



Reprinted
April 12, 2019

ENGROSSED SENATE BILL No. 552

DIGEST OF SB 552 (Updated April 11, 2019 8:55 pm - DI 107)

Citations Affected: IC 4-3; IC 4-31; IC 4-33; IC 4-35; IC 4-38; IC 6-3.1; IC 31-25; IC 35-45; IC 36-7; IC 36-7.5.

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, vendor, or permit holder conducting sports wagering. Imposes initial and annual licensing fees on vendors conducting sports wagering. Specifies that a vendor contracting with a certificate holder has the same authority to conduct sports wagering as the certificate holder. Provides that the Indiana gaming commission (IGC) may issue a temporary certificate of authority or a temporary license to conduct business under certain circumstances. Requires the IGC to deposit vendor license application
(Continued next page)

Effective: July 1, 2019.

**Messmer, Ford Jon, Melton, Merritt,
Lanane, Breaux, Randolph Lonnie M**
(HOUSE SPONSORS — HUSTON, LEHMAN, AUSTIN, PORTER)

January 15, 2019, read first time and referred to Committee on Public Policy.
February 11, 2019, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 21, 2019, amended, reported favorably — Do Pass.
February 25, 2019, read second time, amended, ordered engrossed.
February 26, 2019, engrossed. Read third time, passed. Yeas 38, nays 11.
HOUSE ACTION
March 5, 2019, read first time and referred to Committee on Public Policy.
March 28, 2019, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
April 9, 2019, amended, reported — Do Pass.
April 11, 2019, read second time, amended, ordered engrossed.

ES 552—LS 7581/DI 107



fees in the sports wagering fund. Requires the IGC to deposit sports wagering service provider license application fees in the sports wagering fund. Sets forth duties for the IGC concerning: (1) sports wagering; and (2) granting certain gambling licenses. Requires the IGC to adopt administrative rules. Specifies that the IGC may act upon information received from a sports governing body in considering requests to prohibit wagering on particular events or to prohibit making wagers of a particular type. Establishes a sports wagering service provider license. Provides that certain items must be acquired from a person that holds both a supplier's license and a sports wagering service provider license. Provides that certain services must be obtained from a person holding a sports wagering service provider license. Specifies that required background checks apply to employees engaged in activities related to sports wagering. Specifies permissible sports wagering wagers. Prohibits wagering on e-sports. Provides the process for withholding delinquent child support from sports wagering winnings. Imposes a sports wagering tax of 9.5% on adjusted gross receipts received from sports wagering. Requires 3.3% of the tax revenue received to be deposited in the addiction services fund. Provides that the Gary riverboat may transfer to an inland location if the licensed owners: (1) pay a \$50,000,000 fee; and (2) relinquishes the license for the second riverboat before the date determined by the IGC's approval of the Gary riverboat relocation. Provides that a relinquished license is a terminated license. Caps the maximum number of gambling games that can be offered at the relocated Gary casino. Requires the licensed owner of the relocated Gary casino to pay an additional fee of \$50,000,000 if: (1) gaming operations are relocated; and (2) the licensed owner sells or transfers the owner's interest in the owner's license within five years of relocation. Requires the licensed owner of the relocated Gary casino to: (1) offer each employee at the riverboat a similar position at the inland casino; and (2) consider hiring and training individuals laid off from the riverboat in East Chicago before considering other applicants. Provides that an owner's license may be issued to operate an inland casino in Vigo County. Requires the IGC to prepare a report that: (1) evaluates and updates a 2009 report concerning out-of-state casino competition and movement of casino licenses; and (2) describes the current state of gaming in Indiana. Establishes the Vigo County inland casino advisory board (advisory board). Requires the advisory board to provide recommendations concerning applicant proposals for an owner's license to the IGC. Requires the IGC to establish a competitive bid process for an owner's license to operate an inland casino in Vigo County that consists of: (1) an application process; (2) a process for submission of proposals; and (3) an auction process. Provides requirements for the competitive bid process. Requires the fee for the Vigo County casino license to be deposited in the state general fund. Requires a licensed owner or permit holder operating a casino in Vigo County to enter into a development agreement. Repeals the maximum number of owner's licenses that may be issued to a riverboat owner. Makes changes to the graduated wagering tax on gambling games at racinos and wagering tax on gambling games at riverboats. Provides that beginning with state fiscal years after June 30, 2021, a licensed owner or racino may not deduct more than \$9,000,000 from adjusted gross receipts from wagering on gambling games. Provides that the IGC shall approve wagering on table games at a racino beginning January 1, 2021. Provides that the state treasurer shall distribute certain tax revenue from an operating agent operating a riverboat in a historic hotel district (operating agent) to the West Baden Springs historic hotel preservation and maintenance fund (fund). Provides that if the balance of the fund exceeds \$25,000,000 or in any part of a state fiscal year after the adjusted gross receipts of the operating agent exceeds \$100,000,000, distribution of tax revenue from the operating agent shall be paid to the state general fund.

(Continued next page)



Digest Continued

Establishes business participation goals for minority business enterprises, women's business enterprises, disadvantaged business enterprises, and veteran business enterprises for an inland Gary casino, a Vigo County casino, and sports wagering operations. Provides that a meeting between the governor's office, a representative of the governor's office, or the IGC and certain casino owners or potential casino owners must be a public meeting and are subject to the open door law. Makes technical corrections and other changes to conform with recent changes to the riverboat law.

ES 552—LS 7581/DI 107



Reprinted
April 12, 2019

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.

ENGROSSED 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 4-3-28 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]:
4 **Chapter 28. Meetings Concerning Gaming**
5 **Sec. 1. All meetings between the governor's office or a**
6 **representative of the governor's office and:**
7 **(1) a permit holder under IC 4-35-5;**
8 **(2) an operating agent who operates a riverboat in a historic**
9 **hotel district under IC 4-33;**
10 **(3) a licensed owner of a riverboat licensed under IC 4-33;**
11 **and**
12 **(4) a person who intends to become an entity described in**
13 **subdivisions (1) through (3);**
14 **must be a public meeting and are subject to IC 5-14-1.5 (the open**
15 **door law), including the forty-eight (48) hour meeting notice**

ES 552—LS 7581/DI 107



1 **described in IC 5-14-1.5-5.**

2 SECTION 2. IC 4-31-2-5.8 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2019]: **Sec. 5.8. "E-sports" means a single player or multiplayer
5 video game played competitively, typically by professional gamers.**

6 SECTION 3. IC 4-31-2-20.9 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2019]: **Sec. 20.9. "Sports wagering" refers to wagering
9 conducted under IC 4-38 on athletic and sporting events involving
10 human competitors. The term does not include:**

- 11 **(1) pari-mutuel wagering on horse racing; or**
12 **(2) wagering on e-sports.**

13 SECTION 4. IC 4-33-1-1 IS REPEALED [EFFECTIVE JULY 1,
14 2019]. **Sec. 1. This article applies only to the following:**

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

20 SECTION 5. IC 4-33-2-2 IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2019]: **Sec. 2. (a) "Adjusted gross receipts"**
22 **means:**

- 23 **(1) the total of all cash and property (including checks received**
24 **by a licensee or an operating agent) whether collected or not,**
25 **received by a licensee or an operating agent from gaming**
26 **operations; minus**
27 **(2) the total of:**
28 **(A) all cash paid out as winnings to patrons; and**
29 **(B) uncollectible gaming receivables, not to exceed the lesser**
30 **of:**
31 **(i) a reasonable provision for uncollectible patron checks**
32 **received from gaming operations; or**
33 **(ii) two percent (2%) of the total of all sums, including**
34 **checks, whether collected or not, less the amount paid out as**
35 **winnings to patrons.**

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

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

42 SECTION 6. IC 4-33-2-2.5 IS ADDED TO THE INDIANA CODE



1 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2019]: **Sec. 2.5. "Advisory board" means the Vigo County inland
3 casino advisory board established by IC 4-33-25-2.**

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

- 8 (1) A self-propelled excursion boat ~~located in a county described~~
9 ~~in IC 4-33-1-1(1) or IC 4-33-1-1(2)~~ that complies with
10 IC 4-33-6-6(a) **and is located in a county that is contiguous to**
11 **Lake Michigan or the Ohio River.**
12 (2) A casino located in a historic hotel district.
13 (3) A permanently moored craft operating from a county
14 described in ~~IC 4-33-1-1(1) or IC 4-33-1-1(2)~~; **subdivision (1).**
15 (4) An inland casino operating under IC 4-33-6-24.
16 **(5) A relocated casino under IC 4-33-6-4.5.**
17 **(6) A casino located in Vigo County under IC 4-33-6.7.**

18 SECTION 8. IC 4-33-2-17.7 IS ADDED TO THE INDIANA CODE
19 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
20 1, 2019]: **Sec. 17.7. "Sports wagering" refers to wagering
21 conducted under IC 4-38 on athletic and sporting events involving
22 human competitors. The term does not include:**

- 23 **(1) money spent to participate in paid fantasy sports under**
24 **IC 4-33-24; or**
25 **(2) wagering on e-sports.**

26 SECTION 9. IC 4-33-2-20 IS ADDED TO THE INDIANA CODE
27 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2019]: **Sec. 20. "Undue economic concentration" means a
29 person's actual or potential domination of casino gambling in
30 Indiana sufficient to:**

- 31 **(1) substantially impede or suppress competition among**
32 **licensed owners and an operating agent;**
33 **(2) adversely impact the economic stability of the casino**
34 **industry in Indiana; or**
35 **(3) negatively impact tourism, economic development, benefits**
36 **to local communities, and state and local revenues.**

37 SECTION 10. IC 4-33-3-2, AS AMENDED BY P.L.170-2005,
38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2019]: Sec. 2. (a) The commission consists of seven (7)
40 members appointed by the governor.

41 (b) Each member of the commission must:

- 42 (1) be a resident of Indiana; and



- 1 (2) have a reasonable knowledge of the practice, procedures, and
 2 principles of gambling operations.
- 3 (c) At least one (1) member of the commission must be experienced
 4 in law enforcement and criminal investigation.
- 5 (d) At least one (1) member of the commission must be a certified
 6 public accountant experienced in accounting and auditing.
- 7 (e) At least one (1) member of the commission must be an attorney
 8 admitted to the practice of law in Indiana.
- 9 (f) One (1) member of the commission must be a resident of a
 10 county ~~described in IC 4-33-1-1(1)~~; **that is contiguous to Lake**
 11 **Michigan.**
- 12 (g) One (1) member of the commission must be a resident of a
 13 county ~~described in IC 4-33-1-1(2)~~; **that is contiguous to the Ohio**
 14 **River.**
- 15 (h) Not more than four (4) members may be affiliated with the same
 16 political party.
- 17 SECTION 11. IC 4-33-3-22 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. (a) The commission
 19 shall file a written annual report with the governor before September
 20 1 of each year. The commission shall file any additional reports that the
 21 governor requests.
- 22 (b) The annual report filed under this section must include a
 23 statement describing the following:
- 24 (1) The receipts and disbursements of the commission.
 25 (2) Actions taken by the commission.
 26 **(3) The development and fiscal impact of sports wagering**
 27 **conducted under IC 4-38.**
 28 ~~(3)~~ **(4)** Any additional information and recommendations that:
 29 (A) the commission considers useful; or
 30 (B) the governor requests.
- 31 SECTION 12. IC 4-33-3-24 IS ADDED TO THE INDIANA CODE
 32 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2019]: **Sec. 24. All meetings between the commission and:**
 34 **(1) a permit holder under IC 4-35-5;**
 35 **(2) an operating agent who operates a riverboat in a historic**
 36 **hotel district under IC 4-33;**
 37 **(3) a licensed owner of a riverboat licensed under IC 4-33;**
 38 **and**
 39 **(4) a person who intends to become an entity described in**
 40 **subdivisions (1) through (3);**
 41 **must be a public meeting and are subject to IC 5-14-1.5 (the open**
 42 **door law) including the forty-eight (48) hour meeting notice**



1 **described in IC 5-14-1.5-5.**

2 SECTION 13. IC 4-33-6-1, AS AMENDED BY P.L.229-2013,
 3 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2019]: Sec. 1. (a) The commission may issue to a person a
 5 license to own a riverboat subject to the numerical and geographical
 6 limitation of owner's licenses under this section ~~section 3.5 of this~~
 7 ~~chapter~~, and IC 4-33-4-17. ~~However~~, Not more than ~~ten (10)~~ **eleven**
 8 **(11)** owner's licenses may be in effect at any time. **However, if the**
 9 **licensed owner described in subdivision (1) relocates to an inland**
 10 **casino in the city of Gary under section 4.5 of this chapter, the**
 11 **license relinquished under section 4.6 of this chapter is terminated,**
 12 **and only ten (10) owner's licenses may be in effect.** Those ~~ten (10)~~
 13 ~~licenses are owner's licenses may be issued~~ as follows:

14 (1) **Except as provided in subsection (d)**, two (2) licenses for a
 15 riverboat that operates **in or** from the city of Gary.

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

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

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

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

26 (A) Vanderburgh County.

27 (B) Harrison County.

28 (C) Switzerland County.

29 (D) Ohio County.

30 (E) Dearborn County.

31 **(6) One (1) license for a riverboat that operates as an inland**
 32 **casino in Vigo County under IC 4-33-6.7.**

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

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

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

ES 552—LS 7581/DI 107



1 **(d) The licensed owner described in subsection (a)(1) may have**
 2 **two (2) licenses to operate two (2) riverboats in or from the city of**
 3 **Gary unless and until the licensed owner opens a new inland casino**
 4 **in the city of Gary under section 4.5 of this chapter.**

5 SECTION 14. IC 4-33-6-3 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The commission may
 7 not issue an owner's license under this chapter to a person if:

8 (1) the person has been convicted of a felony under Indiana law,
 9 the laws of any other state, or laws of the United States;

10 (2) the person has knowingly or intentionally submitted an
 11 application for a license under this chapter that contains false
 12 information;

13 (3) the person is a member of the commission;

14 (4) the person is an officer, a director, or a managerial employee
 15 of a person described in subdivision (1) or (2);

16 (5) the person employs an individual who:

17 (A) is described in subdivision (1), (2), or (3); and

18 (B) participates in the management or operation of gambling
 19 operations authorized under this article;

20 (6) the person owns an ownership interest of more than the total
 21 amount of ownership interest permitted under section 3.5 of this
 22 chapter; or

23 (7) (6) a license issued to the person:

24 (A) under this article; or

25 (B) to own or operate gambling facilities in another
 26 jurisdiction;

27 has been revoked.

28 SECTION 15. IC 4-33-6-3.5 IS REPEALED [EFFECTIVE JULY
 29 1, 2019]. Sec. 3.5: (a) For purposes of this section, a person is
 30 considered to have an ownership interest in a riverboat owner's license
 31 if the interest is owned directly or indirectly by the person or by an
 32 entity controlled by the person.

33 (b) A person may have up to a one hundred percent (100%)
 34 ownership interest in not more than two (2) riverboat licenses issued
 35 under this chapter.

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

38 (d) This section may not be construed to increase the maximum
 39 number of licenses permitted under section 4 of this chapter or the
 40 number of riverboats that may be owned and operated under a license
 41 under section 10 of this chapter.

42 SECTION 16. IC 4-33-6-4, AS AMENDED BY P.L.255-2015,



1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 4. (a) In determining whether to grant an owner's
3 license to an applicant, the commission shall consider the following:

4 (1) The character, reputation, experience, and financial integrity
5 of the following:

6 (A) The applicant.

7 (B) A person that:

8 (i) directly or indirectly controls the applicant; or

9 (ii) is directly or indirectly controlled by the applicant or by
10 a person that directly or indirectly controls the applicant.

11 (2) The facilities or proposed facilities for the conduct of
12 riverboat gambling.

13 (3) The highest prospective total revenue to be collected by the
14 state from the conduct of riverboat gambling.

15 (4) The good faith affirmative action plan of each applicant to
16 recruit, train, and upgrade minorities in all employment
17 classifications.

18 (5) The financial ability of the applicant to purchase and maintain
19 adequate liability and casualty insurance.

20 (6) If the applicant has adequate capitalization to provide and
21 maintain a riverboat for the duration of the license.

22 **(7) The impact of any undue economic concentration of the**
23 **ownership or control of a gaming license.**

24 ~~(7)~~ **(8)** The extent to which the applicant exceeds or meets other
25 standards adopted by the commission.

26 (b) This subsection does not apply to:

27 (1) a licensed owner constructing a new riverboat under section
28 24 of this chapter; or

29 (2) a person applying for an owner's license to assume control of
30 a riverboat operating from a dock previously approved by the
31 commission.

32 In an application for an owner's license, the applicant must submit to
33 the commission a proposed design of the riverboat and the dock. The
34 commission may not grant a license to an applicant if the commission
35 determines that it will be difficult or unlikely for the riverboat to depart
36 from the dock.

37 SECTION 17. IC 4-33-6-4.5 IS ADDED TO THE INDIANA CODE
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
39 1, 2019]: Sec. 4.5. (a) **A person holding an owner's license under**
40 **section 1(a)(1) of this chapter may move the riverboat to a different**
41 **location in Gary as an inland casino only if:**

42 (1) the licensed owner pays fifty million dollars (\$50,000,000)



- 1 to the commission as described in subsection (d);
 2 (2) submits to the commission, with agreement from the
 3 legislative body of the city of Gary, a request for approval to
 4 relocate the licensed owner's gaming operations;
 5 (3) the licensed owner complies with all applicable building
 6 codes and any safety requirements imposed by the
 7 commission;
 8 (4) submits to the commission a plan for complying with
 9 IC 4-33-14 and subsection (d) in the construction and conduct
 10 of the licensed owner's gaming operations at an inland
 11 location; and
 12 (5) the licensed owner submits to the commission a plan for
 13 complying with subsection (g) regarding transferring existing
 14 employees to an inland location and hiring and training new
 15 employees for an inland location.
- 16 (b) The commission may impose any requirement on a licensed
 17 owner relocating gaming operations under this section.
- 18 (c) The commission shall prescribe the form of the request for
 19 approval to relocate the licensed owner's gaming operations under
 20 this section.
- 21 (d) The payment required by subsection (a)(1) must be made in
 22 two (2) equal payments. The first payment is due upon approval of
 23 the relocation to an inland casino by the commission. The second
 24 payment is due on the date one (1) year after the due date of the
 25 first payment.
- 26 (e) In addition to the payment required by subsection (a)(1), if
 27 the licensed owner:
 28 (1) relocates the licensed owner's gaming operations under
 29 this section; and
 30 (2) sells or otherwise transfers the licensed owner's interest in
 31 the owner's license within five (5) years from the date the
 32 relocation is approved by the commission;
 33 the licensed owner shall pay an additional fee of fifty million
 34 dollars (\$50,000,000) before the sale or transfer of the license may
 35 be approved by the commission.
- 36 (f) The commission shall collect and deposit the payment
 37 required by subsection (a)(1) and any payment required by
 38 subsection (e) in the state general fund.
- 39 (g) The definitions set forth in IC 4-33-14 apply to this
 40 subsection. The licensed owner of a riverboat relocated under this
 41 section is subject to the following business participation goals for
 42 awarding contracts for goods or services with respect to the



1 construction and conduct of the licensed owner's relocated gaming
2 operations:

- 3 (1) Eighteen percent (18%) for minority business enterprises.
4 (2) Eight percent (8%) for women's business enterprises.
5 (3) Three percent (3%) for disadvantaged business
6 enterprises certified by the Indiana department of
7 transportation.
8 (4) One percent (1%) for veteran business enterprises (as
9 defined by IC 8-25-4-7).

10 The licensed owner's compliance with this subsection is subject to
11 the reporting requirements of IC 4-33-14 and enforcement by the
12 commission under IC 4-33-14.

13 (h) The licensed owner of a riverboat relocated under this
14 section is subject to the following employment goals:

- 15 (1) Each employee employed at the riverboat shall be offered
16 a similar position at the inland location.
17 (2) The licensed owner shall consider hiring and training
18 individuals who have been laid off from the riverboat
19 operating in East Chicago before considering other applicants
20 for similar job openings.

21 SECTION 18. IC 4-33-6-4.6 IS ADDED TO THE INDIANA CODE
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
23 1, 2019]: Sec. 4.6. (a) This section applies only to a licensed owner
24 operating two (2) riverboats from a dock in Gary.

25 (b) If the licensed owner described in subsection (a) submits a
26 request for approval to relocate the licensed owner's gaming
27 operations under section 4.5 of this chapter, the licensed owner
28 shall:

- 29 (1) relinquish the owner's license for the licensed owner's
30 second riverboat; and
31 (2) terminate the licensed owner's gaming operations on
32 board the second riverboat;

33 before the date determined by the commission in the commission's
34 approval of the licensed owner's relocation to an inland casino
35 under section 4.5 of this chapter.

36 SECTION 19. IC 4-33-6-4.7 IS ADDED TO THE INDIANA CODE
37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
38 1, 2019]: Sec. 4.7. (a) This section applies to the licensed owner of
39 a gaming operation that is in Vigo County operated under
40 IC 4-33-6.7.

41 (b) A licensed owner described in subsection (a) shall enter into
42 a development agreement (as defined in IC 4-33-23-2) with Vigo



1 **County.**

2 SECTION 20. IC 4-33-6-6, AS AMENDED BY P.L.255-2015,
 3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2019]: Sec. 6. (a) Except as provided in subsection (c) or (d),
 5 a riverboat that operates in a county ~~described in IC 4-33-1-1(1) or~~
 6 ~~IC 4-33-1-1(2)~~ **that is contiguous to Lake Michigan or the Ohio**
 7 **River** must:

- 8 (1) have either:
 9 (A) a valid certificate of inspection from the United States
 10 Coast Guard for the carrying of at least five hundred (500)
 11 passengers; or
 12 (B) a valid certificate of compliance with marine structural and
 13 life safety standards determined by the commission; and
 14 (2) be at least one hundred fifty (150) feet in length.

15 (b) This subsection applies only to a riverboat that operates on the
 16 Ohio River. A riverboat must replicate, as nearly as possible, historic
 17 Indiana steamboat passenger vessels of the nineteenth century.
 18 However, steam propulsion or overnight lodging facilities are not
 19 required under this subsection.

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

24 (d) A riverboat constructed under section 24 of this chapter **or a**
 25 **riverboat relocated under section 4.5 of this chapter** must comply
 26 with all applicable building codes and any safety requirements imposed
 27 by the commission.

28 SECTION 21. IC 4-33-6-19.3 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2019]: **Sec. 19.3. (a) This section applies to**
 31 **Vigo County.**

32 **(b) The Vigo County election board shall hold a special election**
 33 **in the county at either of the following elections, as determined by**
 34 **the county election board:**

- 35 **(1) At the time of the municipal general election on November**
 36 **5, 2019.**
 37 **(2) At the time of the primary election on May 5, 2020.**

38 **(c) The Vigo County election board shall place the following**
 39 **public question on the ballot at the special election:**

40 **"Shall inland casino gambling be permitted in Vigo County?".**

41 **(d) The public question shall be placed on the ballot as provided**
 42 **in IC 3-10-9 and certified as provided in IC 3-10-9-3.**



1 (e) Each registered voter of the county is entitled to vote in the
2 special election.

3 (f) The Vigo County circuit court clerk shall certify the results
4 of the special election under IC 3-12-4-9 to the commission and the
5 department of state revenue.

6 (g) If the voters of Vigo County do not vote in favor of
7 permitting inland casino gambling under this article, a second
8 public question under this section may not be held in that county
9 for at least two (2) years. If the voters of Vigo County vote to reject
10 inland casino gambling a second time, a third or subsequent public
11 question under this section may not be held in Vigo County until
12 the general election held during the tenth year following the year
13 that the previous public question was placed on the ballot.

14 SECTION 22. IC 4-33-6-24, AS ADDED BY P.L.255-2015,
15 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2019]: Sec. 24. (a) This section does not apply to a
17 relocated riverboat in Gary under section 4.5 of this chapter or an
18 inland casino in Vigo County operated under IC 4-33-6.7.

19 ~~(a)~~ (b) For purposes of this section, property is considered to be
20 adjacent to a riverboat dock site even if it is separated from the dock
21 site by public rights-of-way or railroad rights-of-way.

22 ~~(b)~~ (c) A licensed owner may relocate the licensed owner's gaming
23 operation from a docked riverboat to an inland casino if the following
24 conditions are met:

25 (1) Except as provided in subsection ~~(c)~~; (d), the casino is located
26 on property that the licensed owner owned or leased and used in
27 the conduct of the licensed owner's gaming operations on
28 February 1, 2015.

29 (2) The casino is located on property adjacent to the dock site of
30 the licensed owner's riverboat.

31 (3) The casino complies with all applicable building codes and
32 any safety requirements imposed by the commission.

33 (4) The commission approves the relocation of the licensed
34 owner's gaming operation.

35 ~~(c)~~ (d) This subsection applies to a licensed owner that owns or
36 leases property that is considered adjacent to a riverboat dock site
37 under subsection ~~(a)~~; (b). The licensed owner may:

38 (1) acquire part of the public rights-of-way or railroad
39 rights-of-way to form a contiguous parcel with the property
40 owned or leased by the licensed owner on February 1, 2015; and

41 (2) subject to the other requirements of this section, situate an
42 inland casino on the contiguous parcel formed under subdivision



1 (1).
 2 ~~(d)~~ (e) The commission may impose any requirement upon a
 3 licensed owner relocating gaming operations under this section.

4 ~~(e)~~ (f) The number of gambling games offered by a licensed owner
 5 in an inland facility operated under this section may not exceed the
 6 greatest number of gambling games offered by the licensed owner in
 7 the licensed owner's docked riverboat since January 1, 2007.

8 SECTION 23. IC 4-33-6-25, AS ADDED BY P.L.255-2015,
 9 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 25. (a) This section does not apply to a riverboat
 11 gaming operation relocated under section 24 of this chapter.

12 (b) **Except as provided in subsection (c),** the number of gambling
 13 games offered by a licensed owner or operating agent within the
 14 riverboat operated by the licensed owner or operating agent may not
 15 exceed the greatest number of gambling games offered by the licensed
 16 owner or operating agent since January 1, 2007.

17 (c) **The number of gambling games offered by a licensed owner**
 18 **within a riverboat relocated in Gary under section 4.5 of this**
 19 **chapter may not exceed two thousand seven hundred sixty-four**
 20 **(2,764).**

21 SECTION 24. IC 4-33-6.7 IS ADDED TO THE INDIANA CODE
 22 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2019]:

24 **Chapter 6.7. Vigo County Casino Operations**

25 **Sec. 1. (a) The commission shall prepare a report that:**

26 (1) **evaluates and updates the Estimates of the Fiscal Impacts**
 27 **from Out-of-State Casino Competition and Movement of**
 28 **Casino Licenses in Indiana, which was reported to the**
 29 **Gaming Study Committee on October 19, 2009; and**

30 (2) **describes the current state of gaming in Indiana.**

31 (b) **The commission shall submit the report prepared under**
 32 **subsection (a) to the legislative council in an electronic format**
 33 **under IC 5-14-6 by September 1, 2019.**

34 (c) **After the report described in subsection (a) is prepared, the**
 35 **commission shall create and implement a competitive bid process**
 36 **for awarding a license to operate an inland casino in Vigo County.**
 37 **The commission shall publish details of the competitive bid process**
 38 **on its Internet web site. The competitive bid process must include:**

39 (1) **a process for submitting applications;**

40 (2) **a process for the evaluation and selection of proposals**
 41 **submitted by applicants; and**

42 (3) **an auction process involving the proposals selected under**



- 1 subdivision (2).
 2 The commission has the discretion to start the competitive bid
 3 process over at any time if the commission determines it is
 4 necessary to ensure the integrity of gaming in Indiana.
 5 Sec. 2. If a public question to permit inland casino gambling in
 6 Vigo County is approved by the voters under IC 4-33-6-19.3, the
 7 commission shall begin accepting applications for awarding the
 8 license to operate an inland casino in Vigo County. The commission
 9 shall publish deadlines for submitting an application under this
 10 chapter on its Internet web site. An application must comply with
 11 the provisions of IC 4-33-6-2 and include any additional
 12 information required by the commission. The commission shall
 13 prescribe the form of the application for permission to operate an
 14 inland casino under this chapter.
 15 Sec. 3. The commission shall review applications submitted
 16 under section 2 of this chapter and determine the suitability of each
 17 applicant. In determining suitability, the commission shall consider
 18 each applicant's financial integrity and the applicant's ability to
 19 operate an inland casino. The commission may also consider the
 20 factors in IC 4-33-6-4. The commission may not determine an
 21 applicant is suitable if the commission finds that any of the
 22 provisions of IC 4-33-6-3 apply.
 23 Sec. 4. The commission shall notify each applicant the
 24 commission determines is suitable after the review of applications
 25 under section 3 of this chapter. An applicant notified by the
 26 commission may prepare and submit a proposal to the commission
 27 to operate an inland casino in Vigo County. A proposal must
 28 include the following information:
 29 (1) The name of the applicant.
 30 (2) The street address of the applicant's proposed casino.
 31 (3) A description of the proposed gaming facilities and
 32 proposed nongaming amenities, including any lodging
 33 facilities, dining facilities, and retail facilities, at the proposed
 34 casino.
 35 (4) The amounts the applicant will invest in the gaming
 36 facilities and nongaming facilities at the proposed casino.
 37 (5) A proposed local development agreement that may be
 38 entered into with the county.
 39 (6) Evidence that the applicant's proposed casino will do the
 40 following:
 41 (A) Enhance the credibility and integrity of gaming in
 42 Indiana.



