

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1350

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AN ACT to amend the Indiana Code concerning gaming.

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

SECTION 1. IC 4-31-1-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. The general assembly recognizes that the regulation of horse racing is a unique activity for state government and that policies and procedures appropriate for the performance of other governmental functions are not necessarily appropriate for the regulation of horse racing.**

SECTION 2. IC 4-31-2-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.1. "Breeder" means any of the following:**

- (1) The owner or lessee of a standardbred horse's dam at the time of registration with the commission.**
- (2) The owner or lessee of a thoroughbred horse's dam at the time of registration with the commission.**
- (3) The owner or lessee of a quarter horse's dam at the time of registration with the commission.**

SECTION 3. IC 4-31-2-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 3.5. "Claiming race" means a race in which any horse starting the race may be purchased for a designated amount in accordance with the rules of the commission.**

SECTION 4. IC 4-31-2-20.8 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20.8. "Stallion owner" means the owner or lessee of a standardbred, thoroughbred, or quarter horse stallion registered with the commission for the purpose of having the stallion's progeny eligible to participate in an applicable breed development program at the time of the progeny's conception.**

SECTION 5. IC 4-31-3-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15. (a) IC 5-22 does not apply to procurement by the commission with respect to expenditures made under subsection (b).**

**(b) The commission shall adopt rules under IC 4-22-2 concerning procurement that are applicable to expenditures for the following:**

- (1) Emergency purchases.**
- (2) Drug and forensic testing.**
- (3) Expert and specialized witnesses.**
- (4) Equipment and supplies costing less than ten thousand dollars (\$10,000) that are necessary for the regulation and administration of horse racing.**

**(c) Rules adopted under subsection (b) must aid the commission in selecting providers that present the greatest long term benefit to Indiana with respect to the quality of the product or services, the dependability and integrity of the selected provider, the dependability and availability of the provider's products or services, or the service, security, competence, timeliness, and maximization of gross revenues and net proceeds over the life of the product or service.**

SECTION 6. IC 4-31-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1. (a) This section does not apply to:**

- (1) law enforcement officers; or**
- (2) reporters or other media employees assigned to cover events at a racetrack.**

**(b) A person must be a licensee in order to:**

- (1) participate in racing at a racetrack or at a satellite facility that permits the pari-mutuel form of wagering; or**
- (2) work in any capacity for a permit holder or an employee or a subcontractor of a permit holder; or**
- (3) be eligible to receive owner, breeder, or stallion awards under IC 4-31-11-15.**

SECTION 7. IC 4-31-6-4 IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE UPON PASSAGE]: Sec. 4. Unless revoked by the commission, each license is valid for one (1) year. ~~beginning on January 1 of the year in which it is issued:~~

SECTION 8. IC 4-31-6-8, AS AMENDED BY P.L.113-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Applicants for a license issued by the commission shall submit their fingerprints to the commission ~~once~~ **upon request**. Except as provided in subsection (d), the fingerprints shall be submitted as follows:

(1) The commission shall have fingerprints taken of an applicant for a license before approving the applicant for admission to the racing premises.

(2) Persons not appearing at the racing premises shall submit their fingerprints in the manner prescribed by the commission.

(b) Except as provided in subsection (d), fingerprints required by this section must be submitted on forms prescribed by the commission.

(c) The commission may forward to the Federal Bureau of Investigation or any other agency for processing all fingerprints submitted by license applicants. The commission ~~shall~~ **may** maintain a file of fingerprints.

(d) The commission may accept the results of fingerprints taken ~~within the preceding five (5) years and accepted~~ by a racing body in another racing jurisdiction. The commission may require that acceptance of fingerprints under this subsection be dependent on the existence of a reciprocal agreement through which the state providing the fingerprints agrees to accept fingerprints from Indiana.

(e) The commission shall coordinate with the state police department for the storage of fingerprints submitted under this section.

SECTION 9. IC 4-31-7-1, AS AMENDED BY P.L.149-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) A person holding a permit to conduct a horse racing meeting or a license to operate a satellite facility may provide a place in the racing meeting grounds or enclosure or the satellite facility at which the person may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the horse races conducted or simulcast by the person. The person may not permit or use:

(1) another place other than that provided and designated by the person; or

(2) another method or system of betting or wagering.

However, a permit holder licensed to conduct gambling games under IC 4-35 may permit wagering on gambling games at a racetrack as



permitted by IC 4-35.

(b) Except as provided in section 7 of this chapter, ~~and IC 4-31-5.5,~~ **and IC 4-31-7.5**, the pari-mutuel system of wagering may not be conducted on any races except the races at the racetrack, grounds, or enclosure for which the person holds a permit.

SECTION 10. IC 4-31-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) The following equipment must be provided and maintained in good working order at each permit holder's racetrack or satellite facility, as applicable:

(1) A totalizator for win, place, and show wagering. The totalizator must:

(A) be of a design approved by the commission;

(B) be capable of registering by automatic mechanical, electric, or electronic means on central aggregators all wagers made on each horse, entry, or the field in each of the win, place, and show pools;

(C) display the totals wagered in a manner that permits ready tabulation and recording of those totals by the commission's representative before they are cleared from the central aggregators; and

(D) display to the public on a board running totals of amounts wagered in each of the win, place, and show pools on each entry in each race.

(2) A telephone system connecting the judges' stand with the office of the pari-mutuel plant and any other stations considered necessary by the commission.

(3) A system of bells that shall be rung from the judges' stand to signal the close of wagering.

(4) A button in the judges' stand that, when pressed, will lock ticket-issuing machines and close wagering for each race.

(b) In addition to the requirements of subsection (a), a permit holder may conduct exotic wagering only by the use of automatic mechanical, electric, or electronic devices that:

(1) print and issue tickets evidencing individual wagers;

(2) locally print a permanent record of the tickets issued by each machine or register on central aggregators by automatic mechanical, electric, or electronic means the total dollar value of those tickets; and

(3) permit ready tabulation and recording of those figures by the commission's representative before they are cleared from the central aggregators.

