

## SENATE BILL No. 552

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-31; IC 4-33; IC 4-35; IC 4-38; IC 35-45-5-14; IC 36-7-11.5-11.

**Synopsis:** Gaming matters. Authorizes sports wagering at riverboats, racinos, a Vigo County casino, and satellite facilities. Provides for the administration and conduct of sports wagering. Imposes initial and annual fees on a licensed owner, operating agent, or permit holder conducting sports wagering. Prohibits wagering on e-sports. Allows live table games at racetracks in 2019. Provides that the Indiana horse racing commission (commission), each horsemen's association, certain licensees, and any association for backside benevolence shall conduct audits of their accounts, books, and records instead of the state board of accounts. Provides distributions of taxes from live table games at racetracks to the commission. Makes changes to the appointment of members on breed development advisory committees. Authorizes a holder of a Gary riverboat license to change locations under certain circumstances, to a location in Lake County or to Vigo County. Allows: (1) a holder of one of the Gary riverboat licenses to move a license to a casino in Vigo County; or (2) a licensed owner of a riverboat license to apply to the commission to move to a casino in Vigo County. Repeals: (1) the maximum number of owner's licenses that may be issued to a riverboat owner; (2) a provision that the number of gambling games offered by a licensed owner may not exceed the greatest number of gambling games offered by the licensed owner since January 1, 2007; (3) the cap on the number of slot machines and gambling games at a racetrack; and (4) the provision that prohibits money distributed to a horsemen's association from being used for lobbying. Provides that a licensed owner of a riverboat license: (1) who is operating a Vigo County casino; or (2) who operates an inland casino  
(Continued next page)

**Effective:** July 1, 2019.

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## Messmer, Ford Jon

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January 15, 2019, read first time and referred to Committee on Public Policy.

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Digest Continued

in Vigo County using a Gary riverboat license; shall annually pay \$3,000,000 to the department of natural resources (DNR) and DNR will deposit that payment in the West Baden Springs historic hotel preservation and maintenance fund. Provides that beginning after June 30, 2020, a licensed owner may not deduct more than \$9,000,000 from adjusted gross receipts from wagering on gambling games. Makes technical corrections and other changes to conform with recent changes to the riverboat law.



Introduced

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 552

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

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

- 1 SECTION 1. IC 4-31-2-5.8 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2019]: **Sec. 5.8. "E-sports" means a multiplayer video game**  
4 **played competitively, typically by professional gamers.**  
5 SECTION 2. IC 4-31-2-20.9 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2019]: **Sec. 20.9. "Sports wagering" refers to wagering**  
8 **conducted under IC 4-38 on athletic and sporting events involving**  
9 **human competitors. The term does not include:**  
10 **(1) pari-mutuel wagering on horse racing; or**  
11 **(2) wagering on e-sports.**  
12 SECTION 3. IC 4-31-9-0.5 IS ADDED TO THE INDIANA CODE  
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
14 1, 2019]: **Sec. 0.5. This chapter does not apply to sports wagering**  
15 **conducted under IC 4-38 at a satellite facility.**



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

5 (1) One (1) member appointed by the governor, who shall chair  
 6 the committee.

7 (2) One (1) member appointed by the ~~permit holder of the track~~  
 8 ~~where the breed of horse races:~~ **lieutenant governor.**

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

12 (b) The members of each development committee must be residents  
 13 of Indiana who are knowledgeable in horse breeding and racing. ~~and~~  
 14 ~~must include one (1) member who is an owner and one (1) member~~  
 15 ~~who is a breeder.~~ No more than two (2) members of each development  
 16 committee may be members of the same political party.

17 (c) ~~If more than one (1) horsemen's association for a breed~~  
 18 ~~represents owners, the associations must agree on the associations'~~  
 19 ~~appointment described in subsection (a)(3) to the development~~  
 20 ~~committee.~~

21 SECTION 5. IC 4-33-1-1 IS REPEALED [EFFECTIVE JULY 1,  
 22 2019]. Sec. 1. ~~This article applies only to the following:~~

23 ~~(1) Counties contiguous to Lake Michigan;~~

24 ~~(2) A county that is:~~

25 ~~(A) contiguous to the Ohio River; and~~

26 ~~(B) described in IC 4-33-6-1(a)(5);~~

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

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

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

35 (2) the total of:

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

37 (B) uncollectible gaming receivables, not to exceed the lesser  
 38 of:

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

41 (ii) two percent (2%) of the total of all sums, including  
 42 checks, whether collected or not, less the amount paid out as



1 winnings to patrons.

2 For purposes of this section, a counter or personal check that is invalid  
3 or unenforceable under this article is considered cash received by the  
4 licensee or operating agent from gaming operations.

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

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

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

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

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

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

20 **(5) A Vigo County casino operating under IC 4-33-9.5.**

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

22 SECTION 8. IC 4-33-2-17.7 IS ADDED TO THE INDIANA CODE  
23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
24 1, 2019]: Sec. 17.7. "Sports wagering" refers to wagering  
25 conducted under IC 4-38 on athletic and sporting events involving  
26 human competitors. The term does not include:

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

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

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

34 (b) Each member of the commission must:

35 (1) be a resident of Indiana; and

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

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

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

42 (e) At least one (1) member of the commission must be an attorney



1 admitted to the practice of law in Indiana.

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

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

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

10 SECTION 10. IC 4-33-3-22 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. (a) The commission  
12 shall file a written annual report with the governor before September  
13 1 of each year. The commission shall file any additional reports that the  
14 governor requests.

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

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

18 (2) Actions taken by the commission.

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

21 ~~(4)~~ **(4)** Any additional information and recommendations that:

22 (A) the commission considers useful; or

23 (B) the governor requests.

24 SECTION 11. IC 4-33-6-1, AS AMENDED BY P.L.229-2013,  
25 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2019]: Sec. 1. (a) The commission may issue to a person a  
27 license to own a riverboat subject to the numerical and geographical  
28 limitation of owner's licenses under this section ~~section 3.5 of this~~  
29 ~~chapter,~~ and IC 4-33-4-17. However, not more than ten (10) owner's  
30 licenses may be in effect at any time. **Except as provided in section**  
31 **4.5 of this chapter and IC 4-33-9.5,** those ten (10) licenses are as  
32 follows:

33 (1) Two (2) licenses for a ~~riverboat that operates two (2)~~  
34 **riverboats located in or operating** from the city of Gary.

35 (2) One (1) license for a riverboat that operates from the city of  
36 Hammond.

37 (3) One (1) license for a riverboat that operates from the city of  
38 East Chicago.

39 (4) One (1) license for a city located in ~~the counties described~~  
40 ~~under IC 4-33-1-1(1):~~ **a county contiguous to Lake Michigan.**  
41 **However,** this license may not be issued to a city described in  
42 subdivisions (1) through (3).



