



Digest Correction
Reprinted
February 24, 2026

ENGROSSED HOUSE BILL No. 1038

DIGEST OF HB 1038 (Updated February 24, 2026 5:33 pm - DI 140)

Citations Affected: IC 4-31; IC 4-33.

Synopsis: Gaming matters. Authorizes the Indiana gaming commission (commission) to award a new riverboat license for an inland casino in Allen County, DeKalb County, or Steuben County. Specifies application requirements, including local government support and the applicant's commitment and plan to invest at least \$500,000,000 for the development of a casino and nongaming amenities. Requires an approved applicant to pay \$150,000,000 to the commission to be deposited by the commission as follows: (1) \$100,000,000 to the state general fund; and (2) \$50,000,000 to the shuttered riverboat fund to be used for local units that are affected by a shuttered riverboat or inland casino closure. Provides that if a licensed owner ceases operations or goes out of business, the license issued under this section is terminated effective on that date. Provides that the horse racing commission may issue three satellite facility licenses (instead of four per permit holder under current law).

Effective: Upon passage.

Snow, Barrett, Isa, GiaQuinta

(SENATE SPONSORS — BUSCH, MISHLER, GARTEN,
RANDOLPH LONNIE M)

December 1, 2025, read first time and referred to Committee on Public Policy.
January 22, 2026, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 126.3.
January 27, 2026, amended, reported — Do Pass.
January 29, 2026, read second time, amended, ordered engrossed.
January 30, 2026, engrossed.
February 2, 2026, read third time, passed. Yeas 67, nays 30.
SENATE ACTION
February 5, 2026, read first time and referred to Committee on Public Policy.
February 12, 2026, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 19, 2026, amended, reported favorably — Do Pass.
February 23, 2026, read second time, amended, ordered engrossed.

EH 1038—LS 6386/DI 125



Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1038

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 4-31-5.5-3, AS AMENDED BY P.L.233-2007,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 3. (a) As used in this section, "live racing day"
4 means a day on which at least eight (8) live horse races are conducted.

5 (b) The commission's authority to issue satellite facility licenses is
6 subject to the following conditions:

7 (1) ~~Except as provided in subsection (c);~~ The commission may
8 issue ~~four (4)~~ **not more than three (3)** satellite facility licenses.
9 ~~to each permit holder that meets the other requirements of this~~
10 ~~chapter and the rules adopted under this chapter. A satellite~~
11 **facility license may be issued only to a permit holder.**

12 (2) Each proposed satellite facility must be covered by a separate
13 application. The timing for filing an initial application for a
14 satellite facility license shall be established by the rules of the
15 commission.

16 (3) A satellite facility must:

17 (A) have full dining service available;

EH 1038—LS 6386/DI 125



- 1 (B) have multiple screens to enable each patron to view
- 2 simulcast races; and
- 3 (C) be designed to seat comfortably a minimum of two
- 4 hundred (200) persons.
- 5 (4) In determining whether a proposed satellite facility should be
- 6 approved, the commission shall consider the following:
- 7 (A) The purposes and provisions of this chapter.
- 8 (B) The public interest.
- 9 (C) The impact of the proposed satellite facility on live racing.
- 10 (D) The impact of the proposed satellite facility on the local
- 11 community.
- 12 (E) The potential for job creation.
- 13 (F) The quality of the physical facilities and the services to be
- 14 provided at the proposed satellite facility.
- 15 (G) Any other factors that the commission considers important
- 16 or relevant to its decision.
- 17 (5) The commission may not issue a license for a satellite facility
- 18 to be located in a county unless IC 4-31-4 has been satisfied.
- 19 ~~(c) A permit holder licensed to conduct gambling games under~~
- 20 ~~IC 4-35 is limited to the number of satellite facility licenses issued to~~
- 21 ~~the permit holder before January 1, 2007.~~
- 22 SECTION 2. IC 4-33-2-17, AS AMENDED BY P.L.293-2019,
- 23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 UPON PASSAGE]: Sec. 17. "Riverboat" means any of the following
- 25 on which lawful gambling is authorized under this article:
- 26 (1) A self-propelled excursion boat that complies with
- 27 IC 4-33-6-6(a) and is located in a county that is contiguous to
- 28 Lake Michigan or the Ohio River.
- 29 (2) A casino located in a historic hotel district.
- 30 (3) A permanently moored craft operating from a county
- 31 described in subdivision (1).
- 32 (4) An inland casino operating under IC 4-33-6-24.
- 33 (5) A casino operated in Gary under IC 4-33-6-4.5.
- 34 (6) A casino operated in Vigo County under IC 4-33-6.7.
- 35 **(7) A casino operated in Allen County, DeKalb County, or**
- 36 **Steuben County under IC 4-33-6.8.**
- 37 SECTION 3. IC 4-33-4-28 IS ADDED TO THE INDIANA CODE
- 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 39 UPON PASSAGE]: Sec. 28. **(a) The shuttered riverboat fund is**
- 40 **established as a dedicated fund for the purposes set forth in this**
- 41 **section.**
- 42 **(b) The commission shall administer the fund.**



1 (c) The fund consists of money deposited in the fund under
2 IC 4-33-6.8-8(c).

3 (d) Subject to appropriation by the general assembly, money in
4 the fund may be used for local units that are affected by a
5 shuttered riverboat or inland casino closure under IC 4-33-6.8.

6 (e) Money in the fund is not subject to state board of finance
7 transfer.

8 SECTION 4. IC 4-33-6-1, AS AMENDED BY P.L.293-2019,
9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: Sec. 1. (a) The commission may issue to a person
11 a license to own a riverboat subject to the numerical and geographical
12 limitation of owner's licenses under this section and IC 4-33-4-17. Not
13 more than ~~ten (10)~~ **eleven (11)** owner's licenses may be in effect at any
14 time. Subject to subsection (d), those owner's licenses may be issued
15 as follows:

16 (1) Not more than two (2) licenses for not more than two (2)
17 riverboats that operate in or from the city of Gary.

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

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

22 (4) One (1) license for a city located in a county contiguous to
23 Lake Michigan. However, this license may not be issued to a city
24 described in subdivisions (1) through (3).

25 (5) **Not more than** a total of five (5) licenses for riverboats that
26 operate upon the Ohio River from the following counties:

27 (A) Vanderburgh County.

28 (B) Harrison County.

29 (C) Switzerland County.

30 (D) Ohio County.

31 (E) Dearborn County.

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

35 (6) Not more than one (1) license for a riverboat that operates as
36 an inland casino in Vigo County under IC 4-33-6.7.