**(c) The commission may waive the requirements of subsection**



**(b) if the commission determines by rule that other systems or technologies are available and sufficient to safeguard the public.**

**(d) This section does not apply to a licensed SPMO (as defined in IC 4-31-7.5-6).**

SECTION 11. IC 4-31-7-9, AS ADDED BY P.L.210-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) After December 31, 2013, the following individuals may not wager on horse racing at a licensed facility:

- (1) A member of the commission.
- (2) An employee of the commission.
- (3) A racing official.
- (4) The spouse of any individual listed in subdivisions (1) through (3).

**(b) After December 31, 2017, the following individuals may not wager on gambling games at a facility licensed under IC 4-35:**

- (1) A member of the commission.**
- (2) The following individuals employed by the commission:**
  - (A) The executive director.**
  - (B) The assistant executive director.**
  - (C) The director of security.**
  - (D) The general counsel.**
  - (E) The deputy general counsel.**
  - (F) A steward.**
  - (G) A judge.**
- (3) The spouse of an individual described in subdivision (1) or (2).**

**(b)(c) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.**

SECTION 12. IC 4-31-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

#### **Chapter 7.5. Advance Deposit Wagering**

**Sec. 1. In enacting this chapter, it is the intent of the general assembly to recognize changes in technology for pari-mutuel wagering and to retain for the Indiana horse racing industry a part of revenues generated by Indiana residents on wagers placed with secondary pari-mutuel organizations.**

**Sec. 2. As used in this chapter, "account holder" means an Indiana resident who has established an advance deposit wagering account.**

**Sec. 3. As used in this chapter, "advance deposit wagering" means a system of pari-mutuel wagering in which wagers of an**



account holder are debited and payouts are credited to an account established by the account holder, regardless of whether the wagers are made in person, by telephone, or through communication by other electronic means.

**Sec. 4.** As used in this chapter, "advance deposit wagering account" means an account for advance deposit wagering held by a licensed SPMO.

**Sec. 5.** As used in this chapter, "communication by other electronic means" means communication by any electronic communication device, including any of the following:

- (1) A personal computer or other device enabling communication through the Internet.
- (2) A private network.
- (3) An interactive television.
- (4) A wireless communication technology.
- (5) An interactive computer service (as defined in IC 35-45-5-1).
- (6) Any other technology approved by the commission.

**Sec. 6.** As used in this chapter, "licensed SPMO" means a secondary pari-mutuel organization licensed under this chapter.

**Sec. 7.** As used in this chapter, "secondary pari-mutuel organization" means an entity that offers advance deposit wagering.

**Sec. 8.** As used in this chapter, "source market fee" refers to the amount of an advance deposit wager made on any race:

- (1) through a licensed SPMO; and
- (2) by an individual whose principal residence is within Indiana at the time the wager is made;

that a permit holder is entitled to receive from the licensed SPMO under the terms of the contract required by section 10 of this chapter between the licensed SPMO and each permit holder.

**Sec. 9.** Advance deposit wagering is permitted in Indiana, subject to this chapter and to rules adopted by the commission.

**Sec. 10. (a)** A licensed SPMO may accept advance deposit wagers for races conducted within or outside Indiana. Advance deposit wagers made under this chapter are considered to have been made in Indiana.

**(b)** A licensed SPMO must have a single written contract signed by each permit holder. The contract must be approved by the commission. The contract must:

- (1) specify the manner in which the amount of the source market fee is determined for each permit holder;



- (2) govern all other aspects of the business relationship between the licensed SPMO and each permit holder; and
- (3) contain a provision reserving all rights of horsemen's associations under the federal Interstate Horse Racing Act (15 U.S.C. 3001 et seq.).

**Sec. 11.** The commission shall adopt rules under IC 4-22-2, including emergency rules adopted in the manner provided in IC 4-22-2-37.1, to implement this chapter. Rules adopted under this section may include rules that prescribe:

- (1) procedures for verifying the age of an individual opening an advance deposit wagering account or placing a wager with a licensed SPMO;
- (2) requirements for opening and administering advance deposit wagering accounts;
- (3) a guarantee or acceptable surety that the full value of balances in an advance deposit wagering account will be paid;
- (4) record keeping requirements;
- (5) licensure procedures, including investigation of applicants, forms for licensure, and procedures for renewal; and
- (6) civil penalties for violations of this chapter or the rules adopted by the commission.

**Sec. 12.** A licensed SPMO shall comply with all applicable federal laws.

**Sec. 13.** A secondary pari-mutuel organization applying for a license under this chapter must provide the following to the commission:

- (1) Written evidence of the approval to conduct advance deposit wagering that the organization has received from the appropriate regulatory authority in each state where the secondary pari-mutuel organization is licensed.
- (2) A copy of a proposed contract executed by the applicant and each permit holder to satisfy the requirements of section 10 of this chapter.
- (3) A nonrefundable application fee of five thousand dollars (\$5,000).
- (4) A complete application on a form prescribed by the commission.
- (5) Any other information required by the commission.

**Sec. 14.** The commission may require an applicant to pay any costs incurred by the commission for background checks, investigation, and review of the license application that exceed five thousand dollars (\$5,000).



**Sec. 15. (a)** The commission may issue to a secondary pari-mutuel organization a license to offer advance deposit wagering to Indiana residents if the commission:

(1) finds that the applicant satisfies the requirements of this chapter and the rules adopted by the commission under section 11 of this chapter; and

(2) approves the contract submitted under section 13 of this chapter.

(b) The term of a license issued under this chapter is one (1) year.

(c) The annual license renewal fee is one thousand dollars (\$1,000).

**Sec. 16.** A secondary pari-mutuel organization that is not licensed under this chapter may not accept a wager from an individual whose physical location is within Indiana at the time the wager is made.

**Sec. 17.** An individual less than twenty-one (21) years of age may not open, own, or have access to an advance deposit wagering account.

**Sec. 18. (a)** As used in this section, "net source market fee" means the difference between:

(1) the amount of the source market fee received by a permit holder from a licensed SPMO; minus

(2) the amount of expenses incurred by the permit holder under this chapter.

