



# Journal of the Senate

State of Indiana

121st General Assembly

First Regular Session

Eighteenth Meeting Day

Monday Afternoon

February 11, 2019

The Senate convened at 1:56 p.m., with the President of the Senate, Suzanne Crouch, in the Chair.

Prayer was offered by Pastor Mark Riggins from Central Presbyterian in Terre Haute.

The Pledge of Allegiance to the Flag was led by Senator Jonathan Ford.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Koch
Bassler	Kruse
Becker	Lanane
Bohacek	Leising
Boots	Melton
Bray	Merritt
Breaux	Messmer
Brown, L.	Mishler
Buchanan	Mrvan <input checked="" type="checkbox"/>
Buck	Niemeyer
Busch	Niezgodski
Charbonneau	Perfect
Crane	Raatz
Crider	Randolph, Lonnie M.
Doriot	Rogers
Ford, J.D.	Ruckelshaus
Ford, Jon	Sandlin
Freeman	Spartz
Garten	Stoops
Gaskill	Tallian
Glick	Taylor, G.
Grooms	Tomes
Head	Walker
Holdman	Young, M.
Houchin	Zay

Roll Call 95: present 49; excused 1. [Note: A  indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 66, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-33-1-1, AS AMENDED BY P.L.233-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: 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) An area described in IC 4-33-6-1(a)(6).**

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

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

SECTION 3. IC 4-33-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: 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 in which the riverboat is located** 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).

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

(1) **Subject to subdivision (6)**, two (2) licenses for a riverboat that operates from the city of Gary.

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

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

(4) One (1) license for a city located in the counties described under IC 4-33-1-1(1). This license may not be issued to a city described in subdivisions (1) through (3).

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

(A) Vanderburgh County.

(B) Harrison County.

(C) Switzerland County.

(D) Ohio County.

(E) Dearborn County.

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

**(6) Not more than one (1) license for a riverboat that operates from a location determined by the commission in a resolution approving a request for relocation under section 24(c) of this chapter.**

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

(c) **Except as provided in subsection (a)(6)**, a person holding an owner's license may not move the person's riverboat from the

county in which the riverboat was docked on January 1, 2007, to any other county.

SECTION 5. IC 4-33-6-4, AS AMENDED BY P.L.255-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) In determining whether to grant an owner's license to an applicant, the commission shall consider the following:

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

(A) The applicant.

(B) A person that:

(i) directly or indirectly controls the applicant; or

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

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

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

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

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

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

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

(b) This subsection does not apply to:

(1) a licensed owner constructing a new riverboat under **section 1(a)(6) or** section 24 of this chapter; or

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

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

SECTION 6. IC 4-33-6-5, AS AMENDED BY P.L.255-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. In an application for an owner's license, the applicant must state:

(1) the dock at which the riverboat is based and the navigable waterway on which the riverboat will operate; or

(2) in the case of an application for an owner's license to own and operate an inland casino under **section 1(a)(6) or** section 24 of this chapter, the site of the inland casino.

SECTION 7. IC 4-33-6-6, AS AMENDED BY P.L.255-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) Except as provided in subsection (c) or (d), a riverboat that operates in a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2) must:

(1) have either:

(A) a valid certificate of inspection from the United States Coast Guard for the carrying of at least five hundred (500) passengers; or

(B) a valid certificate of compliance with marine structural and life safety standards determined by the commission; and

(2) be at least one hundred fifty (150) feet in length.

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

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

(d) A riverboat constructed under **section 1(a)(6) or section 24** of this chapter must comply with all applicable building codes and any safety requirements imposed by the commission.

SECTION 8. IC 4-33-6-24, AS ADDED BY P.L.255-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 24. (a) For purposes of this section, property is considered to be adjacent to a riverboat dock site even if it is separated from the dock site by public rights-of-way or railroad rights-of-way.

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

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

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

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

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

**(c) A licensed owner who holds two (2) licenses described in section 1(a)(1) of this chapter may relocate the licensed owner's gaming operations from a docked riverboat to inland casinos if the following conditions are met:**

**(1) The licensed owner:**

**(A) submits to the commission, with agreement from the legislative body of the city of Gary, a request for approval to relocate the licensed owner's gaming operations; and**

**(B) agrees, upon approval of the request to relocate, to transfer ownership of the property being vacated to the Gary-Indiana trans-modal compact established by IC 8-26-3-1 and to relocate:**

**(i) one (1) gaming operation to a location that is within the city limits of Gary; and**

**(ii) one (1) gaming operation to a location determined by the commission in a resolution adopted under subdivision (5).**

**The request must contain any information required by the commission.**

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

**(3) With regard to the gaming operation relocated under subdivision (1)(B)(i), the licensed owner enters into a development agreement (as defined in IC 4-33-23-2) with the city of Gary.**

**(4) With regard to the gaming operation relocated under subdivision (1)(B)(ii), the licensed owner enters into an agreement with the Gary-Indiana trans-modal compact established by IC 8-26-3-1 to provide the Gary-Indiana trans-modal compact with an annual distribution of money to be used for shoreline development and infrastructure of the property being vacated to the Gary-Indiana trans-modal compact under subdivision (1)(B).**

**(5) Subject to subsection (g), the commission adopts a resolution approving the relocation of the licensed owner's gaming operations.**

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

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

(2) subject to the other requirements of this section, situate an inland casino on the contiguous parcel formed under subdivision (1).

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

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

**(g) In considering whether to approve a request to relocate the gaming operation described in subsection (c)(1), the commission shall consider the following:**

**(1) Any economic benefits.**

**(2) Any effect on tax revenue.**

**(3) Any change in the number of jobs related to the relocation.**

**(4) Any capital investments.**

**(5) Any other issue considered appropriate by the commission.**

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

**(1) described in section 1(a)(6); or**

**(2) relocated under section 24;**

of this chapter.

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

SECTION 10. IC 8-10-1-2, AS AMENDED BY P.L.98-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. ~~As used in this chapter,~~

The following words and terms shall have the following meanings, definitions set forth in this section apply throughout this chapter unless the context shall indicate indicates another or different meaning or intent:

(a) ~~The word "Commission" shall mean~~ means the commission created by section 3(b) of this chapter, or, if ~~said the~~ commission shall be is abolished, the board, body, or commission succeeding to the principal functions thereof, or to whom the powers given by this chapter to the commission shall be are given by law.

(b) ~~The word "Port" shall include~~ includes any combination of:

- (1) any place or places on Lake Michigan, the Ohio River, the Wabash River, or other water bodies, natural or artificial, in which water-borne vessels capable of carrying articles of commerce over navigable bodies of water may be loaded, unloaded, or accommodated; and
- (2) nonmaritime port and traffic exchange points throughout Indiana for the transfer of goods and passengers between all modes of transportation.

(c) ~~The word "Project" shall include:~~ includes

(~~H~~) any facilities, adjuncts, and appurtenances necessary or useful to operate a modern port, whether or not permanently situated at the port, including:

(~~A~~) (1) the dredging of approaches to a port; and

(~~B~~) (2) breakwaters, inner harbors, outer harbors, channels, canals, turning basins, docks, wharves, piers, quays, slips, loading, unloading, handling and storage equipment, warehouses, refrigerating plants and equipment, elevators for the handling and storage of grain, coal and other bulk commodities, terminal buildings or facilities, railroad equipment and trackage, roadways, airplane landing fields, parking lots, garages, automotive equipment, tugs, ferries, maintenance and construction vessels, communication systems, sewers, drains, works for the treatment of sewage, garbage and wastes, and the furnishing of utility service necessary to serve the property under the jurisdiction or control of the ports of Indiana and other buildings and facilities which the ports of Indiana may deem necessary for the operation of the port. ~~and~~

(~~2~~) any other project located in Indiana, other than at a port, that the ports of Indiana finds will enhance, foster, aid, provide, or promote economic development, public-private partnerships, and other industrial, commercial, business, and transportation purposes.

(d) ~~The word "Cost"~~ as applied to a port or project means:

- (1) the cost of construction;
- (2) the cost of acquisition of all land, rights-of-way, property, rights, easements and interests, including lands under water and riparian rights acquired by the ports of Indiana for construction;
- (3) the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which buildings or structures may be moved;
- (4) the cost of relocating public roads;
- (5) the cost of land or easements for roads;

(6) the cost of all machinery and equipment;

(7) financing charges;

(8) interest prior to and during construction and for not exceeding two (2) years after the estimated date of completion of construction;

(9) the cost of engineering and legal expenses, plans, specifications, surveys, and estimates of cost, traffic, and revenues;

(10) other expenses necessary or incident to determining the feasibility or practicability of constructing any such project;

(11) administrative expense;

(12) other expenses as may be necessary or incident to the acquisition or construction of the project, the financing of the acquisition or construction, and the placing of the project in operation, including the amount authorized in the resolution of the commission providing for the issuance of revenue bonds to be paid into any special funds from the proceeds of the bonds; and

(13) any obligation, cost, or expense incurred by any governmental agency or person for surveys, borings, the preparation of plans and specifications, and other engineering services, or any other cost described in this section that is incurred in connection with the acquisition or construction of a project may be regarded as part of the cost of the project and may be reimbursed out of the proceeds of revenue bonds as authorized by this chapter.

(e) ~~The word "Owner" shall include~~ includes all individuals, copartnerships, associations, or corporations having any title or interest in any property, rights, easements, and other interests authorized to be acquired by this chapter.

