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HOUSE BILL No. 1038

Proposed Changes to introduced printing by AM103809

DIGEST OF PROPOSED AMENDMENT

Relocation of gaming operations. Specifies a process by which a current licensed owner or permit holder may apply to the Indiana gaming commission (commission) to relocate the Ohio County riverboat license to an inland casino in Allen County, DeKalb County, Steuben County, or Wayne 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 the commission to: (1) make the filed applications and an informational summary available to the public not later than January 15, 2027; and (2) issue a final decision approving or denying each application not later than April 15, 2027. Requires an approved applicant to pay \$50,000,000 to the commission and \$30,000,000 total to the city of Rising Sun and Ohio County. Requires the commission to contract with an independent third party consultant to determine the fair market value of the Ohio County license. Requires an approved applicant to pay the fair market value of the license determined by the independent third party to the owner of the Ohio County license, unless the approved applicant is the owner of the Ohio County license. Specifies fees that apply to the sale or transfer of the licensed owner's or permit holder's interest in the owner's license within 10 years. Allows the owner of the Ohio County license to continue gambling operations on the riverboat in Ohio County until one day before the date the commission has approved gambling operations to begin under the relocated owner's license.

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 4-33-2-17, AS AMENDED BY P.L.293-2019,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 ~~JULY 1, 2026~~UPON PASSAGE]: Sec. 17. "Riverboat" means any
4 of the following on which lawful gambling is authorized under this
5 article:

6 (1) A self-propelled excursion boat that complies with

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1 IC 4-33-6-6(a) and is located in a county that is contiguous to
 2 Lake Michigan or the Ohio River.

3 (2) A casino located in a historic hotel district.

4 (3) A permanently moored craft operating from a county
 5 described in subdivision (1).

6 (4) An inland casino operating under IC 4-33-6-24.

7 (5) A casino operated in Gary under IC 4-33-6-4.5.

8 (6) A casino operated in Vigo County under IC 4-33-6.7.

9 (7) **A casino operated in Allen County~~I~~, DeKalb County,
 10 Steuben County, or Wayne County** under IC 4-33-6.8.

11 SECTION 2. IC 4-33-6-1, AS AMENDED BY P.L.293-2019,

12 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

13 ~~JULY 1, 2026~~[UPON PASSAGE]: Sec. 1. (a) The commission may
 14 issue to a person a license to own a riverboat subject to the numerical
 15 and geographical limitation of owner's licenses under this section and
 16 IC 4-33-4-17. Not more than ~~ten~~(10)~~eleven~~(1)~~to~~[0] owner's
 17 licenses may be in effect at any time. Subject to subsection (d), those
 18 owner's licenses may be issued as follows:

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

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

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

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

28 (5) ~~to~~[Not more than a] total of five (5) licenses for
 29 riverboats that operate upon the Ohio River from the following
 30 counties:

31 (A) Vanderburgh County.

32 (B) Harrison County.

33 (C) Switzerland County.

34 (D) Ohio County.

35 (E) Dearborn County.

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

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

41 (7) **Not more than one (1) license for a riverboat that
 42 operates as an inland casino in Allen County~~I~~, DeKalb**



**County, Steuben County, or Wayne County] under
IC 4-33-6.8.**

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

(c) ~~A~~ [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.

[] **(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.**

1 SECTION 3. IC 4-33-6-4.8 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
~~July 1, 2026~~ [UPON PASSAGE]]: Sec. 4.8. (a) This section
applies to the licensed owner of an inland casino operated in Allen [
County, DeKalb County, Steuben County, or Wayne] 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 ~~Allen~~ the county in which the casino conducts gaming operations.

SECTION 4. IC 4-33-6-24, AS AMENDED BY P.L.293-2019, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE ~~SEPTEMBER 1, 2026~~ 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, Steuben County, or Wayne 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

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1 an inland facility operated under this section may not exceed the
 2 greatest number of gambling games offered by the licensed owner in
 3 the licensed owner's docked riverboat since January 1, 2007.

4 SECTION 5. IC 4-33-6-25, AS AMENDED BY P.L.293-2019,
 5 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 ~~JULY 1, 2026~~ [\[UPON PASSAGE\]](#)]: Sec. 25. (a) This section does
 7 not apply to a riverboat gaming operation relocated under section 24 of
 8 this chapter.

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

14 (c) The number of gambling games offered by a licensed owner
 15 operating under a license described in section 1(a)(1) of this chapter
 16 may not exceed two thousand seven hundred sixty-four (2,764).

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

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

24 SECTION 6. IC 4-33-6.8 IS ADDED TO THE INDIANA CODE
 25 AS A NEW [\[I\]](#) ~~CHAPTER~~ TO READ AS FOLLOWS [EFFECTIVE
 26 ~~JULY 1, 2026~~ [\[UPON PASSAGE\]](#)]:

27 Chapter 6.8. ~~Allen County~~ [\[Relocation of\]](#) Casino
 28 Operations

29 Sec. 1. ~~As used in~~ [\[For purposes of\]](#) this chapter,
 30 "~~legislative body~~ [\[Ohio County license\]](#)" means an owner's license
 31 [\[for a riverboat operated from Ohio County\]](#).

32 [\[Sec. 2. For purposes of this chapter, "permit holder\]\]](#) has the
 33 meaning set forth in ~~IC 36-1-2-9~~.

34 ~~Sec. 2. (a) This section applies only to Allen County.~~

35 ~~(b) The legislative body of the county may, at a public meeting
 36 for which public notice has been provided, adopt a resolution in
 37 support of allowing gaming operations to be conducted
 38 at~~ [\[IC 4-31-2.1-27\]](#).

39 [\[Sec. 3. The commission may authorize in the manner required
 40 by this chapter the relocation of the Ohio County license to\]](#) an
 41 inland casino in Allen County

42 ~~(c) If the legislative body of the county adopts a resolution~~



1 described in subsection (b), a person wishing to apply for an
 2 owner's license to conduct gaming operations at a location in Allen
 3 County shall, if the applicant's proposed inland casino would be
 4 located within a city or town in Allen County, submit to the
 5 legislative body of the city or town a request for a resolution in
 6 support of allowing gaming operations to be conducted at an inland
 7 casino in the city or town. The legislative body of the city or town
 8 may, at a public meeting for which public notice has been provided,
 9 adopt a resolution in support of allowing gaming operations to be
 10 conducted at an inland casino in the city or town.

11 — (d) If the legislative body of the county, city, or town adopts a
 12 resolution under this section, the applicable legislative body shall
 13 provide a certified copy of the resolution~~], DeKalb County,~~
 14 Steuben County, or Wayne County.

15 Sec. 4. (a) A licensed owner or permit holder may apply to own
 16 and operate the Ohio County license by submitting the following
 17 to the commission~~—~~

18 — Sec. 3. If the legislative body of the county adopts a resolution
 19 in support of inland casino gaming in Allen County under section
 20 2 of this chapter, the commission shall begin accepting applications
 21 and proposals for awarding a license to operate an inland casino in
 22 Allen County. The commission shall publish deadlines for
 23 submitting an application and proposal under this chapter on its
 24 website. An application and proposal must comply with the
 25 provisions of IC 4-33-6-2 and include any additional information
 26 required by the commission. The commission shall prescribe the
 27 form of the application and proposal for permission to operate an
 28 inland casino under this chapter.

29 — Sec. 4. The commission shall review applications and proposals
 30 submitted under section 3 of this chapter and determine the
 31 suitability of each applicant. In determining suitability, the
 32 commission shall consider each applicant's financial integrity and
 33 the applicant's ability~~]~~ not later than December 1, 2026:

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

36 (A) The county in which the applicant is proposing~~]~~ to
 37 operate an inland casino. ~~The commission shall also~~
 38 ~~consider the factors in IC 4-33-6-4. The commission may~~
 39 ~~not determine an applicant is suitable if the commission~~
 40 ~~finds that any of the provisions of IC 4-33-6-3 apply.~~

41 — Sec. 5. (a) An application and proposal must include the
 42 following information:



1 (1) The name of the applicant.
 2 (2) The street address of the applicant's proposed casino.
 3 (3) A copy of the:
 4 (A) resolution described in section 2(b) of this chapter;
 5 and
 6 (B) if applicable, the resolution described in section 2(c)
 7 of this chapter.
 8 (4) A description of the proposed gaming facilities and
 9 proposed nongaming amenities, including any lodging
 10 facilities, dining facilities, and retail facilities, at the
 11 proposed casino.
 12 (5) The amounts the applicant will invest in the gaming
 13 facilities>[For purposes of this clause, the application must
 14 select Allen County, DeKalb County, Steuben County, or
 15 Wayne County.
 16 (B) Documented and verifiable information describing
 17 the following:
 18 (i) The proposed site of the inland casino.
 19 (ii) Evidence of site control or real estate options.
 20 (iii) Conceptual plans for casino] and nongaming
 21 facilities<at the proposed casino.
 22 (6) A proposed local development agreement with the county.
 23 (7) Evidence that the applicant's proposed casino will do the
 24 following:
 25 (A) Enhance the credibility and integrity of gaming in
 26 Indiana>.
 27 <(B) Promote employment and economic development
 28 in the area surrounding the proposed casino:
 29 (C) Optimize the collection of tax revenue under this
 30 article:
 31 (8) The applicant's plan for complying with IC 4-33-14 in
 32 the>[(iv) Estimated] construction and <conduct of the
 33 applicant's proposed gaming operations in Allen
 34 County.
 35 (9) The fee amount proposed by the applicant to be paid for
 36 the issuance of the owner's license. The proposed fee amount
 37 must be in an amount of at least fifty million dollars
 38 (\$50,000,000).
 39 (b) A description of an applicant's proposed facilities
 40 submitted under subsection (a)(4) is a public document. IC 4-33-5
 41 applies to an applicant's application for the license and other
 42 information submitted by the applicant.



1 Sec. 6. In determining the applicant best suited for an owner's
 2 license, the commission shall consider:

3 (1) economic benefits;
 4 (2) tax revenue;
 5 (3) the number of new jobs;
 6 (4) whether the applicant plans an investment of at least five
 7 hundred million dollars (\$500,000,000);
 8 (5) whether the applicant has a resolution of support from
 9 the legislative body of the unit in Allen County where it seeks
 10 to locate;
 11 (6) the financial stability ~~>[total development costs.~~

12 (v) A phased investment and construction timeline.

13 (vi) Market and feasibility information.

14 (vii) The financial capacity] of the applicant~~<>[.]~~

15 I l(~~<>[C]~~ ~~<>[T]~~he applicant's ~~history of community~~
 16 involvement; and

17 (8) any other factor that the commission considers
 18 appropriate.

19 Sec. 7. The commission:

20 (1) may issue an owner's license to the person that the
 21 commission determines is best suited to hold the license and
 22 conduct~~>[commitment and plan to invest at least five~~
 23 hundred million dollars (\$500,000,000) for the development
 24 of a casino and nongaming amenities onsite in the county
 25 selected under clause (A) in the following manner:

26 (i) At least sixty percent (60%) of the amount
 27 invested in the initial phase of development.

28 (ii) The remaining amount invested, and the
 29 relocation and development of the casino and
 30 nongaming amenities completed, not later than five
 31 (5) years after] gaming operations ~~<in Allen~~

32 County;

33 (2) shall require a person issued an owner's license under
 34 subdivision (1) to promptly deliver to the commission the fee
 35 in the amount proposed in the applicant's application and
 36 proposal~~>[begin at the relocated casino under this chapter.~~

37 (D) Any other information requested by the commission.

38 (2) The local government support documents required
 39 under section 5(a)~~<(9) of this chapter;~~ and

40 ~~>[of this chapter.~~

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



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

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

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

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

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

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

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

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

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

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

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

40 The commission may redact information that it determines to be
 41 confidential in the applications or informational summary made
 42 available to the public.



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

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

6 **(1) The net economic benefit to the state.**

7 **(2) Increased state and local tax revenue.**

8 **(3) The number and quality of jobs created.**

9 **(4) The amount of capital investment planned by the**
 10 **applicant under section 4(a)(1)(C) of this chapter.**

11 **(5) The quality and durability of proposed facilities.**

12 **(6) The financial stability of the applicant.**

13 **(7) Site feasibility and infrastructure readiness.**

14 **(8) Market sustainability.**

15 **(9) The impact on other Indiana casinos and the horse racing**
 16 **industry.**

17 **(10) Regulatory compliance history.**

18 **(11) The total public value of a supplemental bid under**
 19 **section 7 of this chapter, if applicable.**

20 **(12) Any other factor deemed appropriate by the**
 21 **commission.**

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

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

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

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

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

38 **(1) A supplemental bid:**

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

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

42 **(2) A supplemental bid may include proposed payments to**



1 one (1) or more of the following:

2 (A) The state.

3 (B) The community in which the proposed inland casino

4 will be located.

5 (C) The city of Rising Sun.

6 (D) Ohio County.

7 (3) Each supplemental bid must clearly identify the amount,

8 recipient, and timing of a proposed payment under

9 subdivision (2).

10 (4) An applicant may include in a supplemental bid

11 modifications to the information submitted by the applicant

12 under:

13 (A) section 4(a)(1)(B)(iii) through 4(a)(1)(B)(v) of this

14 chapter; and

15 (B) section 4(a)(1)(C) of this chapter.

16 (5) A unit (as defined in IC 36-1-2-23) may not negotiate

17 directly with a licensed owner or permit holder submitting

18 a supplemental bid.

19 (d) If a supplemental bid is submitted under this section, the

20 commission is not required to consider only applications

21 accompanied by a supplemental bid. The commission may approve

22 an application that was not accompanied by a supplemental bid.

23 (e) After the commission makes a final decision under section

24 8 of this chapter, the commission must make public each

25 supplemental bid received under this section.

26 Sec. 8. (a) After issuing the informational summary required

27 under section 6(a)(2) of this chapter, and not later than April 15,

28 2027, the commission shall issue a final decision approving or

29 denying each application. The final decision must include written

30 findings explaining the decision.

31 (b) The commission may:

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

33 and

34 (2) deny all of the filed applications if the commission

35 determines that none of the applications serve the interests

36 of the state.

37 Sec. 9. (a) If the commission approves an application of a

38 licensed owner or permit holder to relocate gaming operations

39 under section 8 of this chapter, the commission:

40 (1) shall require the licensed owner or permit holder to pay

41 to the commission a fee of fifty million dollars (\$50,000,000)

42 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

1 (3) may impose other requirements that the commission deems necessary and appropriate to protect the interest of the state and the person ~~issued an owner's license under subdivision (1)~~.

— Sec. 8. ➤ [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 ~~section 7 of this chapter~~ subsection (a) in the state general fund.

> 1

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



1 the application was approved, the following apply:

2 (1) The licensed owner or permit holder shall pay a fee of

3 fifty million dollars (\$50,000,000) to the commission before

4 the sale or transfer of the license may be approved by the

5 commission. Any payment required under this subdivision

6 shall be deposited in the state general fund.

7 (2) If, at the time of the transfer of ownership, the five

8 hundred million dollar (\$500,000,000) investment to which

9 the licensed owner or permit holder committed under section

10 4(a)(1)(C) of this chapter has not been met, the person

11 acquiring the owner's license shall, not later than ten (10)

12 years from the date the application was approved by the

13 commission under section 8 of this chapter, invest in the

14 casino and nongaming amenities an amount that is at least

15 equal to the difference between five hundred million dollars

16 (\$500,000,000) and the amount actually invested by the

17 person transferring the owner's license.

18 Sec. 12. (a) The owner of the Ohio County license may

19 continue gambling operations on the riverboat in Ohio County:

20 (1) during the application, review, and approval process

21 under this chapter; and

22 (2) if an application is approved under section 8 of this

23 chapter, until one (1) day before the date the commission has

24 approved gambling operations to begin under the relocated

25 owner's license in Allen County, DeKalb County, Steuben

26 County, or Wayne County.

27 (b) If the commission approves an application to relocate

28 gaming operations under section 8 of this chapter, the following

29 apply:

30 (1) The owner of the Ohio County license shall cease

31 gambling operations on the riverboat in Ohio County not

32 later than one (1) day before the date the commission has

33 approved gambling operations to begin under the relocated

34 owner's license in Allen County, DeKalb County, Steuben

35 County, or Wayne County.

36 (2) After gambling operations cease on the riverboat in Ohio

37 County under subdivision (1), and before the date the

38 commission has approved gambling operations to begin

39 under the relocated owner's license, the commission shall

40 promptly transfer the owner's license issued under

41 IC 4-33-6-1(a) to the licensed owner or permit holder whose

42 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.

6 1 SECTION 7. IC 4-33-12-1.5, AS AMENDED BY P.L.293-2019,
7 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2026 UPON PASSAGE]: Sec. 1.5. (a) A supplemental
9 wagering tax on the wagering occurring each day at a riverboat is
10 imposed upon the licensed owner operating the riverboat.

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

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

23 percentage: (1) F (48%) 1 - 3 - 1 - 1 - 2010

24 (1) Four percent (4%) before July 1, 2019.
25 (2) The first 1% and (2.5%) for January 2019

29 the day.

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

34 gross receipts for the day.

35 SECTION 8. IC 4-33-12-6, AS AMENDED BY P.L.104-2022,
36 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 ~~July 1, 2026~~ UPON PASSAGE]: Sec. 6. (a) The department shall
38 place in the state general fund the tax revenue collected under this
39 chapter.

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5 (A) the city in which the riverboat is located, if the city:
6 (i) is located in a county having a population of more
7 than one hundred twelve thousand (112,000) and less
8 than one hundred twenty thousand (120,000); or
9 (ii) is contiguous to the Ohio River and is the largest
10 city in the county; and

11 (B) the county in which the riverboat is located, if the
12 riverboat is not located in a city described in clause (A).

13 (2) Except as provided in section 9(k) of this chapter, thirty-three
14 and one-third percent (33 1/3%) of the admissions tax and
15 supplemental wagering tax collected by the licensed owner
16 during the quarter shall be paid to the county in which the
17 riverboat is located. In the case of a county described in
18 subdivision (1)(B), this thirty-three and one-third percent (33
19 1/3%) of the admissions tax and supplemental wagering tax is in
20 addition to the thirty-three and one-third percent (33 1/3%)
21 received under subdivision (1)(B).

(3) Except as provided in section 9(k) of this chapter, three and thirty-three hundredths percent (3.33%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is located.

(4) Except as provided in section 9(k) of this chapter, five percent (5%) of the admissions tax and supplemental wagering tax collected by the licensed owner during a quarter shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-13-3.

33 (5) Except as provided in section 9(k) of this chapter, three and
34 thirty-three hundredths percent (3.33%) of the admissions tax
35 and supplemental wagering tax collected by the licensed owner
36 during the quarter shall be paid to the division of mental health
37 and addiction. The division shall allocate at least twenty-five
38 percent (25%) of the funds derived from the admissions tax to
39 the prevention and treatment of compulsive gambling.

40 (6) Twenty-one and six hundred sixty-seven thousandths percent
41 (21.667%) of the admissions tax and supplemental wagering tax
42 collected by the licensed owner during the quarter shall be paid

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1 to the state general fund.

2 SECTION 9. IC 4-33-12-8.7 IS ADDED TO THE INDIANA
 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
 4 [EFFECTIVE ~~JULY 1, 2026~~ [\[UPON PASSAGE\]](#)]: Sec. 8.7. (a) This
 5 section applies only to tax revenue collected from an inland casino
 6 located in Allen County~~, DeKalb County, Steuben County, or~~
 7 [Wayne County under IC 4-33-6.8](#).

8 (b) The treasurer of state shall pay the following amounts from
 9 taxes collected during the preceding calendar quarter from the
 10 inland casino~~located in Allen County~~:

- 11 (1) Fifty percent (50%) to the city in which the casino
 12 conducts gaming operations.
- 13 (2) Fifty percent (50%) to ~~Allen~~ [\[the county in which](#)
 14 [the casino conducts gaming operations\]](#).

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

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

28 SECTION 10. IC 4-33-13-5, AS AMENDED BY P.L.9-2024,
 29 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE ~~JULY 1, 2026~~ [\[UPON PASSAGE\]](#)]: Sec. 5. (a) This
 31 subsection does not apply to tax revenue remitted by an operating agent
 32 operating a riverboat in a historic hotel district. Excluding funds that
 33 are appropriated in the biennial budget act from the state gaming fund
 34 to the commission for purposes of administering this article, each
 35 month the state comptroller shall distribute the tax revenue deposited
 36 in the state gaming fund under this chapter to the following:

- 37 (1) An amount equal to the following shall be set aside for
 38 revenue sharing under subsection (d):
 - 39 (A) Before July 1, 2021, the first thirty-three million dollars
 40 (\$33,000,000) of tax revenues collected under this chapter
 41 shall be set aside for revenue sharing under subsection (d).
 - 42 (B) After June 30, 2021, if the total adjusted gross receipts

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1 received by licensees from gambling games authorized
 2 under this article during the preceding state fiscal year is
 3 equal to or greater than the total adjusted gross receipts
 4 received by licensees from gambling games authorized
 5 under this article during the state fiscal year ending June 30,
 6 2020, the first thirty-three million dollars (\$33,000,000) of
 7 tax revenues collected under this chapter shall be set aside
 8 for revenue sharing under subsection (d).

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

- 18 (i) the total adjusted gross receipts received by
 19 licensees from gambling games authorized under this
 20 article during the preceding state fiscal year; divided
 21 by
- 22 (ii) the total adjusted gross receipts received by
 23 licensees from gambling games authorized under this
 24 article during the state fiscal year ending June 30,
 25 2020;

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

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

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

- 33 (i) a city described in IC 4-33-12-6(b)(1)(A);
- 34 (ii) a city located in Lake County[, I ←or→ Allen]
County, DeKalb County, Steuben County, or
Wayne County; or
- 35 (iii) Terre Haute; or

36 (B) to the county that is designated as the home dock of the
 37 riverboat from which the tax revenue was collected, in the
 38 case of a riverboat that is not located in a city described in
 39 clause (A) or whose home dock is not in a city described in
 40 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.

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

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

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

28 (i) at any time the balance in that fund exceeds
29 twenty-five million dollars (\$25,000,000); or
30 (ii) in any part of a state fiscal year in which the
31 operating agent has received at least one hundred
32 million dollars (\$100,000,000) of adjusted gross
33 receipts;

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

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

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

42 (ii) Fifty percent (50%) to the fiscal officer of the town

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1 of West Baden Springs.
 2

3 (B) Fourteen and eight-tenths percent (14.8%) shall be paid
 4 to the county treasurer of Orange County for distribution
 5 among the school corporations in the county. The governing
 6 bodies for the school corporations in the county shall
 7 provide a formula for the distribution of the money received
 8 under this clause among the school corporations by joint
 9 resolution adopted by the governing body of each of the
 10 school corporations in the county. Money received by a
 11 school corporation under this clause must be used to
 12 improve the educational attainment of students enrolled in
 13 the school corporation receiving the money. Not later than
 14 the first regular meeting in the school year of a governing
 15 body of a school corporation receiving a distribution under
 16 this clause, the superintendent of the school corporation
 17 shall submit to the governing body a report describing the
 18 purposes for which the receipts under this clause were used
 19 and the improvements in educational attainment realized
 20 through the use of the money. The report is a public record.
 21 (C) Thirteen and one-tenth percent (13.1%) shall be paid to
 22 the county treasurer of Orange County.

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

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

(F) Six and thirty-five hundredths percent (6.35%) shall be



1 paid to the fiscal officer of the town of Paoli.
 2

3 (G) Six and thirty-five hundredths percent (6.35%) shall be
 4 paid to the fiscal officer of the town of Orleans.
 5

6 (H) Twenty-six and four-tenths percent (26.4%) shall be
 7 paid to the Indiana economic development corporation
 8 established by IC 5-28-3-1 for transfer as follows:
 9

10 (i) Beginning after December 31, 2017, ten percent
 11 (10%) of the amount transferred under this clause in
 12 each calendar year shall be transferred to the South
 13 Central Indiana Regional Economic Development
 14 Corporation or a successor entity or partnership for
 15 economic development for the purpose of recruiting
 16 new business to Orange County as well as promoting
 17 the retention and expansion of existing businesses in
 18 Orange County.
 19

20 (ii) The remainder of the amount transferred under this
 21 clause in each calendar year shall be transferred to
 22 Radius Indiana or a successor regional entity or
 23 partnership for the development and implementation of
 24 a regional economic development strategy to assist the
 25 residents of Orange County and the counties
 26 contiguous to Orange County in improving their
 27 quality of life and to help promote successful and
 28 sustainable communities.
 29

30 To the extent possible, the Indiana economic development
 31 corporation shall provide for the transfer under item (i) to
 32 be made in four (4) equal installments. However, an amount
 33 sufficient to meet current obligations to retire or refinance
 34 indebtedness or leases for which tax revenues under this
 35 section were pledged before January 1, 2015, by the Orange
 36 County development commission shall be paid to the
 37 Orange County development commission before making
 38 distributions to the South Central Indiana Regional
 39 Economic Development Corporation and Radius Indiana or
 40 their successor entities or partnerships. The amount paid to
 the Orange County development commission shall
 proportionally reduce the amount payable to the South
 Central Indiana Regional Economic Development
 Corporation and Radius Indiana or their successor entities
 or partnerships.
 41

42 (c) This subsection does not apply to tax revenue remitted by an
 inland casino operating in Vigo County[,] <or> Allen County,

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1 **DeKalb County, Steuben County, or Wayne County.** For each city
 2 and county receiving money under subsection (a)(2), the state
 3 comptroller shall determine the total amount of money paid by the state
 4 comptroller to the city or county during the state fiscal year 2002. The
 5 amount determined is the base year revenue for the city or county. The
 6 state comptroller shall certify the base year revenue determined under
 7 this subsection to the city or county. The total amount of money
 8 distributed to a city or county under this section during a state fiscal
 9 year may not exceed the entity's base year revenue. For each state fiscal
 10 year, the state comptroller shall pay that part of the riverboat wagering
 11 taxes that:

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

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

16 (d) Except as provided in subsections (k) and (l), before August 15
 17 of each year, the state comptroller shall distribute the wagering taxes
 18 set aside for revenue sharing under subsection (a)(1) to the county
 19 treasurer of each county that does not have a riverboat according to the
 20 ratio that the county's population bears to the total population of the
 21 counties that do not have a riverboat. Except as provided in subsection
 22 (g), the county auditor shall distribute the money received by the
 23 county under this subsection as follows:

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

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

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

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

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

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

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

41 (4) For police and fire pensions.

42 (5) To carry out any governmental purpose for which the money



1 is appropriated by the fiscal body of the city, town, or county.
 2 Money used under this subdivision does not reduce the property
 3 tax levy of the city, town, or county for a particular year or
 4 reduce the maximum levy of the city, town, or county under
 5 IC 6-1.1-18.5.

6 (f) This subsection does not apply to an inland casino operating in
 7 Vigo County[,] ~~or~~ Allen **County, DeKalb County, Steuben**
 8 **County, or Wayne** County. Before July 15 of each year, the state
 9 comptroller shall determine the total amount of money distributed to an
 10 entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state
 11 fiscal year. If the state comptroller determines that the total amount of
 12 money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8
 13 during the preceding state fiscal year was less than the entity's base
 14 year revenue (as determined under IC 4-33-12-9), the state comptroller
 15 shall make a supplemental distribution to the entity from taxes
 16 collected under this chapter and deposited into the state general fund.
 17 Except as provided in subsection (h), the amount of an entity's
 18 supplemental distribution is equal to:

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

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

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

38 (h) This subsection does not apply to an inland casino operating
 39 in Vigo County[,] ~~or~~ Allen **County, DeKalb County, Steuben**
 40 **County, or Wayne** County. This subsection applies to a
 41 supplemental distribution made after June 30, 2017. The maximum
 42 amount of money that may be distributed under subsection (f) in a state



1 fiscal year is equal to the following:

2 (1) Before July 1, 2021, forty-eight million dollars
3 (\$48,000,000).

4 (2) After June 30, 2021, if the total adjusted gross receipts
5 received by licensees from gambling games authorized under
6 this article during the preceding state fiscal year is equal to or
7 greater than the total adjusted gross receipts received by
8 licensees from gambling games authorized under this article
9 during the state fiscal year ending June 30, 2020, the maximum
10 amount is forty-eight million dollars (\$48,000,000).

11 (3) After June 30, 2021, if the total adjusted gross receipts
12 received by licensees from gambling games authorized under
13 this article during the preceding state fiscal year is less than the
14 total adjusted gross receipts received by licensees from gambling
15 games authorized under this article during the state fiscal year
16 ending June 30, 2020, the maximum amount is equal to the
17 result of:

18 (A) forty-eight million dollars (\$48,000,000); multiplied by

19 (B) the result of:

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

24 (ii) the total adjusted gross receipts received by
25 licensees from gambling games authorized under this
26 article during the state fiscal year ending June 30,
27 2020.

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

35 (i) This subsection applies to a supplemental distribution, if any,
36 payable to Lake County, Hammond, Gary, or East Chicago under
37 subsections (f) and (h). Beginning in July 2016, the state comptroller
38 shall, after making any deductions from the supplemental distribution
39 required by IC 6-3-1-20-7, deduct from the remainder of the
40 supplemental distribution otherwise payable to the unit under this
41 section the lesser of:

42 (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

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1 otherwise be distributed to South Bend under subsection (d) shall be
2 withheld and deposited in the state general fund.1

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

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