



March 20, 2015

ENGROSSED SENATE BILL No. 252

DIGEST OF SB 252 (Updated March 18, 2015 2:49 pm - DI 107)

Citations Affected: IC 4-31.

Synopsis: Breed development funds and horse racing days. Requires the Indiana horse racing commission (IHRC) to promote the horse racing industry in Indiana. Provides that promotional costs may be paid from the breed development funds. Increases the amount of money in the breed development funds that may be used for IHRC expenses from 2% to 4%. Provides that not more than 50% of that amount may be used to pay costs incurred to promote the Indiana horse racing industry. Requires the IHRC to annually report and account for its promotional actions and expenditures. Increases the number of days that the IHRC shall require to at least 120 live racing days, but not more than 150 live racing days, for horses that are: (1) mounted by jockeys; and (2) run on a course without jumps or obstacles.

Effective: July 1, 2015.

Kenley, Lanane, Arnold J, Leising

(HOUSE SPONSORS — EBERHART, GOODIN)

January 8, 2015, read first time and referred to Committee on Public Policy.
January 29, 2015, reported favorably — Do Pass.
February 2, 2015, read second time, ordered engrossed. Engrossed.
February 3, 2015, read third time, passed. Yeas 47, nays 3.

HOUSE ACTION

March 2, 2015, read first time and referred to Committee on Public Policy.
March 19, 2015, amended, reported — Do Pass.

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March 20, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED SENATE BILL No. 252

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

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

1 SECTION 1. IC 4-31-2-17.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]: **Sec. 17.5. "Promotional action" means any action or**
4 **expenditure of the commission for the purpose of developing the**
5 **horse racing industry throughout Indiana, including the payment**
6 **of any administrative costs incurred by the commission to promote**
7 **the horse racing industry in Indiana.**

8 SECTION 2. IC 4-31-3-8, AS AMENDED BY P.L.210-2013,
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2015]: Sec. 8. The commission shall:

- 11 (1) prescribe the rules and conditions under which horse racing at
12 a recognized meeting may be conducted;
13 (2) initiate safeguards as necessary to account for the amount of
14 money wagered at each track or satellite facility in each wagering
15 pool;
16 (3) require all permit holders to provide a photographic or

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1 videotape recording, approved by the commission, of the entire
 2 running of all races conducted by the permit holder;

3 (4) make annual reports concerning:

4 **(A) the promotional actions taken and promotional**
 5 **initiatives established by the commission to promote the**
 6 **Indiana horse racing industry, including:**

7 **(i) a listing of the commission's promotional actions and**
 8 **promotional initiatives; and**

9 **(ii) an accounting of the money spent on each**
 10 **promotional action and promotional initiative;**

11 ~~(A)~~ **(B)** the competitive status of the Indiana horse racing
 12 industry as compared to the horse racing industries of other
 13 states and measured by purse, handle, and any other factors
 14 determined by the commission;

15 ~~(B)~~ **(C)** the commission's operations; and

16 ~~(C)~~ **(D)** the commission's recommendations;

17 to the governor and, in an electronic format under IC 5-14-6, to
 18 the general assembly;

19 (5) carry out the provisions of IC 15-19-2, after considering
 20 recommendations received from the Indiana standardbred
 21 advisory board under IC 15-19-2;

22 (6) develop internal procedures for accepting, recording,
 23 investigating, and resolving complaints from licensees and the
 24 general public; ~~and~~

25 **(7) promote the Indiana horse racing industry; and**

26 ~~(7)~~ **(8)** annually post the following information on the
 27 commission's Internet web site:

28 (A) A summary of the disciplinary actions taken by the
 29 commission in the preceding calendar year.

30 (B) A summary of the complaints received and resolved in the
 31 preceding calendar year.

32 SECTION 3. IC 4-31-5-9, AS AMENDED BY P.L.233-2007,
 33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2015]: Sec. 9. (a) The commission shall determine the dates
 35 and (if the commission adopts a rule under subsection (c)) the number
 36 of racing days authorized under each recognized meeting permit.
 37 Except for racing at winterized tracks, a recognized meeting may not
 38 be conducted after December 10 of a calendar year.