(f) ~~The word "Revenues" shall mean~~ means all fees, tolls, rentals, gifts, grants, moneys, and all other funds coming into the possession or under the control of the ports of Indiana by virtue of the terms and provisions of this article, but shall does not include real property or personal property other than money, nor the proceeds from the sale of bonds issued under provisions of this chapter.

(g) ~~The word "Public roads" shall include~~ includes all public highways, roads, and streets in the state, whether maintained by the state, county, city, township, or other political subdivision.

(h) "Ports of Indiana" means the ports of Indiana created by section 3(a) of this chapter.

SECTION 11. IC 8-10-5-2, AS AMENDED BY P.L.49-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) **Subject to subsection (c)**, any municipal corporation, county, or any combination of a municipal corporation, municipal corporations, county, or counties may create a port authority and there may be created a port authority in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). Such authority may operate in addition to any municipal authority that may be created under this chapter. A municipal corporation shall act by ordinance, and a county shall act by resolution of the county commissioners in authorizing the creation of a port authority. A port authority created hereunder shall be a body corporate and politic which

may sue and be sued, plead and be impleaded, and shall have the powers and jurisdiction enumerated in this chapter. The exercise by such port authority of the powers conferred upon it shall be deemed to be essential governmental functions of the state of Indiana, but no port authority shall be immune from liability by reason thereof.

(b) In the exercise of the powers and authorities herein granted said port authority shall have power to make and enter into any and all contracts that may be necessary to effectuate the purposes of this chapter. Except as otherwise expressly provided by this chapter, a contract made by a port authority is not subject to ratification by any other board, body, or officer.

(c) **After December 31, 2019, creation of a port authority under subsection (a) is subject to the approval of the ports of Indiana.**

SECTION 12. IC 8-26 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

**ARTICLE 26. GARY-INDIANA TRANS-MODAL COMPACT**

**Chapter 1. General Provisions**

**Sec. 1. The general assembly finds the following:**

(1) The location of the city of Gary presents unique and distinct opportunities related to transportation and economic development that are different in scope and type than those faced by other units of local government in Indiana.

(2) A unique approach is required to fully take advantage of the economic development potential of the location including the city of Gary, the Gary/Chicago International Airport, the port of Gary, and transportation infrastructure within the geographic footprint of those assets.

(3) The powers and responsibilities provided under this article to the Gary-Indiana trans-modal compact established by IC 8-26-3-1 are necessary and appropriate to carry out the public purposes of encouraging economic development and further facilitating the provision of transportation, logistics, and international trade services and economic development projects.

(4) The exercise of powers and responsibilities granted under this article to the Gary-Indiana trans-modal compact established by IC 8-26-3-1 are critical to economic development not only in the city of Gary, but in the state of Indiana, and is a public purpose.

**Chapter 2. Definitions**

**Sec. 1. The definitions in this chapter apply throughout this article.**

**Sec. 2. As used in this article, "compact board" means the Gary-Indiana trans-modal compact board created under IC 8-26-4-1.**

**Sec. 3. As used in this article, "NWIRDA" means the northwest Indiana regional development authority established by IC 36-7.5-2-1.**

**Sec. 4. As used in this article, "steering committee" means a project steering committee established by the compact board under IC 8-26-4-3.**

**Sec. 5. As used in this article, "trans-modal compact" means the Gary-Indiana trans-modal compact established by IC 8-26-3-1.**

**Chapter 3. Gary-Indiana Trans-modal Compact**

**Sec. 1. The Gary-Indiana trans-modal compact is established as a separate body corporate and politic.**

**Sec. 2. Each entity involved in the trans-modal compact remains an autonomous entity and may act independently on projects that are not related to the Gary waterfront or to related efforts in the trans-modal compact area.**

**Chapter 4. Gary-Indiana Trans-modal Compact Board**

**Sec. 1. The Gary-Indiana trans-modal compact board is created to govern the trans-modal compact. The members of the compact board must be appointed as provided under this chapter.**

**Sec. 2. (a) The compact board is comprised of the following seven (7) members:**

**(1) One (1) member from either the:**

**(A) Gary/Chicago International Airport Authority board; or**

**(B) Gary port authority;**

**who is appointed by the mayor of Gary. The member appointed under this subdivision serves at the pleasure of the mayor.**

**(2) One (1) member from the NWIRDA who is appointed by the northwest Indiana regional development board.**

**(3) One (1) member appointed by the governor. The member appointed under this subdivision serves at the pleasure of the governor.**

**(4) One (1) member appointed by the mayor of Gary. The member appointed under this subdivision serves at the pleasure of the mayor.**

**(5) The secretary of the Indiana economic development corporation, or the secretary's designee.**

**(6) The executive director of the Indiana finance authority, or the executive director's designee.**

**(7) The commissioner of the department of transportation, or the commissioner's designee.**

**(b) The members appointed under subsection (a)(3) and (a)(4) must have knowledge and at least five (5) years professional work experience in at least one (1) of the following:**

**(1) Rail or air transportation.**

**(2) Regional economic development.**

**(3) Business or finance.**

**Sec. 3. The compact board may establish a project steering committee. The steering committee must include representation of the following:**

**(1) The Gary city-council.**

**(2) The World Trade Center, Indianapolis.**

**(3) The NWIRDA.**

**(4) The Indiana finance authority.**

**(5) The department of transportation.**

**(6) The Gary-Chicago International Airport.**

**(7) The Gary port authority.**

**(8) The office of the mayor of the city of Gary.**

**(9) The state of Indiana.**

Sec. 4. (a) Except as provided in subsections (b) and (c), a member appointed to the compact board serves a four (4) year term.

(b) A member serves at the pleasure of the appointing authority. A member may be reappointed to subsequent terms.

(c) If a vacancy occurs on the compact board, the appointing authority that made the original appointment shall fill the vacancy by appointing a new member to serve the remainder of the vacated term.

(d) Each member appointed to the compact board, before entering upon the duties of the position, shall take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the compact board.

(e) A member appointed to the compact board is not entitled to receive any compensation for performance of the member's duties.

Sec. 5. (a) The compact board shall hold an organizational meeting each January. Except as provided in subsection (b), at the annual organizational meeting, the compact board shall elect the following officers from among the members of the compact board:

- (1) A chair.
- (2) A vice chair.
- (3) A secretary.

(b) Before January 2020, the mayor of the city of Gary shall appoint the chair from among the members under section 2 of this chapter. Beginning with the organizational meeting in January 2020, the compact board shall elect a member to serve as chair.

(c) The affirmative votes of at least four (4) members of the compact board are necessary to elect an officer under subsection (a).

(d) An officer elected under subsection (a) serves in the officer's position from the date of the officer's election until the officer's successor is elected and qualified.

(e) The NWIRDA shall serve as the fiscal agent and officer of the compact board.

Sec. 6. (a) Subject to subsection (b), the compact board may adopt bylaws and rules that the compact board considers necessary for the proper conduct of the compact board's duties and the safeguarding of the compact's funds and property.

(b) The compact board shall include in the rules a statement that recognizes that a member of the compact board is a public servant subject to IC 35-44.1-1-4 concerning conflicts of interest.

#### Chapter 5. Duties and Powers of the Gary-Indiana Trans-modal Compact

Sec. 1. The purpose of the compact is to oversee, direct, support, coordinate, and plan for the development, enhancement, and operation of infrastructure serving the trans-modal compact area, and to fully participate in the regional, state, national, and global economies.

Sec. 2. (a) The compact may do any of the following:

- (1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip land and projects

for the trans-modal compact area.

(2) Lease land or projects to an eligible political subdivision.

(3) Finance and construct additional improvements to projects or other capital improvements owned by the trans-modal compact.

(4) Acquire land, one (1) or more projects, or portions of one (1) or more projects, from an eligible political subdivision, and any additional improvements that may be made to the land or projects.

(5) Acquire one (1) or more projects, or portions of one (1) or more projects, from an eligible political subdivision by purchase or lease.

(6) Make loans, loan guarantees, and grants or provide other financial assistance to member entities.

(7) After giving proper notice, enter upon any lots or lands for the purpose of surveying or examination to determine the location of a project.

(8) Make or enter into any contracts or agreements necessary or incidental to the performance of the trans-modal compact's duties and the execution of the trans-modal compact's powers under this article.

(9) Sue, be sued, and be impleaded.

(10) Design, order, contract for, construct, reconstruct, and renovate a project or improvements to a project.

(11) Appoint an executive director and employ or contract with appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any other consultants or employees necessary or desired by the compact to exercise the trans-modal compact's powers and duties under this article.

(12) Accept loans, grants, and other forms of financial assistance from the federal government, state government, a political subdivision, or any other public or private source.

(13) Use the trans-modal compact's funds to match federal grants or make loans, loan guarantees, or grants to carry out the trans-modal compact's powers and duties under this article.

(14) Provide funding for regional transportation infrastructure projects.

(15) Enter into public-private partnership agreements under IC 8-15.7.

(b) Except as otherwise provided in this article, the trans-modal compact shall have the powers described in this article. The powers of the trans-modal compact shall not limit, preempt, or supersede the authority, power, or rights of any members of the trans-modal compact. The powers of each member and the powers of the trans-modal compact may be jointly exercised.

Sec. 3. (a) The trans-modal compact may issue bonds or obligations for the purpose of obtaining money to pay the costs of:

- (1) acquiring real or personal property, including capital improvements; and
- (2) acquiring, constructing, improving, reconstructing, or renovating one (1) or more projects.