37 **(7) Not more than one (1) license for a riverboat that operates**
38 **as an inland casino in Allen County, DeKalb County, or**
39 **Steuben County under IC 4-33-6.8.**

40 (b) In addition to its power to issue owner's licenses under
41 subsection (a), the commission may also enter into a contract under
42 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 IC 4-33-6.8**, 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.

(d) The following apply to the allocation and issuance of owner's licenses under subsection (a):

(1) A licensed owner holding two licenses issued under subsection (a)(1) must relinquish one (1) of the licenses under section 4.5 of this chapter upon the commission's approval of the licensed owner's request to relocate gaming operations under section 4.5 of this chapter.

(2) An owner's license relinquished under subdivision (1) and section 4.5 of this chapter may not be reissued with respect to gaming operations in Gary.

(3) The licensed owner who relinquishes a license under subdivision (1) and section 4.5 of this chapter may operate two (2) docked riverboats under a single license unless and until the licensed owner begins gaming operations at a relocated inland casino under section 4.5 of this chapter.

(4) If an owner's license is relinquished under subdivision (1) and section 4.5 of this chapter, an owner's license may be issued to authorize gaming operations in Vigo County in accordance with subsection (a)(6) and the procedures set forth in IC 4-33-6.7.

(e) If a licensed owner ceases operations or goes out of business, the license issued under this section is terminated effective on that date.

SECTION 5. IC 4-33-6-4.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.8. (a) This section applies to the licensed owner of an inland casino operated in Allen County, DeKalb County, or Steuben County under IC 4-33-6.8.**

(b) A licensed owner described in subsection (a) shall enter into a development agreement (as defined in IC 4-33-23-2) with the county in which the casino conducts gaming operations.

SECTION 6. IC 4-33-6-24, AS AMENDED BY P.L.293-2019, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) This section does not apply to:

(1) gaming operations relocated under section 4.5 of this chapter;
or

(2) an inland casino operated in:

(A) Vigo County under IC 4-33-6.7; or

(B) Allen County, DeKalb County, or Steuben County



under IC 4-33-6.8.

(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.

(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 (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.

(d) This subsection applies to a licensed owner that owns or leases property that is considered adjacent to a riverboat dock site under subsection (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).

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

(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 7. IC 4-33-6-25, AS AMENDED BY P.L.293-2019, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) This section does not apply to a riverboat gaming operation relocated under section 24 of this chapter.

(b) Except as provided in subsections (c) and (d), the number of gambling games offered by a licensed owner or operating agent within the riverboat operated by the licensed owner or operating agent may not exceed the greatest number of gambling games offered by the licensed owner or operating agent since January 1, 2007.

(c) The number of gambling games offered by a licensed owner



operating under a license described in section 1(a)(1) of this chapter may not exceed two thousand seven hundred sixty-four (2,764).

(d) The number of gambling games offered by a licensed owner of an inland casino operated in Vigo County under IC 4-33-6.7 may not exceed one thousand five hundred (1,500).

(e) The number of gambling games offered by a licensed owner of an inland casino operated in Allen County, DeKalb County, or Steuben County under IC 4-33-6.8 may not exceed one thousand five hundred (1,500).

SECTION 8. IC 4-33-6.8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 6.8. Location of Casino Operations

Sec. 1. For purposes of this chapter, "permit holder" has the meaning set forth in IC 4-31-2.1-27.

Sec. 2. The commission may issue in the manner required by this chapter a license to operate an inland casino in Allen County, DeKalb County, or Steuben County.

Sec. 3. (a) Any operator of a brick and mortar casino located in the United States may apply for a license to own and operate an inland casino under this chapter by submitting the following to the commission not later than November 1, 2026:

(1) A written application that contains the following information:

(A) The county in which the applicant is proposing to operate an inland casino. For purposes of this clause, the application must select Allen County, DeKalb County, or Steuben County.

(B) Documented and verifiable information describing the following:

(i) The proposed site of the inland casino.

(ii) Evidence of site control or real estate options.

(iii) Conceptual plans for casino and nongaming facilities.

(iv) Estimated construction and total development costs.

(v) A phased investment and construction timeline.

(vi) Market and feasibility information.

(vii) The financial capacity of the applicant.

(C) The applicant's commitment and plan to invest at least five hundred million dollars (\$500,000,000) for the development of a casino and nongaming amenities onsite in the county selected under clause (A) in the following



manner:

(i) At least sixty percent (60%) of the amount invested in the initial phase of development within two (2) years from the date the license is awarded.

(ii) The remaining amount invested, and the relocation and development of the casino and nongaming amenities completed, not later than five (5) years after gaming operations begin at the relocated casino under this chapter.

(D) Any other information requested by the commission.

(2) The local government support documents required under section 4(a) of this chapter.

(b) An application submitted under subsection (a) may include financial commitments to the horse racing industry.

(c) The commission must begin accepting applications under subsection (a) not later than October 1, 2026.

(d) For purposes of subsection (a), the commission may not accept:

(1) subject to section 6 of this chapter, more than one (1) application from a licensed owner or permit holder;

(2) an application that proposes to operate an inland casino in a county other than Allen County, DeKalb County, or Steuben County; or

(3) an application that does not include the information and documents required under subsection (a).

Sec. 4. (a) An applicant must submit the following with an application under section 3 of this chapter:

(1) A copy of a resolution adopted by a majority of the board of county commissioners of the county selected by the applicant under section 3(a)(1)(A) of this chapter that supports the applicant's proposed license.

(2) If the proposed casino will be located within a municipality, a letter of support for the proposed relocation signed by the mayor of the municipality.

(b) Except as provided in section 6 of this chapter, a unit (as defined in IC 36-1-2-23) may:

(1) privately negotiate with an applicant before an application is submitted; and

(2) support or decline to support specific applicants in a letter or resolution under subsection (a).

Sec. 5. (a) Following the submission of applications under section 3 of this chapter, the commission shall review the filed



1 applications in the manner required by subsections (c) and (e). Not
2 later than January 15, 2027, the commission shall:

- 3 (1) make the filed applications available to the public; and
4 (2) prepare an informational summary of the filed
5 applications and make the summary available to the public.

6 The commission may redact information that it determines to be
7 confidential in the applications or informational summary made
8 available to the public.

9 (b) The commission may hire independent consultants or
10 experts to assist with evaluating applications.

11 (c) The commission must decide whether to approve or deny an
12 application submitted under section 3 of this chapter based on
13 documented and verifiable information, including the following:

- 14 (1) The net economic benefit to the state.
15 (2) Increased state and local tax revenue.
16 (3) The number and quality of jobs created.
17 (4) The amount of capital investment planned by the applicant
18 under section 3(a)(1)(C) of this chapter.
19 (5) The quality and durability of proposed facilities.
20 (6) The financial stability of the applicant.
21 (7) Site feasibility and infrastructure readiness.
22 (8) Market sustainability.
23 (9) The impact on other Indiana casinos and the horse racing
24 industry.
25 (10) Regulatory compliance history.
26 (11) The total public value of a supplemental bid under
27 section 6 of this chapter, if applicable.
28 (12) Any other factor deemed appropriate by the commission.

