



# Journal of the House

State of Indiana

119th General Assembly

First Regular Session

Twenty-third Day

Tuesday Morning

February 24, 2015

The invocation was offered by Pastor Justin White of First Christian Church in Columbus, a guest of Representative Milo E. Smith.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Sean R. Eberhart.

The Speaker ordered the roll of the House to be called:

Arnold	Klinker
Austin	Koch
Aylesworth	Lawson
Bacon	Lehe
Baird	Lehman
Bartlett	Leonard
Bauer	Lucas
Behning	Macer
Beumer	Mahan
Borders	Mayfield
Braun	McMillin
C. Brown	McNamara
T. Brown	D. Miller
Burton	Moed
Carbaugh	Morris
Cherry	Morrison
Clere	Moseley
Cook	Negele
Cox	Niezgodski
Culver	Nisly
Davisson	Ober
DeLaney	Olthoff
Dermody	Pelath
DeVon	Pierce
Dvorak	Porter
Eberhart	Price
Errington	Pryor
Fine	Rhoads
Forestal	Richardson
Friend	Riecken
Frizzell	Saunders
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Slager
Gutwein	Smaltz
Hale	M. Smith
Hamm	V. Smith
Harman	Soliday
Harris <input type="checkbox"/>	Speedy
Heaton	Stemler
Huston	Steuerwald
Judy	Sullivan
Karickhoff	Summers
Kersey	Thompson
Kirchhofer	Torr

Truitt  
Ubelhor  
VanNatter  
Washburne  
Wesco

Wolkins   
Wright  
Zent  
Ziemke  
Mr. Speaker

Roll Call 223: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

## RESOLUTIONS ON FIRST READING

### House Resolution 18

Representatives McMillin and Goodin introduced House Resolution 18:

A HOUSE RESOLUTION recognizing the work done by the Oxford Society.

*Whereas, The Oxford Society, a nonprofit organization staffed entirely by volunteers, is dedicated to encouraging and improving environmental education and conservation;*

*Whereas, The Oxford Society is dedicated to fostering the study of natural history and appreciation for nature, supporting the nondestructive study of nature, locating, developing, funding, and protecting sites for environmental education, conservation, and preservation techniques, and other topics related to understanding nature, and providing balanced information on environmental issues and nature study to the general public;*

*Whereas, Since its beginnings, the Oxford Society has been urging the citizens of the world to support the conservation and nondestructive study of nature through sound, balanced environmental education;*

*Whereas, To provide this environmental education, teachers must be given resources and opportunities to expand their experiences and studies of nature;*

*Whereas, In order for children to experience nature firsthand, the Oxford Society provides them with opportunities to explore the world outside by sponsoring field trips to natural areas like parks and outdoor education centers and helping teachers and students build nature centers on school grounds;*

*Whereas, The Oxford Society, in order to foster a better understanding of our environment, helps to locate, develop, fund, and protect sites for environmental education, conservation, and nature study;*

*Whereas, The Oxford Society, based in Oxford, Ohio, has ongoing projects in Indiana, Ohio, and Costa Rica; and*

*Whereas, The Oxford Society believes that only through education will we impact future generations and pass on a healthy, intact environment to the children of the world: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes the efforts of the Oxford Society on behalf of our environment so that all Hoosiers may experience the beauty of our land and breathe fresh air for centuries to come.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to Donald G. Kaufman, Executive Director, the Oxford Society.

The resolution was read a first time and adopted by voice vote.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1001

Representative T. Brown called down Engrossed House Bill 1001 for third reading:

A BILL FOR AN ACT concerning state offices and administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 224: yeas 69, nays 29. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Tallian.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 1:30 p.m. with the Speaker in the Chair.

Upon request of Representative DeLaney, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 225: 67 present. The Speaker declared a quorum present.

## HOUSE BILLS ON SECOND READING

### House Bill 1540

Representative Dermody called down House Bill 1540 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1540-12)

Mr. Speaker: I move that House Bill 1540 be amended to read as follows:

Delete the title and insert the following:

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

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 19.

Page 3, delete lines 13 through 42.

Page 4, delete lines 1 through 41.

Page 7, line 11, after "owned" insert "**or leased and used in the conduct of the licensed owner's gaming operations**".

Page 7, delete lines 24 through 42.

Page 8, delete lines 1 through 23.

Page 8, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 9. IC 4-33-13-5, AS AMENDED BY P.L.2-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

executive.

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

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

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

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

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

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

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

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

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

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

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

for the state fiscal year.

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

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

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

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

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

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

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

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

(4) For police and fire pensions.

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

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

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

(2) the sum of:

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

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

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

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

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

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

(i) This subsection applies to a supplemental distribution made after June 30, 2013. The maximum amount of money that

may be distributed under subsection (g) in a state fiscal year is forty-eight million dollars (\$48,000,000). If the total amount determined under subsection (g) exceeds forty-eight million dollars (\$48,000,000), the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 bears to the total amount distributed under IC 4-33-12-6 to all entities receiving a supplemental distribution."

Delete pages 9 through 26.

Page 27, delete lines 1 through 15.

Page 27, delete lines 40 through 42.

Page 28, delete lines 1 through 19.

Page 28, delete lines 28 through 42.

Delete pages 29 through 42.

Page 43, delete lines 1 through 30.

Page 44, delete lines 16 through 42.

Delete pages 45 through 53.

Page 54, delete lines 1 through 3.

Page 57, delete lines 25 through 42.

Delete pages 58 through 63.

Page 64, delete lines 1 through 10.

Page 64, line 19, delete "(before its repeal on January 1, 2017)," and insert ",".

Page 64, between lines 37 and 38, begin a new paragraph and insert:

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

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

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

(A) the grounds surrounding a qualified historic hotel;

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

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

as determined by the owner of the hotel riverboat resort.

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

Page 64, line 38, strike "(e)" and insert "(f) This subsection applies only to state fiscal years beginning after June 30, 2020."

Page 65, line 8, strike "(f)" and insert "(g) This subsection applies only to state fiscal years beginning after June 30, 2020."

Page 65, line 9, strike "(e)" and insert "(f)".

Page 65, line 16, strike "(g)" and insert "(h)".

Page 65, line 19, strike "(f)." and insert "(e) or (g)".

Page 65, delete lines 20 through 35.

Page 65, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 88. P.L.229-2013, SECTION 39, IS REPEALED [EFFECTIVE UPON PASSAGE]. SECTION 39: (a) As used in this SECTION, "commission" refers to the Indiana gaming commission.

(b) The commission shall conduct a study regarding the use

of complimentary promotional credit programs by persons licensed under IC 4-33 and IC 4-35. The commission shall study the impact of complimentary credit programs on state gaming revenues.

(e) The commission shall present its findings and recommendations, if any, to the budget committee before November 1, 2015.

(d) This SECTION expires January 1, 2016.

SECTION 89. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 4-33-2 and IC 4-33-23 apply throughout this SECTION.

(b) The legislative council is urged to assign to an appropriate interim study committee a study of the following:

(1) The extent to which local governments rely on tax revenues received under IC 4-33-12 and IC 4-33-13, including revenues received under IC 4-33-13-5 as revenue sharing or supplemental distributions.

(2) The extent to which local governments rely on economic development payments received under development agreements.

(3) The extent to which the local governments receiving tax revenues under IC 4-33-12 and IC 4-33-13 and economic development payments share revenue with other local governments.

(4) The purposes for which local governments use tax revenues under IC 4-33-12 and IC 4-33-13 and economic development payments.

(5) The extent to which liability for the riverboat admissions tax affects the competitiveness of Indiana's riverboats within the regional gaming industry.

(6) The extent to which obligations under economic development agreements affect the competitiveness of Indiana's riverboats within the regional gaming industry.

(e) If an interim study committee is assigned the topics described in subsection (b), the interim study committee shall report its findings and recommendations, if any, to the legislative council in an electronic format under IC 5-14-6 before November 1, 2015.

(d) This SECTION expires January 1, 2016.

SECTION 90. An emergency is declared for this act."

Delete page 66.

Renumber all SECTIONS consecutively.

(Reference is to HB 1540 as printed February 20, 2015.)

BROWN, T

Upon request of Representatives McMillin and Torr, the Speaker ordered the roll of the House to be called. Roll Call 226: yeas 96, nays 1. Motion prevailed.

HOUSE MOTION  
(Amendment 1540-25)

Mr. Speaker: I move that House Bill 1540 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-31-2-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.5. "Gambling game" has the meaning set forth in IC 4-35-2-5.

SECTION 2. IC 4-31-7-1, AS AMENDED BY P.L.233-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A person holding a permit to conduct a horse racing meeting or a license to operate a satellite facility may provide a place in the racing meeting grounds or enclosure or the satellite facility at which the person may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the horse races conducted or simulcast by the person. The person may not permit or use:

(1) another place other than that provided and designated by the person; or

(2) another method or system of betting or wagering.

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

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

SECTION 3. IC 4-31-9-1, AS AMENDED BY P.L.233-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. A person that holds a permit to conduct a horse racing meeting or a license to operate a satellite facility shall withhold:

(1) eighteen percent (18%) of the total of money wagered on each day at the racetrack or satellite facility (including money wagered on exotic wagering pools, but excluding money wagered on ~~slot machines gambling games~~ under IC 4-35); plus

(2) an additional three and one-half percent (3.5%) of the total of all money wagered on exotic wagering pools on each day at the racetrack or satellite facility."

Page 8, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 16. IC 4-33-12-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 0.5. This chapter does not apply to a riverboat in a historic hotel district.**"

Page 8, line 33, after "(c)" insert ",".

Page 8, line 33, strike "and (d)".

Page 8, line 36, strike "(k)," and insert "(j)".

Page 9, line 8, strike "docked" and insert "located".

Page 9, line 9, strike "(k)," and insert "(j)".

Page 9, line 19, strike "(k)," and insert "(j)".

Page 9, line 28, strike "(k)," and insert "(j)".

Page 9, line 37, strike "(k)," and insert "(j)".

Page 10, line 5, strike "(k)," and insert "(j)".

Page 10, strike line 11.

Page 10, line 12, strike "a historic hotel district, the".

Page 10, line 12, delete "auditor".

Page 10, line 12, strike "of state shall quarterly pay".

Page 10, line 13, strike "the following".

Page 10, line 13, delete "amounts:".

Page 12, line 24, delete "(1)".

Page 12, line 24, strike "Twenty-nine and thirty-three hundredths percent (29.33%)".

Page 12, strike line 25.

Page 12, line 26, strike "shall distribute the money received under this".

Page 12, line 26, delete "subdivision".

Page 12, strike line 27.

Page 12, line 28, delete "(A)".

Page 12, line 28, strike "Twenty-two and seventy-five hundredths percent".

Page 12, strike line 29.

Page 12, delete lines 31 through 38.

Page 12, line 39, delete "(B)".

Page 12, line 39, strike "Twenty-two and seventy-five hundredths percent".

Page 12, strike line 40.