(b) Each permit holder shall not later than the end of each month pay to the commission as an advance deposit wagering fee an amount equal to sixty percent (60%) of the net source market fee received from a licensed SPMO during the preceding month.

(c) The commission shall use twenty-five percent (25%) of the revenue received from advance deposit wagering fees under subsection (b) to promote horse racing at the state fair and county fairs.

(d) The commission shall use seventy-five percent (75%) of the revenue received to promote and encourage Indiana horse owner and horse trainer participation at a permit holder's horse racing facility as follows:

(1) Eight percent (8%) of the revenue described shall be distributed to the horsemen's association representing quarter horses.

(2) Forty-six percent (46%) of the revenue shall be distributed to the horsemen's association representing standardbred





owners and trainers.

**(3) Thirty-six and eight-tenths percent (36.8%) of the revenue shall be distributed to the horsemen's association representing thoroughbred owners and trainers.**

**(4) Nine and two-tenths percent (9.2%) of the revenue shall be distributed to the horsemen's association representing thoroughbred owners and breeders.**

**Sec. 19. (a) A permit holder has a right of action against a secondary pari-mutuel organization that accepts a wager in violation of section 16 of this chapter.**

**(b) If the permit holder prevails in an action filed under this section, the permit holder is entitled to the following:**

**(1) An injunction to enjoin future violations of this chapter.**

**(2) Compensatory damages equal to any actual damage proven by the permit holder. If the permit holder does not prove actual damage, the permit holder is entitled to presumptive damages of five hundred dollars (\$500) for each wager placed in violation of this chapter.**

**(3) The permit holder's reasonable attorney's fees and other litigation costs reasonably incurred in connection with the action.**

**(c) A secondary pari-mutuel organization that accepts a wager in violation of section 16 of this chapter submits to the jurisdiction of Indiana courts for purposes of this chapter.**

SECTION 13. IC 4-31-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A permit holder shall provide an alcohol breath-testing device that is approved by the commission and operated by a person certified to use such a device. All drivers, jockeys, judges, starters, assistant starters, and drivers of starting gates shall submit to a breath test at each racing program in which they participate. In addition, the secretary of the commission, a member of the commission, a commission investigator, the stewards, or the track chief of security may order a licensee to submit to a breath test at any time there is reason to believe the licensee may have consumed sufficient alcohol to cause the licensee to fail a breath test.

(b) A person whose breath test shows a reading of an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to more than five-hundredths (0.05) gram of alcohol per two hundred ten (210) liters of the person's breath, is subject to the following sanctions:

(1) A driver or jockey may not be permitted to drive or ride and shall be suspended under the rules of the commission.



(2) A judge, a starter, an assistant starter, or a driver of the starting gate shall be relieved of all duties for that program, and a report shall be made to the commission for appropriate action.

(3) Any other licensee shall be suspended, beginning that day, under the rules of the commission.

(c) The stewards and judges ~~shall~~, **may**, on behalf of the commission, impose the following sanctions against a licensee who refuses to submit to a breath test:

(1) For the first refusal, a civil penalty of one hundred dollars (\$100) and a seven (7) day suspension.

(2) For a second refusal, a civil penalty of two hundred fifty dollars (\$250) and a thirty (30) day suspension.

(3) For any additional refusals to submit to a breath test, a civil penalty of two hundred fifty dollars (\$250), a sixty (60) day suspension, and referral of the case to the commission for any further action that the commission considers necessary.

(d) A sanction under subsection (c) may be appealed to the commission. An appeal stays the sanction until further action by the commission. The appeal must be heard by the commission within thirty (30) days after the date of the appeal.

SECTION 14. IC 4-31-11-15, AS AMENDED BY P.L.256-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. ~~(a)~~ The commission shall use the development funds to provide purses and other funding for the activities described in section 9 of this chapter. The commission may pay:

(1) the operating costs of the development programs;

(2) other costs of administering this chapter; and

(3) costs incurred to promote the horse racing industry in Indiana; from one (1) or more of the development funds. However, the amount used for each state fiscal year from these development funds to pay these costs may not exceed four percent (4%) of the amount distributed to those funds during the immediately preceding state fiscal year under IC 4-35-7-12.

~~(b) The total amount of money used for each state fiscal year to pay promotional costs described in subsection (a)(3) may not exceed fifty percent (50%) of the total amount of money available under subsection (a) to pay the operating, administrative, and promotional costs described in subsection (a):~~

SECTION 15. IC 4-31-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The commission:



(1) shall appoint, at its cost, a veterinarian licensed to practice in Indiana to take or supervise the taking of specimens under section 5 of this chapter;

(2) shall approve a laboratory for the analysis of those specimens; and

(3) may require that a specimen taken under section 5 of this chapter be analyzed.

(b) The cost of analyzing **the primary blood or urine** specimens shall be borne by the commission.

(c) The commission may appoint, at its cost, veterinarians or other persons to supervise all activities in the state testing barn area and to supervise the practice of veterinary medicine at all racetracks in Indiana.

(d) The commission shall employ or contract for assistants to aid in securing specimens at each racetrack. These assistants shall have free access, under the supervision of the commission's veterinarian, to the state testing barn area. The permit holder shall, in the manner prescribed by the rules of the commission, reimburse the commission for the salaries and other expenses of the assistants who serve at the permit holder's racetrack.

SECTION 16. IC 4-31-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A veterinarian appointed by the commission or employed by a permit holder may not, during the period of the veterinarian's employment, treat or issue prescriptions for a horse on the grounds of or registered to race at a track, except in case of emergency **or to perform an endoscopic examination on a horse the day the horse is scheduled to race.** A full and complete record of an emergency treatment or a prescription shall be filed with the stewards or judges.

(b) **Except as provided in subsection (c),** an owner or trainer may not directly or indirectly employ or pay compensation to a veterinarian who is employed by the commission or a permit holder.

**(c) An owner or trainer may pay a veterinarian employed by the commission or a permit holder for an endoscopic examination permitted under subsection (a).**

SECTION 17. IC 4-31-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The commission and its representatives have the right of full and complete entry to any and all parts of the grounds and mutuel plants of permit holders.