29 (d) The commission may not decide whether to approve or deny
30 an application submitted under section 3 of this chapter based on
31 lobbying, political pressure, or unverifiable claims.

32 (e) The commission may hold executive sessions under
33 IC 5-14-1.5-6.1(b)(1) to review and discuss applications submitted
34 under this chapter.

35 Sec. 6. (a) This section applies if the commission receives more
36 than one (1) application proposing to operate an inland casino in
37 the same county.

38 (b) The commission may, after making the filed applications
39 available to the public under section 5 of this chapter, solicit and
40 accept a supplemental bid from one (1) or more of the licensed
41 owners or permit holders that submitted an application described
42 in subsection (a).



(c) The following apply to a supplemental bid submitted under subsection (b):

(1) A supplemental bid:

(A) must be submitted only to the commission; and

(B) subject to subsection (e), must be sealed and is confidential.

(2) A supplemental bid may include proposed payments to one

(1) or both of the following:

(A) The state.

(B) The community in which the proposed inland casino will be located.

(3) Each supplemental bid must clearly identify the amount, recipient, and timing of a proposed payment under subdivision (2).

(4) An applicant may include in a supplemental bid modifications to the information submitted by the applicant under:

(A) section 3(a)(1)(B)(iii) through 3(a)(1)(B)(v) of this chapter; and

(B) section 3(a)(1)(C) of this chapter.

(5) A unit (as defined in IC 36-1-2-23) may not negotiate directly with a licensed owner or permit holder submitting a supplemental bid.

(d) If a supplemental bid is submitted under this section, the commission is not required to consider only applications accompanied by a supplemental bid. The commission may approve an application that was not accompanied by a supplemental bid.

(e) After the commission makes a final decision under section 7 of this chapter, the commission must make public each supplemental bid received under this section.

Sec. 7. (a) After issuing the informational summary required under section 5(a)(2) of this chapter, and not later than April 15, 2027, the commission shall issue a final decision approving or denying each application. The final decision must include written findings explaining the decision.

(b) The commission may:

(1) approve only one (1) application under subsection (a); and

(2) deny all of the filed applications if the commission determines that none of the applications serve the interests of the state.

Sec. 8. (a) If the commission approves an application of a licensed owner or permit holder to relocate gaming operations



under section 7 of this chapter, the commission:

- (1) shall require the licensed owner or permit holder to pay to the commission a fee of one hundred fifty million dollars (\$150,000,000) in the manner described in subsection (b); and
- (2) may impose other requirements that the commission deems necessary and appropriate to protect the interest of the state and the person whose application is approved under section 7 of this chapter.

(b) The payment required by subsection (a)(1) must be paid to the commission in five (5) annual payments of equal amounts. The first payment required by this section is due within thirty (30) days of the approval of the application under section 7 of this chapter. The four (4) remaining annual payments are each due on the anniversary date of the first payment.

(c) The commission shall deposit the total sum of fee revenue received under subsection (a) as follows:

- (1) One hundred million dollars (\$100,000,000) in the state general fund.
- (2) Fifty million dollars (\$50,000,000) in the shuttered riverboat fund established in IC 4-33-4-28.

Sec. 9. (a) The commission may enforce the phasing and completion timelines to which the licensed owner or permit holder committed under section 3(a) of this chapter.

(b) If the licensed owner or permit holder whose application was approved by the commission under section 7 of this chapter sells or otherwise transfers the licensed owner's or permit holder's interest in the owner's license within ten (10) years from the date the application was approved, the following apply:

- (1) The licensed owner or permit holder shall pay a fee of fifty million dollars (\$50,000,000) to the commission before the sale or transfer of the license may be approved by the commission. Any payment required under this subdivision shall be deposited in the state general fund.
- (2) If, at the time of the transfer of ownership, the five hundred million dollar (\$500,000,000) investment to which the licensed owner or permit holder committed under section 3(a)(1)(C) of this chapter has not been met, the person acquiring the owner's license shall, not later than ten (10) years from the date the application was approved by the commission under section 7 of this chapter, invest in the casino and nongaming amenities an amount that is at least equal to the difference between five hundred million dollars



1 **(\$500,000,000) and the amount actually invested by the person**
 2 **transferring the owner's license.**

3 SECTION 9. IC 4-33-12-1.5, AS AMENDED BY P.L.293-2019,
 4 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 1.5. (a) A supplemental wagering tax on the
 6 wagering occurring each day at a riverboat is imposed upon the
 7 licensed owner operating the riverboat.

8 (b) Except as provided in ~~subsection (d)~~, **subsections (d) and (e)**,
 9 and subject to subsection (c), the amount of supplemental wagering tax
 10 imposed for a particular day is determined by multiplying the
 11 riverboat's adjusted gross receipts for that day by the quotient of:

12 (1) the total riverboat admissions tax that the riverboat's licensed
 13 owner paid beginning July 1, 2016, and ending June 30, 2017;
 14 divided by

15 (2) the riverboat's adjusted gross receipts beginning July 1, 2016,
 16 and ending June 30, 2017.

17 (c) The quotient used under subsection (b) to determine the
 18 supplemental wagering tax liability of a licensed owner subject to
 19 subsection (b) may not exceed the following when expressed as a
 20 percentage:

21 (1) Four percent (4%) before July 1, 2019.

22 (2) Three and five-tenths percent (3.5%) after June 30, 2019.

23 (d) The supplemental wagering tax liability of a licensed owner
 24 operating an inland casino in Vigo County is equal to two and
 25 nine-tenths percent (2.9%) of the riverboat's adjusted gross receipts for
 26 the day.

27 **(e) The supplemental wagering tax liability of a licensed owner**
 28 **operating an inland casino in Allen County, DeKalb County, or**
 29 **Steuben County under IC 4-33-6.8 is equal to three and five-tenths**
 30 **percent (3.5%) of the riverboat's adjusted gross receipts for the**
 31 **day.**

32 SECTION 10. IC 4-33-12-6, AS AMENDED BY P.L.104-2022,
 33 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 6. (a) The department shall place in the state
 35 general fund the tax revenue collected under this chapter.