Page 12, delete line 42.

Page 13, delete lines 1 through 6.

Page 13, line 7, delete "(C)".

Page 13, line 7, strike "Fifty-four and five-tenths percent (54.5%) to be".

Page 13, strike lines 8 through 10.

Page 13, line 11, delete "(2)".

Page 13, line 11, strike "Six and sixty-seven hundredths percent (6.67%) to the".

Page 13, strike line 12.

Page 13, line 13, strike "(20%) of the taxes received by the town under this".

Page 13, line 14, delete "subdivision".

Page 13, line 14, strike "must be transferred to Orleans Community Schools."

Page 13, line 15, delete "(3)".

Page 13, line 15, strike "Six and sixty-seven hundredths percent (6.67%) to the".

Page 13, strike line 16.

Page 13, line 17, strike "of the taxes received by the town under this".

Page 13, line 17, delete "subdivision".

Page 13, strike line 18.

Page 13 line 19, delete "(4)".

Page 13, line 19, strike "Twenty-six and sixty-seven hundredths percent (26.67%)".

Page 13, strike lines 20 through 21.

Page 13, line 22, strike "(20%) of the taxes received by a town under this".

Page 13, line 23, delete "subdivision".

Page 13, line 23, strike "must be transferred to the Springs Valley Community".

Page 13, strike line 24.

Page 13, line 25, delete "(5)".

Page 13, line 25, strike "Thirty and sixty-six hundredths percent (30.66%) to the".

Page 13, line 26, strike "Indiana economic development corporation to be used".

Page 13, line 27, delete "by the corporation for".

Page 13, delete lines 28 through 42.

Page 14, delete lines 1 through 3.

Page 14, line 4, strike "(d)" and insert "(c)".

Page 14, line 10, strike "(k)," and insert "(j)".

Page 14, line 17, strike "(k)," and insert "(j)".

Page 14, line 25, strike "(k)," and insert "(j)".

Page 14, line 34, strike "(k)," and insert "(j)".

Page 14, line 42, strike "(k)," and insert "(j)".

Page 15, line 9, strike "(k)," and insert "(j)".

Page 15, line 25, strike "(e)" and insert "(d)".

Page 15, line 25, delete "," and insert "or".

Page 15, line 26, delete "," and insert ":".

Page 15, line 26, strike "or (d)".

Page 15, line 37, strike "(f)" and insert "(e)".

Page 15, line 38, strike "(d)(3)" and insert "(c)(3)".

Page 16, line 3, strike "(g)" and insert "(f)".

Page 16, line 4, strike "(d)(6):" and insert "(c)(6):".

Page 16, line 18, strike "(h)" and insert "(g)".

Page 16, line 21, strike "(d)(1)" and insert "(c)(1)".

Page 16, line 22, strike "(d)(2)." and insert "(c)(2).".

Page 16, line 23, strike "(d)(5)" and insert "(c)(5)".

Page 16, line 24, strike "(d)(6)." and insert "(c)(6).".

Page 16, line 32, strike "(i)" and insert "(h)".

Page 16, line 33, strike "(d)(3)" and insert "(c)(3)".

Page 16, line 33, strike "(d)(4)." and insert "(c)(4).".

Page 16, line 35, strike "(d)(3)" and insert "(c)(3)".

Page 16, line 38, strike "(d)(3)." and insert "(c)(3).".

Page 16, line 40, strike "(d)(4)." and insert "(c)(4).".

Page 17, strike line 1.

Page 17, line 2, strike "under subsection (c).", begin a new paragraph and insert:

"(i)".

Page 17, line 4, strike "(h)" and insert "(g)".

Page 17, line 4, strike "(i)." and insert "(h).".

Page 17, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 18. IC 4-33-12.5-6, AS AMENDED BY P.L.205-2013, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The county described in ~~IC 4-33-12-6(d)~~ **IC 4-33-12-6(c)** shall distribute twenty-five percent (25%) of the:

(1) admissions tax revenue received by the county under

~~IC 4-33-12-6(d)(2); IC 4-33-12-6(c)(2);~~ and

(2) supplemental distributions received under IC 4-33-13-5;

to the eligible municipalities.

(b) The amount that shall be distributed by the county to each eligible municipality under subsection (a) is based on the eligible municipality's proportionate share of the total population of all eligible municipalities. The most current certified census information available shall be used to determine an eligible municipality's proportionate share under this subsection. The determination of proportionate shares under this subsection shall be modified under the following conditions:

(1) The certification from any decennial census completed by the United States Bureau of the Census.

(2) Submission by one (1) or more eligible municipalities of a certified special census commissioned by an eligible municipality and performed by the United States Bureau of the Census.

(c) If proportionate shares are modified under subsection (b), distribution to eligible municipalities shall change with the:

(1) payments beginning April 1 of the year following the certification of a special census under subsection (b)(2); and

(2) the next quarterly payment following the certification of a decennial census under subsection (b)(1)."

Page 17, line 24, strike "1.5(j)" and insert "**1.5(k)**".

Page 18, line 5, after "that" insert "**is located in a county adjacent to Lake Michigan or the Ohio River and**".

Page 18, line 38, after "that" insert "**is located in a county adjacent to Lake Michigan or the Ohio River and**".

Page 19, line 29, strike "or operating agent".

Page 19, between lines 34 and 35, begin a new paragraph and insert:

**"(e) This subsection applies only to a riverboat that is located in a historic hotel district. A tax is imposed on the adjusted gross receipts received from gambling games authorized under this article at the rate of five percent (5%) of the amount of the adjusted gross receipts."**

Page 19, line 35, strike "(e)" and insert "(f)".

Page 19, line 38, strike "(f)" and insert "(g)".

Page 19, line 40, strike "(g)" and insert "(h)".

Page 20, line 2, strike "(h)" and insert "(i)".

Page 20, line 5, strike "(i)" and insert "(j)".

Page 20, line 12, strike "(j)" and insert "(k)".

Page 30, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 29. IC 4-35-2-5, AS AMENDED BY P.L.229-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. "Gambling game" means **either any** of the following:

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

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

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

SECTION 30. IC 4-35-2-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 10.5. "Table game" means an apparatus used to gamble upon, including the following:**

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

**(2) A blackjack table.**

**(3) A craps table.**

**(4) A poker table.**

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

SECTION 31. IC 4-35-3-1, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. All shipments of **gambling devices, including** slot machines, to licensees in Indiana, the registering, recording, and labeling of which have been completed by the manufacturer or dealer in accordance with 15 U.S.C. 1171 through 15 U.S.C. 1178, are legal shipments of gambling devices into Indiana.

SECTION 32. IC 4-35-4-2, AS AMENDED BY

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

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

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

(B) The regulatory process provided in this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 33. IC 4-35-4-7, AS AMENDED BY P.L.229-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The commission shall adopt standards for the licensing of the following:

(1) Persons regulated under this article.

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

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

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

Page 33, between lines 13 and 14, begin a new paragraph and insert:

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

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

(2) That the commission has not approved a power of attorney identifying any other person to serve as the trustee for the ~~slot machine gambling game~~ facility.

(3) That there is not enough time to consider and approve a power of attorney with respect to the ~~slot machine gambling game~~ facility before the circumstances found likely to occur under subdivision (1) will occur.

(b) A person appointed under this section must be qualified to perform any duty described in this section or IC 4-35-12.

(c) A trustee appointed by the commission under this section shall serve until any of the following occur:

(1) The commission adopts a resolution under IC 4-35-12-3 authorizing a trustee appointed in an approved power of attorney submitted by the permit holder to conduct gambling games under IC 4-35-12.

(2) The commission revokes the trustee's authority to conduct gambling games as provided by IC 4-35-12-2.

(3) A new permit holder assumes control of the racetrack, ~~slot machine gambling game~~ facility, and related properties.

(d) A trustee appointed by the commission under this section shall exercise the trustee's powers in accordance with:

(1) the model power of attorney established by the executive director under section 13.2 of this chapter; and

(2) IC 4-35-12.

SECTION 36. IC 4-35-5-2, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Before issuing a license to a person under this chapter, the commission shall subject the person to a background investigation similar to a background investigation required for an applicant for a riverboat owner's license under IC 4-33-6.

(b) Before the commission may issue a license to a person under this chapter, the person must submit to the commission for the commission's approval the physical layout of the person's proposed ~~slot machines gambling games~~ and the facilities that will contain the proposed ~~slot machines gambling games~~. The facilities that will contain the ~~slot machines gambling games~~ must be connected to the licensee's racetrack facilities.

SECTION 37. IC 4-35-6-1, AS AMENDED BY P.L.229-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. A person may not:

(1) sell;

(2) lease; or

(3) contract to sell or lease;

a slot machine, **table game**, limited mobile gaming system, or mobile gaming device to a licensee unless the person holds a supplier's license originally issued under IC 4-33-7-1 or renewed under IC 4-33-7-8.

SECTION 38. IC 4-35-7-1, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. Gambling games authorized under this article may not be conducted anywhere other than a ~~slot machine gambling game~~ facility located at a racetrack.

SECTION 39. IC 4-35-7-1.5, AS ADDED BY P.L.229-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.5. (a) A licensee may request approval from the commission to use a limited mobile gaming system in the gambling operations of the licensee.

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

SECTION 40. IC 4-35-7-2, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A person who is less than twenty-one (21) years of age may not wager ~~on a slot machine~~ under this article.

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

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

SECTION 41. IC 4-35-7-4, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. The following may inspect a licensee's ~~slot machine gambling game~~ facility at any time to determine if this article is being violated:

(1) Employees of the commission.

(2) Officers of the state police department.

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

SECTION 43. IC 4-35-7-6, AS AMENDED BY P.L.229-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. ~~A slot machine Gambling equipment and supplies customarily used in conducting gambling games~~ may be purchased or leased only from a supplier licensed under IC 4-33-7.

SECTION 44. IC 4-35-7-7, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. Except as provided in ~~section sections 14 and 19~~ of this chapter, slot machine wagering is the only form of wagering permitted in a licensee's slot machine facility.

SECTION 45. IC 4-35-7-8, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. Wagers may be received only from a person present in a licensee's ~~slot machine gambling game~~ facility. A person present in a licensee's ~~slot machine gambling game~~ facility may not place or attempt to place a wager on behalf of a person who is not present in the licensee's ~~slot machine gambling game~~ facility.

SECTION 46. IC 4-35-7-9, AS AMENDED BY P.L.229-2013, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) A patron may make a ~~slot machine gambling game~~ wager at a racetrack only by means of:

(1) a **chip, a** token, or an electronic card, acquired from a licensee at the licensee's racetrack; or

(2) money or other negotiable currency.

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

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

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

SECTION 47. IC 4-35-7-10, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. A **chip**, a token, or an electronic card described in section 9 of this chapter may be used by a patron while the patron is present at the racetrack only to make a wager on a **slot machine gambling game** authorized under this article.

SECTION 48. IC 4-35-7-12, AS AMENDED BY P.L.210-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) The Indiana horse racing commission shall enforce the requirements of this section.