(b) The commission, the commission's representatives, and the state judge investigating for violations of law or of the rules of the



commission may permit persons authorized by them to search the following persons and areas:

- (1) All persons who are within the racetrack premises and:
  - (A) licensed by the commission; or
  - (B) engaged in activities that require a license by the commission.
- (2) Persons who have gained access to the racetrack premises by special permission.
- (3) Vendors licensed by the commission when they are within the racetrack premises.
- (4) Stables, rooms, vehicles, and other places within the racetrack premises that are used by those persons who may be searched under this section.
- (5) Stables, rooms, ~~and~~ vehicles, **training farms, training facilities, and other areas** that are used or maintained by persons licensed by the commission and are located in areas outside of the racetrack premises where horses eligible to race at the racing meeting are stabled.

(c) If a licensee refuses to consent to a search under this section, the person shall be automatically suspended.

SECTION 18. IC 4-33-2-7.5 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 7.5: "Flexible scheduling" refers to the practice of conducting gambling games and allowing the continuous ingress and egress of patrons for the purpose of gambling.

SECTION 19. IC 4-33-2-8 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 8: "Gambling excursion" means the time during which gambling games may be operated on a riverboat that has not implemented flexible scheduling under IC 4-33-6-21.

SECTION 20. IC 4-33-4-22 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 22: (a) The commission may not adopt a rule or resolution limiting the ordinary business hours in which a licensed owner that has implemented flexible scheduling under IC 4-33-6-21 may conduct gambling operations:

(b) This section may not be construed to limit the commission's power to:

- (1) enforce this article under IC 4-33-4-1(a)(6), IC 4-33-4-1(a)(7), or IC 4-33-4-8; or
- (2) respond to an emergency; as determined by the commission.

SECTION 21. IC 4-33-6-10, AS AMENDED BY P.L.255-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) An owner's license issued under this chapter permits the holder to own and operate one (1) riverboat and



equipment for each license.

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

~~(c)~~ ~~(b)~~ Except as provided in subsections ~~(d)~~ ~~(c)~~ and ~~(e)~~; ~~(d)~~, an owner's license issued under this chapter must specify the place where the riverboat must operate and dock.

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

~~(e)~~ ~~(d)~~ An owner's license issued with respect to a riverboat constructed under section 24 of this chapter must specify the site of the riverboat.

~~(f)~~ ~~(e)~~ An owner's initial license expires five (5) years after the effective date of the license.

SECTION 22. IC 4-33-6-21 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 21: (a) A licensed owner may submit a plan for flexible scheduling to the commission by a date designated by the commission. Upon receipt of an appropriate plan, the commission shall authorize flexible scheduling and the licensed owner shall implement the flexible scheduling plan by the date designated by the commission.

(b) A licensed owner that:

- (1) submits a plan for flexible scheduling to the commission may include provisions; or
- (2) has implemented a flexible scheduling plan may amend the plan to include provisions;

to conduct gambling operations for up to twenty-four (24) hours a day. Upon receipt of a plan or an amendment to a plan concerning operating hours, the commission shall authorize the licensed owner to implement the plan or amendment for the days and hours specified in the plan or amendment. The licensed owner shall implement the provisions related to operating days and hours by the date designated by the commission. If the licensed owner fails or ceases to operate in accordance with the authorized provisions concerning operating days and hours, the commission may rescind the authorization.

SECTION 23. IC 4-33-6.5-5, AS AMENDED BY P.L.234-2007, SECTION 278, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. After selecting the most appropriate operating agent applicant, the commission may enter into an operating agent contract with the person. The operating agent contract must comply with this article and include the following terms and conditions:



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

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

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

~~(4)~~ (3) The operating agent must locate the riverboat in a historic hotel district at a location approved by the commission.

~~(5)~~ (4) The operating agent must comply with any requirements concerning the exterior design of the riverboat that are approved by the commission.

~~(6)~~ (5) Notwithstanding any law limiting the maximum length of contracts:

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

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

~~(7)~~ (6) The operating agent must collect and remit all taxes under ~~IC 4-33-12 and IC 4-33-13.~~

~~(8)~~ (7) The operating agent must comply with the restrictions on the transferability of the operating agent contract under section 12 of this chapter.

SECTION 24. IC 4-33-9-2 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 2: (a) This section does not apply to a riverboat that has implemented flexible scheduling under IC ~~4-33-6-21.~~

(b) Except as provided in subsections (c) and (d), gambling may not be conducted while a riverboat is docked.

(c) If the master of the riverboat reasonably determines and certifies in writing that:

(1) specific weather conditions, water conditions, or traffic conditions present a danger to the riverboat and the riverboat's passengers and crew;

(2) either the vessel or the docking facility is undergoing mechanical or structural repair;

(3) water traffic conditions present a danger to:

(A) the riverboat, riverboat passengers, and crew; or

(B) other vessels on the water; or

(4) the master has been notified that a condition exists that would cause a violation of federal law if the riverboat were to cruise; the riverboat may remain docked and gaming may take place until the



master determines that the conditions have sufficiently diminished or been corrected for the riverboat to safely proceed or the duration of the authorized excursion has expired:

(d) The commission shall by rule permit gambling to be conducted for periods of not more than thirty (30) minutes during passenger embarkation and not more than thirty (30) minutes during passenger disembarkation:

SECTION 25. IC 4-33-12-1, AS AMENDED BY P.L.96-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) **This subsection does not apply to a riverboat that has implemented flexible scheduling under IC 4-33-6-21. Except as provided in subsection (c),** a tax is imposed on admissions to gambling excursions authorized under this article at a rate of three dollars (\$3) for each person admitted. ~~to the gambling excursion.~~ This admission tax is imposed upon the licensed owner. ~~conducting the gambling excursion.~~ **This subsection does not apply to an inland casino. This subsection expires July 1, 2018.**

(b) ~~This subsection applies only to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 or IC 4-33-6.5. A tax is imposed on the admissions to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 or IC 4-33-6.5 at the rate of three dollars (\$3) for each person admitted to the riverboat. This admission tax is imposed upon the licensed owner or operating agent operating the riverboat.~~

(c) The commission may by rule determine the point at which a person is considered to be:

- (1) admitted to a gambling excursion; in the case of a riverboat subject to subsection (a); or
- (2) admitted to a riverboat; in the case of a riverboat subject to subsection (b);

for purposes of collecting the admissions tax under this chapter:

(b) **A supplemental wagering tax under this section is imposed upon the licensed owner operating a riverboat.**

(c) **This subsection applies to a gaming operation that has relocated from a docked riverboat to an inland casino by December 31, 2017, as described in IC 4-33-6-24. A supplemental wagering tax is:**

- (1) **imposed and authorized under this article at a rate of three percent (3%) of adjusted gross receipts; and**
- (2) **imposed starting the day operations begin at an inland casino.**

**This subsection expires July 1, 2018.**



(d) Subject to subsection (e), beginning July 1, 2018, a supplemental wagering tax is authorized under this article and shall be calculated as the riverboat's adjusted gross receipts multiplied by a percentage rate of:

- (1) the total riverboat admissions tax that the riverboat paid beginning July 1, 2016, and ending June 30, 2017; divided by
- (2) the riverboat's adjusted gross receipts beginning July 1, 2016, and ending June 30, 2017.

(e) The supplemental wagering tax described in subsection (d):

- (1) beginning July 1, 2018, and ending June 30, 2019, may not exceed four percent (4%); and
- (2) beginning July 1, 2019, may not exceed three and five-tenths percent (3.5%).

SECTION 26. IC 4-33-12-2 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 2: (a) This section does not apply to a riverboat that has implemented flexible scheduling under IC 4-33-6-21.

(b) If tickets are issued that may be used for admission to more than one (1) gambling excursion, the admission tax must be paid for each person using the ticket on each gambling excursion for which the ticket is used.

(c) If free passes or complimentary admission tickets are issued, a person who has been issued an owner's license shall pay the same tax on the passes or complimentary tickets as if the passes or tickets were sold at the regular admission rate.

SECTION 27. IC 4-33-12-3 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 3: (a) A licensed owner or an operating agent may issue tax-free passes to the following persons:

- (1) Actual and necessary officials and employees of the licensee or operating agent.
- (2) Other persons actually working on the riverboat.

(b) The number and issuance of tax-free passes is subject to the rules of the commission. A list of all persons to whom the tax-free passes are issued must be filed with the commission.

SECTION 28. IC 4-33-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A licensed owner or an operating agent must **pay report** the admissions **and supplemental wagering** taxes collected to the department. The licensed owner or operating agent must **make report** the **tax payments taxes collected** each day for the preceding day's admissions.

(b) A licensed owner shall **pay the admissions and supplemental wagering taxes collected to the department one (1) day before the last business day of each month for the admissions and**





**supplemental wagering taxes collected that month. Any taxes collected during the month but after the day on which the taxes are required to be paid to the department shall be paid to the department at the same time the following month's taxes are due.**

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

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

(d) If the department requires taxes to be paid under this section through electronic funds transfer, the department may allow the licensed owner or operating agent to file a monthly report to reconcile the amount of taxes paid to the department.

**(d) The payment of the tax under this section must be an electronic funds transfer by automated clearinghouse.**

SECTION 29. IC 4-33-12-6, AS AMENDED BY P.L.204-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by section 8 of this chapter, the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in section 9(g) of this chapter, ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter~~ shall be paid to:

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

(i) is located in a county having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000); or

(ii) is contiguous to the Ohio River and is the largest city in the county; and

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

(2) Except as provided in section 9(g) of this chapter, ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person:~~

~~(A) embarking on a gambling excursion during the quarter; or~~

~~(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;~~



shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax** is in addition to the ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%)** received under subdivision (1)(B).

(3) Except as provided in section 9(g) of this chapter, ~~ten cents (\$0.10)~~ **three and thirty-three hundredths percent (3.33%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person~~

(A) ~~embarking on a gambling excursion during the quarter; or~~

(B) ~~admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;~~

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

(4) Except as provided in section 9(g) of this chapter, ~~fifteen cents (\$0.15)~~ **five percent (5%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person:~~

(A) ~~embarking on a gambling excursion during the quarter; or~~

(B) ~~admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;~~

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(g) of this chapter, ~~ten cents (\$0.10)~~ **three and thirty-three hundredths percent (3.33%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person:~~

(A) ~~embarking on a gambling excursion during the quarter; or~~

(B) ~~admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;~~

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) ~~Sixty-five cents (\$0.65)~~ **Twenty-one and six hundred sixty-seven thousandths percent (21.667%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21~~ shall be paid to the state general fund.



SECTION 30. IC 4-33-12-8, AS ADDED BY P.L.204-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) This section applies to tax revenue collected from a riverboat operating from Lake County.

(b) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating from East Chicago:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to the riverboat~~ during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to partially satisfy East Chicago's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to the riverboat~~ during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to the riverboat~~ during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of East Chicago.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%)** of the admissions tax **and supplemental wagering tax**



collected by the licensed owner ~~for each person admitted to the riverboat~~ during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, ~~nine cents (\$0.09)~~ **three percent (3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to the riverboat~~ during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(g) of this chapter, ~~one cent (\$0.01)~~ **three hundred thirty-three thousandths percent (.333%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to the riverboat~~ during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, ~~fifteen cents (\$0.15)~~ **five percent (5%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to the riverboat~~ during the preceding calendar quarter must 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.

(8) Except as provided in section 9(g) of this chapter, ~~ten cents (\$0.10)~~ **three and thirty-three hundredths percent (3.33%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to the riverboat~~ during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) ~~Sixty-five cents (\$0.65)~~ **Twenty-one and six hundred sixty-seven thousandths percent (21.667%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to the riverboat~~ during the preceding calendar quarter must be paid to the state general fund.

(c) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from each riverboat operating ~~from in~~ Gary:

(1) The lesser of:

(A) four hundred thirty-seven thousand five hundred dollars (\$437,500); or



(B) ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to the riverboat~~ during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Gary's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to the riverboat~~ during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to of a riverboat operating from in Gary~~ during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of Gary.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to of a riverboat operating from in Gary~~ during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, ~~nine cents (\$0.09)~~ **three percent (3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for~~



~~each person admitted to of~~ a riverboat operating ~~from in~~ Gary during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(g) of this chapter, ~~one cent (\$0.01)~~ **three hundred thirty-three thousandths percent (.333%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to of~~ a riverboat operating ~~from in~~ Gary during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, ~~fifteen cents (\$0.15)~~ **five percent (5%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to of~~ a riverboat operating ~~from in~~ Gary during the preceding calendar quarter must 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.

(8) Except as provided in section 9(g) of this chapter, ~~ten cents (\$0.10)~~ **three and thirty-three hundredths percent (3.33%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to of~~ a riverboat operating ~~from in~~ Gary during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) ~~Sixty-five cents (\$0.65)~~ **Twenty-one and six hundred sixty-seven thousandths percent (21.667%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to of~~ a riverboat operating ~~from in~~ Gary during the preceding calendar quarter must be paid to the state general fund.

(d) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating ~~from in~~ Hammond:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);  
or

(B) ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to of~~ a riverboat operating ~~from in~~ Hammond during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development



authority to partially satisfy Hammond's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to the riverboat~~ during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to of~~ the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of Hammond.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) ~~one dollar (\$1)~~ **thirty-three and one-third percent (33 1/3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to of~~ the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, ~~nine cents (\$0.09)~~ **three percent (3%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to of~~ the riverboat during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(g) of this chapter, ~~one cent (\$0.01)~~ **three hundred thirty-three thousandths percent (.333%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to of~~ a



riverboat during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, ~~fifteen cents (\$0.15)~~ **five percent (5%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to~~ of the riverboat during the preceding calendar quarter must 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.

(8) Except as provided in section 9(g) of this chapter, ~~ten cents (\$0.10)~~ **three and thirty-three hundredths percent (3.33%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) ~~Sixty-five cents (\$0.65)~~ **Twenty-one and six hundred sixty-seven thousandths percent (21.667%)** of the admissions tax **and supplemental wagering tax** collected by the licensed owner ~~for each person admitted to~~ of the riverboat during the preceding calendar quarter must be paid to the state general fund.

SECTION 31. IC 4-33-13-0.1, AS ADDED BY P.L.220-2011, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 0.1. The following amendments to this chapter apply as follows:

(1) The amendments made to section 1 of this chapter by P.L.192-2002(ss) apply to admissions occurring and receipts received after June 30, 2002.

(2) (1) The addition of section 1.5 of this chapter by P.L.192-2002(ss) applies to admissions occurring and receipts received after June 30, 2002.

(3) (2) The amendments made to section 5 of this chapter by P.L.234-2007 apply to riverboat wagering taxes remitted by an operating agent after June 30, 2007.

SECTION 32. IC 4-33-13-0.2 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 0.2: (a) This section applies to the calculation and collection of wagering taxes on the adjusted gross receipts of a riverboat received:

(1) on or after the date that the riverboat implemented flexible scheduling under IC 4-33-6-21; and

(2) before July 1, 2003.

(b) The general assembly does not acquiesce in any interpretation of section 1.5 of this chapter and P.L.192-2002(ss); SECTION 205 that





excludes adjusted gross receipts of a riverboat received after June 30, 2002; and before the date that the riverboat implemented flexible scheduling under IC 4-33-6-21 from the determination of which wagering tax rate to apply to adjusted gross receipts of the riverboat received on or after the riverboat implemented flexible scheduling under IC 4-33-6-21.

(c) Wagering taxes imposed under section 1.5 of this chapter on adjusted gross receipts received on or after the date that the riverboat implemented flexible scheduling under IC 4-33-6-21 must be calculated and deposited using a graduated wagering tax rate selected (as stated in section 1.5 of this chapter) through a calculation that includes "adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year".

(d) All penalties and interest otherwise due from a riverboat that underpaid the amount of wagering tax due after June 30, 2002; and before May 1, 2003; as a result of a failure to include adjusted gross receipts received by the riverboat after June 30, 2002; and before the date that the riverboat implemented flexible scheduling under IC 4-33-6-21 in the determination of which wagering tax rate to apply to adjusted gross receipts received after the riverboat implemented flexible scheduling under IC 4-33-6-21 are waived if the riverboat paid the unpaid balance due in two (2) equal installments on the following dates:

(1) July 1, 2003;

(2) July 1, 2004.

SECTION 33. IC 4-33-13-1 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 1. (a) This section does not apply to a riverboat that has implemented flexible scheduling under IC 4-33-6-21.

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

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

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

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

(f) The department may allow taxes remitted under this section to



be reported on the same form used for taxes paid under IC 4-33-12.

SECTION 34. IC 4-33-13-1.5, AS AMENDED BY P.L.229-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1.5. ~~(a)~~ This section applies only to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 or IC 4-33-6-5.

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

- (1) Fifteen percent (15%) of the first twenty-five million dollars (\$25,000,000) of adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year.
- (2) Twenty percent (20%) of the adjusted gross receipts in excess of twenty-five million dollars (\$25,000,000) but not exceeding fifty million dollars (\$50,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.
- (3) Twenty-five percent (25%) of the adjusted gross receipts in excess of fifty million dollars (\$50,000,000) but not exceeding seventy-five million dollars (\$75,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.
- (4) Thirty percent (30%) of the adjusted gross receipts in excess of seventy-five million dollars (\$75,000,000) but not exceeding one hundred fifty million dollars (\$150,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.
- (5) Thirty-five percent (35%) of all adjusted gross receipts in excess of one hundred fifty million dollars (\$150,000,000) but not exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.
- (6) Forty percent (40%) of all adjusted gross receipts exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

~~(c)~~ **(b)** This subsection applies only to a riverboat that received less than seventy-five million dollars (\$75,000,000) of adjusted gross receipts during the preceding state fiscal year. A graduated tax is



imposed on the adjusted gross receipts received from gambling games authorized under this article as follows:

- (1) Five percent (5%) of the first twenty-five million dollars (\$25,000,000) of adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year.
- (2) Twenty percent (20%) of the adjusted gross receipts in excess of twenty-five million dollars (\$25,000,000) but not exceeding fifty million dollars (\$50,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.
- (3) Twenty-five percent (25%) of the adjusted gross receipts in excess of fifty million dollars (\$50,000,000) but not exceeding seventy-five million dollars (\$75,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.
- (4) Thirty percent (30%) of the adjusted gross receipts in excess of seventy-five million dollars (\$75,000,000) but not exceeding one hundred fifty million dollars (\$150,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.
- (5) Thirty-five percent (35%) of all adjusted gross receipts in excess of one hundred fifty million dollars (\$150,000,000) but not exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.
- (6) Forty percent (40%) of all adjusted gross receipts exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

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

~~(e)~~ (d) The licensed owner or operating agent shall remit the tax imposed by this chapter to the department before the close of the business day following the day the wagers are made: **one (1) day before the last business day of each month for the wagering taxes collected that month. Any taxes collected during the month but after the day on which the taxes are required to be paid to the**



department shall be paid to the department at the same time the following month's taxes are due.

**(e) The payment of the tax under this section must be an electronic funds transfer by automated clearinghouse.**

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

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

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

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

**(j) If a riverboat:**

**(1)** implements flexible scheduling during any part of a period beginning July 1 of each year and ending June 30 of the following year; and

**(2)** before the end of that period ceases to operate the riverboat with flexible scheduling;

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

SECTION 35. IC 4-33-13-5, AS AMENDED BY P.L.204-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: 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 licenses 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. 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 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 ~~a distribution~~ **distributions to the South Central Indiana Regional Economic Development Corporation and Radius Indiana or a their successor regional entity entities or partnership partnerships.** The amount paid to the Orange County development commission ~~shall proportionally reduces~~ **reduce** the amount payable to **the South Central Indiana Regional Economic Development Corporation and Radius Indiana or its their successor entity entities or partnership 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, ~~2013~~ **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 ~~forty-eight million dollars (\$48,000,000)~~, **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 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(c), 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(c) 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(c). 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 36. IC 4-35-8.3-4, AS AMENDED BY P.L.149-2016, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2018]: Sec. 4. Before December 1 of each year, the auditor of state shall distribute an amount equal to the fees deposited in that year under section 3 of this chapter to communities and schools located near a historic hotel district and the Indiana economic development corporation as follows:

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

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

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

(2) Fourteen and eight-tenths percent (14.8%) 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 subdivision 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 subdivision



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 subdivision, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this subdivision were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(3) Thirteen and one-tenth percent (13.1%) to the county treasurer of Orange County.

(4) Five and three-tenths percent (5.3%) 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 shall provide for the distribution of the money received under this subdivision 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.

(5) Five and three-tenths percent (5.3%) to the county treasurer of Crawford County for appropriation by the county fiscal body. The county fiscal body shall provide for the distribution of the money received under this subdivision 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.

(6) Six and thirty-five hundredths percent (6.35%) to the fiscal officer of the town of Paoli.

(7) Six and thirty-five hundredths percent (6.35%) to the fiscal officer of the town of Orleans.

(8) Twenty-six and four-tenths percent (26.4%) to the Indiana economic development corporation for transfer **as follows:**

**(A) Ten percent (10%) of the amount transferred under this subdivision 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 and promoting the retention and expansion of existing businesses in Orange County.**

**(B) The remainder of the amount transferred under this subdivision 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.

However if the amount distributed under IC 4-33-13-5(b)(2)(H) to the Orange County development commission is insufficient to meet the obligations described in IC 4-33-13-5(b)(2)(H), an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under IC 4-33-13-5 were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission before making a ~~distribution~~ **distributions to the South Central Indiana Regional Economic Development Corporation and Radius Indiana or a their** successor ~~regional entity entities or partnership.~~ **partnerships.** The amount paid to the Orange County development commission reduces the amount payable to Radius Indiana or its successor entity or partnership.

SECTION 37. IC 4-35-8.7-3, AS AMENDED BY P.L.149-2016, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) The gaming integrity fund is established.

(b) The fund shall be administered by the Indiana horse racing commission.

(c) The fund consists of gaming integrity fees deposited in the fund under this chapter and money distributed to the fund under IC 4-35-7-12.5 and IC 4-35-7-15. ~~Fifteen percent (15%) of the money deposited in the fund shall be transferred~~ **For each licensee, the Indiana horse racing commission shall annually transfer:**

- (1) seventy-five thousand dollars (\$75,000); multiplied by**
- (2) the number of racetracks operated by the licensee;**

**from the fund** to the Indiana state board of animal health to be used by the state board to pay the costs associated with equine health and equine care programs under IC 15-17.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

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

(f) Money in the fund may be used by the Indiana horse racing commission only for the following purposes:



- (1) To pay the cost of taking and analyzing equine specimens under IC 4-31-12-6(b) or another law or rule and the cost of any supplies related to the taking or analysis of specimens.
- (2) To pay dues to the Drug Testing Standards and Practices (DTSP) Committee of the Association of Racing Commissioners International.
- (3) To provide grants for research for the advancement of equine drug testing. Grants under this subdivision must be approved by the Drug Testing Standards and Practices (DTSP) Committee of the Association of Racing Commissioners International or by the Racing Mediation and Testing Consortium.
- (4) To pay the costs of post-mortem examinations under IC 4-31-12-10.
- (5) To pay other costs incurred by the commission to maintain the integrity of pari-mutuel racing.

SECTION 38. IC 5-22-1-2, AS AMENDED BY P.L.155-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. Except as provided in this article, this article does not apply to the following:

- (1) The commission for higher education.
- (2) A state educational institution. However, IC 5-22-5-9 and IC 5-22-15 apply to a state educational institution.
- (3) Military officers and military and armory boards of the state.
- (4) An entity established by the general assembly as a body corporate and politic. However, IC 5-22-15 applies to a body corporate and politic.
- (5) A local hospital authority under IC 5-1-4.
- (6) A municipally owned utility under IC 8-1-11.1 or IC 8-1.5.
- (7) Hospitals established and operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8, IC 16-23-1, or IC 16-24-1.
- (8) A library board under IC 36-12-3-16(b).
- (9) A local housing authority under IC 36-7-18.
- (10) Tax exempt Indiana nonprofit corporations leasing and operating a city market owned by a political subdivision.
- (11) A person paying for a purchase or lease with funds other than public funds.
- (12) A person that has entered into an agreement with a governmental body under IC 5-23.
- (13) A municipality for the operation of municipal facilities used for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.



(14) The department of financial institutions established by IC 28-11-1-1.

(15) The insurance commissioner in retaining an examiner for purposes of IC 27-1-3.1-9.

(16) The department of natural resources for the procurement of supplies purchased for resale at properties owned or managed by the department of natural resources.

**(17) The Indiana horse racing commission in making an expenditure under IC 4-31-3-15(b).**

SECTION 39. IC 6-2.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. **(a)** Transactions involving animals, feed, seed, plants, fertilizer, insecticides, fungicides, and other tangible personal property are exempt from the state gross retail tax if:

(1) the person acquiring the property acquires it for ~~his~~ **the person's** direct use in the direct production of food and food ingredients or commodities for sale or for further use in the production of food and food ingredients or commodities for sale; and

(2) the person acquiring the property is occupationally engaged in the production of food and food ingredients or commodities which ~~he~~ **the person** sells for human or animal consumption or uses for further food and food ingredient or commodity production.

**(b) A transaction involving the sale of a race horse in a claiming race (as defined by IC 4-31-2-3.5) is exempt from the state gross retail tax.**

SECTION 40. IC 6-3-1-3.5, AS AMENDED BY P.L.181-2016, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) **Except as provided in subsection (c)**, add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse





one thousand dollars (\$1,000).

(4) Subtract one thousand dollars (\$1,000) for:

- (A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;
- (B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and
- (C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

- (A) one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code (as effective January 1, 2004);
- (B) for taxable years beginning after December 31, 2017, one thousand five hundred dollars (\$1,500) for each exemption allowed under Section 151(c) of the Internal Revenue Code for an individual:
  - (i) who is less than nineteen (19) years of age or is a full-time student who is less than twenty-four (24) years of age;
  - (ii) for whom the taxpayer is the legal guardian; and
  - (iii) for whom the taxpayer does not claim an exemption under clause (A); and
- (C) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(7) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(8) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's



federal gross income by Section 86 of the Internal Revenue Code.

(9) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), and (5) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(10) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(11) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(12) Subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(13) Subtract an amount equal to the lesser of:

(A) two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(14) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(16) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(17) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to



the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(18) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(19) Subtract an amount equal to the amount of the taxpayer's qualified military income that was not excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the Internal Revenue Code.

(20) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the individual's federal adjusted gross income under the Internal Revenue Code.

(21) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract the amount necessary from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(22) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed



or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) **Except as provided in subsection (c)**, add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(10) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the Internal Revenue Code) to



shareholders of a captive real estate investment trust (as defined in section 34.5 of this chapter).

(11) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the corporation's taxable income under the Internal Revenue Code.

(12) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(13) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

**(c) The following apply to taxable years beginning after December 31, 2018, for purposes of the add back of any deduction allowed on the taxpayer's federal income tax return for wagering taxes, as provided in subsection (a)(2) if the taxpayer is an individual or subsection (b)(3) if the taxpayer is a corporation:**

**(1) For taxable years beginning after December 31, 2018, and before January 1, 2020, a taxpayer is required to add back under this section eighty-seven and five-tenths percent (87.5%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.**

**(2) For taxable years beginning after December 31, 2019, and before January 1, 2021, a taxpayer is required to add back under this section seventy-five percent (75%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.**

**(3) For taxable years beginning after December 31, 2020, and before January 1, 2022, a taxpayer is required to add back under this section sixty-two and five-tenths percent (62.5%)**



of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(4) For taxable years beginning after December 31, 2021, and before January 1, 2023, a taxpayer is required to add back under this section fifty percent (50%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(5) For taxable years beginning after December 31, 2022, and before January 1, 2024, a taxpayer is required to add back under this section thirty-seven and five-tenths percent (37.5%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(6) For taxable years beginning after December 31, 2023, and before January 1, 2025, a taxpayer is required to add back under this section twenty-five percent (25%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(7) For taxable years beginning after December 31, 2024, and before January 1, 2026, a taxpayer is required to add back under this section twelve and five-tenths percent (12.5%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(8) For taxable years beginning after December 31, 2025, a taxpayer is not required to add back under this section any amount of a deduction allowed on the taxpayer's federal income tax return for wagering taxes.

(e) (d) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 832(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted



gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(11) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active



financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(12) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

~~(d)~~ (e) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 832(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).





(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(11) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(12) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

~~(e)~~ **(f)** In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus



depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(7) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the taxpayer's taxable income under the Internal Revenue Code.

(8) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(9) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political



subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

SECTION 41. IC 35-45-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. The provisions of this chapter do not apply to:

(1) pari-mutuel wagering conducted at racetrack locations or satellite facilities licensed for pari-mutuel wagering under IC 4-31; or

(2) wagering on horse races conducted through advance deposit wagering accounts authorized by IC 4-31-7.5.

SECTION 42. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5-1.3-4.

(2) An interim study committee established under IC 2-5-1.3-14.

(c) The legislative council is urged to assign to a study committee, during the 2017 legislative interim, the topics of:

(1) gaming revenue and how gaming revenue is distributed across Indiana;

(2) the economic impact of gaming on the state and local governmental units; and

(3) competition with casinos in other states and tribal casinos and the effect that this competition has had on the gaming industry in Indiana.

(d) If the topics described in subsection (c) are assigned to a study committee, the study committee shall, not later than November 1, 2017, issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topics, in an electronic format under IC 5-14-6.

(e) This SECTION expires December 31, 2017.

SECTION 43. An emergency is declared for this act.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**HEA 1350 — CC 1**