36 (b) Except as provided by sections 8, ~~and~~ 8.5, **and 8.7** of this
 37 chapter, the treasurer of state shall quarterly pay the following
 38 amounts:

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



- 1 (A) the city in which the riverboat is located, if the city:
 2 (i) is located in a county having a population of more than
 3 one hundred twelve thousand (112,000) and less than one
 4 hundred twenty thousand (120,000); or
 5 (ii) is contiguous to the Ohio River and is the largest city in
 6 the county; and
 7 (B) the county in which the riverboat is located, if the
 8 riverboat is not located in a city described in clause (A).
 9 (2) Except as provided in section 9(k) of this chapter, thirty-three
 10 and one-third percent (33 1/3%) of the admissions tax and
 11 supplemental wagering tax collected by the licensed owner during
 12 the quarter shall be paid to the county in which the riverboat is
 13 located. In the case of a county described in subdivision (1)(B),
 14 this thirty-three and one-third percent (33 1/3%) of the admissions
 15 tax and supplemental wagering tax is in addition to the
 16 thirty-three and one-third percent (33 1/3%) received under
 17 subdivision (1)(B).
 18 (3) Except as provided in section 9(k) of this chapter, three and
 19 thirty-three hundredths percent (3.33%) of the admissions tax and
 20 supplemental wagering tax collected by the licensed owner during
 21 the quarter shall be paid to the county convention and visitors
 22 bureau or promotion fund for the county in which the riverboat is
 23 located.
 24 (4) Except as provided in section 9(k) of this chapter, five percent
 25 (5%) of the admissions tax and supplemental wagering tax
 26 collected by the licensed owner during a quarter shall be paid to
 27 the state fair commission, for use in any activity that the
 28 commission is authorized to carry out under IC 15-13-3.
 29 (5) Except as provided in section 9(k) of this chapter, three and
 30 thirty-three hundredths percent (3.33%) of the admissions tax and
 31 supplemental wagering tax collected by the licensed owner during
 32 the quarter shall be paid to the division of mental health and
 33 addiction. The division shall allocate at least twenty-five percent
 34 (25%) of the funds derived from the admissions tax to the
 35 prevention and treatment of compulsive gambling.
 36 (6) Twenty-one and six hundred sixty-seven thousandths percent
 37 (21.667%) of the admissions tax and supplemental wagering tax
 38 collected by the licensed owner during the quarter shall be paid
 39 to the state general fund.
 40 SECTION 11. IC 4-33-12-8.7 IS ADDED TO THE INDIANA
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE UPON PASSAGE]: **Sec. 8.7. (a) This section applies**



only to tax revenue collected from an inland casino located in Allen County, DeKalb County, or Steuben County under IC 4-33-6.8.

(b) The treasurer of state shall pay the following amounts from taxes collected during the preceding calendar quarter from the inland casino:

(1) Ten percent (10%) to the regional development authority established under IC 36-7.6 for northeast Indiana.

(2) Forty-five percent (45%) to the city in which the casino conducts gaming operations.

(3) Forty-five percent (45%) to county in which the casino conducts gaming operations.

(c) This subsection applies to a city or county receiving money under subsection (b). Money paid to a city or county under subsection (b):

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

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

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

(4) is considered miscellaneous revenue.

(d) Money paid under subsection (b)(1) must be deposited in the development authority fund established under IC 36-7.6-4-1 for the regional development authority to which the money is due.

SECTION 12. IC 4-33-13-5, AS AMENDED BY P.L.9-2024, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. Excluding funds that are appropriated in the biennial budget act from the state gaming fund to the commission for purposes of administering this article, each month the state comptroller 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 (d):

(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 (d).

(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 (d).

(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 (d).

(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 in which the riverboat is located or 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);

(ii) a city located in Lake County, **Allen County, DeKalb County, or Steuben County**; or

(iii) Terre Haute; 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 that is not located in a city described in clause (A) or whose home dock is not in a city described in clause

(A).

(3) 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 state comptroller shall make the transfer required by this subdivision on or before the fifteenth day of the month based on



revenue received during the preceding month for deposit in the state gaming fund. Specifically, the state comptroller may transfer the tax revenue received by the state in a month to the state general fund in the immediately following month according to this subdivision.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district after June 30, 2019. Excluding funds that are appropriated in the biennial budget act from the state gaming fund to the commission for purposes of administering this article, each month the state comptroller shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) For state fiscal years beginning after June 30, 2019, but ending before July 1, 2021, fifty-six and five-tenths percent (56.5%) shall be paid to the state general fund.

(2) For state fiscal years beginning after June 30, 2021, fifty-six and five-tenths percent (56.5%) shall be paid as follows:

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

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

However, if:

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

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

the amount described in this clause shall be paid to the state general fund for the remainder of the state fiscal year.

(3) 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



1 formula for the distribution of the money received under this
 2 clause among the school corporations by joint resolution
 3 adopted by the governing body of each of the school
 4 corporations in the county. Money received by a school
 5 corporation under this clause must be used to improve the
 6 educational attainment of students enrolled in the school
 7 corporation receiving the money. Not later than the first
 8 regular meeting in the school year of a governing body of a
 9 school corporation receiving a distribution under this clause,
 10 the superintendent of the school corporation shall submit to
 11 the governing body a report describing the purposes for which
 12 the receipts under this clause were used and the improvements
 13 in educational attainment realized through the use of the
 14 money. The report is a public record.

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

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

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

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

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

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

42 (i) Beginning after December 31, 2017, ten percent (10%)



1 of the amount transferred under this clause in each calendar
 2 year shall be transferred to the South Central Indiana
 3 Regional Economic Development Corporation or a
 4 successor entity or partnership for economic development
 5 for the purpose of recruiting new business to Orange County
 6 as well as promoting the retention and expansion of existing
 7 businesses in Orange County.

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

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

31 (c) This subsection does not apply to tax revenue remitted by an
 32 inland casino operating in Vigo County, **Allen County, DeKalb**
 33 **County, or Steuben County.** For each city and county receiving
 34 money under subsection (a)(2), the state comptroller shall determine
 35 the total amount of money paid by the state comptroller to the city or
 36 county during the state fiscal year 2002. The amount determined is the
 37 base year revenue for the city or county. The state comptroller shall
 38 certify the base year revenue determined under this subsection to the
 39 city or county. The total amount of money distributed to a city or
 40 county under this section during a state fiscal year may not exceed the
 41 entity's base year revenue. For each state fiscal year, the state
 42 comptroller 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) Except as provided in subsections (k) and (l), before August 15 of each year, the state comptroller 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 (g), 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.

(e) Money received by a city, town, or county under subsection (d) or (g) 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.

(f) This subsection does not apply to an inland casino operating in Vigo County, **Allen County, DeKalb County, or Steuben County**. Before July 15 of each year, the state comptroller 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 state comptroller 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 state comptroller 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 (h), 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.

(g) This subsection applies only to Marion County. The county auditor shall distribute the money received by the county under subsection (d) as follows:

(1) To each city, other than the 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.

