

HOUSE BILL No. 1540

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-31; IC 4-33; IC 4-35; IC 4-36-1-3; IC 6-3.1-35; IC 6-8.1-1-1; IC 7.1-3-17.5-7; IC 7.1-3-17.7-1.

Synopsis: Various gaming matters. Authorizes riverboats to move inland to adjacent properties. Removes obsolete provisions in the riverboat admissions tax law. Transfers certain duties in the administration of riverboat admissions and wagering taxes from the treasurer of state to the auditor of state to conform to actual practice. Extends until July 1, 2018, the availability of the deduction for wagers made by patrons using noncashable vouchers, coupons, electronic credits, or electronic promotions. Authorizes table games at the racinos. Imposes a separate wagering tax on table games. Establishes the Indiana gaming investment tax credit for certain capital investments that are made after December 31, 2015, and before January 1, 2021, by a licensed owner or operating agent of a riverboat or by a racino licensee. Provides that the amount of the tax credit is equal to 10% of the qualified capital investment made by the taxpayer during the taxable year. Specifies that the total amount of tax credits awarded may not exceed \$40,000,000 in a state fiscal year.

Effective: July 1, 2015; January 1, 2016.

Dermody, Brown T, GiaQuinta

January 20, 2015, read first time and referred to Committee on Public Policy.



First Regular Session of the 119th General Assembly (2015)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1540



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

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

- 1 SECTION 1. IC 4-31-2-7.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2015]: **Sec. 7.5. "Gambling game" has the meaning set forth in**
- 4 **IC 4-35-2-5.**
- 5 SECTION 2. IC 4-31-2-20.7 IS REPEALED [EFFECTIVE JULY
- 6 1, 2015]. ~~Sec. 20.7. "Slot machine" refers to a type of electronic gaming~~
- 7 ~~device approved by the Indiana gaming commission for wagering under~~
- 8 ~~IC 4-35.~~
- 9 SECTION 3. IC 4-31-7-1, AS AMENDED BY P.L.233-2007,
- 10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2015]: Sec. 1. (a) A person holding a permit to conduct a
- 12 horse racing meeting or a license to operate a satellite facility may
- 13 provide a place in the racing meeting grounds or enclosure or the
- 14 satellite facility at which the person may conduct and supervise the
- 15 pari-mutuel system of wagering by patrons of legal age on the horse



1 races conducted or simulcast by the person. The person may not permit
2 or use:

- 3 (1) another place other than that provided and designated by the
4 person; or
5 (2) another method or system of betting or wagering.

6 However, a permit holder licensed to conduct gambling games under
7 IC 4-35 may permit wagering on ~~slot machines~~ **gambling games** at a
8 racetrack as permitted by IC 4-35.

9 (b) Except as provided in section 7 of this chapter and IC 4-31-5.5,
10 the pari-mutuel system of wagering may not be conducted on any races
11 except the races at the racetrack, grounds, or enclosure for which the
12 person holds a permit.

13 SECTION 4. IC 4-31-9-1, AS AMENDED BY P.L.233-2007,
14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2015]: Sec. 1. A person that holds a permit to conduct a horse
16 racing meeting or a license to operate a satellite facility shall withhold:

- 17 (1) eighteen percent (18%) of the total of money wagered on each
18 day at the racetrack or satellite facility (including money wagered
19 on exotic wagering pools, but excluding money wagered on ~~slot~~
20 **machines gambling games** under IC 4-35); plus
21 (2) an additional three and one-half percent (3.5%) of the total of
22 all money wagered on exotic wagering pools on each day at the
23 racetrack or satellite facility.

24 SECTION 5. IC 4-33-2-17, AS AMENDED BY P.L.15-2011,
25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2015]: Sec. 17. "Riverboat" means any of the following on
27 which lawful gambling is authorized under this article:

- 28 (1) A self-propelled excursion boat located in a county described
29 in IC 4-33-1-1(1) or IC 4-33-1-1(2) that complies with
30 IC 4-33-6-6(a).
31 (2) A casino located in a historic hotel district.
32 (3) A permanently moored craft operating from a county
33 described in IC 4-33-1-1(1) or IC 4-33-1-1(2).
34 **(4) An inland casino operating under IC 4-33-6-24.**

35 SECTION 6. IC 4-33-4-13, AS AMENDED BY P.L.15-2011,
36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2015]: Sec. 13. (a) This section does not apply to a riverboat:

- 38 **(1) located in a historic hotel district; or**
39 **(2) described in IC 4-33-2-17(4).**

40 (b) After consulting with the United States Army Corps of
41 Engineers, the commission may do the following:

- 42 (1) Determine the waterways that are navigable waterways for



1 purposes of this article.

2 (2) Determine the navigable waterways that are suitable for the
3 operation of riverboats under this article.

4 (3) Approve a plan submitted under IC 4-33-6-23 for:

5 (A) the construction of a new permanently moored craft; or

6 (B) the conversion of a self-propelled excursion boat into a
7 permanently moored craft.

8 (c) In determining the navigable waterways on which riverboats may
9 operate, the commission shall do the following:

10 (1) Obtain any required approvals from the United States Army
11 Corps of Engineers for the operation of riverboats on those
12 waterways.

13 (2) Consider the economic benefit that riverboat gambling
14 provides to Indiana.

15 (3) Seek to ensure that all regions of Indiana share in the
16 economic benefits of riverboat gambling.

17 SECTION 7. IC 4-33-6-4 IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) In determining whether to
19 grant an owner's license to an applicant, the commission shall consider
20 the following:

21 (1) The character, reputation, experience, and financial integrity
22 of the following:

23 (A) The applicant.

24 (B) A person that:

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

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

28 (2) The facilities or proposed facilities for the conduct of
29 riverboat gambling.

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

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

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

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

39 (7) The extent to which the applicant exceeds or meets other
40 standards adopted by the commission.

41 (b) **This subsection does not apply to:**

42 (1) **a licensed owner constructing a new riverboat under**



1 **section 24 of this chapter; or**
 2 **(2) a person applying for an owner's license to assume control**
 3 **of a riverboat operating from a dock previously approved by**
 4 **the commission.**

5 In an application for an owner's license, the applicant must submit to
 6 the commission a proposed design of the riverboat and the dock. The
 7 commission may not grant a license to an applicant if the commission
 8 determines that it will be difficult or unlikely for the riverboat to depart
 9 from the dock.

10 SECTION 8. IC 4-33-6-5 IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2015]: Sec. 5. In an application for an owner's
 12 license, the applicant must state:

- 13 **(1) the dock at which the riverboat is based and the navigable**
 14 **waterway on which the riverboat will operate; or**
 15 **(2) in the case of an application for an owner's license to own**
 16 **and operate an inland casino under section 24 of this chapter,**
 17 **the site of the inland casino.**

18 SECTION 9. IC 4-33-6-6, AS AMENDED BY P.L.15-2011,
 19 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2015]: Sec. 6. (a) Except as provided in subsection (c) **or (d)**,
 21 a riverboat that operates in a county described in IC 4-33-1-1(1) or
 22 IC 4-33-1-1(2) must:

- 23 (1) have either:
 24 (A) a valid certificate of inspection from the United States
 25 Coast Guard for the carrying of at least five hundred (500)
 26 passengers; or
 27 (B) a valid certificate of compliance with marine structural and
 28 life safety standards determined by the commission; and
 29 (2) be at least one hundred fifty (150) feet in length.

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

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

39 **(d) A riverboat constructed under section 24 of this chapter**
 40 **must comply with all applicable building codes and any safety**
 41 **requirements imposed by the commission.**

42 SECTION 10. IC 4-33-6-10 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) An owner's
2 license issued under this chapter permits the holder to own and operate
3 one (1) riverboat and equipment for each license.

4 (b) The holder of an owner's license issued under this chapter may
5 implement flexible scheduling for the operation of the holder's
6 riverboat under section 21 of this chapter.

7 (c) **Except as provided in subsections (d) and (e)**, an owner's
8 license issued under this chapter must specify the place where the
9 riverboat must operate and dock. ~~However,~~

10 (d) The commission may permit ~~the~~ a riverboat to dock at a
11 temporary dock in the applicable city for a specific period of time not
12 to exceed one (1) year after the owner's license is issued.

13 (e) **An owner's license issued with respect to a riverboat**
14 **constructed under section 24 of this chapter must specify the site**
15 **of the riverboat.**

16 ~~(f)~~ (f) An owner's initial license expires five (5) years after the
17 effective date of the license.

18 SECTION 11. IC 4-33-6-24 IS ADDED TO THE INDIANA CODE
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
20 1, 2015]: Sec. 24. (a) **For purposes of this section, property is**
21 **considered to be adjacent to a riverboat dock site even if it is**
22 **separated from the dock site by a public road or a railroad right of**
23 **way.**

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

27 (1) **The casino is located on property adjacent to the dock site**
28 **of the licensed owner's riverboat.**

29 (2) **The casino complies with all applicable building codes and**
30 **any safety requirements imposed by the commission.**

31 (3) **The commission approves the relocation of the licensed**
32 **owner's gaming operation.**

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

35 (d) **The number of gaming positions offered by a licensed owner**
36 **in an inland facility operated under this section may not exceed the**
37 **number of gaming positions offered by the licensed owner in the**
38 **licensed owner's docked riverboat on July 1, 2014, unless the**
39 **gaming commission approves any increase proposed by the**
40 **licensed owner.**

41 SECTION 12. IC 4-33-11-2 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. An appeal of a final



1 rule or order of the commission may be commenced under IC 4-21.5 in
 2 the circuit court of the county containing the dock ~~where~~ **or site of the**
 3 riverboat. ~~is based.~~

4 SECTION 13. IC 4-33-12-6, AS AMENDED BY P.L.2-2014,
 5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2015]: Sec. 6. (a) The department shall place in the state
 7 general fund the tax revenue collected under this chapter.

8 (b) Except as provided by subsections (c) and (d), ~~and~~
 9 ~~IC 6-3-1-20-7~~, the ~~treasurer~~ **auditor** of state shall quarterly pay the
 10 following amounts:

11 (1) Except as provided in subsection (k), one dollar (\$1) of the
 12 admissions tax collected by the licensed owner for each person
 13 ~~embarking on a gambling excursion during the quarter or~~
 14 admitted to a riverboat ~~that has implemented flexible scheduling~~
 15 ~~under IC 4-33-6-21~~ during the **preceding calendar** quarter shall
 16 be paid to:

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

19 (i) is located in a county having a population of more than
 20 one hundred eleven thousand (111,000) but less than one
 21 hundred fifteen thousand (115,000); or

22 (ii) is contiguous to the Ohio River and is the largest city in
 23 the county; and

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

26 (2) Except as provided in subsection (k), one dollar (\$1) of the
 27 admissions tax collected by the licensed owner for each person

28 ~~(A) embarking on a gambling excursion during the quarter; or~~

29 ~~(B) admitted to a riverboat during the preceding calendar~~
 30 quarter ~~that has implemented flexible scheduling under~~
 31 ~~IC 4-33-6-21;~~

32 shall be paid to the county in which the riverboat is ~~docked~~;
 33 **located**. In the case of a county described in subdivision (1)(B),
 34 this one dollar (\$1) is in addition to the one dollar (\$1) received
 35 under subdivision (1)(B).

36 (3) Except as provided in subsection (k), ten cents (\$0.10) of the
 37 admissions tax collected by the licensed owner for each person

38 ~~(A) embarking on a gambling excursion during the quarter; or~~

39 ~~(B) admitted to a riverboat during the preceding calendar~~
 40 quarter ~~that has implemented flexible scheduling under~~
 41 ~~IC 4-33-6-21;~~

42 shall be paid to the county convention and visitors bureau or



1 promotion fund for the county in which the riverboat is ~~docked:~~
2 **located.**

3 (4) Except as provided in subsection (k), fifteen cents (\$0.15) of
4 the admissions tax collected by the licensed owner for each
5 person

6 ~~(A) embarking on a gambling excursion during the quarter; or~~
7 ~~(B) admitted to a riverboat during a~~ **the preceding calendar**
8 ~~quarter that has implemented flexible scheduling under~~
9 ~~IC 4-33-6-21;~~

10 shall be paid to the state fair commission, for use in any activity
11 that the commission is authorized to carry out under IC 15-13-3.

12 (5) Except as provided in subsection (k), ten cents (\$0.10) of the
13 admissions tax collected by the licensed owner for each person

14 ~~(A) embarking on a gambling excursion during the quarter; or~~
15 ~~(B) admitted to a riverboat during the~~ **preceding calendar**
16 ~~quarter that has implemented flexible scheduling under~~
17 ~~IC 4-33-6-21;~~

18 shall be paid to the division of mental health and addiction. The
19 division shall allocate at least twenty-five percent (25%) of the
20 funds derived from the admissions tax to the prevention and
21 treatment of compulsive gambling.

22 (6) Except as provided in subsection (k), sixty-five cents (\$0.65)
23 of the admissions tax collected by the licensed owner for each
24 person ~~embarking on a gambling excursion during the quarter or~~
25 ~~admitted to a riverboat during the~~ **preceding calendar** quarter
26 ~~that has implemented flexible scheduling under IC 4-33-6-21~~
27 shall be paid to the state general fund.

28 (c) With respect to tax revenue collected from a riverboat located in
29 a historic hotel district, the ~~treasurer~~ **auditor** of state shall quarterly pay
30 the following **amounts:**

31 ~~(1) With respect to admissions taxes collected for a person~~
32 ~~admitted to the riverboat before July 1, 2010; the following~~
33 ~~amounts:~~

34 ~~(A) Twenty-two percent (22%) of the admissions tax collected~~
35 ~~during the quarter shall be paid to the county treasurer of the~~
36 ~~county in which the riverboat is located. The county treasurer~~
37 ~~shall distribute the money received under this clause as~~
38 ~~follows:~~

39 ~~(i) Twenty-two and seventy-five hundredths percent~~
40 ~~(22.75%) shall be quarterly distributed to the county~~
41 ~~treasurer of a county having a population of more than forty~~
42 ~~thousand (40,000) but less than forty-two thousand (42,000)~~



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

8 (ii) Twenty-two and seventy-five hundredths percent
 9 (22.75%) shall be quarterly distributed to the county
 10 treasurer of a county having a population of more than ten
 11 thousand seven hundred (10,700) but less than twelve
 12 thousand (12,000) for appropriation by the county fiscal
 13 body. The county fiscal body for the receiving county shall
 14 provide for the distribution of the money received under this
 15 item to one (1) or more taxing units (as defined in
 16 IC 6-1.1-1-21) in the county under a formula established by
 17 the county fiscal body after receiving a recommendation
 18 from the county executive.

19 (iii) Fifty-four and five-tenths percent (54.5%) shall be
 20 retained by the county where the riverboat is located for
 21 appropriation by the county fiscal body after receiving a
 22 recommendation from the county executive.

23 (B) Five percent (5%) of the admissions tax collected during
 24 the quarter shall be paid to a town having a population of more
 25 than two thousand (2,000) but less than three thousand five
 26 hundred (3,500) located in a county having a population of
 27 more than nineteen thousand five hundred (19,500) but less
 28 than twenty thousand (20,000). At least twenty percent (20%)
 29 of the taxes received by a town under this clause must be
 30 transferred to the school corporation in which the town is
 31 located.

32 (C) Five percent (5%) of the admissions tax collected during
 33 the quarter shall be paid to a town having a population of more
 34 than three thousand five hundred (3,500) located in a county
 35 having a population of more than nineteen thousand five
 36 hundred (19,500) but less than twenty thousand (20,000). At
 37 least twenty percent (20%) of the taxes received by a town
 38 under this clause must be transferred to the school corporation
 39 in which the town is located.

40 (D) Twenty percent (20%) of the admissions tax collected
 41 during the quarter shall be paid in equal amounts to each town
 42 that:



- 1 (i) is located in the county in which the riverboat is located;
 2 and
 3 (ii) contains a historic hotel.
- 4 At least twenty percent (20%) of the taxes received by a town
 5 under this clause must be transferred to the school corporation
 6 in which the town is located.
- 7 (E) Ten percent (10%) of the admissions tax collected during
 8 the quarter shall be paid to the Orange County development
 9 commission established under IC 36-7-11.5. At least one-third
 10 ($1/3$) of the taxes paid to the Orange County development
 11 commission under this clause must be transferred to the
 12 Orange County convention and visitors bureau.
- 13 (F) Thirteen percent (13%) of the admissions tax collected
 14 during the quarter shall be paid to the West Baden Springs
 15 historic hotel preservation and maintenance fund established
 16 by IC 36-7-11.5-11(b).
- 17 (G) Twenty-five percent (25%) of the admissions tax collected
 18 during the quarter shall be paid to the Indiana economic
 19 development corporation to be used by the corporation for the
 20 development and implementation of a regional economic
 21 development strategy to assist the residents of the county in
 22 which the riverboat is located and residents of contiguous
 23 counties in improving their quality of life and to help promote
 24 successful and sustainable communities. The regional
 25 economic development strategy must include goals concerning
 26 the following issues:
- 27 (i) Job creation and retention.
 - 28 (ii) Infrastructure, including water, wastewater, and storm
 29 water infrastructure needs.
 - 30 (iii) Housing.
 - 31 (iv) Workforce training.
 - 32 (v) Health care.
 - 33 (vi) Local planning.
 - 34 (vii) Land use.
 - 35 (viii) Assistance to regional economic development groups.
 - 36 (ix) Other regional development issues as determined by the
 37 Indiana economic development corporation.
- 38 (2) With respect to admissions taxes collected for a person
 39 admitted to the riverboat after June 30, 2010, the following
 40 amounts:
- 41 (A) (1) Twenty-nine and thirty-three hundredths percent (29.33%)
 42 to the county treasurer of Orange County. The county treasurer



1 shall distribute the money received under this ~~clause~~ **subdivision**
 2 as follows:

3 ~~(i)~~ **(A)** Twenty-two and seventy-five hundredths percent
 4 (22.75%) to the county treasurer of Dubois County for
 5 ~~distribution in the manner described in subdivision (1)(A)(i):~~
 6 **appropriation by the county fiscal body after receiving a**
 7 **recommendation from the county executive. The county**
 8 **fiscal body for the receiving county shall provide for the**
 9 **distribution of the money received under this clause to one**
 10 **(1) or more taxing units (as defined in IC 6-1.1-1-21) in the**
 11 **county under a formula established by the county fiscal**
 12 **body after receiving a recommendation from the county**
 13 **executive.**

14 ~~(ii)~~ **(B)** Twenty-two and seventy-five hundredths percent
 15 (22.75%) to the county treasurer of Crawford County for
 16 ~~distribution in the manner described in subdivision (1)(A)(ii):~~
 17 **appropriation by the county fiscal body. The county fiscal**
 18 **body for the receiving county shall provide for the**
 19 **distribution of the money received under this clause to one**
 20 **(1) or more taxing units (as defined in IC 6-1.1-1-21) in the**
 21 **county under a formula established by the county fiscal**
 22 **body after receiving a recommendation from the county**
 23 **executive.**

24 ~~(iii)~~ **(C)** Fifty-four and five-tenths percent (54.5%) to be
 25 retained by the county treasurer of Orange County for
 26 appropriation by the county fiscal body after receiving a
 27 recommendation from the county executive.

28 ~~(B)~~ **(2)** Six and sixty-seven hundredths percent (6.67%) to the
 29 fiscal officer of the town of Orleans. At least twenty percent
 30 (20%) of the taxes received by the town under this ~~clause~~
 31 **subdivision** must be transferred to Orleans Community Schools.

32 ~~(C)~~ **(3)** Six and sixty-seven hundredths percent (6.67%) to the
 33 fiscal officer of the town of Paoli. At least twenty percent (20%)
 34 of the taxes received by the town under this ~~clause~~ **subdivision**
 35 must be transferred to the Paoli Community School Corporation.

36 ~~(D)~~ **(4)** Twenty-six and sixty-seven hundredths percent (26.67%)
 37 to be paid in equal amounts to the fiscal officers of the towns of
 38 French Lick and West Baden Springs. At least twenty percent
 39 (20%) of the taxes received by a town under this ~~clause~~
 40 **subdivision** must be transferred to the Springs Valley Community
 41 School Corporation.

42 ~~(E)~~ **(5)** Thirty and sixty-six hundredths percent (30.66%) to the



1 Indiana economic development corporation to be used ~~in the~~
2 ~~manner described in subdivision (1)(G):~~ **by the corporation for**
3 **the development and implementation of a regional economic**
4 **development strategy to assist the residents of the county in**
5 **which the riverboat is located and residents of contiguous**
6 **counties in improving their quality of life and to help promote**
7 **successful and sustainable communities. The regional**
8 **economic development strategy must include goals concerning**
9 **the following issues:**

- 10 (A) **Job creation and retention.**
- 11 (B) **Infrastructure, including water, wastewater, and storm**
- 12 **water infrastructure needs.**
- 13 (C) **Housing.**
- 14 (D) **Workforce training.**
- 15 (E) **Health care.**
- 16 (F) **Local planning.**
- 17 (G) **Land use.**
- 18 (H) **Assistance to regional economic development groups.**
- 19 (I) **Other regional development issues as determined by the**
- 20 **Indiana economic development corporation.**

21 (d) ~~With respect~~ **This subsection applies** to tax revenue collected
22 from a riverboat that operates from a ~~county having a population of~~
23 ~~more than four hundred thousand (400,000) but less than seven~~
24 ~~hundred thousand (700,000);~~ **Lake County. Except as provided by**
25 **IC 6-3.1-20-7,** the ~~treasurer auditor~~ of state shall quarterly pay the
26 following amounts:

- 27 (1) Except as provided in subsection (k), one dollar (\$1) of the
- 28 admissions tax collected by the licensed owner for each person
- 29 ~~(A) embarking on a gambling excursion during the quarter; or~~
- 30 ~~(B) admitted to a riverboat during the preceding calendar~~
- 31 ~~quarter; that has implemented flexible scheduling under~~
- 32 ~~IC 4-33-6-21;~~
- 33 shall be paid to the city in which the riverboat is ~~docked.~~ **located.**
- 34 (2) Except as provided in subsection (k), one dollar (\$1) of the
- 35 admissions tax collected by the licensed owner for each person
- 36 ~~(A) embarking on a gambling excursion during the quarter; or~~
- 37 ~~(B) admitted to a riverboat during the preceding calendar~~
- 38 ~~quarter; that has implemented flexible scheduling under~~
- 39 ~~IC 4-33-6-21;~~
- 40 shall be paid to the county in which the riverboat is ~~docked.~~
- 41 **located.**
- 42 (3) Except as provided in subsection (k), nine cents (\$0.09) of the



1 admissions tax collected by the licensed owner for each person
 2 ~~(A) embarking on a gambling excursion during the quarter; or~~
 3 ~~(B) admitted to a riverboat during the **preceding calendar**~~
 4 ~~quarter that has implemented flexible scheduling under~~
 5 ~~IC 4-33-6-21;~~

6 shall be paid to the county convention and visitors bureau or
 7 promotion fund for the county in which the riverboat is ~~docked:~~
 8 **located.**

9 (4) Except as provided in subsection (k), one cent (\$0.01) of the
 10 admissions tax collected by the licensed owner for each person

11 ~~(A) embarking on a gambling excursion during the quarter; or~~
 12 ~~(B) admitted to a riverboat during the **preceding calendar**~~
 13 ~~quarter that has implemented flexible scheduling under~~
 14 ~~IC 4-33-6-21;~~

15 shall be paid to the northwest Indiana law enforcement training
 16 center.

17 (5) Except as provided in subsection (k), fifteen cents (\$0.15) of
 18 the admissions tax collected by the licensed owner for each
 19 person

20 ~~(A) embarking on a gambling excursion during the quarter; or~~
 21 ~~(B) admitted to a riverboat during a **the preceding calendar**~~
 22 ~~quarter that has implemented flexible scheduling under~~
 23 ~~IC 4-33-6-21;~~

24 shall be paid to the state fair commission for use in any activity
 25 that the commission is authorized to carry out under IC 15-13-3.

26 (6) Except as provided in subsection (k), ten cents (\$0.10) of the
 27 admissions tax collected by the licensed owner for each person

28 ~~(A) embarking on a gambling excursion during the quarter; or~~
 29 ~~(B) admitted to a riverboat during the **preceding calendar**~~
 30 ~~quarter that has implemented flexible scheduling under~~
 31 ~~IC 4-33-6-21;~~

32 shall be paid to the division of mental health and addiction. The
 33 division shall allocate at least twenty-five percent (25%) of the
 34 funds derived from the admissions tax to the prevention and
 35 treatment of compulsive gambling.

36 (7) ~~Except as provided in subsection (k);~~ Sixty-five cents (\$0.65)
 37 of the admissions tax collected by the licensed owner for each
 38 person ~~embarking on a gambling excursion during the quarter or~~
 39 ~~admitted to a riverboat during the **preceding calendar** quarter~~
 40 ~~that has implemented flexible scheduling under IC 4-33-6-21~~
 41 shall be paid to the state general fund.

42 (e) Money paid to a unit of local government under subsection (b),



- 1 (c), or (d):
- 2 (1) must be paid to the fiscal officer of the unit and may be
- 3 deposited in the unit's general fund or riverboat fund established
- 4 under IC 36-1-8-9, or both;
- 5 (2) may not be used to reduce the unit's maximum levy under
- 6 IC 6-1.1-18.5 but may be used at the discretion of the unit to
- 7 reduce the property tax levy of the unit for a particular year;
- 8 (3) may be used for any legal or corporate purpose of the unit,
- 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 (f) Money paid by the ~~treasurer~~ **auditor** of state under subsection
- 13 (b)(3) or (d)(3) shall be:
- 14 (1) deposited in:
- 15 (A) the county convention and visitor promotion fund; or
- 16 (B) the county's general fund if the county does not have a
- 17 convention and visitor promotion fund; and
- 18 (2) used only for the tourism promotion, advertising, and
- 19 economic development activities of the county and community.
- 20 (g) Money received by the division of mental health and addiction
- 21 under subsections (b)(5) and (d)(6):
- 22 (1) is annually appropriated to the division of mental health and
- 23 addiction;
- 24 (2) shall be distributed to the division of mental health and
- 25 addiction at times during each state fiscal year determined by the
- 26 budget agency; and
- 27 (3) shall be used by the division of mental health and addiction
- 28 for programs and facilities for the prevention and treatment of
- 29 addictions to drugs, alcohol, and compulsive gambling, including
- 30 the creation and maintenance of a toll free telephone line to
- 31 provide the public with information about these addictions. The
- 32 division shall allocate at least twenty-five percent (25%) of the
- 33 money received to the prevention and treatment of compulsive
- 34 gambling.
- 35 (h) This subsection applies to the following:
- 36 (1) Each entity receiving money under subsection (b)(1) through
- 37 (b)(5).
- 38 (2) Each entity receiving money under subsection (d)(1) through
- 39 (d)(2).
- 40 (3) Each entity receiving money under subsection (d)(5) through
- 41 (d)(6).
- 42 The ~~treasurer~~ **auditor** of state shall determine the total amount of



1 money paid by the **treasurer auditor** of state to an entity subject to this
 2 subsection during the state fiscal year 2002. The amount determined
 3 under this subsection is the base year revenue for each entity subject to
 4 this subsection. The **treasurer auditor** of state shall certify the base
 5 year revenue determined under this subsection to each entity subject to
 6 this subsection.

7 (i) This subsection applies to an entity receiving money under
 8 subsection (d)(3) or (d)(4). The **treasurer auditor** of state shall
 9 determine the total amount of money paid by the **treasurer auditor** of
 10 state to the entity described in subsection (d)(3) during state fiscal year
 11 2002. The amount determined under this subsection multiplied by
 12 nine-tenths (0.9) is the base year revenue for the entity described in
 13 subsection (d)(3). The amount determined under this subsection
 14 multiplied by one-tenth (0.1) is the base year revenue for the entity
 15 described in subsection (d)(4). The **treasurer auditor** of state shall
 16 certify the base year revenue determined under this subsection to each
 17 entity subject to this subsection.

18 (j) This subsection does not apply to an entity receiving money
 19 under subsection (c). The total amount of money distributed to an entity
 20 under this section during a state fiscal year may not exceed the entity's
 21 base year revenue as determined under subsection (h) or (i). If the
 22 **treasurer auditor** of state determines that the total amount of money
 23 distributed to an entity
 24 under this section during a state fiscal year is less than the entity's base
 25 year revenue, the **treasurer auditor** of state shall make a supplemental
 26 distribution to the entity under IC 4-33-13-5.

27 (k) This subsection does not apply to an entity receiving money
 28 under subsection (c). The **treasurer auditor** of state shall pay that part
 29 of the riverboat admissions taxes that:

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

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

33 SECTION 14. IC 4-33-13-5, AS AMENDED BY P.L.2-2014,
 34 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2015]: Sec. 5. (a) This subsection does not apply to tax
 36 revenue remitted by an operating agent operating a riverboat in a
 37 historic hotel district. After funds are appropriated under section 4 of
 38 this chapter, each month the **treasurer auditor** of state shall distribute
 39 the tax revenue deposited in the state gaming fund under this chapter
 40 to the following:

- 41 (1) The first thirty-three million dollars (\$33,000,000) of tax
- 42 revenues collected under this chapter shall be set aside for



1 revenue sharing under subsection (e).

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

5 (A) to the city ~~that is designated as the home dock of the~~
6 ~~riverboat from which the tax revenue was collected; in which~~
7 **the riverboat is located** in the case of:

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

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

12 (B) to the county ~~that is designated as the home dock of the~~
13 ~~riverboat from which the tax revenue was collected; in which~~
14 **the riverboat is located**, in the case of a riverboat ~~whose~~
15 ~~home dock that is not located~~ in a city described in clause
16 (A).

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

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

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

34 (2) Nineteen percent (19%) shall be paid to the West Baden
35 Springs historic hotel preservation and maintenance fund
36 established by IC 36-7-11.5-11(b). However, at any time the
37 balance in that fund exceeds twenty million dollars
38 (\$20,000,000), the amount described in this subdivision shall be
39 paid to the state general fund.

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

42 (4) Sixteen percent (16%) shall be paid in equal amounts to each



1 town that is located in the county in which the riverboat is located
 2 and contains a historic hotel. The following apply to taxes
 3 received by a town under this subdivision:

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

7 (B) At least twelve and five-tenths percent (12.5%) of the
 8 taxes imposed on adjusted gross receipts received after June
 9 30, 2010, must be transferred to the Orange County
 10 development commission established by IC 36-7-11.5-3.5.

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

15 (A) Twenty-two and twenty-five hundredths percent (22.25%)
 16 shall be quarterly distributed to the county treasurer of a
 17 county having a population of more than forty thousand
 18 (40,000) but less than forty-two thousand (42,000) for
 19 appropriation by the county fiscal body after receiving a
 20 recommendation from the county executive. The county fiscal
 21 body for the receiving county shall provide for the distribution
 22 of the money received under this clause to one (1) or more
 23 taxing units (as defined in IC 6-1.1-1-21) in the county under
 24 a formula established by the county fiscal body after receiving
 25 a recommendation from the county executive.

26 (B) Twenty-two and twenty-five hundredths percent (22.25%)
 27 shall be quarterly distributed to the county treasurer of a
 28 county having a population of more than ten thousand seven
 29 hundred (10,700) but less than twelve thousand (12,000) for
 30 appropriation by the county fiscal body after receiving a
 31 recommendation from the county executive. The county fiscal
 32 body for the receiving county shall provide for the distribution
 33 of the money received under this clause to one (1) or more
 34 taxing units (as defined in IC 6-1.1-1-21) in the county under
 35 a formula established by the county fiscal body after receiving
 36 a recommendation from the county executive.

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

41 (6) Five percent (5%) shall be paid to a town having a population
 42 of more than two thousand (2,000) but less than three thousand



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

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

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

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

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

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

31 (d) Each state fiscal year the **treasurer auditor** of state shall transfer
 32 from the tax revenue remitted to the state general fund under
 33 subsection (a)(3) to the build Indiana fund an amount that when added
 34 to the following may not exceed two hundred fifty million dollars
 35 (\$250,000,000):

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

40 The **treasurer auditor** of state shall make transfers on a monthly basis
 41 as needed to meet the obligations of the build Indiana fund. If in any
 42 state fiscal year insufficient money is transferred to the state general



1 fund under subsection (a)(3) to comply with this subsection, the
 2 ~~treasurer~~ **auditor** of state shall reduce the amount transferred to the
 3 build Indiana fund to the amount available in the state general fund
 4 from the transfers under subsection (a)(3) for the state fiscal year.

5 (e) Before August 15 of each year, the ~~treasurer~~ **auditor** of state
 6 shall distribute the wagering taxes set aside for revenue sharing under
 7 subsection (a)(1) to the county treasurer of each county that does not
 8 have a riverboat according to the ratio that the county's population
 9 bears to the total population of the counties that do not have a
 10 riverboat. Except as provided in subsection (h), the county auditor shall
 11 distribute the money received by the county under this subsection as
 12 follows:

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

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

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

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

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

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

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

30 (4) For police and fire pensions.

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

33 Money used under this subdivision does not reduce the property
 34 tax levy of the city, town, or county for a particular year or reduce
 35 the maximum levy of the city, town, or county under
 36 IC 6-1.1-18.5.

37 (g) This subsection does not apply to an entity receiving money
 38 under IC 4-33-12-6(c). Before September 15 of each year, the ~~treasurer~~
 39 **auditor** of state shall determine the total amount of money distributed
 40 to an entity under IC 4-33-12-6 during the preceding state fiscal year.
 41 If the ~~treasurer~~ **auditor** of state determines that the total amount of
 42 money distributed to an entity under IC 4-33-12-6 during the preceding



1 state fiscal year was less than the entity's base year revenue (as
 2 determined under IC 4-33-12-6), the ~~treasurer~~ **auditor** of state shall
 3 make a supplemental distribution to the entity from taxes collected
 4 under this chapter and deposited into the state general fund. Except as
 5 provided in subsection (i), the amount of an entity's supplemental
 6 distribution is equal to:

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

9 (2) the sum of:

10 (A) the total amount of money distributed to the entity during
 11 the preceding state fiscal year under IC 4-33-12-6; plus

12 (B) any amounts deducted under IC 6-3.1-20-7.

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

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

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

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

24 (i) This subsection applies to a supplemental distribution made after
 25 June 30, 2013. The maximum amount of money that may be distributed
 26 under subsection (g) in a state fiscal year is forty-eight million dollars
 27 (\$48,000,000). If the total amount determined under subsection (g)
 28 exceeds forty-eight million dollars (\$48,000,000), the amount
 29 distributed to an entity under subsection (g) must be reduced according
 30 to the ratio that the amount distributed to the entity under IC 4-33-12-6
 31 bears to the total amount distributed under IC 4-33-12-6 to all entities
 32 receiving a supplemental distribution.

33 SECTION 15. IC 4-33-13-7, AS ADDED BY P.L.229-2013,
 34 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2015]: Sec. 7. (a) This section applies to adjusted gross
 36 receipts from wagering on gambling games that occurs:

37 (1) after the effective date of this section, as added by SEA
 38 528-2013; but

39 (2) before July 1, ~~2016~~ **2018**.

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



1 operating agent.

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

8 (d) A licensed owner or operating agent may not deduct more than
9 the following amounts in a particular state fiscal year:

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

12 (2) Five million dollars (\$5,000,000) in a state fiscal year
13 beginning after June 30, 2013, and ending before July 1, ~~2016~~

14 **2018.**

15 SECTION 16. IC 4-33-14-9 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) This section
17 applies to a person holding an owner's licenses for riverboats operated
18 from a city described under IC 4-33-6-1(a)(1) through
19 IC 4-33-6-1(a)(3).

20 (b) The commission shall require persons holding owner's licenses
21 to adopt policies concerning the preferential hiring of residents of the
22 city in which the riverboat ~~does~~ **is located** for riverboat jobs.

23 SECTION 17. IC 4-35-2-5, AS AMENDED BY P.L.229-2013,
24 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2015]: Sec. 5. "Gambling game" means ~~either~~ **any** of the
26 following:

27 (1) A game played on a slot machine approved for wagering under
28 this article by the commission.

29 (2) A game played on a slot machine through the use of a mobile
30 gaming device approved under this article.

31 **(3) A table game approved by the commission under**
32 **IC 4-35-7-19.**

33 SECTION 18. IC 4-35-2-10.5 IS ADDED TO THE INDIANA
34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2015]: **Sec. 10.5. "Table game" means an**
36 **apparatus used to gamble upon, including the following:**

37 **(1) A roulette wheel and table.**

38 **(2) A blackjack table.**

39 **(3) A craps table.**

40 **(4) A poker table.**

41 **(5) Any other game approved by the commission.**

42 SECTION 19. IC 4-35-3-1, AS ADDED BY P.L.233-2007,



1 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2015]: Sec. 1. All shipments of **gambling devices, including**
3 slot machines, to licensees in Indiana, the registering, recording, and
4 labeling of which have been completed by the manufacturer or dealer
5 in accordance with 15 U.S.C. 1171 through 15 U.S.C. 1178, are legal
6 shipments of gambling devices into Indiana.

7 SECTION 20. IC 4-35-4-2, AS AMENDED BY P.L.142-2009,
8 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2015]: Sec. 2. (a) The commission shall do the following:

10 (1) Adopt rules under IC 4-22-2 that the commission determines
11 are necessary to protect or enhance the following:

12 (A) The credibility and integrity of gambling games authorized
13 under this article.

14 (B) The regulatory process provided in this article.

15 (2) Conduct all hearings concerning civil violations of this article.

16 (3) Provide for the establishment and collection of license fees
17 imposed under this article, and deposit the license fees in the state
18 general fund.

19 (4) Levy and collect penalties for noncriminal violations of this
20 article and deposit the penalties in the state general fund.

21 (5) Approve the design, appearance, aesthetics, and construction
22 of ~~slot machine~~ **gambling game** facilities authorized under this
23 article.

24 (6) Adopt emergency rules under IC 4-22-2-37.1 if the
25 commission determines that:

26 (A) the need for a rule is so immediate and substantial that
27 rulemaking procedures under IC 4-22-2-13 through
28 IC 4-22-2-36 are inadequate to address the need; and

29 (B) an emergency rule is likely to address the need.

30 (7) Adopt rules to establish and implement a voluntary exclusion
31 program that meets the requirements of subsection (c).

32 (8) Establish the requirements for a power of attorney submitted
33 under IC 4-35-5-9.

34 (b) The commission shall begin rulemaking procedures under
35 IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted
36 under subsection (a)(6) not later than thirty (30) days after the adoption
37 of the emergency rule under subsection (a)(6).

38 (c) Rules adopted under subsection (a)(7) must provide the
39 following:

40 (1) Except as provided by rule of the commission, a person who
41 participates in the voluntary exclusion program agrees to refrain
42 from entering a facility at which gambling games are conducted



1 or another facility under the jurisdiction of the commission.

2 (2) That the name of a person participating in the program will be
3 included on a list of persons excluded from all facilities under the
4 jurisdiction of the commission.

5 (3) Except as provided by rule of the commission, a person who
6 participates in the voluntary exclusion program may not petition
7 the commission for readmittance to a facility under the
8 jurisdiction of the commission.

9 (4) That the list of patrons entering the voluntary exclusion
10 program and the personal information of the participants are
11 confidential and may only be disseminated by the commission to
12 the owner or operator of a facility under the jurisdiction of the
13 commission for purposes of enforcement and to other entities,
14 upon request by the participant and agreement by the commission.

15 (5) That an owner of a facility under the jurisdiction of the
16 commission shall make all reasonable attempts as determined by
17 the commission to cease all direct marketing efforts to a person
18 participating in the program.

19 (6) That an owner of a facility under the jurisdiction of the
20 commission may not cash the check of a person participating in
21 the program or extend credit to the person in any manner.
22 However, the voluntary exclusion program does not preclude an
23 owner from seeking the payment of a debt accrued by a person
24 before entering the program.

25 SECTION 21. IC 4-35-4-7, AS AMENDED BY P.L.229-2013,
26 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2015]: Sec. 7. (a) The commission shall adopt standards for
28 the licensing of the following:

29 (1) Persons regulated under this article.

30 (2) ~~Slot machines used in~~ Gambling games.

31 (3) Limited mobile gaming systems and mobile gaming devices.

32 (b) Where applicable, 68 IAC applies to racetracks conducting
33 gambling games under this article.

34 SECTION 22. IC 4-35-4-14, AS ADDED BY P.L.142-2009,
35 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2015]: Sec. 14. (a) The commission may appoint a temporary
37 trustee for a particular ~~slot machine gambling game~~ facility at a
38 racetrack if the commission makes the following findings:

39 (1) That circumstances requiring a trustee to assume control of
40 the ~~slot machine gambling game~~ facility are likely to occur.

41 (2) That the commission has not approved a power of attorney
42 identifying any other person to serve as the trustee for the ~~slot~~



- 1 ~~machine gambling game~~ facility.
- 2 (3) That there is not enough time to consider and approve a power
- 3 of attorney with respect to the ~~slot machine gambling game~~
- 4 facility before the circumstances found likely to occur under
- 5 subdivision (1) will occur.
- 6 (b) A person appointed under this section must be qualified to
- 7 perform any duty described in this section or IC 4-35-12.
- 8 (c) A trustee appointed by the commission under this section shall
- 9 serve until any of the following occur:
- 10 (1) The commission adopts a resolution under IC 4-35-12-3
- 11 authorizing a trustee appointed in an approved power of attorney
- 12 submitted by the permit holder to conduct gambling games under
- 13 IC 4-35-12.
- 14 (2) The commission revokes the trustee's authority to conduct
- 15 gambling games as provided by IC 4-35-12-12.
- 16 (3) A new permit holder assumes control of the racetrack, ~~slot~~
- 17 ~~machine gambling game~~ facility, and related properties.
- 18 (d) A trustee appointed by the commission under this section shall
- 19 exercise the trustee's powers in accordance with:
- 20 (1) the model power of attorney established by the executive
- 21 director under section 13.2 of this chapter; and
- 22 (2) IC 4-35-12.
- 23 SECTION 23. IC 4-35-5-2, AS ADDED BY P.L.233-2007,
- 24 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2015]: Sec. 2. (a) Before issuing a license to a person under
- 26 this chapter, the commission shall subject the person to a background
- 27 investigation similar to a background investigation required for an
- 28 applicant for a riverboat owner's license under IC 4-33-6.
- 29 (b) Before the commission may issue a license to a person under this
- 30 chapter, the person must submit to the commission for the
- 31 commission's approval the physical layout of the person's proposed ~~slot~~
- 32 ~~machines gambling games~~ and the facilities that will contain the
- 33 proposed ~~slot machines gambling games~~. The facilities that will
- 34 contain the ~~slot machines gambling games~~ must be connected to the
- 35 licensee's racetrack facilities.
- 36 SECTION 24. IC 4-35-6-1, AS AMENDED BY P.L.229-2013,
- 37 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2015]: Sec. 1. A person may not:
- 39 (1) sell;
- 40 (2) lease; or
- 41 (3) contract to sell or lease;
- 42 a slot machine, **table game**, limited mobile gaming system, or mobile



1 gaming device to a licensee unless the person holds a supplier's license
2 originally issued under IC 4-33-7-1 or renewed under IC 4-33-7-8.

3 SECTION 25. IC 4-35-7-1, AS ADDED BY P.L.233-2007,
4 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2015]: Sec. 1. Gambling games authorized under this article
6 may not be conducted anywhere other than a **slot machine gambling**
7 **game** facility located at a racetrack.

8 SECTION 26. IC 4-35-7-1.5, AS ADDED BY P.L.229-2013,
9 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2015]: Sec. 1.5. (a) A licensee may request approval from the
11 commission to use a limited mobile gaming system in the gambling
12 operations of the licensee.

13 (b) The commission may approve the use of a limited mobile
14 gaming system to allow a patron to wager on gambling games while
15 present in the gaming area (as defined under the rules of the
16 commission) of a **slot machine gambling game** facility licensed under
17 this article. A patron may not transmit a wager using a mobile gaming
18 device while present in any other location.

19 SECTION 27. IC 4-35-7-2, AS ADDED BY P.L.233-2007,
20 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2015]: Sec. 2. (a) A person who is less than twenty-one (21)
22 years of age may not wager ~~on a slot machine.~~ **under this article.**

23 (b) Except as provided in subsection (c), a person who is less than
24 twenty-one (21) years of age may not be present in the area of a
25 racetrack where gambling games are conducted.

26 (c) A person who is at least eighteen (18) years of age and who is an
27 employee of the racetrack may be present in the area of the racetrack
28 where gambling games are conducted. However, an employee who is
29 less than twenty-one (21) years of age may not perform any function
30 involving gambling by the patrons of the licensee's **slot machine**
31 **gambling game** facility.

32 SECTION 28. IC 4-35-7-4, AS ADDED BY P.L.233-2007,
33 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2015]: Sec. 4. The following may inspect a licensee's **slot**
35 **machine gambling game** facility at any time to determine if this article
36 is being violated:

37 (1) Employees of the commission.

38 (2) Officers of the state police department.

39 SECTION 29. IC 4-35-7-5, AS ADDED BY P.L.233-2007,
40 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2015]: Sec. 5. Employees of the commission have the right to
42 be present in a licensee's **slot machine gambling game** facility.



1 SECTION 30. IC 4-35-7-6, AS AMENDED BY P.L.229-2013,
 2 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2015]: Sec. 6. **A slot machine Gambling equipment and**
 4 **supplies customarily used in conducting gambling games** may be
 5 purchased or leased only from a supplier licensed under IC 4-33-7.

6 SECTION 31. IC 4-35-7-7, AS ADDED BY P.L.233-2007,
 7 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2015]: Sec. 7. Except as provided in ~~section~~ **sections 14 and**
 9 **19** of this chapter, slot machine wagering is the only form of wagering
 10 permitted in a licensee's slot machine facility.

11 SECTION 32. IC 4-35-7-8, AS ADDED BY P.L.233-2007,
 12 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2015]: Sec. 8. Wagers may be received only from a person
 14 present in a licensee's ~~slot machine gambling game~~ facility. A person
 15 present in a licensee's ~~slot machine gambling game~~ facility may not
 16 place or attempt to place a wager on behalf of a person who is not
 17 present in the licensee's ~~slot machine gambling game~~ facility.

18 SECTION 33. IC 4-35-7-9, AS AMENDED BY P.L.229-2013,
 19 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2015]: Sec. 9. (a) A patron may make a ~~slot machine~~
 21 **gambling game** wager at a racetrack only by means of:

- 22 (1) a **chip, a** token, or an electronic card, acquired from a licensee
 23 at the licensee's racetrack; or
 24 (2) money or other negotiable currency.

25 (b) A **chip, a** token, or an electronic card may be acquired by means
 26 of an agreement under which a licensee extends credit to the patron.

27 (c) All winnings and payoffs from a ~~slot machine gambling game~~
 28 at a racetrack:

- 29 (1) ~~shall must~~ be made in **chips**, tokens, electronic cards, paper
 30 tickets, or other evidence of winnings and payoffs approved by
 31 the commission; and
 32 (2) may not be made in money or other negotiable currency.

33 SECTION 34. IC 4-35-7-10, AS ADDED BY P.L.233-2007,
 34 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2015]: Sec. 10. A **chip, a** token, or an electronic card
 36 described in section 9 of this chapter may be used by a patron while the
 37 patron is present at the racetrack only to make a wager on a ~~slot~~
 38 **machine gambling game** authorized under this article.

39 SECTION 35. IC 4-35-7-19 IS ADDED TO THE INDIANA CODE
 40 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2015]: **Sec. 19. (a) A licensee may submit a plan to the**
 42 **commission for conducting wagering on table games at the**



1 licensee's gambling game facility. A licensee must submit a table
 2 game plan before the date designated by the commission. Upon
 3 receipt of an appropriate plan, the commission shall authorize
 4 wagering on table games at the licensee's gambling game facility.
 5 Except as provided in subsection (b), a licensee may not install
 6 more table game positions than the number of positions proposed
 7 in the table game plan submitted to the commission.

8 (b) After two (2) years of conducting table games under a plan
 9 approved under subsection (a), a licensee may apply to the
 10 commission for the approval to install additional table game
 11 positions.

12 SECTION 36. IC 4-35-8-1, AS AMENDED BY P.L.210-2013,
 13 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2015]: Sec. 1. (a) A graduated slot machine wagering tax is
 15 imposed as follows on ninety-nine percent (99%) of the adjusted gross
 16 receipts received after June 30, 2012, and before July 1, 2013, and on
 17 ninety-one and five-tenths percent (91.5%) of the adjusted gross
 18 receipts received after June 30, 2013, from wagering on **gambling**
 19 **games slot machines** authorized by this article:

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

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

29 (3) Thirty-five percent (35%) of the adjusted gross receipts in
 30 excess of two hundred million dollars (\$200,000,000) received
 31 during the period beginning July 1 of each year and ending June
 32 30 of the following year.

33 (b) A licensee shall remit the tax imposed by this section to the
 34 department before the close of the business day following the day the
 35 wagers are made.

36 (c) The department may require payment under this section to be
 37 made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).

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

42 (e) The payment of the tax under this section must be on a form



1 prescribed by the department.

2 SECTION 37. IC 4-35-8-5, AS ADDED BY P.L.229-2013,
3 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2015]: Sec. 5. (a) This section applies to adjusted gross
5 receipts from wagering on gambling games that occurs:

6 (1) after the effective date of this section, as added by SEA
7 528-2013; but

8 (2) before July 1, ~~2016~~ **2018**.

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

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

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

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

21 (2) Five million dollars (\$5,000,000) in a state fiscal year
22 beginning after June 30, 2013, and ending before July 1, ~~2016~~
23 **2018**.

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

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

27 (2) IC 4-35-8.5.

28 (3) IC 4-35-8.9.

29 SECTION 38. IC 4-35-8.1 IS ADDED TO THE INDIANA CODE
30 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2015]:

32 **Chapter 8.1. Taxation of Table Game Wagering**

33 **Sec. 1. A graduated tax is imposed on the adjusted gross receipts**
34 **received from table games authorized under this article as follows:**

35 **(1) Fifteen percent (15%) of the first twenty-five million**
36 **dollars (\$25,000,000) of adjusted gross receipts received**
37 **during the period beginning July 1 of each year and ending**
38 **June 30 of the following year.**

39 **(2) Twenty percent (20%) of the adjusted gross receipts**
40 **exceeding twenty-five million dollars (\$25,000,000) but not**
41 **exceeding fifty million dollars (\$50,000,000) received during**
42 **the period beginning July 1 of each year and ending June 30**



- 1 of the following year.
- 2 (3) Twenty-five percent (25%) of the adjusted gross receipts
- 3 exceeding fifty million dollars (\$50,000,000) but not exceeding
- 4 seventy-five million dollars (\$75,000,000) received during the
- 5 period beginning July 1 of each year and ending June 30 of
- 6 the following year.
- 7 (4) Thirty percent (30%) of the adjusted gross receipts
- 8 exceeding seventy-five million dollars (\$75,000,000) but not
- 9 exceeding one hundred fifty million dollars (\$150,000,000)
- 10 received during the period beginning July 1 of each year and
- 11 ending June 30 of the following year.
- 12 (5) Thirty-five percent (35%) of the adjusted gross receipts
- 13 exceeding one hundred fifty million dollars (\$150,000,000) but
- 14 not exceeding six hundred million dollars (\$600,000,000)
- 15 received during the period beginning July 1 of each year and
- 16 ending June 30 of the following year.
- 17 (6) Forty percent (40%) of the adjusted gross receipts
- 18 exceeding six hundred million dollars (\$600,000,000) received
- 19 during the period beginning July 1 of each year and ending
- 20 June 30 of the following year.
- 21 **Sec. 2. A licensee shall remit the tax imposed by this chapter to**
- 22 **the department before the close of the business day following the**
- 23 **day the wagers are made.**
- 24 **Sec. 3. (a) The department may require payment under this**
- 25 **section to be made by electronic funds transfer (as defined in**
- 26 **IC 4-8.1-2-7(f)).**
- 27 **(b) If the department requires taxes to be remitted under this**
- 28 **chapter through electronic funds transfer, the department may**
- 29 **allow the licensee to file a monthly report to reconcile the amounts**
- 30 **remitted to the department.**
- 31 **Sec. 4. A licensee shall pay the tax imposed by this section on a**
- 32 **form prescribed by the department.**
- 33 **Sec. 5. The department shall deposit tax revenue collected under**
- 34 **section 1 of this chapter in the state general fund.**
- 35 SECTION 39. IC 4-35-8.5-1, AS ADDED BY P.L.233-2007,
- 36 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2015]: Sec. 1. (a) Before the fifteenth day of each month, a
- 38 licensee that offers ~~slot machine~~ **gambling game** wagering under this
- 39 article shall pay to the commission a county ~~slot machine~~ **gambling**
- 40 **game** wagering fee equal to three percent (3%) of the adjusted gross
- 41 receipts received from ~~slot machine~~ **gambling game** wagering during
- 42 the previous month at the licensee's racetrack. However, a licensee is



1 not required to pay more than eight million dollars (\$8,000,000) of
 2 county ~~slot machine~~ **gambling game** wagering fees under this section
 3 in any state fiscal year.

4 (b) The commission shall deposit the county ~~slot machine~~ **gambling**
 5 **game** wagering fee received by the commission into a separate account
 6 within the state general fund.

7 SECTION 40. IC 4-35-8.5-2, AS ADDED BY P.L.233-2007,
 8 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2015]: Sec. 2. Before the fifteenth day of each month, the
 10 treasurer of state shall distribute any county ~~slot machine~~ **gambling**
 11 **game** wagering fees received from a licensee during the previous
 12 month to the county auditor of the county in which the licensee's
 13 racetrack is located.

14 SECTION 41. IC 4-35-8.5-3, AS ADDED BY P.L.233-2007,
 15 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2015]: Sec. 3. The auditor of each county receiving a
 17 distribution of county ~~slot machine~~ **gambling game** wagering fees
 18 under section 2 of this chapter shall distribute the county ~~slot machine~~
 19 **gambling game** wagering fees as follows:

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

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

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

26 SECTION 42. IC 4-35-8.7-2, AS AMENDED BY P.L.142-2009,
 27 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2015]: Sec. 2. A licensee that offers ~~slot machine~~ wagering **on**
 29 **gambling games** under this article shall annually pay to the Indiana
 30 horse racing commission a gaming integrity fee equal to two hundred
 31 fifty thousand dollars (\$250,000) for each racetrack at which the
 32 licensee offers ~~slot machine~~ wagering **on gambling games**. The
 33 Indiana horse racing commission shall deposit gaming integrity fees in
 34 the fund.

35 SECTION 43. IC 4-35-8.8-3, AS ADDED BY P.L.233-2007,
 36 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2015]: Sec. 3. The division may use problem gambling fees
 38 paid to the division under this chapter only for the prevention and
 39 treatment of compulsive gambling that is related to ~~slot machine~~
 40 ~~wagering and other~~ gambling allowed under **this article and IC 4-33**.

41 SECTION 44. IC 4-35-9-2, AS ADDED BY P.L.233-2007,
 42 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 2. A person who knowingly or intentionally aids,
 2 induces, or causes a person who is:

- 3 (1) less than twenty-one (21) years of age; and
 4 (2) not an employee of a licensee;

5 to enter or attempt to enter the licensee's **slot machine gambling game**
 6 facility commits a Class A misdemeanor.

7 SECTION 45. IC 4-35-9-3.5, AS ADDED BY P.L.158-2013,
 8 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2015]: Sec. 3.5. (a) A person who:

- 10 (1) is not an employee of a licensee;
 11 (2) is less than twenty-one (21) years of age; and
 12 (3) enters the licensee's **slot machine gambling game** facility;

13 commits a Class C infraction.

14 (b) A person who:

- 15 (1) is not an employee of a licensee;
 16 (2) is less than twenty-one (21) years of age; and
 17 (3) attempts to enter the licensee's **slot machine gambling game**
 18 facility;

19 commits a Class C infraction.

20 SECTION 46. IC 4-35-9-4, AS ADDED BY P.L.233-2007,
 21 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2015]: Sec. 4. A person who knowingly or intentionally:

- 23 (1) makes a false statement on an application submitted under this
 24 article;
 25 (2) conducts a gambling game in a manner other than the manner
 26 required under this article; or
 27 (3) wagers or accepts a wager at a location other than a licensee's
 28 **slot machine gambling game** facility;

29 commits a Class A misdemeanor.

30 SECTION 47. IC 4-35-11-1, AS ADDED BY P.L.233-2007,
 31 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2015]: Sec. 1. This chapter applies to persons holding a permit
 33 to operate a racetrack under IC 4-31-5 at which **slot machines**
 34 **gambling games** are licensed under this article.

35 SECTION 48. IC 4-35-11-2, AS ADDED BY P.L.233-2007,
 36 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2015]: Sec. 2. The general assembly declares that it is
 38 essential for minority and women's business enterprises to have the
 39 opportunity for full participation in the racetrack industry if minority
 40 and women's business enterprises are to obtain social and economic
 41 parity and if the economies of the cities, towns, and counties in which
 42 **slot machines gambling games** are operated at racetracks are to be



1 stimulated as contemplated by this article.

2 SECTION 49. IC 4-35-12-9, AS ADDED BY P.L.142-2009,
3 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2015]: Sec. 9. A trustee acting under the authority of this
5 chapter may conduct the operations of any hotel, restaurant, golf
6 course, or other amenity related to the racetrack's ~~slot machine~~
7 **gambling game** facility.

8 SECTION 50. IC 4-36-1-3, AS ADDED BY P.L.95-2008,
9 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2015]: Sec. 3. This article does not apply to the following:

- 11 (1) The Indiana state lottery established under IC 4-30.
- 12 (2) Pari-mutuel horse racing under IC 4-31.
- 13 (3) Charity gaming under IC 4-32.2.
- 14 (4) Riverboat gambling under IC 4-33.
- 15 (5) ~~Slot machine~~ Wagering **on gambling games** under IC 4-35.

16 SECTION 51. IC 6-3.1-35 IS ADDED TO THE INDIANA CODE
17 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
18 JANUARY 1, 2016]:

19 **Chapter 35. Indiana Gaming Investment Tax Credit**

20 **Sec. 1. As used in this chapter, "gaming facility" means the**
21 **following:**

- 22 (1) A riverboat.
- 23 (2) A facility at which gambling games may be conducted at
24 a racetrack under IC 4-35-7.

25 **Sec. 2. As used in this chapter, "licensed owner" has the**
26 **meaning set forth in IC 4-33-2-13.**

27 **Sec. 3. As used in this chapter, "operating agent" has the**
28 **meaning set forth in IC 4-33-2-14.5.**

29 **Sec. 4. As used in this chapter, "pass through entity" means:**

- 30 (1) a corporation that is exempt from the adjusted gross
31 income tax under IC 6-3-2-2.8(2);
- 32 (2) a partnership;
- 33 (3) a limited liability company; or
- 34 (4) a limited liability partnership.

35 **Sec. 5. As used in this chapter, "permit holder" means a permit**
36 **holder under IC 4-35 that has been issued a license under IC 4-35-5**
37 **to conduct gambling games at the permit holder's racetrack.**

38 **Sec. 6. As used in this chapter, "qualified capital investment"**
39 **means any capital investment that:**

- 40 (1) is made by a licensed owner, an operating agent, or a
41 permit holder;
- 42 (2) exceeds two million dollars (\$2,000,000);



1 **(3) subject to section 12(d) of this chapter, is made for:**

2 **(A) onsite infrastructure improvements for the property on**
3 **which a gaming facility is located;**

4 **(B) construction of a gaming facility or other buildings or**
5 **improvements on the property on which a gaming facility**
6 **is located;**

7 **(C) rehabilitation, alteration, or major repair of a gaming**
8 **facility or of existing buildings or improvements on the**
9 **property on which a gaming facility is located; or**

10 **(D) installation of fixtures and equipment (other than**
11 **fixtures or equipment directly related to gaming) in a**
12 **gaming facility or in another building or improvements on**
13 **the property on which a gaming facility is located; and**

14 **(4) is made after December 31, 2015, and before January 1,**
15 **2021; and**

16 **(5) is approved by the Indiana economic development**
17 **corporation under section 12 of this chapter as a qualified**
18 **capital investment.**

19 **Sec. 7. As used in this chapter, "riverboat" has the meaning set**
20 **forth in IC 4-33-2-17.**

21 **Sec. 8. As used in this chapter, "state income tax liability"**
22 **means a taxpayer's total tax liability that is incurred under**
23 **IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax), as**
24 **computed after the application of the credits that under**
25 **IC 6-3.1-1-2 are to be applied before the credit provided by this**
26 **chapter.**

27 **Sec. 9. (a) A taxpayer that:**

28 **(1) is a licensed owner, an operating agent, or a permit holder;**
29 **and**

30 **(2) makes a qualified capital investment during a taxable**
31 **year;**

32 **is entitled to a credit against the taxpayer's state income tax**
33 **liability for that taxable year.**

34 **(b) The amount of the credit to which a taxpayer is entitled is**
35 **equal to ten percent (10%) multiplied by the qualified capital**
36 **investment made by the taxpayer during the taxable year.**

37 **Sec. 10. (a) If the amount determined under section 9(b) of this**
38 **chapter for a taxpayer in a taxable year exceeds the taxpayer's**
39 **state income tax liability for that taxable year, the taxpayer may**
40 **carry the excess over to the following nine (9) taxable years. The**
41 **amount of the credit carryover from a taxable year shall be**
42 **reduced to the extent that the carryover is used by the taxpayer to**



1 obtain a credit under this chapter for any subsequent taxable year.

2 (b) A taxpayer is not entitled to a carryback or refund of any
3 unused credit.

4 (c) A taxpayer is not entitled to a credit under this chapter for
5 a qualified capital investment if the taxpayer claims any other state
6 tax credit for that same qualified capital investment.

7 Sec. 11. The total amount of tax credits awarded under this
8 chapter may not exceed forty million dollars (\$40,000,000) in a
9 state fiscal year.

10 Sec. 12. (a) To be entitled to a credit under this chapter, a
11 taxpayer must request the Indiana economic development
12 corporation to determine whether costs incurred are qualified
13 capital investments as required by this chapter.

14 (b) The request under subsection (a) must be made before the
15 costs are incurred.

16 (c) The Indiana economic development corporation must find
17 that costs meet the requirements of qualified capital investments
18 under this chapter, as determined under the standards adopted by
19 the Indiana economic development corporation.

20 (d) This subsection applies to costs incurred for a building or
21 improvement that is not a gaming facility. The costs incurred for:

22 (1) the construction of the buildings or improvements on the
23 property on which a gaming facility is located;

24 (2) the rehabilitation, alteration, or major repair of an
25 existing building or improvement on the property on which a
26 gaming facility is located; or

27 (3) the installation of fixtures and equipment in a building or
28 improvements on the property on which a gaming facility is
29 located;

30 are not eligible for the tax credit under this chapter unless the
31 Indiana economic development corporation determines that the
32 building or improvement is directly related to hospitality and that
33 the building or improvement will enhance the experience of the
34 patrons of the gaming facility.

35 (e) The costs incurred for fixtures or equipment directly related
36 to gaming are not eligible for the tax credit under this chapter.

37 Sec. 13. If a pass through entity is entitled to a credit under this
38 chapter but does not have state income tax liability against which
39 the tax credit may be applied, an individual who is a shareholder,
40 partner, beneficiary, or member of the pass through entity is
41 entitled to a tax credit equal to:

42 (1) the tax credit determined for the pass through entity for



1 the taxable year; multiplied by
 2 (2) the percentage of the pass through entity's distributive
 3 income to which the shareholder, partner, beneficiary, or
 4 member is entitled.

5 **The credit provided under this section is in addition to a tax credit**
 6 **to which a shareholder, partner, beneficiary, or member of a pass**
 7 **through entity is entitled. However, a pass through entity and an**
 8 **individual who is a shareholder, partner, beneficiary, or member**
 9 **of a pass through entity may not claim more than one (1) credit for**
 10 **the same qualified capital investment.**

11 **Sec. 14. (a) A taxpayer may assign any part of the tax credit to**
 12 **which the taxpayer is entitled under this chapter if:**

13 (1) the person to whom the tax credit is assigned is
 14 constructing a new amenity that:

15 (A) is directly related to the gaming facility; and

16 (B) will enhance the experience of the patrons of the
 17 gaming facility; and

18 (2) the Indiana economic development corporation approves
 19 the assignment of the tax credit.

20 (b) A tax credit that is assigned under this section remains
 21 subject to this chapter.

22 (c) An assignment of a tax credit under this section must be in
 23 writing, and both the taxpayer and the person to whom the tax
 24 credit is assigned must report the assignment on their state tax
 25 return for the year in which the assignment is made, in the manner
 26 prescribed by the department.

27 **Sec. 15. To receive the credit provided by this chapter, a**
 28 **taxpayer must claim the credit on the taxpayer's state income tax**
 29 **return or returns in the manner prescribed by the department. The**
 30 **taxpayer shall submit to the department the certification of credit**
 31 **by the Indiana economic development corporation, proof of**
 32 **payment of the qualified capital investment, and all other**
 33 **information that the department determines is necessary for the**
 34 **calculation of the credit provided by this chapter and for the**
 35 **determination of whether an investment cost is a qualified capital**
 36 **investment for purposes of this chapter.**

37 SECTION 52. IC 6-8.1-1-1, AS AMENDED BY P.L.220-2014,
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2015]: Sec. 1. "Listed taxes" or "taxes" includes only the
 40 pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat
 41 admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13);
 42 the slot machine wagering tax (IC 4-35-8); **the table game wagering**



1 **tax (IC 4-35-8.1);** the type II gambling game excise tax (IC 4-36-9);
 2 the gross income tax (IC 6-2.1) (repealed); the utility receipts and
 3 utility services use taxes (IC 6-2.3); the state gross retail and use taxes
 4 (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net
 5 income tax (IC 6-3-8) (repealed); the county adjusted gross income tax
 6 (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county
 7 economic development income tax (IC 6-3.5-7); the auto rental excise
 8 tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax
 9 (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax
 10 (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement
 11 under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the aviation
 12 fuel excise tax (IC 6-6-13); the commercial vehicle excise tax
 13 (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck
 14 campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6)
 15 (repealed); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2);
 16 the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the
 17 hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5);
 18 the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes
 19 (IC 6-9); the various food and beverage taxes (IC 6-9); the county
 20 admissions tax (IC 6-9-13 and IC 6-9-28); the regional transportation
 21 improvement income tax (IC 8-24-17); the oil inspection fee
 22 (IC 16-44-2); the emergency and hazardous chemical inventory form
 23 fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3
 24 and IC 9-30); the fees and penalties assessed for overweight vehicles
 25 (IC 9-20-4 and IC 9-30); and any other tax or fee that the department
 26 is required to collect or administer.

27 SECTION 53. IC 7.1-3-17.5-7, AS ADDED BY P.L.15-2011,
 28 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2015]: Sec. 7. (a) As used in this section, "gaming facility"
 30 refers to one (1) or more of the following:

- 31 (1) A riverboat (as defined in IC 4-33-2-17).
 32 (2) A ~~slot machine~~ **gambling game** facility licensed under
 33 IC 4-35.
 34 (3) Any hotel, golf course, or other facility that is:
 35 (A) owned by a person holding a gaming site permit; and
 36 (B) related to the operation of the holder's riverboat or ~~slot~~
 37 **machine gambling game** facility.

38 (b) As used in this section, "server" means an individual who serves
 39 alcoholic beverages at a gaming facility.

40 (c) Except as provided in subsection (d), a server is not required to
 41 be employed by a person holding a gaming site permit if the server
 42 satisfies the following requirements:



- 1 (1) The server is employed by a person who:
- 2 (A) leases space at a gaming facility for the purpose of
- 3 providing food or beverages to the patrons of the gaming
- 4 facility; or
- 5 (B) is a caterer or other person contracted to provide food or
- 6 beverages at an event held at the gaming facility.
- 7 (2) The server holds a valid employee permit issued under
- 8 IC 7.1-3-18-9.
- 9 (d) A server who serves alcoholic beverages in a gaming area (as
- 10 defined in the rules adopted by the Indiana gaming commission) must
- 11 be employed by a person holding a gaming site permit.
- 12 SECTION 54. IC 7.1-3-17.7-1, AS AMENDED BY P.L.233-2007,
- 13 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2015]: Sec. 1. (a) Except as provided in subsection (c), the
- 15 commission may issue a horse track permit to a person who has been
- 16 issued a recognized meeting permit under IC 4-31-5 to sell alcoholic
- 17 beverages for on-premises consumption only. The permit may be a
- 18 single permit even though more than one (1) area constitutes the
- 19 licensed premises of the permit.
- 20 (b) The commission may issue a satellite facility permit to a person
- 21 who has been issued a satellite facility license under IC 4-31-5.5 to sell
- 22 alcoholic beverages for on-premises consumption only.
- 23 (c) This chapter does not apply to a ~~slot machine gambling game~~
- 24 facility licensed under IC 4-35.
- 25 SECTION 55. [EFFECTIVE JANUARY 1, 2016] **(a) IC 6-3.1-35,**
- 26 **as added by this act, applies to taxable years beginning after**
- 27 **December 31, 2015.**
- 28 **(b) This SECTION expires July 1, 2017.**