**(b) The bonds are payable only from:**

- (1) lease rentals from the lease of the projects for which the bonds were issued;
- (2) insurance proceeds;
- (3) except as otherwise provided by law, revenue received by the trans-modal compact; and
- (4) any other funds pledged or available to the trans-modal compact.

(c) Any issuance of bonds shall be authorized by a resolution of the trans-modal compact board.

(d) The terms and form of the bonds must be set out in the resolution under subsection (c) or in a form of trust indenture approved in the resolution under subsection (c).

(e) The bonds shall mature within twenty-five (25) years.

(f) The trans-modal compact may sell the bonds only to the Indiana finance authority established by IC 5-1.2-3 upon terms determined by the trans-modal compact and the Indiana finance authority.

(g) All money received from bonds issued under this section shall be applied solely to the payment of the cost of acquiring, constructing, improving, reconstructing, or renovating one (1) or more projects, or for the cost of refunding or refinancing outstanding bonds, for which the bonds are issued.

**Sec. 4. The receipts and disbursements of the trans-modal compact shall be subject to an annual audit by the state board of accounts. At the discretion of the state examiner, a qualified independent public accountant may conduct the annual audit. The report of the audit shall be incorporated into and become part of the annual report of the trans-modal compact required under section 5 of this chapter.**

**Sec. 5. The trans-modal compact shall issue an annual report to the legislative council, the governor, the mayor of the city of Gary, and to each member entity. A report submitted under this section to the legislative council must be in an electronic format under IC 5-14-6.**

(Reference is to SB 66 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

BRAY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill 111, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations. Committee Vote: Yeas 5, Nays 1.

GROOMS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 552, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as

follows:

Page 1, line 3, after "a" insert "**single player or**".

Page 2, delete lines 1 through 20.

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

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

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

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

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

Page 6, line 31, delete "relocating".

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

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

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

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

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

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

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

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

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

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

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

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

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

**"SECTION 16. IC 4-33-6-24, AS ADDED BY P.L.255-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 24. (a) This section does not apply to a relocated riverboat in Gary under section 4.5 of this chapter.**

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

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

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

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

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

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

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

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

(2) subject to the other requirements of this section, situate an inland casino on the contiguous parcel formed under subdivision (1).

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

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

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

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

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

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

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

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

Page 9, delete lines 1 through 19.

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

Page 9, delete lines 41 through 42.

Page 10, delete lines 36 through 38.

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

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

insert:

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

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

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

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

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

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

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

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

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

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

Page 14, between lines 1 and 2, begin a new paragraph and insert:

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

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

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

**(B) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is equal to or greater than the total adjusted gross receipts received by licensees from gambling**

games authorized under this article during the state fiscal year ending June 30, 2020, the first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

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

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

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

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

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

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

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

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

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

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

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

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

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

**be paid** to the state general fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Each state fiscal year the treasurer of state shall transfer

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

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

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

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

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

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

- (1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).
- (2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for debt repayment.
- (3) To fund sewer and water projects, including storm water management projects.
- (4) For police and fire pensions.
- (5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) Before July 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year. If the treasurer of state determines that the total

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

- (1) the entity's base year revenue (as determined under IC 4-33-12-9); minus
- (2) the sum of:
  - (A) the total amount of money distributed to the entity and constructively received by the entity during the preceding state fiscal year under IC 4-33-12-6 or IC 4-33-12-8; plus
  - (B) the amount of any admissions taxes deducted under IC 6-3.1-20-7.

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

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

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

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

- (A) forty-eight million dollars (\$48,000,000); multiplied by
- (B) the result of:
  - (i) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year; divided by

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

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

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

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

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

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

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

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

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

distributed in the same manner as the supplemental wagering tax collected under IC 4-33-12-1.5. This subsection expires June 30, 2021.

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

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

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

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

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

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

- (1) Zero dollars (\$0); or**
- (2) The sum of:**
  - (A) the difference between the base revenue determined for Shelby County under subsection (a) and the amount payable to Shelby County under IC 4-35-8.5-2; and**
  - (B) the difference between the base revenue determined for Madison County under subsection (a) and the amount payable to Madison County under IC 4-35-8.5-2.**

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

SECTION 33. IC 4-33-13-7, AS AMENDED BY P.L.255-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 7. (a) This**

section applies to adjusted gross receipts from wagering on gambling games that occurs after the effective date of this section, as added by SEA 528-2013.

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

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

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

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

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

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

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

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

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

Page 15, delete line 2.

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

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

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

Page 17, line 23, strike "a".

Page 17, line 23, strike "any".

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

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

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

Page 18, line 20, delete "sire".

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

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

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

~~(1) economic benefits;~~

~~(2) tax revenue;~~

~~(3) number of new jobs; and~~

~~(4) capital investments;~~

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

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

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

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

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

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

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

(2) Thirty percent (30%) of the adjusted gross receipts in excess of one hundred million dollars (\$100,000,000) but not exceeding two hundred million dollars (\$200,000,000)

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

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

**(b) A gambling game tax is imposed on eighty-eight percent (88%) of the adjusted gross receipts received from wagering on table games authorized under this article. The tax is equal to twenty percent (20%) of the adjusted gross receipts received by a licensee during the period beginning July 1 of each year and ending June 30 the following year.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 5. The commission may do the following:**

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

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

and insert:

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

**Sec. 2. "Adjusted gross receipts" means:**

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

**(2) the total of:**

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

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

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

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

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

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

**(1) must be less than eighteen (18) years of age to participate; and**

**(2) is prohibited, as a condition of participating in the sporting event, from receiving direct or indirect compensation for the use of the individual's athletic skill in any manner with respect to the sport in which the particular sporting event is conducted.**

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

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

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

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

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

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

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

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

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

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

**(1) A satellite facility operated under IC 4-31-5.5.**

**(2) A riverboat operated under IC 4-33.**

**(3) A gambling game facility operated under IC 4-35.**

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

(5) A relocated riverboat under IC 4-33-6-4.5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 23, delete lines 1 through 32.

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

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

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

(8) Standards for approving procedures and technologies necessary for a certificate holder or

vendor to securely and efficiently maintain and store records of all bets and wagers placed with the certificate holder or vendor.

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

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

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

Page 25, delete lines 1 through 3.

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

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

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

Page 25, delete lines 21 through 26.

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

Sec. 4. Upon:

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

(2) approving the submitted application;

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

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

Page 25, delete lines 33 through 42.

Page 26, delete lines 1 through 4.

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

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

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

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

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

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

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

Sec. 6. A certificate holder or vendor may not cancel wagering on a particular sporting event after posting odds and beginning to accept wagers on the sporting event. A certificate holder or vendor must pay winning patrons following the end of the sporting event.

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

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

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

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

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

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

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

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

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

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

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

#### Chapter 6. Vendors

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

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

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

(b) An applicant must submit the following on forms provided by the commission:

- (1) If the applicant is an individual, two (2) sets of the individual's fingerprints.
- (2) If the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the

applicant.

(c) The commission shall review the applications for a vendor's license under this chapter and shall inform each applicant of the commission's decision concerning the issuance of the vendor's license.

(d) The costs of investigating an applicant for a vendor's license under this chapter shall be paid from the application fee paid by the applicant.

(e) An applicant for a vendor's license under this chapter must pay all additional costs that are:

- (1) associated with the investigation of the applicant; and
- (2) greater than the amount of the application fee paid by the applicant.

Sec. 4. In determining whether to grant a vendor's license to an applicant, the commission shall consider the character, reputation, experience, and financial integrity of the following:

- (1) The applicant.
- (2) A person that:
  - (A) directly or indirectly controls the applicant; or
  - (B) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.

Sec. 5. (a) The state police department may assist the commission in conducting background investigations of applicants for a vendor's license. The commission may forward all fingerprints required to be submitted by license applicants under this chapter to the Federal Bureau of Investigation or any other agency for the purpose of screening applicants. The commission shall reimburse the state police department for the costs incurred by the state police department as a result of the assistance. The commission shall make the payment from fees collected from applicants.

(b) The commission through its gaming agents shall conduct background investigations of applicants. Costs incurred conducting the investigations must be paid from fees collected from applicants.

Sec. 6. A person holding a vendor's license shall pay to the commission an annual administrative fee of fifty thousand dollars (\$50,000). The fee imposed by this section is due one (1) year after the date that the vendor begins performing services under a contract with a certificate holder in the conduct of sports wagering under this article and on each annual anniversary date thereafter. The commission shall deposit the administrative fees received under this section in the sports wagering fund.

Sec. 7. A certificate holder may not contract with more than three (3) vendors.

#### Chapter 7. Sports Wagering Service Providers

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

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

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

**(b)** An applicant must submit a completed application on a form prescribed by the commission.

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

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

**(A)** A completed application.

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

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

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

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

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

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

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

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

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

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

**(B)** the person provides all the information otherwise requested by the commission."

Page 27, delete lines 1 through 40.

Page 27, line 41, delete "6." and insert "**8. Annual License**".

Page 28, line 1, delete "seventy-five" and insert "fifty".

Page 28, line 2, delete "(\$75,000)." and insert "**(\$50,000).**".

Page 28, line 9, delete "administrative fees deposited in the" and insert "**following**:"

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

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

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

**(4)** Administrative fees deposited in the fund under

section 1 of this chapter.