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

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

**(3) The percentage of the adjusted gross receipts of the gambling game wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after June 30, 2015.**

(c) The Indiana horse racing commission may not use any of the money distributed under this section for any administrative purpose or other purpose of the Indiana horse racing commission.

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

- (1) Five-tenths percent (0.5%) shall be transferred to horsemen's associations for equine promotion or welfare according to the ratios specified in subsection (g).
- (2) Two and five-tenths percent (2.5%) shall be transferred to horsemen's associations for backside benevolence according to the ratios specified in subsection (g).
- (3) Ninety-seven percent (97%) shall be distributed to promote horses and horse racing as provided in subsection (f).

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

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

- (1) Forty-six percent (46%) for thoroughbred purposes as follows:
  - (A) Sixty percent (60%) for the following purposes:
    - (i) Ninety-seven percent (97%) for thoroughbred purses.
    - (ii) Two and four-tenths percent (2.4%) to the horsemen's association representing thoroughbred owners and trainers.
    - (iii) Six-tenths percent (0.6%) to the horsemen's

association representing thoroughbred owners and breeders.

(B) Forty percent (40%) to the breed development fund established for thoroughbreds under IC 4-31-11-10.

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

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

(B) One hundred twenty-five thousand dollars (\$125,000) to the state fair commission to be used by the state fair commission to make grants to county fairs to support standardbred racing and facilities at county fair tracks. The state fair commission shall establish a review committee to include the standardbred association board, the Indiana horse racing commission, and the Indiana county fair association to make recommendations to the state fair commission on grants under this clause.

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

- (i) Ninety-six and five-tenths percent (96.5%) for standardbred purses.
- (ii) Three and five-tenths percent (3.5%) to the horsemen's association representing standardbred owners and trainers.

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

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

- (A) Seventy percent (70%) for the following purposes:
  - (i) Ninety-five percent (95%) for quarter horse purses.
  - (ii) Five percent (5%) to the horsemen's association representing quarter horse owners and trainers.
- (B) Thirty percent (30%) to the breed development fund established for quarter horses under IC 4-31-11-10.

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

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

- (1) Forty-six percent (46%) to the horsemen's association representing thoroughbred owners and trainers.
- (2) Forty-six percent (46%) to the horsemen's association representing standardbred owners and trainers.
- (3) Eight percent (8%) to the horsemen's association representing quarter horse owners and trainers.

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

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



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

The state board of accounts shall annually audit the accounts, books, and records of the Indiana horse racing commission, each horsemen's association, a licensee, and any association for backside benevolence containing any information relating to the distribution of money under this section.

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

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

- (1) issue a warning to the licensee;
- (2) impose a civil penalty that may not exceed one million dollars (\$1,000,000); or
- (3) suspend a meeting permit issued under IC 4-31-5 to conduct a pari-mutuel wagering horse racing meeting in Indiana.

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

SECTION 49. IC 4-35-7-16, AS ADDED BY P.L.210-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) The amount of ~~slot machine~~ **gambling game** revenue that must be distributed under section 12(b)(2) of this chapter must be determined in a distribution agreement entered into by negotiation committees representing all licensees and the horsemen's associations having contracts with licensees that have been approved by the Indiana horse racing commission.

(b) Each horsemen's association shall appoint a representative to a negotiation committee to negotiate the distribution agreement required by subsection (a). If there ~~are~~ **is** an even number of horsemen's associations appointing representatives to the committee, the members appointed by each horsemen's association shall jointly appoint an at-large member of the negotiation committee to represent the interests of all of the horsemen's associations. The at-large member is entitled to the same rights and privileges of the members appointed by the horsemen's associations.

(c) Each licensee shall appoint a representative to a negotiation committee to negotiate the distribution agreement required by subsection (a). If there ~~are~~ **is** an even number of licensees, the members appointed by each licensee shall jointly appoint an at-large member of the negotiation committee to represent the interests of all of the licensees. The at-large member is entitled to the same rights and privileges of the members appointed by the licensees.

(d) If a majority of the members of each negotiation committee ~~are~~ **is** present, the negotiation committees may negotiate and enter into a distribution agreement binding all horsemen's associations and all licensees as required by subsection (a).

(e) The initial distribution agreement entered into by the negotiation committees:

- (1) must be in writing;
- (2) must be submitted to the Indiana horse racing commission before October 1, 2013;
- (3) must be approved by the Indiana horse racing commission before January 1, 2014; and
- (4) may contain any terms determined to be necessary and appropriate by the negotiation committees, subject to subsection (f) and section 12 of this chapter.

(f) A distribution agreement must provide that at least ten percent (10%) and not more than twelve percent (12%) of a licensee's adjusted gross receipts must be distributed under section 12(b)(2) of this chapter. A distribution agreement applies to adjusted gross receipts received by the licensee after

December 31 of the calendar year in which the distribution agreement is approved by the Indiana horse racing commission.

(g) A distribution agreement may expire on December 31 of a particular calendar year if a subsequent distribution agreement will take effect on January 1 of the following calendar year. A subsequent distribution agreement:

- (1) is subject to the approval of the Indiana horse racing commission; and
- (2) must be submitted to the Indiana horse racing commission before October 1 of the calendar year preceding the calendar year in which the distribution agreement will take effect.

(h) The Indiana horse racing commission shall annually report to the budget committee on the effect of each distribution agreement on the Indiana horse racing industry before January 1 of the following calendar year.

SECTION 50. IC 4-35-7-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 19. (a) For purposes of this section, "electronic table games" means:**

- (1) baccarat;
- (2) blackjack;
- (3) poker;
- (4) craps; or
- (5) roulette;

**that a person plays at a table with multiple positions and the game operates on a random number generator without human assistance.**

(b) A licensee may submit a plan to the commission for conducting wagering on table games at the licensee's gambling game facility. A licensee must submit a table game plan before the date designated by the commission. Upon receipt of an appropriate plan, the commission shall authorize wagering on table games at the licensee's gambling game facility. Except as provided in subsection (b), a licensee:

- (1) may not install more table game positions than the number of positions proposed in the table game plan submitted to the commission;
- (2) must remove one (1) electronic table game from its gambling game facility for each table game the licensee installs; and
- (3) may have a number of table games equal only to fifty percent (50%) of the electronic table games the licensee had in operation on February 1, 2015.

(c) After five (5) years of conducting table games under a plan approved under subsection (b), a licensee may apply to the commission for approval to install additional table game positions."

Page 45, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 53. IC 4-35-8.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

### **Chapter 8.3. Historic Hotel District Community Support Fee**

**Sec. 1. This chapter applies to a state fiscal year beginning after June 30, 2015.**

**Sec. 2. Before October 1 of each year, a licensee shall pay to the department an annual historic hotel district community support fee equal to:**

- (1) one million two hundred fifty thousand dollars (\$1,250,000); multiplied by
- (2) the number of gambling game facilities operated by the licensee under this article.

**Sec. 3. The department shall deposit the fees received under section 2 of this chapter in the state general fund.**

**Sec. 4. Before December 1 of each year, the auditor of state shall distribute an amount equal to the fees deposited in that year under section 3 of this chapter to communities and schools located near a historic hotel district and the Indiana economic development commission as follows:**

(1) Twenty-nine and thirty-three hundredths percent (29.33%) to the county treasurer of Orange County. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty-two and seventy-five hundredths percent (22.75%) 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 shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Crawford County for appropriation by the county fiscal body. The county fiscal body shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

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

(2) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Orleans. At least twenty percent (20%) of the money received by the town under this subdivision must be transferred to the Orleans Community Schools.

(3) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Paoli. At least twenty percent (20%) of the money received by the town under this subdivision must be transferred to the Paoli Community School Corporation.

(4) Twenty-six and sixty-seven hundredths percent (26.67%) to be paid in equal amounts to the fiscal officers of the towns of French Lick and West Baden Springs. At least twenty percent (20%) of the money received by a town under this subdivision must be transferred to the Springs Valley Community School Corporation.

(5) Thirty and sixty-six hundredths percent (30.66%) to be paid to the Indiana economic development corporation to be used by the corporation 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.

**Sec. 5. Money distributed to a unit of local government under section 4 of this chapter:**

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

SECTION 54. IC 4-35-8.5-1, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Before the fifteenth day of each month, a licensee that offers ~~slot machine gambling game~~ wagering under this article shall pay to the commission a

county ~~slot machine gambling game~~ wagering fee equal to three percent (3%) of the adjusted gross receipts received from ~~slot machine gambling game~~ wagering during the previous month at the licensee's racetrack. However, a licensee is not required to pay more than eight million dollars (\$8,000,000) of county ~~slot machine gambling game~~ wagering fees under this section in any state fiscal year.

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

SECTION 55. IC 4-35-8.5-2, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. Before the fifteenth day of each month, the treasurer of state shall distribute any county ~~slot machine gambling game~~ wagering fees received from a licensee during the previous month to the county auditor of the county in which the licensee's racetrack is located.

SECTION 56. IC 4-35-8.5-3, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The auditor of each county receiving a distribution of county ~~slot machine gambling game~~ wagering fees under section 2 of this chapter shall distribute the county ~~slot machine gambling game~~ wagering fees 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 by subdivisions (1) and (2) are made, the remainder shall be retained by the county.

SECTION 57. IC 4-35-8.7-2, AS AMENDED BY P.L.142-2009, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A licensee that offers ~~slot machine~~ wagering **on gambling games** under this article shall annually pay to the Indiana horse racing commission a gaming integrity fee equal to two hundred fifty thousand dollars (\$250,000) for each racetrack at which the licensee offers ~~slot machine~~ wagering **on gambling games**. The Indiana horse racing commission shall deposit gaming integrity fees in the fund.

SECTION 58. IC 4-35-8.8-3, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The division may use problem gambling fees paid to the division under this chapter only for the prevention and treatment of compulsive gambling that is related to ~~slot machine wagering~~ and other gambling allowed under **this article and IC 4-33**.

SECTION 59. IC 4-35-9-2, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A person who knowingly or intentionally aids, induces, or causes a person who is:

(1) less than twenty-one (21) years of age; and

(2) not an employee of a licensee;

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

SECTION 60. IC 4-35-9-3.5, AS ADDED BY P.L.158-2013, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3.5. (a) A person who:

(1) is not an employee of a licensee;

(2) is less than twenty-one (21) years of age; and

(3) enters the licensee's ~~slot machine gambling game~~ facility;

commits a Class C infraction.

(b) A person who:

(1) is not an employee of a licensee;

(2) is less than twenty-one (21) years of age; and

(3) attempts to enter the licensee's ~~slot machine gambling game~~ facility;

commits a Class C infraction.

SECTION 61. IC 4-35-9-4, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. A person who knowingly or intentionally:

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

commits a Class A misdemeanor.

SECTION 62. IC 4-35-11-1, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. This chapter applies to persons holding a permit to operate a racetrack under IC 4-31-5 at which ~~slot machines gambling games~~ are licensed under this article.