- 1 **(B) Promote employment and economic development in the**
 2 **area surrounding the proposed casino.**
 3 **(C) Optimize the collection of tax revenue under this**
 4 **article.**
 5 **(7) The applicant's plan for complying with section 9 of this**
 6 **chapter and IC 4-33-14 in the construction and conduct of the**
 7 **applicant's proposed gaming operations in Vigo County.**
 8 **Each proposal submitted under this section is a public document.**
 9 **The commission shall provide a copy of each proposal to the**
 10 **advisory board for consideration under IC 4-33-25.**
 11 **Sec. 5. (a) The commission shall select three (3) proposals from**
 12 **those received under section 4 of this chapter to be eligible for the**
 13 **auction process under this chapter to operate an inland casino in**
 14 **Vigo County. In determining the three (3) proposals, the**
 15 **commission shall consider at least the following:**
 16 **(1) Recommendations made by the advisory board under**
 17 **IC 4-33-25-9.**
 18 **(2) Which proposals will best benefit the state of Indiana and**
 19 **the citizens of Indiana.**
 20 **(b) If the commission determines that there are not three (3)**
 21 **sufficient proposals under subsection (a), the commission may**
 22 **select two (2) proposals. If only one (1) proposal is determined**
 23 **sufficient under subsection (a), the competitive bid process must**
 24 **start over, beginning with the submission of applications under**
 25 **section 2 of this chapter.**
 26 **Sec. 6. (a) The applicants whose proposals are selected by the**
 27 **commission under section 5(a) of this chapter are eligible to**
 28 **participate in an auction process for permission to operate an**
 29 **inland casino in Vigo County.**
 30 **(b) The commission shall determine auction procedures and**
 31 **processes to prevent the rigging of bids or collusion, and to ensure**
 32 **the integrity of the auction process. The commission may**
 33 **determine procedures and processes under this subsection without**
 34 **adopting rules under IC 4-22-2.**
 35 **Sec. 7. (a) The following apply to the auction conducted by the**
 36 **commission under this chapter:**
 37 **(1) The commission shall set the date, time, and location of the**
 38 **auction at least three (3) weeks before the auction and make**
 39 **the information available on the commission's Internet web**
 40 **site.**
 41 **(2) Each participant shall submit a bond or letter of credit in**
 42 **the amount of the minimum bid to the commission.**



- 1 **(3) The minimum bid is twenty-five-million dollars**
2 **(\$25,000,000). No bid for an amount of less than twenty-five**
3 **million dollars (\$25,000,000) may be accepted.**
- 4 **(4) The auction process must be conducted at a public meeting**
5 **of the commission.**
- 6 **(5) If the auction does not result in a winning bid, the highest**
7 **bidders shall have one (1) hour to submit a final and best bid**
8 **to the commission at the same public meeting.**
- 9 **(6) The winning bidder shall pay the winning bid amount to**
10 **the commission not later than two (2) days after the public**
11 **meeting at which the auction is conducted. Payment may be**
12 **by cashier's check, certified check, or other payment method**
13 **as approved by the commission. The commission shall deposit**
14 **the amount in the state general fund.**
- 15 **(7) The issuance of an owner's license is subject to the winning**
16 **bidder's ability to meet the commission's standards for**
17 **licensure.**
- 18 **(8) The winning bidder must submit a completed application**
19 **for an owner's license to the commission within six (6) months**
20 **of the public meeting at which the auction was conducted. If**
21 **a completed application is not timely submitted, the winning**
22 **bidder forfeits the right to operate an inland casino in Vigo**
23 **County.**
- 24 **(9) If the winning bidder fails to timely submit a completed**
25 **application under subdivision (8) or if, after review by the**
26 **commission, the winning bidder is denied an owner's license,**
27 **an amount equal to twenty-five percent (25%) of the bid**
28 **amount must be refunded to the winning bidder. The**
29 **remaining seventy-five percent (75%) of the winning bid must**
30 **be forfeited to the state.**
- 31 **(10) If the winning bidder's license application is denied, the**
32 **commission shall conduct another auction between the**
33 **remaining applicants at a time determined by the commission.**
34 **If only one (1) applicant remains, the commission shall start**
35 **the competitive bid process over.**
- 36 **(11) The commission shall determine a date for the winning**
37 **bidder to begin conducting gaming operations at an inland**
38 **casino in Vigo County.**
- 39 **(12) If the winning bidder fails to begin gaming operations at**
40 **an inland casino in Vigo County on the date determined under**
41 **subdivision (11), the owner's license is forfeited and the**
42 **commission shall start the competitive bid process over.**



1 **Sec. 8. The local development agreement entered into between**
 2 **the winning applicant under section 7 of this chapter and the**
 3 **county must be substantially similar to the local development**
 4 **agreement presented in the applicant's proposal under section 4 of**
 5 **this chapter.**

6 **Sec. 9. The definitions set forth in IC 4-33-14 apply to this**
 7 **subsection. The licensed owner holding a license awarded under**
 8 **this section is subject to the following business participation goals**
 9 **for awarding contracts for goods or services with respect to the**
 10 **construction and conduct of the licensed owner's gaming**
 11 **operations in Vigo County:**

12 **(1) Eighteen percent (18%) for minority business enterprises.**

13 **(2) Eight percent (8%) for women's business enterprises.**

14 **(3) Three percent (3%) for disadvantaged business**
 15 **enterprises certified by the Indiana department of**
 16 **transportation.**

17 **(4) One percent (1%) for veteran business enterprises (as**
 18 **defined by IC 8-25-4-7).**

19 **The licensed owner's compliance with this subsection is subject to**
 20 **the reporting requirements of IC 4-33-14 and enforcement by the**
 21 **commission under IC 4-33-14.**

22 SECTION 25. IC 4-33-10-2.5, AS AMENDED BY P.L.158-2013,
 23 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: Sec. 2.5. (a) This section applies only to property given
 25 after June 30, 1996.

26 (b) The definitions in IC 3-5-2 apply to this section to the extent
 27 they do not conflict with the definitions in this article.

28 (c) As used in this section, "license" means:

29 (1) an owner's license issued under this article;

30 (2) a supplier's license issued under this article to a supplier of
 31 gaming supplies or equipment, including electronic gaming
 32 equipment; or

33 (3) an operating agent contract entered into under this article.

34 (d) As used in this section, "licensee" means a person who holds a
 35 license. The term includes an operating agent.

36 (e) As used in this section, "officer" refers only to either of the
 37 following:

38 (1) An individual listed as an officer of a corporation in the
 39 corporation's most recent annual report.

40 (2) An individual who is a successor to an individual described in
 41 subdivision (1).

42 (f) For purposes of this section, a person is considered to have an



- 1 interest in a licensee if the person satisfies any of the following:
- 2 (1) The person holds at least a one percent (1%) interest in the
- 3 licensee.
- 4 (2) The person is an officer of the licensee.
- 5 (3) The person is an officer of a person that holds at least a one
- 6 percent (1%) interest in the licensee.
- 7 (4) The person is a political action committee of the licensee.
- 8 (g) A licensee or a person with an interest in a licensee may not give
- 9 any property (as defined in IC 35-31.5-2-253) to a member of a
- 10 precinct committee to induce the member of the precinct committee to
- 11 do any act or refrain from doing any act with respect to the approval of
- 12 a local public question under IC 4-33-6-19 **or IC 4-33-6-19.3.**
- 13 (h) A person who knowingly or intentionally violates this section
- 14 commits a Level 6 felony.
- 15 SECTION 26. IC 4-33-12-0.5, AS ADDED BY P.L.255-2015,
- 16 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2019]: Sec. 0.5. This chapter does not apply to **the following:**
- 18 (1) A riverboat in a historic hotel district.
- 19 (2) **Sports wagering conducted under IC 4-38 at a riverboat.**
- 20 SECTION 27. IC 4-33-12-1.5, AS ADDED BY P.L.212-2018(ss),
- 21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2019]: Sec. 1.5. (a) A supplemental wagering tax on the
- 23 wagering occurring each day at a riverboat is imposed upon the
- 24 licensed owner operating the riverboat.
- 25 (b) **Except as provided in subsection (d), and** subject to subsection
- 26 (c), the amount of supplemental wagering tax imposed for a particular
- 27 day is determined by multiplying the riverboat's adjusted gross receipts
- 28 for that day by the quotient of:
- 29 (1) the total riverboat admissions tax that the riverboat's licensed
- 30 owner paid beginning July 1, 2016, and ending June 30, 2017;
- 31 divided by
- 32 (2) the riverboat's adjusted gross receipts beginning July 1, 2016,
- 33 and ending June 30, 2017.
- 34 (c) The quotient used under subsection (b) to determine the
- 35 supplemental wagering tax liability of a licensed owner subject to
- 36 subsection (b) may not exceed the following when expressed as a
- 37 percentage:
- 38 (1) Four percent (4%) before July 1, 2019.
- 39 (2) Three and five-tenths percent (3.5%) after June 30, 2019.
- 40 (d) **The supplemental wagering tax liability of a licensed owner**
- 41 **operating a riverboat in Vigo County is equal to two and**
- 42 **nine-tenths percent (2.9%) of the riverboat's adjusted gross**



1 **receipts for the day.**

2 SECTION 28. IC 4-33-12-6, AS AMENDED BY P.L.109-2018,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 6. (a) The department shall place in the state
5 general fund the tax revenue collected under this chapter.

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

8 (1) Except as provided in section 9(k) of this chapter, thirty-three
9 and one-third percent (33 1/3%) of the admissions tax and
10 supplemental wagering tax collected by the licensed owner during
11 the quarter shall be paid to:

12 (A) the city in which the riverboat is ~~docked~~, **located**, if the
13 city:

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

17 (ii) is contiguous to the Ohio River and is the largest city in
18 the county; **or**

19 **(iii) is Terre Haute; and**

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

23 (2) Except as provided in section 9(k) of this chapter, thirty-three
24 and one-third percent (33 1/3%) of the admissions tax and
25 supplemental wagering tax collected by the licensed owner during
26 the quarter shall be paid to the county in which the riverboat is
27 docked. In the case of a county described in subdivision (1)(B),
28 this thirty-three and one-third percent (33 1/3%) of the admissions
29 tax and supplemental wagering tax is in addition to the
30 thirty-three and one-third percent (33 1/3%) received under
31 subdivision (1)(B).

32 (3) Except as provided in section 9(k) of this chapter, three and
33 thirty-three hundredths percent (3.33%) of the admissions tax and
34 supplemental wagering tax collected by the licensed owner during
35 the quarter shall be paid to the county convention and visitors
36 bureau or promotion fund for the county in which the riverboat is
37 docked.

38 (4) Except as provided in section 9(k) of this chapter, five percent
39 (5%) of the admissions tax and supplemental wagering tax
40 collected by the licensed owner during a quarter shall be paid to
41 the state fair commission, for use in any activity that the
42 commission is authorized to carry out under IC 15-13-3.



1 (5) Except as provided in section 9(k) of this chapter, three and
 2 thirty-three hundredths percent (3.33%) of the admissions tax and
 3 supplemental wagering tax collected by the licensed owner during
 4 the quarter shall be paid to the division of mental health and
 5 addiction. The division shall allocate at least twenty-five percent
 6 (25%) of the funds derived from the admissions tax to the
 7 prevention and treatment of compulsive gambling.
 8 (6) Twenty-one and six hundred sixty-seven thousandths percent
 9 (21.667%) of the admissions tax and supplemental wagering tax
 10 collected by the licensed owner during the quarter shall be paid
 11 to the state general fund.
 12 SECTION 29. IC 4-33-13-0.5 IS ADDED TO THE INDIANA
 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2019]: **Sec. 0.5. This chapter does not apply**
 15 **to sports wagering conducted under IC 4-38 at a riverboat.**
 16 SECTION 30. IC 4-33-13-1.5, AS AMENDED BY
 17 P.L.212-2018(ss), SECTION 7, IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) This subsection
 19 applies only to a riverboat that received at least seventy-five million
 20 dollars (\$75,000,000) of adjusted gross receipts during the preceding
 21 state fiscal year. A graduated tax is imposed on the adjusted gross
 22 receipts received from gambling games authorized under this article as
 23 follows:
 24 (1) **For state fiscal years ending before July 1, 2021**, fifteen
 25 percent (15%), **and for state fiscal years beginning after June**
 26 **30, 2021, ten percent (10%)**, of the first twenty-five million
 27 dollars (\$25,000,000) of adjusted gross receipts received during
 28 the period beginning July 1 of each year and ending June 30 of
 29 the following year.
 30 (2) Twenty percent (20%) of the adjusted gross receipts in excess
 31 of twenty-five million dollars (\$25,000,000) but not exceeding
 32 fifty million dollars (\$50,000,000) received during the period
 33 beginning July 1 of each year and ending June 30 of the following
 34 year.
 35 (3) Twenty-five percent (25%) of the adjusted gross receipts in
 36 excess of fifty million dollars (\$50,000,000) but not exceeding
 37 seventy-five million dollars (\$75,000,000) received during the
 38 period beginning July 1 of each year and ending June 30 of the
 39 following year.
 40 (4) Thirty percent (30%) of the adjusted gross receipts in excess
 41 of seventy-five million dollars (\$75,000,000) but not exceeding
 42 one hundred fifty million dollars (\$150,000,000) received during



- 1 the period beginning July 1 of each year and ending June 30 of
 2 the following year.
- 3 (5) Thirty-five percent (35%) of all adjusted gross receipts in
 4 excess of one hundred fifty million dollars (\$150,000,000) but not
 5 exceeding six hundred million dollars (\$600,000,000) received
 6 during the period beginning July 1 of each year and ending June
 7 30 of the following year.
- 8 (6) Forty percent (40%) of all adjusted gross receipts exceeding
 9 six hundred million dollars (\$600,000,000) received during the
 10 period beginning July 1 of each year and ending June 30 of the
 11 following year.
- 12 (b) This subsection applies only to a riverboat that received less than
 13 seventy-five million dollars (\$75,000,000) of adjusted gross receipts
 14 during the preceding state fiscal year. A graduated tax is imposed on
 15 the adjusted gross receipts received from gambling games authorized
 16 under this article as follows:
- 17 (1) **For state fiscal years ending before July 1, 2021, five**
 18 **percent (5%), and for state fiscal years beginning after June**
 19 **30, 2021, two and one-half percent (2.5%),** of the first
 20 twenty-five million dollars (\$25,000,000) of adjusted gross
 21 receipts received during the period beginning July 1 of each year
 22 and ending June 30 of the following year.
- 23 (2) Twenty percent (20%) of the adjusted gross receipts in excess
 24 of twenty-five million dollars (\$25,000,000) but not exceeding
 25 fifty million dollars (\$50,000,000) received during the period
 26 beginning July 1 of each year and ending June 30 of the following
 27 year.
- 28 (3) Twenty-five percent (25%) of the adjusted gross receipts in
 29 excess of fifty million dollars (\$50,000,000) but not exceeding
 30 seventy-five million dollars (\$75,000,000) received during the
 31 period beginning July 1 of each year and ending June 30 of the
 32 following year.
- 33 (4) Thirty percent (30%) of the adjusted gross receipts in excess
 34 of seventy-five million dollars (\$75,000,000) but not exceeding
 35 one hundred fifty million dollars (\$150,000,000) received during
 36 the period beginning July 1 of each year and ending June 30 of
 37 the following year.
- 38 (5) Thirty-five percent (35%) of all adjusted gross receipts in
 39 excess of one hundred fifty million dollars (\$150,000,000) but not
 40 exceeding six hundred million dollars (\$600,000,000) received
 41 during the period beginning July 1 of each year and ending June
 42 30 of the following year.



1 (6) Forty percent (40%) of all adjusted gross receipts exceeding
 2 six hundred million dollars (\$600,000,000) received during the
 3 period beginning July 1 of each year and ending June 30 of the
 4 following year.

5 (c) The licensed owner or operating agent of a riverboat taxed under
 6 subsection (b) shall pay an additional tax of two million five hundred
 7 thousand dollars (\$2,500,000) in any state fiscal year in which the
 8 riverboat's adjusted gross receipts exceed seventy-five million dollars
 9 (\$75,000,000). The additional tax imposed under this subsection is due
 10 before July 1 of the following state fiscal year.

11 (d) The licensed owner or operating agent shall:

12 (1) remit the daily amount of tax imposed by this chapter to the
 13 department on the twenty-fourth calendar day of each month for
 14 the wagering taxes collected that month; and

15 (2) report gaming activity information to the commission daily on
 16 forms prescribed by the commission.

17 Any taxes collected during the month but after the day on which the
 18 taxes are required to be paid to the department shall be paid to the
 19 department at the same time the following month's taxes are due.

20 (e) The payment of the tax under this section must be in a manner
 21 prescribed by the department.

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

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

28 SECTION 31. IC 4-33-13-5, AS AMENDED BY P.L.212-2018(ss),
 29 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 5. (a) This subsection does not apply to tax
 31 revenue remitted by an operating agent operating a riverboat in a
 32 historic hotel district. After funds are appropriated under section 4 of
 33 this chapter, each month the treasurer of state shall distribute the tax
 34 revenue deposited in the state gaming fund under this chapter to the
 35 following:

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

38 (A) Before July 1, 2021, the first thirty-three million dollars
 39 (\$33,000,000) of tax revenues collected under this chapter
 40 shall be set aside for revenue sharing under subsection (e).

41 (B) After June 30, 2021, if the total adjusted gross receipts
 42 received by licensees from gambling games authorized under



1 this article during the preceding state fiscal year is equal to or
 2 greater than the total adjusted gross receipts received by
 3 licensees from gambling games authorized under this article
 4 during the state fiscal year ending June 30, 2020, the first
 5 thirty-three million dollars (\$33,000,000) of tax revenues
 6 collected under this chapter shall be set aside for revenue
 7 sharing under subsection (e).

8 (C) After June 30, 2021, if the total adjusted gross receipts
 9 received by licensees from gambling games authorized under
 10 this article during the preceding state fiscal year is less ~~then~~
 11 **than** the total adjusted gross receipts received by licensees
 12 from gambling games authorized under this article during the
 13 state year ending June 30, 2020, an amount equal to the first
 14 thirty-three million dollars (\$33,000,000) of tax revenues
 15 collected under this chapter multiplied by the result of:

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

19 (ii) the total adjusted gross receipts received by licensees
 20 from gambling games authorized under this article during
 21 the state fiscal year ending June 30, 2020;

22 shall be set aside for revenue sharing under subsection (e).

23 (2) Subject to subsection (c), twenty-five percent (25%) of the
 24 remaining tax revenue remitted by each licensed owner shall be
 25 paid:

26 (A) to the city that is designated as the home dock of the
 27 riverboat from which the tax revenue was collected, in the case
 28 of:

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

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

33 (B) to the county that is designated as the home dock of the
 34 riverboat from which the tax revenue was collected, in the case
 35 of a riverboat whose home dock is not in a city described in
 36 clause (A).

37 (3) Subject to subsection (d), the remainder of the tax revenue
 38 remitted by each licensed owner shall be paid to the state general
 39 fund. In each state fiscal year, the treasurer of state shall make the
 40 transfer required by this subdivision not later than the last
 41 business day of the month in which the tax revenue is remitted to
 42 the state for deposit in the state gaming fund. However, if tax



1 revenue is received by the state on the last business day in a
 2 month, the treasurer of state may transfer the tax revenue to the
 3 state general fund in the immediately following month.

4 (b) This subsection applies only to tax revenue remitted by an
 5 operating agent operating a riverboat in a historic hotel district after
 6 June 30, ~~2015~~: 2019. After funds are appropriated under section 4 of
 7 this chapter, each month the treasurer of state shall distribute the tax
 8 revenue remitted by the operating agent under this chapter as follows:

9 (1) Fifty-six and five-tenths percent (56.5%) shall be paid as
 10 follows:

11 (A) **Sixty-six and four-tenths percent (66.4%) shall be paid**
 12 to the state general fund.

13 (B) **Thirty-three and six-tenths percent (33.6%) shall be**
 14 **paid to the West Baden Springs historic hotel preservation**
 15 **and maintenance fund established by IC 36-7-11.5-11(b).**

16 **However:**

17 (i) **at any time the balance in that fund exceeds**
 18 **twenty-five million dollars (\$25,000,000); or**

19 (ii) **in any part of a state fiscal year after the operating**
 20 **agent has received at least one hundred million dollars**
 21 **(\$100,000,000) of adjusted gross receipts;**

22 **the amount described in this clause shall be paid to the**
 23 **state general fund.**

24 (2) Forty-three and five-tenths percent (43.5%) shall be paid as
 25 follows:

26 (A) Twenty-two and four-tenths percent (22.4%) shall be paid
 27 as follows:

28 (i) Fifty percent (50%) to the fiscal officer of the town of
 29 French Lick.

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

32 (B) Fourteen and eight-tenths percent (14.8%) shall be paid to
 33 the county treasurer of Orange County for distribution among
 34 the school corporations in the county. The governing bodies
 35 for the school corporations in the county shall provide a
 36 formula for the distribution of the money received under this
 37 clause among the school corporations by joint resolution
 38 adopted by the governing body of each of the school
 39 corporations in the county. Money received by a school
 40 corporation under this clause must be used to improve the
 41 educational attainment of students enrolled in the school
 42 corporation receiving the money. Not later than the first



- 1 regular meeting in the school year of a governing body of a
 2 school corporation receiving a distribution under this clause,
 3 the superintendent of the school corporation shall submit to
 4 the governing body a report describing the purposes for which
 5 the receipts under this clause were used and the improvements
 6 in educational attainment realized through the use of the
 7 money. The report is a public record.
- 8 (C) Thirteen and one-tenth percent (13.1%) shall be paid to the
 9 county treasurer of Orange County.
- 10 (D) Five and three-tenths percent (5.3%) shall be distributed
 11 quarterly to the county treasurer of Dubois County for
 12 appropriation by the county fiscal body after receiving a
 13 recommendation from the county executive. The county fiscal
 14 body for the receiving county shall provide for the distribution
 15 of the money received under this clause to one (1) or more
 16 taxing units (as defined in IC 6-1.1-1-21) in the county under
 17 a formula established by the county fiscal body after receiving
 18 a recommendation from the county executive.
- 19 (E) Five and three-tenths percent (5.3%) shall be distributed
 20 quarterly to the county treasurer of Crawford County for
 21 appropriation by the county fiscal body after receiving a
 22 recommendation from the county executive. The county fiscal
 23 body for the receiving county shall provide for the distribution
 24 of the money received under this clause to one (1) or more
 25 taxing units (as defined in IC 6-1.1-1-21) in the county under
 26 a formula established by the county fiscal body after receiving
 27 a recommendation from the county executive.
- 28 (F) Six and thirty-five hundredths percent (6.35%) shall be
 29 paid to the fiscal officer of the town of Paoli.
- 30 (G) Six and thirty-five hundredths percent (6.35%) shall be
 31 paid to the fiscal officer of the town of Orleans.
- 32 (H) Twenty-six and four-tenths percent (26.4%) shall be paid
 33 to the Indiana economic development corporation established
 34 by IC 5-28-3-1 for transfer as follows:
- 35 (i) Beginning after December 31, 2017, ten percent (10%)
 36 of the amount transferred under this clause in each calendar
 37 year shall be transferred to the South Central Indiana
 38 Regional Economic Development Corporation or a
 39 successor entity or partnership for economic development
 40 for the purpose of recruiting new business to Orange County
 41 as well as promoting the retention and expansion of existing
 42 businesses in Orange County.



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

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

24 (c) For each city and county receiving money under subsection
 25 (a)(2), the treasurer of state shall determine the total amount of money
 26 paid by the treasurer of state to the city or county during the state fiscal
 27 year 2002. The amount determined is the base year revenue for the city
 28 or county. The treasurer of state shall certify the base year revenue
 29 determined under this subsection to the city or county. The total
 30 amount of money distributed to a city or county under this section
 31 during a state fiscal year may not exceed the entity's base year revenue.
 32 For each state fiscal year, the treasurer of state shall pay that part of the
 33 riverboat wagering taxes that:

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

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

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

- 42 (1) Surplus lottery revenues under IC 4-30-17-3.



- 1 (2) Surplus revenue from the charity gaming enforcement fund
 2 under IC 4-32.2-7-7.
- 3 (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.
 4 The treasurer of state shall make transfers on a monthly basis as needed
 5 to meet the obligations of the build Indiana fund. If in any state fiscal
 6 year insufficient money is transferred to the state general fund under
 7 subsection (a)(3) to comply with this subsection, the treasurer of state
 8 shall reduce the amount transferred to the build Indiana fund to the
 9 amount available in the state general fund from the transfers under
 10 subsection (a)(3) for the state fiscal year.
- 11 (e) Except as provided in subsections (l) and (m), before August 15
 12 of each year, the treasurer of state shall distribute the wagering taxes
 13 set aside for revenue sharing under subsection (a)(1) to the county
 14 treasurer of each county that does not have a riverboat according to the
 15 ratio that the county's population bears to the total population of the
 16 counties that do not have a riverboat. Except as provided in subsection
 17 (h), the county auditor shall distribute the money received by the
 18 county under this subsection as follows:
- 19 (1) To each city located in the county according to the ratio the
 20 city's population bears to the total population of the county.
- 21 (2) To each town located in the county according to the ratio the
 22 town's population bears to the total population of the county.
- 23 (3) After the distributions required in subdivisions (1) and (2) are
 24 made, the remainder shall be retained by the county.
- 25 (f) Money received by a city, town, or county under subsection (e)
 26 or (h) may be used for any of the following purposes:
- 27 (1) To reduce the property tax levy of the city, town, or county for
 28 a particular year (a property tax reduction under this subdivision
 29 does not reduce the maximum levy of the city, town, or county
 30 under IC 6-1.1-18.5).
- 31 (2) For deposit in a special fund or allocation fund created under
 32 IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and
 33 IC 36-7-30 to provide funding for debt repayment.
- 34 (3) To fund sewer and water projects, including storm water
 35 management projects.
- 36 (4) For police and fire pensions.
- 37 (5) To carry out any governmental purpose for which the money
 38 is appropriated by the fiscal body of the city, town, or county.
 39 Money used under this subdivision does not reduce the property
 40 tax levy of the city, town, or county for a particular year or reduce
 41 the maximum levy of the city, town, or county under
 42 IC 6-1.1-18.5.



1 (g) Before July 15 of each year, the treasurer of state shall determine
 2 the total amount of money distributed to an entity under IC 4-33-12-6
 3 or IC 4-33-12-8 during the preceding state fiscal year. If the treasurer
 4 of state determines that the total amount of money distributed to an
 5 entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state
 6 fiscal year was less than the entity's base year revenue (as determined
 7 under IC 4-33-12-9), the treasurer of state shall make a supplemental
 8 distribution to the entity from taxes collected under this chapter and
 9 deposited into the state general fund. Except as provided in subsection
 10 (i), the amount of an entity's supplemental distribution is equal to:

11 (1) the entity's base year revenue (as determined under
 12 IC 4-33-12-9); minus

13 (2) the sum of:

14 (A) the total amount of money distributed to the entity and
 15 constructively received by the entity during the preceding state
 16 fiscal year under IC 4-33-12-6 or IC 4-33-12-8; plus

17 (B) the amount of any admissions taxes deducted under
 18 IC 6-3.1-20-7.

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

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

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

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

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

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

34 (2) After June 30, 2021, if the total adjusted gross receipts
 35 received by licensees from gambling games authorized under this
 36 article during the preceding state fiscal year is equal to or greater
 37 than the total adjusted gross receipts received by licensees from
 38 gambling games authorized under this article during the state
 39 fiscal year ending June 30, 2020, the maximum amount is
 40 forty-eight million dollars (\$48,000,000).

41 (3) After June 30, 2021, if the total adjusted gross receipts
 42 received by licensees from gambling games authorized under this



1 article during the preceding state fiscal year is less than the total
 2 adjusted gross receipts received by licensees from gambling
 3 games authorized under this article during the state fiscal year
 4 ending June 30, 2020, the maximum amount is equal to the result
 5 of:

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

7 (B) the result of:

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

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

14 If the total amount determined under subsection (g) exceeds the
 15 maximum amount determined under this subsection, the amount
 16 distributed to an entity under subsection (g) must be reduced according
 17 to the ratio that the amount distributed to the entity under IC 4-33-12-6
 18 or IC 4-33-12-8 bears to the total amount distributed under
 19 IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental
 20 distribution.

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

28 (1) the remaining amount of the supplemental distribution; or

29 (2) the difference, if any, between:

30 (A) three million five hundred thousand dollars (\$3,500,000);
 31 minus

32 (B) the amount of admissions taxes constructively received by
 33 the unit in the previous state fiscal year.

34 The treasurer of state shall distribute the amounts deducted under this
 35 subsection to the northwest Indiana redevelopment authority
 36 established under IC 36-7.5-2-1 for deposit in the development
 37 authority revenue fund established under IC 36-7.5-4-1.

38 (k) Money distributed to a political subdivision under subsection
 39 (b):

40 (1) must be paid to the fiscal officer of the political subdivision
 41 and may be deposited in the political subdivision's general fund
 42 or riverboat fund established under IC 36-1-8-9, or both;



1 (2) may not be used to reduce the maximum levy under
 2 IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate
 3 of a school corporation, but, except as provided in subsection
 4 (b)(2)(B), may be used at the discretion of the political
 5 subdivision to reduce the property tax levy of the county, city, or
 6 town for a particular year;

7 (3) except as provided in subsection (b)(2)(B), may be used for
 8 any legal or corporate purpose of the political subdivision,
 9 including the pledge of money to bonds, leases, or other
 10 obligations under IC 5-1-14-4; and

11 (4) is considered miscellaneous revenue.

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

14 (l) After June 30, 2020, the amount of wagering taxes that would
 15 otherwise be distributed to South Bend under subsection (e) shall be
 16 deposited as being received from all riverboats whose supplemental
 17 wagering tax, as calculated under IC 4-33-12-1.5(b), is over three and
 18 five-tenths percent (3.5%). The amount deposited under this
 19 subsection, in each riverboat's account, is proportionate to the
 20 supplemental wagering tax received from that riverboat under
 21 IC 4-33-12-1.5 in the month of July. The amount deposited under this
 22 subsection must be distributed in the same manner as the supplemental
 23 wagering tax collected under IC 4-33-12-1.5. This subsection expires
 24 June 30, 2021.

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

28 SECTION 32. IC 4-33-13-7, AS AMENDED BY P.L.255-2015,
 29 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 7. (a) This section applies to adjusted gross
 31 receipts from wagering on gambling games that occurs after the
 32 effective date of this section, as added by SEA 528-2013.

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

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



1 (d) A licensed owner or operating agent may not deduct more than
 2 the following amounts in a particular state fiscal year **with respect to**
 3 **the qualified wagering conducted at a particular riverboat:**

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

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

8 (3) Seven million dollars (\$7,000,000) in a state fiscal year
 9 beginning after June 30, 2015, **and ending before July 1, 2021.**

10 **(4) Nine million dollars (\$9,000,000) in a state fiscal year**
 11 **beginning after June 30, 2021.**

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

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

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

27 SECTION 33. IC 4-33-14-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) As used in this
 29 section, "goods and services" does not include the following:

30 (1) Utilities and taxes.

31 (2) Financing costs, mortgages, loans, or other debt.

32 (3) Medical insurance.

33 (4) Fees and payments to a parent or an affiliated company of an
 34 operating agent or the person holding an owner's license, other
 35 than fees and payments for goods and services supplied by
 36 nonaffiliated persons through an affiliated company for the use or
 37 benefit of the operating agent or the person holding the owner's
 38 license.

39 (5) Rents paid for real property or payments constituting the price
 40 of an interest in real property as a result of a real estate
 41 transaction.

42 (b) Notwithstanding any law or rule to the contrary, the commission



1 shall establish annual goals for an operating agent or a person issued
2 an owner's license:

- 3 (1) for the use of minority and women's business enterprises; and
4 (2) derived from a statistical analysis of utilization study of
5 licensee and operating agent contracts for goods and services that
6 are required to be updated every five (5) years.

7 (c) An operating agent or a person holding an owner's license shall
8 submit annually to the commission a report that includes the following
9 information:

10 (1) The total dollar value of contracts awarded for goods or
11 services and the percentage awarded to minority and women's
12 business enterprises.

13 (2) The following information relating to each minority business
14 enterprise or women's business enterprise awarded a contract for
15 goods or services:

16 (A) The name.

17 (B) The address.

18 (C) The total dollar amount of the contract.

19 A record containing information described in this subsection is not
20 exempt from the disclosure requirements of IC 5-14-3-3 under
21 IC 5-14-3-4.

