



PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

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

1 Page 3, between lines 28 and 29, begin a new paragraph and insert:
2 "SECTION 4. IC 4-33-6-19.5 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: Sec. 19.5. (a) Not later than June
5 1, 2026, the legislative body of Allen County, DeKalb County,
6 Steuben County, or Wayne County may adopt a resolution stating
7 that the legislative body wishes to seek approval from the voters of
8 the county to permit inland casino gambling in the county.
9 (b) A county legislative body that adopts a resolution under this
10 subsection shall certify the following public question to the county
11 election board under IC 3-10-9-3 not later than noon August 1,
12 2026, for placement on the 2026 general election ballot:
13 "Shall inland casino gambling be permitted in (insert the
14 name of the county)?".
15 (c) The public question shall be placed on the ballot as provided
16 in IC 3-10-9.
17 (d) Each registered voter of the county is entitled to vote on the
18 public question.
19 (e) The circuit court clerk shall certify the results of the public
20 question under IC 3-12-4-9 to the commission."
21 Page 7, line 3, delete "(d)." and insert "(e)".
22 Page 7, line 13, delete "The" and insert "Subject to subsection (d),

1 **the".**

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

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

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

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

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

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

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

15 "SECTION 8. IC 4-33-10-2.5, AS AMENDED BY P.L.186-2025,
16 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: Sec. 2.5. (a) This section applies only to property
18 given after June 30, 1996.

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

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

22 (1) an owner's license issued under this article;

23 (2) a supplier's license issued under this article to a supplier of
24 gaming supplies or equipment, including electronic gaming
25 equipment; or

26 (3) an operating agent contract entered into under this article.

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

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

31 (1) An individual listed as an officer of a corporation in the
32 corporation's most recent annual report.

33 (2) An individual who is a successor to an individual described in
34 subdivision (1).

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

37 (1) The person holds at least a one percent (1%) interest in the
38 licensee.

39 (2) The person is an officer of the licensee.

40 (3) The person is an officer of a person that holds at least a one
41 percent (1%) interest in the licensee.

42 (4) The person is a political action committee of the licensee.

43 (g) A licensee or a person with an interest in a licensee may not give
44 any property (as defined in IC 35-31.5-2-253) to a member of a
45 precinct committee to induce the member of the precinct committee to
46 do any act or refrain from doing any act with respect to the approval of

1 a local public question under IC 4-33-6-19, **or** IC 4-33-6-19.3, **or**
2 **IC 4-33-6-19.5.**

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

5 Renumber all SECTIONS consecutively.

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

Representative Smaltz