

HOUSE BILL No. 1428

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-31-5-16; IC 4-33; IC 6-8.1-1-1; IC 36-7-11.5-11.

Synopsis: Casino operations in Terre Haute. Authorizes the Indiana gaming commission (IGC) to approve one applicant to operate one supplemental gaming facility in Terre Haute. Requires an applicant to be a licensed owner of a riverboat or a permit holder operating a racino. Provides that the IGC may not approve an application unless the operation of a supplemental gaming facility has been approved by the fiscal body of Terre Haute. Establishes selection criteria. Provides that the number of gambling games at a supplemental gaming facility may not exceed 750, and establishes other operational requirements. Provides for the imposition, determination, and distribution of the riverboat supplemental wagering and wagering taxes with respect to wagering at a supplemental gaming facility. Establishes the minority venture enterprise fund. Requires payments from the operator of a supplemental gaming facility for deposit in the West Baden Springs historic hotel preservation and maintenance fund and the minority venture enterprise fund. Makes technical corrections and other changes to conform with recent changes to the riverboat law.

Effective: July 1, 2018.

Heaton

January 16, 2018, read first time and referred to Committee on Public Policy.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1428

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

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

1 SECTION 1. IC 4-31-5-16 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]: **Sec. 16. A permit holder operating a casino under IC 4-35**
4 **may:**

- 5 (1) **apply to the Indiana gaming commission for permission to**
- 6 **operate a supplemental gaming facility under IC 4-33-9.5; and**
- 7 **(2) if approved by the Indiana gaming commission under**
- 8 **IC 4-33-9.5, operate a supplemental gaming facility in Terre**
- 9 **Haute under IC 4-33-9.5.**

10 SECTION 2. IC 4-33-1-1 IS REPEALED [EFFECTIVE JULY 1,
11 2018]. ~~Sec. 1. This article applies only to the following:~~

- 12 ~~(1) Counties contiguous to Lake Michigan;~~
- 13 ~~(2) A county that is:~~
 - 14 ~~(A) contiguous to the Ohio River; and~~
 - 15 ~~(B) described in IC 4-33-6-1(a)(5);~~
- 16 ~~(3) A county that contains a historic hotel district.~~

17 SECTION 3. IC 4-33-2-16.5 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2018]: **Sec. 16.5. "Permit holder" has the meaning set forth in**
3 **IC 4-31-2-14.**

4 SECTION 4. IC 4-33-2-17, AS AMENDED BY P.L.255-2015,
5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2018]: Sec. 17. "Riverboat" means any of the following on
7 which lawful gambling is authorized under this article:

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

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

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

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

16 **(5) A supplemental gaming facility operating under**
17 **IC 4-33-9.5.**

18 SECTION 5. IC 4-33-3-2, AS AMENDED BY P.L.170-2005,
19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2018]: Sec. 2. (a) The commission consists of seven (7)
21 members appointed by the governor.

22 (b) Each member of the commission must:

23 (1) be a resident of Indiana; and

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

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

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

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

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

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

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

40 SECTION 6. IC 4-33-4-1 IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The commission has the
42 following powers and duties for the purpose of administering,



1 regulating, and enforcing the system of riverboat gambling established
2 under this article:

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

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

40 SECTION 7. IC 4-33-4-21, AS AMENDED BY P.L. 182-2009(ss),
41 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2018]: Sec. 21. (a) A licensed owner or any other person must



1 apply for and receive the commission's approval before:

2 (1) an owner's license is:

3 (A) transferred;

4 (B) sold; or

5 (C) purchased; or

6 (2) a voting trust agreement or other similar agreement is
7 established with respect to the owner's license.

8 (b) Subject to section 24 of this chapter, the commission shall adopt
9 rules governing the procedure a licensed owner or other person must
10 follow to take an action under subsection (a). The rules must specify
11 that a person who obtains an ownership interest in a license must meet
12 the criteria of this article and any rules adopted by the commission. A
13 licensed owner may transfer an owner's license only in accordance with
14 this article and rules adopted by the commission.

15 (c) A licensed owner or any other person may not:

16 (1) lease;

17 (2) hypothecate; or

18 (3) borrow or loan money against;

19 an owner's license.

20 (d) A transfer fee is imposed on a licensed owner who purchases or
21 otherwise acquires a controlling interest, as determined under the rules
22 of the commission, in a second owner's license. The fee is equal to two
23 million dollars (\$2,000,000). The commission shall collect and deposit
24 a fee imposed under this subsection in the state general fund.

25 **(e) A licensed owner or any other person may not sell, lease,
26 transfer, or otherwise convey:**

27 **(1) authority to operate a supplemental gaming facility under
28 IC 4-33-9.5; or**

29 **(2) a supplemental gaming facility established under
30 IC 4-33-9.5;**

31 **unless the conveyance is a part of a transaction approved by the
32 commission under this article or by the Indiana horse racing
33 commission in a transaction approved under IC 4-31.**

34 SECTION 8. IC 4-33-6-1, AS AMENDED BY P.L.229-2013,
35 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2018]: Sec. 1. (a) The commission may issue to a person a
37 license to own a riverboat subject to the numerical and geographical
38 limitation of owner's licenses under this section, section 3.5 of this
39 chapter, and IC 4-33-4-17. However, not more than ten (10) owner's
40 licenses may be in effect at any time. Those ten (10) licenses are as
41 follows:

42 (1) Two (2) licenses for a riverboat that operates from the city of



- 1 Gary.
- 2 (2) One (1) license for a riverboat that operates from the city of
- 3 Hammond.
- 4 (3) One (1) license for a riverboat that operates from the city of
- 5 East Chicago.
- 6 (4) One (1) license for a city located in ~~the counties described~~
- 7 ~~under IC 4-33-1-1(1): a county contiguous to Lake Michigan.~~
- 8 **However**, this license may not be issued to a city described in
- 9 subdivisions (1) through (3).
- 10 (5) A total of five (5) licenses for riverboats that operate upon the
- 11 Ohio River from the following counties:
- 12 (A) Vanderburgh County.
- 13 (B) Harrison County.
- 14 (C) Switzerland County.
- 15 (D) Ohio County.
- 16 (E) Dearborn County.
- 17 The commission may not issue a license to an applicant if the
- 18 issuance of the license would result in more than one (1) riverboat
- 19 operating from a county described in this subdivision.
- 20 (b) In addition to its power to issue owner's licenses under
- 21 subsection (a), the commission may also enter into a contract under
- 22 IC 4-33-6.5 with respect to the operation of one (1) riverboat on behalf
- 23 of the commission in a historic hotel district.
- 24 (c) A person holding an owner's license may not move the person's
- 25 riverboat from the county in which the riverboat was ~~docked~~ **located**
- 26 on January 1, 2007, to any other county. **However, this subsection**
- 27 **may not be construed to prohibit an approved licensed owner from**
- 28 **establishing a supplemental gaming facility under IC 4-33-9.5.**
- 29 SECTION 9. IC 4-33-6-6, AS AMENDED BY P.L.255-2015,
- 30 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2018]: Sec. 6. (a) Except as provided in subsection (c) or (d),
- 32 a riverboat that operates in a county ~~described in IC 4-33-1-1(1) or~~
- 33 ~~IC 4-33-1-1(2)~~ **that is contiguous to Lake Michigan or the Ohio**
- 34 **River** must:
- 35 (1) have either:
- 36 (A) a valid certificate of inspection from the United States
- 37 Coast Guard for the carrying of at least five hundred (500)
- 38 passengers; or
- 39 (B) a valid certificate of compliance with marine structural and
- 40 life safety standards determined by the commission; and
- 41 (2) be at least one hundred fifty (150) feet in length.
- 42 (b) This subsection applies only to a riverboat that operates on the



1 Ohio River. A riverboat must replicate, as nearly as possible, historic
 2 Indiana steamboat passenger vessels of the nineteenth century.
 3 However, steam propulsion or overnight lodging facilities are not
 4 required under this subsection.

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

9 (d) A riverboat constructed under section 24 of this chapter **or**
 10 **under IC 4-33-9.5** must comply with all applicable building codes and
 11 any safety requirements imposed by the commission.

12 SECTION 10. IC 4-33-6-10, AS AMENDED BY P.L.268-2017,
 13 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2018]: Sec. 10. (a) An owner's license issued under this
 15 chapter permits the holder to:

16 (1) own and operate one (1) riverboat and equipment for each
 17 license; **and**

18 (2) **in the case of a licensed owner approved by the**
 19 **commission under IC 4-33-9.5, conduct gaming operations at**
 20 **one (1) supplemental gaming facility in accordance with**
 21 **IC 4-33-9.5.**

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

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

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

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

32 SECTION 11. IC 4-33-6-18, AS AMENDED BY P.L.2-2014,
 33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2018]: Sec. 18. (a) This subsection applies to cities described
 35 in section 1(a)(1) through 1(a)(4) of this chapter. The commission may
 36 not issue a license authorizing a riverboat to dock in a city unless the
 37 legislative body of the city has approved an ordinance permitting the
 38 docking of riverboats in the city.

39 (b) This subsection applies to a county described in section 1(a)(5)
 40 of this chapter if the largest city in the county is contiguous to the Ohio
 41 River. The commission may not issue a license authorizing a riverboat
 42 to dock in the county unless an ordinance permitting the docking of



1 riverboats in the county has been approved by the legislative body of
 2 the largest city in the county. The license must specify that the home
 3 dock of the riverboat is to be located in the largest city in the county.

4 (c) This subsection applies to a county described in section 1(a)(5)
 5 of this chapter if the largest city in the county is not contiguous to the
 6 Ohio River. The commission may not issue a license authorizing a
 7 riverboat to dock in the county unless an ordinance permitting the
 8 docking of riverboats in the county has been approved by the county
 9 fiscal body.

10 (d) This subsection applies to a county in which a historic hotel
 11 district is located. The commission may not enter into a contract under
 12 IC 4-33-6.5 for the operation of a riverboat in the county unless an
 13 ordinance permitting the ~~docking of riverboats~~ **operation of a**
 14 **riverboat** in the county has been approved by the county fiscal body.

15 (e) **The commission may not approve an application for**
 16 **permission to operate a supplemental gaming facility under**
 17 **IC 4-33-9.5 in the city of Terre Haute unless an ordinance**
 18 **permitting the operation of a supplemental gaming facility in Terre**
 19 **Haute has been approved by the fiscal body of the city.**

20 SECTION 12. IC 4-33-9.5 IS ADDED TO THE INDIANA CODE
 21 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2018]:

23 **Chapter 9.5. Supplemental Gaming Facility Operations**

24 **Sec. 1. (a) A licensed owner or a permit holder may apply to the**
 25 **commission for permission to operate a supplemental gaming**
 26 **facility.**

27 (b) **The commission may not approve gaming at more than one**
 28 **(1) supplemental gaming facility under this chapter.**

29 **Sec. 2. The commission's approval of an applicant's**
 30 **supplemental gaming facility application authorizes a licensed**
 31 **owner or permit holder to establish a supplemental gaming facility**
 32 **in Terre Haute.**

33 **Sec. 3. The commission shall prescribe the form of the**
 34 **application for permission to operate a supplemental gaming**
 35 **facility under this chapter. The form must include the following**
 36 **information:**

37 (1) **The name of the applicant.**

38 (2) **The street address of the applicant's proposed**
 39 **supplemental gaming facility.**

40 (3) **A description of the proposed gaming facilities and**
 41 **proposed nongaming amenities, such as lodging facilities,**
 42 **dining facilities, and retail facilities, at the proposed**



1 supplemental gaming facility.