#### **Chapter 9. Integrity Requirements**

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

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

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

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

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

**(1)** A vendor's license.

**(2)** A sports wagering service provider license.

**(3)** A supplier's license.

**(4)** An occupational license.

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

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

**Sec. 3.** The commission shall prohibit a certificate holder or vendor from accepting wagers placed by any of the following:

**(1)** A partnership, a corporation, an association, or any other entity that is not an individual.

**(2)** A person who is not at least twenty-one (21) years of age.

**(3)** A certificate holder, a vendor, a director, officer, or employee of a certificate holder or vendor, or a relative of a certificate holder or vendor.

**(4)** A sports wagering service provider, a director, officer, or employee of a sports wagering service provider, or a relative of a sports wagering service provider.

**(5)** With respect to a sporting event sponsored, organized, or conducted by a particular sports governing body, any of the following:

**(A)** An employee of the sports governing body.

**(B)** A game official employed by or under contract with the sports governing body.

**(C)** A coach, manager, or other personnel employed by or under contract with a member club of the sports governing body.

**(D)** An athlete who is:

**(i)** under contract with a member club of the sports governing body in the case of a team sport;

or

(ii) eligible to participate in events conducted by the sports governing body in the case of an individual sport.

(E) An employee of a union representing athletes or game officials.

(F) A relative of an individual described in clauses (A) through (E).

(6) An individual convicted of a state or federal crime relating to sports wagering.

**Sec. 4. (a) The commission may use information received from a sports governing body to determine whether to allow:**

(1) wagering on a particular event; or

(2) patrons to make wagers of a particular type.

(b) If a sports governing body requests wagering information or requests the commission to prohibit wagering on a particular event or making wagers of a particular type, the commission shall grant the request upon a demonstration of good cause from the sports governing body.

(c) The commission shall respond to a request from a sports governing body concerning a particular event:

(1) before the start of the event; or

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

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

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

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

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

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

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

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

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

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

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

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

Page 28, delete lines 10 through 17, begin a new paragraph and insert:

"SECTION 41. IC 6-8.1-1-1, AS AMENDED BY P.L.212-2018(ss), SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1."Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the supplemental wagering tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine gambling game wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1) (repealed); the county option income tax (IC 6-3.5-6) (repealed); the county economic development income tax (IC 6-3.5-7) (repealed); the local income tax (IC 6-3.6); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the vehicle excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) (repealed); the heavy equipment rental excise tax (IC 6-6-15); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-20-18); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-20-18); and any other tax or fee that the department is required to collect or administer."

Page 28, line 41, delete "IC 4-33-9.5-6(b)." and insert "IC 4-33-9.5-5(b)."

Renumber all SECTIONS consecutively.

(Reference is to SB 552 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 10, Nays 0.

ALTING, Chair

Report adopted.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 9

House Concurrent Resolution 9, sponsored by Senator Becker:

A CONCURRENT RESOLUTION recognizing the 2018 Castle High School archery team for an undefeated regular season and winning state, national, and world titles.

*Whereas, The 2018 Castle High School archery team went undefeated in their regular season and went on to win state, national, and world titles while being the highest scoring team in the bullseye division during all three championship tournaments;*

*Whereas, This history making team consisted of 60 coed archers who began practicing for the 2018 season in November 2017;*

*Whereas, The Knights went undefeated in 12 regular season competitions that began in January 2018 while averaging three tournaments each month;*

*Whereas, The Knights participated in the National Archery in the Schools Program state tournament and earned first place following their regular season;*

*Whereas, A win at the state level qualified the team for NASP's 16th Eastern National Tournament where more than 14,000 students from over 200 schools from across the country competed in a three-day event held in Louisville, Kentucky;*

*Whereas, The Knights at the Eastern National Tournament earned the title of National Champion for Castle High School, and 24 of the archers competing for the Knights won a \$1,000 scholarship;*

*Whereas, The Knights carried this win at Nationals to the 2018 NASP World Tournament and won the title of World Champion; and*

*Whereas, The Castle High School archery team had a memorable season and represented themselves, their school, and the state of Indiana in the highest regard: Therefore,*

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

SECTION 1. That the Indiana General Assembly recognizes the 2018 Castle High School archery team for an undefeated regular season and winning the National Archery in the Schools Program state, national, and world titles.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to the members of the 2018 Castle High School archery team and to its coaches and staff.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

### **House Concurrent Resolution 13**

House Concurrent Resolution 13, sponsored by Senators G. Taylor, Breau, Melton and Lonnie M. Randolph:

A CONCURRENT RESOLUTION honoring and recognizing Mr. Jerry Harkness for his professional basketball career and contributions to his community and the state of Indiana.

*Whereas, Mr. Jerry Harkness is a native of the Harlem section of New York City and played basketball and ran track for DeWitt Clinton High School in the Bronx;*

*Whereas, Mr. Harkness received a scholarship to Loyola University in Chicago after winning the high school city championship in basketball as well as capturing the 1,000-yard run in track;*

*Whereas, Mr. Harkness led the Loyola University Ramblers to the 1963 NCAA Basketball title and was named an All American and the Most Valuable Player in the East-West All Star game;*

*Whereas, Mr. Harkness went on to earn a degree in sociology and became the first African American store merchandiser for the Quaker Oats company;*

*Whereas, Mr. Harkness then joined the New York Knickerbockers and later became a member of the American Basketball Association's Indiana Pacers;*

*Whereas, Mr. Harkness made the longest three-point shot (88 feet) in pro basketball history as a Pacer in 1967 and held that record for 34 years. He still holds the record for the longest shot to win a game;*

*Whereas, Mr. Harkness became the first African American sportscaster for television station WTHR-13 following his retirement from the Indiana Pacers, and he held the same position with WTLC radio;*

*Whereas, Mr. Harkness contributed his knowledge and skill in basketball as a sports analyst for the Indiana Pacers and Loyola University of Chicago;*

*Whereas, Mr. Harkness demonstrated a passion to volunteer and give back to the community, which led him to become the first African American fundraiser for the United Way, where he worked for 25 years;*

*Whereas, Mr. Harkness showed love for his community, which led him to become one of the founders of 100 Black Men in Indianapolis and the Indiana Black Expo;*

*Whereas, Mr. Harkness was recognized by President Barack Obama in 2013 for his contributions as captain of the 1963 Loyola team;*

*Whereas, Mr. Harkness has also been inducted into the Indiana, Manhattan, and Harlem basketball halls of fame for his contributions to the sport, and his basketball number 15 has been retired at Loyola University; and*

*Whereas, Mr. Harkness has received numerous awards including: the NCAA Silver Anniversary Community Service Award; the Boy Scout "This is Your Life" Service Award; the Jefferson Community Service Award; the Sports Illustrated Award; the Muhammad Ali Award; and induction into the National Collegiate Basketball Hall of Fame with his entire 1963 Loyola team: Therefore,*

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

SECTION 1. That the Indiana General Assembly honors and recognizes Mr. Jerry Harkness for his professional basketball career and contributions to his community and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of the resolution to Mr. Jerry Harkness.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1443, 1482, 1542, 1569, 1588 and 1664 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 9 and 13 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

RESOLUTIONS ON SECOND READING

Senate Resolution 9

Senator Koch called up Senate Resolution 9 for second reading. The resolution was read a second time and adopted by voice vote.

SENATE BILLS ON SECOND READING

Senate Bill 33

Senator Merritt called up Senate Bill 33 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 79

Senator Sandlin called up Senate Bill 79 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 79-2)

Madam President: I move that Senate Bill 79 be amended to read as follows:

Page 1, between lines 6 and 7, begin a new paragraph and insert:

**"Sec. 2. As used in this chapter "interview" means a mandatory discussion to determine facts surrounding a complaint or an internal investigation."**

Page 1, line 7, delete "2." and insert "3."

Page 1, line 9, delete "3." and insert "4."

Page 1, line 11, delete "4." and insert "5."

Page 1, line 11, delete "under" and insert **"who is the subject of an investigation."**

Page 1, delete line 12.

Page 1, line 13, delete "interrogation" and insert **"interview"**.

Page 1, line 15, delete "interrogation" and insert **"interview"**.

Page 1, line 17, delete "interrogating" and insert **"interviewing"**.

Page 2, line 1, delete "interrogation" and insert **"interview"**.

Page 2, line 2, delete "interrogation" and insert **"interview"**.

Page 2, line 3, delete "interrogating" and insert **"interviewing"**.

Page 2, line 5, delete "interrogating" and insert **"interviewing"**.

Page 2, line 7, delete "interrogating" and insert **"interviewing"**.

Page 2, line 8, delete "interrogation" and insert **"interview"**.

Page 2, line 9, delete "interrogating" and insert **"interviewing"**.

Page 2, line 10, delete "interrogating" and insert **"interviewing"**.

Page 2, line 20, delete "the results of this".

Page 2, line 21, delete "investigation or".

Page 2, line 26, delete "testimony." and insert **"testimony. In addition, this factual information may be used in any criminal proceeding in which you are a witness."**

Page 2, line 32, delete "Interrogating" and insert **"Interviewing"**.

Page 2, line 39, delete "interrogation" and insert **"interview"**.

Page 3, line 4, delete "interrogation" and insert **"interview"**.

Page 3, line 7, delete "interrogation" and insert **"interview"**.

Page 3, line 11, delete "interrogation" and insert **"interview"**.

Page 3, line 12, delete "is likely to be placed under arrest, the interrogating" and insert **"in custody, the interviewing"**.

Page 3, line 15, delete "interrogation" and insert **"interview"**.