39 (b) Except as provided in subsection (c), the commission shall
 40 require at least ~~one two hundred forty (140)~~ **(200)** but not more than
 41 ~~one two hundred sixty-five (165)~~ **forty (240)** live racing days each
 42 calendar year at the racetrack designated in a permit holder's permit, as



1 follows:

2 (1) At least eighty (80) but not more than ninety (90) live racing
3 days must be for standardbreds.

4 (2) At least ~~sixty (60)~~ **one hundred twenty (120)** but not more
5 than ~~seventy-five (75)~~ **one hundred fifty (150)** live racing days
6 must be for horses that are:

7 (A) mounted by jockeys; and

8 (B) run on a course without jumps or obstacles.

9 The requirements of this subsection are a continuing condition for
10 maintaining the permit holder's permit. However, the requirements do
11 not apply if the commission determines that the permit holder is
12 prevented from conducting live horse racing as a result of a natural
13 disaster or another event over which the permit holder has no control.

14 (c) The commission may by rule adjust any of the following:

15 (1) The total required number of live racing days under subsection
16 (b).

17 (2) The number of live racing days required under subsection
18 (b)(1).

19 (3) The number of live racing days required under subsection
20 (b)(2).

21 (d) A permit holder may not conduct more than fourteen (14) races
22 on a particular racing day.

23 SECTION 4. IC 4-31-11-15, AS AMENDED BY P.L.229-2011,
24 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2015]: Sec. 15. (a) The commission shall use the development
26 funds to provide purses and other funding for the activities described
27 in section 9 of this chapter. The commission may pay:

28 (1) the operating costs of the development programs; ~~and~~

29 (2) other costs of administering this chapter; **and**

30 **(3) costs incurred to promote the horse racing industry in**
31 **Indiana;**

32 from one (1) or more of the development funds. However, the amount
33 used for each state fiscal year from these development funds to pay
34 these costs may not exceed ~~two~~ **four** percent (~~2%~~) (**4%**) of the amount
35 distributed to those funds during the immediately preceding state fiscal
36 year under IC 4-35-7-12.

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



COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 252, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 252 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 10, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 252, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 3. IC 4-31-5-9, AS AMENDED BY P.L.233-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The commission shall determine the dates and (if the commission adopts a rule under subsection (c)) the number of racing days authorized under each recognized meeting permit. Except for racing at winterized tracks, a recognized meeting may not be conducted after December 10 of a calendar year.

(b) Except as provided in subsection (c), the commission shall require at least ~~one two~~ hundred ~~forty~~ (~~140~~) **(200)** but not more than ~~one two~~ hundred ~~sixty-five~~ (~~165~~) **forty** (**240**) live racing days each calendar year at the racetrack designated in a permit holder's permit, as follows:

(1) At least eighty (80) but not more than ninety (90) live racing days must be for standardbreds.

(2) At least ~~sixty~~ (~~60~~) **one hundred twenty** (**120**) but not more than ~~seventy-five~~ (~~75~~) **one hundred fifty** (**150**) live racing days must be for horses that are:

(A) mounted by jockeys; and

(B) run on a course without jumps or obstacles.

The requirements of this subsection are a continuing condition for maintaining the permit holder's permit. However, the requirements do not apply if the commission determines that the permit holder is

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prevented from conducting live horse racing as a result of a natural disaster or another event over which the permit holder has no control.

(c) The commission may by rule adjust any of the following:

(1) The total required number of live racing days under subsection

(b).

(2) The number of live racing days required under subsection

(b)(1).

(3) The number of live racing days required under subsection

(b)(2).

(d) A permit holder may not conduct more than fourteen (14) races on a particular racing day."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 252 as printed January 30, 2015.)

DERMODY

Committee Vote: yeas 13, nays 0.