2 (4) The amounts that the applicant will invest in both gaming
3 facilities and nongaming amenities at the proposed
4 supplemental gaming facility.

5 (5) The proposed number of gambling games that the
6 applicant seeks permission to operate at the proposed
7 supplemental gaming facility.

8 (6) Evidence that the applicant's proposed supplemental
9 gaming facility will do the following:

10 (A) Enhance the credibility and integrity of gaming in
11 Indiana.

12 (B) Promote employment and economic development in the
13 area surrounding the proposed supplemental gaming
14 facility.

15 (C) Optimize the collection of wagering tax revenue under
16 this article.

17 **Sec. 4. Subject to section 1(b) of this chapter, the commission
18 may approve an application submitted under this chapter if the
19 commission finds that:**

20 (1) the applicant is planning an investment of at least one
21 hundred fifty million dollars (\$150,000,000) in the
22 development of a supplemental gaming facility;

23 (2) at least fifty percent (50%) of the applicant's proposed
24 investment in the supplemental gaming facility is for the
25 development of the proposed nongaming amenities at the
26 supplemental gaming facility; and

27 (3) the operation of a supplemental gaming facility in Terre
28 Haute:

29 (A) will enhance the credibility and integrity of gaming in
30 Indiana;

31 (B) will promote employment and economic development
32 in the area surrounding the proposed supplemental gaming
33 facility;

34 (C) will optimize the collection of wagering tax revenue
35 under this article; and

36 (D) will not materially harm the communities in which the
37 applicant conducts gaming operations under this article or
38 IC 4-35 as of the date on which the applicant submits an
39 application under this chapter.

40 **Sec. 5. The maximum number of gambling games that may be
41 operated at a supplemental gaming facility under this chapter is
42 seven hundred fifty (750).**



1 **Sec. 6. (a) If the application submitted by a licensed owner or**
2 **permit holder is approved by the commission, the licensed owner**
3 **must continue to operate a riverboat and related amenities from a**
4 **county that is contiguous to Lake Michigan or the Ohio River that**
5 **fully satisfies the requirements of this article.**

6 **(b) If the application submitted by a permit holder is approved**
7 **by the commission, the permit holder must continue to operate a**
8 **gaming facility under IC 4-35 in conjunction with each horse**
9 **racing track operated by the permit holder.**

10 **Sec. 7. (a) A licensed owner operating a supplemental gaming**
11 **facility under this chapter is taxed separately under IC 4-33-12 and**
12 **IC 4-33-13 for wagering occurring at the supplemental gaming**
13 **facility and for wagering occurring on a riverboat operating from**
14 **a county that is contiguous to Lake Michigan or the Ohio River. A**
15 **licensed owner may claim separate deductions under IC 4-33-13-7**
16 **for wagering occurring at the supplemental gaming facility and for**
17 **wagering occurring on a riverboat operating from a county that is**
18 **contiguous to Lake Michigan or the Ohio River.**

19 **(b) A permit holder operating a supplemental gaming facility**
20 **under this chapter is taxed as follows:**

21 **(1) Wagering occurring at the supplemental gaming facility is**
22 **taxed under IC 4-33-12 and IC 4-33-13.**

23 **(2) The permit holder may claim a deduction under**
24 **IC 4-33-13-7 for wagering occurring at the supplemental**
25 **gaming facility.**

26 **(3) Wagering occurring at a gaming facility operated in**
27 **Madison County or Shelby County is taxed under IC 4-35-8.**

28 **(4) The permit holder may claim a deduction under**
29 **IC 4-35-8-5 for wagering occurring at a gaming facility**
30 **operated in Madison County or Shelby County.**

31 **Sec. 8. (a) A licensed owner or permit holder operating a**
32 **supplemental gaming facility under this chapter shall pay the**
33 **following amounts:**

34 **(1) Three million dollars (\$3,000,000) to the department of**
35 **natural resources on a date established by the licensed owner**
36 **and the commission in each year that the supplemental**
37 **gaming facility is in operation.**

38 **(2) One million dollars (\$1,000,000) to the Indiana economic**
39 **development corporation not more than one hundred eighty**
40 **(180) days after the licensed owner commences gaming**
41 **operations at the supplemental gaming facility.**