Page 3, line 23, delete "interrogation" and insert **"interview"**.

Page 3, line 24, delete "interrogation" and insert **"interview"**.

Page 3, line 29, delete "interrogation" and insert **"interview"**.

Page 3, line 42, delete "5." and insert "6."

Page 4, line 2, delete "6." and insert "7."

Page 4, line 6, delete "7." and insert "8."

Page 4, line 14, delete "8." and insert "9."

Page 4, line 14, delete "not" and insert **"not, except as provided in IC 36-8-3-4 and IC 36-8-10-11,"**

Page 4, line 24, delete "9." and insert "10."

Page 4, line 29, delete "10." and insert "11."

Page 4, line 32, delete "11." and insert "12."  
(Reference is to SB 79 as printed February 1, 2019.)

SANDLIN

Motion prevailed. The bill was ordered engrossed.

### Senate Bill 127

Senator Holdman called up Senate Bill 127 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 127-3)

Madam President: I move that Senate Bill 127 be amended to read as follows:

Page 8, delete lines 11 through 14.

Page 8, line 24, delete "or" and insert ",".

Page 8, line 25, after "(IC 20-40-18)," insert "**or school safety referendum debt service fund (IC 20-40-21),**".

Page 8, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 9. IC 20-40-21 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

#### **Chapter 21. School Safety Referendum Debt Service Fund**

**Sec. 1. As used in this chapter, "fund" refers to a school safety referendum debt service fund established under section 2 of this chapter.**

**Sec. 2. A school safety referendum debt service fund must be created by each school corporation for which a school safety referendum tax levy was approved by the voters in a referendum under IC 20-46-9.**

**Sec. 3. The fund consists of any amounts transferred into the fund from a school corporation's school safety referendum tax levy fund (IC 20-40-20).**

**Sec. 4. The fund may be used only to pay for the school corporation's debt service on bonds or obligations issued or incurred to pay for school safety referendum tax levy purposes described in IC 20-40-20-6(a)."**

Renumber all SECTIONS consecutively.

(Reference is to SB 127 as printed February 6, 2019.)

HOLDMAN

Motion prevailed.

#### SENATE MOTION (Amendment 127-4)

Madam President: I move that Senate Bill 127 be amended to read as follows:

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

"SECTION 1. IC 6-1.1-20-3.6, AS AMENDED BY P.L.246-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8 of this chapter, this section applies only to a controlled project described in section 3.5(a) of this chapter.

(b) If a sufficient petition requesting the application of the local public question process has been filed as set forth in section

3.5 of this chapter, a political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project unless the political subdivision's proposed debt service or lease rental is approved in an election on a local public question held under this section.

(c) Except as provided in subsection (k), the following question shall be submitted to the eligible voters at the election conducted under this section:

"Shall \_\_\_\_\_ (insert the name of the political subdivision) issue bonds or enter into a lease to finance \_\_\_\_\_ (insert a brief description of the controlled project), which is estimated to cost not more than \_\_\_\_\_ (insert the total cost of the project) and is estimated to increase the property tax rate for debt service by \_\_\_\_\_ (insert increase in tax rate as determined by the department of local government finance)?

**If this public question is approved by the voters, the tax rate approved would represent a \_\_\_\_\_% (insert the percentage increase determined by the department of local government finance) increase over the current total tax rate of \_\_\_\_\_ (insert the name of the political subdivision)."**

The public question must appear on the ballot in the form approved by the county election board. If the political subdivision proposing to issue bonds or enter into a lease is located in more than one (1) county, the county election board of each county shall jointly approve the form of the public question that will appear on the ballot in each county. The form approved by the county election board may differ from the language certified to the county election board by the county auditor. If the county election board approves the language of a public question under this subsection, the county election board shall submit the language to the department of local government finance for review.

(d) The department of local government finance shall review the language of the public question to evaluate whether the description of the controlled project is accurate and is not biased against either a vote in favor of the controlled project or a vote against the controlled project. The department of local government finance may either approve the ballot language as submitted or recommend that the ballot language be modified as necessary to ensure that the description of the controlled project is accurate and is not biased. The department of local government finance shall certify its approval or recommendations to the county auditor and the county election board not more than ten (10) days after the language of the public question is submitted to the department for review. If the department of local government finance recommends a modification to the ballot language, the county election board shall, after reviewing the recommendations of the department of local government finance, submit modified ballot language to the department for the department's approval or recommendation of any additional modifications. The public question may not be certified by the county auditor under subsection (e) unless the department of local government finance has first certified the department's final approval of the ballot language for the public question.

(e) The county auditor shall certify the finally approved public question under IC 3-10-9-3 to the county election board of each county in which the political subdivision is located. The certification must occur not later than noon:

- (1) seventy-four (74) days before a primary election if the public question is to be placed on the primary or municipal primary election ballot; or
- (2) August 1 if the public question is to be placed on the general or municipal election ballot.

Subject to the certification requirements and deadlines under this subsection and except as provided in subsection (j), the public question shall be placed on the ballot at the next primary election, general election, or municipal election in which all voters of the political subdivision are entitled to vote. However, if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this section and if the political subdivision requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon seventy-four (74) days before a special election to be held in May (if the special election is to be held in May) or noon on August 1 (if the special election is to be held in November). The fiscal body of the political subdivision that requests the special election shall pay the costs of holding the special election. The county election board shall give notice under IC 5-3-1 of a special election conducted under this subsection. A special election conducted under this subsection is under the direction of the county election board. The county election board shall take all steps necessary to carry out the special election.

(f) The circuit court clerk shall certify the results of the public question to the following:

- (1) The county auditor of each county in which the political subdivision is located.
- (2) The department of local government finance.

(g) Subject to the requirements of IC 6-1.1-18.5-8, the political subdivision may issue the proposed bonds or enter into the proposed lease rental if a majority of the eligible voters voting on the public question vote in favor of the public question.

(h) If a majority of the eligible voters voting on the public question vote in opposition to the public question, both of the following apply:

- (1) The political subdivision may not issue the proposed bonds or enter into the proposed lease rental.
- (2) Another public question under this section on the same or a substantially similar project may not be submitted to the voters earlier than:
  - (A) except as provided in clause (B), seven hundred (700) days after the date of the public question; or
  - (B) three hundred fifty (350) days after the date of the election, if a petition that meets the requirements of subsection (m) is submitted to the county auditor.

(i) IC 3, to the extent not inconsistent with this section, applies to an election held under this section.

(j) A political subdivision may not divide a controlled project

in order to avoid the requirements of this section and section 3.5 of this chapter. A person that owns property within a political subdivision or a person that is a registered voter residing within a political subdivision may file a petition with the department of local government finance objecting that the political subdivision has divided a controlled project into two (2) or more capital projects in order to avoid the requirements of this section and section 3.5 of this chapter. The petition must be filed not more than ten (10) days after the political subdivision gives notice of the political subdivision's decision under section 3.5 of this chapter or a determination under section 5 of this chapter to issue bonds or enter into leases for a capital project that the person believes is the result of a division of a controlled project that is prohibited by this subsection. If the department of local government finance receives a petition under this subsection, the department shall not later than thirty (30) days after receiving the petition make a final determination on the issue of whether the political subdivision divided a controlled project in order to avoid the requirements of this section and section 3.5 of this chapter. If the department of local government finance determines that a political subdivision divided a controlled project in order to avoid the requirements of this section and section 3.5 of this chapter and the political subdivision continues to desire to proceed with the project, the political subdivision may appeal the determination of the department of local government finance to the Indiana board of tax review. A political subdivision shall be considered to have divided a capital project in order to avoid the requirements of this section and section 3.5 of this chapter if the result of one (1) or more of the subprojects cannot reasonably be considered an independently desirable end in itself without reference to another capital project. This subsection does not prohibit a political subdivision from undertaking a series of capital projects in which the result of each capital project can reasonably be considered an independently desirable end in itself without reference to another capital project.

(k) This subsection applies to a political subdivision for which a petition requesting a public question has been submitted under section 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of the political subdivision may adopt a resolution to withdraw a controlled project from consideration in a public question. If the legislative body provides a certified copy of the resolution to the county auditor and the county election board not later than sixty-three (63) days before the election at which the public question would be on the ballot, the public question on the controlled project shall not be placed on the ballot and the public question on the controlled project shall not be held, regardless of whether the county auditor has certified the public question to the county election board. If the withdrawal of a public question under this subsection requires the county election board to reprint ballots, the political subdivision withdrawing the public question shall pay the costs of reprinting the ballots. If a political subdivision withdraws a public question under this subsection that would have been held at a special election and the county election board has printed the ballots before the legislative body of the political subdivision provides a certified copy of the withdrawal resolution to the county auditor and the county

election board, the political subdivision withdrawing the public question shall pay the costs incurred by the county in printing the ballots. If a public question on a controlled project is withdrawn under this subsection, a public question under this section on the same controlled project or a substantially similar controlled project may not be submitted to the voters earlier than three hundred fifty (350) days after the date the resolution withdrawing the public question is adopted.

(l) If a public question regarding a controlled project is placed on the ballot to be voted on at an election under this section, the political subdivision shall submit to the department of local government finance, at least thirty (30) days before the election, the following information regarding the proposed controlled project for posting on the department's Internet web site:

- (1) The cost per square foot of any buildings being constructed as part of the controlled project.
- (2) The effect that approval of the controlled project would have on the political subdivision's property tax rate.
- (3) The maximum term of the bonds or lease.
- (4) The maximum principal amount of the bonds or the maximum lease rental for the lease.
- (5) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.
- (6) The purpose of the bonds or lease.
- (7) In the case of a controlled project proposed by a school corporation:

- (A) the current and proposed square footage of school building space per student;
- (B) enrollment patterns within the school corporation; and
- (C) the age and condition of the current school facilities.

(m) If a majority of the eligible voters voting on the public question vote in opposition to the public question, a petition may be submitted to the county auditor to request that the limit under subsection (h)(2)(B) apply to the holding of a subsequent public question by the political subdivision. If such a petition is submitted to the county auditor and is signed by the lesser of:

- (1) five hundred (500) persons who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or
- (2) five percent (5%) of the registered voters residing within the political subdivision;

the limit under subsection (h)(2)(B) applies to the holding of a second public question by the political subdivision and the limit under subsection (h)(2)(A) does not apply to the holding of a second public question by the political subdivision."

Page 3, line 33, delete "five tenths" and insert "**five-tenths**".

Page 8, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 10. IC 20-46-1-10, AS AMENDED BY P.L.138-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) This section does not apply to a referendum on a resolution certified to the department of local government finance after March 15, 2016, to extend a referendum levy.

(b) The question to be submitted to the voters in the referendum must read as follows:

"For the \_\_ (insert number) calendar year or years immediately following the holding of the referendum, shall the school corporation impose a property tax rate that does not exceed \_\_\_\_\_ (insert amount) cents (\$0.\_\_\_\_) (insert amount) on each one hundred dollars (\$100) of assessed valuation and that is in addition to all other property taxes imposed by the school corporation for the purpose of funding \_\_\_\_\_ (insert short description of purposes)?"

**If this public question is approved by the voters, the tax rate approved would represent a \_\_\_\_\_% (insert the percentage increase determined by the department of local government finance) increase over the current total tax rate of \_\_\_\_\_ (insert the name of the school corporation)."**

SECTION 11. IC 20-46-1-10.1, AS ADDED BY P.L.138-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10.1. (a) This section applies only to a referendum to allow a school corporation to extend a referendum levy.

(b) The question to be submitted to the voters in the referendum must read as follows:

"For the \_\_ (insert number) calendar year or years immediately following the holding of the referendum, shall the school corporation continue to impose a property tax rate that does not exceed \_\_\_\_\_ (insert amount) cents (\$0.\_\_\_\_) (insert amount) on each one hundred dollars (\$100) of assessed valuation and for the purpose of funding \_\_\_\_\_ (insert short description of purposes)?"

The tax rate requested in this referendum was originally approved by the voters in the \_\_\_\_\_ (insert name of the school corporation) in \_\_\_\_\_ (insert the year in which the referendum tax levy was approved).

**If this public question is approved by the voters, the tax rate approved would represent a \_\_\_\_\_% (insert the percentage increase determined by the department of local government finance) increase over the current total tax rate of \_\_\_\_\_ (insert the name of the school corporation)."**

(c) The number of years for which a referendum tax levy may be extended if the public question under this section is approved may not exceed the number of years for which the expiring referendum tax levy was imposed."

Page 10, line 12, delete "purposes)?" and insert "**purposes)?"**".

Page 10, between lines 12 and 13, begin a new line block indented and insert:

**"If this public question is approved by the voters, the tax rate approved would represent a \_\_\_\_\_% (insert the percentage increase determined by the department of local government finance) increase over the current total tax rate of \_\_\_\_\_ (insert the name of the school corporation)."**

Page 10, line 28, delete "approved).?" and insert "**approved)."**

Page 10, between lines 28 and 29, begin a new line block indented and insert:

**"If this public question is approved by the voters, the tax rate approved would represent a \_\_\_\_\_% (insert the percentage increase determined by the department of local government finance) increase over the current total tax rate of \_\_\_\_\_ (insert the name of the school corporation)."."**

Renumber all SECTIONS consecutively.

(Reference is to SB 127 as printed February 6, 2019.)

SPARTZ

Motion prevailed. The bill was ordered engrossed.

### Senate Bill 171

Senator Holdman called up Senate Bill 171 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 171-1)

Madam President: I move that Senate Bill 171 be amended to read as follows:

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

"SECTION 1. IC 2-5-3.2-1, AS AMENDED BY P.L.36-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this section, "tax incentive" means a benefit provided through a state or local tax that is intended to alter, reward, or subsidize a particular action or behavior by the tax incentive recipient, including a benefit intended to encourage economic development. The term includes the following:

(1) An exemption, deduction, credit, preferential rate, or other tax benefit that:

- (A) reduces the amount of a tax that would otherwise be due to the state;
- (B) results in a tax refund in excess of any tax due; or
- (C) reduces the amount of property taxes that would otherwise be due to a political subdivision of the state.

(2) The dedication of revenue by a political subdivision to provide improvements or to retire bonds issued to pay for improvements in an economic or sports development area, a community revitalization area, an enterprise zone, a tax increment financing district, or any other similar area or district.

(b) The general assembly intends that each tax incentive effectuate the purposes for which it was enacted and that the cost of tax incentives should be included more readily in the biennial budgeting process. To provide the general assembly with the information it needs to make informed policy choices about the efficacy of each tax incentive, the legislative services agency shall conduct a regular review, analysis, and evaluation of all tax incentives according to a schedule developed by the legislative services agency.

(c) The legislative services agency shall conduct a systematic and comprehensive review, analysis, and evaluation of each tax incentive scheduled for review. The review, analysis, and evaluation must include information about each tax incentive that

is necessary to achieve the goals described in subsection (b), which may include any of the following:

(1) The basic attributes and policy goals of the tax incentive, including the statutory and programmatic goals of the tax incentive, the economic parameters of the tax incentive, the original scope and purpose of the tax incentive, and how the scope or purpose has changed over time.

(2) The tax incentive's equity, simplicity, competitiveness, public purpose, adequacy, and extent of conformance with the original purposes of the legislation enacting the tax incentive.

(3) The types of activities on which the tax incentive is based and how effective the tax incentive has been in promoting these targeted activities and in assisting recipients of the tax incentive.

(4) The count of the following:

- (A) Applicants for the tax incentive.
- (B) Applicants that qualify for the tax incentive.
- (C) Qualified applicants that, if applicable, are approved to receive the tax incentive.
- (D) Taxpayers that actually claim the tax incentive.
- (E) Taxpayers that actually receive the tax incentive.

(5) The dollar amount of the tax incentive benefits that has been actually claimed by all taxpayers over time, including the following:

- (A) The dollar amount of the tax incentive, listed by the North American Industrial Classification System (NAICS) Code associated with the tax incentive recipients, if an NAICS Code is available.
- (B) The dollar amount of income tax credits that can be carried forward for the next five (5) state fiscal years.

(6) An estimate of the economic impact of the tax incentive, including the following:

(A) A return on investment calculation for the tax incentive. For purposes of this clause, "return on investment calculation" means analyzing the cost to the state or political subdivision of providing the tax incentive, analyzing the benefits realized by the state or political subdivision from providing the tax incentive.

(B) A cost-benefit comparison of the state and local revenue foregone and property taxes shifted to other taxpayers as a result of allowing the tax incentive, compared to tax revenue generated by the taxpayer receiving the incentive, including direct taxes applied to the taxpayer and taxes applied to the taxpayer's employees.

(C) An estimate of the number of jobs that were the direct result of the tax incentive.

(D) For any tax incentive that is reviewed or approved by the Indiana economic development corporation, a statement by the chief executive officer of the Indiana economic development corporation as to whether the statutory and programmatic goals of the tax incentive are being met, with obstacles to these goals identified, if possible.

(7) The methodology and assumptions used in carrying out the reviews, analyses, and evaluations required under this subsection.

(8) The estimated cost to the state to administer the tax incentive.

(9) An estimate of the extent to which benefits of the tax incentive remained in Indiana or flowed outside Indiana.

(10) Whether the effectiveness of the tax incentive could be determined more definitively if the general assembly were to clarify or modify the tax incentive's goals and intended purpose.

(11) Whether measuring the economic impact is significantly limited due to data constraints and whether any changes in statute would facilitate data collection in a way that would allow for better review, analysis, or evaluation.

(12) An estimate of the indirect economic benefit or activity stimulated by the tax incentive.

(13) Any additional review, analysis, or evaluation that the legislative services agency considers advisable, including comparisons with tax incentives offered by other states if those comparisons would add value to the review, analysis, and evaluation.

The legislative services agency may request a state or local official or a state agency, a political subdivision, a body corporate and politic, or a county or municipal redevelopment commission to furnish information necessary to complete the tax incentive review, analysis, and evaluation required by this section. An official or entity presented with a request from the legislative services agency under this subsection shall cooperate with the legislative services agency in providing the requested information. An official or entity may require that the legislative services agency adhere to the provider's rules, if any, that concern the confidential nature of the information.

(d) The legislative services agency shall, before October 1 of each year, submit a report to the legislative council, in an electronic format under IC 5-14-6, and to the interim study committee on fiscal policy established by IC 2-5-1.3-4 containing the results of the legislative services agency's review, analysis, and evaluation. The report must include at least the following:

(1) A detailed description of the review, analysis, and evaluation for each tax incentive reviewed.

(2) Information to be used by the general assembly to determine whether a reviewed tax incentive should be continued, modified, or terminated, the basis for the recommendation, and the expected impact of the recommendation on the state's economy.

