



February 13, 2015

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## SENATE BILL No. 395

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DIGEST OF SB 395 (Updated February 10, 2015 1:27 pm - DI 73)

**Citations Affected:** IC 4-33; IC 36-7.

**Synopsis:** Historic hotel preservation and maintenance fund. Provides that \$1,000,000 is appropriated from the West Baden Springs historic hotel preservation and maintenance fund (fund) in each state fiscal year beginning after June 30, 2015, and ending before July 1, 2020, for purposes of reimbursing claims made for expenditures to maintain a qualified historic hotel, the grounds surrounding the hotel, supporting buildings and structures related to the hotel, and other facilities used by the guests of the hotel. (Under current law, only the interest accruing to the fund is annually appropriated for those purposes.) Specifies that for state fiscal years beginning after June 30, 2020, only the interest accruing to the fund is annually appropriated for those purposes. Provides that 19% of the riverboat wagering tax paid by the French Lick casino is distributed to the fund if the balance in the fund is not more than \$15,000,000 (rather than not more than \$20,000,000, under current law).

**Effective:** July 1, 2015.

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January 12, 2015, read first time and referred to Committee on Tax & Fiscal Policy.  
February 12, 2015, amended, reported favorably — Do Pass.

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SB 395—LS 6863/DI 55





February 13, 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.

## SENATE BILL No. 395

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A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

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

1 SECTION 1. IC 4-33-13-5, AS AMENDED BY P.L.2-2014,  
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 5. (a) This subsection does not apply to tax  
4 revenue remitted by an operating agent operating a riverboat in a  
5 historic hotel district. After funds are appropriated under section 4 of  
6 this chapter, each month the treasurer of state shall distribute the tax  
7 revenue deposited in the state gaming fund under this chapter to the  
8 following:  
9 (1) The first thirty-three million dollars (\$33,000,000) of tax  
10 revenues collected under this chapter shall be set aside for  
11 revenue sharing under subsection (e).  
12 (2) Subject to subsection (c), twenty-five percent (25%) of the  
13 remaining tax revenue remitted by each licensed owner shall be  
14 paid:  
15 (A) to the city that is designated as the home dock of the  
16 riverboat from which the tax revenue was collected, in the case

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1 of:

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

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

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

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

19 (b) This subsection applies only to tax revenue remitted by an  
20 operating agent operating a riverboat in a historic hotel district. After  
21 funds are appropriated under section 4 of this chapter, each month the  
22 treasurer of state shall distribute the tax revenue remitted by the  
23 operating agent under this chapter as follows:

24 (1) Thirty-seven and one-half percent (37.5%) shall be paid to the  
25 state general fund.

26 (2) Nineteen percent (19%) shall be paid to the West Baden  
27 Springs historic hotel preservation and maintenance fund  
28 established by IC 36-7-11.5-11(b). However, at any time the  
29 balance in that fund exceeds ~~twenty~~ **fifteen** million dollars  
30 (~~\$20,000,000~~), (**\$15,000,000**), the amount described in this  
31 subdivision shall be paid to the state general fund.

32 (3) Eight percent (8%) shall be paid to the Orange County  
33 development commission established under IC 36-7-11.5.

34 (4) Sixteen percent (16%) shall be paid in equal amounts to each  
35 town that is located in the county in which the riverboat is located  
36 and contains a historic hotel. The following apply to taxes  
37 received by a town under this subdivision:

38 (A) At least twenty-five percent (25%) of the taxes must be  
39 transferred to the school corporation in which the town is  
40 located.

41 (B) At least twelve and five-tenths percent (12.5%) of the  
42 taxes imposed on adjusted gross receipts received after June