42 **(3) Two hundred thousand dollars (\$200,000) to the Indiana**



- 1 economic development corporation on a date established by
 2 the licensed owner and the Indiana economic development
 3 corporation in each year that the supplemental gaming
 4 facility is in operation.
- 5 (b) The department of natural resources shall deposit the
 6 payments received under subsection (a)(1) in the West Baden
 7 Springs historic hotel preservation and maintenance fund
 8 established under IC 36-7-11.5-11.
- 9 (c) The Indiana economic development corporation shall deposit
 10 the payments received under subsection (a)(2) and (a)(3) in the
 11 minority venture enterprise fund established by section 9 of this
 12 chapter.
- 13 **Sec. 9. (a) The minority venture enterprise fund is established.**
- 14 (b) The Indiana economic development corporation shall
 15 administer the fund.
- 16 (c) The fund consists of the following:
- 17 (1) Amounts deposited under section 8(c) of this chapter.
- 18 (2) Grants, gifts, and donations intended for deposit in the
 19 fund.
- 20 (d) Money in the fund at the end of the state fiscal year does not
 21 revert to the state general fund.
- 22 (e) The Indiana economic development corporation shall use
 23 money in the fund for the following purposes:
- 24 (1) To provide venture capital to start up minority enterprises
 25 in Terre Haute and Indiana's riverboat communities.
- 26 (2) To promote minority enterprises in Terre Haute and
 27 Indiana's riverboat communities.
- 28 **Sec. 10. (a) A licensed owner or permit holder may not do the**
 29 **following with respect to the operation of a supplemental gaming**
 30 **facility in Terre Haute:**
- 31 (1) Enter into a development agreement (as defined by
 32 IC 4-33-23-2) with any unit of local government or any other
 33 person.
- 34 (2) Make an economic development payment (as defined by
 35 IC 4-33-23-4) to any unit of local government or any other
 36 person.
- 37 (b) This section may not be construed to affect a licensed
 38 owner's obligations under a development agreement in effect on
 39 July 1, 2018, with respect to any other riverboat operated by the
 40 licensed owner.
- 41 SECTION 13. IC 4-33-12-0.1 IS REPEALED [EFFECTIVE JULY
 42 1, 2018]. Sec. 0.1. The following amendments to this chapter apply as



1 follows:

2 (1) The amendments made to section 6 of this chapter by
3 P.L.178-2002 apply to riverboat admissions taxes collected after
4 June 30, 2002.

5 (2) The amendments made to section 4 of this chapter by
6 P.L.192-2002(ss) apply to admissions occurring and receipts
7 received after June 30, 2002.

8 (3) The amendments made to section 6 of this chapter by
9 P.L.234-2007 apply to riverboat admissions taxes remitted by an
10 operating agent after June 30, 2007.

11 SECTION 14. IC 4-33-12-1, AS AMENDED BY P.L.268-2017,
12 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2018]: Sec. 1. (a) Except as provided in subsection (c), a tax
14 is imposed on admissions authorized under this article at a rate of three
15 dollars (\$3) for each person admitted. This admission tax is imposed
16 upon the licensed owner. This subsection does not apply to an inland
17 casino. This subsection expires July 1, 2018.

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

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

23 (1) imposed and authorized under this article at a rate of three
24 percent (3%) of adjusted gross receipts; and

25 (2) imposed starting the day operations begin at an inland casino.
26 This subsection expires July 1, 2018.

27 (d) (b) This subsection does not apply to wagering conducted at
28 a supplemental gaming facility operated under IC 4-33-9.5. Subject
29 to subsection (c); (c), beginning July 1, 2018, a supplemental wagering
30 tax is authorized under this article and shall be calculated as the
31 riverboat's adjusted gross receipts multiplied by a percentage rate of:

32 (1) the total riverboat admissions tax that the riverboat paid
33 beginning July 1, 2016, and ending June 30, 2017; divided by

34 (2) the riverboat's adjusted gross receipts beginning July 1, 2016,
35 and ending June 30, 2017.

36 (e) (c) A supplemental wagering tax described in calculated
37 under subsection (d): (b):

38 (1) beginning July 1, 2018, and ending June 30, 2019, may not
39 exceed four percent (4%); and

40 (2) beginning July 1, 2019, may not exceed three and five-tenths
41 percent (3.5%).

42 (d) This subsection applies only to wagering conducted at a



1 **supplemental gaming facility operated under IC 4-33-9.5. The**
 2 **amount of supplemental wagering tax imposed on wagering at a**
 3 **supplemental gaming facility for a particular day is equal to the**
 4 **product of:**

5 **(1) the facility's adjusted gross receipts for that day;**
 6 **multiplied by**

7 **(2) three percent (3%).**

8 SECTION 15. IC 4-33-12-4, AS AMENDED BY P.L.268-2017,
 9 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2018]: Sec. 4. (a) A licensed owner must report the
 11 ~~admissions and daily amount of~~ supplemental wagering taxes
 12 ~~collected to the department~~ **The licensed owner must report the taxes**
 13 ~~collected each day for the preceding day's admissions.~~ **imposed under**
 14 **section 1 of this chapter to the department at the time the taxes are**
 15 **paid under subsection (b).**

16 (b) A licensed owner shall pay the ~~admissions and~~ supplemental
 17 wagering taxes ~~collected~~ **imposed under section 1 of this chapter** to
 18 the department one (1) day before the last business day of each month
 19 for the ~~admissions and~~ supplemental wagering taxes ~~collected~~ **imposed**
 20 that month. Any ~~taxes collected~~ **tax liability incurred** during the
 21 month but after the day on which the taxes are required to be paid to
 22 the department shall be paid to the department at the same time the
 23 following month's taxes are due.

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

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

28 **(e) The supplemental wagering tax is a listed tax for purposes of**
 29 **IC 6-8.1-1.**

30 SECTION 16. IC 4-33-12-6, AS AMENDED BY P.L.268-2017,
 31 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2018]: Sec. 6. (a) The department shall place in the state
 33 general fund the tax revenue collected under this chapter.