(3) Information to be used by the general assembly to better align a reviewed tax incentive with the original intent of the legislation that enacted the tax incentive.

The report required by this subsection must not disclose any proprietary or otherwise confidential taxpayer information.

(e) The interim study committee on fiscal policy shall do the following:

(1) Hold at least one (1) public hearing after September 30 and before November 1 of each year at which:

(A) the legislative services agency presents the review,

analysis, and evaluation of tax incentives; and

(B) the interim study committee receives information concerning tax incentives.

(2) Submit to the legislative council, in an electronic format under IC 5-14-6, any recommendations made by the interim study committee that are related to the legislative services agency's review, analysis, and evaluation of tax incentives prepared under this section.

(f) The general assembly shall use the legislative services agency's report under this section and the interim study committee on fiscal policy's recommendations under this section to determine whether a particular tax incentive:

(1) is successful;

(2) is provided at a cost that can be accommodated by the state's biennial budget; and

(3) should be continued, amended, or repealed.

(g) The legislative services agency shall establish and maintain a system for making available to the public information about the amount and effectiveness of tax incentives.

(h) The legislative services agency shall develop and publish on the general assembly's Internet web site a multi-year schedule that lists all tax incentives and indicates the year when the report will be published for each tax incentive reviewed. The legislative services agency may revise the schedule as long as the legislative services agency provides for a systematic review, analysis, and evaluation of all tax incentives and that each tax incentive is reviewed at least once every ~~five (5)~~ **seven (7)** years.

(i) This section expires December 31, ~~2023~~ **2025**."

Renumber all SECTIONS consecutively.

(Reference is to SB 171 as printed February 6, 2019.)

HOLDMAN

Motion prevailed. The bill was ordered engrossed.

### Senate Bill 182

Senator Melton called up Senate Bill 182 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Senate Bill 192

Senator Bohacek called up Senate Bill 192 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Senate Bill 342

Senator Perfect called up Senate Bill 342 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Senate Bill 394

Senator Charbonneau called up Senate Bill 394 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Senate Bill 416

Senator Breaux called up Senate Bill 416 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 459**

Senator Messmer called up Senate Bill 459 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 498**

Senator Tallian called up Senate Bill 498 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 498-1)

Madam President: I move that Senate Bill 498 be amended to read as follows:

Page 1, delete lines 5 through 8.

Page 1, line 9, delete "(2)" and insert "(1)".

Page 1, line 13, delete "(3)" and insert "(2)".

Page 2, line 27, delete "a city, town, or".

Page 2, line 28, delete "township" and insert "an".

Page 3, line 8, delete "a city, town, or township" and insert "**an emergency medical services provider agency**".

Page 3, line 12, delete "a city, town, or".

Page 3, line 13, delete "township" and insert "**an emergency medical services provider agency**".

Page 3, line 16, delete "city, town, or township" and insert "**emergency medical services provider agency**".

Page 3, line 23, delete "A city, town, or township" and insert "**An emergency medical services provider agency**".

Page 3, between lines 36 and 37, begin a new paragraph and insert:

**"(c) The commission may only award a grant under this section to an emergency medical services provider agency that is operated by a:**

**(1) city;**

**(2) town; or**

**(3) township."**

(Reference is to SB 498 as printed February 1, 2019.)

TALLIAN

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 512**

Senator Niezgodski called up Senate Bill 512 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 535**

Senator Boots called up Senate Bill 535 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 535-1)

Madam President: I move that Senate Bill 535 be amended to read as follows:

Page 2, delete lines 12 through 42, begin a new paragraph and insert:

"SECTION 5. IC 36-7-4-205, AS AMENDED BY P.L.207-2014, SECTION 4, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 205. (a) ADVISORY. A municipal plan commission shall adopt a comprehensive plan, as provided for under the 500 series of the advisory planning law, for the development of the municipality.

**(b) For comprehensive plans adopted after July 1, 1999, and before July 1, 2019, if:**

(1) the municipality provides municipal services to the contiguous unincorporated area; or

(2) the municipal plan commission obtains the approval of the county legislative body of each affected county;

the municipal plan commission may provide in the comprehensive plan for the development of the contiguous unincorporated area, designated by the commission, that is outside the corporate boundaries of the municipality, and that, in the judgment of the commission, bears reasonable relation to the development of the municipality. For purposes of this section, participation of a municipality in a fire protection territory established under IC 36-8-19 that includes unincorporated areas contiguous to the municipality may not be treated as providing municipal services to the contiguous unincorporated areas.

**(c) ADVISORY. For comprehensive plans adopted after June 30, 2019, if the municipal plan commission obtains the approval of the county legislative body of each affected county, the municipal plan commission may provide in the comprehensive plan for the development of the contiguous unincorporated area, designated by the commission, that is outside the corporate boundaries of the municipality, and that, in the judgment of the commission, bears reasonable relation to the development of the municipality.**

**(b) (d) ADVISORY.** Except as limited by the boundaries of unincorporated areas subject to the jurisdiction of other municipal plan commissions, an area designated under this section may include any part of the contiguous unincorporated area within two (2) miles from the corporate boundaries of the municipality. However, the following applies to the designation of an area under this section:

(1) If the corporate boundaries of the municipality or the boundaries of that contiguous unincorporated area include any part of the public waters or shoreline of a lake (which lies wholly within Indiana), the designated area may also include:

(A) any part of those public waters and shoreline of the lake; and

(B) any land area within two thousand five hundred (2,500) feet from that shoreline.

(2) This subdivision applies to a municipality that annexes noncontiguous territory under IC 36-4-3-4(a)(2) or IC 36-4-3-4(a)(3). The boundaries of the noncontiguous territory (including territory that is enlarged under subdivision IC 36-4-3-4(a)(2)(B) for the use of the wastewater treatment facility or water treatment facility) may not be considered a part of the corporate boundaries of the municipality for purposes of designating an area under this section.

**(e) ADVISORY.** Before exercising their rights, powers, and duties of the advisory planning law with respect to an area designated under this section, a municipal plan commission must file, with the recorder of the county in which the municipality is

located, a description or map defining the limits of that area. If the commission revises the limits, it shall file, with the recorder, a revised description or map defining those revised limits.

(d) (f) **ADVISORY.** If any part of the contiguous unincorporated area within the potential jurisdiction of a municipal plan commission is also within the potential jurisdiction of another municipal plan commission, the first municipal plan commission may exercise territorial jurisdiction over that part of the area within the potential jurisdiction of both municipal plan commissions that equals the product obtained by multiplying a fraction, the numerator of which is the area within the corporate boundaries of that municipality and the denominator of which is the total area within the corporate boundaries of both municipalities times the area within the potential jurisdiction of both municipal plan commissions. Furthermore, this commission may exercise territorial jurisdiction within those boundaries, enclosing an area reasonably compact and regular in shape, that the municipal plan commission first acting designates.

(e) (g) **ADVISORY.** If the legislative body of a county adopts a comprehensive plan and ordinance covering the unincorporated areas of the county, a municipal plan commission may not exercise jurisdiction, as provided in this section, over any part of that unincorporated area unless it is authorized by ordinance of the legislative body of the county. This ordinance may be initiated by the county legislative body or by petition duly signed and presented to the county auditor by:

- (1) not less than fifty (50) property owners residing in the area involved in the petition;
- (2) the county plan commission; or
- (3) the municipal plan commission.

Before final action on the ordinance by the county legislative body, the county plan commission must hold an advertised public hearing as required for other actions of the county plan commission under the advisory planning law. Upon the passage of the ordinance by the county legislative body and the subsequent acceptance of jurisdiction by the municipal plan commission, the municipal plan commission shall exercise the same rights, powers, and duties conferred in this section exclusively with respect to the contiguous unincorporated area. The jurisdiction of a municipal plan commission, as authorized under this subsection, may be terminated by ordinance at the discretion of the legislative body of the county, but only if the county has adopted a comprehensive plan for that area that is as comprehensive in scope and subject matter as that in effect by municipal ordinance.

(f) (h) **ADVISORY.** This subsection applies only to the exercise or rejection of territorial jurisdiction by a municipal plan commission before July 1, 2019. Each municipal plan commission in a municipality located in a county having:

- (1) a population of less than ninety-five thousand (95,000); and
- (2) a county plan commission that has adopted, in accord with the advisory planning law, a comprehensive plan and ordinance covering the unincorporated areas of the county; may, at any time, after filing notice with the county recorder and the county plan commission, exercise or reject territorial

jurisdiction over any part of the area within two (2) miles of the corporate boundaries of that municipality and within that county, whether or not that commission has previously exercised that jurisdiction, if the municipality is providing municipal services to the area. Within sixty (60) days after receipt of that notice, the county plan commission and the county legislative body shall have the county comprehensive plan and ordinance revised to reflect the decision of the municipal plan commission exercising the option provided for in this subsection. If the municipality is not providing municipal services to the area, the municipal plan commission must obtain the approval of the county legislative body of each affected county before exercising jurisdiction.

(g) (i) **AREA.** Wherever in the area planning law authority is conferred to establish a comprehensive plan or an ordinance for its enforcement, the authority applies everywhere:

- (1) within the county that is outside the municipalities; and
- (2) within each participating municipality.

(h) (j) **ADVISORY—AREA.** Whenever a new town is incorporated in a county having a county plan commission or an area plan commission, that plan commission and its board of zoning appeals shall continue to exercise territorial jurisdiction within the town until the effective date of a town ordinance:

- (1) establishing an advisory plan commission under section 202(a) of this chapter; or
- (2) adopting the area planning law under section 202(b) or 204 of this chapter.