1 (5) A total of five (5) licenses for riverboats that operate upon the  
2 Ohio River from the following counties:

- 3 (A) Vanderburgh County.  
4 (B) Harrison County.  
5 (C) Switzerland County.  
6 (D) Ohio County.  
7 (E) Dearborn County.

8 The commission may not issue a license to an applicant if the  
9 issuance of the license would result in more than one (1) riverboat  
10 operating from a county described in this subdivision.

11 (b) In addition to its power to issue owner's licenses under  
12 subsection (a), the commission may also enter into a contract under  
13 IC 4-33-6.5 with respect to the operation of one (1) riverboat on behalf  
14 of the commission in a historic hotel district.

15 ~~(c) A person holding an owner's license may not move the person's~~  
16 ~~riverboat from the county in which the riverboat was docked on~~  
17 ~~January 1, 2007, to any other county.~~

18 SECTION 12. IC 4-33-6-3 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The commission may  
20 not issue an owner's license under this chapter to a person if:

- 21 (1) the person has been convicted of a felony under Indiana law,  
22 the laws of any other state, or laws of the United States;  
23 (2) the person has knowingly or intentionally submitted an  
24 application for a license under this chapter that contains false  
25 information;  
26 (3) the person is a member of the commission;  
27 (4) the person is an officer, a director, or a managerial employee  
28 of a person described in subdivision (1) or (2);  
29 (5) the person employs an individual who:  
30 (A) is described in subdivision (1), (2), or (3); and  
31 (B) participates in the management or operation of gambling  
32 operations authorized under this article;  
33 ~~(6) the person owns an ownership interest of more than the total~~  
34 ~~amount of ownership interest permitted under section 3.5 of this~~  
35 ~~chapter; or~~  
36 ~~(7) (6) a license issued to the person:~~  
37 (A) under this article; or  
38 (B) to own or operate gambling facilities in another  
39 jurisdiction;  
40 has been revoked.

41 SECTION 13. IC 4-33-6-3.5 IS REPEALED [EFFECTIVE JULY  
42 1, 2019]. Sec. 3.5: (a) For purposes of this section, a person is



1 considered to have an ownership interest in a riverboat owner's license  
 2 if the interest is owned directly or indirectly by the person or by an  
 3 entity controlled by the person:

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

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

9 (d) This section may not be construed to increase the maximum  
 10 number of licenses permitted under section 1 of this chapter or the  
 11 number of riverboats that may be owned and operated under a license  
 12 under section 10 of this chapter:

13 SECTION 14. IC 4-33-6-4.5 IS ADDED TO THE INDIANA CODE  
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 15 1, 2019]: **Sec. 4.5. (a) A person holding an owner's license under**  
 16 **section 1(a)(1) of this chapter may move a riverboat using one (1)**  
 17 **of the licenses described in section 1(a)(1) of this chapter to a**  
 18 **different location in Lake County and may move a riverboat using**  
 19 **the other license described in section 1(a)(1) of this chapter to a**  
 20 **location in Vigo County only if:**

21 (1) the Gary common council adopts a resolution approving  
 22 the relocation of the riverboat;

23 (2) the legislative body of the:

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

26 (B) county of relocation, if the riverboat is relocating to a  
 27 unincorporated area of a county;

28 adopts a resolution approving the relocation of the riverboat;  
 29 and

30 (3) the voters of the county to which the riverboat is  
 31 relocating have approved a public question under IC 4-31-4-3  
 32 or section 19 of this chapter.

33 (b) If voters in a county have not approved a public question  
 34 described in subsection (a)(3), the county election board shall place  
 35 the following question on the ballot in the county during the next  
 36 primary or general election:

37 "Shall riverboat gambling be permitted in \_\_\_\_ County?".

38 (c) A public question under subsection (b) shall be placed on the  
 39 ballot in accordance with IC 3-10-9 and must be certified in  
 40 accordance with IC 3-10-9-3.

41 (d) The clerk of the circuit court of a county holding an election  
 42 under this chapter shall certify the results determined under





1 **IC 3-12-4-9 to the commission and the department of state revenue.**

2 **(e) If a public question under this section is placed on the ballot**  
 3 **in a county and the voters of the county do not vote in favor of**  
 4 **permitting riverboat gambling under this article, a second public**  
 5 **question under this section may not be held in that county for at**  
 6 **least two (2) years. If the voters of the county vote to reject**  
 7 **riverboat gambling a second time, a third or subsequent public**  
 8 **question under this section may not be held in that county for at**  
 9 **least two (2) years.**

10 **(f) The commission may impose any requirement on a licensed**  
 11 **owner relocating gaming operations under this section.**

12 **(g) When reviewing an application to relocate gaming**  
 13 **operations under this section, the commission shall consider:**

14 **(1) economic benefits;**

15 **(2) tax revenue;**

16 **(3) number of new jobs;**

17 **(4) whether the owner plans to make at least fifty percent**  
 18 **(50%) of the owner's proposed investment in the Vigo County**  
 19 **casino for the development of nongaming amenities; and**

20 **(5) any other issue deemed appropriate by the commission.**

21 **(h) The commission shall approve an application to transfer**  
 22 **gaming operations under this section if the requirements of this**  
 23 **section are met.**

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

26 **(j) If a riverboat relocates under this section, the licensed owner**  
 27 **shall pay three million dollars (\$3,000,000) to the department of**  
 28 **natural resources on a date established by the licensed owner and**  
 29 **the commission in each year that the relocated riverboat is in**  
 30 **operation. The department of natural resources shall deposit the**  
 31 **payments received under this subsection in the West Baden Springs**  
 32 **historic hotel preservation and maintenance fund established**  
 33 **under IC 36-7-11.5-11.**

34 **(k) This section may not be construed to prohibit an approved**  
 35 **licensed owner from establishing a Vigo County casino under**  
 36 **IC 4-33-9.5.**

37 SECTION 15. IC 4-33-6-6, AS AMENDED BY P.L.255-2015,  
 38 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2019]: Sec. 6. (a) Except as provided in subsection (c) or (d),  
 40 a riverboat that operates in a county ~~described in IC 4-33-1-1(1) or~~  
 41 ~~IC 4-33-1-1(2)~~ **that is contiguous to Lake Michigan or the Ohio**  
 42 **River must:**