34 (b) Except as provided by ~~section~~ **sections 8 and 8.5** of this chapter,
 35 the treasurer of state shall quarterly pay the following amounts:

36 (1) Except as provided in section 9(g) of this chapter, thirty-three
 37 and one-third percent (33 1/3%) of the ~~admissions tax and~~
 38 ~~supplemental wagering tax collected by~~ **from** the licensed owner
 39 during the quarter shall be paid to:

40 (A) the city in which the riverboat is ~~docked;~~ **located**, if the
 41 city:

42 (i) is located in a county having a population of more than



1 one hundred eleven thousand (111,000) but less than one
2 hundred fifteen thousand (115,000); or

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

5 (B) the county in which the riverboat is ~~docked~~, **located**, if the
6 riverboat is not docked in a city described in clause (A).

7 (2) Except as provided in section 9(g) of this chapter, thirty-three
8 and one-third percent (33 1/3%) of the ~~admissions tax and~~
9 supplemental wagering tax collected ~~by from~~ the licensed owner
10 during the quarter shall be paid to the county in which the
11 riverboat is ~~docked~~. **located**. In the case of a county described in
12 subdivision (1)(B), this thirty-three and one-third percent (33
13 1/3%) of the ~~admissions tax and~~ supplemental wagering tax is in
14 addition to the thirty-three and one-third percent (33 1/3%)
15 received under subdivision (1)(B).

16 (3) Except as provided in section 9(g) of this chapter, three and
17 thirty-three hundredths percent (3.33%) of the ~~admissions tax and~~
18 supplemental wagering tax collected ~~by from~~ the licensed owner
19 during the quarter shall be paid to the county convention and
20 visitors bureau or promotion fund for the county in which the
21 riverboat is ~~docked~~. **located**.

22 (4) Except as provided in section 9(g) of this chapter, five percent
23 (5%) of the ~~admissions tax and~~ supplemental wagering tax
24 collected ~~by from~~ the licensed owner during a quarter shall be
25 paid to the state fair commission, for use in any activity that the
26 commission is authorized to carry out under IC 15-13-3.

27 (5) Except as provided in section 9(g) of this chapter, three and
28 thirty-three hundredths percent (3.33%) of the ~~admissions tax and~~
29 supplemental wagering tax collected ~~by from~~ the licensed owner
30 during the quarter shall be paid to the division of mental health
31 and addiction. The division shall allocate at least twenty-five
32 percent (25%) of the funds derived from the admissions tax to the
33 prevention and treatment of compulsive gambling.

34 (6) Twenty-one and six hundred sixty-seven thousandths percent
35 (21.667%) of the ~~admissions tax and~~ supplemental wagering tax
36 collected ~~by from~~ the licensed owner during the quarter shall be
37 paid ~~to retained in~~ the state general fund.

38 SECTION 17. IC 4-33-12-8.5 IS ADDED TO THE INDIANA
39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2018]: **Sec. 8.5. (a) This section applies only**
41 **to a riverboat located in Terre Haute.**

42 **(b) The treasurer of state shall do the following each quarter:**



- 1 **(1) Pay thirty-three and one-third percent (33 1/3%) of the**
- 2 **supplemental wagering tax collected from the licensed owner**
- 3 **during the quarter to Terre Haute.**
- 4 **(2) Pay thirty-three and one-third percent (33 1/3%) of the**
- 5 **supplemental wagering tax collected from the licensed owner**
- 6 **during the quarter to Vigo County.**
- 7 **(3) Retain the remaining amount of the supplemental**
- 8 **wagering tax collected from the licensed owner during the**
- 9 **quarter in the state general fund.**
- 10 SECTION 18. IC 4-33-12-9, AS ADDED BY P.L.204-2016,
- 11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2018]: Sec. 9. (a) Money paid to a unit of local government
- 13 under section 6, ~~or 8,~~ **or 8.5** of this chapter:
- 14 (1) must be paid to the fiscal officer of the unit and may be
- 15 deposited in the unit's general fund or riverboat fund established
- 16 under IC 36-1-8-9, or both;
- 17 (2) may not be used to reduce the unit's maximum levy under
- 18 IC 6-1.1-18.5 but may be used at the discretion of the unit to
- 19 reduce the property tax levy of the unit for a particular year;
- 20 (3) may be used for any legal or corporate purpose of the unit,
- 21 including the pledge of money to bonds, leases, or other
- 22 obligations under IC 5-1-14-4; and
- 23 (4) is considered miscellaneous revenue.
- 24 (b) Money paid by the treasurer of state to a county convention and
- 25 visitors bureau or promotion fund under section 6 of this chapter must
- 26 be:
- 27 (1) deposited in:
- 28 (A) the county convention and visitor promotion fund; or
- 29 (B) the county's general fund if the county does not have a
- 30 convention and visitor promotion fund; and
- 31 (2) used only for the tourism promotion, advertising, and
- 32 economic development activities of the county and community.
- 33 (c) Money received by the division of mental health and addiction
- 34 under section 6 or 8 of this chapter:
- 35 (1) is annually appropriated to the division of mental health and
- 36 addiction;
- 37 (2) shall be distributed to the division of mental health and
- 38 addiction at times during each state fiscal year determined by the
- 39 budget agency; and
- 40 (3) shall be used by the division of mental health and addiction
- 41 for programs and facilities for the prevention and treatment of
- 42 addictions to drugs, alcohol, and compulsive gambling, including



1 the creation and maintenance of a toll free telephone line to
 2 provide the public with information about these addictions.
 3 The division shall allocate at least twenty-five percent (25%) of the
 4 money received to the prevention and treatment of compulsive
 5 gambling.