(h) This subsection does not apply to an inland casino operating in Vigo County, **Allen County, DeKalb County, or Steuben County**. This subsection applies to a supplemental distribution made after June 30, 2017. The maximum amount of money that may be distributed under subsection (f) 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 (f) exceeds the maximum amount determined under this subsection, the amount distributed to an entity under subsection (f) 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.

(i) This subsection applies to a supplemental distribution, if any, payable to Lake County, Hammond, Gary, or East Chicago under subsections (f) and (h). Beginning in July 2016, the state comptroller 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 state comptroller 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.

(j) 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 (in the case of a school corporation, the school corporation may deposit the money into either the education fund (IC 20-40-2) or the operations fund (IC 20-40-18)) 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)(3)(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)(3)(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)(3)(B) must be used for the purposes specified in subsection (b)(3)(B).

(k) After June 30, 2020, the amount of wagering taxes that would otherwise be distributed to South Bend under subsection (d) 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.

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

SECTION 13. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1038, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 10 with "[EFFECTIVE UPON PASSAGE]".

Page 1, line 14, after "County" insert ", **DeKalb County, Steuben County, or Wayne County**".

Page 2, line 3, reset in roman "ten (10)".

Page 2, line 3, delete "eleven (11)".

Page 2, line 15, delete "A" and insert "**Not more than a**".

Page 2, line 28, after "County" insert ", **DeKalb County, Steuben County, or Wayne County**".

Page 2, line 33, delete "A" and insert "**Except as provided in IC 4-33-6.8, a**".

Page 3, between lines 12 and 13, begin a new line block indented and insert:

"(5) If the commission approves an application of a licensed owner or permit holder to relocate gaming operations from Ohio County under IC 4-33-6.8, a new owner's license may not be issued to authorize gaming operations in Ohio County after gaming operations are relocated to Allen County, DeKalb County, Steuben County, or Wayne County."

Page 3, line 16, after "County" insert ", **DeKalb County, Steuben County, or Wayne County**".

Page 3, line 18, delete "Allen" and insert "**the county in which the casino conducts gaming operations**".

Page 3, delete line 19.

Page 3, line 27, after "County" insert ", **DeKalb County, Steuben County, or Wayne County**".

Page 4, line 33, after "County" insert ", **DeKalb County, Steuben County, or Wayne County**".

Page 4, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 6. IC 4-33-6.8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 6.8. Relocation of Casino Operations

Sec. 1. For purposes of this chapter, "Ohio County license" means an owner's license for a riverboat operated from Ohio



County.

Sec. 2. For purposes of this chapter, "permit holder" has the meaning set forth in IC 4-31-2.1-27.

Sec. 3. The commission may authorize in the manner required by this chapter the relocation of the Ohio County license to an inland casino in Allen County, DeKalb County, Steuben County, or Wayne County.

Sec. 4. (a) A licensed owner or permit holder may apply to own and operate the Ohio County license by submitting the following to the commission not later than December 1, 2026:

(1) A written application that contains the following information:

(A) The county in which the applicant is proposing to operate an inland casino. For purposes of this clause, the application must select Allen County, DeKalb County, Steuben County, or Wayne County.

(B) Documented and verifiable information describing the following:

- (i)** The proposed site of the inland casino.
- (ii)** Evidence of site control or real estate options.
- (iii)** Conceptual plans for casino and nongaming facilities.
- (iv)** Estimated construction and total development costs.
- (v)** A phased investment and construction timeline.
- (vi)** Market and feasibility information.
- (vii)** The financial capacity of the applicant.

(C) The applicant's commitment and plan to invest at least five hundred million dollars (\$500,000,000) for the development of a casino and nongaming amenities onsite in the county selected under clause (A) in the following manner:

- (i)** At least sixty percent (60%) of the amount invested in the initial phase of development.
- (ii)** The remaining amount invested, and the relocation and development of the casino and nongaming amenities completed, not later than five (5) years after gaming operations begin at the relocated casino under this chapter.

(D) Any other information requested by the commission.

(2) The local government support documents required under section 5(a) of this chapter.

(b) An application submitted under subsection (a) may include



financial commitments to the horse racing industry.

(c) The commission must begin accepting applications under subsection (a) not later than October 1, 2026.

(d) For purposes of subsection (a), the commission may not accept:

- (1) an application from a person that is not a licensed owner or permit holder;
- (2) subject to section 7 of this chapter, more than one (1) application from a licensed owner or permit holder;
- (3) an application that proposes to operate an inland casino in a county other than Allen County, DeKalb County, Steuben County, or Wayne County; or
- (4) an application that does not include the information and documents required under subsection (a).

Sec. 5. (a) An applicant must submit the following with an application under section 4 of this chapter:

(1) A copy of a resolution adopted by a majority of the board of county commissioners of the county selected by the applicant under section 4(a)(1)(A) of this chapter that supports:

- (A) the applicant's proposed relocation; or
- (B) the relocation of the Ohio County license to an inland casino in the county without identifying a specific applicant.

(2) If the proposed casino will be located within a municipality, a letter of support for the proposed relocation signed by the mayor of the municipality.

(b) Except as provided in section 7 of this chapter, a unit (as defined in IC 36-1-2-23) may:

- (1) privately negotiate with an applicant before an application is submitted; and
- (2) support or decline to support specific applicants in a letter or resolution under subsection (a).

Sec. 6. (a) Following the submission of applications under section 4 of this chapter, the commission shall review the filed applications in the manner required by subsections (c) and (d). Not later than January 15, 2027, the commission shall:

- (1) make the filed applications available to the public; and
- (2) prepare an informational summary of the filed applications and make the summary available to the public.

The commission may redact information that it determines to be confidential in the applications or informational summary made



available to the public.

(b) The commission may hire independent consultants or experts to assist with evaluating applications.

(c) The commission must decide whether to approve or deny an application submitted under section 4 of this chapter based on documented and verifiable information, including the following:

- (1) The net economic benefit to the state.
- (2) Increased state and local tax revenue.
- (3) The number and quality of jobs created.
- (4) The amount of capital investment planned by the applicant under section 4(a)(1)(C) of this chapter.
- (5) The quality and durability of proposed facilities.
- (6) The financial stability of the applicant.
- (7) Site feasibility and infrastructure readiness.
- (8) Market sustainability.
- (9) The impact on other Indiana casinos and the horse racing industry.
- (10) Regulatory compliance history.
- (11) The total public value of a supplemental bid under section 7 of this chapter, if applicable.
- (12) Any other factor deemed appropriate by the commission.

(d) The commission may not decide whether to approve or deny an application submitted under section 4 of this chapter based on lobbying, political pressure, or unverifiable claims.

