

HOUSE BILL No. 1271

DIGEST OF INTRODUCED BILL

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

Synopsis: Table games at racinos. Authorizes table games at racinos. Repeals an obsolete definition. Makes conforming changes.

Effective: Upon passage; July 1, 2014.

Eberhart, Austin, Lutz, Cherry

January 14, 2014, read first time and referred to Committee on Public Policy.



Second Regular Session 118th General Assembly (2014)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1271

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

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

- 1 SECTION 1. IC 4-31-2-7.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 7.5. "Gambling game" has the meaning set**
4 **forth in IC 4-35-2-5.**
5 SECTION 2. IC 4-31-2-20.7 IS REPEALED [EFFECTIVE UPON
6 PASSAGE]. ~~Sec. 20.7. "Slot machine" refers to a type of electronic~~
7 ~~gaming device approved by the Indiana gaming commission for~~
8 ~~wagering under IC 4-35.~~
9 SECTION 3. IC 4-31-7-1, AS AMENDED BY P.L.233-2007,
10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 1. (a) A person holding a permit to conduct
12 a horse racing meeting or a license to operate a satellite facility may
13 provide a place in the racing meeting grounds or enclosure or the
14 satellite facility at which the person may conduct and supervise the
15 pari-mutuel system of wagering by patrons of legal age on the horse
16 races conducted or simulcast by the person. The person may not permit



1 or use:

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

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

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

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

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

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

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

34 SECTION 6. IC 4-35-2-10.5 IS ADDED TO THE INDIANA CODE
 35 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: **Sec. 10.5. "Table game" means an apparatus**
 37 **used to gamble upon, including the following:**

- 38 (1) **A roulette wheel and table.**
 39 (2) **A blackjack table.**
 40 (3) **A craps table.**
 41 (4) **A poker table.**
 42 (5) **Any other game approved by the commission.**



1 SECTION 7. IC 4-35-3-1, AS ADDED BY P.L.233-2007,
 2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 1. All shipments of **gambling devices**,
 4 **including** slot machines, to licensees in Indiana, the registering,
 5 recording, and labeling of which have been completed by the
 6 manufacturer or dealer in accordance with 15 U.S.C. 1171 through 15
 7 U.S.C. 1178, are legal shipments of gambling devices into Indiana.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (1) Except as provided by rule of the commission, a person who
 42 participates in the voluntary exclusion program agrees to refrain



1 from entering a facility at which gambling games are conducted
2 or another facility under the jurisdiction of the commission.

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

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

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

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

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

26 SECTION 9. IC 4-35-4-7, AS AMENDED BY P.L.229-2013,
27 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 UPON PASSAGE]: Sec. 7. (a) The commission shall adopt standards
29 for the licensing of the following:

30 (1) Persons regulated under this article.

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

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

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

35 SECTION 10. IC 4-35-4-14, AS ADDED BY P.L.142-2009,
36 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 14. (a) The commission may appoint a
38 temporary trustee for a particular **slot machine gambling game** facility
39 at a racetrack if the commission makes the following findings:

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

42 (2) That the commission has not approved a power of attorney



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



1 (3) contract to sell or lease;
 2 a ~~slot machine~~, **gambling game**, limited mobile gaming system, or
 3 mobile gaming device to a licensee unless the person holds a supplier's
 4 license originally issued under IC 4-33-7-1 or renewed under
 5 IC 4-33-7-8.

6 SECTION 13. IC 4-35-7-1, AS ADDED BY P.L.233-2007,
 7 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: Sec. 1. Gambling games authorized under this
 9 article may not be conducted anywhere other than a ~~slot machine~~
 10 **gambling game** facility located at a racetrack.

11 SECTION 14. IC 4-35-7-1.5, AS ADDED BY P.L.229-2013,
 12 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 1.5. (a) A licensee may request approval from
 14 the commission to use a limited mobile gaming system in the gambling
 15 operations of the licensee.

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

22 SECTION 15. IC 4-35-7-2, AS ADDED BY P.L.233-2007,
 23 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 2. (a) A person who is less than twenty-one
 25 (21) years of age may not wager on a ~~slot machine~~ **gambling game**
 26 **under this article.**

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

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

36 SECTION 16. IC 4-35-7-4, AS ADDED BY P.L.233-2007,
 37 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 4. The following may inspect a licensee's ~~slot~~
 39 **machine gambling game** facility at any time to determine if this article
 40 is being violated:

- 41 (1) Employees of the commission.
 42 (2) Officers of the state police department.



1 SECTION 17. IC 4-35-7-5, AS ADDED BY P.L.233-2007,
 2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 5. Employees of the commission have the
 4 right to be present in a licensee's **slot machine gambling game** facility.

5 SECTION 18. IC 4-35-7-6, AS AMENDED BY P.L.229-2013,
 6 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 6. ~~A slot machine~~ **Gambling equipment and**
 8 **supplies customarily used in conducting gambling games under this**
 9 **article** may be purchased or leased only from a supplier licensed under
 10 IC 4-33-7.

11 SECTION 19. IC 4-35-7-7, AS ADDED BY P.L.233-2007,
 12 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 7. Except as provided in section 14 of this
 14 chapter, ~~slot machine~~ **wagering on gambling games** is the only form
 15 of wagering permitted in a licensee's **slot machine gambling game**
 16 facility.

17 SECTION 20. IC 4-35-7-8, AS ADDED BY P.L.233-2007,
 18 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 8. Wagers may be received only from a person
 20 present in a licensee's **slot machine gambling game** facility. A person
 21 present in a licensee's **slot machine gambling game** facility may not
 22 place or attempt to place a wager on behalf of a person who is not
 23 present in the licensee's **slot machine gambling game** facility.

24 SECTION 21. IC 4-35-7-9, AS AMENDED BY P.L.229-2013,
 25 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 9. (a) A patron may make a ~~slot machine~~
 27 **gambling game** wager at a racetrack only by means of:

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

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

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

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

39 SECTION 22. IC 4-35-7-10, AS ADDED BY P.L.233-2007,
 40 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 10. A **chip, a** token, or an electronic card
 42 described in section 9 of this chapter may be used by a patron while the



1 patron is present at the racetrack only to make a wager on a slot
2 machine gambling game authorized under this article.

3 SECTION 23. IC 4-35-7-19 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: **Sec. 19. (a) A licensee may submit a plan to the
6 commission for conducting wagering on table games at the
7 licensee's gambling game facility. A licensee must submit a table
8 game plan before the date designated by the commission. Upon
9 receipt of an appropriate plan, the commission shall authorize
10 wagering on table games at the licensee's gambling game facility.
11 Except as provided in subsection (b), a licensee may not install
12 more table game positions than the number of positions proposed
13 in the table game plan submitted to the commission.**

14 **(b) A licensee may install additional table game positions with
15 the approval of the commission.**

16 SECTION 24. IC 4-35-8.5-1, AS ADDED BY P.L.233-2007,
17 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]: **Sec. 1. (a) Before the fifteenth day of each month,
19 a licensee that offers slot machine gambling game wagering under this
20 article shall pay to the commission a county slot machine gambling
21 game wagering fee equal to three percent (3%) of the adjusted gross
22 receipts received from slot machine gambling game wagering during
23 the previous month at the licensee's racetrack. However, a licensee is
24 not required to pay more than eight million dollars (\$8,000,000) of
25 county slot machine gambling game wagering fees under this section
26 in any state fiscal year.**

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

30 SECTION 25. IC 4-35-8.5-2, AS ADDED BY P.L.233-2007,
31 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: **Sec. 2. Before the fifteenth day of each month, the
33 treasurer of state shall distribute any county slot machine gambling
34 game wagering fees received from a licensee during the previous
35 month to the county auditor of the county in which the licensee's
36 racetrack is located.**

37 SECTION 26. IC 4-35-8.5-3, AS ADDED BY P.L.233-2007,
38 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: **Sec. 3. The auditor of each county receiving a
40 distribution of county slot machine gambling game wagering fees
41 under section 2 of this chapter shall distribute the county slot machine
42 gambling game wagering fees as follows:**



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

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

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

7 SECTION 27. IC 4-35-8.7-2, AS AMENDED BY P.L.142-2009,
8 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 2. A licensee that offers ~~slot machine~~
10 wagering **on gambling games** under this article shall annually pay to
11 the Indiana horse racing commission a gaming integrity fee equal to
12 two hundred fifty thousand dollars (\$250,000) for each racetrack at
13 which the licensee offers ~~slot machine~~ wagering **on gambling games**.
14 The Indiana horse racing commission shall deposit gaming integrity
15 fees in the fund.

16 SECTION 28. IC 4-35-8.8-2, AS ADDED BY P.L.233-2007,
17 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]: Sec. 2. A licensee that offers ~~slot machine~~
19 wagering **on gambling games** at racetracks under this article shall
20 annually pay to the division a problem gambling fee equal to five
21 hundred thousand dollars (\$500,000) for each racetrack at which the
22 licensee offers ~~slot machine~~ wagering **on gambling games**.

23 SECTION 29. IC 4-35-8.8-3, AS ADDED BY P.L.233-2007,
24 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: Sec. 3. The division may use problem gambling
26 fees paid to the division under this chapter only for the prevention and
27 treatment of compulsive gambling that is related to ~~slot machine~~
28 wagering **on gambling games under this article** and other gambling
29 allowed under IC 4-33.

30 SECTION 30. IC 4-35-9-2, AS ADDED BY P.L.233-2007,
31 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 2. A person who knowingly or intentionally
33 aids, induces, or causes a person who is:

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

35 (2) not an employee of a licensee;

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

38 SECTION 31. IC 4-35-9-3.5, AS ADDED BY P.L.158-2013,
39 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 UPON PASSAGE]: Sec. 3.5. (a) A person who:

41 (1) is not an employee of a licensee;

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



1 (3) enters the licensee's **slot machine gambling game** facility;
2 commits a Class C infraction.

3 (b) A person who:

4 (1) is not an employee of a licensee;

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

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

8 commits a Class C infraction.

9 SECTION 32. IC 4-35-9-4, AS ADDED BY P.L.233-2007,
10 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 4. A person who knowingly or intentionally:

12 (1) makes a false statement on an application submitted under this
13 article;

14 (2) conducts a gambling game in a manner other than the manner
15 required under this article; or

16 (3) wagers or accepts a wager at a location other than a licensee's
17 **slot machine gambling game** facility;

18 commits a Class A misdemeanor.

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

24 SECTION 34. IC 4-35-11-2, AS ADDED BY P.L.233-2007,
25 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]: Sec. 2. The general assembly declares that it is
27 essential for minority and women's business enterprises to have the
28 opportunity for full participation in the racetrack industry if minority
29 and women's business enterprises are to obtain social and economic
30 parity and if the economies of the cities, towns, and counties in which
31 **slot machines gambling games** are operated at racetracks are to be
32 stimulated as contemplated by this article.

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

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

42 (1) The Indiana state lottery established under IC 4-30.