6 **(d) This subsection does not apply to money distributed with**
 7 **respect to a riverboat located in Terre Haute.** This subsection
 8 applies to the following entities receiving money under section 6 or 8
 9 of this chapter:

- 10 (1) A city or county.
 11 (2) A county convention and visitors bureau or promotion fund
 12 for a county other than Lake County.
 13 (3) The state fair commission.
 14 (4) The division of mental health and addiction.

15 The treasurer of state shall determine the total amount of money paid
 16 by the treasurer of state to an entity subject to this subsection during
 17 the state fiscal year 2002. The amount determined under this subsection
 18 is the base year revenue for each entity subject to this subsection. The
 19 treasurer of state shall certify the base year revenue determined under
 20 this subsection to each entity subject to this subsection.

21 **(e) This subsection applies to the following entities receiving money**
 22 **under section 8 of this chapter:**

- 23 (1) A county convention and visitors bureau for Lake County.
 24 (2) The northwest Indiana law enforcement training center.

25 The treasurer of state shall determine the total amount of money paid
 26 by the treasurer of state to the entity described in subdivision (1) during
 27 state fiscal year 2002. The amount determined under this subsection
 28 multiplied by nine-tenths (0.9) is the base year revenue for the entity
 29 described in subdivision (1). The amount determined under this
 30 subsection multiplied by one-tenth (0.1) is the base year revenue for the
 31 entity described in subdivision (2). The treasurer of state shall certify
 32 the base year revenue determined under this subsection to each entity
 33 subject to this subsection.

34 **(f) This subsection does not apply to money distributed with**
 35 **respect to a riverboat located in Terre Haute.** The total amount of
 36 money distributed to an entity under section 6 or 8 of this chapter
 37 during a state fiscal year may not exceed the entity's base year revenue
 38 as determined under subsection (d) or (e). For purposes of this section,
 39 the treasurer of state shall treat any amounts distributed under section
 40 8 of this chapter to the northwest Indiana regional development
 41 authority as amounts constructively received by East Chicago, Gary,
 42 Hammond, and Lake County, as appropriate. If the treasurer of state



1 determines that the total amount of money:

2 (1) distributed to an entity; and

3 (2) constructively received by an entity;

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

7 **(g) This subsection does not apply to money distributed with**
8 **respect to a riverboat located in Terre Haute.** The treasurer of state
9 shall pay that part of the riverboat admissions taxes that:

10 (1) exceeds a particular entity's base year revenue; and

11 (2) would otherwise be due to the entity under this section;

12 to the state general fund instead of to the entity.

13 SECTION 19. IC 4-33-13-5, AS AMENDED BY THE
14 TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL
15 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2018]: Sec. 5. (a) This subsection does not apply to tax
17 revenue remitted by an operating agent operating a riverboat in a
18 historic hotel district. After funds are appropriated under section 4 of
19 this chapter, each month the treasurer of state shall distribute the tax
20 revenue deposited in the state gaming fund under this chapter to the
21 following:

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

24 (A) Before July 1, 2021, the first thirty-three million dollars
25 (\$33,000,000) of tax revenues collected under this chapter
26 shall be set aside for revenue sharing under subsection (e).

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

36 (C) After June 30, 2021, if the total adjusted gross receipts
37 received by ~~licenses~~ **licensees** from gambling games
38 authorized under this article during the preceding state fiscal
39 year is less than the total adjusted gross receipts received by
40 licensees from gambling games authorized under this article
41 during the state year ending June 30, 2020, an amount equal
42 to the first thirty-three million dollars (\$33,000,000) of tax



- 1 revenues collected under this chapter multiplied by the result
 2 of:
- 3 (i) the total adjusted gross receipts received by licensees
 4 from gambling games authorized under this article during
 5 the preceding state fiscal year; divided by
 6 (ii) the total adjusted gross receipts received by licensees
 7 from gambling games authorized under this article during
 8 the state fiscal year ending June 30, 2020;
 9 shall be set aside for revenue sharing under subsection (e).
- 10 (2) Subject to subsection (c), twenty-five percent (25%) of the
 11 remaining tax revenue remitted by each licensed owner shall be
 12 paid:
- 13 (A) to the city that is designated as the home dock of the
 14 riverboat from which the tax revenue was collected, in the case
 15 of:
- 16 (i) ~~a city described in IC 4-33-12-6(b)(1)(A);~~ **riverboat**
 17 **operating from Michigan City, Evansville, Rising Sun, or**
 18 **Lawrenceburg, or in Terre Haute (in the case of a**
 19 **supplemental gaming facility operated under**
 20 **IC 4-33-9.5);** or
 21 (ii) a city located in a county having a population of more
 22 than four hundred thousand (400,000) but less than seven
 23 hundred thousand (700,000); or
 24 (B) to the county that is designated as the home ~~dock~~ **location**
 25 of the riverboat from which the tax revenue was collected, in
 26 the case of a riverboat ~~whose home dock is not in a city~~
 27 ~~described in clause (A);~~ **operating from Harrison County or**
 28 **Switzerland County.**
- 29 (3) Subject to subsection (d), the remainder of the tax revenue
 30 remitted by each licensed owner shall be paid to the state general
 31 fund. In each state fiscal year, the treasurer of state shall make the
 32 transfer required by this subdivision not later than the last
 33 business day of the month in which the tax revenue is remitted to
 34 the state for deposit in the state gaming fund. However, if tax
 35 revenue is received by the state on the last business day in a
 36 month, the treasurer of state may transfer the tax revenue to the
 37 state general fund in the immediately following month.
- 38 (b) This subsection applies only to tax revenue remitted by an
 39 operating agent operating a riverboat in a historic hotel district after
 40 June 30, 2015. After funds are appropriated under section 4 of this
 41 chapter, each month the treasurer of state shall distribute the tax
 42 revenue remitted by the operating agent under this chapter as follows:



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(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



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

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

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

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

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

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

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



- 1 Economic Development Corporation and Radius Indiana or
 2 their successor entities or partnerships.
- 3 (c) **This subsection does not apply to Terre Haute.** For each city
 4 and county receiving money under subsection (a)(2), the treasurer of
 5 state shall determine the total amount of money paid by the treasurer
 6 of state to the city or county during the state fiscal year 2002. The
 7 amount determined is the base year revenue for the city or county. The
 8 treasurer of state shall certify the base year revenue determined under
 9 this subsection to the city or county. The total amount of money
 10 distributed to a city or county under this section during a state fiscal
 11 year may not exceed the entity's base year revenue. For each state fiscal
 12 year, the treasurer of state shall pay that part of the riverboat wagering
 13 taxes that:
- 14 (1) exceeds a particular city's or county's base year revenue; and
 - 15 (2) would otherwise be due to the city or county under this
 16 section;
- 17 to the state general fund instead of to the city or county.
- 18 (d) Each state fiscal year the treasurer of state shall transfer from the
 19 tax revenue remitted to the state general fund under subsection (a)(3)
 20 to the build Indiana fund an amount that when added to the following
 21 may not exceed two hundred fifty million dollars (\$250,000,000):
- 22 (1) Surplus lottery revenues under IC 4-30-17-3.
 - 23 (2) Surplus revenue from the charity gaming enforcement fund
 24 under IC 4-32.2-7-7.
 - 25 (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.
- 26 The treasurer of state shall make transfers on a monthly basis as needed
 27 to meet the obligations of the build Indiana fund. If in any state fiscal
 28 year insufficient money is transferred to the state general fund under
 29 subsection (a)(3) to comply with this subsection, the treasurer of state
 30 shall reduce the amount transferred to the build Indiana fund to the
 31 amount available in the state general fund from the transfers under
 32 subsection (a)(3) for the state fiscal year.
- 33 (e) Except as provided in subsections (l) and (m), before August 15
 34 of each year, the treasurer of state shall distribute the wagering taxes
 35 set aside for revenue sharing under subsection (a)(1) to the county
 36 treasurer of each county that does not have a riverboat according to the
 37 ratio that the county's population bears to the total population of the
 38 counties that do not have a riverboat. Except as provided in subsection
 39 (h), the county auditor shall distribute the money received by the
 40 county under this subsection as follows:
- 41 (1) To each city located in the county according to the ratio the
 42 city's population bears to the total population of the county.



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



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

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

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

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

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

15 (1) Before July 1, 2021, forty-eight million dollars (\$48,000,000).

16 (2) After June 30, 2021, if the total adjusted gross receipts
 17 received by licensees from gambling games authorized under this
 18 article during the preceding state fiscal year is equal to or greater
 19 than the total adjusted gross receipts received by licensees from
 20 gambling games authorized under this article during the state
 21 fiscal year ending June 30, 2020, the maximum amount is
 22 forty-eight million dollars (\$48,000,000).

23 (3) After June 30, 2021, if the total adjusted gross receipts
 24 received by licensees from gambling games authorized under this
 25 article during the preceding state fiscal year is less than the total
 26 adjusted gross receipts received by licensees from gambling
 27 games authorized under this article during the state fiscal year
 28 ending June 30, 2020, the maximum amount is equal to the result
 29 of:

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

31 (B) the result of:

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

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

38 If the total amount determined under subsection (g) exceeds the
 39 maximum amount determined under this subsection, the amount
 40 distributed to an entity under subsection (g) must be reduced according
 41 to the ratio that the amount distributed to the entity under IC 4-33-12-6
 42 or IC 4-33-12-8 bears to the total amount distributed under



1 IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental
2 distribution.

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

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

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

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

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

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

38 (l) After June 30, 2020, the amount of wagering taxes that would
39 otherwise be distributed to South Bend under subsection (e) shall be
40 deposited as being received from all riverboats whose supplemental
41 wagering tax, as calculated under ~~IC 4-33-12-1(c)~~; ~~IC 4-33-12-1(d)~~;
42 **IC 4-33-12-1(b)**, is over three and five-tenths percent (3.5%). The



1 amount deposited under this subsection, in each riverboat's account, is
 2 proportionate to the supplemental wagering tax received from that
 3 riverboat under ~~IC 4-33-12-1(c)~~ ~~IC 4-33-12-1(d)~~ **IC 4-33-12-1(b)** in the
 4 month of July. The amount deposited under this subsection must be
 5 distributed in the same manner as the supplemental wagering tax
 6 collected under ~~IC 4-33-12-1(c)~~ ~~IC 4-33-12-1(d)~~ **IC 4-33-12-1(b)**.
 7 This subsection expires June 30, 2021.

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

11 SECTION 20. IC 4-33-13-6 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) Money paid to a
 13 unit of local government under this chapter:

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

17 (2) may not be used to reduce the unit's maximum or actual levy
 18 under IC 6-1.1-18.5; and

19 (3) may be used for any legal or corporate purpose of the unit,
 20 including the pledge of money to bonds, leases, or other
 21 obligations under IC 5-1-14-4.