SECTION 63. IC 4-35-11-2, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The general assembly declares that it is essential for minority and women's business enterprises to have the opportunity for full participation in the racetrack industry if minority and women's business enterprises are to obtain social and economic parity and if the economies of the cities, towns, and counties in which ~~slot machines gambling games~~ are operated at racetracks are to be stimulated as contemplated by this article.

SECTION 64. IC 4-35-12-9, AS ADDED BY P.L.142-2009, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. A trustee acting under the authority of this chapter may conduct the operations of any hotel, restaurant, golf course, or other amenity related to the racetrack's ~~slot machine gambling game~~ facility.

SECTION 65. IC 4-36-1-3, AS ADDED BY P.L.95-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. This article does not apply to the following:

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

Page 52, line 36, strike "IC 4-33-12-6(d)(2);" and insert "**IC 4-33-12-6(c)(2);**".

Page 52, line 41, strike "IC 4-33-12-6(d)(1)" and insert "**IC 4-33-12-6(c)(1)**".

Page 60, line 34, strike "IC 4-33-12-6(g)(3)" and insert "**IC 4-33-12-6(f)(3)**".

Page 61, line 10, reset in roman "admissions".

Page 64, line 19, after "(before" insert "**the enactment of P.L.96-2010 and before**".

Page 66, after line 4, begin a new paragraph and insert:

"SECTION 88. [EFFECTIVE JULY 1, 2015] **(a) IC 4-33-13-1.5, as amended by this act, applies to adjusted gross receipts received from gambling games conducted after June 30, 2015.**

**(b) This SECTION expires July 1, 2016.**"

Re-number all SECTIONS consecutively.

(Reference is to HB 1540 as printed February 20, 2015.)

EBERHART

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 227: yeas 76, nays 22. Motion prevailed.

HOUSE MOTION  
(Amendment 1540-16)

Mr. Speaker: I move that House Bill 1540 be amended to read as follows:

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 4. IC 4-33-1-1, AS AMENDED BY P.L.233-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. This article applies only to the following:

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

Page 2, between lines 30 and 31, begin a new line block indented and insert:

**"(5) A casino located in a county containing a consolidated city.**

SECTION 6. IC 4-33-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The commission has the following powers and duties for the purpose of administering, regulating, and enforcing the system of riverboat gambling established 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 riverboat gambling operations in Indiana.
  - (B) All persons on riverboats where gambling operations are conducted.
- (4) Investigate and reinvestigate applicants and license holders and determine the eligibility of applicants for licenses or operating agent contracts.
- (5) Select among competing applicants the applicants that promote the most economic development in ~~a home dock~~ **the area of the riverboat or proposed riverboat** and that best serve the interests of the citizens of Indiana.
- (6) Take appropriate administrative enforcement or disciplinary action against a licensee or an operating agent.
- (7) Investigate alleged violations of this article.
- (8) Establish fees for licenses issued under this article.
- (9) Adopt appropriate standards for the design, appearance, aesthetics, and construction for riverboats and facilities.
- (10) Conduct hearings.
- (11) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other relevant documents.
- (12) Administer oaths and affirmations to the witnesses.
- (13) Prescribe a form to be used by an operating agent or a licensee involved in the ownership or management of gambling operations as an application for employment by potential employees.
- (14) Revoke, suspend, or renew licenses issued under this article.
- (15) Hire employees to gather information, conduct investigations, and carry out other tasks under this article.
- (16) Take any reasonable or appropriate action to enforce this article.

(b) Applicants and license holders shall reimburse the commission for costs related to investigations and reinvestigations conducted under subsection (a)(4)."

Page 4, line 9, strike "ten (10)" and insert "**eleven (11)**".

Page 4, line 10, strike "ten (10)" and insert "**eleven (11)**".

Page 4, between lines 34 and 35, begin a new line block indented and insert:

**"(6) One (1) license for a county containing a consolidated city."**

Page 5, line 26, delete "or".

Page 5, line 29, delete "." and insert "; **or**".

Page 5, between lines 29 and 30, begin a new line block indented and insert:

**"(3) a person who applies for an owner's license and intends to operate a casino in a county containing a consolidated city."**

Page 5, line 41, after "24" insert "**or 25**".

Page 6, line 22, after "24" insert "**or 25**".

Page 6, line 39, after "24" insert "**or 25**".

Page 6, after line 42, begin a new paragraph and insert:

"SECTION 14. IC 4-33-6-18, AS AMENDED BY P.L.2-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) This subsection applies to cities described in section 1(a)(1) through 1(a)(4) of this chapter. The commission may not issue a license authorizing a riverboat to dock in a city unless the legislative body of the city has approved an ordinance permitting the docking of riverboats in the city.

(b) This subsection applies to a county described in section 1(a)(5) of this chapter if the largest city in the county is contiguous to the Ohio River. The commission may not issue a license authorizing a riverboat to dock in the county unless an ordinance permitting the docking of riverboats in the county has been approved by the legislative body of the largest city in the county. The license must specify that the home dock of the riverboat is to be located in the largest city in the county.

(c) This subsection applies to a county described in section 1(a)(5) of this chapter if the largest city in the county is not contiguous to the Ohio River. The commission may not issue a license authorizing a riverboat to dock in the county unless an ordinance permitting the docking of riverboats in the county has been approved by the county fiscal body.

(d) This subsection applies to a county in which a historic hotel district is located. The commission may not enter into a contract under IC 4-33-6.5 for the operation of a riverboat in the county unless an ordinance permitting the ~~docking of riverboats~~ **operation of a riverboat** in the county has been approved by the county fiscal body.

**(e) This subsection applies to a county containing a consolidated city. The commission may not issue a license authorizing the operation of a casino in the county unless an ordinance permitting the operation of a casino in the county has been approved by the fiscal body of the county.**

SECTION 15. IC 4-33-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 county containing a consolidated city.**

(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, **or the operation of a casino**, 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 7, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 18. IC 4-33-6-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 25. (a) If riverboat gaming in a county containing a consolidated city is approved under sections 18 and 19 of this chapter, the commission may issue an owner's license to a person to operate a riverboat in a county containing a consolidated city.**

**(b) A person issued an owner's license for the operation of a riverboat in a county containing a consolidated city shall do the following:**

- (1) Ensure that the person's riverboat complies with all applicable building codes and any safety requirements imposed by the commission.**
- (2) Implement flexible scheduling under section 21 of this chapter.**

**(c) Except as provided in subsection (d), IC 4-33-12 (before its repeal on January 1, 2017) applies to a riverboat operated under this section. Admissions taxes collected for patrons admitted to the riverboat must be distributed in the same manner as admissions taxes remitted by a riverboat located in LaPorte County are distributed under IC 4-33-12-6(b).**

**(d) IC 4-33-12-6(h) through IC 4-33-12-6(k) do not apply to the distribution of admissions taxes collected for admission to a riverboat operated under this section."**

Page 22, line 27, before "Ohio" insert "**Marion County**".

Page 27, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 28. IC 4-33-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) Money paid to a unit of local government under this chapter:

- (1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;
- (2) may not be used to reduce the unit's maximum or actual levy under IC 6-1.1-18.5; and
- (3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4.

(b) This chapter does not prohibit the city or county designated as the home dock of the riverboat **or location of a riverboat operated under IC 4-33-6-25** from entering into agreements with other units of local government in Indiana or in other states to share the city's or county's part of the tax revenue received under this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1540 as printed February 20, 2015.)

SUMMERS

Motion withdrawn.

HOUSE MOTION  
(Amendment 1540-4)

Mr. Speaker: I move that House Bill 1540 be amended to read as follows:

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 5. IC 4-33-1-1, AS AMENDED BY P.L.233-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. This article

applies only to the following:

- (1) Counties contiguous to Lake Michigan.
- (2) A county that is:
  - (A) contiguous to the Ohio River; and
  - (B) described in IC 4-33-6-1(a)(5).
- (3) A county that contains a historic hotel district.
- (4) **A county containing an underserved market."**

Page 2, between lines 30 and 31, begin a new line block indented and insert:

**"(5) A casino located in a county containing an underserved market.**

SECTION 7. IC 4-33-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 20. "Underserved market" means a geographic area of not more than one (1) square mile that surrounds a property that, as of January 1, 2015, is at least seventy (70) miles from the nearest riverboat or gambling game facility licensed under IC 4-35.**

SECTION 8. IC 4-33-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The commission has the following powers and duties for the purpose of administering, regulating, and enforcing the system of riverboat gambling established 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 riverboat gambling operations in Indiana.
  - (B) All persons on riverboats where gambling operations are conducted.
- (4) Investigate and reinvestigate applicants and license holders and determine the eligibility of applicants for licenses or operating agent contracts.
- (5) Select among competing applicants the applicants that promote the most economic development in ~~a home dock~~ **the area of the riverboat or proposed riverboat** and that best serve the interests of the citizens of Indiana.
- (6) Take appropriate administrative enforcement or disciplinary action against a licensee or an operating agent.
- (7) Investigate alleged violations of this article.
- (8) Establish fees for licenses issued under this article.
- (9) Adopt appropriate standards for the design, appearance, aesthetics, and construction for riverboats and facilities.
- (10) Conduct hearings.
- (11) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other relevant documents.
- (12) Administer oaths and affirmations to the witnesses.
- (13) Prescribe a form to be used by an operating agent or a licensee involved in the ownership or management of gambling operations as an application for employment by potential employees.
- (14) Revoke, suspend, or renew licenses issued under this article.
- (15) Hire employees to gather information, conduct investigations, and carry out other tasks under this article.
- (16) Take any reasonable or appropriate action to enforce this article.

(b) Applicants and license holders shall reimburse the commission for costs related to investigations and reinvestigations conducted under subsection (a)(4)."

Page 4, line 12, after "(1)" delete "The" and insert "**Not more than the**".

Page 4, line 16, delete "(1) One" and insert "**(B) One**".

Page 4, line 18, delete "One" and insert "**Not more than one**".

Page 4, line 20, delete "One" and insert "**Not more than one**".

Page 4, line 22, delete "One" and insert "**Not more than one**".

Page 4, line 25, delete "A" and insert "**Not more than a**".

Page 4, between lines 34 and 35, begin a new line block indented and insert:

**"(6) Not more than one (1) license for a county containing an underserved market."**

Page 4, line 39, delete "A" and insert "**Except as provided in IC 4-33-6-25, a**".

Page 5, line 26, delete "or".

Page 5, line 29, delete "." and insert "; **or**".

Page 5, between lines 29 and 30, begin a new line block indented and insert:

**"(3) a person who applies for an owner's license and intends to operate a casino in a county containing an underserved market."**

Page 5, line 41, after "24" insert "**or 25**".

Page 6, line 22, after "24" insert "**or 25**".

Page 6, line 39, after "24" insert "**or 25**".