Beginning on that effective date, the planning and zoning functions of the town shall be exercised under the advisory planning law or area planning law, as the case may be."

Delete pages 3 through 4.

Page 5, delete lines 1 through 8.

Page 5, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 9. IC 36-8-2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 14. (a) The repeal of section 13 of this chapter does not operate to void an ordinance or resolution adopted by a municipality before January 1, 2019, that exercises a power:**

**(1) under the sole authority of:**

**(A) section 4 of this chapter;**

**(B) section 8 of this chapter; or**

**(C) sections 4 and 8 of this chapter; and**

**(2) within the four (4) mile area outside the municipality's boundaries under the authority of section 13 of this chapter (before its repeal).**

**(b) An ordinance or resolution described in subsection (a) that exercised a power that:**

**(1) is expressly granted to another unit of government;**

**(2) is expressly denied by the Indiana Constitution or by statute;**

**(3) did not comply with the specific manner required by law for exercising the power, including planning and zoning powers that must be exercised by complying with IC 36-7-4 as set forth in IC 36-7-4-201; or**

**(4) violates any other law;**

is not legalized or validated by the repeal of section 13 of this chapter or by subsection (a).

SECTION 10. IC 36-8-2-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **The repeal of section 13 of this chapter operates to void an ordinance or resolution adopted by a municipality after December 31, 2018, and before July 1, 2019, that exercises a power:**

- (1) under the sole authority of:
  - (A) section 4 of this chapter;
  - (B) section 5(a)(2) of this chapter;
  - (C) section 6(a)(1) of this chapter;
  - (D) section 8 of this chapter; or
  - (E) any combination of the statutes listed in clauses (A) through (D); and
- (2) within the four (4) mile area outside the municipality's boundaries under the authority of section 13 of this chapter (before its repeal)."

Page 5, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 12. IC 36-9-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 20. The repeal of section 19 of this chapter operates to void an ordinance or resolution adopted by a municipality before July 1, 2019, that exercises a power:**

- (1) under the sole authority of:
  - (A) section 9 of this chapter;
  - (B) section 10 of this chapter;
  - (C) section 11 of this chapter;
  - (D) section 12 of this chapter;
  - (E) section 13 of this chapter; or
  - (F) any combination of the statutes listed in clauses (A) through (E); and
- (2) within the ten (10) mile area outside the municipality's boundaries under the authority of section 19 of this chapter (before its repeal)."

Page 8, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 14. [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)] (a) **This SECTION applies only to a municipality that exercises the power of eminent domain in the area outside of its corporate boundaries under the sole authority of:**

- (1) IC 36-1-4-18 (before its repeal July 1, 2019);
- (2) IC 36-10-4-21 (before its amendment July 1, 2019); or
- (3) IC 36-10-5-2 (before its amendment July 1, 2019).

(b) **The repeal or amendment by this act of the statutes listed in subsection (a) do not affect a municipality's exercise of the power of eminent domain to acquire property outside its corporate boundaries if:**

- (1) the works board of the municipality has adopted a resolution under IC 32-24-2-6; or
- (2) the municipality filed a complaint under IC 32-24-1 after the property owner rejected the municipality's acquisition offer;

not later than January 1, 2019.

(c) **This SECTION expires January 1, 2021.**"

Page 9, delete lines 1 through 11.

Renumber all SECTIONS consecutively.

(Reference is to SB 535 as printed February 8, 2019.)

BOOTS

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 551

Senator Messmer called up Senate Bill 551 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 561

Senator Houchin called up Senate Bill 561 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 561-2)

Madam President: I move that Senate Bill 561 be amended to read as follows:

Page 1, line 10, delete "IC 10-11-2-6" and insert "**IC 10-11-2-6, in consultation with the Indiana state coroners association and the coroners training board (established by IC 4-23-6.5-3),**".

(Reference is to SB 561 as printed February 6, 2019.)

HOUCHIN

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 570

Senator Walker called up Senate Bill 570 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 571

Senator Walker called up Senate Bill 571 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 602

Senator Boots called up Senate Bill 602 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 606

Senator Raatz called up Senate Bill 606 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 631

Senator M. Young called up Senate Bill 631 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## ENGROSSED SENATE BILLS ON THIRD READING

### Engrossed Senate Bill 350

Senator Leising called up Engrossed Senate Bill 350 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

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

Roll Call 96: yeas 49, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lehe and Wright.

### Engrossed Senate Bill 383

Senator Koch called up Engrossed Senate Bill 383 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal 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 97: yeas 48, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Steuerwald.

### Engrossed Senate Bill 405

Senator Spartz called up Engrossed Senate Bill 405 for third reading:

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

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

Roll Call 98: yeas 49, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Wesco.

### Engrossed Senate Bill 434

Senator Zay called up Engrossed Senate Bill 434 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 99: yeas 49, 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 Chair

instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Wolkins and Lauer.

### Engrossed Senate Bill 519

Senator Koch called up Engrossed Senate Bill 519 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal 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 100: yeas 40, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative McNamara.

### Engrossed Senate Bill 179

Senator Alting called up Engrossed Senate Bill 179 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 101: yeas 43, nays 6. 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Smaltz and Moed.

## SENATE MOTION

Madam President: I move that Senators Alting, Bassler, Bohacek, Boots, Bray, Breaux, L. Brown, Buchanan, Buck, Busch, Charbonneau, Crane, Crider, Doriot, J.D. Ford, Jon Ford, Freeman, Garten, Gaskill, Glick, Grooms, Head, Holdman, Houchin, Koch, Kruse, Lanane, Leising, Melton, Merritt, Messmer, Mishler, Mrvan, Niemeyer, Niezgodski, Perfect, Raatz, Lonnie M. Randolph, Rogers, Ruckelshaus, Sandlin, Spartz, Stoops, Tallian, G. Taylor, Tomes, Walker, M. Young and Zay be added as cosponsors of House Concurrent Resolution 9.

BECKER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senators Alting, Bassler, Becker, Bohacek, Boots, Bray, L. Brown, Buchanan, Buck, Busch, Charbonneau, Crane, Crider, Doriot, J.D. Ford, Jon Ford, Freeman, Garten, Gaskill, Glick, Grooms, Head, Holdman, Houchin, Koch, Kruse, Lanane, Leising, Merritt, Messmer, Mishler, Mrvan, Niemeyer, Niezgodski, Perfect, Raatz, Rogers, Ruckelshaus, Sandlin, Spartz, Stoops, Tallian, Tomes, Walker, M. Young and Zay be added as cosponsors of House Concurrent Resolution 13.

G. TAYLOR

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 1.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 2.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 29.

BOHACEK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 33.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be removed as author of Senate Bill 66 and Senator Mishler be substituted therefor.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 79.

SANDLIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Houchin be added as second author and Senator Crane be added as third author of Senate Bill 111.

KOCH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tomes be added as third author of Senate Bill 127.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 127.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Houchin be added as second author of Senate Bill 171.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 171.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 182.

MELTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Jon Ford be added as second author of Senate Bill 229.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 240.

FREEMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Jon Ford be added as second author of Senate Bill 248.

NIEMEYER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be removed as coauthor of Senate Bill 265.

M. YOUNG

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 265.

HEAD

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Raatz be added as coauthor of Senate Bill 266.

CRIDER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 270.

HEAD

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 289.

NIEZGODSKI

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 292.

HEAD

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 342.

PERFECT

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 350.

LEISING

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Becker be removed as coauthor of Senate Bill 359.

BECKER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author, Senator Becker be added as third author, and Senators Merritt, Ruckelshaus and Leising be added as coauthors of Senate Bill 359.

CRIDER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Doriot be added as second author of Senate Bill 363.

RAATZ

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Spartz be added as coauthor of Senate Bill 365.

ZAY

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Busch be added as second author of Senate Bill 377.

MERRITT

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 383.

KOCH

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 405.

SPARTZ

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Zay be added as coauthor of Senate Bill 405.

SPARTZ

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Buchanan be removed as coauthor of Senate Bill 407.

BUCHANAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buchanan be added as second author of Senate Bill 407.

SPARTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 434.

ZAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Houchin be added as coauthor of Senate Bill 459.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 460.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as coauthor of Senate Bill 496.

TALLIAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 498.

TALLIAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 506.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 512.

NIEZGODSKI

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Spartz be added as coauthor of Senate Bill 512.

NIEZGODSKI

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as third author of Senate Bill 519.

KOCH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 527.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Doriot be added as second author of Senate Bill 530.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 530.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bassler be added as second author of Senate Bill 549.

SPARTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 551.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Boots be added as second author of Senate Bill 556.

BUCK

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 558.

HOUCHIN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Walker be added as second author of Senate Bill 560.

HOUCHIN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 560.

HOUCHIN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Raatz be added as coauthor of Senate Bill 561.

HOUCHIN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Ruckelshaus be added as second author of Senate Bill 570.

WALKER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 570.

WALKER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 571.

WALKER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Glick be added as second author of Senate Bill 605.

DORIOT

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 606.

RAATZ

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Messmer be added as second author of Senate Bill 613.

ZAY

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Houchin be added as coauthor of Senate Bill 613.

ZAY

Motion prevailed.

## SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 12, 2019.

BRAY

Motion prevailed.

The Senate adjourned at 3:17 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUZANNE CROUCH  
President of the Senate