- 1           30, 2010, must be transferred to the Orange County  
2           development commission established by IC 36-7-11.5-3.5.
- 3           (5) Nine percent (9%) shall be paid to the county treasurer of the  
4           county in which the riverboat is located. The county treasurer  
5           shall distribute the money received under this subdivision as  
6           follows:
- 7           (A) Twenty-two and twenty-five hundredths percent (22.25%)  
8           shall be quarterly distributed to the county treasurer of a  
9           county having a population of more than forty thousand  
10          (40,000) but less than forty-two thousand (42,000) for  
11          appropriation by the county fiscal body after receiving a  
12          recommendation from the county executive. The county fiscal  
13          body for the receiving county shall provide for the distribution  
14          of the money received under this clause to one (1) or more  
15          taxing units (as defined in IC 6-1.1-1-21) in the county under  
16          a formula established by the county fiscal body after receiving  
17          a recommendation from the county executive.
- 18          (B) Twenty-two and twenty-five hundredths percent (22.25%)  
19          shall be quarterly distributed to the county treasurer of a  
20          county having a population of more than ten thousand seven  
21          hundred (10,700) but less than twelve thousand (12,000) for  
22          appropriation by the county fiscal body after receiving a  
23          recommendation from the county executive. The county fiscal  
24          body for the receiving county shall provide for the distribution  
25          of the money received under this clause to one (1) or more  
26          taxing units (as defined in IC 6-1.1-1-21) in the county under  
27          a formula established by the county fiscal body after receiving  
28          a recommendation from the county executive.
- 29          (C) Fifty-five and five-tenths percent (55.5%) shall be retained  
30          by the county in which the riverboat is located for  
31          appropriation by the county fiscal body after receiving a  
32          recommendation from the county executive.
- 33          (6) Five percent (5%) shall be paid to a town having a population  
34          of more than two thousand (2,000) but less than three thousand  
35          five hundred (3,500) located in a county having a population of  
36          more than nineteen thousand five hundred (19,500) but less than  
37          twenty thousand (20,000). At least forty percent (40%) of the  
38          taxes received by a town under this subdivision must be  
39          transferred to the school corporation in which the town is located.
- 40          (7) Five percent (5%) shall be paid to a town having a population  
41          of more than three thousand five hundred (3,500) located in a  
42          county having a population of more than nineteen thousand five



1 hundred (19,500) but less than twenty thousand (20,000). At least  
 2 forty percent (40%) of the taxes received by a town under this  
 3 subdivision must be transferred to the school corporation in which  
 4 the town is located.

5 (8) Five-tenths percent (0.5%) of the taxes imposed on adjusted  
 6 gross receipts received after June 30, 2010, shall be paid to the  
 7 Indiana economic development corporation established by  
 8 IC 5-28-3-1.

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

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

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

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

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

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

38 (e) Before August 15 of each year, the treasurer of state shall  
 39 distribute the wagering taxes set aside for revenue sharing under  
 40 subsection (a)(1) to the county treasurer of each county that does not  
 41 have a riverboat according to the ratio that the county's population  
 42 bears to the total population of the counties that do not have a



1 riverboat. Except as provided in subsection (h), the county auditor shall  
 2 distribute the money received by the county under this subsection as  
 3 follows:

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

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

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

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

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

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

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

21 (4) For police and fire pensions.

22 (5) To carry out any governmental purpose for which the money  
 23 is appropriated by the fiscal body of the city, town, or county.

24 Money used under this subdivision does not reduce the property  
 25 tax levy of the city, town, or county for a particular year or reduce  
 26 the maximum levy of the city, town, or county under  
 27 IC 6-1.1-18.5.

28 (g) This subsection does not apply to an entity receiving money  
 29 under IC 4-33-12-6(c). Before September 15 of each year, the treasurer  
 30 of state shall determine the total amount of money distributed to an  
 31 entity under IC 4-33-12-6 during the preceding state fiscal year. If the  
 32 treasurer of state determines that the total amount of money distributed  
 33 to an entity under IC 4-33-12-6 during the preceding state fiscal year  
 34 was less than the entity's base year revenue (as determined under  
 35 IC 4-33-12-6), the treasurer of state shall make a supplemental  
 36 distribution to the entity from taxes collected under this chapter and  
 37 deposited into the state general fund. Except as provided in subsection  
 38 (i), the amount of an entity's supplemental distribution is equal to:

39 (1) the entity's base year revenue (as determined under  
 40 IC 4-33-12-6); minus

41 (2) the sum of:

42 (A) the total amount of money distributed to the entity during



- 1 the preceding state fiscal year under IC 4-33-12-6; plus  
 2 (B) any amounts deducted under IC 6-3.1-20-7.
- 3 (h) This subsection applies only to a county containing a  
 4 consolidated city. The county auditor shall distribute the money  
 5 received by the county under subsection (e) as follows:
- 6 (1) To each city, other than a consolidated city, located in the  
 7 county according to the ratio that the city's population bears to the  
 8 total population of the county.
- 9 (2) To each town located in the county according to the ratio that  
 10 the town's population bears to the total population of the county.
- 11 (3) After the distributions required in subdivisions (1) and (2) are  
 12 made, the remainder shall be paid in equal amounts to the  
 13 consolidated city and the county.
- 14 (i) This subsection applies to a supplemental distribution made after  
 15 June 30, 2013. The maximum amount of money that may be distributed  
 16 under subsection (g) in a state fiscal year is forty-eight million dollars  
 17 (\$48,000,000). If the total amount determined under subsection (g)  
 18 exceeds forty-eight million dollars (\$48,000,000), the amount  
 19 distributed to an entity under subsection (g) must be reduced according  
 20 to the ratio that the amount distributed to the entity under IC 4-33-12-6  
 21 bears to the total amount distributed under IC 4-33-12-6 to all entities  
 22 receiving a supplemental distribution.
- 23 SECTION 2. IC 36-7-11.5-11, AS AMENDED BY P.L.229-2011,  
 24 SECTION 266, IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) As used in this section,  
 26 "fund" refers to the West Baden Springs historic hotel preservation and  
 27 maintenance fund established by subsection (b).
- 28 (b) The West Baden Springs historic hotel preservation and  
 29 maintenance fund is established. The fund consists of the following:
- 30 (1) Amounts deposited in the fund under IC 4-33-6.5-6,  
 31 IC 4-33-12-6(c), and IC 4-33-13-5(b).
- 32 (2) Grants and gifts that the department of natural resources  
 33 receives for the fund under terms, obligations, and liabilities that  
 34 the department considers appropriate.
- 35 (3) The one million dollar (\$1,000,000) initial fee paid to the  
 36 gaming commission under IC 4-33-6.5.
- 37 (4) Any amount transferred to the fund upon the repeal of  
 38 IC 36-7-11.5-8 (the community trust fund).
- 39 The fund shall be administered by the department of natural resources.  
 40 The expenses of administering the fund shall be paid from money in  
 41 the fund.
- 42 (c) The treasurer of state shall invest the money in the fund that is





1 not currently needed to meet the obligations of the fund in the same  
 2 manner as other public funds may be invested. The treasurer of state  
 3 shall deposit in the fund the interest that accrues from the investment  
 4 of the fund.

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

7 **(e) This subsection applies only to state fiscal years beginning**  
 8 **after June 30, 2015, and ending before July 1, 2020. One million**  
 9 **dollars (\$1,000,000) is appropriated from the fund to the**  
 10 **department of natural resources in each state fiscal year beginning**  
 11 **after June 30, 2015, and ending before July 1, 2020. The money**  
 12 **appropriated under this subsection may be used by the department**  
 13 **of natural resources only for the following purposes:**

14 (1) To reimburse claims made for expenditures to maintain a  
 15 qualified historic hotel, as determined by the owner of the  
 16 hotel riverboat resort.

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

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

19 (B) supporting buildings and structures related to a  
 20 qualified historic hotel; and

21 (C) other facilities used by the guests of the qualified  
 22 historic hotel;

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

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

32 **(e) (f) This subsection applies only to state fiscal years beginning**  
 33 **after June 30, 2020.** The interest accruing to the fund is annually  
 34 appropriated to the department of natural resources only for the  
 35 following purposes:

36 (1) To reimburse claims made for expenditures to maintain a  
 37 qualified historic hotel, as determined by the owner of the hotel  
 38 riverboat resort.

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

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

41 (B) supporting buildings and structures related to a qualified  
 42 historic hotel; and



1 (C) other facilities used by the guests of the qualified historic  
2 hotel;  
3 as determined by the owner of the hotel riverboat resort.  
4 ~~(f)~~ **(g) This subsection applies only to state fiscal years beginning**  
5 **after June 30, 2020.** The department of natural resources shall  
6 promptly pay each claim for a purpose described in subsection ~~(e)~~ **(f)**  
7 to the extent of the balance of interest available in the fund, without  
8 review or approval of the project or claim under IC 14-21 or  
9 IC 36-7-11. IC 14-21-1-18 does not apply to projects or claims paid for  
10 maintenance under this section. If insufficient money is available to  
11 fully pay all of the submitted claims, the department of natural  
12 resources shall pay the claims in the order in which they are received  
13 until each claim is fully paid.  
14 ~~(g)~~ **(h)** Notwithstanding IC 4-9.1-1-7, IC 4-12-1-12, IC 4-13-2-18,  
15 or any other law, interest accruing to the fund may not be withheld,  
16 transferred, assigned, or reassigned to a purpose other than the  
17 reimbursement of claims under subsection ~~(f)~~: **(e) or (g).**



## COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 395, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 4-33-13-5, AS AMENDED BY P.L.2-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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) 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).

(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 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) Thirty-seven and one-half percent (37.5%) shall be paid to the state general fund.

(2) Nineteen percent (19%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds ~~twenty fifteen~~ million dollars (~~\$20,000,000~~), **(\$15,000,000)**, the amount described in this subdivision shall be paid to the state general fund.

(3) Eight percent (8%) shall be paid to the Orange County development commission established under IC 36-7-11.5.