22 (b) This chapter does not prohibit the city or county designated:

23 (1) as the home ~~dock~~ **location** of the riverboat; **or**

24 (2) **as the location of a supplemental gaming facility operated**
 25 **under IC 4-33-9.5;**

26 from entering into agreements with other units of local government in
 27 Indiana or in other states to share the city's or county's part of the tax
 28 revenue received under this chapter.

29 SECTION 21. IC 4-33-13-7, AS AMENDED BY P.L.255-2015,
 30 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2018]: Sec. 7. (a) This section applies to adjusted gross
 32 receipts from wagering on gambling games that occurs after the
 33 effective date of this section, as added by SEA 528-2013.

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

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



1 a form and in the manner prescribed by the department.

2 (d) **Except as provided in subsection (f)**, a licensed owner or
 3 operating agent may not deduct more than the following amounts in a
 4 particular state fiscal year **with respect to the qualified wagering**
 5 **conducted at a particular riverboat:**

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

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

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

12 **(4) Eight million dollars (\$8,000,000) in a state fiscal year**
 13 **beginning after June 30, 2020.**

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

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

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

29 **(f) A licensed owner or permit holder operating a supplemental**
 30 **gaming facility under IC 4-33-9.5 shall assign one million dollars**
 31 **(\$1,000,000) of the deduction permitted under subsection (d) for**
 32 **wagering conducted at the supplemental gaming facility to the**
 33 **licensed owner operating a riverboat in Vanderburgh County. The**
 34 **amount assigned to a licensed owner under this subsection is in**
 35 **addition to the amount that the licensed owner may deduct under**
 36 **subsection (d).**

37 SECTION 22. IC 6-8.1-1-1, AS AMENDED BY P.L.256-2017,
 38 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2018]: Sec. 1. "Listed taxes" or "taxes" includes only the
 40 pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the ~~riverboat~~
 41 ~~admissions~~ **supplemental wagering** tax (IC 4-33-12); the riverboat
 42 wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8);



1 the type II gambling game excise tax (IC 4-36-9); the gross income tax
 2 (IC 6-2.1) (repealed); the utility receipts and utility services use taxes
 3 (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted
 4 gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8)
 5 (repealed); the county adjusted gross income tax (IC 6-3.5-1.1)
 6 (repealed); the county option income tax (IC 6-3.5-6) (repealed); the
 7 county economic development income tax (IC 6-3.5-7) (repealed); the
 8 local income tax (IC 6-3.6); the auto rental excise tax (IC 6-6-9); the
 9 financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the
 10 special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a
 11 motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3;
 12 the vehicle excise tax (IC 6-6-5); the aviation fuel excise tax
 13 (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the excise
 14 tax imposed on recreational vehicles and truck campers (IC 6-6-5.1);
 15 the hazardous waste disposal tax (IC 6-6-6.6) (repealed); the cigarette
 16 tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax
 17 (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax
 18 (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum
 19 severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the
 20 various food and beverage taxes (IC 6-9); the county admissions tax
 21 (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the
 22 penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-20-18); the
 23 fees and penalties assessed for overweight vehicles (IC 9-20-4 and
 24 IC 9-20-18); and any other tax or fee that the department is required to
 25 collect or administer.

26 SECTION 23. IC 36-7-11.5-11, AS AMENDED BY P.L.255-2015,
 27 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2018]: Sec. 11. (a) As used in this section, "fund" refers to the
 29 West Baden Springs historic hotel preservation and maintenance fund
 30 established by subsection (b).

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

33 (1) Amounts deposited in the fund under IC 4-33-6.5-6,
 34 IC 4-33-12-6 (before the enactment of P.L.96-2010),
 35 IC 4-33-13-5(b) (before July 1, 2015), IC 6-9-45.5, and
 36 IC 6-9-45.6.

37 (2) Grants and gifts that the department of natural resources
 38 receives for the fund under terms, obligations, and liabilities that
 39 the department considers appropriate.

40 (3) The one million dollar (\$1,000,000) initial fee paid to the
 41 gaming commission under IC 4-33-6.5.

42 (4) Any amount transferred to the fund upon the repeal of



1 IC 36-7-11.5-8 (the community trust fund).

2 **(5) Amounts paid to the department of natural resources**
 3 **under IC 4-33-9.5-8.**

4 The fund shall be administered by the department of natural resources.
 5 The expenses of administering the fund shall be paid from money in
 6 the fund.

7 (c) The treasurer of state shall invest the money in the fund that is
 8 not currently needed to meet the obligations of the fund in the same
 9 manner as other public funds may be invested. The treasurer of state
 10 shall deposit in the fund the interest that accrues from the investment
 11 of the fund.

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

14 (e) ~~One million dollars (\$1,000,000) is appropriated from the fund~~
 15 ~~to the department of natural resources in the state fiscal year beginning~~
 16 ~~after June 30, 2014, and ending before July 1, 2015.~~ Two million
 17 dollars (\$2,000,000) is appropriated from the fund to the department of
 18 natural resources in each state fiscal year beginning after June 30,
 19 2015. The money appropriated under this subsection may be used by
 20 the department of natural resources only for the following purposes:

21 (1) To reimburse claims made for expenditures for a qualified
 22 historic hotel, as determined by the owner of the hotel riverboat
 23 resort.

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

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

26 (B) supporting buildings and structures related to a qualified
 27 historic hotel; and

28 (C) other facilities used by the guests of the qualified historic
 29 hotel;

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

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

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