22 (d) An operating agent or a person holding an owner's license shall
23 make a good faith effort to meet the requirements of this section and
24 shall annually demonstrate to the commission that an effort was made
25 to meet the requirements.

26 (e) An operating agent or a person holding an owner's license may
27 fulfill not more than seventy percent (70%) of an obligation under this
28 chapter by requiring a vendor to set aside a part of a contract for
29 minority or women's business enterprises. Upon request, the licensee
30 or operating agent shall provide the commission with proof of the
31 amount of the set aside.

32 **(f) If the licensed owner of a riverboat:**

33 **(1) relocated to an inland location under IC 4-33-6-4.5; or**

34 **(2) subject to a license for Vigo County awarded under**
35 **IC 4-33-6.7;**

36 **is required by IC 4-33-6-4.5 or IC 4-33-6.7 to award a higher**
37 **percentage of contracts for goods or services to minority or**
38 **women's business enterprises with respect to the construction and**
39 **conduct of gaming operations described in this subsection than**
40 **required by the annual goals established by the commission under**
41 **subsection (b), the annual goals established under subsection (b) do**
42 **not apply to the licensed owner with respect to the gaming**



- 1 **operations described in this subsection.**
 2 SECTION 34. IC 4-33-14-11 IS ADDED TO THE INDIANA
 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2019]: **Sec. 11. Subject to IC 4-38-5-12, this**
 5 **chapter applies to sports wagering conducted under IC 4-38 by a**
 6 **licensed owner or an operating agent.**
 7 SECTION 35. IC 4-33-25 IS ADDED TO THE INDIANA CODE
 8 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]:
 10 **Chapter 25. Vigo County Inland Casino Advisory Board**
 11 **Sec. 1. This chapter applies only if a public question to permit**
 12 **inland casino gambling in Vigo County is approved by the voters**
 13 **under IC 4-33-6-19.3.**
 14 **Sec. 2. The Vigo County inland casino advisory board is**
 15 **established to evaluate proposals for the operation of an inland**
 16 **casino in Vigo County.**
 17 **Sec. 3. (a) The advisory board consists of the following five (5)**
 18 **members:**
 19 (1) The mayor of Terre Haute, or the mayor's designee.
 20 (2) One (1) member of the Vigo County board of county
 21 commissioners.
 22 (3) The president of the capital improvement board of
 23 managers established under IC 36-10-8 for Vigo County, or
 24 the president's designee.
 25 (4) One (1) member appointed by the board of the Terre
 26 Haute chamber of commerce.
 27 (5) One (1) member appointed by the governor.
 28 (b) A member of the advisory board must be a resident of Vigo
 29 County.
 30 (c) A person may not be a member of the advisory board if:
 31 (1) the person directly or indirectly owns any interest in:
 32 (A) an owner's license;
 33 (B) a supplier's license;
 34 (C) a license issued under IC 4-35;
 35 (D) a permit issued under IC 4-31; or
 36 (E) the equivalent of a document described in clauses (A)
 37 through (D) issued by another state;
 38 (2) the person controls an entity that directly or indirectly
 39 owns any interest described in subdivision (1); or
 40 (3) a member of the person's immediate family directly or
 41 indirectly owns any interest described in subdivision (1) or
 42 (2).



1 (d) The members of the advisory board shall serve a term of the
2 earlier of:

3 (1) three (3) years; or

4 (2) until the advisory board is dissolved.

5 (e) The original appointing authority shall fill a vacancy for the
6 duration of the term.

7 Sec. 4. Each member of the advisory board must, before
8 beginning the discharge of the duties of the member's position, take
9 an oath that the member will faithfully execute the duties of the
10 member's office according to Indiana law and rules adopted under
11 Indiana law.

12 Sec. 5. A member of the advisory board is not entitled to a
13 salary per diem or reimbursement for traveling expenses or any
14 other expenses incurred in connection with the member's duties.

15 Sec. 6. (a) The advisory board may adopt a resolution:

16 (1) designating an officer or employee of the county to act as
17 the administrator of the advisory board;

18 (2) appointing a person to act as administrator of the advisory
19 board; or

20 (3) stating that the advisory board will act without an
21 administrator.

22 (b) An administrator selected under subsection (a) serves
23 without reimbursement for traveling expenses or any other
24 expenses incurred in connection with the administrator's duties.

25 Sec. 7. (a) The advisory board shall elect from its membership
26 a chairperson and a vice chairperson. The term of each position is
27 one (1) year, and the person may be reelected to the position.

28 (b) The advisory board shall adopt rules consistent with this
29 chapter for the transaction of its business. The rules must include
30 the time and place of regular meetings and a procedure for calling
31 special meetings. The advisory board shall hold regular meetings
32 at least once per month.

33 (c) Three (3) members constitute a quorum of the advisory
34 board. No action may be taken by the advisory board unless a
35 majority of the members vote in favor of taking the action.

36 Sec. 8. (a) All meetings of the advisory board must be open to
37 the public, and a public record of the advisory board's resolutions,
38 proceedings, actions, and recommendations must be kept.

39 (b) If the advisory board has an administrator, the
40 administrator shall act as the advisory board's secretary. If the
41 advisory board does not have an administrator, the advisory board
42 shall elect a secretary from its membership.



1 **Sec. 9. The advisory board shall do the following within a time**
 2 **period determined by the commission:**

3 **(1) Receive and review proposals submitted to the commission**
 4 **under IC 4-33-6.7 concerning the operation and management**
 5 **of an inland casino in Vigo County.**

6 **(2) Make recommendations to the commission concerning:**

7 **(A) the selection of a licensed owner to operate an inland**
 8 **casino in Vigo County that the advisory board believes**
 9 **will:**

10 **(i) promote the most economic development and**
 11 **employment in areas in and around Vigo County; and**

12 **(ii) best serve the interests of the residents of Vigo**
 13 **County, the residents of surrounding counties, and all**
 14 **other citizens of Indiana; and**

15 **(B) the operation and management of an inland casino in**
 16 **Vigo County.**

17 **Sec. 10. The advisory board may:**

18 **(1) employ professional staff necessary to assist the advisory**
 19 **board in carrying out its duties; and**

20 **(2) engage consultants, attorneys, accountants, and other**
 21 **professionals necessary to carry out the advisory board's**
 22 **duties.**

23 **Sec. 11. This chapter does not limit the powers of the**
 24 **commission with respect to the administration and regulation of**
 25 **riverboat gambling under this article.**

26 **Sec. 12. The advisory board is dissolved when an inland casino**
 27 **begins operations in Vigo County.**

28 SECTION 36. IC 4-35-2-2, AS AMENDED BY P.L.210-2013,
 29 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 2. (a) "Adjusted gross receipts" means:

31 (1) the total of all cash and property (including checks received
 32 by a licensee, whether collected or not) received by a licensee
 33 from gambling games, including amounts that are distributed by
 34 a licensee under IC 4-35-7-12; minus

35 (2) the total of:

36 (A) all cash paid out to patrons as winnings for gambling
 37 games; and

38 (B) uncollectible gambling game receivables, not to exceed the
 39 lesser of:

40 (i) a reasonable provision for uncollectible patron checks
 41 received from gambling games; or

42 (ii) two percent (2%) of the total of all sums, including



1 checks, whether collected or not, less the amount paid out to
 2 patrons as winnings for gambling games.
 3 For purposes of this section, a counter or personal check that is invalid
 4 or unenforceable under this article is considered cash received by the
 5 licensee from gambling games.

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

8 SECTION 37. IC 4-35-2-5, AS AMENDED BY P.L.255-2015,
 9 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 5. (a) "Gambling game" means any of the
 11 following:

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

18 **(b) The term does not include sports wagering conducted under
 19 IC 4-38.**

20 SECTION 38. IC 4-35-7-19, AS ADDED BY P.L.255-2015,
 21 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2019]: Sec. 19. (a) ~~After March 1, 2021, and before June 30,~~
 23 ~~2021,~~ a licensee may submit a plan to the commission for conducting
 24 wagering on table games at the licensee's gambling game facility. The
 25 commission shall consider a plan submitted under this subsection
 26 within forty-five (45) days of receiving the plan.

27 (b) In making its determination to authorize wagering on table
 28 games, the commission shall consider the potential:

- 29 (1) economic benefits;
 30 (2) tax revenue;
 31 (3) number of new jobs; and
 32 (4) capital investments;

33 that could occur if the commission authorizes wagering on table games
 34 based on a plan submitted under subsection (a):

35 (c) After considering a plan submitted under subsection (a) and the
 36 criteria described in subsection (b), The commission ~~may~~ **shall**
 37 authorize wagering on table games at ~~the~~ **each** licensee's gambling
 38 game facility **beginning January 1, 2021.**

39 (d) ~~(b)~~ (b) A licensee may not:

- 40 (1) install more gambling games than the number of gambling
 41 games proposed in the table game plan submitted to the
 42 commission; and



- 1 (2) offer more than two thousand two hundred (2,200) gambling
 2 games as provided under section 11(b) of this chapter.
- 3 SECTION 39. IC 4-35-8-1, AS AMENDED BY P.L.212-2018(ss),
 4 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2019]: Sec. 1. (a) A graduated slot machine wagering tax is
 6 imposed as follows on ninety-nine percent (99%) of the adjusted gross
 7 receipts received after June 30, 2012, and before July 1, 2013, on
 8 ninety-one and five-tenths percent (91.5%) of the adjusted gross
 9 receipts received after June 30, 2013, and before July 1, 2015, and on
 10 eighty-eight percent (88%) of the adjusted gross receipts received after
 11 June 30, 2015, from wagering on gambling games authorized by this
 12 article:
- 13 (1) Twenty-five percent (25%) of the first one hundred million
 14 dollars (\$100,000,000) of adjusted gross receipts received during
 15 the period beginning July 1 of each year and ending June 30 of
 16 the following year.
- 17 (2) **For periods:**
- 18 (A) **ending before July 1, 2021**, thirty percent (30%) of the
 19 adjusted gross receipts in excess of one hundred million
 20 dollars (\$100,000,000) but not exceeding two hundred million
 21 dollars (\$200,000,000) received during the period beginning
 22 July 1 of each year and ending June 30 of the following year;
 23 **and**
- 24 (B) **beginning after June 30, 2021, thirty percent (30%) of**
 25 **the adjusted gross receipts in excess of one hundred million**
 26 **dollars (\$100,000,000) received during the period**
 27 **beginning July 1 of each year and ending June 30 of the**
 28 **following year.**
- 29 (3) **For periods ending before July 1, 2021**, thirty-five percent
 30 (35%) of the adjusted gross receipts in excess of two hundred
 31 million dollars (\$200,000,000) received during the period
 32 beginning July 1 of each year and ending June 30 of the following
 33 year.
- 34 (b) A licensee shall do the following:
- 35 (1) Remit the daily amount of tax imposed by this section to the
 36 department on the twenty-fourth calendar day of each month. Any
 37 taxes collected during the month but after the day on which the
 38 taxes are required to be paid shall be paid to the department at the
 39 same time the following month's taxes are due.
- 40 (2) Report gaming activity information to the commission daily
 41 on forms prescribed by the commission.
- 42 (c) The payment of the tax under this section must be in a manner



1 prescribed by the department.

2 (d) If the department requires taxes to be remitted under this chapter
3 through electronic funds transfer, the department may allow the
4 licensee to file a monthly report to reconcile the amounts remitted to
5 the department.

6 (e) The payment of the tax under this section must be on a form
7 prescribed by the department.

8 SECTION 40. IC 4-35-8-5, AS AMENDED BY P.L.255-2015,
9 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2019]: Sec. 5. (a) This section applies to adjusted gross
11 receipts from wagering on gambling games that occurs after the
12 effective date of this section, as added by SEA 528-2013.

13 (b) As used in this section, "qualified wagering" refers to wagers
14 made by patrons using noncashable vouchers, coupons, electronic
15 credits, or electronic promotions provided by the licensee.

16 (c) Subject to subsection (d), a licensee may at any time during the
17 state fiscal year deduct from the adjusted gross receipts reported by the
18 licensee the adjusted gross receipts attributable to qualified wagering.
19 A licensee must take a deduction under this section on a form and in
20 the manner prescribed by the department.

21 (d) A licensee may not deduct more than the following amounts in
22 a particular state fiscal year:

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

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

27 (3) Seven million dollars (\$7,000,000) in a state fiscal year
28 beginning after June 30, 2015, **and ending before July 1, 2021.**

29 **(4) Nine million dollars (\$9,000,000) in a state fiscal year**
30 **beginning after June 30, 2021.**

31 (e) Deductions under this section also apply to a licensee's adjusted
32 gross receipts for purposes of the following statutes:

33 (1) IC 4-35-7-12.

34 (2) IC 4-35-8.5.

35 (3) IC 4-35-8.9.

36 (f) A licensee may for a state fiscal year assign all or part of the
37 amount of the deduction under this section that is not claimed by the
38 licensee for the state fiscal year to another licensee, a licensed owner
39 as defined by IC 4-33-2-13, or an operating agent as defined by
40 IC 4-33-2-14.5. An assignment under this subsection must be in writing
41 and both the licensee assigning the deduction and the licensee, licensed
42 owner as defined by IC 4-33-2-13, or operating agent as defined by



1 IC 4-33-2-14.5, to which the deduction is assigned shall report the
 2 assignment to the commission and to the department. The maximum
 3 amount that may be assigned under this subsection by a licensee for a
 4 state fiscal year is equal to the result of:

- 5 (1) seven million dollars (\$7,000,000); minus
- 6 (2) the amount deducted under this subsection by the licensee for
 7 the state fiscal year.

8 SECTION 41. IC 4-35-8.5-0.5 IS ADDED TO THE INDIANA
 9 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 10 [EFFECTIVE JULY 1, 2019]: **Sec. 0.5. This chapter does not apply**
 11 **to sports wagering conducted under IC 4-38.**

12 SECTION 42. IC 4-35-11-11 IS ADDED TO THE INDIANA
 13 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 14 [EFFECTIVE JULY 1, 2019]: **Sec. 11. Subject to IC 4-38-5-12, this**
 15 **chapter applies to sports wagering conducted under IC 4-38 by a**
 16 **licensee.**

17 SECTION 43. IC 4-38 IS ADDED TO THE INDIANA CODE AS
 18 A **NEW ARTICLE TO READ AS FOLLOWS** [EFFECTIVE JULY 1,
 19 2019]:

20 **ARTICLE 38. SPORTS WAGERING**

21 **Chapter 1. General Provisions**

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

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

32 **Sec. 3. The commission shall regulate and administer sports**
 33 **wagering conducted by a certificate holder or vendor under this**
 34 **article.**

35 **Sec. 4. The commission has the following powers and duties for**
 36 **the purpose of administering, regulating, and enforcing the system**
 37 **of sports wagering authorized under this article:**

- 38 (1) All powers and duties specified in this article.
- 39 (2) All powers necessary and proper to fully and effectively
 40 execute this article.
- 41 (3) Jurisdiction and supervision over the following:
 42 (A) All sports wagering operations in Indiana.



- 1 **(B) All persons at licensed facilities where sports wagering**
- 2 **is conducted.**
- 3 **(4) Any power specified in IC 4-33 or IC 4-35 concerning the**
- 4 **supervision of persons conducting gambling games, patrons**
- 5 **wagering on gambling games, and the facilities in which**
- 6 **gambling games are conducted.**
- 7 **(5) To investigate and reinvestigate applicants, certificate**
- 8 **holders, licensees, and vendors.**
- 9 **(6) To investigate alleged violations of this article.**
- 10 **(7) To revoke, suspend, or renew certificates and licenses**
- 11 **under this article.**
- 12 **(8) To take any reasonable or appropriate action to enforce**
- 13 **this article.**

Sec. 5. The commission may do the following:

- 15 **(1) Take appropriate administrative enforcement or**
- 16 **disciplinary action against a person who violates this article.**
- 17 **(2) Conduct hearings.**
- 18 **(3) Issue subpoenas for the attendance of witnesses and**
- 19 **subpoenas duces tecum for the production of books, records,**
- 20 **and other relevant documents.**
- 21 **(4) Administer oaths and affirmations to witnesses.**

Chapter 2. Definitions

Sec. 1. The definitions set forth in this chapter apply throughout this article unless the context clearly denotes otherwise.

Sec. 2. "Adjusted gross receipts" means:

- 26 **(1) the total of all cash and property (including checks**
- 27 **received by a certificate holder, whether collected or not)**
- 28 **received by a certificate holder from sports wagering; minus**
- 29 **(2) the total of:**
 - 30 **(A) all cash paid out as winnings to sports wagering**
 - 31 **patrons, including the cash equivalent of any merchandise**
 - 32 **or thing of value awarded as a prize; and**
 - 33 **(B) uncollectible gaming receivables, not to exceed the**
 - 34 **lesser of:**
 - 35 **(i) a reasonable provision for uncollectible patron checks**
 - 36 **received from sports wagering; or**
 - 37 **(ii) two percent (2%) of the total of all sums (including**
 - 38 **checks, whether collected or not) less the amount paid**
 - 39 **out as winnings to sports wagering patrons.**

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



1 **Sec. 3. "Amateur youth sporting event" refers to any sporting**
 2 **event in which an individual:**

- 3 **(1) must be less than eighteen (18) years of age to participate;**
 4 **and**
 5 **(2) is prohibited, as a condition of participating in the sporting**
 6 **event, from receiving direct or indirect compensation for the**
 7 **use of the individual's athletic skill in any manner with**
 8 **respect to the sport in which the particular sporting event is**
 9 **conducted.**

10 **Sec. 4. "Certificate holder" means a licensed owner, operating**
 11 **agent, or permit holder issued a certificate of authority by the**
 12 **commission authorizing the licensed owner, operating agent, or**
 13 **permit holder to conduct sports wagering independently or**
 14 **through a vendor under this article.**

15 **Sec. 5. "Commission" refers to the Indiana gaming commission**
 16 **established by IC 4-33-3-1.**

17 **Sec. 6. "Department" refers to the department of state revenue.**

18 **Sec. 7. "E-sports" means a single player or multiplayer video**
 19 **game played competitively, typically by professional gamers.**

20 **Sec. 8. "Gross receipts" means the total amount of money**
 21 **received by a certificate holder from sports wagering patrons.**

22 **Sec. 9. "In-play wagering" refers to the practice of placing a**
 23 **wager after a sporting event has started.**

24 **Sec. 10. "Licensed facility" means any of the following:**

- 25 **(1) A satellite facility operated under IC 4-31-5.5.**
 26 **(2) A riverboat operated under IC 4-33.**
 27 **(3) A gambling game facility operated under IC 4-35.**
 28 **(4) A relocated riverboat under IC 4-33-6-4.5.**

29 **Sec. 11. "Licensed owner" has the meaning set forth in**
 30 **IC 4-33-2-13.**

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

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

36 **Sec. 14. "Permit holder" has the meaning set forth in**
 37 **IC 4-31-2-14.**

38 **Sec. 15. "Person" means an individual, a sole proprietorship, a**
 39 **partnership, an association, a fiduciary, a corporation, a limited**
 40 **liability company, or any other business entity.**

41 **Sec. 16. "Riverboat" has the meaning set forth in IC 4-33-2-17.**

42 **Sec. 17. "Sports wagering" refers to wagering conducted under**



1 this article on athletic and sporting events involving human
 2 competitors and other events approved by the commission. The
 3 term does not include pari-mutuel wagering on horse racing or
 4 money spent to participate in paid fantasy sports under IC 4-33-24.

5 Sec. 18. "Sports wagering device" refers to a mechanical,
 6 electrical, or computerized contrivance, terminal, device,
 7 apparatus, piece of equipment, or supply approved by the
 8 commission for conducting sports wagering under this article.

9 Sec. 19. "Sports wagering service provider" means a person
 10 that contracts with a certificate holder, a vendor, or an applicant
 11 for a certificate of authority under IC 4-38-4 or vendor's license to:

- 12 (1) sell, lease, offer, or otherwise provide or distribute a sports
 13 wagering device or associated equipment;
 14 (2) service a sports wagering device or associated equipment;
 15 or
 16 (3) provide risk management services, integrity services, or
 17 odds.

18 Sec. 20. "Sports wagering service provider license" means a
 19 license issued under IC 4-38-7.

20 Sec. 21. "Supplier's license" means a license issued under
 21 IC 4-33-7.

22 Sec. 22. "Vendor" means a person with whom a certificate
 23 holder contracts for conducting or managing sports wagering
 24 operations within a licensed facility.

25 Sec. 23. "Vendor's license" means a license issued to a vendor
 26 under IC 4-38-6.

27 Chapter 3. Administrative Rules

28 Sec. 1. The commission shall adopt rules under IC 4-22-2,
 29 including emergency rules in the manner provided under
 30 IC 4-22-2-37.1, to implement this article. Rules adopted under this
 31 section must include the following:

- 32 (1) Standards for the conduct of sports wagering under this
 33 article.
 34 (2) Standards and procedures to govern the conduct of sports
 35 wagering, including the manner in which:
 36 (A) wagers are received;
 37 (B) payouts are paid; and
 38 (C) point spreads, lines, and odds are determined.
 39 (3) Standards for allowing a certificate holder to offer sports
 40 wagering as an interactive form of gaming.
 41 (4) Rules prescribing the manner in which a certificate
 42 holder's books and financial records relating to sports



1 wagering are maintained and audited, including standards for
 2 the daily counting of a certificate holder's gross receipts from
 3 sports wagering and standards to ensure that internal
 4 controls are followed.

5 (5) Rules concerning the detection and prevention of
 6 compulsive gambling.

7 (6) Standards for approving procedures and technologies
 8 necessary to comply with the requirements of IC 4-38-9.

9 (7) Standards for approving procedures and technologies
 10 necessary for a certificate holder or vendor to securely and
 11 efficiently maintain and store records of all bets and wagers
 12 placed with the certificate holder or vendor.

13 **Sec. 2. Rules adopted under section 1 of this chapter must**
 14 **require a certificate holder to do the following:**

15 (1) Designate an area within the licensed facility operated by
 16 the certificate holder for sports wagering conducted under
 17 this article.

18 (2) Ensure that the certificate holder's surveillance system
 19 covers all areas of the certificate holder's licensed facility in
 20 which sports wagering is conducted.

21 (3) Allow the commission to be present through the
 22 commission's gaming agents during the time sports wagering
 23 is conducted in all areas of the certificate holder's licensed
 24 facility in which sports wagering is conducted to do the
 25 following:

26 (A) Ensure maximum security of the counting and storage
 27 of the sports wagering revenue received by the certificate
 28 holder.

29 (B) Certify the sports wagering revenue received by the
 30 certificate holder.

31 (C) Receive complaints from the public.

32 (D) Conduct other investigations into the conduct of sports
 33 wagering and the maintenance of the equipment that the
 34 commission considers necessary and proper for sports
 35 wagering.

36 (4) Ensure that individuals who are less than twenty-one (21)
 37 years of age do not make wagers under this article.

38 (5) Provide written information to sports wagering patrons
 39 about sports wagering, payouts, winning wagers, and other
 40 information considered relevant by the commission.

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

42 **Sec. 1. A person holding a certificate of authority issued under**



1 this chapter is authorized to conduct sports wagering under this
2 article beginning September 1, 2019.

3 Sec. 2. Beginning July 1, 2019, the commission may accept
4 applications for a certificate of authority from any licensed owner,
5 operating agent, or permit holder that wishes to conduct sports
6 wagering under this article. The commission shall prescribe the
7 form of the application.

8 Sec. 3. (a) A licensed owner, operating agent, or permit holder
9 that wishes to offer sports wagering under this article at a
10 riverboat operated under IC 4-33 or a gambling game facility
11 operated under IC 4-35 must:

- 12 (1) submit an application to the commission in the manner
13 prescribed by the commission for each licensed facility in
14 which the applicant wishes to conduct sports wagering; and
15 (2) pay an initial fee of one hundred thousand dollars
16 (\$100,000).

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

- 19 (1) submit an application to the commission in the manner
20 prescribed by the commission for each satellite facility in
21 which the applicant wishes to conduct sports wagering; and
22 (2) pay an initial fee of one hundred thousand dollars
23 (\$100,000).

24 Sec. 4. Upon:

- 25 (1) receipt of the application and fee required by section 3 of
26 this chapter; and
27 (2) approving the submitted application;

28 the commission shall issue a certificate of authority to a licensed
29 owner, an operating agent, or a permit holder authorizing the
30 licensed owner, operating agent, or permit holder to conduct sports
31 wagering under this article in a designated licensed facility.

32 Sec. 5. The commission shall deposit fees received under section
33 3 of this chapter in the sports wagering fund established by
34 IC 4-38-8-2.

35 Sec. 6. When considering a person's application for a certificate
36 of authority to conduct sports wagering, the commission may issue
37 the person a temporary certificate of authority to conduct business
38 under this article if:

- 39 (1) the person has filed with the commission:
40 (A) a completed application; or
41 (B) a substantially complete application as determined by
42 the commission; and



1 (2) the person agrees in writing to the following conditions of
 2 the temporary certificate of authority issued under this
 3 section:

4 (A) The temporary certificate of authority does not create
 5 a right or privilege to continue conducting business under
 6 this article if the person's application for a certificate of
 7 authority to conduct sports wagering is rejected by the
 8 commission.

9 (B) The commission may rescind the person's temporary
 10 authority to conduct business under this article at any
 11 time, with or without notice to the person, if:

12 (i) the commission is informed that the suitability of the
 13 person may be at issue; and

14 (ii) the person fails to cooperate with the commission in
 15 the commission's investigation into the qualifications and
 16 suitability of the person for a certificate of authority to
 17 conduct sports wagering.

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

19 **Sec. 1. (a)** The commission shall test new sports wagering
 20 devices and new forms, variations, or composites of sports
 21 wagering under the terms and conditions that the commission
 22 considers appropriate before authorizing a certificate holder to
 23 offer a new sports wagering device or a new form, variation, or
 24 composite of sports wagering.

25 (b) A certificate holder shall provide all data relating to the
 26 conduct of sports wagering to the commission.

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

30 **Sec. 2.** A certificate holder shall designate an area within each
 31 licensed facility in which the certificate holder is authorized to
 32 conduct sports wagering under this article. Sports wagering may
 33 not be conducted at any location other than the area designated
 34 under this section.

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

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



1 **Sec. 4. (a) A certificate holder or vendor may accept wagers on**
 2 **professional and collegiate sporting events approved for sports**
 3 **wagering by the commission, and other events as approved by the**
 4 **commission. A certificate holder or vendor may use data selected**
 5 **in its discretion to determine whether a wager is a winning wager.**

6 **(b) A certificate holder or vendor may not accept wagers on**
 7 **e-sports regardless of whether the e-sports event involves one (1)**
 8 **or multiple players.**

9 **(c) In-play wagering is authorized under this article.**

10 **Sec. 5. A certificate holder or vendor may not accept wagers on**
 11 **the following:**

12 **(1) High school and other amateur youth sporting events.**

13 **(2) A sporting event that has not been approved for sports**
 14 **wagering by the commission.**

15 **Sec. 6. A certificate holder or vendor may not cancel a wager**
 16 **that has been accepted, except in the event of obvious error, at the**
 17 **certificate holder's or vendor's discretion. A certificate holder or**
 18 **vendor must pay winning patrons following the end of the sporting**
 19 **event.**

20 **Sec. 7. A certificate holder or vendor may not permit any sports**
 21 **wagering on the premises of a licensed facility except as permitted**
 22 **by this article.**

23 **Sec. 8. (a) A sports wagering device, platform, or other means**
 24 **of conducting sports wagering must be:**

25 **(1) approved by the commission; and**

26 **(2) acquired by a certificate holder or vendor from a person**
 27 **holding a supplier's license or a sports wagering service**
 28 **provider license.**

29 **(b) The commission shall determine whether other supplies and**
 30 **equipment used to conduct sports wagering require a certificate**
 31 **holder to acquire the supplies and equipment from a person**
 32 **holding both a supplier's license and a sports wagering service**
 33 **provider license.**

34 **(c) IC 4-33-7 applies to the distribution of sports wagering**
 35 **devices and the conduct of sports wagering under this article.**

36 **Sec. 9. The commission shall determine the occupations related**
 37 **to sports wagering that require an occupational license. IC 4-33-8**
 38 **applies to the conduct of sports wagering under this article.**

39 **Sec. 10. (a) This section applies to sports wagering conducted at**
 40 **a satellite facility by a certificate holder that is a permit holder.**

41 **(b) A certificate issued under this article is null and void if the**
 42 **certificate holder fails to:**



- 1 (1) maintain a license issued under IC 4-31-5.5 to operate the
- 2 satellite facility; or
- 3 (2) satisfy the conditions for obtaining a satellite facility
- 4 license set forth in IC 4-31-5.5-3(b)(3) in the certificate
- 5 holder's operation of the satellite facility.

6 **Sec. 11. A person who is less than twenty-one (21) years of age**
 7 **may not make a wager under this article.**

8 **Sec. 12. (a) The definitions set forth in:**

- 9 (1) IC 4-33-14, with respect to sports wagering conducted in
- 10 a riverboat; or
- 11 (2) IC 4-35-11, with respect to sports wagering conducted in
- 12 a satellite facility licensed under IC 4-31-5.5 or a gambling
- 13 game facility licensed under IC 4-35;

14 **apply to this section.**

15 (b) A certificate holder or vendor is subject to the following
 16 business participation goals for awarding contracts for goods or
 17 services with respect to the conduct of sports wagering under this
 18 article:

- 19 (1) Eighteen percent (18%) for minority business enterprises.
- 20 (2) Eight percent (8%) for women's business enterprises.
- 21 (3) Three percent (3%) for disadvantaged business
- 22 enterprises certified by the Indiana department of
- 23 transportation.
- 24 (4) One percent (1%) for veteran business enterprises (as
- 25 defined by IC 8-25-4-7).

26 (c) The following apply to a certificate holder or vendor:

- 27 (1) The compliance reporting requirements of IC 4-33-14 or
- 28 IC 4-35-11, as appropriate.
- 29 (2) Enforcement of this section by the commission under
- 30 IC 4-33-14 or IC 4-35-11, as appropriate.