Page 6, after line 42, begin a new paragraph and insert:

"SECTION 15. IC 4-33-6-18, AS AMENDED BY P.L.2-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) This subsection applies to cities described in section 1(a)(1) through 1(a)(4) of this chapter. The commission may not issue a license authorizing a riverboat to dock in a city unless the legislative body of the city has approved an ordinance permitting the docking of riverboats in the city.

(b) This subsection applies to a county described in section 1(a)(5) of this chapter if the largest city in the county is contiguous to the Ohio River. The commission may not issue a license authorizing a riverboat to dock in the county unless an ordinance permitting the docking of riverboats in the county has been approved by the legislative body of the largest city in the county. The license must specify that the home dock of the riverboat is to be located in the largest city in the county.

(c) This subsection applies to a county described in section 1(a)(5) of this chapter if the largest city in the county is not contiguous to the Ohio River. The commission may not issue a license authorizing a riverboat to dock in the county unless an ordinance permitting the docking of riverboats in the county has been approved by the county fiscal body.

(d) This subsection applies to a county in which a historic hotel district is located. The commission may not enter into a contract under IC 4-33-6.5 for the operation of a riverboat in the county unless an ordinance permitting the ~~docking of riverboats~~ **operation of a riverboat** in the county has been approved by the county fiscal body.

**(e) This subsection applies to a county containing an underserved market. The commission may not issue a license authorizing the operation of a casino in the county unless an ordinance permitting the operation of a casino in the county has been approved by the fiscal body of the county.**

SECTION 16. IC 4-33-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 county containing an underserved market.**

(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, **or operation of a casino**, 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 7, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 18. IC 4-33-6-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 25. (a) The commission may approve the transfer of an owner's license to a person intending to relocate the riverboat subject to the license to a county containing an underserved market.**

**(b) IC 4-33-4-21 applies to the commission's consideration of a proposed transfer of an owner's license under subsection (a).**

**(c) A person acquiring an owner's license for the operation of a riverboat in a county containing an underserved market shall do the following:**

**(1) Ensure that the person's riverboat complies with all applicable building codes and any safety requirements imposed by the commission.**

**(2) Implement flexible scheduling under section 21 of this chapter.**

SECTION 19. IC 4-33-9-10.5, AS ADDED BY P.L.15-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10.5. (a) A licensed owner or an operating agent may apply to the commission for approval to conduct card tournaments at a facility other than the riverboat on which the licensed owner or operating agent is authorized to conduct gambling games under this article.

(b) The application must specify the facility in which the licensed owner or operating agent will conduct the card tournament if the application is approved. The facility must be in a hotel or other permanent structure that is:

(1) owned or leased by the licensed owner or operating agent; and

(2) located on land that is adjacent to:

(A) the dock to which the applicant's riverboat is moored; or

(B) the land on which the applicant's riverboat is situated, in the case of an application submitted by an operating agent or the licensed owner of a riverboat located in a county containing an underserved market.

(c) The application must be submitted on a form prescribed by the commission. The application must state the:

(1) date;

(2) time;

(3) place; and

(4) nature;

of the proposed card tournament. The commission may require the applicant to submit any additional information relevant to

the commission's consideration of the application.

(d) As a condition of its approval, the commission may impose upon the applicant any requirement that the commission determines is necessary to protect the credibility and integrity of gambling operations authorized by this article."

Page 22, line 19, delete "Subject" and insert "**Except as provided in subdivision (5) and subject**".

Page 22, between lines 36 and 37, begin a new line block indented and insert:

**"(5) Subject to subsection (c), twelve and one-half percent (12 1/2%) of the remaining tax revenue remitted by the licensed owner of a riverboat located in a county containing an underserved market shall be paid to each of the following:**

**(A) The largest city located in the county.**

**(B) The county."**

Page 22, line 37, delete "(5)" and insert "(6)".

Page 25, line 11, delete "(a)(5)" and insert "(a)(6)".

Page 25, line 21, delete "(a)(5)" and insert "(a)(6)".

Page 25, line 24, delete "(a)(5)" and insert "(a)(6)".

Page 27, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 23. IC 4-33-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) Money paid to a unit of local government under this chapter:

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

(2) may not be used to reduce the unit's maximum or actual levy under IC 6-1.1-18.5; and

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

(b) This chapter does not prohibit the city or county designated as the home dock of the riverboat or location of a riverboat operated under IC 4-33-6-25 from entering into agreements with other units of local government in Indiana or in other states to share the city's or county's part of the tax revenue received under this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1540 as printed February 20, 2015.)

MORRISON

Motion withdrawn. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Friend.

### House Bill 1639

Representative Behning called down House Bill 1639 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1639-4)

Mr. Speaker: I move that House Bill 1639 be amended to read as follows:

Page 3, delete lines 8 through 19, begin a new paragraph and insert:

**"(b) The requirements established by the department under subsection (a) must, at a minimum, require the department to investigate irregularities in the test results of the ISTEP program or a successor statewide assessment of a school or, if prescribed by the state board, a particular administrative group or grade within a school if the department finds at least one (1) of the following:**

**(1) The change in a school's average score from a particular school year to the succeeding school year is more than four (4) school standard deviations higher than the change in the average score in Indiana.**

**(2) Upon completion of an erasure analysis or electronic response analysis, the number of wrong-to-right answer changes in an administrative group or grade is greater than four (4) group or grade**

**standard deviations higher than the average number of wrong-to-right answer changes in Indiana."**

Page 3, line 22, delete "in the".

Page 3, line 23, delete "rules adopted".

Page 4, between lines 29 and 30, begin a new paragraph and insert:

**"(c) The department, or any other entity, may not release, sell, or otherwise transfer student achievement information in a manner that is not consistent with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g), and other relevant privacy laws and policies."**

(Reference is to HB 1639 as printed February 20, 2015.)

BEHNING

Motion prevailed.

HOUSE MOTION  
(Amendment 1639-1)

Mr. Speaker: I move that House Bill 1639 be amended to read as follows:

Page 2, line 18, after "board" insert **", in consultation with the department,"**.

(Reference is to HB 1639 as printed February 20, 2015.)

SMITH, V

Upon request of Representatives Mahan and Truitt, the Speaker ordered the roll of the House to be called. Roll Call 228: yeas 94, nays 0. Motion prevailed. The bill was ordered engrossed.

**House Bill 1273**

Representative Huston called down House Bill 1273 for second reading. The bill was read a second time by title.

*[Journal Clerk's Note: Speaker Bosma filed a letter with the Ethics Committee stating a conflict concerning HB 1273. The Speaker is not required to vote and was not presiding or in attendance on the floor when the vote was taken.]*

February 16, 2015

The Honorable Greg Steuerwald, Chairman  
Statutory Committee on Legislative Ethics  
200 West Washington Street  
Indianapolis, Indiana 46204

The Honorable Clyde Kersey, Ranking Minority Member  
Statutory Committee on Legislative Ethics  
200 West Washington Street  
Indianapolis, Indiana 46204

Dear Chairman Steuerwald and Representative Kersey,

I am writing to inform you that the Indy Eleven soccer team, which is currently advocating for the passage of House Bill (HB) 1273, is a client of the law firm of Kroger Gardis & Regas, LLP, where I am a partner. Although I do not have a direct personal or pecuniary interest in HB 1273 under the House Rules, as I have participated directly in Indy Eleven's representation, I believe it is in the best interest of the House of Representatives that I do not participate in proceedings regarding the bill. Therefore, I do not intend to preside when the bill is on Second or Third Reading, or during the adoption of any concurrence or conference committee report, and I will ask to be excused from voting.

I have carefully considered this course of action and believe it is necessary to safeguard the public's trust in the Indiana House of Representatives. Thank you for your attention to this matter.

Very truly yours,

Brian C. Bosma  
Speaker of the House  
119<sup>th</sup> General Assembly

CC: Scott Pelath, Minority Leader

Kathy Kreag Richardson, Vice Chair of the Statutory Committee on Ethics

Eric Koch, Member of the Statutory Committee on Ethics

Earl Harris, Member of the Statutory Committee on Ethics

Gail Riecken, Member of the Statutory Committee on Ethics

HOUSE MOTION  
(Amendment 1273-9)

Mr. Speaker: I move that House Bill 1273 be amended to read as follows:

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

**"SECTION 5. IC 36-7-15.1-7, AS AMENDED BY P.L.95-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** Sec. 7. (a) In carrying out its duties and purposes under this chapter, the commission may do the following:

(1) Acquire by purchase, exchange, gift, grant, lease, or condemnation, or any combination of methods, any real or personal property or interest in property needed for the redevelopment of areas needing redevelopment that are located within the redevelopment district.

(2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, invest in, or otherwise dispose of, through any combination of methods, property acquired for use in the redevelopment of areas needing redevelopment on the terms and conditions that the commission considers best for the city and its inhabitants.

(3) Acquire from and sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the city, or to any other governmental agency, for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes, on any terms that may be agreed upon.

(4) Clear real property acquired for redevelopment purposes.

(5) Enter on or into, inspect, investigate, and assess real property and structures acquired or to be acquired for redevelopment purposes to determine the existence, source, nature, and extent of any environmental contamination, including the following:

(A) Hazardous substances.

(B) Petroleum.

(C) Other pollutants.

(6) Remediate environmental contamination, including the following, found on any real property or structures acquired for redevelopment purposes:

(A) Hazardous substances.

(B) Petroleum.

(C) Other pollutants.

(7) Repair and maintain structures acquired or to be acquired for redevelopment purposes.

(8) Enter upon, survey, or examine any land, to determine whether it should be included within an area needing redevelopment to be acquired for redevelopment purposes, and determine the value of that land.

(9) Appear before any other department or agency of the city, or before any other governmental agency in respect to any matter affecting:

(A) real property acquired or being acquired for redevelopment purposes; or

(B) any area needing redevelopment within the jurisdiction of the commission.

(10) Subject to section 13 of this chapter, exercise the power of eminent domain in the name of the city, within the redevelopment district, in the manner prescribed by this chapter.

(11) Establish a uniform fee schedule whenever appropriate for the performance of governmental assistance, or for providing materials and supplies to

private persons in project or program related activities.  
 (12) Expend, on behalf of the redevelopment district, all or any part of the money available for the purposes of this chapter.

(13) Contract for the construction, extension, or improvement of pedestrian skyways.

(14) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.

(15) Provide financial assistance (including grants and loans) to enable individuals and families to purchase or lease residential units in a multiple unit residential structure within the district. However, financial assistance may be provided only to those individuals and families whose income is at or below the county's median income for individuals and families, respectively.

(16) Provide financial assistance (including grants and loans) to neighborhood development corporations to permit them to:

(A) provide financial assistance for the purposes described in subdivision (15); or

(B) construct, rehabilitate, or repair commercial property within the district.

(17) Require as a condition of financial assistance to the owner of a multiple unit residential structure that any of the units leased by the owner must be leased:

(A) for a period to be determined by the commission, which may not be less than five (5) years;

(B) to families whose income does not exceed eighty percent (80%) of the county's median income for families; and

(C) at an affordable rate.