1 (2) Pari-mutuel horse racing under IC 4-31.
 2 (3) Charity gaming under IC 4-32.2.
 3 (4) Riverboat gambling under IC 4-33.
 4 (5) ~~Slot machine~~ **Wagering on gambling games** under IC 4-35.
 5 SECTION 37. IC 6-8.1-1-1, AS AMENDED BY P.L.277-2013,
 6 SECTION 15, AND AS AMENDED BY P.L.288-2013, SECTION 68,
 7 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2014]: Sec. 1. "Listed taxes" or "taxes" includes
 9 only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the
 10 riverboat admissions tax (IC 4-33-12); the riverboat wagering tax
 11 (IC 4-33-13); the ~~slot machine gambling game~~ **wagering tax**
 12 (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross
 13 income tax (IC 6-2.1) (repealed); the utility receipts and utility services
 14 use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the
 15 adjusted gross income tax (IC 6-3); the supplemental net income tax
 16 (IC 6-3-8) (repealed); the county adjusted gross income tax
 17 (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county
 18 economic development income tax (IC 6-3.5-7); the auto rental excise
 19 tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax
 20 (IC 6-6-1.1); ~~the alternative fuel permit fee (IC 6-6-2.1)~~; the special
 21 fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor
 22 fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the
 23 motor vehicle excise tax (IC 6-6-5); ~~the aviation fuel excise tax~~
 24 ~~(IC 6-6-13)~~; the commercial vehicle excise tax (IC 6-6-5.5); the excise
 25 tax imposed on recreational vehicles and truck campers (IC 6-6-5.1);
 26 the hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax
 27 (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax
 28 (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax
 29 (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum
 30 severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the
 31 various food and beverage taxes (IC 6-9); the county admissions tax
 32 (IC 6-9-13 and IC 6-9-28); the regional transportation improvement
 33 income tax (IC 8-24-17); the oil inspection fee (IC 16-44-2); the
 34 emergency and hazardous chemical inventory form fee (IC 6-6-10); the
 35 penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the
 36 fees and penalties assessed for overweight vehicles (IC 9-20-4 and
 37 IC 9-30); the underground storage tank fee (IC 13-23); the solid waste
 38 management fee (IC 13-20-22); and any other tax or fee that the
 39 department is required to collect or administer.
 40 SECTION 38. IC 7.1-3-17.5-1, AS AMENDED BY P.L.94-2008,
 41 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 1. (a) The commission may issue a gaming



1 site permit to a person who has been issued:

- 2 (1) a riverboat owner's license under IC 4-33-6;
 3 (2) an operating agent contract under IC 4-33-6.5; or
 4 (3) a gambling game license under IC 4-35;

5 to sell alcoholic beverages for on-premises consumption only. The
 6 permit may be a single permit even though more than one (1) area
 7 constitutes the licensed premises of the permit.

8 (b) A permit issued under this chapter to a person who has been
 9 issued a riverboat owner's license or an operating agent contract (as
 10 defined in IC 4-33-2-14.6) may be used:

- 11 (1) on the riverboat; and
 12 (2) in a restaurant owned by the person who has been issued a
 13 riverboat owner's license or an operating agent contract (as
 14 defined in IC 4-33-2-14.6) if the restaurant is located on property
 15 adjacent to the property used by the riverboat for docking
 16 purposes.

17 (c) A permit issued under this chapter to a person who has been
 18 issued a gambling game license under IC 4-35 may be used at a ~~slot~~
 19 **machine gambling game** facility licensed under IC 4-35.

20 SECTION 39. IC 7.1-3-17.5-7, AS ADDED BY P.L.15-2011,
 21 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 7. (a) As used in this section, "gaming
 23 facility" refers to one (1) or more of the following:

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

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

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

- 36 (1) The server is employed by a person who:
 37 (A) leases space at a gaming facility for the purpose of
 38 providing food or beverages to the patrons of the gaming
 39 facility; or
 40 (B) is a caterer or other person contracted to provide food or
 41 beverages at an event held at the gaming facility.
 42 (2) The server holds a valid employee permit issued under



1 IC 7.1-3-18-9.

2 (d) A server who serves alcoholic beverages in a gaming area (as
3 defined in the rules adopted by the Indiana gaming commission) must
4 be employed by a person holding a gaming site permit.

5 SECTION 40. IC 7.1-3-17.7-1, AS AMENDED BY P.L.233-2007,
6 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (c),
8 the commission may issue a horse track permit to a person who has
9 been issued a recognized meeting permit under IC 4-31-5 to sell
10 alcoholic beverages for on-premises consumption only. The permit may
11 be a single permit even though more than one (1) area constitutes the
12 licensed premises of the permit.

13 (b) The commission may issue a satellite facility permit to a person
14 who has been issued a satellite facility license under IC 4-31-5.5 to sell
15 alcoholic beverages for on-premises consumption only.

16 (c) This chapter does not apply to a ~~slot machine gambling game~~
17 facility licensed under IC 4-35.

18 SECTION 41. **An emergency is declared for this act.**