- 1 (1) have either:  
 2 (A) a valid certificate of inspection from the United States  
 3 Coast Guard for the carrying of at least five hundred (500)  
 4 passengers; or  
 5 (B) a valid certificate of compliance with marine structural and  
 6 life safety standards determined by the commission; and  
 7 (2) be at least one hundred fifty (150) feet in length.
- 8 (b) This subsection applies only to a riverboat that operates on the  
 9 Ohio River. A riverboat must replicate, as nearly as possible, historic  
 10 Indiana steamboat passenger vessels of the nineteenth century.  
 11 However, steam propulsion or overnight lodging facilities are not  
 12 required under this subsection.
- 13 (c) A riverboat described in IC 4-33-2-17(3) must have a valid  
 14 certificate of compliance with the marine structural and life safety  
 15 standards determined by the commission under IC 4-33-4-13.5 for a  
 16 permanently moored craft.
- 17 (d) A riverboat constructed under section 24 of this chapter, **a**  
 18 **riverboat relocated under section 4.5 of this chapter, or a Vigo**  
 19 **County casino under IC 4-33-9.5** must comply with all applicable  
 20 building codes and any safety requirements imposed by the  
 21 commission.
- 22 SECTION 16. IC 4-33-6-24, AS ADDED BY P.L.255-2015,  
 23 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2019]: Sec. 24. (a) For purposes of this section, property is  
 25 considered to be adjacent to a riverboat dock site even if it is separated  
 26 from the dock site by public rights-of-way or railroad rights-of-way.
- 27 (b) (a) A licensed owner may relocate the licensed owner's gaming  
 28 operation from a docked riverboat to an inland casino if the following  
 29 conditions are met:
- 30 (1) Except as provided in subsection (c), the casino is located on  
 31 property that the licensed owner owned or leased and used in the  
 32 conduct of the licensed owner's gaming operations; on February  
 33 1, 2015.
- 34 (2) The casino is located on property adjacent to the dock site of  
 35 the licensed owner's riverboat.
- 36 (3) (1) The casino complies with all applicable building codes and  
 37 any safety requirements imposed by the commission.
- 38 (4) (2) The commission approves the relocation of the licensed  
 39 owner's gaming operation.
- 40 (c) This subsection applies to a licensed owner that owns or leases  
 41 property that is considered adjacent to a riverboat dock site under  
 42 subsection (a). The licensed owner may:



1 (1) acquire part of the public rights-of-way or railroad  
 2 rights-of-way to form a contiguous parcel with the property  
 3 owned or leased by the licensed owner on February 1, 2015; and  
 4 (2) subject to the other requirements of this section, situate an  
 5 inland casino on the contiguous parcel formed under subdivision  
 6 (1).

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

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

13 SECTION 17. IC 4-33-6-25 IS REPEALED [EFFECTIVE JULY 1,  
 14 2019]. Sec. 25: (a) This section does not apply to a riverboat gaming  
 15 operation relocated under section 24 of this chapter.

16 (b) The number of gambling games offered by a licensed owner or  
 17 operating agent within the riverboat operated by the licensed owner or  
 18 operating agent may not exceed the greatest number of gambling games  
 19 offered by the licensed owner or operating agent since January 1, 2007.

20 SECTION 18. IC 4-33-9.5 IS ADDED TO THE INDIANA CODE  
 21 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2019]:

23 **Chapter 9.5. Vigo County Casino Operations**

24 **Sec. 1. (a) A licensed owner or licensed owners may apply to the**  
 25 **commission for permission to operate a Vigo County casino as**  
 26 **described in subsections (b) and (c).**

27 (b) A licensed owner is eligible to apply to operate a Vigo  
 28 County casino if:

29 (1) the licensed owner holds one (1) of the licenses to operate  
 30 a riverboat from the city of Gary described in  
 31 IC 4-33-6-1(a)(1); and

32 (2) the licensed owner intends to transfer the license to  
 33 operate a casino in a location in Vigo County that is approved  
 34 by the gaming commission.

35 (c) A licensed owner may apply to operate a Vigo County casino  
 36 if:

37 (1) the licensed owner operates a riverboat from a county:

38 (A) that is contiguous to Lake Michigan; or

39 (B) on the Ohio River; and

40 (2) the licensed owner intends to transfer the license to  
 41 operate a casino in a location in Vigo County that is approved  
 42 by the gaming commission.



1           (d) The commission may not approve gaming at more than one  
2 (1) casino under this chapter.

3           Sec. 2. The commission's approval of an applicant's Vigo  
4 County casino application authorizes a licensed owner or permit  
5 holder to establish a casino at a location in Vigo County approved  
6 by the commission.

7           Sec. 3. The commission shall prescribe the form of the  
8 application for permission to operate a casino facility under this  
9 chapter. The form must include the following information:

10           (1) The name of the applicant.

11           (2) The street address of the applicant's proposed casino.

12           (3) A description of the proposed gaming facilities and  
13 proposed nongaming amenities, such as lodging facilities,  
14 dining facilities, and retail facilities, at the proposed casino.

15           (4) The amounts that the applicant will invest in both gaming  
16 facilities and nongaming amenities at the proposed casino.

17           (5) The proposed number of gambling games that the  
18 applicant seeks permission to operate at the proposed casino.

19           (6) Evidence that the applicant's proposed casino will do the  
20 following:

21                   (A) Enhance the credibility and integrity of gaming in  
22 Indiana.

23                   (B) Promote employment and economic development in the  
24 area surrounding the proposed casino.

25                   (C) Optimize the collection of wagering tax revenue under  
26 this article.

27           Sec. 4. Subject to section 1(b) of this chapter, the commission  
28 may approve an application submitted under this chapter if the  
29 commission finds that:

30           (1) the applicant is planning an investment of at least one  
31 hundred fifty million dollars (\$150,000,000) in the  
32 development of a casino; and

33           (2) at least fifty percent (50%) of the applicant's proposed  
34 investment in the casino is for the development of the  
35 proposed nongaming amenities at the casino.

36           Sec. 5. A licensed owner operating a casino under this chapter  
37 is taxed separately under IC 4-33-12 and IC 4-33-13 for wagering  
38 occurring at the casino.

39           Sec. 6. (a) A licensed owner or permit holder operating a casino  
40 under this chapter shall pay three million dollars (\$3,000,000) to  
41 the department of natural resources on a date established by the  
42 licensed owner and the commission in each year that the casino is



1 **in operation.**

2 **(b) The department of natural resources shall deposit the**  
 3 **payments received under subsection (a) in the West Baden Springs**  
 4 **historic hotel preservation and maintenance fund established**  
 5 **under IC 36-7-11.5-11.**

6 SECTION 19. IC 4-33-12-0.5, AS ADDED BY P.L.255-2015,  
 7 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2019]: Sec. 0.5. This chapter does not apply to **the following:**

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

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

11 SECTION 20. IC 4-33-12-9, AS AMENDED BY P.L.109-2018,  
 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2019]: Sec. 9. (a) Except as provided in subsections (g)  
 14 through (j), money paid to a unit of local government under section 6  
 15 or 8 of this chapter:

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

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

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

25 (4) is considered miscellaneous revenue.