Conditions imposed by the commission under this subdivision remain in force throughout the period determined under clause (A), even if the owner sells, leases, or conveys the property. The subsequent owner or lessee is bound by the conditions for the remainder of the period.

(18) Provide programs in job training, job enrichment, and basic skill development for residents of an enterprise zone.

(19) Provide loans and grants for the purpose of stimulating business activity in an enterprise zone or providing employment for residents of an enterprise zone.

(20) Contract for the construction, extension, or improvement of:

(A) public ways, sidewalks, sewers, waterlines, parking facilities, park or recreational areas, or other local public improvements (as defined in IC 36-7-15.3-6) or structures that are necessary for redevelopment of areas needing redevelopment or economic development within the redevelopment district; or

(B) any structure that enhances development or economic development.

(21) This subdivision does not apply to a redevelopment commission in a county for which the total amount of net property taxes allocated to all allocation areas or other tax increment financing areas established by a redevelopment commission, military base reuse authority, military base development authority, or another similar entity in the county in the preceding calendar year exceeded nineteen percent (19%) of the total net property taxes billed in the county in the preceding calendar year. Subject to prior approval by the fiscal body of the unit that established the redevelopment commission, expend money and provide financial assistance (including grants and loans):

(A) in direct support of:

- (i) an active military base located within the unit; or
- (ii) an entity located in the territory or facilities of a military base or former military base within the unit that is scheduled for closing or is completely or partially inactive or closed, or an entity that is

located in any territory or facilities of the United States Department of Defense within the unit that are scheduled for closing or are completely or partially inactive or closed;

including direct support for the promotion of the active military base or entity, the growth of the active military base or entity, and activities at the active military base or entity; and

(B) in support of any other entity that provides services or direct support to an active military base or entity described in clause (A).

The fiscal body of the unit that established the redevelopment commission must separately approve each grant, loan, or other expenditure for financial assistance under this subdivision. The terms of any loan that is made under this subdivision may be changed only if the change is approved by the fiscal body of the unit that established the redevelopment commission. As used in this subdivision, "active military base" has the meaning set forth in IC 36-1-4-20.

**(22) Pay costs and make expenditures for the purposes of section 26.8 of this chapter.**

(b) In addition to its powers under subsection (a), the commission may plan and undertake, alone or in cooperation with other agencies, projects for the redevelopment of, rehabilitating, preventing the spread of, or eliminating slums or areas needing redevelopment, both residential and nonresidential, which projects may include any of the following:

(1) The repair or rehabilitation of buildings or other improvements by the commission, owners, or tenants.

(2) The acquisition of real property.

(3) Either of the following with respect to environmental contamination on real property:

(A) Investigation.

(B) Remediation.

(4) The demolition and removal of buildings or improvements on buildings acquired by the commission where necessary for any of the following:

(A) To eliminate unhealthful, unsanitary, or unsafe conditions.

(B) To mitigate or eliminate environmental contamination.

(C) To lessen density.

(D) To reduce traffic hazards.

(E) To eliminate obsolete or other uses detrimental to public welfare.

(F) To otherwise remove or prevent the conditions described in IC 36-7-1-3.

(G) To provide land for needed public facilities.

(5) The preparation of sites and the construction of improvements (such as public ways and utility connections) to facilitate the sale or lease of property.

(6) The construction of buildings or facilities for residential, commercial, industrial, public, or other uses.

(7) The disposition in accordance with this chapter, for uses in accordance with the plans for the projects, of any property acquired in connection with the projects.

(c) The commission may use its powers under this chapter relative to real property and interests in real property obtained by voluntary sale or transfer, even though the real property and interests in real property are not located in a redevelopment or urban renewal project area established by the adoption and confirmation of a resolution under sections 8(c), 9, 10, and 11 of this chapter. In acquiring real property and interests in real property outside of a redevelopment or urban renewal project area, the commission shall comply with section 12(b) through 12(e) of this chapter. The commission shall hold, develop, use, and dispose of this real property and interests in real property substantially in accordance with section 15 of this chapter.

(d) As used in this section, "pedestrian skyway" means a pedestrian walkway within or outside of the public right-of-way and through and above public or private property and buildings,



including all structural supports required to connect skyways to buildings or buildings under construction. Pedestrian skyways constructed, extended, or improved over or through public or private property constitute public property and public improvements, constitute a public use and purpose, and do not require vacation of any public way or other property.

(e) All powers that may be exercised under this chapter by the commission may also be exercised by the commission in carrying out its duties and purposes under IC 36-7-15.3.

SECTION 6. IC 36-7-15.1-26, AS AMENDED BY P.L.95-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution; the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the

expanded part of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. However, an expiration date imposed by this subsection does not apply to an allocation area identified as the Consolidated Allocation Area in the report submitted in 2013 to the fiscal body under section 36.3 of this chapter. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a

referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(J) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

(i) Make, when due, any payments required under clauses (A) through (I), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.

(ii) Make any reimbursements required under this

subdivision.

(iii) Pay any expenses required under this subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

(K) Expend money and provide financial assistance as authorized in section 7(a)(21) of this chapter.

**(L) Pay costs and make expenditures for the purposes of section 26.8 of this chapter.**

The special fund may not be used for operating expenses of the commission.

(4) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the legislative body of the consolidated city, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(C) If:

(i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus

(ii) the amount necessary for other purposes described in subdivision (3) and subsection (g);

the commission shall submit to the legislative body of the unit the commission's determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment

district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

- (1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.
- (2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone. These loans and grants may be made to the following:
  - (A) Businesses operating in the enterprise zone.
  - (B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.
- (3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the

adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, reassessment under the reassessment plan, or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

- (1) The initial allocation deadline is December 31, 2011.
- (2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.
- (3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:
  - (A) terminates the automatic extension of allocation deadlines under subdivision (2); and
  - (B) specifically designates a particular date as the final allocation deadline.

SECTION 7. IC 36-7-15.1-26.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 26.8. (a) This section applies only if the capital improvement board, the county convention and recreational facilities authority, and one (1) more sublessees have entered into an agreement under IC 36-7-31.5-35(h).**

**(b) As used in this chapter, "agreement" refers to an agreement entered into under IC 36-7-31.5-35(h).**

**(c) As used in this chapter, "designated allocation area" means the allocation area identified as the Consolidated Allocation Area in the report submitted in 2013 to the county fiscal body under section 36.3 of this chapter.**

**(d) Not more than six (6) months after an agreement is entered into by the capital improvement board, the county convention and recreational facilities authority, and one (1) more sublessees, the commission shall commence the expansion of the designated allocation area. The commission shall complete the expansion of the designated allocation area not more than twenty-four (24) months after an agreement is entered into by the capital improvement board, the county convention and recreational facilities authority, and one (1) or more sublessees.**

**(e) If the designated allocated area is expanded under this section, the commission shall do the following:**

- (1) Establish a neighborhood stabilization fund.
- (2) Subject to the policies and guidelines governing the commission, deposit at least ten million dollars (\$10,000,000) into the neighborhood stabilization fund during the twenty (20) years after an agreement is entered into under IC 36-7-31.5-35(h), from property taxes allocated to the commission from the designated allocation area.

**(f) Money deposited by the commission into the neighborhood stabilization fund may be used only within the territory within the county that is bounded by the following:**

- (1) The White River on the west.
- (2) McCarty Street on the north.
- (3) East Street on the east.
- (4) Raymond Street on the south.

**(g) Money deposited by the commission into the neighborhood stabilization fund may be used only for the following purposes in the territory described in subsection (f):**

- (1) Making expenditures for any of the following purposes:

- (A) Stormwater and drainage improvements.
- (B) Sidewalk and streetscape improvements.
- (C) Park improvements.
- (D) Street repair, including resurfacing.
- (E) The installation, repair, and maintenance of street lights.
- (F) Home repair.
- (G) Any other improvement that the redevelopment commission determines will enhance economic opportunity and the quality of life of individuals residing in the area.

(2) Paying the principal of and interest on any obligations issued by the commission for the purpose of financing any of the purposes described in subdivision (1)."

Page 5, line 24, delete "17." and insert "16."

Page 7, line 12, after "16." insert "(a)".

Page 7, line 17, delete "a facility used to hold other entertainment events or".

Page 7, line 18, after "hotel" delete "; or" and insert "and a facility used in whole or in part to manage and operate the professional team that would participate in the facility used to hold a professional sporting event; or".

Page 7, between lines 27 and 28, begin a new paragraph and insert:

"(b) A hotel described in subsection (a)(1) that is included within the additional professional sports development area may not be financed by debt issued by or assumed by the capital improvement board, the facilities authority, or a political subdivision."

Page 11, line 39, after "that" delete ":" and insert "upon completion of construction, the responsibility for operation and maintenance of the capital improvements and the retention of the revenues from the operation and maintenance of the capital improvements shall be shared between the capital improvement board and the sublessee or sublessees as set forth in the written agreement to be entered into under section 35(h) of this chapter;".

Page 11, delete lines 40 through 42.

Page 12, delete lines 1 through 16.

Page 12, line 17, delete "(5)" and insert "(4)".

Page 12, line 20, delete "(6)" and insert "(5)".

Page 12, line 27, delete "(7)" and insert "(6)".

Page 12, line 29, delete "(8)" and insert "(7)".

Page 12, line 35, delete "(9)" and insert "(8)".

Page 12, line 37, delete "(10)" and insert "(9)".

Page 15, between lines 21 and 22, begin a new line block indented and insert:

"(3) Specifying how the responsibility for the operation and maintenance of the capital improvements and the retention of the revenues from the operation and maintenance of the capital improvements will be shared between the capital improvement board and the sublessee or sublessees."

Page 15, line 22, delete "(3)" and insert "(4)".

Page 15, line 29, delete "(4)" and insert "(5)".

Page 18, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 9. IC 36-7-32.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 32.6. White River Revitalization District**

**Sec. 1.** This chapter applies only to a county containing a consolidated city.

**Sec. 2.** As used in this chapter, "district" means the White River revitalization district designated under this chapter.

**Sec. 3.** As used in this chapter, "gross retail base period amount" means the aggregate amount of state gross retail and use taxes remitted under IC 6-2.5 by the businesses operating in the territory comprising a district during the full state fiscal year that precedes the date on which the district was designated under section 8 of this chapter.

**Sec. 4.** As used in this chapter, "gross retail incremental amount" means the remainder of:

- (1) the aggregate amount of state gross retail and use taxes that are remitted under IC 6-2.5 by businesses operating in the territory comprising a district during a state fiscal year; minus
- (2) the gross retail base period amount;

as determined by the department of state revenue.

**Sec. 5.** As used in this chapter, "income tax base period amount" means the aggregate amount of the following taxes paid by employees employed in the territory comprising a district with respect to wages and salary earned for work in the district for the state fiscal year that precedes the date on which the district was designated under section 8 of this chapter:

- (1) The adjusted gross income tax.
- (2) The county adjusted gross income tax.
- (3) The county option income tax.
- (4) The county economic development income tax.

