to the department of natural resources in the state fiscal year beginning after June 30, 2014, and ending before July 1, 2015.~~ Two million dollars (\$2,000,000) is appropriated from the fund to the department of natural resources in each state fiscal year beginning after June 30, 2015. The money appropriated under this subsection may be used by the department of natural resources only for the following purposes:

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

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

(A) the grounds surrounding a qualified historic hotel;

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

(C) other facilities used by the guests of the qualified historic



hotel;

as determined by the owner of the hotel riverboat resort.

The department of natural resources shall promptly pay each claim for a purpose described in this subsection, without review or approval of the project or claim under IC 14-21 or IC 36-7-11. IC 14-21-1-18 does not apply to projects or claims paid for maintenance under this section. If insufficient money is available to fully pay all of the submitted claims, the department of natural resources shall pay the claims in the order in which they are received until each claim is fully paid.

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

Renumber all SECTIONS consecutively.

(Reference is to SB 552 as printed February 22, 2019.)

MESSMER

SENATE MOTION

Madam President: I move that Senate Bill 552 be amended to read as follows:

Page 17, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 27. IC 4-33-13-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.3. (a) The auditor of state shall determine the total amount of money paid by the auditor of state to an entity subject to this section under IC 4-35-8.5-2 and section 5 of this chapter during the state fiscal year 2019. The amount determined under this subsection is the base year revenue for each entity subject to this section. The auditor of state shall certify the base year revenue determined under this subsection to each entity subject to this section.**

(b) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5 of this chapter is greater than the base revenue determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

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(1) The difference between the base revenue determined for Hammond under subsection (a) and the amount payable to Hammond under section 5 of this chapter.

(2) The difference between the amount payable to Gary under section 5 of this chapter and the base revenue determined for Gary under subsection (a).

The auditor of state shall supplement the amount payable to Hammond under section 5 of this chapter with the amount deducted under this subsection. The auditor of state shall make the determinations and supplement the amount payable under this subsection each year, for the first three (3) years after the riverboat relocates to another location in Gary.

(c) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5 of this chapter is greater than the base revenue determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount OTHERWISE payable to Gary:

(1) The difference between the base revenue determined for East Chicago under subsection (a) and the amount payable to East Chicago under section 5 of this chapter.

(2) The difference between the amount payable to Gary under section 5 of this chapter and the base revenue determined for Gary under subsection (a).

The auditor of state shall supplement the amount payable to East Chicago under section 5 of this chapter with the amount deducted under this subsection. The auditor of state shall make the determinations and supplement the amount payable under this subsection each year for the first three (3) years after the riverboat relocates to another location in Gary."

Renumber all SECTIONS consecutively.

(Reference is to SB 552 as printed February 22, 2019.)

RANDOLPH LONNIE M



SENATE MOTION

Madam President: I move that Senate Bill 552 be amended to read as follows:

Page 17, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 27. IC 4-33-13-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.3. (a) The auditor of state shall determine the total amount of money paid by the auditor of state to an entity subject to this section under section 5(a)(2) of this chapter and IC 4-35-8.5-2 during the state fiscal year 2019. The amount determined under this subsection is the base year revenue for each entity subject to this section. The auditor of state shall certify the base year revenue determined under this subsection to each entity subject to this section.**

(b) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5(a)(2) of this chapter is greater than the base revenue determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

- (1) The difference between the base revenue determined for Michigan City under subsection (a) and the amount payable to Michigan City under section 5(a)(2) of this chapter.**
- (2) The difference between the amount payable to Gary under section 5(a)(2) of this chapter and the base revenue determined for Gary under subsection (a).**

The auditor of state shall supplement the amount payable to Michigan City under section 5(a)(2) of this chapter with the amount deducted under this subsection.

(c) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5(a)(2) of this chapter is greater than the base revenue determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

- (1) The difference between the base revenue determined for LaPorte County under SUBSECTION (a) and the amount payable to LaPorte County under section 5(a)(2) of this chapter.**
- (2) The difference between the amount payable to LaPorte**



**County under section 5(a)(2) of this chapter and the base revenue determined for Gary under subsection (a).
The auditor of state shall supplement the amount payable to LaPorte County under section 5(a)(2) of this chapter with the amount deducted under this subsection."**

Renumber all SECTIONS consecutively.

(Reference is to SB 552 as printed February 22, 2019.)

BOHACEK