(e) The commission may hold executive sessions under IC 5-14-1.5-6.1(b)(1) to review and discuss applications submitted under this chapter.

Sec. 7. (a) This section applies if the commission receives more than one (1) application proposing to operate an inland casino in the same county.

(b) The commission may, after making the filed applications available to the public under section 6 of this chapter, solicit and accept a supplemental bid from one (1) or more of the licensed owners or permit holders that submitted an application described in subsection (a).

(c) The following apply to a supplemental bid submitted under subsection (b):

- (1) A supplemental bid:
 - (A) must be submitted only to the commission; and
 - (B) subject to subsection (e), must be sealed and is confidential.
- (2) A supplemental bid may include proposed payments to one



(1) or more of the following:

- (A) The state.**
- (B) The community in which the proposed inland casino will be located.**
- (C) The city of Rising Sun.**
- (D) Ohio County.**

(3) Each supplemental bid must clearly identify the amount, recipient, and timing of a proposed payment under subdivision (2).

(4) An applicant may include in a supplemental bid modifications to the information submitted by the applicant under:

- (A) section 4(a)(1)(B)(iii) through 4(a)(1)(B)(v) of this chapter; and**
- (B) section 4(a)(1)(C) of this chapter.**

(5) A unit (as defined in IC 36-1-2-23) may not negotiate directly with a licensed owner or permit holder submitting a supplemental bid.

(d) If a supplemental bid is submitted under this section, the commission is not required to consider only applications accompanied by a supplemental bid. The commission may approve an application that was not accompanied by a supplemental bid.

(e) After the commission makes a final decision under section 8 of this chapter, the commission must make public each supplemental bid received under this section.

Sec. 8. (a) After issuing the informational summary required under section 6(a)(2) of this chapter, and not later than April 15, 2027, the commission shall issue a final decision approving or denying each application. The final decision must include written findings explaining the decision.

(b) The commission may:

- (1) approve only one (1) application under subsection (a); and**
- (2) deny all of the filed applications if the commission determines that none of the applications serve the interests of the state.**

Sec. 9. (a) If the commission approves an application of a licensed owner or permit holder to relocate gaming operations under section 8 of this chapter, the commission:

- (1) shall require the licensed owner or permit holder to pay to the commission a fee of fifty million dollars (\$50,000,000) in the manner described in subsection (b);**
- (2) shall require the licensed owner or permit holder to make**



a one (1) time payment in the total amount of thirty million dollars (\$30,000,000) to the city of Rising Sun and Ohio County, due on the date set by the commission under section 12 of this chapter for the license transfer; and

(3) may impose other requirements that the commission deems necessary and appropriate to protect the interest of the state and the person whose application is approved under section 8 of this chapter.

(b) The payment required by subsection (a)(1) must be paid to the commission in five (5) annual payments of equal amounts. The first payment required by this section is due within thirty (30) days of the approval of the application under section 8 of this chapter. The four (4) remaining annual payments are each due on the anniversary date of the first payment.

(c) The commission shall deposit the fee received under subsection (a) in the state general fund.

Sec. 10. (a) The commission shall contract with an independent third party consultant to determine the fair market value of the Ohio County license. IC 5-22 does not apply to procurement by the commission with respect to the contract required under this subsection.

(b) The fair market value determined under subsection (a) must be disclosed to the public not later than October 1, 2026.

(c) This subsection does not apply if the commission approves an application to relocate gaming operations under section 8 of this chapter submitted by the current owner of the Ohio County license. The licensed owner or permit holder whose application was approved under section 8 of this chapter shall pay the amount determined under subsection (a) to the owner of the Ohio County license.

Sec. 11. (a) The commission may enforce the phasing and completion timelines to which the licensed owner or permit holder committed under section 4(a) of this chapter.

(b) If the licensed owner or permit holder whose application was approved by the commission under section 8 of this chapter sells or otherwise transfers the licensed owner's or permit holder's interest in the owner's license within ten (10) years from the date the application was approved, the following apply:

(1) The licensed owner or permit holder shall pay a fee of fifty million dollars (\$50,000,000) to the commission before the sale or transfer of the license may be approved by the commission. Any payment required under this subdivision shall be



deposited in the state general fund.

(2) If, at the time of the transfer of ownership, the five hundred million dollar (\$500,000,000) investment to which the licensed owner or permit holder committed under section 4(a)(1)(C) of this chapter has not been met, the person acquiring the owner's license shall, not later than ten (10) years from the date the application was approved by the commission under section 8 of this chapter, invest in the casino and nongaming amenities an amount that is at least equal to the difference between five hundred million dollars (\$500,000,000) and the amount actually invested by the person transferring the owner's license.

Sec. 12. (a) The owner of the Ohio County license may continue gambling operations on the riverboat in Ohio County:

- (1) during the application, review, and approval process under this chapter; and
- (2) if an application is approved under section 8 of this chapter, until one (1) day before the date the commission has approved gambling operations to begin under the relocated owner's license in Allen County, DeKalb County, Steuben County, or Wayne County.

(b) If the commission approves an application to relocate gaming operations under section 8 of this chapter, the following apply:

- (1) The owner of the Ohio County license shall cease gambling operations on the riverboat in Ohio County not later than one (1) day before the date the commission has approved gambling operations to begin under the relocated owner's license in Allen County, DeKalb County, Steuben County, or Wayne County.
- (2) After gambling operations cease on the riverboat in Ohio County under subdivision (1), and before the date the commission has approved gambling operations to begin under the relocated owner's license, the commission shall promptly transfer the owner's license issued under IC 4-33-6-1(a) to the licensed owner or permit holder whose application was approved under section 8 of this chapter.
- (3) The licensed owner or permit holder to whom the owner's license is transferred under subdivision (2) is authorized to begin gambling operations in a casino in Allen County, DeKalb County, Steuben County, or Wayne County in accordance with IC 4-33-6-1(a)(7) and this chapter."



Delete pages 5 and 6.

Page 7, delete lines 1 through 14.

Page 7, line 40, after "County" insert ", **DeKalb County, Steuben County, or Wayne County under IC 4-33-6.8**".

Page 9, line 12, delete "County." and insert "**County, DeKalb County, Steuben County, or Wayne County under IC 4-33-6.8**".

Page 9, line 15, delete "located in Allen County:" and insert ":".

Page 9, line 18, delete "Allen County." and insert "**the county in which the casino conducts gaming operations**".

Page 10, line 35, delete "or Allen County;" and insert ", **Allen County, DeKalb County, Steuben County, or Wayne County**;"

Page 13, line 35, delete "or Allen County." and insert ", **Allen County, DeKalb County, Steuben County, or Wayne County**".