**Sec. 6.** As used in this chapter, "income tax incremental amount" means the remainder of:

- (1) the total amount of state adjusted gross income taxes, county adjusted gross income tax, county option income taxes, and county economic development income taxes paid by employees employed in the territory comprising the district with respect to wages and salary earned for work in the territory comprising the district for a particular state fiscal year; minus
- (2) income tax base period amount;

as determined by the department of state revenue.

**Sec. 7. (a)** After approval by the fiscal body of the county, the county executive may submit an application to the budget committee for review and recommendation to the budget agency, requesting the designation by the budget agency of the White River revitalization district under this chapter.

(b) The territory to be included within the district is the territory within the county that is bounded by the following:

- (1) South Harding Street on the west.
- (2) Washington Street on the north.
- (3) The White River on the east.
- (4) Interstate 70 on the south.

**Sec. 8. (a)** The budget committee shall meet not later than sixty (60) days after receipt of an application and shall make a recommendation on the designation to the budget agency.

(b) When considering the proposed designation of a district, the budget committee must make the following findings before recommending designation of the district and the budget agency must make the following findings before approving the designation of the district:

- (1) There are significant obstacles to redevelopment of the territory to be designated as a district, due to one (1) or more of the following problems:
  - (A) Vacant or deteriorated homes or other buildings.
  - (B) Obsolete or inefficient buildings.
  - (C) Aging infrastructure or inefficient utility services.
  - (D) Utility relocation requirements.
  - (E) Transportation or access problems.
  - (F) Environmental contamination or remediation.
  - (G) Lack of development or cessation of growth.

(2) The designation of the district will benefit the people of Indiana.

(c) The income tax incremental amount and the gross retail incremental amount may not be allocated to a district until the designation of the district is approved under this section.

(d) If the budget agency approves a petition requesting the designation of a district, the district is established and the budget agency shall certify the approval to the department of state revenue.

Sec. 9. (a) If a district is designated under this chapter, the metropolitan development commission shall send to the department of state revenue a complete list of the employers in the district and the names and the range of street numbers of each street in the district. The metropolitan development commission shall update the list provided under this section before July 1 of each year.

(b) Not later than sixty (60) days after receiving a copy of the designation of the district, the department of state revenue shall determine the gross retail base period amount and the income tax base period amount.

Sec. 10. (a) Before the first business day in October of each year, the department of state revenue shall calculate the income tax incremental amount and the gross retail incremental amount for the preceding state fiscal year for a district designated under this chapter.

(b) Taxpayers operating in the district shall report annually, in the manner and in the form prescribed by the department, information that the department determines necessary to calculate the net increment.

(c) A taxpayer operating in the district that files a consolidated tax return with the department also shall file annually an informational return with the department for each business location of the taxpayer within the district.

(d) If a taxpayer fails to report the information required by this section or file an informational return required by this section, the department shall use the best information available in calculating the income tax incremental amount and the gross retail incremental amount.

Sec. 11. (a) The treasurer of state shall establish an incremental tax financing fund for a district designated under this chapter. The fund shall be administered by the treasurer of state. Money in the fund does not revert to the state general fund at the end of a state fiscal year.

(b) Subject to subsection (c), the following amounts shall be deposited during each state fiscal year in the incremental tax financing fund established for a district under subsection (a):

(1) The aggregate amount of state gross retail and use taxes that are remitted under IC 6-2.5 by businesses operating in the district, until the amount of state gross retail and use taxes deposited equals the gross retail incremental amount for the district.

(2) The aggregate amount of the following taxes paid by employees employed in the district with respect to wages earned for work in the district, until the amount deposited equals the income tax incremental amount:

- (A) The adjusted gross income tax.
- (B) The county adjusted gross income tax.
- (C) The county option income tax.
- (D) The county economic development income tax.

(c) Not more than a total of five million dollars (\$5,000,000) may be deposited in the incremental tax financing fund for a district over the life of the district.

(d) On or before the twentieth day of each month, all amounts held in the incremental tax financing fund established for a district shall be distributed to the fiscal officer of the county for deposit in the district fund established under section 12 of this chapter.

Sec. 12. (a) If a district is designated under this chapter, the county shall establish a district fund to receive money distributed under section 11 of this chapter.

(b) Money deposited in the district fund may be used, after appropriation by the county fiscal body, only for one (1) or more of the following purposes within the district:

- (1) Stormwater and drainage improvements.
- (2) Sidewalk and streetscape improvements.
- (3) Park improvements.
- (4) Street repair, including resurfacing.
- (5) The installation, repair, and maintenance of street lights.

(6) Home repair.

(7) Any other improvement that the redevelopment commission determines will enhance economic opportunity and the quality of life of individuals residing in the area."

Renumber all SECTIONS consecutively.

(Reference is to HB 1273 as printed February 17, 2015.)  
HUSTON

Motion prevailed.

HOUSE MOTION  
(Amendment 1273-6)

Mr. Speaker: I move that House Bill 1273 be amended to read as follows:

Page 8, between lines 2 and 3, begin a new line block indented and insert:

"(4) That:

- (A) the owner of a professional soccer franchise that would be the primary tenant of a facility or complex of facilities constructed in the tax area;
- (B) the professional soccer franchise;
- (C) the professional soccer league in which the professional soccer franchise competes; or
- (D) any combination of the owner, the franchise, and the league;

have guaranteed at least fifty percent (50%) of the amount that is financed under this chapter for a facility or complex of facilities that includes a soccer stadium."

Page 9, between lines 9 and 10, begin a new line block indented and insert:

"(4) That:

- (A) the owner of a professional soccer franchise that would be the primary tenant of a facility or complex of facilities constructed in the tax area;
- (B) the professional soccer franchise;
- (C) the professional soccer league in which the professional soccer franchise competes; or
- (D) any combination of the owner, the franchise, and the league;

have guaranteed at least fifty percent (50%) of the amount that is financed under this chapter for a facility or complex of facilities that includes a soccer stadium."

(Reference is to HB 1273 as printed February 17, 2015.)  
DELANEY

Motion prevailed.

HOUSE MOTION  
(Amendment 1273-10)

Mr. Speaker: I move that House Bill 1273 be amended to read as follows:

Page 7, line 12, after "16." insert "(a)".

Page 7, line 26, delete "may" and insert "must".

Page 7, line 27, delete "noncontiguous" and insert "only contiguous".

Page 7, between lines 27 and 28, begin a new paragraph and insert:

"(b) A hotel described in subsection (a)(1) that is included within the additional professional sports development area may not be financed by debt issued by or assumed by the capital improvement board, the facilities authority, or a political subdivision."

Page 8, between lines 2 and 3, begin a new line block indented and insert:

"(4) In addition to any findings required under subdivisions (1) through (3) if the terms of a tax area are revised, the commission must also make findings concerning the following if the terms of a tax area are revised:

- (A) The reason or purpose for a revision in the terms of the tax area.

**(B) The fiscal impact of the revision in the terms of the tax area to each affected political subdivision and to the state, including an estimate of the fiscal impact during the time in which bonds issued under this chapter will be outstanding.**

**(C) The need for and the proposed use of any additional revenue that will be raised by the revision in the terms of the tax area.**

**The Marion County city-county council may by ordinance specify the maximum number of times that the terms of a tax area may be changed."**

Page 8, line 15, delete "Upon" and insert **"At least thirty (30) days before the"**.

Page 8, line 17, after "notice of the" insert **"proposed"**.

Page 8, line 24, delete "benefits" and insert **"impacts"**.

Page 8, between lines 28 and 29, begin a new line triple block indented and insert:

**"(iii) The estimated loss of jobs, if any, and the estimated loss of assessed valuation for each political subdivision, if any."**

Page 8, line 41, delete "make the following findings:" and insert **"do the following:"**.

Page 8, line 42, delete "The" and insert **"Find that the"**.

Page 9, line 2, delete "The" and insert **"Find that the"**.

Page 9, line 7, delete "The" and insert **"Find that the"**.

Page 9, line 9, after "improvement." insert **"If the resolution is for a change of a tax area, the findings under this subdivision must specifically describe the resources committed by the political subdivisions toward the completion of the improvement."**

Page 9, between lines 9 and 10, begin a new line block indented and insert:

**"(4) Determine if the political subdivisions affected by the project specified in the resolution will be negatively affected financially or economically by the project or the establishment of the improvement."**

Page 11, line 29, after "the" insert **"county executive and"**.

Page 11, line 29, after "must" insert **"approve the lease and"**.

Page 12, line 16, after "improvement" delete ";" and insert **", if all financial obligations by the sublessee to the capital improvement board have been fulfilled;"**.

Page 18, delete lines 11 through 19, begin a new paragraph and insert:

**"Sec. 42. Not more than thirty (30) days after a final resolution is adopted to issue bonds under this chapter, a person may appeal the decision of the facilities authority to issue the bonds by filing a petition with the commission and the Marion County city-county council. If a petition is filed under this section, the commission shall hold a hearing on the petition. The commission shall approve or disapprove the issuance of the bonds. If the commission does not approve the issuance of the bonds, the bonds may not be issued. If the commission approves the issuance of the bonds, the bonds may be issued only if the Marion County city-county council adopts a resolution approving the issuance of the bonds."**

(Reference is to HB 1273 as printed February 17, 2015.)

PRYOR

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on the question of House Bill 1273. Pursuant to House Rule 46, the reason for the request is the following:

I have participated directly in representing the chief advocate of HB 1273 through my law firm and feel that in order to safeguard the public's trust in the House of Representatives, I need to be excused from voting on this amendment.

STEUERWALD

Motion prevailed.

The question then was on the motion of Representative Pryor to amend the bill. Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 229: yeas 28, nays 64. Motion failed. The bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

House Bill 1475

Representative Karickhoff called down House Bill 1475 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1475-2)

Mr. Speaker: I move that House Bill 1475 be amended to read as follows:

Page 9, line 2, after "council" insert **"or, in Lake County, the county council,"**.

Page 10, between lines 21 and 22, begin a new paragraph and insert:

**"SECTION 2. IC 36-8-16.7-10, AS ADDED BY P.L.132-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) As used in this chapter, "exchange access facility" means the access from a particular service user's premises to a telephone system.**

**(b) The term includes:**

- (1) an access line;**
- (2) a private branch exchange (PBX) trunk; and**
- (3) a centrex line trunk equivalent;**

**that is provided by the service supplier. The term also includes a mobile telephone system access trunk, whether the trunk is provided by a telephone company or a radio common carrier. In the case of a service user receiving interconnected VoIP service, the term refers to the Internet protocol compatible customer premises equipment that enables the service user to access the interconnected VoIP service.**

**(c) The term does not include:**

- (1) a service supplier owned and operated telephone pay station line;**
- (2) a wide area telecommunications service (WATS) line;**
- (3) a foreign exchange (FX) line; or**
- (4) an incoming only line; or**
- (5) the provision of broadband Internet access service.**

**(b) For purposes of determining a standard user who is a nonmobile communications service user under section 21(2) of this chapter, "exchange access facility" means:**

- (1) for a retail voice user line, the maximum number of active telephone numbers, functional equivalents, or successors capable of simultaneously contacting the PSAP, regardless of technology; or**
- (2) for a multiline telephone system, the maximum number of voice grade equivalent channels capable of simultaneously contacting the PSAP, regardless of technology."**

Page 14, line 5, delete "The fee under this subsection shall be".