(4) Sixteen percent (16%) shall be paid in equal amounts to each town that is located in the county in which the riverboat is located and contains a historic hotel. The following apply to taxes received by a town under this subdivision:

(A) At least twenty-five percent (25%) of the taxes must be transferred to the school corporation in which the town is located.

(B) At least twelve and five-tenths percent (12.5%) of the taxes imposed on adjusted gross receipts received after June 30, 2010, must be transferred to the Orange County development commission established by IC 36-7-11.5-3.5.

(5) Nine percent (9%) shall be paid to the county treasurer of the county in which the riverboat is located. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty-two and twenty-five hundredths percent (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than forty thousand (40,000) but less than forty-two thousand (42,000) 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.

(B) Twenty-two and twenty-five hundredths percent (22.25%) shall be quarterly distributed to the county treasurer of a



county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) 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.

(C) Fifty-five and five-tenths percent (55.5%) shall be retained by the county in which the riverboat is located for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(6) Five percent (5%) shall be paid to a town having a population of more than two thousand (2,000) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.

(7) Five percent (5%) shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.

(8) Five-tenths percent (0.5%) of the taxes imposed on adjusted gross receipts received after June 30, 2010, shall be paid to the Indiana economic development corporation established by IC 5-28-3-1.

(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) 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) This subsection does not apply to an entity receiving money under IC 4-33-12-6(c). Before September 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 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 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-6), 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 4-33-12-6); minus
- (2) the sum of:
  - (A) the total amount of money distributed to the entity during the preceding state fiscal year under IC 4-33-12-6; plus
  - (B) any amounts 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. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is forty-eight million dollars (\$48,000,000). If the total amount determined under subsection (g) exceeds forty-eight million dollars (\$48,000,000), 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 bears to the total amount distributed under IC 4-33-12-6 to all entities receiving a supplemental distribution.

SECTION 2. IC 36-7-11.5-11, AS AMENDED BY P.L.229-2011, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) As used in this section, "fund" refers to the West Baden Springs historic hotel preservation and maintenance fund established by subsection (b).

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

- (1) Amounts deposited in the fund under IC 4-33-6.5-6, IC 4-33-12-6(c), and IC 4-33-13-5(b).
- (2) Grants and gifts that the department of natural resources receives for the fund under terms, obligations, and liabilities that the department considers appropriate.
- (3) The one million dollar (\$1,000,000) initial fee paid to the gaming commission under IC 4-33-6.5.
- (4) Any amount transferred to the fund upon the repeal of IC 36-7-11.5-8 (the community trust fund).

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

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

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

**(e) This subsection applies only to state fiscal years beginning after June 30, 2015, and ending before July 1, 2020. One million dollars (\$1,000,000) is appropriated from the fund to the department of natural resources in each state fiscal year beginning after June 30, 2015, and ending before July 1, 2020. The money appropriated under this subsection may be used by the department of natural resources only for the following purposes:**

- (1) To reimburse claims made for expenditures to maintain a qualified historic hotel, as determined by the owner of the hotel riverboat resort.**
- (2) To reimburse claims made for expenditures to maintain:**
  - (A) the grounds surrounding a qualified historic hotel;**
  - (B) supporting buildings and structures related to a**





qualified historic hotel; and

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

as determined by the owner of the hotel riverboat resort.

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

~~(e)~~ (f) This subsection applies only to state fiscal years beginning after June 30, 2020. The interest accruing to the fund is annually appropriated to the department of natural resources only for the following purposes:

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

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

(A) the grounds surrounding a qualified historic hotel;

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

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

as determined by the owner of the hotel riverboat resort.

~~(f)~~ (g) This subsection applies only to state fiscal years beginning after June 30, 2020. The department of natural resources shall promptly pay each claim for a purpose described in subsection ~~(e)~~ (f) to the extent of the balance of interest available in the fund, without review or approval of the project or claim under IC 14-21 or IC 36-7-11. IC 14-21-1-18 does not apply to projects or claims paid for maintenance under this section. If insufficient money is available to fully pay all of the submitted claims, the department of natural resources shall pay the claims in the order in which they are received until each claim is fully paid.

~~(g)~~ (h) Notwithstanding IC 4-9.1-1-7, IC 4-12-1-12, IC 4-13-2-18, or any other law, interest accruing to the fund may not be withheld, transferred, assigned, or reassigned to a purpose other than the



reimbursement of claims under subsection ~~(f)~~: **(e) or (g)**."

Delete pages 2 through 3.

and when so amended that said bill do pass.

(Reference is to SB 395 as introduced.)

HERSHMAN, Chairperson

Committee Vote: Yeas 11, Nays 0.