31 **Chapter 6. Vendors**

32 **Sec. 1. A person must hold a license issued under this chapter**
 33 **before entering into a contract as a vendor with a certificate**
 34 **holder.**

35 **Sec. 2. The commission may issue a vendor's license to a**
 36 **qualified applicant.**

37 **Sec. 3. (a) A person applying for a vendor's license under this**
 38 **chapter must pay a nonrefundable application fee of one hundred**
 39 **thousand dollars (\$100,000) to the commission. The commission**
 40 **shall deposit fees received under this section in the sports wagering**
 41 **fund established by IC 4-38-8-2.**

42 (b) An applicant must submit the following on forms provided



- 1 by the commission:
- 2 (1) If the applicant is an individual, two (2) sets of the
- 3 individual's fingerprints.
- 4 (2) If the applicant is not an individual, two (2) sets of
- 5 fingerprints for each officer and director of the applicant.
- 6 (c) The commission shall review the applications for a vendor's
- 7 license under this chapter and shall inform each applicant of the
- 8 commission's decision concerning the issuance of the vendor's
- 9 license.
- 10 (d) The costs of investigating an applicant for a vendor's license
- 11 under this chapter shall be paid from the application fee paid by
- 12 the applicant.
- 13 (e) An applicant for a vendor's license under this chapter must
- 14 pay all additional costs that are:
- 15 (1) associated with the investigation of the applicant; and
- 16 (2) greater than the amount of the application fee paid by the
- 17 applicant.
- 18 **Sec. 4. In determining whether to grant a vendor's license to an**
- 19 **applicant, the commission shall consider the character, reputation,**
- 20 **experience, and financial integrity of the following:**
- 21 (1) The applicant.
- 22 (2) A person that:
- 23 (A) directly or indirectly controls the applicant; or
- 24 (B) is directly or indirectly controlled by the applicant or
- 25 by a person that directly or indirectly controls the
- 26 applicant.
- 27 **Sec. 5. (a) The state police department may assist the**
- 28 **commission in conducting background investigations of applicants**
- 29 **for a vendor's license. The commission may forward all**
- 30 **fingerprints required to be submitted by license applicants under**
- 31 **this chapter to the Federal Bureau of Investigation or any other**
- 32 **agency for the purpose of screening applicants. The commission**
- 33 **shall reimburse the state police department for the costs incurred**
- 34 **by the state police department as a result of the assistance. The**
- 35 **commission shall make the payment from fees collected from**
- 36 **applicants.**
- 37 (b) The commission through its gaming agents shall conduct
- 38 background investigations of applicants. Costs incurred conducting
- 39 the investigations must be paid from fees collected from applicants.
- 40 **Sec. 6. A person holding a vendor's license shall pay to the**
- 41 **commission an annual administrative fee of fifty thousand dollars**
- 42 **(\$50,000). The fee imposed by this section is due one (1) year after**



1 the date that the vendor begins performing services under a
 2 contract with a certificate holder in the conduct of sports wagering
 3 under this article and on each annual anniversary date thereafter.
 4 The commission shall deposit the administrative fees received
 5 under this section in the sports wagering fund established by
 6 IC 4-38-8-2.

7 **Sec. 7.** When considering a person's application for a vendor's
 8 license, the commission may issue the person a temporary license
 9 to conduct business under this article if:

10 (1) the person has filed with the commission:

11 (A) a completed application; or

12 (B) a substantially complete application as determined by
 13 the commission; and

14 (2) the person agrees in writing to the following conditions of
 15 the temporary license issued under this section:

16 (A) The temporary license does not create a right or
 17 privilege to continue conducting business under this article
 18 if the person's application for a vendor's license is rejected
 19 by the commission.

20 (B) The commission may rescind the person's temporary
 21 license and the authority to conduct business under this
 22 article at any time, with or without notice to the person, if:

23 (i) the commission is informed that the suitability of the
 24 person may be at issue; and

25 (ii) the person fails to cooperate with the commission in
 26 the commission's investigation into the qualifications and
 27 suitability of the person for a vendor's license.

28 **Sec. 8.** A certificate holder may not contract with more than
 29 three (3) vendors.

30 **Chapter 7. Sports Wagering Service Providers**

31 **Sec. 1.** A person must hold a license issued under this chapter
 32 before entering into a contract as a sports wagering service
 33 provider with a certificate holder, a vendor, or an applicant for a
 34 certificate of authority under IC 4-38-4 or a vendor's license.

35 **Sec. 2.** The commission may issue a sports wagering service
 36 provider license to a qualified applicant.

37 **Sec. 3. (a)** A person applying for a sports wagering service
 38 provider license under this chapter must pay a nonrefundable
 39 application fee of ten thousand dollars (\$10,000) to the commission.
 40 The commission shall deposit fees received under this section in the
 41 sports wagering fund established by IC 4-38-8-2.

42 (b) An applicant must submit a completed application on a form



1 prescribed by the commission.

2 **Sec. 4. While considering a person's application for a sports**
 3 **wagering service provider license, the commission may issue the**
 4 **person a temporary license to conduct business under this article**
 5 **if the following criteria are met:**

6 (1) The person has filed with the commission either of the
 7 following:

8 (A) A completed application.

9 (B) A substantially complete application as determined by
 10 the commission.

11 (2) The person agrees in writing to the following conditions of
 12 the temporary license issued under this section:

13 (A) The temporary license does not create a right or
 14 privilege to continue conducting business under this article
 15 if the person's application for a sports wagering service
 16 provider license is rejected by the commission.

17 (B) The commission may rescind the person's temporary
 18 license and the authority to conduct business under this
 19 article at any time, with or without notice to the person, if:

20 (i) the commission is informed that the suitability of the
 21 person may be at issue; and

22 (ii) the person fails to cooperate with the commission in
 23 the commission's investigation into the qualifications and
 24 suitability of the person for a sports wagering service
 25 provider license.

26 **Sec. 5. When reviewing a person's application for a sports**
 27 **wagering service provider license, the commission:**

28 (1) shall consider the suitability findings of other jurisdictions
 29 in which the person is licensed, certified, or authorized to
 30 conduct business as a sports wagering service provider; and

31 (2) may waive requirements set forth in the application form
 32 prescribed by the commission if:

33 (A) the suitability findings of other jurisdictions provide
 34 sufficient information to fully consider the person's
 35 application; and

36 (B) the person provides all the information otherwise
 37 requested by the commission.

38 **Chapter 8. Annual License Fees**

39 **Sec. 1. A certificate holder shall pay to the commission an**
 40 **annual administrative fee of fifty thousand dollars (\$50,000). The**
 41 **fee imposed by this section is due one (1) year after the date that**
 42 **the certificate holder commences sports wagering operations under**



1 this article and on each annual anniversary date thereafter. The
 2 commission shall deposit the administrative fees received under
 3 this section in the sports wagering fund established by section 2 of
 4 this chapter.

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

6 (b) The commission shall administer the fund.

7 (c) The fund consists of the following:

8 (1) Initial fees deposited in the fund under IC 4-38-4-5.

9 (2) Fees deposited in the fund under IC 4-38-6.

10 (3) Fees deposited in the fund under IC 4-38-7.

11 (4) Administrative fees deposited in the fund under section 1
 12 of this chapter.

13 **Chapter 9. Integrity Requirements**

14 Sec. 1. (a) A certificate holder or vendor shall conduct:

15 (1) background checks on newly hired employees engaged in
 16 activities related to the conducting of sports wagering; and

17 (2) annual background checks on all existing employees
 18 engaged in activities related to the conducting of sports
 19 wagering.

20 A background check conducted under this section must include a
 21 search for criminal history and any charges or convictions
 22 involving corruption or manipulation of sporting events and any
 23 association with organized crime.

24 (b) A person may not obtain any of the following required for
 25 conducting business under this article unless the person meets the
 26 suitability requirements determined by the commission:

27 (1) A vendor's license.

28 (2) A sports wagering service provider license.

29 (3) A supplier's license.

30 (4) An occupational license.

31 Sec. 2. (a) A certificate holder, vendor, or sports wagering
 32 service provider shall employ commercially reasonable methods to
 33 maintain the security of wagering data, customer data, and other
 34 confidential information from unauthorized access and
 35 dissemination.

36 (b) Nothing in this article precludes the use of Internet or cloud
 37 based hosting of data described in subsection (a) or any disclosure
 38 of information required by court order, other law, or this article.

39 Sec. 3. The commission shall require a certificate holder and
 40 vendor to take commercially reasonable measures to ensure that
 41 a certificate holder or vendor does not accept wagers placed by any
 42 of the following:



- 1 (1) A partnership, a corporation, an association, or any other
 2 entity that is not an individual.
 3 (2) A person who is not at least twenty-one (21) years of age.
 4 (3) A certificate holder, a vendor, a director, officer, or
 5 employee of a certificate holder or vendor, or a relative living
 6 in the same household of a certificate holder or vendor.
 7 (4) A sports wagering service provider, a director, officer, or
 8 employee of a sports wagering service provider, or a relative
 9 living in the same household of a sports wagering service
 10 provider.
 11 (5) With respect to a sporting event sponsored, organized, or
 12 conducted by a particular sports governing body, any of the
 13 following:
 14 (A) An employee of the sports governing body.
 15 (B) A game official employed by or under contract with the
 16 sports governing body.
 17 (C) A coach, manager, or other personnel employed by or
 18 under contract with a member club of the sports governing
 19 body.
 20 (D) An athlete who is:
 21 (i) under contract with a member club of the sports
 22 governing body in the case of a team sport; or
 23 (ii) eligible to participate in events conducted by the
 24 sports governing body in the case of an individual sport.
 25 (E) An employee of a union representing athletes or game
 26 officials.
 27 (F) A relative living in the same household of an individual
 28 described in clauses (A) through (E).
 29 (6) An individual convicted of a state or federal crime relating
 30 to sports wagering.
 31 Sec. 4. (a) The commission may use information received from
 32 a sports governing body to determine whether to allow:
 33 (1) wagering on a particular event; or
 34 (2) patrons to make wagers of a particular type.
 35 (b) If a sports governing body requests wagering information or
 36 requests the commission to prohibit wagering on a particular event
 37 or making wagers of a particular type, the commission shall grant
 38 the request upon a demonstration of good cause from the sports
 39 governing body.
 40 (c) The commission shall respond to a request from a sports
 41 governing body concerning a particular event:
 42 (1) before the start of the event; or



1 (2) if it is not feasible to respond before the start of the event,
2 as expeditiously as possible.

3 **Sec. 5. The commission and each certificate holder or vendor**
4 **shall cooperate with investigations conducted by sports governing**
5 **bodies or law enforcement agencies, including by providing or**
6 **facilitating the provision of betting information and audio or video**
7 **files relating to persons placing wagers. Information shared under**
8 **this section is confidential.**

9 **Sec. 6. A certificate holder or vendor shall immediately report**
10 **to the commission any information relating to:**

11 (1) criminal or disciplinary proceedings commenced against
12 the certificate holder or vendor in connection with its
13 operations;

14 (2) bets or wagers that violate state or federal law;

15 (3) abnormal betting activity or patterns that may indicate a
16 concern regarding the integrity of a sporting event or events;

17 (4) any potential breach of the relevant sport's governing
18 body's internal rules and codes of conduct pertaining to sports
19 wagering;

20 (5) any other conduct that corrupts a betting outcome of a
21 sporting event or events for purposes of financial gain; and

22 (6) suspicious or illegal wagering activities, including use of
23 funds derived from illegal activity, wagers to conceal or
24 launder funds derived from illegal activity, using agents to
25 place wagers, and using false identification.

26 A certificate holder or vendor shall also immediately report
27 information relating to conduct described in subdivision (3), (4), or
28 (5) to the relevant sports governing body.

29 **Sec. 7. A certificate holder or vendor shall maintain the**
30 **confidentiality of information provided by a sports governing body**
31 **to the certificate holder or vendor, unless disclosure is required by**
32 **this article, the commission, other law, or court order.**

33 **Sec. 8. Information provided to the commission by a sports**
34 **governing body is confidential and may not be disclosed under**
35 **IC 5-14.**

36 **Chapter 10. Sports Wagering Tax**

37 **Sec. 1. A sports wagering tax is imposed on the adjusted gross**
38 **receipts received from authorized sports wagering offered by a**
39 **certificate holder under this article at a rate of nine and one-half**
40 **percent (9.5%).**

41 **Sec. 2. A certificate holder shall pay the sports wagering taxes**
42 **imposed under section 1 of this chapter to the department on the**



1 twenty-fourth calendar day of each month. Any taxes collected
 2 during the month but after the day on which the taxes are required
 3 to be paid to the department shall be paid to the department at the
 4 same time the following month's taxes are due.

5 Sec. 3. (a) Except as provided in subsection (b), the department
 6 shall deposit the tax revenue collected under section 2 of this
 7 chapter in the state general fund.

8 (b) The department shall transfer an amount equal to three and
 9 one-third percent (3.33%) of the tax revenue collected under
 10 section 2 of this chapter to the addiction services fund established
 11 by IC 12-23-2-2.

12 (c) Twenty-five percent (25%) of the tax revenue transferred
 13 under subsection (b) must be allocated to:

- 14 (1) the prevention of;
 15 (2) education regarding;
 16 (3) provider credentialing for; and
 17 (4) treatment of;
 18 compulsive gambling.

19 Sec. 4. The commission may suspend or revoke the certificate of
 20 authority of a certificate holder that does not submit the payment
 21 or the tax return form within the required time.

22 Sec. 5. The payment of the tax under this chapter must be on a
 23 form and in a manner prescribed by the department.

24 Chapter 11. Child Support

25 Sec. 1. (a) The bureau shall provide information to a certificate
 26 holder, as defined in IC 4-38-2, concerning persons who are
 27 delinquent in child support.

28 (b) Prior to a certificate holder disbursing a payout of six
 29 hundred dollars (\$600) or more, in winnings, from sports wagering
 30 to a person who is delinquent in child support, the certificate
 31 holder:

32 (1) may deduct and retain an administrative fee in the amount
 33 of the lesser of:

- 34 (A) three percent (3%) of the amount of delinquent child
 35 support withheld under subdivision (2)(A); or
 36 (B) one hundred dollars (\$100); and

37 (2) shall:

- 38 (A) withhold the amount of delinquent child support owed
 39 from winnings;
 40 (B) transmit to the bureau:

- 41 (i) the amount withheld for delinquent child support;
 42 and



1 (ii) identifying information, including the full name,
 2 address, and Social Security number of the obligor and
 3 the child support case identifier, the date and amount of
 4 the payment, and the name and location of the licensed
 5 owner, operating agent, or trustee; and

6 (C) issue the obligor a receipt in a form prescribed by the
 7 bureau with the total amount withheld for delinquent child
 8 support and the administrative fee.

9 (c) The bureau shall notify the obligor at the address provided
 10 by the certificate holder that the bureau intends to offset the
 11 obligor's delinquent child support with the winnings.

12 (d) The bureau shall hold the amount withheld from the
 13 winnings of an obligor for ten (10) business days before applying
 14 the amount as payment to the obligor's delinquent child support.

15 (e) The delinquent child support required to be withheld under
 16 this section and an administrative fee described under subsection
 17 (b)(1) have priority over any secured or unsecured claim on
 18 winnings except claims for federal or state taxes that are required
 19 to be withheld under federal or state law.

20 Sec. 2. IC 4-31-6-11, IC 4-33-8.5, and IC 4-35-6.7 apply, as
 21 appropriate, to sports wagering conducted at a licensed facility.

22 SECTION 44. IC 6-3.1-20-7, AS AMENDED BY P.L.204-2016,
 23 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: Sec. 7. (a) The department shall before July 1 of each
 25 year determine the following:

26 (1) The greater of:

27 (A) eight million five hundred thousand dollars (\$8,500,000);

28 or

29 (B) the amount of credits allowed under this chapter for
 30 taxable years ending before January 1 of the year.

31 (2) The quotient of:

32 (A) the amount determined under subdivision (1); divided by

33 (B) four (4).

34 (b) Except as provided in subsection (d), one-half (1/2) of the
 35 amount determined by the department under subsection (a)(2) shall be:

36 (1) deducted each quarter from the riverboat ~~admissions~~
 37 **supplemental wagering** tax revenue otherwise payable to the
 38 county under IC 4-33-12-8 and the supplemental distribution
 39 otherwise payable to the county under IC 4-33-13-5(g); and

40 (2) paid instead to the state general fund.

41 (c) Except as provided in subsection (d), one-sixth (1/6) of the
 42 amount determined by the department under subsection (a)(2) shall be:



1 (1) deducted each quarter from the riverboat ~~admissions~~
 2 **supplemental wagering** tax revenue otherwise payable under
 3 IC 4-33-12-8 and the supplemental distribution otherwise payable
 4 under IC 4-33-13-5(g) to each of the following:

5 (A) The largest city by population located in the county.

6 (B) The second largest city by population located in the
 7 county.

8 (C) The third largest city by population located in the county;
 9 and

10 (2) paid instead to the state general fund.

11 (d) If the amount determined by the department under subsection
 12 (a)(1)(B) is less than eight million five hundred thousand dollars
 13 (\$8,500,000), the difference of:

14 (1) eight million five hundred thousand dollars (\$8,500,000);
 15 minus

16 (2) the amount determined by the department under subsection
 17 (a)(1)(B);

18 shall be paid in four (4) equal quarterly payments to the northwest
 19 Indiana regional development authority established by IC 36-7.5-2-1
 20 instead of the state general fund. Any amounts paid under this
 21 subsection shall be used by the northwest Indiana regional
 22 development authority only to establish or improve public mass rail
 23 transportation systems in Lake County.

24 SECTION 45. IC 31-25-4-8.5, AS AMENDED BY P.L.212-2016,
 25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2019]: Sec. 8.5. In addition to the duties imposed by sections
 27 7 and 8 of this chapter, the bureau shall do the following:

28 (1) Share data regarding obligors who are delinquent with:

29 (A) a licensed owner, operating agent, and trustee in
 30 accordance with IC 4-33-4-27;

31 (B) a permit holder and trustee in accordance with
 32 IC 4-35-4-16;

33 (C) the state lottery commission; ~~and~~

34 (D) a game operator or licensee in accordance with
 35 IC 4-33-24-29; **and**

36 **(E) a certificate holder as provided in IC 4-38-11;**

37 to allow for the interception of cash winnings and prizes from the
 38 obligors.

39 (2) Distribute money collected from the persons described in
 40 subdivision (1) according to federal child support laws and
 41 regulations.

42 SECTION 46. IC 35-45-5-14 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2019]: **Sec. 14. This chapter does not apply**
 3 **to sports wagering conducted under IC 4-38.**

4 SECTION 47. IC 36-7-11.5-11, AS AMENDED BY P.L.255-2015,
 5 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 11. (a) As used in this section, "fund" refers to the
 7 West Baden Springs historic hotel preservation and maintenance fund
 8 established by subsection (b).

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

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

15 (2) Grants and gifts that the department of natural resources
 16 receives for the fund under terms, obligations, and liabilities that
 17 the department considers appropriate.

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

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

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

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

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

32 (e) ~~One million dollars (\$1,000,000) is appropriated from the fund~~
 33 ~~to the department of natural resources in the state fiscal year beginning~~
 34 ~~after June 30, 2014, and ending before July 1, 2015:~~ Two million
 35 dollars (\$2,000,000) is appropriated from the fund to the department of
 36 natural resources in each state fiscal year beginning after June 30,
 37 2015. The money appropriated under this subsection may be used by
 38 the department of natural resources only for the following purposes:

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

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



- 1 (A) the grounds surrounding a qualified historic hotel;
 2 (B) supporting buildings and structures related to a qualified
 3 historic hotel; and
 4 (C) other facilities used by the guests of the qualified historic
 5 hotel;
 6 as determined by the owner of the hotel riverboat resort.
 7 The department of natural resources shall promptly pay each claim for
 8 a purpose described in this subsection, without review or approval of
 9 the project or claim under IC 14-21 or IC 36-7-11. IC 14-21-1-18 does
 10 not apply to projects or claims paid for maintenance under this section.
 11 If insufficient money is available to fully pay all of the submitted
 12 claims, the department of natural resources shall pay the claims in the
 13 order in which they are received until each claim is fully paid.
 14 (f) Notwithstanding IC 4-9.1-1-7, IC 4-12-1-12, IC 4-13-2-18, or
 15 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 (e).
 18 SECTION 48. IC 36-7.5-4-2, AS AMENDED BY THE
 19 TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL
 20 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2019]: Sec. 2. (a) Except as provided in subsections (b) and
 22 (d), the fiscal officer of each city and county described in
 23 IC 36-7.5-2-3(b) shall each transfer three million five hundred
 24 thousand dollars (\$3,500,000) each year to the development authority
 25 for deposit in the development authority revenue fund established
 26 under section 1 of this chapter. However, if a county having a
 27 population of more than one hundred fifty thousand (150,000) but less
 28 than one hundred seventy thousand (170,000) ceases to be a member
 29 of the development authority and two (2) or more municipalities in the
 30 county have become members of the development authority as
 31 authorized by IC 36-7.5-2-3(i), the transfer of the local income tax
 32 revenue that is dedicated to economic development purposes that is
 33 required to be transferred under IC 6-3.6-11-6 is the contribution of the
 34 municipalities in the county that have become members of the
 35 development authority.
 36 (b) This subsection applies only if:
 37 (1) the fiscal body of the county described in IC 36-7.5-2-3(e) has
 38 adopted an ordinance under IC 36-7.5-2-3(e) providing that the
 39 county is joining the development authority;
 40 (2) the fiscal body of the city described in IC 36-7.5-2-3(e) has
 41 adopted an ordinance under IC 36-7.5-2-3(e) providing that the
 42 city is joining the development authority; and



- 1 (3) the county described in IC 36-7.5-2-3(e) is an eligible county
2 participating in the development authority.
3 The fiscal officer of the county described in IC 36-7.5-2-3(e) shall
4 transfer two million six hundred twenty-five thousand dollars
5 (\$2,625,000) each year to the development authority for deposit in the
6 development authority revenue fund established under section 1 of this
7 chapter. The fiscal officer of the city described in IC 36-7.5-2-3(e) shall
8 transfer eight hundred seventy-five thousand dollars (\$875,000) each
9 year to the development authority for deposit in the development
10 authority revenue fund established under section 1 of this chapter.
- 11 (c) This subsection does not apply to Lake County, Hammond, Gary,
12 or East Chicago. The following apply to the remaining transfers
13 required by subsections (a) and (b):
- 14 (1) Except for transfers of money described in subdivision (4)(D),
15 the transfers shall be made without appropriation by the city or
16 county fiscal body or approval by any other entity.
- 17 (2) Except as provided in subdivision (3), each fiscal officer shall
18 transfer eight hundred seventy-five thousand dollars (\$875,000)
19 to the development authority revenue fund before the last
20 business day of January, April, July, and October of each year.
21 Food and beverage tax revenue deposited in the fund under
22 IC 6-9-36-8 is in addition to the transfers required by this section.
- 23 (3) The fiscal officer of the county described in IC 36-7.5-2-3(e)
24 shall transfer six hundred fifty-six thousand two hundred fifty
25 dollars (\$656,250) to the development authority revenue fund
26 before the last business day of January, April, July, and October
27 of each year. The county is not required to make any payments or
28 transfers to the development authority covering any time before
29 January 1, 2017. The fiscal officer of a city described in
30 IC 36-7.5-2-3(e) shall transfer two hundred eighteen thousand
31 seven hundred fifty dollars (\$218,750) to the development
32 authority revenue fund before the last business day of January,
33 April, July, and October of each year. The city is not required to
34 make any payments or transfers to the development authority
35 covering any time before January 1, 2017.
- 36 (4) The transfers shall be made from one (1) or more of the
37 following:
- 38 (A) Riverboat admissions tax revenue received by the city or
39 county, riverboat wagering tax revenue received by the city or
40 county, or riverboat incentive payments received from a
41 riverboat licensee by the city or county.
- 42 (B) Any local income tax revenue that is dedicated to



- 1 economic development purposes under IC 6-3.6-6 and
 2 received under IC 6-3.6-9 by the city or county.
- 3 (C) Any other local revenue other than property tax revenue
 4 received by the city or county.
- 5 (D) In the case of a county described in IC 36-7.5-2-3(e) or a
 6 city described in IC 36-7.5-2-3(e), any money from the major
 7 moves construction fund that is distributed to the county or
 8 city under IC 8-14-16.
- 9 (d) This subsection applies only to Lake County, Hammond, Gary,
 10 and East Chicago. The obligations of each city and the county under
 11 subsection (a) are satisfied by the distributions made by the auditor of
 12 state on behalf of each unit under ~~IC 4-33-12-6(d)~~ **IC 4-33-12-8** and
 13 IC 4-33-13-5(j). However, if the total amount distributed under IC 4-33
 14 on behalf of a unit with respect to a particular state fiscal year is less
 15 than the amount required by subsection (a), the fiscal officer of the unit
 16 shall transfer the amount of the shortfall to the authority from any
 17 source of revenue available to the unit other than property taxes. The
 18 auditor of state shall certify the amount of any shortfall to the fiscal
 19 officer of the unit after making the distribution required by
 20 IC 4-33-13-5(j) on behalf of the unit with respect to a particular state
 21 fiscal year.
- 22 (e) A transfer made on behalf of a county, city, or town under this
 23 section after December 31, 2018:
- 24 (1) is considered to be a payment for services provided to
 25 residents by a rail project as those services are rendered; and
 26 (2) does not impair any pledge of revenues under this article
 27 because a pledge by the development authority of transferred
 28 revenue under this section to the payment of bonds, leases, or
 29 obligations under this article or IC 5-1.3:
- 30 (A) constitutes the obligations of the northwest Indiana
 31 regional development authority; and
 32 (B) does not constitute an indebtedness of a county, city, or
 33 town described in this section or of the state within the
 34 meaning or application of any constitutional or statutory
 35 provision or limitation.
- 36 (f) Neither the transfer of revenue as provided in this section nor the
 37 pledge of revenue transferred under this section is an impairment of
 38 contract within the meaning or application of any constitutional
 39 provision or limitation because of the following:
- 40 (1) The statutes governing local taxes, including the transferred
 41 revenue, have been the subject of legislation annually since 1973,
 42 and during that time the statutes have been revised, amended,



1 expanded, limited, and recodified dozens of times.
2 (2) Owners of bonds, leases, or other obligations to which local
3 tax revenues have been pledged recognize that the regulation of
4 local taxes has been extensive and consistent.
5 (3) All bonds, leases, or other obligations, due to their essential
6 contractual nature, are subject to relevant state and federal law
7 that is enacted after the date of a contract.
8 (4) The state of Indiana has a legitimate interest in assisting the
9 development authority in financing rail projects.
10 (g) All proceedings had and actions described in this section are
11 valid pledges under IC 5-1-14-4 as of the date of those proceedings or
12 actions and are hereby legalized and declared valid if taken before
13 March 15, 2018.



COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 552, 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, line 3, after "a" insert "**single player or**".

Page 2, delete lines 1 through 20.

Page 5, between lines 14 and 15, begin a new paragraph and insert:

"(c) This subsection does not apply to the relocation of a casino under IC 4-33-6-4.5. The commission may not issue a license to an applicant if the issuance of the license would permit the applicant to locate a riverboat less than seventy-five (75) miles from the location of another riverboat licensed under this article or a gambling game facility under IC 4-35, as determined by the distance between the closest point from the proposed location of the applicant's riverboat to the location of another riverboat or gambling game facility."

Page 6, line 18, delete "Lake County" and insert "**Gary**".

Page 6, line 26, delete "a" and insert "**an**".

Page 6, line 30, delete "the county to which the riverboat is" and insert "**Vigo County**".

Page 6, line 31, delete "relocating".

Page 6, line 33, delete "a county" and insert "**Vigo County**".

Page 6, line 34, delete "county" and insert "**Vigo County**".

Page 6, line 35, delete "the county" and insert "**Vigo County**".

Page 6, line 37, delete "____" and insert "**Vigo**".

Page 7, line 3, delete "a county" and insert "**Vigo County**".

Page 7, line 3, delete "the county" and insert "**Vigo County**".

Page 7, line 5, delete "that county" and insert "**Vigo County**".

Page 7, line 6, delete "the county" and insert "**Vigo County**".

Page 7, line 8, delete "that county" and insert "**Vigo County**".

Page 7, between lines 33 and 34, begin a new paragraph and insert:

"(k) If a riverboat relocates under this section, the licensed owner shall pay six million dollars (\$6,000,000) to the city of Evansville. Eighty percent (80%) of the funds received under this subsection must be applied to reduce the property lease payments of the licensed owner of the inland casino located in Evansville."

Page 7, line 34, delete "(k)" and insert "**(I)**".

Page 8, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 16. IC 4-33-6-24, AS ADDED BY P.L.255-2015,



SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 24. **(a) This section does not apply to a relocated riverboat in Gary under section 4.5 of this chapter.**

~~(a)~~ **(b)** For purposes of this section, property is considered to be adjacent to a riverboat dock site even if it is separated from the dock site by public rights-of-way or railroad rights-of-way.

~~(b)~~ **(c)** A licensed owner may relocate the licensed owner's gaming operation from a docked riverboat to an inland casino if the following conditions are met:

- (1) Except as provided in subsection ~~(c)~~; **(d)**, the casino is located on property that the licensed owner owned or leased and used in the conduct of the licensed owner's gaming operations on February 1, 2015.
- (2) The casino is located on property adjacent to the dock site of the licensed owner's riverboat.
- (3) The casino complies with all applicable building codes and any safety requirements imposed by the commission.
- (4) The commission approves the relocation of the licensed owner's gaming operation.

~~(c)~~ **(d)** This subsection applies to a licensed owner that owns or leases property that is considered adjacent to a riverboat dock site under subsection ~~(a)~~; **(b)**. The licensed owner may:

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

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

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

SECTION 17. IC 4-33-6-24.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 24.5. **(a) This section applies to a relocated riverboat in Gary under section 4.5 of this chapter.**

(b) A licensed owner may relocate the licensed owner's gaming operation from a docked riverboat to an inland casino in Gary if the following conditions are met:

- (1) The casino complies with all applicable building codes and**



any safety requirements imposed by the commission.

(2) The commission approves the relocation of the licensed owner's gaming operation.

(c) The commission may impose any requirement upon a licensed owner relocating gaming operations under this section.

SECTION 18. IC 4-33-6.5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 3.5. This section does not apply to the relocation of a casino under IC 4-33-6-4.5. The commission may not enter into an operating contract with an applicant if the operating agent contract would permit the applicant to locate a riverboat less than seventy-five (75) miles from the location of another riverboat licensed under this article or a gambling game facility under IC 4-35, as determined by the distance between the closest point from the proposed location of the applicant's riverboat to the location or another riverboat or gambling game facility."**

Page 9, delete lines 1 through 19.

Page 9, line 40, delete "transfer the license to" and insert "**operate a satellite location or joint venture satellite location with another licensed owner."**

Page 9, delete lines 41 through 42.

Page 10, delete lines 36 through 38.

Page 10, line 39, delete "6." and insert "5."

Page 11, between lines 5 and 6, begin a new paragraph and insert:

"Sec. 6. A licensed owner or permit holder operating a casino under this chapter shall pay two million dollars (\$2,000,000) by July 15 of each year to the Indiana horse racing commission to be distributed as follows:

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

(2) Forty-six percent (46%) to the breed development fund established for standardbreds under IC 4-31-11-10.

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

Sec. 7. A licensed owner or permit holder operating a casino under this chapter shall pay six million dollars (\$6,000,000) to the city of Evansville. Eighty percent (80%) of the funds received under this subsection must be applied to reduce the property lease payments of the licensed owner of the inland casino located in Evansville."

Page 13, between lines 39 and 40, begin a new paragraph and insert:



"SECTION 30. IC 4-33-12-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 10. (a) This section applies only to a riverboat located in Vigo County.**

(b) As used in this section, "board" refers to the capital improvement board of managers established under IC 36-10-8 for Vigo County.

(c) The treasurer of state shall quarterly pay one dollar (\$1) of the supplemental wagering tax collected by the licensed owner under this chapter for each person admitted to the riverboat during the quarter to the board. The payment required by this subsection is instead of a payment to the fiscal officer of Vigo County under section 6(b)(2) of this chapter.

(d) The board may use money received under this section for any lawful purpose of the board."

Page 14, between lines 1 and 2, begin a new paragraph and insert:
 "SECTION 31. IC 4-33-13-5, AS AMENDED BY P.L.212-2018(ss), SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:**

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

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

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

(C) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is less than the total adjusted gross receipts received by licensees from



gambling games authorized under this article during the state year ending June 30, 2020, an amount equal to the first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter multiplied by the result of:

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

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

shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

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

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

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

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

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district after June 30, ~~2015~~ **2019**. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) Fifty-six and five-tenths percent (56.5%) shall be paid **as follows:**

(A) **Sixty-six and four-tenths percent (66.4%) shall be paid**



to the state general fund.

(B) Thirty-three and six-tenths percent (33.6%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(2) Forty-three and five-tenths percent (43.5%) shall be paid as follows:

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

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

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

(B) Fourteen and eight-tenths percent (14.8%) shall be paid to the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this clause among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this clause must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this clause, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this clause were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(C) Thirteen and one-tenth percent (13.1%) shall be paid to the county treasurer of Orange County.

(D) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(E) Five and three-tenths percent (5.3%) shall be distributed



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

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

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

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

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

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

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



development commission shall proportionally reduce the amount payable to the South Central Indiana Regional Economic Development Corporation and Radius Indiana or their successor entities or partnerships.

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

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

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

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

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

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

(e) Except as provided in subsections (l) and (m), before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the



city's population bears to the total population of the county.

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

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

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

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

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

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

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) Before July 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-9), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection

(i), the amount of an entity's supplemental distribution is equal to:

(1) the entity's base year revenue (as determined under IC 4-33-12-9); minus

(2) the sum of:

(A) the total amount of money distributed to the entity and constructively received by the entity during the preceding state fiscal year under IC 4-33-12-6 or IC 4-33-12-8; plus

(B) the amount of any admissions taxes deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a



consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

- (1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

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

- (1) Before July 1, 2021, forty-eight million dollars (\$48,000,000).
- (2) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is equal to or greater than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the maximum amount is forty-eight million dollars (\$48,000,000).
- (3) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is less than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the maximum amount is equal to the result of:

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

(B) the result of:

- (i) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year; divided by
- (ii) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020.

If the total amount determined under subsection (g) exceeds the maximum amount determined under this subsection, the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 or IC 4-33-12-8 bears to the total amount distributed under IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental



distribution.

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

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

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

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

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

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

(l) After June 30, 2020, the amount of wagering taxes that would otherwise be distributed to South Bend under subsection (e) shall be deposited as being received from all riverboats whose supplemental wagering tax, as calculated under IC 4-33-12-1.5(b), is over three and five-tenths percent (3.5%). The amount deposited under this subsection, in each riverboat's account, is proportionate to the



supplemental wagering tax received from that riverboat under IC 4-33-12-1.5 in the month of July. The amount deposited under this subsection must be distributed in the same manner as the supplemental wagering tax collected under IC 4-33-12-1.5. This subsection expires June 30, 2021.

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

SECTION 32. IC 4-33-13-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.3. (a) The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this section under section 5 of this chapter and IC 4-33-8.5-2 during the state fiscal year 2019. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.**

(b) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5 of this chapter is greater than the base revenue determined under subsection (a), the treasurer of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

- (1) the difference between the base revenue determined for Hammond under subsection (a) and the amount payable to Hammond under section 5 of this chapter; or**
- (2) the difference between the amount payable to Gary under section 5 of this chapter and the base revenue determined for Gary under subsection (a).**

The treasurer of state shall supplement the amount payable to Hammond under section 5 of this chapter with the amount deducted under this subsection.

(c) This subsection applies if a casino is located in Vigo County under IC 4-33-6-4.5 or IC 4-33-9.5. The treasurer of state shall deduct the greater of the following from the amount otherwise payable to Vigo County under section 5 of this chapter:

- (1) Zero dollars (\$0); or**
- (2) The sum of:**
 - (A) the difference between the base revenue determined for Shelby County under subsection (a) and the amount**



payable to Shelby County under IC 4-35-8.5-2; and
**(B) the difference between the base revenue determined for
 Madison County under subsection (a) and the amount
 payable to Madison County under IC 4-35-8.5-2.**

The treasurer of state shall distribute fifty percent (50%) of the amount deducted under this subsection to the county auditor of Shelby County under IC 4-35-8.5-2 and fifty percent (50%) of the amount deducted under this subsection to the county auditor of Madison County under IC 4-35-8.5-2.

SECTION 33. IC 4-33-13-7, AS AMENDED BY P.L.255-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) This section applies to adjusted gross receipts from wagering on gambling games that occurs after the effective date of this section, as added by SEA 528-2013.

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

(c) Subject to subsection (d), a licensed owner or operating agent may at any time during a state fiscal year deduct from the adjusted gross receipts reported by the licensed owner or operating agent adjusted gross receipts attributable to qualified wagering. A licensed owner or operating agent must take a deduction under this section on a form and in the manner prescribed by the department.

(d) A licensed owner or operating agent may not deduct more than the following amounts in a particular state fiscal year **with respect to the qualified wagering conducted at a particular riverboat:**

- (1) Two million five hundred thousand dollars (\$2,500,000) in a state fiscal year ending before July 1, 2013.
- (2) Five million dollars (\$5,000,000) in a state fiscal year beginning after June 30, 2013, and ending before July 1, 2015.
- (3) Seven million dollars (\$7,000,000) in a state fiscal year beginning after June 30, 2015, **and ending before July 1, 2020.**
- (4) **Nine million dollars (\$9,000,000) in a state fiscal year beginning after June 30, 2020.**

(e) A licensed owner or operating agent may for a state fiscal year assign all or part of the amount of the deduction under this section that is not claimed by the licensed owner or operating agent for the state fiscal year to another licensed owner, operating agent, or licensee as defined by IC 4-35-2-7. An assignment under this subsection must be in writing and both the licensed owner or operating agent assigning the deduction and the licensed owner, operating agent, or licensee as



defined by IC 4-35-2-7 to which the deduction is assigned shall report the assignment to the commission and to the department. The maximum amount that may be assigned under this subsection by a licensed owner or operating agent for a state fiscal year is equal to the result of:

- (1) seven million dollars (\$7,000,000); minus
- (2) the amount deducted under this subsection by the licensed owner or operating agent for the state fiscal year."

Page 14, line 37, after "wagering" insert ", **not including a table game approved by the commission under section 19 of this chapter,**".

Page 14, line 41, delete "the percentage of" and insert "**twenty percent (20%) of the**".

Page 15, line 1, delete "licensee, as" and insert "**licensee.**".

Page 15, delete line 2.

Page 17, line 21, reset in roman "state board of accounts shall audit the accounts, books and records".

Page 17, line 22, reset in roman "of the".

Page 17, line 22, delete "commission, each" and insert "commission. Each".

Page 17, line 23, strike "a".

Page 17, line 23, strike "any".

Page 17, line 25, delete "conduct an" and insert "**submit to an annual**".

Page 17, line 26, delete "section and provide" and insert "**section. The audit shall be performed by an independent public accountant and the audit report shall be provided**".

Page 17, line 27, delete "a copy of the audit".

Page 18, line 20, delete "sire".

Page 21, delete lines 8 through 37, begin a new paragraph and insert:

"SECTION 36. IC 4-35-7-19, AS ADDED BY P.L.255-2015, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) After ~~March 1, 2021~~, **July 1, 2019**, and before ~~June 30, 2021~~, a licensee may submit a plan to the commission for conducting wagering on table games at the licensee's gambling game facility. ~~The commission shall consider a plan submitted under this subsection within forty-five (45) days of receiving the plan.~~

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

- (1) ~~economic benefits;~~
- (2) ~~tax revenue;~~



(3) number of new jobs; and

(4) capital investments;

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

(c) **(b) Upon receipt of a** After considering a plan submitted under subsection (a) and the criteria described in subsection (b), **that meets the requirements under IC 4-33 for table games at riverboats**, the commission **may shall** authorize wagering on table games at the licensee's gambling game facility.

(d) A licensee may not:

(1) install more gambling games than the number of gambling games proposed in the table game plan submitted to the commission; and

(2) offer more than two thousand two hundred (2,200) gambling games as provided under section 11(b) of this chapter.

SECTION 37. IC 4-35-8-1, AS AMENDED BY P.L.212-2018(ss), SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A graduated slot machine gambling game wagering tax is imposed as follows on ninety-nine percent (99%) of the adjusted gross receipts received after June 30, 2012, and before July 1, 2013, on ninety-one and five-tenths percent (91.5%) of the adjusted gross receipts received after June 30, 2013, and before July 1, 2015, and on eighty-eight percent (88%) of the adjusted gross receipts received after June 30, 2015, from wagering on gambling games slot machines authorized by this article:

(1) Twenty-five percent (25%) of the first one hundred million dollars (\$100,000,000) of adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year.

(2) Thirty percent (30%) of the adjusted gross receipts in excess of one hundred million dollars (\$100,000,000) but not exceeding two hundred million dollars (\$200,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(3) Thirty-five percent (35%) of the adjusted gross receipts in excess of two hundred million dollars (\$200,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(b) A gambling game tax is imposed on eighty-eight percent (88%) of the adjusted gross receipts received from wagering on table games authorized under this article. The tax is equal to twenty percent (20%) of the adjusted gross receipts received by a



licensee during the period beginning July 1 of each year and ending June 30 the following year.

~~(b)~~ **(c)** A licensee shall do the following:

(1) Remit the daily amount of tax imposed by this section to the department on the twenty-fourth calendar day of each month. Any taxes collected during the month but after the day on which the taxes are required to be paid shall be paid to the department at the same time the following month's taxes are due.

(2) Report gaming activity information to the commission daily on forms prescribed by the commission.

~~(c)~~ **(d)** The payment of the tax under this section must be in a manner prescribed by the department.

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

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

SECTION 38. IC 4-35-8-5, AS AMENDED BY P.L.255-2015, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) This section applies to adjusted gross receipts from wagering on gambling games that occurs after the effective date of this section, as added by SEA 528-2013.

(b) As used in this section, "qualified wagering" refers to wagers made by patrons using noncashable vouchers, coupons, electronic credits, or electronic promotions provided by the licensee.

(c) Subject to subsection (d), a licensee may at any time during the state fiscal year deduct from the adjusted gross receipts reported by the licensee the adjusted gross receipts attributable to qualified wagering. A licensee must take a deduction under this section on a form and in the manner prescribed by the department.

(d) A licensee may not deduct more than the following amounts in a particular state fiscal year:

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

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

(3) Seven million dollars (\$7,000,000) in a state fiscal year beginning after June 30, 2015.

(4) Nine million dollars (\$9,000,000) in a state fiscal year beginning after June 30, 2020.

(e) Deductions under this section also apply to a licensee's adjusted



gross receipts for purposes of the following statutes:

- (1) IC 4-35-7-12.
- (2) IC 4-35-8.5.
- (3) IC 4-35-8.9.

(f) A licensee may for a state fiscal year assign all or part of the amount of the deduction under this section that is not claimed by the licensee for the state fiscal year to another licensee, a licensed owner as defined by IC 4-33-2-13, or an operating agent as defined by IC 4-33-2-14.5. An assignment under this subsection must be in writing and both the licensee assigning the deduction and the licensee, licensed owner as defined by IC 4-33-2-13, or operating agent as defined by IC 4-33-2-14.5, to which the deduction is assigned shall report the assignment to the commission and to the department. The maximum amount that may be assigned under this subsection by a licensee for a state fiscal year is equal to the result of:

- (1) seven million dollars (\$7,000,000); minus
- (2) the amount deducted under this subsection by the licensee for the state fiscal year."

Page 22, between lines 10 and 11, begin a new paragraph and insert:

"Sec. 3. The commission shall regulate and administer sports wagering conducted by a certificate holder or vendor under this article.

Sec. 4. The commission has the following powers and duties for the purpose of administering, regulating, and enforcing the system of sports wagering authorized under this article:

- (1) All powers and duties specified in this article.
- (2) All powers necessary and proper to fully and effectively execute this article.
- (3) Jurisdiction and supervision over the following:
 - (A) All sports wagering operations in Indiana.
 - (B) All persons at licensed facilities where sports wagering is conducted.
- (4) Any power specified in IC 4-33 or IC 4-35 concerning the supervision of persons conducting gambling games, patrons wagering on gambling games, and the facilities in which gambling games are conducted.
- (5) To investigate and reinvestigate applicants, certificate holders, licensees, and vendors.
- (6) To investigate alleged violations of this article.
- (7) To revoke, suspend, or renew certificates and licenses under this article.
- (8) To take any reasonable or appropriate action to enforce



this article.

Sec. 5. The commission may do the following:

- (1) Take appropriate administrative enforcement or disciplinary action against a person who violates this article.**
- (2) Conduct hearings.**
- (3) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other relevant documents.**
- (4) Administer oaths and affirmations to witnesses."**

Page 22, delete lines 12 through 36, begin a new paragraph and insert:

"Sec. 1. The definitions set forth in this chapter apply throughout this article unless the context clearly denotes otherwise.

Sec. 2. "Adjusted gross receipts" means:

- (1) the total of all cash and property (including checks received by a certificate holder, whether collected or not) received by a certificate holder from sports wagering; minus**
- (2) the total of:**
 - (A) all cash paid out as winnings to sports wagering patrons; and**
 - (B) uncollectible gaming receivables, not to exceed the lesser of:**
 - (i) a reasonable provision for uncollectible patron checks received from sports wagering; or**
 - (ii) two percent (2%) of the total of all sums (including checks, whether collected or not) less the amount paid out as winnings to sports wagering patrons.**

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

Sec. 3. "Amateur youth sporting event" refers to any sporting event in which an individual:

- (1) must be less than eighteen (18) years of age to participate; and**
- (2) is prohibited, as a condition of participating in the sporting event, from receiving direct or indirect compensation for the use of the individual's athletic skill in any manner with respect to the sport in which the particular sporting event is conducted.**

Sec. 4. "Certificate holder" means a licensed owner, operating agent, or permit holder issued a certificate of authority by the commission authorizing the licensed owner, operating agent, or



permit holder to conduct sports wagering independently or through a vendor under this article.

Sec. 5. "Commission" refers to the Indiana gaming commission established by IC 4-33-3-1.

Page 22, line 37, delete "4." and insert "6."

Page 22, line 38, delete "5." and insert "7."

Page 22, line 38, after "a" insert "**single player or**".

Page 22, delete lines 40 through 42, begin a new paragraph and insert:

"Sec. 8. "Geofence" means a virtual geographic boundary defined by GPS or RFID technology, which enables software to trigger a response when a mobile device enters or leaves a particular area.

Sec. 9. "Gross receipts" means the total amount of money exchanged for the purchase of electronic cards by sports wagering patrons.

Sec. 10. "In-play wagering" refers to the practice of placing a wage after a sporting event has started.

Sec. 11. "Licensed facility" means any of the following:

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

Sec. 12. "Licensed owner" has the meaning set forth in IC 4-33-2-13.

Sec. 13. "Occupational license" means a license issued by the commission under IC 4-33-8.

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

Sec. 15. "Permit holder" has the meaning set forth in IC 4-31-2-14.

Sec. 16. "Person" means an individual, a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity.

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

Sec. 18. "Sports wagering" refers to wagering conducted under this article on athletic and sporting events involving human competitors. The term does not include pari-mutuel wagering on horse racing or money spent to participate in paid fantasy sports under IC 4-33-24.



Sec. 19. "Sports wagering device" refers to a mechanical, electrical, or computerized contrivance, terminal, device, apparatus, piece of equipment, or supply approved by the commission for conducting sports wagering under this article.

Sec. 20. "Sports wagering service provider" means a person that contracts with a certificate holder, a vendor, or an applicant for a certificate of authority under IC 4-38-4 or vendor's license to:

- (1) sell, lease, offer, or otherwise provide or distribute a sports wagering device or associated equipment;**
- (2) service a sports wagering device or associated equipment;**
- or**
- (3) provide risk management services, integrity services, or odds.**

Sec. 21. "Sports wagering service provider license" means a license issued under IC 4-38-7.

Sec. 22. "Supplier's license" means a license issued under IC 4-33-7.

Sec. 23. "Vendor" means a person with whom a certificate holder contracts for either of the following:

- (1) Conducting or managing sports wagering operations within a licensed facility.**
- (2) Conducting sports wagering through mobile devices under IC 4-38-5-10.**

Sec. 24. "Vendor's license" means a license issued to a vendor under IC 4-38-6."

Page 23, delete lines 1 through 32.

Page 24, line 6, delete "IC 4-38-5-9." and insert "**IC 4-38-5-10.**".

Page 24, between lines 14 and 15, begin a new line block indented and insert:

"(7) Standards for approving procedures and technologies necessary to comply with the requirements of IC 4-38-9.

(8) Standards for approving procedures and technologies necessary for a certificate holder or vendor to securely and efficiently maintain and store records of all bets and wagers placed with the certificate holder or vendor.

(9) Rules establishing geofence standards concerning where a wager may and may not be placed, including:

(A) only placing wagers within the boundaries of Indiana; and

(B) prohibiting wagers at the location of particular sporting events."

Page 25, delete lines 1 through 3.



Page 25, line 7, delete "December 31," and insert "**June 30**,".

Page 25, line 8, delete "October" and insert "**July**".

Page 25, line 20, delete "equal to the greater of:" and insert "**of one hundred thousand dollars (\$100,000)**".

Page 25, delete lines 21 through 26.

Page 25, line 32, delete "equal to the greater of:" and insert "**of one hundred thousand dollars (\$100,000)**".

Sec. 4. Upon:

(1) receipt of the application and fee required by section 3 of this chapter; and

(2) approving the submitted application;

the commission shall issue a certificate of authority to a licensed owner, an operating agent, or a permit holder authorizing the licensed owner, operating agent, or permit holder to conduct sports wagering under this article in a designated licensed facility.

Sec. 5. The commission shall deposit fees received under section 3 of this chapter in the sports wagering fund established by IC 4-38-8-2."

Page 25, delete lines 33 through 42.

Page 26, delete lines 1 through 4.

Page 26, delete lines 30 through 42, begin a new paragraph and insert:

"Sec. 4. (a) A certificate holder or vendor may accept wagers on professional and collegiate sporting events approved for sports wagering by the commission. Except as provided in subsection (c), a certificate holder or vendor may use data selected in its discretion to determine whether a wager is a winning wager.

(b) A certificate holder or vendor may not accept wagers on e-sports regardless of whether the e-sports event involves one (1) or multiple players.

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

Sec. 5. A certificate holder or vendor may not accept wagers on the following:

(1) High school and other amateur youth sporting events.

(2) A sporting event that has not been approved for sports wagering by the commission.

Sec. 6. A certificate holder or vendor may not cancel wagering on a particular sporting event after posting odds and beginning to



accept wagers on the sporting event. A certificate holder or vendor must pay winning patrons following the end of the sporting event.

Sec. 7. A certificate holder or vendor may not permit any sports wagering on the premises of a licensed facility except as permitted by this article.

Sec. 8. (a) A sports wagering device, platform, or other means of conducting sports wagering must be:

- (1) approved by the commission; and
- (2) acquired by a certificate holder or vendor from a person holding both a supplier's license and a sports wagering service provider license.

(b) The commission shall determine whether other supplies and equipment used to conduct sports wagering require a certificate holder to acquire the supplies and equipment from a person holding both a supplier's license and a sports wagering service provider license.

(c) IC 4-33-7 applies to the distribution of sports wagering devices and the conduct of sports wagering under this article.

Sec. 9. The commission shall determine the occupations related to sports wagering that require an occupational license. IC 4-33-8 applies to the conduct of sports wagering under this article.

Sec. 10. A certificate holder or vendor may accept wagers placed using a mobile device from a patron if the patron registers with the certificate holder or vendor as a mobile device user and acquires any necessary mobile device applications from the certificate holder. A patron may register under this section in person at the certificate holder's licensed facility or online using an Internet form approved by the commission.

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

Sec. 12. (a) This section applies to sports wagering conducted at a satellite facility by a certificate holder that is a permit holder.

(b) A certificate issued under this article is null and void if the certificate holder fails to:

- (1) maintain a license issued under IC 4-31-5.5 to operate the satellite facility; or
- (2) satisfy the conditions for obtaining a satellite facility license set forth in IC 4-31-5.5-3(b)(3) in the certificate holder's operation of the satellite facility.

Chapter 6. Vendors

Sec. 1. A person must hold a license issued under this chapter



before entering into a contract as a vendor with a certificate holder.

Sec. 2. The commission may issue a vendor's license to a qualified applicant.

Sec. 3. (a) A person applying for a vendor's license under this chapter must pay a nonrefundable application fee of one hundred thousand dollars (\$100,000) to the commission. The commission shall deposit fees received under this section in the sports wagering fund established by IC 4-38-8-2.

(b) An applicant must submit the following on forms provided by the commission:

(1) If the applicant is an individual, two (2) sets of the individual's fingerprints.

(2) If the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant.

(c) The commission shall review the applications for a vendor's license under this chapter and shall inform each applicant of the commission's decision concerning the issuance of the vendor's license.

(d) The costs of investigating an applicant for a vendor's license under this chapter shall be paid from the application fee paid by the applicant.

(e) An applicant for a vendor's license under this chapter must pay all additional costs that are:

(1) associated with the investigation of the applicant; and

(2) greater than the amount of the application fee paid by the applicant.

Sec. 4. In determining whether to grant a vendor's license to an applicant, the commission shall consider the character, reputation, experience, and financial integrity of the following:

(1) The applicant.

(2) A person that:

(A) directly or indirectly controls the applicant; or

(B) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.

Sec. 5. (a) The state police department may assist the commission in conducting background investigations of applicants for a vendor's license. The commission may forward all fingerprints required to be submitted by license applicants under this chapter to the Federal Bureau of Investigation or any other agency for the purpose of screening applicants. The commission



shall reimburse the state police department for the costs incurred by the state police department as a result of the assistance. The commission shall make the payment from fees collected from applicants.

(b) The commission through its gaming agents shall conduct background investigations of applicants. Costs incurred conducting the investigations must be paid from fees collected from applicants.

Sec. 6. A person holding a vendor's license shall pay to the commission an annual administrative fee of fifty thousand dollars (\$50,000). The fee imposed by this section is due one (1) year after the date that the vendor begins performing services under a contract with a certificate holder in the conduct of sports wagering under this article and on each annual anniversary date thereafter. The commission shall deposit the administrative fees received under this section in the sports wagering fund.

Sec. 7. A certificate holder may not contract with more than three (3) vendors.

Chapter 7. Sports Wagering Service Providers

Sec. 1. A person must hold a license issued under this chapter before entering into a contract as a sports wagering service provider with a certificate holder, a vendor, or an applicant for a certificate of authority under IC 4-38-4 or a vendor's license.

Sec. 2. The commission may issue a sports wagering service provider license to a qualified applicant.

Sec. 3. (a) A person applying for a sports wagering service provider license under this chapter must pay a nonrefundable application fee of one hundred thousand dollars (\$100,000) to the commission. The commission shall deposit fees received under this section in the sports wagering fund established by IC 4-38-8-2.

(b) An applicant must submit a completed application on a form prescribed by the commission.

Sec. 4. While considering a person's application for a sports wagering service provider license, the commission may issue the person a temporary license to conduct business under this article if the following criteria are met:

- (1) The person has filed with the commission either of the following:
 - (A) A completed application.
 - (B) A substantially complete application as determined by the commission.
- (2) The person agrees in writing to the following conditions of the temporary license issued under this section:



(A) The temporary license does not create a right or privilege to continue conducting business under this article if the person's application for a sports wagering service provider license is rejected by the commission.

(B) The commission may rescind the person's temporary license and the authority to conduct business under this article at any time, with or without notice to the person, if:

(i) the commission is informed that the suitability of the person may be at issue; and

(ii) the person fails to cooperate with the commission in the commission's investigation into the qualifications and suitability of the person for a sports wagering service provider license.

Sec. 5. When reviewing a person's application for a sports wagering service provider license, the commission:

(1) shall consider the suitability findings of other jurisdictions in which the person is licensed, certified, or authorized to conduct business as a sports wagering service provider; and

(2) may waive requirements set forth in the application form prescribed by the commission if:

(A) the suitability findings of other jurisdictions provide sufficient information to fully consider the person's application; and

(B) the person provides all the information otherwise requested by the commission."

Page 27, delete lines 1 through 40.

Page 27, line 41, delete "6." and insert "**8. Annual License**".

Page 28, line 1, delete "seventy-five" and insert "**fifty**".

Page 28, line 2, delete "\$75,000)." and insert "**(\$50,000)**".

Page 28, line 9, delete "administrative fees deposited in the" and insert "**following**:"

(1) **Initial fees deposited in the fund under IC 4-38-4-5.**

(2) **Fees deposited in the fund under IC 4-38-6.**

(3) **Fees deposited in the fund under IC 4-38-7.**

(4) **Administrative fees deposited in the fund under section 1 of this chapter.**

Chapter 9. Integrity Requirements

Sec. 1. (a) A certificate holder or vendor shall conduct:

(1) **background checks on newly hired employees engaged in activities related to the conducting of sports wagering; and**

(2) **annual background checks on all existing employees engaged in activities related to the conducting of sports**



wagering.

A background check conducted under this section must include a search for criminal history and any charges or convictions involving corruption or manipulation of sporting events and any association with organized crime.

(b) A person may not obtain any of the following required for conducting business under this article unless the person meets the suitability requirements determined by the commission:

- (1) A vendor's license.
- (2) A sports wagering service provider license.
- (3) A supplier's license.
- (4) An occupational license.

Sec. 2. (a) A certificate holder, vendor, or sports wagering service provider shall employ commercially reasonable methods to maintain the security of wagering data, customer data, and other confidential information from unauthorized access and dissemination.

(b) Nothing in this article precludes the use of Internet or cloud based hosting of data described in subsection (a) or any disclosure of information required by court order, other law, or this article.

Sec. 3. The commission shall prohibit a certificate holder or vendor from accepting wagers placed by any of the following:

- (1) A partnership, a corporation, an association, or any other entity that is not an individual.
- (2) A person who is not at least twenty-one (21) years of age.
- (3) A certificate holder, a vendor, a director, officer, or employee of a certificate holder or vendor, or a relative of a certificate holder or vendor.
- (4) A sports wagering service provider, a director, officer, or employee of a sports wagering service provider, or a relative of a sports wagering service provider.
- (5) With respect to a sporting event sponsored, organized, or conducted by a particular sports governing body, any of the following:
 - (A) An employee of the sports governing body.
 - (B) A game official employed by or under contract with the sports governing body.
 - (C) A coach, manager, or other personnel employed by or under contract with a member club of the sports governing body.
 - (D) An athlete who is:
 - (i) under contract with a member club of the sports



governing body in the case of a team sport; or

(ii) eligible to participate in events conducted by the sports governing body in the case of an individual sport.

(E) An employee of a union representing athletes or game officials.

(F) A relative of an individual described in clauses (A) through (E).

(6) An individual convicted of a state or federal crime relating to sports wagering.

Sec. 4. (a) The commission may use information received from a sports governing body to determine whether to allow:

(1) wagering on a particular event; or

(2) patrons to make wagers of a particular type.

(b) If a sports governing body requests wagering information or requests the commission to prohibit wagering on a particular event or making wagers of a particular type, the commission shall grant the request upon a demonstration of good cause from the sports governing body.

(c) The commission shall respond to a request from a sports governing body concerning a particular event:

(1) before the start of the event; or

(2) if it is not feasible to respond before the start of the event, as expeditiously as possible.

Sec. 5. The commission and each certificate holder or vendor shall cooperate with investigations conducted by sports governing bodies or law enforcement agencies, including by providing or facilitating the provision of betting information and audio or video files relating to persons placing wagers. Information shared under this section is confidential.

Sec. 6. A certificate holder or vendor shall immediately report to the commission any information relating to:

(1) criminal or disciplinary proceedings commenced against the certificate holder or vendor in connection with its operations;

(2) bets or wagers that violate state or federal law;

(3) abnormal betting activity or patterns that may indicate a concern regarding the integrity of a sporting event or events;

(4) any potential breach of the relevant sport's governing body's internal rules and codes of conduct pertaining to sports wagering;

(5) any other conduct that corrupts a betting outcome of a sporting event or events for purposes of financial gain; and



(6) suspicious or illegal wagering activities, including use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, using agents to place wagers, and using false identification.

A certificate holder or vendor shall also immediately report information relating to conduct described in subdivision (3), (4), or (5) to the relevant sports governing body.

Sec. 7. A certificate holder or vendor shall maintain the confidentiality of information provided by a sports governing body to the certificate holder or vendor, unless disclosure is required by this article, the commission, other law, or court order.

Sec. 8. Information provided to the commission by a sports governing body is confidential and may not be disclosed under IC 5-14."

Page 28, delete lines 10 through 17, begin a new paragraph and insert:

"SECTION 41. IC 6-8.1-1-1, AS AMENDED BY P.L.212-2018(ss), SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1."Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the supplemental wagering tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the ~~slot machine gambling game~~ wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1) (repealed); the county option income tax (IC 6-3.5-6) (repealed); the county economic development income tax (IC 6-3.5-7) (repealed); the local income tax (IC 6-3.6); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the vehicle excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) (repealed); the heavy equipment rental excise tax (IC 6-6-15); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC



6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-20-18); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-20-18); and any other tax or fee that the department is required to collect or administer."

Page 28, line 41, delete "IC 4-33-9.5-6(b)." and insert "**IC 4-33-9.5-5(b).**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 552 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 10, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 552, 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 12 through 15, begin a new paragraph and insert:

"SECTION 3. IC 4-31-3-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 16. (a) The bureau shall provide information to a certificate holder, as defined in IC 4-38-2, concerning persons who are delinquent in child support.**

(b) Prior to a certificate holder dispersing a payout of six hundred dollars (\$600) or more, in cash winnings, from sports wagering to a person who is delinquent in child support, the certificate holder:

(1) may deduct and retain an administrative fee in the amount of the lesser of:

(A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or

(B) one hundred dollars (\$100); and

(2) shall:

(A) withhold the amount of delinquent child support owed

ES 552—LS 7581/DI 107



from cash winnings;

(B) transmit to the bureau:

(i) the amount withheld for delinquent child support; and

(ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the licensed owner, operating agent, or trustee; and

(C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.

(c) The bureau shall notify the obligor at the address provided by the certificate holder that the bureau intends to offset the obligor's delinquent child support with the cash winnings.

(d) The bureau shall hold the amount withheld from each cash winnings of an obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.

(e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (b)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law."

Page 2, delete line 42.

Page 3, line 1, delete "(6)" and insert "(5)".

Page 4, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 12. IC 4-33-4-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 28. (a) The bureau shall provide information to a certificate holder, as defined in IC 4-38-2, concerning persons who are delinquent in child support.**

(b) Prior to a certificate holder dispersing a payout of six hundred dollars (\$600) or more, in cash winnings, from sports wagering to a person who is delinquent in child support, the certificate holder:

(1) may deduct and retain an administrative fee in the amount of the lesser of:

(A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or

(B) one hundred dollars (\$100); and

(2) shall:

(A) withhold the amount of delinquent child support owed



from cash winnings;

(B) transmit to the bureau:

(i) the amount withheld for delinquent child support; and

(ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the licensed owner, operating agent, or trustee; and

(C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.

(c) The bureau shall notify the obligor at the address provided by the certificate holder that the bureau intends to offset the obligor's delinquent child support with the cash winnings.

(d) The bureau shall hold the amount withheld from each cash winnings of an obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.

(e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (b)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law."

Page 4, line 11, delete "chapter and IC 4-33-9.5," and insert "chapter,".

Page 4, line 37, delete "does not apply" and insert "**applies only**".

Page 4, line 38, delete "IC 4-33-6-4.5." and insert "**section 4.5 of this chapter and any future relocation of a license.**".

Page 6, delete lines 2 through 42, begin a new paragraph and insert:

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

(1) the licensed owner:

(A) submits to the commission, with agreement from the legislative body of the city of Gary, a request for approval to relocate the licensed owner's gaming operations; and

(B) agrees, upon approval of the request, to relinquish



ownership of the property being vacated, and to relocate:

- (i) one (1) gaming operation to a location that is within the city limits of Gary; and
 - (ii) one (1) gaming operation to a location in Vigo County;
- (2) the legislative body of the:
- (A) city or town of relocation, if the riverboat is relocating to a city or town; or
 - (B) county of relocation, if the riverboat is relocating to an unincorporated area of a county;
- adopts a resolution approving the relocation of the riverboat;
- (3) the voters of Vigo County have approved a public question under IC 4-31-4-3 or section 19 of this chapter;
- (4) the licensed owner complies with all applicable building codes and any safety requirements imposed by the commission;
- (5) with regard to the gaming operation relocated under subdivision (1)(B)(i), the licensed owner enters into a development agreement (as defined in IC 4-33-23-2) with the city of Gary;
- (6) with regard to the gaming operation relocated under subdivision (1)(B)(ii), the licensed owner enters into an agreement with the commission to provide an annual distribution of money to be used for shoreline development and infrastructure of the vacated property being relinquished under subdivision (1)(B); and
- (7) subject to subsection (i), the commission adopts a resolution approving the relocation of the licensed owner's gaming operations.

The request must contain any information required by the commission.

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

"Shall riverboat gambling be permitted in Vigo County?".

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

(d) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.



(e) If a public question under this section is placed on the ballot in Vigo County and the voters of Vigo County do not vote in favor of permitting riverboat gambling under this article, a second public question under this section may not be held in Vigo County for at least two (2) years. If the voters of Vigo County vote to reject riverboat gambling a second time, a third or subsequent public question under this section may not be held in Vigo County for at least two (2) years.

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

(g) The commission shall prescribe the form of the request for approval to relocate the licensed owner's gaming operations under this section.

(h) When reviewing an application to relocate gaming operations under this section, the commission shall consider:

- (1) economic benefits;
- (2) tax revenue;
- (3) the number of new jobs;
- (4) whether the owner plans to make at least fifty percent (50%) of the owner's proposed investment in the Vigo County casino for the development of nongaming amenities;
- (5) whether the owner plans an investment of at least one hundred fifty million dollars (\$150,000,000) in the development of a casino; and
- (6) any other issue deemed appropriate by the commission.

(i) The commission shall adopt a resolution approving an application to transfer gaming operations under this section if the requirements of this section are met.

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

SECTION 14. IC 4-33-6-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4.6. If gaming operations are relocated within the city limits of Gary under section 4.5(a)(1)(B)(i) of this chapter, the city of Gary may provide funding to:**

- (1) Hammond;
- (2) East Chicago; and
- (3) Michigan City;

to supplement amounts payable to those cities under IC 4-33-13-5.

SECTION 15. IC 4-33-6-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4.7. (a) This section applies to the licensed owner of**



a gaming operation that is relocated to Vigo County under section 4.5 of this chapter.

(b) A licensed owner described in subsection (a) shall pay two million dollars (\$2,000,000) by July 15 of each year to the Indiana horse racing commission to be distributed as follows:

- (1) Forty-six percent (46%) to the breed development fund established for thoroughbreds under IC 4-31-11-10.
- (2) Forty-six percent (46%) to the breed development fund established for standardbreds under IC 4-31-11-10.
- (3) Eight percent (8%) to the breed development fund established for quarter horses under IC 4-31-11-10.

(c) This section expires July 1, 2022.

SECTION 16. IC 4-33-6-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4.8. (a) This section applies to the licensed owner of a gaming operation that is relocated to Vigo County under section 4.5 of this chapter.**

(b) A licensed owner described in subsection (a) shall enter into a development agreement (as defined in IC 4-33-23-2) with:

- (1) the city of Terre Haute and Vigo County, if the casino is operating in Terre Haute; or
- (2) Vigo County, if the casino is operating in Vigo County but not in the city of Terre Haute."

Page 7, delete lines 1 through 29.

Page 8, line 10, after "chapter" delete "," and insert "or".

Page 8, line 11, delete ", or a Vigo".

Page 8, line 12, delete "County casino under IC 4-33-9.5".

Page 8, between lines 14 and 15, begin a new paragraph and insert: "SECTION 18. IC 4-33-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 19. (a) This section applies to:**

- (1) a county contiguous to the Ohio River;
- (2) a county containing a historic hotel district; ~~and~~
- (3) a county contiguous to Lake Michigan that has a population of less than four hundred thousand (400,000); ~~and~~
- (4) a relocated casino under section 4.5 of this chapter.**

(b) Notwithstanding any other provision of this article, the commission may not:

- (1) issue a license under this article to allow a riverboat to operate in the county; or
- (2) enter into a contract with an operating agent under IC 4-33-6.5;



unless the voters of the county have approved the conducting of gambling games on riverboats in the county.

(c) If the docking of a riverboat in the county is approved by an ordinance adopted under section 18 of this chapter, or if at least the number of the registered voters of the county required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning riverboat gaming be placed on the ballot, the county election board shall place the following question on the ballot in the county during the next primary or general election:

"Shall riverboat gambling be permitted in ____ County?".

(d) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

(e) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(f) If a public question under this section is placed on the ballot in a county and the voters of the county do not vote in favor of permitting riverboat gambling under this article, a second public question under this section may not be held in that county for at least two (2) years. If the voters of the county vote to reject riverboat gambling a second time, a third or subsequent public question under this section may not be held in that county until the general election held during the tenth year following the year that the previous public question was placed on the ballot."

Page 9, line 23, delete "does not apply" and insert "**applies only**".

Page 9, line 24, delete "IC 4-33-6-4.5." and insert "**IC 4-33-6-4.5 and any future relocation of a license.**".

Page 9, line 31, delete "or another" and insert "**of another**".

Page 9, delete lines 33 through 42.

Delete page 10.

Page 11, delete lines 1 through 30.

Page 12, line 34, delete "IC 4-33-9.5" and insert "**IC 4-33-6-4.5**".

Page 13, line 20, delete "IC 4-33-9.5" and insert "**IC 4-33-6-4.5**".

Page 14, line 18, delete "IC 4-33-9.5" and insert "**IC 4-33-6-4.5**".

Page 14, delete lines 30 through 35, begin a new paragraph and insert:

"(c) The department shall deposit in the state general fund the tax revenue collected under this chapter.

(d) Except as provided by sections 6 and 8 of this chapter, the treasurer of state shall quarterly pay the following amounts:

ES 552—LS 7581/DI 107



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

(A) city in which the riverboat is located, if the riverboat is located in a city; or

(B) county in which the riverboat is located, if the riverboat is not located in a city.

(2) Except as provided in section 9(k) of this chapter, thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter shall be paid to the board.

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

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

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

(6) Twenty-one and six hundred sixty-seven thousandths percent (21.667%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter shall be paid to the state general fund."

Page 14, line 36, delete "(d)" and insert "(e)".

Page 14, delete line 42.

Delete pages 15 through 22.

Page 23, delete lines 1 through 34.

Page 24, between lines 33 and 34, begin a new paragraph and insert:



"SECTION 27. IC 4-35-2-2, AS AMENDED BY P.L.210-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. **(a)** "Adjusted gross receipts" means:

- (1) the total of all cash and property (including checks received by a licensee, whether collected or not) received by a licensee from gambling games, including amounts that are distributed by a licensee under IC 4-35-7-12; minus
- (2) the total of:
 - (A) all cash paid out to patrons as winnings for gambling games; and
 - (B) uncollectible gambling game receivables, not to exceed the lesser of:
 - (i) a reasonable provision for uncollectible patron checks received from gambling games; or
 - (ii) two percent (2%) of the total of all sums, including checks, whether collected or not, less the amount paid out to patrons as winnings for gambling games.

For purposes of this section, a counter or personal check that is invalid or unenforceable under this article is considered cash received by the licensee from gambling games.

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

Page 25, delete lines 2 through 8, begin a new paragraph and insert:

"SECTION 29. IC 4-35-4-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. **(a) The bureau shall provide information to a certificate holder, as defined in IC 4-38-2, concerning persons who are delinquent in child support.**

(b) Prior to a certificate holder dispersing a payout of six hundred dollars (\$600) or more, in cash winnings, from sports wagering to a person who is delinquent in child support, the certificate holder:

- (1) may deduct and retain an administrative fee in the amount of the lesser of:**
 - (A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or**
 - (B) one hundred dollars (\$100); and**
- (2) shall:**
 - (A) withhold the amount of delinquent child support owed from cash winnings;**
 - (B) transmit to the bureau:**



- (i) the amount withheld for delinquent child support; and
 - (ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the licensed owner, operating agent, or trustee; and
- (C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.

(c) The bureau shall notify the obligor at the address provided by the certificate holder that the bureau intends to offset the obligor's delinquent child support with the cash winnings.

(d) The bureau shall hold the amount withheld from each cash winnings of an obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.

(e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (b)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law.

SECTION 27. IC 4-35-7-11, AS AMENDED BY P.L.255-2015, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) Before ~~January 2, 2021~~, **July 2, 2019**, 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~~, **July 1, 2019**, a licensee may not offer more than two thousand two hundred (2,200) gambling games on the premises of a licensee's racetrack."

Page 25, line 27, delete "wagering," and insert "wagering **(except for adjusted gross receipts from sports wagering under IC 4-38)**".

Page 25, line 33, delete "twenty" and insert "**twelve**".

Page 25, line 34, delete "(20%)" and insert "**(12%)**".

Page 32, line 22, after "(d)" insert "**(c)**".

Page 32, line 22, reset in roman "A licensee may not:".

Page 32, reset in roman lines 23 through 27.

Page 32, line 36, reset in roman "gambling games".

Page 32, line 36, delete "slot" and insert "**(except for adjusted gross receipts from sports wagering under IC 4-38)**".

Page 32, line 37, delete "machines".

Page 33, delete lines 9 through 14.



Page 33, line 15, reset in roman "(b)".

Page 33, line 15, delete "(c)".

Page 33, line 23, reset in roman "(c)".

Page 33, line 23, delete "(d)".

Page 33, line 25, reset in roman "(d)".

Page 33, line 25, delete "(e)".

Page 33, line 29, reset in roman "(e)".

Page 33, line 29, delete "(f)".

Page 34, line 9, delete "2015." and insert "2015, **and ending before July 1, 2020.**".

Page 34, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 37. IC 4-35-8.5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 0.5. This chapter does not apply to sports wagering conducted under IC 4-38 at a riverboat.**"

Page 36, line 41, delete "wage" and insert "**wager**".

Page 40, line 38, delete "9" and insert "**10**".

Page 41, line 8, delete "commission." and insert "**commission, and other events as approved by the commission.**".

Page 41, line 26, delete "event." and insert "**event, except in the event of obvious error, at the certificate holder's or vendor's discretion.**".

Page 42, line 12, after "11." insert "**IC 4-31-3-16,**".

Page 42, line 12, delete "IC 4-33-4-27," and insert "**IC 4-33-4-28,**".

Page 42, line 12, delete "IC 4-35-4-16," and insert "**IC 4-35-4-17,**".

Page 43, line 40, delete "fund." and insert "**fund established by IC 4-38-8-2.**".

Page 45, line 16, delete "fund." and insert "**fund established by section 2 of this chapter.**".

Page 48, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 38. IC 6-3.1-20-7, AS AMENDED BY P.L.204-2016, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The department shall before July 1 of each year determine the following:

(1) The greater of:

(A) eight million five hundred thousand dollars (\$8,500,000);

or

(B) the amount of credits allowed under this chapter for taxable years ending before January 1 of the year.

(2) The quotient of:

(A) the amount determined under subdivision (1); divided by

(B) four (4).



(b) Except as provided in subsection (d), one-half (1/2) of the amount determined by the department under subsection (a)(2) shall be:

- (1) deducted each quarter from the riverboat ~~admissions~~ **supplemental wagering** tax revenue otherwise payable to the county under IC 4-33-12-8 and the supplemental distribution otherwise payable to the county under IC 4-33-13-5(g); and
- (2) paid instead to the state general fund.

(c) Except as provided in subsection (d), one-sixth (1/6) of the amount determined by the department under subsection (a)(2) shall be:

- (1) deducted each quarter from the riverboat ~~admissions~~ **supplemental wagering** tax revenue otherwise payable under IC 4-33-12-8 and the supplemental distribution otherwise payable under IC 4-33-13-5(g) to each of the following:
 - (A) The largest city by population located in the county.
 - (B) The second largest city by population located in the county.
 - (C) The third largest city by population located in the county;
- and

- (2) paid instead to the state general fund.

(d) If the amount determined by the department under subsection (a)(1)(B) is less than eight million five hundred thousand dollars (\$8,500,000), the difference of:

- (1) eight million five hundred thousand dollars (\$8,500,000); minus
- (2) the amount determined by the department under subsection (a)(1)(B);

shall be paid in four (4) equal quarterly payments to the northwest Indiana regional development authority established by IC 36-7.5-2-1 instead of the state general fund. Any amounts paid under this subsection shall be used by the northwest Indiana regional development authority only to establish or improve public mass rail transportation systems in Lake County."

Page 48, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 42. IC 31-25-4-8.5, AS AMENDED BY P.L.212-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8.5. In addition to the duties imposed by sections 7 and 8 of this chapter, the bureau shall do the following:

- (1) Share data regarding obligors who are delinquent with:
 - (A) a licensed owner, operating agent, and trustee in accordance with IC 4-33-4-27;
 - (B) a permit holder and trustee in accordance with IC 4-35-4-16;



- (C) the state lottery commission; ~~and~~
- (D) a game operator or licensee in accordance with IC 4-33-24-29; ~~and~~
- (E) a certificate holder as provided in IC 4-31-3-16, IC 4-33-4-28, and IC 4-35-4-17;**

to allow for the interception of cash winnings and prizes from the obligors.

(2) Distribute money collected from the persons described in subdivision (1) according to federal child support laws and regulations."

Page 48, delete lines 38 through 42.

Delete page 49.

Page 50, delete lines 1 through 11, begin a new paragraph and insert:

"SECTION 43. IC 36-7.5-4-2, AS AMENDED BY P.L.189-2018, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Except as provided in subsections (b) and (d), the fiscal officer of each city and county described in IC 36-7.5-2-3(b) shall each transfer three million five hundred thousand dollars (\$3,500,000) each year to the development authority for deposit in the development authority revenue fund established under section 1 of this chapter. However, if a county having a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000) ceases to be a member of the development authority and two (2) or more municipalities in the county have become members of the development authority as authorized by IC 36-7.5-2-3(i), the transfer of the local income tax revenue that is dedicated to economic development purposes that is required to be transferred under IC 6-3.6-11-6 is the contribution of the municipalities in the county that have become members of the development authority.

(b) This subsection applies only if:

- (1) the fiscal body of the county described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the development authority;
- (2) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority; and
- (3) the county described in IC 36-7.5-2-3(e) is an eligible county participating in the development authority.

The fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer two million six hundred twenty-five thousand dollars



(\$2,625,000) each year to the development authority for deposit in the development authority revenue fund established under section 1 of this chapter. The fiscal officer of the city described in IC 36-7.5-2-3(e) shall transfer eight hundred seventy-five thousand dollars (\$875,000) each year to the development authority for deposit in the development authority revenue fund established under section 1 of this chapter.

(c) This subsection does not apply to Lake County, Hammond, Gary, or East Chicago. The following apply to the remaining transfers required by subsections (a) and (b):

(1) Except for transfers of money described in subdivision (4)(D), the transfers shall be made without appropriation by the city or county fiscal body or approval by any other entity.

(2) Except as provided in subdivision (3), each fiscal officer shall transfer eight hundred seventy-five thousand dollars (\$875,000) to the development authority revenue fund before the last business day of January, April, July, and October of each year. Food and beverage tax revenue deposited in the fund under IC 6-9-36-8 is in addition to the transfers required by this section.

(3) The fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer six hundred fifty-six thousand two hundred fifty dollars (\$656,250) to the development authority revenue fund before the last business day of January, April, July, and October of each year. The county is not required to make any payments or transfers to the development authority covering any time before January 1, 2017. The fiscal officer of a city described in IC 36-7.5-2-3(e) shall transfer two hundred eighteen thousand seven hundred fifty dollars (\$218,750) to the development authority revenue fund before the last business day of January, April, July, and October of each year. The city is not required to make any payments or transfers to the development authority covering any time before January 1, 2017.

(4) The transfers shall be made from one (1) or more of the following:

(A) Riverboat admissions tax revenue received by the city or county, riverboat wagering tax revenue received by the city or county, or riverboat incentive payments received from a riverboat licensee by the city or county.

(B) Any local income tax revenue that is dedicated to economic development purposes under IC 6-3.6-6 and received under IC 6-3.6-9 by the city or county.

(C) Any other local revenue other than property tax revenue received by the city or county.



(D) In the case of a county described in IC 36-7.5-2-3(e) or a city described in IC 36-7.5-2-3(e), any money from the major moves construction fund that is distributed to the county or city under IC 8-14-16.

(d) This subsection applies only to Lake County, Hammond, Gary, and East Chicago. The obligations of each city and the county under subsection (a) are satisfied by the distributions made by the auditor of state on behalf of each unit under ~~IC 4-33-12-6(d)~~ **IC 4-33-12-8** and IC 4-33-13-5(j). However, if the total amount distributed under IC 4-33 on behalf of a unit with respect to a particular state fiscal year is less than the amount required by subsection (a), the fiscal officer of the unit shall transfer the amount of the shortfall to the authority from any source of revenue available to the unit other than property taxes. The auditor of state shall certify the amount of any shortfall to the fiscal officer of the unit after making the distribution required by IC 4-33-13-5(j) on behalf of the unit with respect to a particular state fiscal year.

(e) A transfer made on behalf of a county, city, or town under this section after December 31, 2018:

- (1) is considered to be a payment for services provided to residents by a rail project as those services are rendered; and
- (2) does not impair any pledge of revenues under this article because a pledge by the development authority of transferred revenue under this section to the payment of bonds, leases, or obligations under this article or IC 5-1.3:

- (A) constitutes the obligations of the northwest Indiana regional development authority; and
- (B) does not constitute an indebtedness of a county, city, or town described in this section or of the state within the meaning or application of any constitutional or statutory provision or limitation.

(f) Neither the transfer of revenue as provided in this section nor the pledge of revenue transferred under this section is an impairment of contract within the meaning or application of any constitutional provision or limitation because of the following:

- (1) The statutes governing local taxes, including the transferred revenue, have been the subject of legislation annually since 1973, and during that time the statutes have been revised, amended, expanded, limited, and recodified dozens of times.
- (2) Owners of bonds, leases, or other obligations to which local tax revenues have been pledged recognize that the regulation of local taxes has been extensive and consistent.



(3) All bonds, leases, or other obligations, due to their essential contractual nature, are subject to relevant state and federal law that is enacted after the date of a contract.

(4) The state of Indiana has a legitimate interest in assisting the development authority in financing rail projects.

(g) All proceedings had and actions described in this section are valid pledges under IC 5-1-14-4 as of the date of those proceedings or actions and are hereby legalized and declared valid if taken before March 15, 2018."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 552 as printed February 12, 2019.)

MISHLER, Chairperson

Committee Vote: Yeas 12, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 552 be amended to read as follows:

Page 2, between lines 35 and 36, begin a new paragraph and insert:

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

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

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

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

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

(c) ~~If more than one (1) horsemen's association for a breed represents owners; the associations must agree on the associations'~~

ES 552—LS 7581/DI 107



appointment described in subsection (a)(3) to the development committee.

(c) For a member to be eligible for an appointment and to continue to serve on a development committee under subsection (a), the member must hold a valid current license issued by the commission."

Page 9, between lines 33 and 34, begin a new paragraph and insert:

"(k) If a riverboat relocates under this section or section 4.6 of this chapter to Vigo County, the licensed owner shall pay one million five hundred thousand dollars (\$1,500,000) to the department of natural resources on a date established by the licensed owner and the commission in each year, for three (3) years, that the relocated riverboat is in operation. The department of natural resources shall deposit the payments RECEIVED under this subsection in the West Baden Springs historic hotel preservation and maintenance fund established under IC 36-7-11.5-11.

(l) If a riverboat relocates under this section or section 4.6 of this chapter to Vigo County, the licensed owner shall pay:

(1) a one (1) time payment of one million two hundred thousand dollars (\$1,200,000) within the first year of the relocated riverboat operating in Vigo County;

(2) a one (1) time payment of nine hundred thousand dollars (\$900,000) within the second year of the relocated riverboat operating in Vigo County; and

(3) a one (1) time payment of six hundred thousand dollars (\$600,000) within the third year of the relocated riverboat operating in Vigo County;

to the city of Evansville."

Page 9, line 36, delete "If gaming operations are relocated within the city" and insert **"(a) If a licensed owner holding a license under section 1(a)(1) of this chapter applies to the commission to relocate gaming operations to a location in Vigo County, the licensed owner shall provide notice of the filing of the application to all of the owners of riverboats licensed to operate under this article by certified mail, return receipt requested.**

(b) Any licensed owner may, within thirty (30) days of receipt of a notice under subsection (a), file a declaration of interest to compete for ownership of the riverboat license that is proposed to be relocated to Vigo County.

(c) Upon the receipt of any declaration of interest described in subsection (b), the commission shall initiate the following process



to value the riverboat license that is being proposed to be relocated to Vigo County:

(1) The commission shall retain three (3) appraisers to determine the fair market value of the riverboat license proposed to be relocated to Vigo County. Any licensed owner that filed a declaration of interest shall promptly reimburse the commission for the appraiser's fees.

(2) The commission shall select appraisers that have at least five (5) years experience of determining the value of gaming licenses.

(3) Each appraiser shall certify to the commission in writing and under oath that the appraiser does not have any conflicts of interest in appraising the value of the riverboat license.

(4) Each appraiser shall independently determine the fair market value of the riverboat license that is the subject of the application for relocation of the date of the appraisal. The determination of fair market value shall be based on the riverboat being sited within the city of Gary and shall not include the value of the land the riverboat is located on within the city of Gary.

(5) Each appraiser shall submit a report to the commission describing in detail the facts, conclusion, and methodology used by the appraiser to determine the fair market value of the riverboat license.

(6) Upon receipt of the appraisals, the commission shall add the fair market value determined by each appraiser and divide the total by three (3) to determine the fair market value of the riverboat license to be relocated to Vigo County. If an appraisal is ten percent (10%) less than the average of the two (2) other appraisals, it shall not be used and the remaining two (2) appraisals shall be added together and the total shall be divided by two (2) to determine the fair market value of the license being relocated to Vigo County.

(d) Upon the completion of the process described in subsection (c), the commission may determine whether the holder of the riverboat license described in section 1(a)(1) of this chapter may be relocated to Vigo County or be required to sell its license to a license holder that filed a declaration of interest. In making this determination, the commission shall consider:

- (1) economic benefits;
- (2) tax revenue;
- (3) the number of new jobs;



- (4) whether the applicant plans to make at least fifty percent (50%) of the owner's proposed investment in the Vigo County casino for the development of nongaming amenities;
- (5) whether the applicant has a resolution of support from the legislative body of the unit in Vigo County where it seeks to relocate;
- (6) the financial stability of the applicant;
- (7) the applicant's history of community involvement; and
- (8) any other factor that the commission considers appropriate.

(e) If the commission determines that a license holder that has filed a declaration of interest may purchase the license of the license holder described in section 1(a)(1) of this chapter for the fair market value as determined under subsection (c) and relocate the gaming operation to Vigo County, the commission shall:

- (1) require the license holder that filed the successful declaration of interest to promptly deliver to the commission, not later than ten (10) days after the commission's determination, an irrevocable letter of credit, issued by a bank acceptable to the commission, in the amount of the fair market value in favor of the license holder described in section 1(a)(1) of this chapter to secure payment for the purchase price;
- (2) fix a date certain for the sale of the license; and
- (3) impose other requirements that the commission deems necessary and appropriate to protect the interest of the state, the license holder under section 1(a)(1) of this chapter, and the license holder that filed the successful declaration of interest."

Page 9, delete lines 37 through 42.

Page 10, delete line 15.

Page 11, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 18. IC 4-33-6-7, AS AMENDED BY P.L.234-2007, SECTION 302, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) In granting a license under this chapter, the commission may give favorable consideration to the following:

- (1) Economically depressed areas of Indiana.
 - (2) **Areas of Indiana with an undue economic concentration.**
 - (2) (3) Applicants presenting plans that provide for significant economic development over a large geographic area.
- (b) This subsection applies to any owner's license issued for a city



described in section 1(a)(1) of this chapter. The commission must require the applicant to provide assurances that economic development will occur in the city and that adequate infrastructure and site preparation will be provided to support the riverboat operation. In order to prove the assurance that economic development will occur, the applicant must:

- (1) construct or provide for the construction of an approved hotel; or
- (2) cause economic development that will have an economic impact on the city that exceeds the economic impact that the construction of an approved hotel would have.

(c) This subsection applies to an owner's license issued for the City of East Chicago. If a controlling interest in the owner's license is transferred, the fiscal body of the City of East Chicago may adopt an ordinance voiding any term of the development agreement (as defined by IC 36-1-8-9.5) between:

- (1) the city; and
- (2) the person transferring the controlling interest in the owner's license;

that is in effect as of the date the controlling interest is transferred. The ordinance may provide for any payments made under the redevelopment agreement, including those held in escrow, to be redirected to the City of East Chicago for use as directed by ordinance of the city fiscal body. A requirement to redirect a payment is valid to the same extent as if the requirement had been part of the original agreement. If the ordinance provides for the voiding and renegotiation of any part of a redevelopment agreement, the mayor of the City of East Chicago may negotiate with the person acquiring a controlling interest in the owner's license to replace any terms voided by the ordinance. Terms negotiated under this subsection must be ratified in an ordinance adopted by the city legislative body."

Page 17, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 27. IC 4-33-13-5, AS AMENDED BY P.L.212-2018(ss), SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

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

ES 552—LS 7581/DI 107



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

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

(C) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is less than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state year ending June 30, 2020, an amount equal to the first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter multiplied by the result of:

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

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

shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

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

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

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

(3) Subject to subsection (d), the remainder of the tax revenue



remitted by each licensed owner shall be paid to the state general fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the state general fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district after June 30, ~~2015~~ 2019. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) Fifty-six and five-tenths percent (56.5%) shall be paid as follows:

(A) **Sixty-six and four-tenths percent (66.4%) shall be paid to the state general fund.**

(B) **Thirty-three and six-tenths percent (33.6%) 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-five million dollars (\$25,000,000), the amount described in this clause shall be paid to the state general fund.**

(2) Forty-three and five-tenths percent (43.5%) shall be paid as follows:

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

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

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

(B) Fourteen and eight-tenths percent (14.8%) shall be paid to the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this clause among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this clause must be used to improve the educational attainment of students enrolled in the school



corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this clause, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this clause were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(C) Thirteen and one-tenth percent (13.1%) shall be paid to the county treasurer of Orange County.

(D) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(E) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Crawford County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

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

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

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

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



businesses in Orange County.

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

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

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

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

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

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

ES 552—LS 7581/DI 107



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

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

(e) Except as provided in subsections (l) and (m), before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

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

- (1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).
- (2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for debt repayment.
- (3) To fund sewer and water projects, including storm water management projects.
- (4) For police and fire pensions.
- (5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under



IC 6-1.1-18.5.

(g) Before July 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-9), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (i), the amount of an entity's supplemental distribution is equal to:

- (1) the entity's base year revenue (as determined under IC 4-33-12-9); minus
- (2) the sum of:
 - (A) the total amount of money distributed to the entity and constructively received by the entity during the preceding state fiscal year under IC 4-33-12-6 or IC 4-33-12-8; plus
 - (B) the amount of any admissions taxes deducted under IC 6-3.1-20-7.

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

- (1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

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

- (1) Before July 1, 2021, forty-eight million dollars (\$48,000,000).
- (2) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is equal to or greater than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the maximum amount is forty-eight million dollars (\$48,000,000).
- (3) After June 30, 2021, if the total adjusted gross receipts



received by licensees from gambling games authorized under this article during the preceding state fiscal year is less than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the maximum amount is equal to the result of:

- (A) forty-eight million dollars (\$48,000,000); multiplied by
- (B) the result of:
 - (i) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year; divided by
 - (ii) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020.

If the total amount determined under subsection (g) exceeds the maximum amount determined under this subsection, the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 or IC 4-33-12-8 bears to the total amount distributed under IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental distribution.

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

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

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

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

- (1) must be paid to the fiscal officer of the political subdivision and may be deposited in the political subdivision's general fund



or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in subsection (b)(2)(B), may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;

(3) except as provided in subsection (b)(2)(B), may be used for any legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

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

(l) After June 30, 2020, the amount of wagering taxes that would otherwise be distributed to South Bend under subsection (e) shall be deposited as being received from all riverboats whose supplemental wagering tax, as calculated under IC 4-33-12-1.5(b), is over three and five-tenths percent (3.5%). The amount deposited under this subsection, in each riverboat's account, is proportionate to the supplemental wagering tax received from that riverboat under IC 4-33-12-1.5 in the month of July. The amount deposited under this subsection must be distributed in the same manner as the supplemental wagering tax collected under IC 4-33-12-1.5. This subsection expires June 30, 2021.

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

SECTION 27. IC 4-33-13-5.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.3. (a) The auditor of state shall determine the total amount of money paid by the auditor of state to an entity subject to this section under IC 4-35-8.5-2 and section 5 of this chapter during the state fiscal year 2019. The amount determined under this subsection is the base year revenue for each entity subject to this section. The auditor of state shall certify the base year revenue determined under this subsection to each entity subject to this section.**

(b) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5 of this chapter is greater than the base revenue



determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

- (1) The difference between the base revenue determined for Hammond under subsection (a) and the amount payable to Hammond under section 5 of this chapter.
- (2) The difference between the amount payable to Gary under section 5 of this chapter and the base revenue determined for Gary under subsection (a).

The auditor of state shall supplement the amount payable to Hammond under section 5 of this chapter with the amount deducted under this subsection. The auditor of state shall make the determinations and supplement the amount payable under this subsection each year, for the first three (3) years after the riverboat relocates to another location in Gary.

(c) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5 of this chapter is greater than the base revenue determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

- (1) The difference between the base revenue determined for East Chicago under subsection (a) and the amount payable to East Chicago under section 5 of this chapter.
- (2) The difference between the amount payable to Gary under section 5 of this chapter and the base revenue determined for Gary under subsection (a).

The auditor of state shall supplement the amount payable to East Chicago under section 5 of this chapter with the amount deducted under this subsection. The auditor of state shall make the determinations and supplement the amount payable under this subsection each year, for the first three (3) years after the riverboat relocates to another location in Gary.

(d) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5(a)(2) of this chapter is greater than the base revenue determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

- (1) The difference between the base revenue determined for



Michigan City under subsection (a) and the amount payable to Michigan City under section 5(a)(2) of this chapter.

(2) The difference between the amount payable to Gary under section 5(a)(2) of this chapter and the base revenue determined for Gary under subsection (a).

The auditor of state shall supplement the amount payable to Michigan City under section 5(a)(2) of this chapter with the amount deducted under this subsection. The auditor of state shall make the determinations and supplement the amount payable under this subsection each year, for the first three (3) years after the riverboat relocates to another location in Gary.

(e) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5(a)(2) of this chapter is greater than the base revenue determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

(1) The difference between the base revenue determined for LaPorte County under subsection (a) and the amount payable to Michigan City under section 5(a)(2) of this chapter.

(2) The difference between the amount payable to LaPorte County under section 5(a)(2) of this chapter and the base revenue determined for Gary under subsection (a).

The auditor of state shall supplement the amount payable to LaPorte County under section 5(a)(2) of this chapter with the amount deducted under this subsection. The auditor of state shall make the determinations and supplement the amount payable under this subsection each year, for the first three (3) years after the riverboat relocates to another location in Gary."

Page 20, delete lines 18 through 26, begin a new paragraph and insert:

"SECTION 32. IC 4-35-5-2.4, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.4. In determining whether to grant a license under this chapter to an applicant, the commission shall consider the following:

(1) The character, reputation, experience, and financial integrity of the following:

(A) The applicant.

(B) A person that:

(i) directly or indirectly controls the applicant; or



- (ii) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.
- (2) The facilities or proposed facilities for the conduct of gambling games. The facilities or proposed facilities must include capital expenditures of at least one hundred million dollars (\$100,000,000).
- (3) The prospective total revenue to be collected by the state from the conduct of gambling games.
- (4) The good faith affirmative action plan of each applicant to recruit, train, and upgrade minorities in all employment classifications.
- (5) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
- (6) If the applicant has adequate capitalization to provide and maintain facilities for gambling games for the duration of the license.
- (7) The extent to which the applicant exceeds or meets other standards adopted by the commission.
- (8) Whether the facilities or proposed facilities for the conduct of gambling games are in or will be in areas of undue economic concentration."**

Page 28, between lines 28 and 29, begin a new paragraph and insert:

"(b) A gambling game tax is imposed on eighty-eight percent (88%) of the adjusted gross receipts received from wagering on table games authorized under this article. The tax is equal to twenty percent (20%) of the adjusted gross receipts received by a licensee during the period beginning July 1 of each year and ending June 30 the following year."

Page 28, line 29, strike "(b)" and insert "(c)".

Page 28, line 37, strike "(c)" and insert "(d)".

Page 28, line 39, strike "(d)" and insert "(e)".

Page 29, line 1, strike "(e)" and insert "(f)".

Page 32, delete line 22.

Page 32, line 23, delete "(5)" and insert "(4)".

Page 35, line 17, delete "must do the following:" and insert "**must:**".

Page 35, line 18, delete "Submit" and insert "**submit**".

Page 35, line 20, delete "wagering." and insert "**wagering; and**".

Page 35, line 21, delete "Pay" and insert "**pay**".

Page 45, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 46. IC 36-7-11.5-11, AS AMENDED BY P.L.255-2015, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: 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 (before the enactment of P.L.96-2010), IC 4-33-13-5(b) (before July 1, 2015), IC 6-9-45.5, and IC 6-9-45.6.

(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).

(5) Amounts paid to the department of natural resources under IC 4-33-6-4.5(k).

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) ~~One million dollars (\$1,000,000) is appropriated from the fund to the department of natural resources in the state fiscal year beginning after June 30, 2014, and ending before July 1, 2015.~~ Two million dollars (\$2,000,000) is appropriated from the fund to the department of natural resources in each state fiscal year beginning after June 30, 2015. 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 for 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.

(f) 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 (e)."

Renumber all SECTIONS consecutively.

(Reference is to SB 552 as printed February 22, 2019.)

MESSMER

SENATE MOTION

Madam President: I move that Senate Bill 552 be amended to read as follows:

Page 17, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 27. IC 4-33-13-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.3. (a) The auditor of state shall determine the total amount of money paid by the auditor of state to an entity subject to this section under IC 4-35-8.5-2 and section 5 of this chapter during the state fiscal year 2019. The amount determined under this subsection is the base year revenue for each entity subject to this section. The auditor of state shall certify the base year revenue determined under this subsection to each entity subject to this section.**

(b) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5 of this chapter is greater than the base revenue determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

ES 552—LS 7581/DI 107



(1) The difference between the base revenue determined for Hammond under subsection (a) and the amount payable to Hammond under section 5 of this chapter.

(2) The difference between the amount payable to Gary under section 5 of this chapter and the base revenue determined for Gary under subsection (a).

The auditor of state shall supplement the amount payable to Hammond under section 5 of this chapter with the amount deducted under this subsection. The auditor of state shall make the determinations and supplement the amount payable under this subsection each year, for the first three (3) years after the riverboat relocates to another location in Gary.

(c) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5 of this chapter is greater than the base revenue determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount OTHERWISE payable to Gary:

(1) The difference between the base revenue determined for East Chicago under subsection (a) and the amount payable to East Chicago under section 5 of this chapter.

(2) The difference between the amount payable to Gary under section 5 of this chapter and the base revenue determined for Gary under subsection (a).

The auditor of state shall supplement the amount payable to East Chicago under section 5 of this chapter with the amount deducted under this subsection. The auditor of state shall make the determinations and supplement the amount payable under this subsection each year for the first three (3) years after the riverboat relocates to another location in Gary."

Renumber all SECTIONS consecutively.

(Reference is to SB 552 as printed February 22, 2019.)

RANDOLPH LONNIE M



SENATE MOTION

Madam President: I move that Senate Bill 552 be amended to read as follows:

Page 17, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 27. IC 4-33-13-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.3. (a) The auditor of state shall determine the total amount of money paid by the auditor of state to an entity subject to this section under section 5(a)(2) of this chapter and IC 4-35-8.5-2 during the state fiscal year 2019. The amount determined under this subsection is the base year revenue for each entity subject to this section. The auditor of state shall certify the base year revenue determined under this subsection to each entity subject to this section.**

(b) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5(a)(2) of this chapter is greater than the base revenue determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

- (1) The difference between the base revenue determined for Michigan City under subsection (a) and the amount payable to Michigan City under section 5(a)(2) of this chapter.**
- (2) The difference between the amount payable to Gary under section 5(a)(2) of this chapter and the base revenue determined for Gary under subsection (a).**

The auditor of state shall supplement the amount payable to Michigan City under section 5(a)(2) of this chapter with the amount deducted under this subsection.

(c) This subsection applies if a person holding a riverboat owner's license under IC 4-33-6-1(a)(1) relocates the riverboat to another location in Gary. If the total amount payable to Gary under section 5(a)(2) of this chapter is greater than the base revenue determined under subsection (a), the auditor of state shall deduct the lesser of the following from the amount otherwise payable to Gary:

- (1) The difference between the base revenue determined for LaPorte County under SUBSECTION (a) and the amount payable to LaPorte County under section 5(a)(2) of this chapter.**
- (2) The difference between the amount payable to LaPorte**



County under section 5(a)(2) of this chapter and the base revenue determined for Gary under subsection (a). The auditor of state shall supplement the amount payable to LaPorte County under section 5(a)(2) of this chapter with the amount deducted under this subsection."

Renumber all SECTIONS consecutively.

(Reference is to SB 552 as printed February 22, 2019.)

BOHACEK

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 552, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "dispensing" and insert "**disbursing**".

Page 2, delete lines 36 through 42.

Page 3, delete lines 1 through 17, begin a new paragraph and insert: "SECTION 5. IC 4-32.2-2-27.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2019]: **Sec. 27.4. "Sports bracket or sports pool" means a contest for which a player:**

- (1) pays a fixed price to participate with other players;**
- (2) picks the outcome of specific sporting events; and**
- (3) may receive a prize that is derived from the fees in subdivision (1).**

SECTION 6. IC 4-32.2-4-23 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2019]: **Sec. 23. (a) The commission may issue a sports bracket or sports pool license to a bona fide fraternal organization or a bona fide veterans organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6. The license must:**

- (1) authorize the bona fide fraternal organization or bona fide veterans organization to conduct the bracket or pool at a specific time and location; and**
 - (2) state the date, beginning and ending times, and location of the bracket or pool.**
- (b) Sporting events that may be the subject of a sports bracket**



or sports pool license include:

- (1) National Collegiate Athletic Association tournaments;
- (2) the Super Bowl;
- (3) the Kentucky Derby;
- (4) the Indianapolis 500; and
- (5) other similar events.

(c) The commission may issue a license under this section to a bona fide fraternal organization or bona fide veterans organization up to four (4) times per calendar year.

(d) After the payout occurs in a sports bracket or sports pool, the remaining amount of money paid into the sports bracket or sports pool may only be used for the bona fide fraternal organization's or bona fide veterans organization's charitable purpose.

(e) The commission shall adopt rules under this article to implement this section including the maximum amount of a payout to a player in a sports bracket or sports pool."

Page 4, between lines 17 and 18, begin a new line block indented and insert:

"(6) A casino located in Vigo County under IC 4-33-6.7."

Page 5, line 25, delete "dispersing" and insert "disbursing".

Page 6, line 23, delete "Except as provided in section".

Page 6, line 24, delete "4.5 of this chapter, those" and insert "Those".

Page 6, line 25, after "(1)" strike "Two (2) licenses" and insert **"Except as provided in subsection (d), one (1) license"**.

Page 6, line 25, reset in roman "a riverboat that operates".

Page 6, line 25, after "operates" delete "two (2)".

Page 6, line 26, delete "riverboats located".

Page 6, line 26, delete "operating".

Page 6, between lines 41 and 42, begin a new line block indented and insert:

"(6) Subject to sections 4.5 and 4.6 of this chapter, one (1) license for a riverboat that operates as an inland casino in Vigo County under IC 4-33-6.7."

Page 7, delete lines 7 through 16.

Page 7, reset in roman lines 17 through 19.

Page 7, between lines 19 and 20, begin a new paragraph and insert:

"(d) The licensed owner described in subsection (a)(1) may have two (2) licenses to operate two (2) riverboats in or from the city of Gary until either:

- (1) the licensed holder opens a new inland casino in the city of



Gary; or

(2) an inland casino begins operation in Vigo County under IC 4-33-6.7."

Page 8, between lines 14 and 15, begin a new paragraph and insert: "SECTION 19. IC 4-33-6-4, AS AMENDED BY P.L.255-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) In determining whether to grant an owner's license to an applicant, the commission shall consider the following:

(1) The character, reputation, experience, and financial integrity of the following:

(A) The applicant.

(B) A person that:

(i) directly or indirectly controls the applicant; or

(ii) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.

(2) The facilities or proposed facilities for the conduct of riverboat gambling.

(3) The highest prospective total revenue to be collected by the state from the conduct of riverboat gambling.

(4) The good faith affirmative action plan of each applicant to recruit, train, and upgrade minorities in all employment classifications.

(5) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.

(6) If the applicant has adequate capitalization to provide and maintain a riverboat for the duration of the license.

(7) Whether the facilities or proposed facilities for the conduct of riverboat gambling are in or will be in areas of undue economic concentration.

~~(7)~~ **(8)** The extent to which the applicant exceeds or meets other standards adopted by the commission.

(b) This subsection does not apply to:

(1) a licensed owner constructing a new riverboat under section 24 of this chapter; or

(2) a person applying for an owner's license to assume control of a riverboat operating from a dock previously approved by the commission.

In an application for an owner's license, the applicant must submit to the commission a proposed design of the riverboat and the dock. The commission may not grant a license to an applicant if the commission determines that it will be difficult or unlikely for the riverboat to depart from the dock."

ES 552—LS 7581/DI 107



Page 8, line 18, delete "a riverboat using one (1) of the" and insert **"the riverboat"**.

Page 8, line 19, delete "licenses described in section 1(a)(1) of this chapter".

Page 8, line 20, delete "Gary and may move a riverboat using the other license" and insert **"Gary as an inland casino"**.

Page 8, delete line 21.

Page 8, line 22, delete "County".

Page 8, line 23, delete ":" and insert **"pays one hundred million dollars (\$100,000,000) to the commission;**

(2) submits to the commission, with agreement from the legislative body of the city of Gary, a request for approval to relocate the licensed owner's gaming operations; and".

Page 8, delete lines 24 through 40.

Page 8, line 41, delete "(4)" and insert **"(3)"**.

Page 9, line 1, delete "commission;" and insert **"commission."**.

Page 9, delete lines 2 through 35.

Page 9, line 36, delete "(f)" and insert **"(b)"**.

Page 9, line 38, delete "(g)" and insert **"(c)"**.

Page 9, delete lines 41 through 42.

Delete pages 10 through 12.

Page 13, delete lines 1 through 9, begin a new paragraph and insert:
"SECTION 21. IC 4-33-6-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4.6. (a) This section applies only to a licensed owner operating two (2) riverboats from a dock in Gary.

(b) The license holder described in subsection (a) shall:

(1) relinquish the owner's license for the licensed owner's second riverboat; and

(2) terminate the licensed owner's gaming operations on board the second riverboat;

before the date determined by the commission in the commission's approval of the licensed owner's relocation to an inland casino under section 4.5 of this chapter."

Page 13, line 10, delete "IC 4-33-6-4.8" and insert "IC 4-33-6-4.7".

Page 13, line 12, delete "4.8." and insert **"4.7."**.

Page 13, line 13, delete "relocated to Vigo County under section" and insert **"in Vigo County operated under IC 4-33-6.7."**

Page 13, delete line 14.

Page 14, delete lines 5 through 42.

Page 15, delete lines 1 through 3.



Page 15, line 11, delete "a relocated casino under section 4.5 of this chapter." and insert **"an inland casino in Vigo County under IC 4-33-6.7."**

Page 16, between lines 1 and 2, begin a new paragraph and insert:

"(g) This subsection applies to Vigo County. A public question concerning gaming in Vigo County shall be placed on the ballot as described in subsection (c) in the general election held in 2019. The county election board shall place the following question on the ballot:

"Shall inland casino gambling be permitted in Vigo County?"". "

Page 16, line 5, delete "chapter." and insert **"chapter or an inland casino in Vigo County operated under IC 4-33-6.7."**

Page 16, delete lines 37 through 42.

Page 17, delete lines 1 through 19, begin a new paragraph and insert:

"SECTION 28. IC 4-33-6.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 6.7. Vigo County Casino Operations

Sec. 1. (a) If an owner's license is relinquished under IC 4-33-6-4.6, the commission shall create and implement a competitive bid process for awarding the license to operate an inland casino in Vigo County. The commission shall publish details of the competitive bid process on its Internet web site. The commission shall prescribe the form of the application for permission to operate a casino facility under this chapter. The application must include the following information:

- (1) The name of the applicant.**
- (2) The street address of the applicant's proposed casino.**
- (3) A description of the proposed gaming facilities and proposed nongaming amenities, such as lodging facilities, dining facilities, and retail facilities, at the proposed casino.**
- (4) The amounts that the applicant will invest in both gaming facilities and nongaming amenities at the proposed casino.**
- (5) The proposed number of gambling games that the applicant seeks permission to operate at the proposed casino.**
- (6) Evidence that the applicant's proposed casino will do the following:**
 - (A) Enhance the credibility and integrity of gaming in Indiana.**
 - (B) Promote employment and economic development in the**



area surrounding the proposed casino.

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

(7) The amount of money that the applicant offers for the license fee.

(b) The commission shall approve an application submitted under this chapter based on the commission's determination of which applicant has submitted the application and bid that best benefits the state of Indiana.

(c) The license fee paid under subsection (a)(7) shall be deposited in the state general fund."

Page 17, delete lines 25 through 42, begin a new paragraph and insert:

"SECTION 29. IC 4-33-12-6, AS AMENDED BY P.L.109-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

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

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

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

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

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

(iii) is Terre Haute; and

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

(2) Except as provided in section 9(k) of this chapter, thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax is in addition to the thirty-three and one-third percent (33 1/3%) received under



subdivision (1)(B).

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

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

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

(6) Twenty-one and six hundred sixty-seven thousandths percent (21.667%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter shall be paid to the state general fund."

Delete pages 18 through 20.

Page 21, delete lines 1 through 19.

Page 21, delete lines 24 through 42.

Delete pages 22 through 30.

Page 31, delete lines 1 through 21.

Page 32, line 42, delete "or operating agent".

Page 33, line 4, after "5." insert "(a)".

Page 33, delete line 11, begin a new paragraph and insert:

"(b) The term does not include sports wagering conducted under IC 4-38."

Page 33, line 17, delete "dispensing" and insert "disbursing".

Page 34, delete lines 9 through 42.

Delete pages 35 through 42.

Page 43, delete lines 1 through 21, begin a new paragraph and insert:

"SECTION 41. IC 4-35-7-19, AS ADDED BY P.L.255-2015, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) ~~After March 1, 2021, and before June 30, 2021, a licensee may submit a plan to the commission for conducting~~

ES 552—LS 7581/DI 107



wagering on table games at the licensee's gambling game facility. The commission shall consider a plan submitted under this subsection within forty-five (45) days of receiving the plan:

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

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

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

(c) After considering a plan submitted under subsection (a) and the criteria described in subsection (b), The commission **may shall** authorize wagering on table games at ~~the~~ **each** licensee's gambling game facility **beginning January 1, 2021.**

~~(d)~~ **(b)** A licensee may not:

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

Page 44, line 25, delete "IC 4-38 at a riverboat." and insert "**IC 4-38.**"

Page 46, delete lines 28 through 31.

Page 46, line 32, delete "9." and insert "**8.**"

Page 46, line 35, delete "10." and insert "**9.**"

Page 46, line 37, delete "11." and insert "**10.**"

Page 46, line 42, delete "12." and insert "**11.**"

Page 47, line 2, delete "13." and insert "**12.**"

Page 47, line 4, delete "14." and insert "**13.**"

Page 47, line 7, delete "15." and insert "**14.**"

Page 47, line 9, delete "16." and insert "**15.**"

Page 47, line 12, delete "17." and insert "**16.**"

Page 47, line 13, delete "18." and insert "**17.**"

Page 47, line 18, delete "19." and insert "**18.**"

Page 47, line 22, delete "20." and insert "**19.**"

Page 47, line 31, delete "21." and insert "**20.**"

Page 47, line 33, delete "22." and insert "**21.**"

Page 47, line 35, delete "23." and insert "**22.**"

Page 47, line 36, delete "either of the following:"

Page 47, line 37, delete "(1) Conducting" and insert "**conducting**".

Page 47, run in lines 36 through 37.



- Page 47, delete lines 39 through 40.
 Page 47, line 41, delete "24." and insert "23."
 Page 48, delete lines 15 through 16.
 Page 48, line 17, delete "(5)" and insert "(4)".
 Page 48, line 23, delete "(6)" and insert "(5)".
 Page 48, line 25, delete "(7)" and insert "(6)".
 Page 48, line 27, delete "(8)" and insert "(7)".
 Page 48, delete lines 31 through 36.
 Page 51, line 3, delete "Except as provided in subsection (c), a" and insert "A".
 Page 51, line 9, delete "A".
 Page 51, delete lines 10 through 13.
 Page 52, delete lines 2 through 8.
 Page 52, line 9, delete "11." and insert "10".
 Page 52, line 12, delete "12." and insert "11".
 Page 58, between lines 1 and 2, begin a new paragraph and insert:
"Chapter 10. Miscellaneous Provisions
Sec. 1. This chapter does not apply to fees deposited in the sports wagering fund established by IC 4-38-8-2.
Sec. 2. As used in this chapter, "sports wagering occurring in Marion County" refers to the following:
(1) Wagers placed at a licensed facility located in Marion County.
(2) Wagers placed using a mobile device by patrons located in Marion County.
Sec. 3. Tax revenue attributable to sports wagering occurring in Marion County must be deposited into the housing trust fund established under IC 36-7-15.1-35.5(e) for the purposes of the fund."
 Page 59, delete lines 4 through 34.
 Page 60, delete lines 16 through 42.
 Page 61, delete lines 1 through 31.



Page 61, line 32, delete "P.L.189-2018," and insert "THE TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL ASSEMBLY,".

Page 61, line 33, delete "SECTION 172,".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 552 as reprinted February 26, 2019.)

SMALTZ

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 552, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 12 through 15.

Delete page 2.

Page 3, delete lines 1 through 31.

Page 4, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 8. IC 4-33-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2019]: **Sec. 2.5. "Advisory board" means the Vigo County inland casino advisory board established by IC 4-33-25-2.**"

Page 4, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 11. IC 4-33-2-20 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2019]: **Sec. 20. "Undue economic concentration" means a person's actual or potential domination of casino gambling in Indiana sufficient to:**

- (1) substantially impede or suppress competition among licensed owners and an operating agent;**
- (2) adversely impact the economic stability of the casino industry in Indiana; or**
- (3) negatively impact tourism, economic development, benefits to local communities, and state and local revenues."**

Page 5, delete lines 35 through 42.



Page 6, delete lines 1 through 31.

Page 6, line 37, strike "ten (10)" and insert "**eleven (11)**".

Page 6, line 38, strike "ten (10) licenses are" and insert "**eleven (11) licenses may be issued**".

Page 6, line 40, after "(1)" delete "Two" and insert "**Except as provided in subsection (d), two**".

Page 6, line 40, reset in roman "(2) licenses".

Page 6, line 40, delete "Except as provided in subsection (d), one".

Page 6, line 41, delete "(1) license".

Page 7, line 16, delete "Subject to sections 4.5 and 4.6 of this chapter, one" and insert "**One**".

Page 7, line 31, delete "until either:" and insert "**unless and until the licensed owner opens a new inland casino in the city of Gary under section 4.5 of this chapter.**".

Page 7, delete lines 32 through 35.

Page 9, line 11, delete "Whether the facilities or proposed facilities for the conduct" and insert "**The impact of any undue economic concentration of the ownership or control of a gaming license.**".

Page 9, delete lines 12 through 13.

Page 9, line 29, after "2019]:" insert "**Sec. 4.5.**".

Page 9, line 32, delete "one hundred million dollars" and insert "**fifty million dollars (\$50,000,000)**".

Page 9, line 33, delete "(\$100,000,000)".

Page 9, line 33, after "commission" delete ";" and insert "**as described in subsection (d);**".

Page 9, line 36, delete "and".

Page 9, line 39, delete "commission." and insert "**commission; and (4) submits to the commission a plan for complying with IC 4-33-14 and subsection (d) in the construction and conduct of the licensed owner's gaming operations at an inland location.**".

Page 10, between lines 2 and 3, begin a new paragraph and insert:

"(d) The payment required by subsection (a)(1) must be made in two (2) equal payments. The first payment is due upon approval of the relocation to an inland casino by the commission. The second payment is due on the date one (1) year after the due date of the first payment.

(e) The commission shall collect and deposit the payment required by subsection (a)(1) in the state general fund.

(f) The definitions set forth in IC 4-33-14 apply to this subsection. The licensed owner of a riverboat relocated under this section is subject to the following business participation goals for



awarding contracts for goods or services with respect to the construction and conduct of the licensed owner's relocated gaming operations:

- (1) Eighteen percent (18%) for minority business enterprises.
- (2) Eight percent (8%) for women's business enterprises.
- (3) Three percent (3%) for disadvantaged business enterprises certified by the Indiana department of transportation.
- (4) One percent (1%) for veteran business enterprises (as defined by IC 8-25-4-7).

The licensed owner's compliance with this subsection is subject to the reporting requirements of IC 4-33-14 and enforcement by the commission under IC 4-33-14."

Page 10, line 7, after "(b)" delete "The license holder" and insert "If the licensed owner".

Page 10, line 7, after "(a)" insert "submits a request for approval to relocate the licensed owner's gaming operations under section 4.5 of this chapter, the licensed owner".

Page 10, line 16, delete "NEW" and insert "NEW".

Page 10, line 21, after "with" delete ":" and insert "Vigo County".

Page 10, delete lines 22 through 25.

Page 11, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 24. IC 4-33-6-19.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 19.3. (a) This section applies to Vigo County.**

(b) The Vigo County election board shall hold a special election in the county at either of the following elections, as determined by the county election board:

- (1) At the time of the municipal general election on November 5, 2019.**
- (2) At the time of the primary election on May 5, 2020.**

(c) The Vigo County election board shall place the following public question on the ballot at the special election:

"Shall inland casino gambling be permitted in Vigo County?".

(d) The public question shall be placed on the ballot as provided in IC 3-10-9 and certified as provided in IC 3-10-9-3.

(e) Each registered voter of the county is entitled to vote in the special election.

(f) The Vigo County circuit court clerk shall certify the results of the special election under IC 3-12-4-9 to the commission and the



department of state revenue.

(g) If the voters of Vigo County do not vote in favor of permitting inland casino gambling under this article, a second public question under this section may not be held in that county for at least two (2) years. If the voters of Vigo County vote to reject inland casino gambling a second time, a third or subsequent public question under this section may not be held in Vigo County until the general election held during the tenth year following the year that the previous public question was placed on the ballot."

Page 12, delete lines 1 through 13.

Page 13, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 24. IC 4-33-6-25, AS ADDED BY P.L.255-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 25. (a) This section does not apply to a riverboat gaming operation relocated under section 24 of this chapter.

(b) Except as provided in subsection (c), the number of gambling games offered by a licensed owner or operating agent within the riverboat operated by the licensed owner or operating agent may not exceed the greatest number of gambling games offered by the licensed owner or operating agent since January 1, 2007.

(c) The number of gambling games offered by a licensed owner within a riverboat relocated in Gary under section 4.5 of this chapter may not exceed two thousand seven hundred sixty-four (2,764)."

Page 13, line 12, delete "If an owner's license is relinquished under".

Page 13, line 13, delete "IC 4-33-6-4.6, the" and insert "**The**".

Page 13, line 13, after "shall" insert "**prepare a report that:**

- (1) evaluates and updates the Estimates of the Fiscal Impacts from Out-of-State Casino Competition and Movement of Casino Licenses in Indiana, which was reported to the Gaming Study Committee on October 19, 2009; and**
- (2) describes the current state of gaming in Indiana.**

(b) The commission shall submit the report prepared under subsection (a) to the legislative council in an electronic format under IC 5-14-6.

(c) After the report described in subsection (a) is prepared, the commission shall"

Page 13, line 14, delete "the" and insert "**a**".

Page 13, line 16, after "web site." delete "The" and insert "**The competitive bid process must include:**

- (1) a process for submitting applications;**
- (2) a process for the evaluation and selection of proposals**



- submitted by applicants; and
(3) an auction process involving the proposals selected under subdivision (2).

The commission has the discretion to start the competitive bid process over at any time if the commission determines it is necessary to ensure the integrity of gaming in Indiana.

Sec. 2. If a public question to permit inland casino gambling in Vigo County is approved by the voters under IC 4-33-6-19.3, the commission shall begin accepting applications for awarding the license to operate an inland casino in Vigo County. The commission shall publish deadlines for submitting an application under this chapter on its Internet web site. An application must comply with the provisions of IC 4-33-6-2 and include any additional information required by the commission. The commission shall prescribe the form of the application for permission to operate an inland casino under this chapter.

Sec. 3. The commission shall review applications submitted under section 2 of this chapter and determine the suitability of each applicant. In determining suitability, the commission shall consider each applicant's financial integrity and the applicant's ability to operate an inland casino. The commission may also consider the factors in IC 4-33-6-4. The commission may not determine an applicant is suitable if the commission finds that any of the provisions of IC 4-33-6-3 apply.

Sec. 4. The commission shall notify each applicant the commission determines is suitable after the review of applications under section 3 of this chapter. An applicant notified by the commission may prepare and submit a proposal to the commission to operate an inland casino in Vigo County. A proposal must include the following information:

- (1) The name of the applicant.
- (2) The street address of the applicant's proposed casino.
- (3) A description of the proposed gaming facilities and proposed nongaming amenities, including any lodging facilities, dining facilities, and retail facilities, at the proposed casino.
- (4) The amounts the applicant will invest in the gaming facilities and nongaming facilities at the proposed casino.
- (5) A proposed local development agreement that may be entered into with the county.
- (6) Evidence that the applicant's proposed casino will do the following:



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

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

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

(7) The applicant's plan for complying with section 9 of this chapter and IC 4-33-14 in the construction and conduct of the applicant's proposed gaming operations in Vigo County.

Each proposal submitted under this section is a public document. The commission shall provide a copy of each proposal to the advisory board for consideration under IC 4-33-25.

Sec. 5. (a) The commission shall select three (3) proposals from those received under section 4 of this chapter to be eligible for the auction process under this chapter to operate an inland casino in Vigo County. In determining the three (3) proposals, the commission shall consider at least the following:

(1) Recommendations made by the advisory board under IC 4-33-25-9.

(2) Which proposals will best benefit the state of Indiana and the citizens of Indiana.

(b) If the commission determines that there are not three (3) sufficient proposals under subsection (a), the commission may select two (2) proposals. If only one (1) proposal is determined sufficient under subsection (a), the competitive bid process must start over, beginning with the submission of applications under section 2 of this chapter.

Sec. 6. (a) The applicants whose proposals are selected by the commission under section 5(a) of this chapter are eligible to participate in an auction process for permission to operate an inland casino in Vigo County.

(b) The commission shall determine auction procedures and processes to prevent the rigging of bids or collusion, and to ensure the integrity of the auction process. The commission may determine procedures and processes under this subsection without adopting rules under IC 4-22-2.

Sec. 7. (a) The following apply to the auction conducted by the commission under this chapter:

(1) The commission shall set the date, time, and location of the auction at least three (3) weeks before the auction and make the information available on the commission's Internet web site.



- (2) Each participant shall submit a bond or letter of credit in the amount of the minimum bid to the commission.**
- (3) The minimum bid is twenty-five-million dollars (\$25,000,000). No bid for an amount of less than twenty-five million dollars (\$25,000,000) may be accepted.**
- (4) The auction process must be conducted at a public meeting of the commission.**
- (5) If the auction does not result in a winning bid, the highest bidders shall have one (1) hour to submit a final and best bid to the commission at the same public meeting.**
- (6) The winning bidder shall pay the winning bid amount to the commission not later than two (2) days after the public meeting at which the auction is conducted. Payment may be by cashier's check, certified check, or other payment method as approved by the commission. The commission shall deposit the amount in the state general fund.**
- (7) The issuance of an owner's license is subject to the winning bidder's ability to meet the commission's standards for licensure.**
- (8) The winning bidder must submit a completed application for an owner's license to the commission within six (6) months of the public meeting at which the auction was conducted. If a completed application is not timely submitted, the winning bidder forfeits the right to operate an inland casino in Vigo County.**
- (9) If the winning bidder fails to timely submit a completed application under subdivision (8) or if, after review by the commission, the winning bidder is denied an owner's license, an amount equal to twenty-five percent (25%) of the bid amount must be refunded to the winning bidder. The remaining seventy-five percent (75%) of the winning bid must be forfeited to the state.**
- (10) If the winning bidder's license application is denied, the commission shall conduct another auction between the remaining applicants at a time determined by the commission. If only one (1) applicant remains, the commission shall start the competitive bid process over.**
- (11) The commission shall determine a date for the winning bidder to begin conducting gaming operations at an inland casino in Vigo County.**
- (12) If the winning bidder fails to begin gaming operations at an inland casino in Vigo County on the date determined under**



subdivision (11), the owner's license is forfeited and the commission shall start the competitive bid process over.

Sec. 8. The local development agreement entered into between the winning applicant under section 7 of this chapter and the county must be substantially similar to the local development agreement presented in the applicant's proposal under section 4 of this chapter.

Sec. 9. The definitions set forth in IC 4-33-14 apply to this subsection. The licensed owner holding a license awarded under this section is subject to the following business participation goals for awarding contracts for goods or services with respect to the construction and conduct of the licensed owner's gaming operations in Vigo County:

- (1) Eighteen percent (18%) for minority business enterprises.
- (2) Eight percent (8%) for women's business enterprises.
- (3) Three percent (3%) for disadvantaged business enterprises certified by the Indiana department of transportation.
- (4) One percent (1%) for veteran business enterprises (as defined by IC 8-25-4-7).

The licensed owner's compliance with this subsection is subject to the reporting requirements of IC 4-33-14 and enforcement by the commission under IC 4-33-14."

Page 13, delete lines 17 through 42.

Page 14, delete lines 1 through 2, begin a new paragraph and insert:

"SECTION 29. IC 4-33-10-2.5, AS AMENDED BY P.L.158-2013, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.5. (a) This section applies only to property given after June 30, 1996.

(b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(c) As used in this section, "license" means:

- (1) an owner's license issued under this article;
- (2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment; or
- (3) an operating agent contract entered into under this article.

(d) As used in this section, "licensee" means a person who holds a license. The term includes an operating agent.

(e) As used in this section, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the



corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(f) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the licensee.

(2) The person is an officer of the licensee.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the licensee.

(4) The person is a political action committee of the licensee.

(g) A licensee or a person with an interest in a licensee may not give any property (as defined in IC 35-31.5-2-253) to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question under IC 4-33-6-19 **or IC 4-33-6-19.3**.

(h) A person who knowingly or intentionally violates this section commits a Level 6 felony."

Page 14, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 31. IC 4-33-12-1.5, AS ADDED BY P.L.212-2018(ss), SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) A supplemental wagering tax on the wagering occurring each day at a riverboat is imposed upon the licensed owner operating the riverboat.

(b) **Except as provided in subsection (d), and** subject to subsection (c), the amount of supplemental wagering tax imposed for a particular day is determined by multiplying the riverboat's adjusted gross receipts for that day by the quotient of:

(1) the total riverboat admissions tax that the riverboat's licensed owner paid beginning July 1, 2016, and ending June 30, 2017; divided by

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

(c) The quotient used under subsection (b) to determine the supplemental wagering tax liability of a licensed owner subject to subsection (b) may not exceed the following when expressed as a percentage:

(1) Four percent (4%) before July 1, 2019.

(2) Three and five-tenths percent (3.5%) after June 30, 2019.

(d) The supplemental wagering tax liability of a licensed owner operating a riverboat in Vigo County is equal to two and nine-tenths percent (2.9%) of the riverboat's adjusted gross



receipts for the day."

Page 15, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 33. IC 4-33-13-1.5, AS AMENDED BY P.L.212-2018(ss), SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) This subsection applies only to a riverboat that received at least seventy-five million dollars (\$75,000,000) of adjusted gross receipts during the preceding state fiscal year. A graduated tax is imposed on the adjusted gross receipts received from gambling games authorized under this article as follows:

- (1) **For state fiscal years ending before July 1, 2021**, fifteen percent (15%), **and for state fiscal years beginning after June 30, 2021, ten percent (10%)**, of the first twenty-five million dollars (\$25,000,000) of adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year.
- (2) Twenty percent (20%) of the adjusted gross receipts in excess of twenty-five million dollars (\$25,000,000) but not exceeding fifty million dollars (\$50,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.
- (3) Twenty-five percent (25%) of the adjusted gross receipts in excess of fifty million dollars (\$50,000,000) but not exceeding seventy-five million dollars (\$75,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.
- (4) Thirty percent (30%) of the adjusted gross receipts in excess of seventy-five million dollars (\$75,000,000) but not exceeding one hundred fifty million dollars (\$150,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.
- (5) Thirty-five percent (35%) of all adjusted gross receipts in excess of one hundred fifty million dollars (\$150,000,000) but not exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.
- (6) Forty percent (40%) of all adjusted gross receipts exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(b) This subsection applies only to a riverboat that received less than seventy-five million dollars (\$75,000,000) of adjusted gross receipts



during the preceding state fiscal year. A graduated tax is imposed on the adjusted gross receipts received from gambling games authorized under this article as follows:

(1) **For state fiscal years ending before July 1, 2021, five percent (5%), and for state fiscal years beginning after June 30, 2021, two and one-half percent (2.5%),** of the first twenty-five million dollars (\$25,000,000) of adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year.

(2) Twenty percent (20%) of the adjusted gross receipts in excess of twenty-five million dollars (\$25,000,000) but not exceeding fifty million dollars (\$50,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(3) Twenty-five percent (25%) of the adjusted gross receipts in excess of fifty million dollars (\$50,000,000) but not exceeding seventy-five million dollars (\$75,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(4) Thirty percent (30%) of the adjusted gross receipts in excess of seventy-five million dollars (\$75,000,000) but not exceeding one hundred fifty million dollars (\$150,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(5) Thirty-five percent (35%) of all adjusted gross receipts in excess of one hundred fifty million dollars (\$150,000,000) but not exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(6) Forty percent (40%) of all adjusted gross receipts exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

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

(d) The licensed owner or operating agent shall:

(1) remit the daily amount of tax imposed by this chapter to the department on the twenty-fourth calendar day of each month for



the wagering taxes collected that month; and

(2) report gaming activity information to the commission daily on forms prescribed by the commission.

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

(e) The payment of the tax under this section must be in a manner prescribed by the department.

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

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

Page 16, line 3, delete "2020." and insert "**2021**."

Page 16, line 5, delete "2020." and insert "**2021**."

Page 16, between lines 20 and 21, begin a new paragraph and insert: "SECTION 28. IC 4-33-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) As used in this section, "goods and services" does not include the following:

(1) Utilities and taxes.

(2) Financing costs, mortgages, loans, or other debt.

(3) Medical insurance.

(4) Fees and payments to a parent or an affiliated company of an operating agent or the person holding an owner's license, other than fees and payments for goods and services supplied by nonaffiliated persons through an affiliated company for the use or benefit of the operating agent or the person holding the owner's license.

(5) Rents paid for real property or payments constituting the price of an interest in real property as a result of a real estate transaction.

(b) Notwithstanding any law or rule to the contrary, the commission shall establish annual goals for an operating agent or a person issued an owner's license:

(1) for the use of minority and women's business enterprises; and

(2) derived from a statistical analysis of utilization study of licensee and operating agent contracts for goods and services that are required to be updated every five (5) years.

(c) An operating agent or a person holding an owner's license shall submit annually to the commission a report that includes the following information:



- (1) The total dollar value of contracts awarded for goods or services and the percentage awarded to minority and women's business enterprises.
- (2) The following information relating to each minority business enterprise or women's business enterprise awarded a contract for goods or services:
 - (A) The name.
 - (B) The address.
 - (C) The total dollar amount of the contract.

A record containing information described in this subsection is not exempt from the disclosure requirements of IC 5-14-3-3 under IC 5-14-3-4.

(d) An operating agent or a person holding an owner's license shall make a good faith effort to meet the requirements of this section and shall annually demonstrate to the commission that an effort was made to meet the requirements.

(e) An operating agent or a person holding an owner's license may fulfill not more than seventy percent (70%) of an obligation under this chapter by requiring a vendor to set aside a part of a contract for minority or women's business enterprises. Upon request, the licensee or operating agent shall provide the commission with proof of the amount of the set aside.

(f) If the licensed owner of a riverboat:

- (1) relocated to an inland location under IC 4-33-6-4.5; or**
- (2) subject to a license for Vigo County awarded under IC 4-33-6.7;**

is required by IC 4-33-6-4.5 or IC 4-33-6.7 to award a higher percentage of contracts for goods or services to minority or women's business enterprises with respect to the construction and conduct of gaming operations described in this subsection than required by the annual goals established by the commission under subsection (b), the annual goals established under subsection (b) do not apply to the licensed owner with respect to the gaming operations described in this subsection.

SECTION 29. IC 4-33-14-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 11. Subject to IC 4-38-5-12, this chapter applies to sports wagering conducted under IC 4-38 by a licensed owner or an operating agent.**

SECTION 31. IC 4-33-25 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:



Chapter 25. Vigo County Inland Casino Advisory Board

Sec. 1. This chapter applies only if a public question to permit inland casino gambling in Vigo County is approved by the voters under IC 4-33-6-19.3.

Sec. 2. The Vigo County inland casino advisory board is established to evaluate proposals for the operation of an inland casino in Vigo County.

Sec. 3. (a) The advisory board consists of the following five (5) members:

- (1) The mayor of Terre Haute, or the mayor's designee.**
- (2) One (1) member of the Vigo County board of county commissioners.**
- (3) The president of the capital improvement board of managers established under IC 36-10-8 for Vigo County, or the president's designee.**
- (4) One (1) member appointed by the board of the Terre Haute chamber of commerce.**
- (5) One (1) member appointed by the governor.**

(b) A member of the advisory board must be a resident of Vigo County.

(c) The members of the advisory board shall serve a term of the earlier of:

- (1) three (3) years; or**
- (2) until the advisory board is dissolved.**

(d) The original appointing authority shall fill a vacancy for the duration of the term.

Sec. 4. Each member of the advisory board must, before beginning the discharge of the duties of the member's position, take an oath that the member will faithfully execute the duties of the member's office according to Indiana law and rules adopted under Indiana law.

Sec. 5. A member of the advisory board is not entitled to a salary per diem or reimbursement for traveling expenses or any other expenses incurred in connection with the member's duties.

Sec. 6. (a) The advisory board may adopt a resolution:

- (1) designating an officer or employee of the county to act as the administrator of the advisory board;**
- (2) appointing a person to act as administrator of the advisory board; or**
- (3) stating that the advisory board will act without an administrator.**

(b) An administrator selected under subsection (a) serves



without reimbursement for traveling expenses or any other expenses incurred in connection with the administrator's duties.

Sec. 7. (a) The advisory board shall elect from its membership a chairperson and a vice chairperson. The term of each position is one (1) year, and the person may be reelected to the position.

(b) The advisory board shall adopt rules consistent with this chapter for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for calling special meetings. The advisory board shall hold regular meetings at least once per month.

(c) Three (3) members constitute a quorum of the advisory board. No action may be taken by the advisory board unless a majority of the members vote in favor of taking the action.

Sec. 8. (a) All meetings of the advisory board must be open to the public, and a public record of the advisory board's resolutions, proceedings, actions, and recommendations must be kept.

(b) If the advisory board has an administrator, the administrator shall act as the advisory board's secretary. If the advisory board does not have an administrator, the advisory board shall elect a secretary from its membership.

Sec. 9. The advisory board shall do the following within a time period determined by the commission:

(1) Receive and review proposals submitted to the commission under IC 4-33-6.7 concerning the operation and management of an inland casino in Vigo County.

(2) Make recommendations to the commission concerning:

(A) the selection of a licensed owner to operate an inland casino in Vigo County that the advisory board believes will:

(i) promote the most economic development and employment in areas in and around Vigo County; and

(ii) best serve the interests of the residents of Vigo County, the residents of surrounding counties, and all other citizens of Indiana; and

(B) the operation and management of an inland casino in Vigo County.

Sec. 10. The advisory board may:

(1) employ professional staff necessary to assist the advisory board in carrying out its duties; and

(2) engage consultants, attorneys, accountants, and other professionals necessary to carry out the advisory board's duties.



Sec. 11. This chapter does not limit the powers of the commission with respect to the administration and regulation of riverboat gambling under this article.

Sec. 12. The advisory board is dissolved when an inland casino begins operations in Vigo County."

Page 17, delete lines 13 through 42.

Page 18, deletes lines 1 through 9.

Page 18, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 35. IC 4-35-8-1, AS AMENDED BY P.L.212-2018(ss), SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A graduated slot machine wagering tax is imposed as follows on ninety-nine percent (99%) of the adjusted gross receipts received after June 30, 2012, and before July 1, 2013, on ninety-one and five-tenths percent (91.5%) of the adjusted gross receipts received after June 30, 2013, and before July 1, 2015, and on eighty-eight percent (88%) of the adjusted gross receipts received after June 30, 2015, from wagering on gambling games authorized by this article:

(1) Twenty-five percent (25%) of the first one hundred million dollars (\$100,000,000) of adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year.

(2) **For periods:**

(A) **ending before July 1, 2021**, thirty percent (30%) of the adjusted gross receipts in excess of one hundred million dollars (\$100,000,000) but not exceeding two hundred million dollars (\$200,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year;
and

(B) **beginning after June 30, 2021**, thirty percent (30%) of the adjusted gross receipts in excess of one hundred million dollars (\$100,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(3) **For periods ending before July 1, 2021**, thirty-five percent (35%) of the adjusted gross receipts in excess of two hundred million dollars (\$200,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(b) A licensee shall do the following:

(1) Remit the daily amount of tax imposed by this section to the department on the twenty-fourth calendar day of each month. Any



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

(2) Report gaming activity information to the commission daily on forms prescribed by the commission.

(c) The payment of the tax under this section must be in a manner prescribed by the department.

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

(e) The payment of the tax under this section must be on a form prescribed by the department."

Page 19, line 13, delete "2020." and insert "**2021.**".

Page 19, line 15, delete "2020." and insert "**2021.**".

Page 19, line 37, delete "0.5.This" and insert "**0.5. This**".

Page 19, between lines 38 and 39, begin a new paragraph and insert: "SECTION 36. IC 4-35-11-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 11. Subject to IC 4-38-5-12, this chapter applies to sports wagering conducted under IC 4-38 by a licensee.**".

Page 21, line 11, delete "patrons;" and insert "**patrons, including the cash equivalent of any merchandise or thing of value awarded as a prize;**".

Page 21, line 42, delete "exchanged for the purchase of electronic cards by" and insert "**received by a certificate holder from**".

Page 22, line 24, delete "competitors." and insert "**competitors and other events approved by the commission.**".

Page 24, line 24, delete "after June 30, 2019." and insert "**beginning September 1, 2019.**".

Page 24, line 41, delete "Submit" and insert "**submit**".

Page 25, line 1, delete "wagering." and insert "**wagering; and**".

Page 25, line 2, delete "Pay" and insert "**pay**".

Page 25, between lines 14 and 15, begin a new paragraph and insert: "**Sec. 6. When considering a person's application for a certificate of authority to conduct sports wagering, the commission may issue the person a temporary certificate of authority to conduct business under this article if:**

(1) **the person has filed with the commission:**

(A) **a completed application; or**

(B) **a substantially complete application as determined by**



the commission; and
(2) the person agrees in writing to the following conditions of the temporary certificate of authority issued under this section:

(A) The temporary certificate of authority does not create a right or privilege to continue conducting business under this article if the person's application for a certificate of authority to conduct sports wagering is rejected by the commission.

(B) The commission may rescind the person's temporary authority to conduct business under this article at any time, with or without notice to the person, if:

(i) the commission is informed that the suitability of the person may be at issue; and

(ii) the person fails to cooperate with the commission in the commission's investigation into the qualifications and suitability of the person for a certificate of authority to conduct sports wagering."

Page 25, line 29, delete "Except as provided in".

Page 25, line 30, delete "section 10 of this chapter, sports" and insert "**Sports**".

Page 26, line 12, delete "wagering" and insert "**a wager that has been accepted,**".

Page 26, delete line 13.

Page 26, line 14, delete "accept wagers on the sporting event,".

Page 26, line 25, delete "both".

Page 26, line 25, delete "and" and insert "**or**".

Page 26, delete lines 37 through 39.

Page 26, line 40, delete "11." and insert "**10.**".

Page 27, between lines 6 and 7, begin a new paragraph and insert:

"Sec. 11. A person who is less than twenty-one (21) years of age may not make a wager under this article.

Sec. 12. (a) The definitions set forth in:

(1) IC 4-33-14, with respect to sports wagering conducted in a riverboat; or

(2) IC 4-35-11, with respect to sports wagering conducted in a satellite facility licensed under IC 4-31-5.5 or a gambling game facility licensed under IC 4-35;

apply to this section.

(b) A certificate holder or vendor is subject to the following business participation goals for awarding contracts for goods or services with respect to the conduct of sports wagering under this



article:

- (1) Eighteen percent (18%) for minority business enterprises.**
- (2) Eight percent (8%) for women's business enterprises.**
- (3) Three percent (3%) for disadvantaged business enterprises certified by the Indiana department of transportation.**
- (4) One percent (1%) for veteran business enterprises (as defined by IC 8-25-4-7).**
- (c) The following apply to a certificate holder or vendor:**
 - (1) The compliance reporting requirements of IC 4-33-14 or IC 4-35-11, as appropriate.**
 - (2) Enforcement of this section by the commission under IC 4-33-14 or IC 4-35-11, as appropriate."**

Page 28, between lines 24 and 25, begin a new paragraph and insert:

"Sec. 7. When considering a person's application for a vendor's license, the commission may issue the person a temporary license to conduct business under this article if:

- (1) the person has filed with the commission:**
 - (A) a completed application; or**
 - (B) a substantially complete application as determined by the commission; and**
- (2) the person agrees in writing to the following conditions of the temporary license issued under this section:**
 - (A) The temporary license does not create a right or privilege to continue conducting business under this article if the person's application for a vendor's license is rejected by the commission.**
 - (B) The commission may rescind the person's temporary license and the authority to conduct business under this article at any time, with or without notice to the person, if:**
 - (i) the commission is informed that the suitability of the person may be at issue; and**
 - (ii) the person fails to cooperate with the commission in the commission's investigation into the qualifications and suitability of the person for a vendor's license."**

Page 28, line 25, delete "7." and insert "8."

Page 28, line 36, delete "one hundred" and insert "**ten**".

Page 28, line 36, delete "\$100,000" and insert "**(\$10,000)**".

Page 30, line 36, delete "prohibit" and insert "**require**".

Page 30, line 36, delete "or" and insert "**and**".

Page 30, line 37, delete "from accepting" and insert "**to take commercially reasonable measures to ensure that a certificate**



holder or vendor does not accept".

Page 30, line 42, after "relative" insert **"living in the same household"**.

Page 31, line 3, after "relative" insert **"living in the same household"**.

Page 31, line 21, after "relative" insert **"living in the same household"**.

Page 32, line 30, after "10." delete "Miscellaneous Provisions" and insert **"Sports Wagering Tax"**.

Page 32, delete lines 31 through 41, begin a new paragraph and insert:

"Sec. 1. A sports wagering tax is imposed on the adjusted gross receipts received from authorized sports wagering offered by a certificate holder under this article at a rate of nine and one-half percent (9.5%).

Sec. 2. A certificate holder shall pay the sports wagering taxes imposed under section 1 of this chapter to the department on the twenty-fourth calendar day of each month. Any taxes collected during the month but after the day on which the taxes are required to be paid to the department shall be paid to the department at the same time the following month's taxes are due.

Sec. 3. (a) Except as provided in subsection (b), the department shall deposit the tax revenue collected under section 2 of this chapter in the state general fund.

(b) The department shall transfer an amount equal to three and one-third percent (3.33%) of the tax revenue collected under section 2 of this chapter to the addiction services fund established by IC 12-23-2-2.

(c) Twenty-five percent (25%) of the tax revenue transferred under subsection (b) must be allocated to:

- (1) the prevention of;**
- (2) education regarding;**
- (3) provider credentialing for; and**
- (4) treatment of;**

compulsive gambling.

Sec. 4. The commission may suspend or revoke the certificate of authority of a certificate holder that does not submit the payment or the tax return form within the required time.

Sec. 5. The payment of the tax under this chapter must be on a form and in a manner prescribed by the department.

Chapter 11. Child Support

Sec. 1. (a) The bureau shall provide information to a certificate



holder, as defined in IC 4-38-2, concerning persons who are delinquent in child support.

(b) Prior to a certificate holder disbursing a payout of six hundred dollars (\$600) or more, in winnings, from sports wagering to a person who is delinquent in child support, the certificate holder:

(1) may deduct and retain an administrative fee in the amount of the lesser of:

(A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or

(B) one hundred dollars (\$100); and

(2) shall:

(A) withhold the amount of delinquent child support owed from winnings;

(B) transmit to the bureau:

(i) the amount withheld for delinquent child support; and

(ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the licensed owner, operating agent, or trustee; and

(C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.

(c) The bureau shall notify the obligor at the address provided by the certificate holder that the bureau intends to offset the obligor's delinquent child support with the winnings.

(d) The bureau shall hold the amount withheld from the winnings of an obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.

(e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (b)(1) have priority over any secured or unsecured claim on winnings except claims for federal or state taxes that are required to be withheld under federal or state law.

Sec. 2. IC 4-31-6-11, IC 4-33-8.5, and IC 4-35-6.7 apply, as appropriate, to sports wagering conducted at a licensed facility."



Page 34, line 14, delete "IC 4-31-3-16," and insert "**IC 4-38-11**";

Page 34, delete line 15.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to ESB 552 as printed March 29, 2019.)

HUSTON

Committee Vote: yeas 17, nays 6.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 552 be amended to read as follows:

Page 4, line 20, strike "However,".

Page 4, line 20, delete "not" and insert "Not".

Page 4, line 21, after "time." insert "**However, if the licensed owner described in subdivision (1) relocates to an inland casino in the city of Gary under section 4.5 of this chapter, the license relinquished under section 4.6 of this chapter is terminated, and only ten (10) owner's licenses may be in effect.**".

Page 4, line 22, delete "eleven (11) and insert "**owner's**".

Page 11, line 19, delete "IC 5-14-6." and insert "**IC 5-14-6 by September 1, 2019.**".

(Reference is to ESB 552 as printed April 9, 2019.)

HUSTON

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 552 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-3-28 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

ES 552—LS 7581/DI 107



Chapter 28. Meetings Concerning Gaming

Sec. 1. All meetings between the governor's office or a representative of the governor's office and:

- (1) a permit holder under IC 4-35-5;**
- (2) an operating agent who operates a riverboat in a historic hotel district under IC 4-33;**
- (3) a licensed owner of a riverboat licensed under IC 4-33;**
- and**
- (4) a person who intends to become an entity described in subdivisions (1) through (3);**

must be a public meeting and are subject to IC 5-14-1.5 (the open door law), including the forty-eight (48) hour meeting notice described in IC 5-14-1.5-5."

Page 4, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 11. IC 4-33-3-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 24. All meetings between the commission and:**

- (1) a permit holder under IC 4-35-5;**
- (2) an operating agent who operates a riverboat in a historic hotel district under IC 4-33;**
- (3) a licensed owner of a riverboat licensed under IC 4-33;**
- and**
- (4) a person who intends to become an entity described in subdivisions (1) through (3);**

must be a public meeting and are subject to IC 5-14-1.5 (the open door law) including the forty-eight (48) hour meeting notice described in IC 5-14-1.5-5."

Re-number all SECTIONS consecutively.

(Reference is to ESB 552 as printed April 9, 2019.)

BAUER

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 552 be amended to read as follows:

Page 20, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 28. IC 4-33-13-5, AS AMENDED BY P.L.212-2018(ss), SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating**

ES 552—LS 7581/DI 107



a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

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

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

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

(C) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is less ~~than~~ **than** the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state year ending June 30, 2020, an amount equal to the first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter multiplied by the result OF:

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

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

shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

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

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven



hundred thousand (700,000); or

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

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

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district after June 30, ~~2015~~ **2019**. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) Fifty-six and five-tenths percent (56.5%) shall be paid **as follows:**

(A) Sixty-six and four-tenths percent (66.4%) shall be paid to the state general fund.

(B) Thirty-three and six-tenths percent (33.6%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

However:

(i) at any time the balance in that fund exceeds twenty-five million dollars (\$25,000,000); or

(ii) in any part of a state fiscal year after the operating agent has received at least one hundred million dollars (\$100,000,000) of adjusted gross receipts;

the amount described in this clause shall be paid to the state general fund.

(2) Forty-three and five-tenths percent (43.5%) shall be paid as follows:

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

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

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



(B) Fourteen and eight-tenths percent (14.8%) shall be paid to the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this clause among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this clause must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this clause, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this clause were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(C) Thirteen and one-tenth percent (13.1%) shall be paid to the county treasurer of Orange County.

(D) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(E) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Crawford County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

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

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



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

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

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

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

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue.



For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

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

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

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

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

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

(e) Except as provided in subsections (l) and (m), before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

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

- (1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).
- (2) For deposit in a special fund or allocation fund created under



IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for debt repayment.

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

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) Before July 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-9), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (i), the amount of an entity's supplemental distribution is equal to:

(1) the entity's base year revenue (as determined under IC 4-33-12-9); minus

(2) the sum of:

(A) the total amount of money distributed to the entity and constructively received by the entity during the preceding state fiscal year under IC 4-33-12-6 or IC 4-33-12-8; plus

(B) the amount of any admissions taxes deducted under IC 6-3.1-20-7.

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

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

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

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

(i) This subsection applies to a supplemental distribution made after June 30, 2017. The maximum amount of money that may be distributed



under subsection (g) in a state fiscal year is equal to the following:

- (1) Before July 1, 2021, forty-eight million dollars (\$48,000,000).
- (2) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is equal to or greater than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the maximum amount is forty-eight million dollars (\$48,000,000).
- (3) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is less than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the maximum amount is equal to the result of:

- (A) forty-eight million dollars (\$48,000,000); multiplied by
- (B) the result of:
 - (i) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year; divided by
 - (ii) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020.

If the total amount determined under subsection (g) exceeds the maximum amount determined under this subsection, the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 or IC 4-33-12-8 bears to the total amount distributed under IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental distribution.

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

- (1) the remaining amount of the supplemental distribution; or
- (2) the difference, if any, between:
 - (A) three million five hundred thousand dollars (\$3,500,000);
 - minus



(B) the amount of admissions taxes constructively received by the unit in the previous state fiscal year.

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

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

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

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

(l) After June 30, 2020, the amount of wagering taxes that would otherwise be distributed to South Bend under subsection (e) shall be deposited as being received from all riverboats whose supplemental wagering tax, as calculated under IC 4-33-12-1.5(b), is over three and five-tenths percent (3.5%). The amount deposited under this subsection, in each riverboat's account, is proportionate to the supplemental wagering tax received from that riverboat under IC 4-33-12-1.5 in the month of July. The amount deposited under this subsection must be distributed in the same manner as the supplemental wagering tax collected under IC 4-33-12-1.5. This subsection expires June 30, 2021.

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

Page 46, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 44. IC 36-7-11.5-11, AS AMENDED BY P.L.255-2015, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: 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 (before the enactment of P.L.96-2010), IC 4-33-13-5(b), ~~(before July 1, 2015)~~, IC 6-9-45.5, and IC 6-9-45.6.

(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) ~~One million dollars (\$1,000,000) is appropriated from the fund to the department of natural resources in the state fiscal year beginning after June 30, 2014, and ending before July 1, 2015.~~ Two million dollars (\$2,000,000) is appropriated from the fund to the department of natural resources in each state fiscal year beginning after June 30, 2015. 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 for 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.

(f) 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 (e)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 552 as printed April 9, 2019.)

DAVISSON

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 552 be amended to read as follows:

Page 7, between lines 30 and 31, begin a new paragraph and insert:

"(e) In addition to the payment required by subsection (a)(1), if the licensed owner:

(1) relocates the licensed owner's gaming operations under this section; and

(2) sells or otherwise transfers the licensed owner's interest in the owner's license within five (5) years from the date the relocation is approved by the commission;

the licensed owner shall pay an additional fee of fifty million dollars (\$50,000,000) before the sale or transfer of the license may be approved by the commission."

Page 7, line 31, delete "(e)" and insert "(f)".

Page 7, line 32, after "(a)(1)" insert "**and any payment required by subsection (e)**".

Page 7, line 33, delete "(f)" and insert "(g)".

(Reference is to ESB 552 as printed April 9, 2019.)

LEHMAN



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 552 be amended to read as follows:

Page 7, line 16, delete "commission; and" and insert "**commission;**".

Page 7, line 20, delete "location." and insert "**location; and**".

Page 7, between lines 20 and 21, begin a new line block indented and insert:

"(5) the licensed owner submits to the commission a plan for complying with subsection (g) regarding transferring existing employees to an inland location and hiring and training new employees for an inland location."

Page 8, between lines 6 and 7, begin a new paragraph and insert:

"(g) The licensed owner of a riverboat relocated under this section is subject to the following employment goals:

(1) Each employee employed at the riverboat shall be offered a similar position at the inland location.

(2) The licensed owner shall consider hiring and training individuals who have been laid off from the riverboat operating in East Chicago before considering other applicants for similar job openings."

Renumber all SECTIONS consecutively.

(Reference is to ESB 552 as printed April 9, 2019.)

HARRIS

 HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 552 be amended to read as follows:

Page 23, between lines 15 and 16, begin a new paragraph and insert:

"(c) A person may not be a member of the advisory board if:

(1) the person directly or indirectly owns any interest in:

(A) an owner's license;

(B) a supplier's license;

(C) a license issued under IC 4-35;

(D) a permit issued under IC 4-31; or

(E) the equivalent of a document described in clauses (A) through (D) issued by another state;

(2) the person controls an entity that directly or indirectly owns any interest described in subdivision (1); or



(3) a member of the person's immediate family directly or indirectly owns any interest described in subdivision (1) or (2)."

Page 23, line 16, delete "(c)" and insert "**(d)**".

Page 23, line 20, delete "(d)" and insert "(e)".

(Reference is to ESB 552 as printed April 9, 2019.)

SULLIVAN