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

29 (1) deposited in:

30 (A) the county convention and visitor promotion fund; or

31 (B) the county's general fund if the county does not have a  
 32 convention and visitor promotion fund; and

33 (2) used only for the tourism promotion, advertising, and  
 34 economic development activities of the county and community.

35 (c) Money received by the division of mental health and addiction  
 36 under section 6 or 8 of this chapter:

37 (1) is annually appropriated to the division of mental health and  
 38 addiction;

39 (2) shall be distributed to the division of mental health and  
 40 addiction at times during each state fiscal year determined by the  
 41 budget agency; and

42 (3) shall be used by the division of mental health and addiction



1 for programs and facilities for the prevention and treatment of  
 2 addictions to drugs, alcohol, and compulsive gambling, including  
 3 the creation and maintenance of a toll free telephone line to  
 4 provide the public with information about these addictions.

5 The division shall allocate at least twenty-five percent (25%) of the  
 6 money received to the prevention and treatment of compulsive  
 7 gambling.

8 (d) **This subsection does not apply to money distributed with**  
 9 **respect to a Vigo County casino under IC 4-33-9.5.** This subsection  
 10 applies to the following entities receiving money under section 6 or 8  
 11 of this chapter:

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

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

23 (e) This subsection applies to the following entities receiving money  
 24 under section 8 of this chapter:

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

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

36 (f) **This subsection does not apply to money distributed with**  
 37 **respect to a Vigo County casino under IC 4-33-9.5.** The total amount  
 38 of money distributed to an entity under section 6 or 8 of this chapter  
 39 during a state fiscal year may not exceed the entity's base year revenue  
 40 as determined under subsection (d) or (e). For purposes of this section,  
 41 the treasurer of state shall treat any amounts distributed under section  
 42 8 of this chapter to the northwest Indiana regional development



1 authority as amounts constructively received by East Chicago, Gary,  
 2 Hammond, and Lake County, as appropriate. If the treasurer of state  
 3 determines that the total amount of money:

4 (1) distributed to an entity; and

5 (2) constructively received by an entity;

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

9 (g) The Dearborn County council may vote to direct the county  
 10 auditor of Dearborn County to make distributions as described in  
 11 subsection (h).

12 (h) If a majority of the Dearborn County council vote to direct the  
 13 county auditor of Dearborn County to make distributions under this  
 14 subsection, the county auditor of Dearborn County shall distribute  
 15 twenty-five percent (25%) of money received under section 6 of this  
 16 chapter to cities and towns in Dearborn County that have not received  
 17 money under section 6 of this chapter, as of January 1, 2017, and where  
 18 a riverboat is not located:

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

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

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

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

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

29 (3) may use the money for any legal or corporate purpose of the  
 30 city or town, including the pledge of money to bonds, leases, or  
 31 other obligations under IC 5-1-14-4.

32 (j) Money distributed under subsection (h) is considered  
 33 miscellaneous revenue.

34 (k) **This subsection does not apply to money distributed with**  
 35 **respect to a Vigo County casino under IC 4-33-9.5.** The treasurer of  
 36 state shall pay that part of the riverboat admissions taxes that:

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

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

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

40 SECTION 21. IC 4-33-13-0.5 IS ADDED TO THE INDIANA  
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2019]: **Sec. 0.5. This chapter does not apply**



**to sports wagering conducted under IC 4-38 at a riverboat.**

SECTION 22. IC 4-35-2-5, AS AMENDED BY P.L.255-2015, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. "Gambling game" means any of the following:

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

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

SECTION 23. IC 4-35-7-11 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 11. (a) Before January 2, 2021, a licensee may not install more than two thousand (2,000) slot machines on the premises of the licensee's racetrack without the approval of the commission:

(b) After January 1, 2021, a licensee may not offer more than two thousand two hundred (2,200) gambling games on the premises of a licensee's racetrack.

SECTION 24. IC 4-35-7-12, AS AMENDED BY P.L.28-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) The Indiana horse racing commission shall enforce the requirements of this section.

(b) A licensee shall before the fifteenth day of each month distribute the following amounts for the support of the Indiana horse racing industry:

- (1) An amount equal to fifteen percent (15%) of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee with respect to adjusted gross receipts received after June 30, 2013, and before January 1, 2014.
- (2) The percentage of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after December 31, 2013, and before July 1, 2015.
- (3) (1) Subject to section 12.5 of this chapter, the percentage of the adjusted gross receipts of the gambling game wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after June 30, 2015.
- (2) Subject to section 12.3 of this chapter, the percentage of adjusted gross receipts of live table game wagering from the





1           **previous month at each casino operated by the licensee, as**  
 2           **determined under section 16 or 17 of this chapter.**

3           (c) **Except for funds allocated to the Indiana horse racing**  
 4           **commission under section 12.3 of this chapter,** the Indiana horse  
 5           racing commission may not use any of the money distributed under this  
 6           section for any administrative purpose or other purpose of the Indiana  
 7           horse racing commission.

8           (d) A licensee shall distribute the money devoted to horse racing  
 9           purses and to horsemen's associations under this subsection as follows:

10           (1) Five-tenths percent (0.5%) shall be transferred to horsemen's  
 11           associations for equine promotion or welfare according to the  
 12           ratios specified in subsection (g).

13           (2) Two and five-tenths percent (2.5%) shall be transferred to  
 14           horsemen's associations for backside benevolence according to  
 15           the ratios specified in subsection (g).

16           (3) Ninety-seven percent (97%) shall be distributed to promote  
 17           horses and horse racing as provided in subsection (f).

18           (e) A horsemen's association shall expend the amounts distributed  
 19           to the horsemen's association under subsection (d)(1) through (d)(2) for  
 20           a purpose promoting the equine industry or equine welfare or for a  
 21           benevolent purpose that the horsemen's association determines is in the  
 22           best interests of horse racing in Indiana for the breed represented by the  
 23           horsemen's association. Expenditures under this subsection are subject  
 24           to the regulatory requirements of subsection (h).

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

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

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

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

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

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

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

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

37           (A) Three hundred seventy-five thousand dollars (\$375,000)  
 38           to the state fair commission to be used by the state fair  
 39           commission to support standardbred racing and facilities at the  
 40           state fairgrounds.

41           (B) One hundred twenty-five thousand dollars (\$125,000) to  
 42           the state fair commission to be used by the state fair



1 commission to make grants to county fairs and the department  
 2 of parks and recreation in Johnson County to support  
 3 standardbred racing and facilities at county fair and county  
 4 park tracks. The state fair commission shall establish a review  
 5 committee to include the standardbred association board, the  
 6 Indiana horse racing commission, the Indiana county fair  
 7 association, and a member of the board of directors of a county  
 8 park established under IC 36-10 that provides or intends to  
 9 provide facilities to support standardbred racing, to make  
 10 recommendations to the state fair commission on grants under  
 11 this clause. A grant may be provided to the Johnson County  
 12 fair or department of parks and recreation under this clause  
 13 only if the county fair or department provides matching funds  
 14 equal to one dollar (\$1) for every three dollars (\$3) of grant  
 15 funds provided.

16 (C) Fifty percent (50%) of the amount remaining after the  
 17 distributions under clauses (A) and (B) for the following  
 18 purposes:

19 (i) Ninety-six and five-tenths percent (96.5%) for  
 20 standardbred purses.

21 (ii) Three and five-tenths percent (3.5%) to the horsemen's  
 22 association representing standardbred owners and trainers.

23 (D) Fifty percent (50%) of the amount remaining after the  
 24 distributions under clauses (A) and (B) to the breed  
 25 development fund established for standardbreds under  
 26 IC 4-31-11-10.

27 (3) Eight percent (8%) for quarter horse purposes as follows:

28 (A) Seventy percent (70%) for the following purposes:

29 (i) Ninety-five percent (95%) for quarter horse purses.

30 (ii) Five percent (5%) to the horsemen's association  
 31 representing quarter horse owners and trainers.

32 (B) Thirty percent (30%) to the breed development fund  
 33 established for quarter horses under IC 4-31-11-10.

34 Expenditures under this subsection are subject to the regulatory  
 35 requirements of subsection (h).

36 (g) Money distributed under subsection (d)(1) and (d)(2) shall be  
 37 allocated as follows:

38 (1) Forty-six percent (46%) to the horsemen's association  
 39 representing thoroughbred owners and trainers.

40 (2) Forty-six percent (46%) to the horsemen's association  
 41 representing standardbred owners and trainers.

42 (3) Eight percent (8%) to the horsemen's association representing



1 quarter horse owners and trainers.

2 (h) Money distributed under this section may not be expended  
 3 unless the expenditure is for a purpose authorized in this section and is  
 4 either for a purpose promoting the equine industry or equine welfare or  
 5 is for a benevolent purpose that is in the best interests of horse racing  
 6 in Indiana or the necessary expenditures for the operations of the  
 7 horsemen's association required to implement and fulfill the purposes  
 8 of this section. The Indiana horse racing commission may review any  
 9 expenditure of money distributed under this section to ensure that the  
 10 requirements of this section are satisfied. The Indiana horse racing  
 11 commission shall adopt rules concerning the review and oversight of  
 12 money distributed under this section and shall adopt rules concerning  
 13 the enforcement of this section. The following apply to a horsemen's  
 14 association receiving a distribution of money under this section:

15 (1) The horsemen's association must annually file a report with  
 16 the Indiana horse racing commission concerning the use of the  
 17 money by the horsemen's association. The report must include  
 18 information as required by the commission.

19 (2) The horsemen's association must register with the Indiana  
 20 horse racing commission.

21 ~~The state board of accounts shall audit the accounts, books, and records~~  
 22 ~~of the Indiana horse racing commission, each horsemen's association,~~  
 23 ~~a licensee, and any association for backside benevolence containing~~  
 24 ~~any information relating to the distribution of money under this section~~  
 25 **shall conduct an audit of their accounts, books, and records**  
 26 **relating to the distribution of money under this section and provide**  
 27 **a copy of the audit to the Indiana horse racing commission.**

28 (i) The commission shall provide the Indiana horse racing  
 29 commission with the information necessary to enforce this section.

30 (j) The Indiana horse racing commission shall investigate any  
 31 complaint that a licensee has failed to comply with the horse racing  
 32 purse requirements set forth in this section. If, after notice and a  
 33 hearing, the Indiana horse racing commission finds that a licensee has  
 34 failed to comply with the purse requirements set forth in this section,  
 35 the Indiana horse racing commission may:

36 (1) issue a warning to the licensee;

37 (2) impose a civil penalty that may not exceed one million dollars  
 38 (\$1,000,000); or

39 (3) suspend a meeting permit issued under IC 4-31-5 to conduct  
 40 a pari-mutuel wagering horse racing meeting in Indiana.

41 (k) A civil penalty collected under this section must be deposited in  
 42 the state general fund.



1 SECTION 25. IC 4-35-7-12.3 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2019]: **Sec. 12.3. (a) A licensee shall**  
 4 **distribute the amounts described in section 12(b)(2) of this chapter**  
 5 **as follows:**

6 **(1) The greater of sixteen percent (16%) of adjusted gross**  
 7 **receipts or one million six hundred thousand dollars**  
 8 **(\$1,600,000) annually to the Indiana horse racing commission**  
 9 **operating fund to be used for the regulation of the horse**  
 10 **racing industry.**

11 **(2) The remaining adjusted gross receipts shall be distributed**  
 12 **as follows:**

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

15 **(B) Forty-six percent (46%) for standardbred purposes**  
 16 **described in IC 4-35-7-12(f)(2).**

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

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

22 SECTION 26. IC 4-35-7-12.5, AS ADDED BY P.L.213-2015,  
 23 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2019]: **Sec. 12.5. (a) This section applies to adjusted gross**  
 25 **receipts received after June 30, 2015.**

26 **(b) A licensee shall annually withhold the product of:**

27 **(1) seventy-five thousand dollars (\$75,000); multiplied by**

28 **(2) the number of racetracks operated by the licensee;**

29 **from the amount that must be distributed under section ~~12(b)(3)~~**  
 30 **12(b)(1) of this chapter.**

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

36 SECTION 27. IC 4-35-7-13, AS AMENDED BY P.L.95-2008,  
 37 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2019]: **Sec. 13. (a) The definitions in IC 3-5-2 apply to this**  
 39 **section to the extent they do not conflict with the definitions in this**  
 40 **article.**

41 **(b) As used in this section, "candidate" refers to any of the**  
 42 **following:**



- 1 (1) A candidate for a state office.
- 2 (2) A candidate for a legislative office.
- 3 (3) A candidate for a local office.
- 4 (c) As used in this section, "committee" refers to any of the
- 5 following:
- 6 (1) A candidate's committee.
- 7 (2) A regular party committee.
- 8 (3) A committee organized by a legislative caucus of the house of
- 9 the general assembly.
- 10 (4) A committee organized by a legislative caucus of the senate
- 11 of the general assembly.
- 12 (d) Money distributed to a horsemen's association under section 12
- 13 of this chapter may not be used for any of the following purposes:
- 14 (1) to make a contribution to a candidate or a committee.
- 15 (2) For lobbying (as defined in IC 2-7-1-9).
- 16 SECTION 28. IC 4-35-7-16, AS AMENDED BY P.L.255-2015,
- 17 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2019]: Sec. 16. (a) The amount of gambling game revenue
- 19 that must be distributed under section ~~12(b)(3)~~ **12(b)(1) and 12(b)(2)**
- 20 of this chapter must be determined in a distribution agreement entered
- 21 into by negotiation committees representing all licensees and the
- 22 horsemen's associations having contracts with licensees that have been
- 23 approved by the Indiana horse racing commission.
- 24 (b) Each horsemen's association shall appoint a representative to a
- 25 negotiation committee to negotiate the distribution agreement required
- 26 by subsection (a). If there is an even number of horsemen's associations
- 27 appointing representatives to the committee, the members appointed by
- 28 each horsemen's association shall jointly appoint an at-large member
- 29 of the negotiation committee to represent the interests of all of the
- 30 horsemen's associations. The at-large member is entitled to the same
- 31 rights and privileges of the members appointed by the horsemen's
- 32 associations.
- 33 (c) Each licensee shall appoint a representative to a negotiation
- 34 committee to negotiate the distribution agreement required by
- 35 subsection (a). If there is an even number of licensees, the members
- 36 appointed by each licensee shall jointly appoint an at-large member of
- 37 the negotiation committee to represent the interests of all of the
- 38 licensees. The at-large member is entitled to the same rights and
- 39 privileges of the members appointed by the licensees.
- 40 (d) If a majority of the members of each negotiation committee is
- 41 present, the negotiation committees may negotiate and enter into a
- 42 distribution agreement binding all horsemen's associations and all



- 1 licensees as required by subsection (a).  
 2 (e) The initial distribution agreement entered into by the negotiation  
 3 committees:  
 4 (1) must be in writing;  
 5 (2) must be submitted to the Indiana horse racing commission  
 6 before October 1, 2013;  
 7 (3) must be approved by the Indiana horse racing commission  
 8 before January 1, 2014; and  
 9 (4) may contain any terms determined to be necessary and  
 10 appropriate by the negotiation committees, subject to subsection  
 11 (f) and section 12 of this chapter.  
 12 (f) A distribution agreement must provide that at least ten percent  
 13 (10%) and not more than twelve percent (12%) of a licensee's adjusted  
 14 gross receipts must be distributed under section ~~12(b)(3)~~ **12(b)(1) and**  
 15 **12(b)(2)** of this chapter. A distribution agreement applies to adjusted  
 16 gross receipts received by the licensee after December 31 of the  
 17 calendar year in which the distribution agreement is approved by the  
 18 Indiana horse racing commission.  
 19 (g) A distribution agreement may expire on December 31 of a  
 20 particular calendar year if a subsequent distribution agreement will take  
 21 effect on January 1 of the following calendar year. A subsequent  
 22 distribution agreement:  
 23 (1) is subject to the approval of the Indiana horse racing  
 24 commission; and  
 25 (2) must be submitted to the Indiana horse racing commission  
 26 before October 1 of the calendar year preceding the calendar year  
 27 in which the distribution agreement will take effect.  
 28 (h) The Indiana horse racing commission shall annually report to the  
 29 budget committee on the effect of each distribution agreement on the  
 30 Indiana horse racing industry before January 1 of the following  
 31 calendar year.  
 32 SECTION 29. IC 4-35-7-17, AS ADDED BY P.L.210-2013,  
 33 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2019]: Sec. 17. (a) Subject to subsection (b), if:  
 35 (1) a distribution agreement is not submitted to the Indiana horse  
 36 racing commission before the deadlines imposed by section 16 of  
 37 this chapter; or  
 38 (2) the Indiana horse racing commission is unable to approve a  
 39 distribution agreement;  
 40 the Indiana horse racing commission shall determine the percentage of  
 41 a licensee's adjusted gross receipts that must be distributed under  
 42 section **12(b)(1) and 12(b)(2)** of this chapter.



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

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

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

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

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

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

24 (c) After considering a plan submitted under subsection (a) and the  
 25 criteria described in subsection (b), the commission may authorize  
 26 wagering on table games at the licensee's gambling game facility.

27 ~~(d) A licensee may not~~

- 28 ~~(1) install more gambling games than the number of gambling~~  
 29 ~~games proposed in the table game plan submitted to the~~  
 30 ~~commission; and~~
- 31 ~~(2) offer more than two thousand two hundred (2,200) gambling~~  
 32 ~~games as provided under section 11(b) of this chapter.~~

33 SECTION 31. IC 4-35-8-0.5 IS ADDED TO THE INDIANA CODE  
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 35 1, 2019]: **Sec. 0.5. This chapter does not apply to sports wagering**  
 36 **conducted under IC 4-38 at a gambling game facility licensed**  
 37 **under this article.**

38 SECTION 32. IC 4-38 IS ADDED TO THE INDIANA CODE AS  
 39 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 40 2019]:

## 41 **ARTICLE 38. SPORTS WAGERING**

### 42 **Chapter 1. General Provisions**



1           **Sec. 1.** Pursuant to 15 U.S.C. 1172, approved January 2, 1951,  
 2 the state of Indiana, acting by and through duly elected and  
 3 qualified members of the legislature, does declare and proclaim  
 4 that the state is exempt from the provisions of 15 U.S.C. 1172.

5           **Sec. 2.** All shipments of gambling devices used to conduct sports  
 6 wagering under this article to an operating agent, a licensed owner,  
 7 or a permit holder in Indiana, the registering, recording, and  
 8 labeling of which have been completed by the manufacturer or  
 9 dealer thereof in accordance with 15 U.S.C. 1171 through 1178, are  
 10 legal shipments of gambling devices into Indiana.

11           **Chapter 2. Definitions**

12           **Sec. 0.5.** The definitions set forth in this chapter apply  
 13 throughout this article unless the context clearly denotes otherwise.

14           **Sec. 1. "Adjusted gross receipts" means:**

15           (1) the total of all cash and property (including checks  
 16 received by a certificate holder, whether collected or not)  
 17 received by a certificate holder from sports wagering; minus

18           (2) the total of:

19           (A) all cash paid out as winnings to sports wagering  
 20 patrons; and

21           (B) uncollectible gaming receivables, not to exceed the  
 22 lesser of:

23           (i) a reasonable provision for uncollectible patron checks  
 24 received from sports wagering; or

25           (ii) two percent (2%) of the total of all sums (including  
 26 checks, whether collected or not) less the amount paid  
 27 out as winnings to sports wagering patrons.

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

31           **Sec. 2. "Certificate holder"** means a licensed owner, operating  
 32 agent, or permit holder issued a certificate of authority by the  
 33 commission authorizing the licensed owner, operating agent, or  
 34 permit holder to conduct sports wagering under this article.

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

37           **Sec. 4. "Department"** refers to the department of state revenue.

38           **Sec. 5. "E-sports"** means a multiplayer video game played  
 39 competitively, typically by professional gamers.

40           **Sec. 6. "Gross receipts"** means the total amount of money  
 41 exchanged for the purchase of electronic cards by sports wagering  
 42 patrons.





1           **Sec. 7. "In-play wagering"** refers to the practice of placing a  
2 wager after a sporting event has started.

3           **Sec. 8. "Licensed facility"** means any of the following:

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

9           **Sec. 9. "Licensed owner"** has the meaning set forth in  
10 IC 4-33-2-13.

11           **Sec. 10. "Occupational license"** means a license issued by the  
12 commission under IC 4-33-8.

13           **Sec. 11. "Operating agent"** means a person with whom the  
14 commission has entered into a contract under IC 4-33-6.5 to  
15 operate a riverboat in a historic hotel district.

16           **Sec. 12. "Permit holder"** has the meaning set forth in  
17 IC 4-31-2-14.

18           **Sec. 13. "Person"** means an individual, a sole proprietorship, a  
19 partnership, an association, a fiduciary, a corporation, a limited  
20 liability company, or any other business entity.

21           **Sec. 14. "Riverboat"** has the meaning set forth in IC 4-33-2-17.

22           **Sec. 15. "Sports wagering"** refers to wagering conducted under  
23 this article on athletic and sporting events involving human  
24 competitors. The term does not include pari-mutuel wagering on  
25 horse racing, money spent to participate in paid fantasy sports  
26 under IC 4-33-24, or wagering on e-sports.

27           **Sec. 16. "Sports wagering device"** refers to a mechanical,  
28 electrical, or computerized contrivance, terminal, device,  
29 apparatus, piece of equipment, or supply approved by the  
30 commission for conducting sports wagering under this article.

31           **Sec. 17. "Supplier's license"** means a license issued under  
32 IC 4-33-7.

33           **Chapter 3. Administrative Rules**

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

- 38           (1) Standards for the conduct of sports wagering under this  
39 article.  
40           (2) Standards and procedures to govern the conduct of sports  
41 wagering, including the manner in which:  
42           (A) wagers are received;



- 1           **(B) payouts are paid; and**
- 2           **(C) point spreads, lines, and odds are determined.**
- 3           **(3) Standards for allowing a certificate holder to offer sports**
- 4           **wagering as an interactive form of gaming.**
- 5           **(4) Standards for allowing a certificate holder to accept**
- 6           **wagers through a mobile device under IC 4-38-5-9.**
- 7           **(5) Rules prescribing the manner in which a certificate**
- 8           **holder's books and financial records relating to sports**
- 9           **wagering are maintained and audited, including standards for**
- 10           **the daily counting of a certificate holder's gross receipts from**
- 11           **sports wagering and standards to ensure that internal**
- 12           **controls are followed.**
- 13           **(6) Rules concerning the detection and prevention of**
- 14           **compulsive gambling.**
- 15           **Sec. 2. Rules adopted under section 1 of this chapter must**
- 16           **require a certificate holder to do the following:**
- 17           **(1) Designate an area within the licensed facility operated by**
- 18           **the certificate holder for sports wagering conducted under**
- 19           **this article.**
- 20           **(2) Ensure that the certificate holder's surveillance system**
- 21           **covers all areas of the certificate holder's licensed facility in**
- 22           **which sports wagering is conducted.**
- 23           **(3) Allow the commission to be present through the**
- 24           **commission's gaming agents during the time sports wagering**
- 25           **is conducted in all areas of the certificate holder's licensed**
- 26           **facility in which sports wagering is conducted to do the**
- 27           **following:**
- 28           **(A) Ensure maximum security of the counting and storage**
- 29           **of the sports wagering revenue received by the certificate**
- 30           **holder.**
- 31           **(B) Certify the sports wagering revenue received by the**
- 32           **certificate holder.**
- 33           **(C) Receive complaints from the public.**
- 34           **(D) Conduct other investigations into the conduct of sports**
- 35           **wagering and the maintenance of the equipment that the**
- 36           **commission considers necessary and proper for sports**
- 37           **wagering.**
- 38           **(4) Ensure that individuals who are less than twenty-one (21)**
- 39           **years of age do not make wagers under this article.**
- 40           **(5) Provide written information to sports wagering patrons**
- 41           **about sports wagering, payouts, winning wagers, and other**
- 42           **information considered relevant by the commission.**



1           (6) Post a sign in the designated sports wagering area  
 2           indicating the minimum and maximum amounts that may be  
 3           wagered under this article.

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

5           **Sec. 1. A person holding a certificate of authority issued under**  
 6           **this chapter is authorized to conduct sports wagering under this**  
 7           **article after December 31, 2019.**

8           **Sec. 2. Beginning October 1, 2019, the commission may accept**  
 9           **applications for a certificate of authority from any licensed owner,**  
 10          **operating agent, or permit holder that wishes to conduct sports**  
 11          **wagering under this article. The commission shall prescribe the**  
 12          **form of the application.**

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

17           (1) Submit an application to the commission in the manner  
 18           prescribed by the commission for each licensed facility in  
 19           which the applicant wishes to conduct sports wagering.

20           (2) Pay an initial fee equal to the greater of:

21           (A) one percent (1%) of the adjusted gross receipts (as  
 22           determined under IC 4-33 or IC 4-35, as applicable)  
 23           received for gambling at the particular licensed facility in  
 24           the state fiscal year ending most recent to the date that the  
 25           applicant submits an application under this section; or

26           (B) five hundred thousand dollars (\$500,000).

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

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

32           (2) Pay an initial fee equal to the greater of:

33           (A) Twenty-five hundredths of one percent (0.25%) of the  
 34           total amount of money wagered at the particular satellite  
 35           facility in the state fiscal year ending most recent to the  
 36           date that the applicant submits an application under this  
 37           section; or

38           (B) one hundred thousand dollars (\$100,000).

39          **Sec. 4. Upon receipt of the application and fee required by**  
 40          **section 3 of this chapter, the commission shall issue a certificate of**  
 41          **authority to a licensed owner, an operating agent, or a permit**  
 42          **holder authorizing the licensed owner, operating agent, or permit**



1 holder to conduct sports wagering under this article in a  
2 designated licensed facility.

3 **Sec. 5. The commission shall deposit fees received under this**  
4 **chapter in the state general fund.**

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

6 **Sec. 1. (a) The commission shall test new sports wagering**  
7 **devices and new forms, variations, or composites of sports**  
8 **wagering under the terms and conditions that the commission**  
9 **considers appropriate before authorizing a certificate holder to**  
10 **offer a new sports wagering device or a new form, variation, or**  
11 **composite of sports wagering.**

12 **(b) A certificate holder shall provide all data relating to the**  
13 **conduct of sports wagering to the commission.**

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

17 **Sec. 2. A certificate holder shall designate an area within each**  
18 **licensed facility in which the certificate holder is authorized to**  
19 **conduct sports wagering under this article. Except as provided in**  
20 **section 9 of this chapter, sports wagering may not be conducted at**  
21 **any location other than the area designated under this section.**

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

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

30 **Sec. 4. (a) A certificate holder may accept wagers on the**  
31 **following:**

32 **(1) Football games played by member clubs of the National**  
33 **Football League.**

34 **(2) Baseball games played by member clubs of Major League**  
35 **Baseball.**

36 **(3) Hockey games played by member clubs of the National**  
37 **Hockey League.**

38 **(4) Basketball games played by member clubs of the National**  
39 **Basketball Association.**

40 **(5) Professional golf tournaments conducted by the PGA**  
41 **Tour, The Professional Golfers' Association of America, the**  
42 **United States Golf Association, and the Royal and Ancient**



1           **Golf Club of St. Andrews.**

2           **(6) College football and basketball games.**

3           **(7) Any other sporting event approved for sports wagering by**  
4           **the commission.**

5           **(b) A certificate holder may not accept wagers on e-sports.**

6           **(c) In-play wagering is authorized under this article. A**  
7           **certificate holder must determine that an in-play wager is a**  
8           **winning wager using only official data provided by the governing**  
9           **body conducting a sporting event described in subsection (a).**

10          **(d) A certificate holder may not cancel wagering on a particular**  
11          **sporting event after posting odds and beginning to accept wagers**  
12          **on the sporting event. A certificate holder must pay winning**  
13          **patrons following the end of the sporting event.**

14          **Sec. 5. (a) Sports wagering may not be conducted with money or**  
15          **other negotiable currency.**

16          **(b) A certificate holder shall determine the minimum and**  
17          **maximum wagers in sports wagering conducted in the certificate**  
18          **holder's licensed facility.**

19          **Sec. 6. A certificate holder may not permit any sports wagering**  
20          **on the premises of the certificate holder's licensed facility except as**  
21          **permitted by this article.**

22          **Sec. 7. A sports wagering device must be approved by the**  
23          **commission and acquired by a certificate holder from a licensed**  
24          **supplier. The commission shall determine whether any other**  
25          **supplies and equipment used to conduct sports wagering require**  
26          **a certificate holder to acquire the supplies and equipment from a**  
27          **licensed supplier. IC 4-33-7 applies to the distribution of sports**  
28          **wagering devices and the conduct of sports wagering under this**  
29          **article.**

30          **Sec. 8. The commission shall determine the occupations related**  
31          **to sports wagering that require an occupational license. IC 4-33-8**  
32          **applies to the conduct of sports wagering under this article.**

33          **Sec. 9. A certificate holder may accept wagers placed using a**  
34          **mobile device from a patron if the patron registers with the**  
35          **certificate holder as a mobile device user and acquires any**  
36          **necessary mobile device applications from the certificate holder in**  
37          **person at the certificate holder's licensed facility.**

38          **Sec. 10. IC 4-31-6-11, IC 4-33-4-27, IC 4-33-8.5, IC 4-35-4-16,**  
39          **and IC 4-35-6.7 apply, as appropriate, to sports wagering**  
40          **conducted at a licensed facility.**

41          **Chapter 6. Fees**

42          **Sec. 1. A certificate holder shall pay to the commission an**



1 annual administrative fee of seventy-five thousand dollars  
 2 (\$75,000). The fee imposed by this section is due one (1) year after  
 3 the date that the certificate holder commences sports wagering  
 4 operations under this article and on each annual anniversary date  
 5 thereafter. The commission shall deposit the administrative fees  
 6 received under this section in the sports wagering fund.

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

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

9 **(c) The fund consists of the administrative fees deposited in the**  
 10 **fund under section 1 of this chapter.**

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

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

16 **(f) Money in the fund must be used by the commission to pay the**  
 17 **costs incurred to administer this article.**

18 SECTION 33. IC 35-45-5-14 IS ADDED TO THE INDIANA  
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2019]: **Sec. 14. This chapter does not apply**  
 21 **to sports wagering conducted under IC 4-38.**

22 SECTION 34. IC 36-7-11.5-11, AS AMENDED BY P.L.255-2015,  
 23 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2019]: Sec. 11. (a) As used in this section, "fund" refers to the  
 25 West Baden Springs historic hotel preservation and maintenance fund  
 26 established by subsection (b).

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

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

33 (2) Grants and gifts that the department of natural resources  
 34 receives for the fund under terms, obligations, and liabilities that  
 35 the department considers appropriate.

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

38 (4) Any amount transferred to the fund upon the repeal of  
 39 IC 36-7-11.5-8 (the community trust fund).

40 **(5) Amounts paid to the department of natural resources**  
 41 **under IC 4-33-6-4.5(j) and IC 4-33-9.5-6(b).**

42 The fund shall be administered by the department of natural resources.



- 1 The expenses of administering the fund shall be paid from money in  
2 the fund.
- 3 (c) The treasurer of state shall invest the money in the fund that is  
4 not currently needed to meet the obligations of the fund in the same  
5 manner as other public funds may be invested. The treasurer of state  
6 shall deposit in the fund the interest that accrues from the investment  
7 of the fund.
- 8 (d) Money in the fund at the end of a state fiscal year does not revert  
9 to the state general fund.
- 10 (e) ~~One million dollars (\$1,000,000) is appropriated from the fund~~  
11 ~~to the department of natural resources in the state fiscal year beginning~~  
12 ~~after June 30, 2014, and ending before July 1, 2015:~~ Two million  
13 dollars (\$2,000,000) is appropriated from the fund to the department of  
14 natural resources in each state fiscal year beginning after June 30,  
15 2015. The money appropriated under this subsection may be used by  
16 the department of natural resources only for the following purposes:
- 17 (1) To reimburse claims made for expenditures for a qualified  
18 historic hotel, as determined by the owner of the hotel riverboat  
19 resort.
- 20 (2) To reimburse claims made for expenditures to maintain:
- 21 (A) the grounds surrounding a qualified historic hotel;
- 22 (B) supporting buildings and structures related to a qualified  
23 historic hotel; and
- 24 (C) other facilities used by the guests of the qualified historic  
25 hotel;
- 26 as determined by the owner of the hotel riverboat resort.
- 27 The department of natural resources shall promptly pay each claim for  
28 a purpose described in this subsection, without review or approval of  
29 the project or claim under IC 14-21 or IC 36-7-11. IC 14-21-1-18 does  
30 not apply to projects or claims paid for maintenance under this section.  
31 If insufficient money is available to fully pay all of the submitted  
32 claims, the department of natural resources shall pay the claims in the  
33 order in which they are received until each claim is fully paid.
- 34 (f) Notwithstanding IC 4-9.1-1-7, IC 4-12-1-12, IC 4-13-2-18, or  
35 any other law, interest accruing to the fund may not be withheld,  
36 transferred, assigned, or reassigned to a purpose other than the  
37 reimbursement of claims under subsection (e).