Page 14, line 41, delete "or Allen County." and insert ", **Allen County, DeKalb County, Steuben County, or Wayne County**".

Page 15, line 30, delete "or Allen County." and insert ", **Allen County, DeKalb County, Steuben County, or Wayne County**".

Page 17, after line 30, begin a new paragraph and insert:

"**SECTION 11. An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to HB 1038 as introduced.)

MANNING

Committee Vote: yeas 9, nays 1.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1038, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 13, delete lines 5 through 30, begin a new paragraph and insert:

"**SECTION 9. IC 4-33-12-8.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.7. (a) This section applies only to tax revenue collected from an inland casino located in Allen County, DeKalb County, Steuben County, or Wayne County under**

EH 1038—LS 6386/DI 125



IC 4-33-6.8.

(b) The treasurer of state shall pay the following amounts from taxes collected during the preceding calendar quarter from the inland casino:

(1) Ten percent (10%) to one (1) of the following:

(A) The regional development authority established under IC 36-7.6 for northeast Indiana, if the commission approves an application under IC 4-33-6.8-8 to operate an inland casino in Allen County, DeKalb County, or Steuben County.

(B) The regional development authority established under IC 36-7.6 of which Wayne County is a member, if the commission approves an application under IC 4-33-6.8-8 to operate an inland casino in Wayne County.

(2) Forty-five percent (45%) to the city in which the casino conducts gaming operations.

(3) Forty-five percent (45%) to county in which the casino conducts gaming operations.

(c) This subsection applies to a city or county receiving money under subsection (b). Money paid to a city or county under subsection (b):

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

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

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

(4) is considered miscellaneous revenue.

(d) Money paid under subsection (b)(1) must be deposited in the development authority fund established under IC 36-7.6-4-1 for the regional development authority to which the money is due."

and when so amended that said bill do pass.

(Reference is to HB 1038 as printed January 22, 2026.)

THOMPSON

Committee Vote: yeas 10, nays 8.

EH 1038—LS 6386/DI 125



HOUSE MOTION

Mr. Speaker: I move that House Bill 1038 be amended to read as follows:

Page 3, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 4. IC 4-33-6-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 19.5. (a) Not later than June 1, 2026, the legislative body of Allen County, DeKalb County, Steuben County, or Wayne County may adopt a resolution stating that the legislative body wishes to seek approval from the voters of the county to permit inland casino gambling in the county.**

(b) A county legislative body that adopts a resolution under this subsection shall certify the following public question to the county election board under IC 3-10-9-3 not later than noon August 1, 2026, for placement on the 2026 general election ballot:

"Shall inland casino gambling be permitted in (insert the name of the county)?"

(c) The public question shall be placed on the ballot as provided in IC 3-10-9.

(d) Each registered voter of the county is entitled to vote on the public question.

(e) The circuit court clerk shall certify the results of the public question under IC 3-12-4-9 to the commission."

Page 7, line 3, delete "(d)." and insert "(e)."

Page 7, line 13, delete "The" and insert "Subject to subsection (d), the".

Page 7, between lines 30 and 31, begin a new paragraph and insert:

"(d) In deciding whether to approve or deny an application submitted under section 4 of this chapter, the commission may consider:

(1) whether a public question was on the 2026 general election ballot under IC 4-33-6-19.5 in the county in which the applicant proposes to operate an inland casino; and

(2) if a public question was on the ballot as described in subdivision (1), the results of the public question certified to the commission under IC 4-33-6-19.5(e)."

Page 7, line 31, delete "(d)" and insert "(e)".

Page 7, line 34, delete "(e)" and insert "(f)".

Page 11, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 8. IC 4-33-10-2.5, AS AMENDED BY P.L.186-2025, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 2.5. (a) This section applies only to property given after June 30, 1996.

(b) The definitions in IC 3-5-2.1 apply to this section to the extent they do not conflict with the definitions in this article.

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

- (1) an owner's license issued under this article;
- (2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment; or
- (3) an operating agent contract entered into under this article.

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

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

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

(f) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in the licensee.
- (2) The person is an officer of the licensee.
- (3) The person is an officer of a person that holds at least a one percent (1%) interest in the licensee.
- (4) The person is a political action committee of the licensee.

(g) A licensee or a person with an interest in a licensee may not give any property (as defined in IC 35-31.5-2-253) to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question under IC 4-33-6-19, ~~or~~ IC 4-33-6-19.3, **or IC 4-33-6-19.5.**

(h) A person who knowingly or intentionally violates this section commits a Level 6 felony."

Renumber all SECTIONS consecutively.

(Reference is to HB 1038 as printed January 27, 2026.)

SMALTZ



COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred House Bill No. 1038, 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.

(Reference is to HB 1038 as reprinted January 30, 2026.)

ALTING, Chairperson

Committee Vote: Yeas 7, Nays 3

COMMITTEE REPORT

Mr. President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill No. 1038, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-31-5.5-3, AS AMENDED BY P.L.233-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) As used in this section, "live racing day" means a day on which at least eight (8) live horse races are conducted.

(b) The commission's authority to issue satellite facility licenses is subject to the following conditions:

(1) ~~Except as provided in subsection (c);~~ The commission may issue ~~four (4)~~ **not more than three (3)** satellite facility licenses. ~~to each permit holder that meets the other requirements of this chapter and the rules adopted under this chapter. A satellite facility license may be issued only to a permit holder.~~

(2) Each proposed satellite facility must be covered by a separate application. The timing for filing an initial application for a satellite facility license shall be established by the rules of the commission.

(3) A satellite facility must:

- (A) have full dining service available;
- (B) have multiple screens to enable each patron to view simulcast races; and
- (C) be designed to seat comfortably a minimum of two

EH 1038—LS 6386/DI 125



hundred (200) persons.

(4) In determining whether a proposed satellite facility should be approved, the commission shall consider the following:

- (A) The purposes and provisions of this chapter.
- (B) The public interest.
- (C) The impact of the proposed satellite facility on live racing.
- (D) The impact of the proposed satellite facility on the local community.
- (E) The potential for job creation.
- (F) The quality of the physical facilities and the services to be provided at the proposed satellite facility.
- (G) Any other factors that the commission considers important or relevant to its decision.

(5) The commission may not issue a license for a satellite facility to be located in a county unless IC 4-31-4 has been satisfied.

~~(c) A permit holder licensed to conduct gambling games under IC 4-35 is limited to the number of satellite facility licenses issued to the permit holder before January 1, 2007."~~

Page 1, line 15, delete "Steuben County, or Wayne County" and insert "**or Steuben County**".

Page 1, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 4. IC 4-33-4-28 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) The shuttered riverboat fund is established as a dedicated fund for the purposes set forth in this section.**

(b) The commission shall administer the fund.

(c) The fund consists of money deposited in the fund under IC 4-33-6.8-8(c).

(d) Subject to appropriation by the general assembly, money in the fund may be used for local units that are affected by a shuttered riverboat or inland casino closure under IC 4-33-6.8.

(e) Money in the fund is not subject to state board of finance transfer."

Page 2, line 4, strike "ten (10)" and insert "**eleven (11)**".

Page 2, line 29, after "DeKalb County," insert "**or**".

Page 2, line 30, delete "County, or Wayne County" and insert "**County**".

Page 3, delete lines 15 through 20, begin a new paragraph and insert:

"(e) If a licensed owner ceases operations or goes out of business, the license issued under this section is terminated effective on that



date."

Page 3, line 25, delete "Steuben County, or Wayne County" and insert **"or Steuben County"**.

Page 3, delete lines 29 through 42.

Page 4, delete lines 1 through 5.

Page 4, line 13, delete "Steuben County, or" and insert **"or Steuben County"**.

Page 4, line 14, delete "Wayne County".

Page 5, line 21, delete "Steuben County, or Wayne County" and insert **"or Steuben County"**.

Page 5, delete lines 27 through 29.

Page 5, line 30, delete "2." and insert **"1."**

Page 5, delete lines 32 through 38, begin a new paragraph and insert:

"Sec. 2. The commission may issue in the manner required by this chapter a license to operate an inland casino in Allen County, DeKalb County, or Steuben County.

Sec. 3. (a) Any operator in the United States may apply for a license to own and operate an inland casino under this chapter by submitting the following to the commission not later than November 1, 2026:"

Page 6, line 2, delete "Steuben County, or Wayne County." and insert **"or Steuben County."**

Page 6, line 19, delete "." and insert **"within two (2) years from the date the license is awarded."**

Page 6, line 27, delete "5(a)" and insert **"4(a)"**.

Page 6, delete lines 34 through 42, begin a new line block indented and insert:

- "(1) subject to section 6 of this chapter, more than one (1) application from a licensed owner or permit holder;**
- (2) an application that proposes to operate an inland casino in a county other than Allen County, DeKalb County, or Steuben County; or**
- (3) an application that does not include the information and documents required under subsection (a)."**

Page 7, line 1, delete "5." and insert **"4."**

Page 7, line 2, delete "4" and insert **"3"**.

Page 7, delete lines 3 through 10, begin a new line block indented and insert:

- "(1) A copy of a resolution adopted by a majority of the board of county commissioners of the county selected by the applicant under section 3(a)(1)(A) of this chapter that**



supports the applicant's proposed license."

Page 7, line 14, delete "7" and insert "6".

Page 7, line 20, delete "6." and insert "5."

Page 7, line 21, delete "4" and insert "3".

Page 7, line 32, delete "Subject to subsection (d), the" and insert **"The"**.

Page 7, line 34, delete "4" and insert "3".

Page 7, line 40, delete "4(a)(1)(C)" and insert **"3(a)(1)(C)"**.

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

Page 8, delete lines 9 through 17.

Page 8, line 18, delete "(e)" and insert **"(d)"**.

Page 8, line 19, delete "4" and insert "3".

Page 8, line 21, delete "(f)" and insert **"(e)"**.

Page 8, line 24, delete "7." and insert "6."

Page 8, line 28, delete "6" and insert **"5"**.

Page 8, line 39, delete "more" and insert **"both"**.

Page 9, delete lines 1 through 2.

Page 9, delete lines 9 through 11, begin a new line double block indented and insert:

"(A) section 3(a)(1)(B)(iii) through 3(a)(1)(B)(v) of this chapter; and

(B) section 3(a)(1)(C) of this chapter."

Page 9, line 19, delete "8" and insert "7".

Page 9, line 22, delete "8." and insert "7."

Page 9, line 23, delete "6(a)(2)" and insert **"5(a)(2)"**.

Page 9, line 32, delete "9." and insert **"8."**

Page 9, line 34, delete "8" and insert "7".

Page 9, line 36, delete "fifty million dollars (\$50,000,000)" and insert **"one hundred fifty million dollars (\$150,000,000)"**.

Page 9, line 37, after "(b);" insert **"and"**.

Page 9, delete lines 38 through 42.

Page 10, line 1, delete "(3)" and insert **"(2)"**.

Page 10, line 4, delete "8" and insert "7".

Page 10, line 8, delete "8" and insert "7".

Page 10, delete lines 11 through 12, begin a new paragraph and insert:

"(c) The commission shall deposit the total sum of fee revenue received under subsection (a) as follows:

(1) One hundred million dollars (\$100,000,000) in the state general fund.

(2) Fifty million dollars (\$50,000,000) in the shuttered riverboat fund established in IC 4-33-4-28."



Page 10, delete lines 13 through 26.
 Page 10, line 27, delete "Sec. 11." and insert "**Sec. 9.**".
 Page 10, line 29, delete "4(a)" and insert "**3(a)**".
 Page 10, line 31, delete "8" and insert "7".
 Page 11, line 1, delete "4(a)(1)(C)" and insert "**3(a)(1)(C)**".
 Page 11, line 4, delete "8" and insert "7".
 Page 11, delete lines 9 through 42.
 Page 12, delete lines 1 through 32.
 Page 13, line 17, delete "Steuben County, or Wayne County" and insert "**or Steuben County**".
 Page 14, line 32, delete "Steuben County, or Wayne County" and insert "**or Steuben County**".
 Page 14, delete lines 37 through 42.
 Page 15, delete lines 1 through 4, begin a new line block indented and insert:
 "(1) Ten percent (10%) to the regional development authority established under IC 36-7.6 for northeast Indiana."
 Page 16, line 29, delete "Steuben County, or Wayne County;" and insert "**or Steuben County;**".
 Page 19, line 30, delete "Steuben County, or Wayne County." and insert "**or Steuben County.**".
 Page 20, line 36, delete "Steuben County, or" and insert "**or Steuben County.**".
 Page 20, line 37, delete "Wayne County".
 Page 21, line 26, delete "Steuben County, or" and insert "**or Steuben County.**".
 Page 21, line 27, delete "Wayne County".
 Renumber all SECTIONS consecutively.
 and when so amended that said bill do pass.

(Reference is to EHB 1038 as printed February 13, 2026.)

MISHLER, Chairperson

Committee Vote: Yeas 8, Nays 5.



SENATE MOTION

Mr. President: I move that Engrossed House Bill 1038 be amended to read as follows:

Page 6, line 13, delete "Relocation" and insert "**Location**".

Page 6, line 19, after "Any operator" insert "**of a brick and mortar casino located**".

(Reference is to EHB 1038 as printed February 20, 2026.)

MISHLER