Page 14, delete lines 6 through 13.

Page 18, line 14, delete "UPON PASSAGE]:" and insert **"JANUARY 1, 2015 (RETROACTIVE)]:"**.

Renumber all SECTIONS consecutively.

(Reference is to HB 1475 as printed February 20, 2015.)

KARICKHOFF

Motion prevailed.

HOUSE MOTION  
(Amendment 1475-1)

Mr. Speaker: I move that House Bill 1475 be amended to read as follows:

Page 9, delete lines 10 through 39.

Renumber all SECTIONS consecutively.

(Reference is to HB 1475 as printed February 20, 2015.)  
PORTER

Motion failed.

HOUSE MOTION  
(Amendment 1475-3)

Mr. Speaker: I move that House Bill 1475 be amended to read as follows:

Page 9, line 20, delete "equals one dollar (\$1)." and insert "**is as follows:**

**(1) For the period beginning July 1, 2015, and ending June 30, 2017, seventy-five cents (\$0.75).**

**(2) After June 30, 2017, one dollar (\$1)."**

(Reference is to HB 1475 as printed February 20, 2015.)  
AUSTIN

Upon request of Representatives Mahan and Carbaugh, the Speaker ordered the roll of the House to be called. Roll Call 230: yeas 94, nays 0. Motion prevailed. The bill was ordered engrossed.

**House Bill 1481**

Representative Burton called down House Bill 1481 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1481-1)

Mr. Speaker: I move that House Bill 1481 be amended to read as follows:

Page 21, line 2, delete "(1)" and insert "(A)".

Page 21, line 6, delete "(2)" and insert "(B)".

(Reference is to HB 1481 as printed February 20, 2015.)  
OBER

Motion prevailed.

HOUSE MOTION  
(Amendment 1481-2)

Mr. Speaker: I move that House Bill 1481 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10.2-4-7.2, AS AMENDED BY P.L.93-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.2. (a) This section applies to the following:

(1) A member of the Indiana state teachers' retirement fund after June 30, 2007.

(2) A member of the public employees' retirement fund after June 30, 2008.

(b) Subject to subsection (g), if a member is receiving a benefit from the fund and:

(1) the member's designated beneficiary dies;

(2) the member and the member's designated beneficiary have been parties in an action for dissolution of marriage in which a final order has been issued after the member's first benefit payment is made. It is immaterial whether the final order was issued before, on, or after the date in subsection (a)(1) or (a)(2); or

(3) the member marries after the member's first benefit payment is made, and:

(A) the member's designated beneficiary is not the member's current spouse; or

(B) the member has not designated a beneficiary; or

**(4) the member and the member's designated beneficiary are no longer in a relationship that caused the member to make the original beneficiary designation;**

the member may make the election described in subsection (c).

(c) A member described in subsection (b) may elect to:

(1) change the member's designated beneficiary or form of benefit under section 7(b) of this chapter; and

(2) receive an actuarially adjusted and recalculated benefit for the remainder of:

(A) the member's life; or

(B) the member's life and the life of the newly designated beneficiary.

(d) A member making the election under subsection (c) may not elect to change to a five (5) year guaranteed form of benefit under section 7(b) of this chapter.

(e) If a member elects a benefit under subsection (c)(2)(B), the member must indicate whether the newly designated beneficiary's benefit will equal:

(1) the member's full recalculated benefit;

(2) two-thirds (2/3) of the member's recalculated benefit; or

(3) one-half (1/2) of the member's recalculated benefit.

(f) The member bears the cost of recalculating a benefit under subsection (c)(2), and the cost shall be included in the actuarial adjustment.

(g) A member may not make the election under subsection (c) if a final order or property settlement in an action for dissolution of marriage:

(1) prohibits a change in the member's designated beneficiary; or

(2) provides a right to a survivor benefit to a person who would be removed as the designated beneficiary.

(h) Benefits may be recalculated under this section only to the extent permitted by the Internal Revenue Code and applicable regulations.

(i) Before implementing this section, the board may obtain any approvals that the board considers necessary or appropriate from the Internal Revenue Service.

**(j) A member who qualifies under subsection (b)(4) to make an election under subsection (c) shall provide documentation the board considers sufficient to establish that the relationship between the member and the member's designated beneficiary no longer exists."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1481 as printed February 20, 2015.)  
ARNOLD

Motion prevailed. The bill was ordered engrossed.

Representatives Bauer, Moseley and Summers, who had been present, are now excused.

**ENGROSSED HOUSE BILLS  
ON THIRD READING**

**Engrossed House Bill 1015**

Representative Cox called down Engrossed House Bill 1015 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 231: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt, Head and Broden.

Representative Moseley, who had been excused, is now present.

**Engrossed House Bill 1016**

Representative Cox called down Engrossed House Bill 1016 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 232: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt, Holdman, Kruse and Banks.

#### **Engrossed House Bill 1036**

Representative Price called down Engrossed House Bill 1036 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 233: yeas 83, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray, Walker and Steele.

#### **Engrossed House Bill 1069**

Representative Thompson called down Engrossed House Bill 1069 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 234: yeas 34, nays 59. The bill was defeated.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Lehman.

#### **Engrossed House Bill 1072**

Representative Thompson called down Engrossed House Bill 1072 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 235: yeas 42, nays 51. The bill was defeated.

Representative Saunders, who had been present, is now excused.

#### **Engrossed House Bill 1110**

Representative Stemler called down Engrossed House Bill 1110 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 236: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele and Grooms.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

Representative Bauer, who had been excused, is now present.

#### **Engrossed House Bill 1145**

Representative Frizzell called down Engrossed House Bill 1145 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 237: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Pat Miller, Raatz and Pete Miller.

Representative Saunders, who had been excused, is now present.

#### **Engrossed House Bill 1165**

Representative Soliday called down Engrossed House Bill 1165 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 238: yeas 68, nays 26. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Holdman.

#### **Engrossed House Bill 1265**

Representative Zent called down Engrossed House Bill 1265 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 239: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Pat Miller.

#### **Engrossed House Bill 1269**

Representative Clere called down Engrossed House Bill 1269 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 240: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Pat Miller, Crider, Young and Stoops.

#### **Engrossed House Bill 1289**

Representative M. Smith called down Engrossed House Bill 1289 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 241: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kenley.

#### **Engrossed House Bill 1311**

Representative Clere called down Engrossed House Bill 1311 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.



The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 242: yeas 87, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Alting.

#### **Engrossed House Bill 1349**

Representative Huston called down Engrossed House Bill 1349 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 243: yeas 68, nays 26. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Hershman.

#### **Engrossed House Bill 1359**

Representative Errington called down Engrossed House Bill 1359 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 244: yeas 44, nays 51. The bill was defeated.

#### **Engrossed House Bill 1371**

Representative Richardson called down Engrossed House Bill 1371 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property and local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 245: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele and Young.

#### **Engrossed House Bill 1393**

Representative Soliday called down Engrossed House Bill 1393 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 246: yeas 69, nays 25. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Yoder.

#### **Engrossed House Bill 1403**

Representative Torr called down Engrossed House Bill 1403 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 247: yeas 85, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was

directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Charbonneau.

#### **Engrossed House Bill 1404**

Representative Soliday called down Engrossed House Bill 1404 for third reading:

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

The bill was read a third time by sections and placed upon its passage. After discussion, Representative Soliday withdrew the call of Engrossed House Bill 1404.

#### **Engrossed House Bill 1413**

Representative Speedy called down Engrossed House Bill 1413 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 248: yeas 93, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Ford.

#### **Engrossed House Bill 1414**

Representative Speedy called down Engrossed House Bill 1414 for third reading:

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

The bill was read a third time by sections and placed upon its passage. After discussion, Representative Speedy withdrew the call of Engrossed House Bill 1414.

#### **Engrossed House Bill 1432**

Representative Mahan called down Engrossed House Bill 1432 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 249: yeas 85, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Yoder and Arnold.

#### **Engrossed House Bill 1471**

Representative Friend called down Engrossed House Bill 1471 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 250: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Houchin and Arnold.

#### **Engrossed House Bill 1542**

Representative Dermody called down Engrossed House Bill 1542 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 251: yeas 83, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Alting and Arnold.

#### **Engrossed House Bill 1562**

Representative Zent called down Engrossed House Bill 1562 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 252: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator E. Brown.

#### **Engrossed House Bill 1565**

Representative Moed called down Engrossed House Bill 1565 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 253: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau, Waltz, Stoops and Broden.

#### **Engrossed House Bill 1603**

Representative Smaltz called down Engrossed House Bill 1603 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 254: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Head.

#### **Engrossed House Bill 1613**

Representative Clere called down Engrossed House Bill 1613 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 255: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Pat Miller.

#### **Engrossed House Bill 1618**

Representative Slager called down Engrossed House Bill 1618 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 256: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau and Tallian.

#### **Engrossed House Bill 1635**

Representative Behning called down Engrossed House Bill 1635 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 257: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse, Pete Miller, Rogers and Kenley.

#### **Engrossed House Bill 1637**

Representative Behning called down Engrossed House Bill 1637 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

#### **HOUSE MOTION**

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on the question of House Bill 1637. Pursuant to House Rule 46, the reason for the request is the following:

"I have a conflict of interest in that the legislative matter contained in HB 1637 could reasonably be expected to have a unique, direct and substantial effect on the income of my employer which is The College Board."

HUSTON

Motion prevailed.

Roll Call 258: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Pete Miller, Kruse and Rogers.

#### **HOUSE MOTION**

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, February 25, 2015, at 10:00 a.m.

MCMILLIN

The motion was adopted by a constitutional majority.

#### **OTHER BUSINESS ON THE SPEAKER'S TABLE**

#### **HOUSE MOTION**

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representative Hale be added as coauthor of House Bill 1016.

COX

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative T. Brown be added as coauthor of House Bill 1349.

HUSTON

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Baird be added as coauthor of House Bill 1471.

FRIEND

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives GiaQuinta and Porter be added as coauthors of House Bill 1475.

KARICKHOFF

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as coauthor of House Bill 1542.

DERMODY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown be added as coauthor of House Bill 1613.

CLERE

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown be added as coauthor of House Bill 1618.

SLAGER

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 31, 72, 80, 98, 128, 296, 355, 373, 380, 411, 463, 466 and 516 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 27 and the same is herewith returned to the House.

JENNIFER L. MERTZ

Principal Secretary of the Senate

On the motion of Representative Heaton, the House adjourned at 7:11 p.m., this twenty-fourth day of February, 2015, until Wednesday, February 25, 2015, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives