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HOUSE BILL No. 1038

Proposed Changes to January 22, 2026 printing by AM103810

DIGEST OF PROPOSED AMENDMENT

Relocation of gaming operations. Deletes Wayne County from the possible counties to which gaming operations may be relocated from Ohio County.

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 UPON PASSAGE]: Sec. 17. "Riverboat" means any of the following
4 on which lawful gambling is authorized under this article:

5 (1) A self-propelled excursion boat that complies with
6 IC 4-33-6-6(a) and is located in a county that is contiguous to
7 Lake Michigan or the Ohio River.
8 (2) A casino located in a historic hotel district.
9 (3) A permanently moored craft operating from a county
10 described in subdivision (1).
11 (4) An inland casino operating under IC 4-33-6-24.
12 (5) A casino operated in Gary under IC 4-33-6-4.5.
13 (6) A casino operated in Vigo County under IC 4-33-6.7.
14 (7) A casino operated in Allen County, DeKalb County, or
15 or Steuben~~County, or Wayne~~ County under IC 4-33-6.8.

16 SECTION 2. IC 4-33-6-1, AS AMENDED BY P.L.293-2019,
17 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]: Sec. 1. (a) The commission may issue to a person
19 a license to own a riverboat subject to the numerical and geographical
20 limitation of owner's licenses under this section and IC 4-33-4-17. Not

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1 more than ten (10) owner's licenses may be in effect at any time.
 2 Subject to subsection (d), those owner's licenses may be issued as
 3 follows:

4 (1) Not more than two (2) licenses for not more than two (2)
 5 riverboats that operate in or from the city of Gary.
 6 (2) One (1) license for a riverboat that operates from the city of
 7 Hammond.
 8 (3) One (1) license for a riverboat that operates from the city of
 9 East Chicago.
 10 (4) One (1) license for a city located in a county contiguous to
 11 Lake Michigan. However, this license may not be issued to a city
 12 described in subdivisions (1) through (3).
 13 (5) **Not more than** a total of five (5) licenses for riverboats that
 14 operate upon the Ohio River from the following counties:
 15 (A) Vanderburgh County.
 16 (B) Harrison County.
 17 (C) Switzerland County.
 18 (D) Ohio County.
 19 (E) Dearborn County.

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

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

25 (7) **Not more than one (1) license for a riverboat that**
 26 **operates as an inland casino in Allen County, DeKalb**
 27 **County, [or]Steuben<County, or Wayne> County under**
 28 **IC 4-33-6.8.**

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

33 (c) **Except as provided in IC 4-33-6.8**, a person holding an
 34 owner's license may not move the person's riverboat from the county in
 35 which the riverboat was docked on January 1, 2007, to any other
 36 county.

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

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

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1 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.

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

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

SECTION 3. 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, or Wayne~~ County under IC 4-33-6.8.**

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

35 (2) an inland casino operated in:

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

37 (B) Allen County, DeKalb County, or Steuben County, or Wayne County under IC 4-33-6.8.
38

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

42 (c) A licensed owner may relocate the licensed owner's gaming

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1 operation from a docked riverboat to an inland casino if the following
 2 conditions are met:

3 (1) Except as provided in subsection (d), the casino is located on
 4 property that the licensed owner owned or leased and used in the
 5 conduct of the licensed owner's gaming operations on February
 6 1, 2015.

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

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

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

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

16 (1) acquire part of the public rights-of-way or railroad
 17 rights-of-way to form a contiguous parcel with the property
 18 owned or leased by the licensed owner on February 1, 2015; and
 19 (2) subject to the other requirements of this section, situate an
 20 inland casino on the contiguous parcel formed under subdivision
 21 (1).

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

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

28 SECTION 5. IC 4-33-6-25, AS AMENDED BY P.L.293-2019,
 29 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 25. (a) This section does not apply to a
 31 riverboat gaming operation relocated under section 24 of this chapter.

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

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

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

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

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, or 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, [or] Steuben County, or Wayne County.

or 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) Market and feasibility information.

(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:

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- (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, or 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

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(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

- (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.

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(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.

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(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

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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, or 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, or

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1 **I**Steuben~~County, or Wayne~~ County.

2 (2) After gambling operations cease on the riverboat in Ohio
 3 County under subdivision (1), and before the date the commission has approved gambling operations to begin
 4 under the relocated owner's license, the commission shall promptly transfer the owner's license issued under
 5 IC 4-33-6-1(a) to the licensed owner or permit holder whose application was approved under section 8 of this chapter.

6 (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, **I**or **I**Steuben~~County, or Wayne~~ County in accordance with IC 4-33-6-1(a)(7) and this chapter.

7 SECTION 7. IC 4-33-12-1.5, AS AMENDED BY P.L.293-2019,

8 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 1.5. (a) A supplemental wagering tax on the
 10 wagering occurring each day at a riverboat is imposed upon the
 11 licensed owner operating the riverboat.

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

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

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

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

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

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

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

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

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

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

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

12 (A) the city in which the riverboat is located, if the city:
 13 (i) is located in a county having a population of more
 14 than one hundred twelve thousand (112,000) and less
 15 than one hundred twenty thousand (120,000); or
 16 (ii) is contiguous to the Ohio River and is the largest
 17 city in the county; and

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

20 (2) Except as provided in section 9(k) of this chapter, thirty-three
 21 and one-third percent (33 1/3%) of the admissions tax and
 22 supplemental wagering tax collected by the licensed owner
 23 during the quarter shall be paid to the county in which the
 24 riverboat is located. In the case of a county described in
 25 subdivision (1)(B), this thirty-three and one-third percent (33
 26 1/3%) of the admissions tax and supplemental wagering tax is in
 27 addition to the thirty-three and one-third percent (33 1/3%)
 28 received under subdivision (1)(B).

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

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

40 (5) Except as provided in section 9(k) of this chapter, three and
 41 thirty-three hundredths percent (3.33%) of the admissions tax
 42 and supplemental wagering tax collected by the licensed owner

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1 during the quarter shall be paid to the division of mental health
 2 and addiction. The division shall allocate at least twenty-five
 3 percent (25%) of the funds derived from the admissions tax to
 4 the prevention and treatment of compulsive gambling.

5 (6) Twenty-one and six hundred sixty-seven thousandths percent
 6 (21.667%) of the admissions tax and supplemental wagering tax
 7 collected by the licensed owner during the quarter shall be paid
 8 to the state general fund.

9 SECTION 9. IC 4-33-12-8.7 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: Sec. 8.7. (a) This section applies
 12 only to tax revenue collected from an inland casino located in Allen
 13 County, DeKalb County, or Steuben ~~County, or Wayne~~ County
 14 under IC 4-33-6.8.

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

18 (1) Fifty percent (50%) to the city in which the casino
 19 conducts gaming operations.

20 (2) Fifty percent (50%) to the county in which the casino
 21 conducts gaming operations.

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

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

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

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

34 (4) is considered miscellaneous revenue.

35 SECTION 10. IC 4-33-13-5, AS AMENDED BY P.L.9-2024,
 36 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This subsection does not
 38 apply to tax revenue remitted by an operating agent operating a
 39 riverboat in a historic hotel district. Excluding funds that are
 40 appropriated in the biennial budget act from the state gaming fund to
 41 the commission for purposes of administering this article, each month
 42 the state comptroller shall distribute the tax revenue deposited in the

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1 state gaming fund under this chapter to the following:

2 (1) An amount equal to the following shall be set aside for
 3 revenue sharing under subsection (d):

4 (A) Before July 1, 2021, the first thirty-three million dollars
 5 (\$33,000,000) of tax revenues collected under this chapter
 6 shall be set aside for revenue sharing under subsection (d).
 7 (B) After June 30, 2021, if the total adjusted gross receipts
 8 received by licensees from gambling games authorized
 9 under this article during the preceding state fiscal year is
 10 equal to or greater than the total adjusted gross receipts
 11 received by licensees from gambling games authorized
 12 under this article during the state fiscal year ending June 30,
 13 2020, the first thirty-three million dollars (\$33,000,000) of
 14 tax revenues collected under this chapter shall be set aside
 15 for revenue sharing under subsection (d).

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

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

29 (ii) the total adjusted gross receipts received by
 30 licensees from gambling games authorized under this
 31 article during the state fiscal year ending June 30,
 32 2020;

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

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

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

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

41 (ii) a city located in Lake County, **Allen County, DeKalb County, or Steuben** ~~County, or Wayne~~

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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.

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

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

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

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

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

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

39 (E) Five and three-tenths percent (5.3%) shall be distributed
40 quarterly to the county treasurer of Crawford County for
41 appropriation by the county fiscal body after receiving a
42 recommendation from the county executive. The county

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1 fiscal body for the receiving county shall provide for the
 2 distribution of the money received under this clause to one
 3 (1) or more taxing units (as defined in IC 6-1.1-1-21) in the
 4 county under a formula established by the county fiscal
 5 body after receiving a recommendation from the county
 6 executive.
 7 (F) Six and thirty-five hundredths percent (6.35%) shall be
 8 paid to the fiscal officer of the town of Paoli.
 9 (G) Six and thirty-five hundredths percent (6.35%) shall be
 10 paid to the fiscal officer of the town of Orleans.
 11 (H) Twenty-six and four-tenths percent (26.4%) shall be
 12 paid to the Indiana economic development corporation
 13 established by IC 5-28-3-1 for transfer as follows:
 14 (i) Beginning after December 31, 2017, ten percent
 15 (10%) of the amount transferred under this clause in
 16 each calendar year shall be transferred to the South
 17 Central Indiana Regional Economic Development
 18 Corporation or a successor entity or partnership for
 19 economic development for the purpose of recruiting
 20 new business to Orange County as well as promoting
 21 the retention and expansion of existing businesses in
 22 Orange County.
 23 (ii) The remainder of the amount transferred under this
 24 clause in each calendar year shall be transferred to
 25 Radius Indiana or a successor regional entity or
 26 partnership for the development and implementation of
 27 a regional economic development strategy to assist the
 28 residents of Orange County and the counties
 29 contiguous to Orange County in improving their
 30 quality of life and to help promote successful and
 31 sustainable communities.
 32 To the extent possible, the Indiana economic development
 33 corporation shall provide for the transfer under item (i) to
 34 be made in four (4) equal installments. However, an amount
 35 sufficient to meet current obligations to retire or refinance
 36 indebtedness or leases for which tax revenues under this
 37 section were pledged before January 1, 2015, by the Orange
 38 County development commission shall be paid to the
 39 Orange County development commission before making
 40 distributions to the South Central Indiana Regional
 41 Economic Development Corporation and Radius Indiana or
 42 their successor entities or partnerships. The amount paid to

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1 the Orange County development commission shall
2 proportionally reduce the amount payable to the South
3 Central Indiana Regional Economic Development
4 Corporation and Radius Indiana or their successor entities
5 or partnerships.

(c) This subsection does not apply to tax revenue remitted by an inland casino operating in Vigo County, **Allen County, DeKalb County, [or]Steuben<County, or Wayne> County**. For each city and county receiving money under subsection (a)(2), the state comptroller shall determine the total amount of money paid by the state comptroller to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The state comptroller shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the state comptroller shall pay that part of the riverboat wagering taxes that:

22 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:

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

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

37 (e) Money received by a city, town, or county under subsection (d)
38 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).

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6 (4) For police and fire pensions.

7 (5) To carry out any governmental purpose for which the money
8 is appropriated by the fiscal body of the city, town, or county.
9 Money used under this subdivision does not reduce the property
10 tax levy of the city, town, or county for a particular year or
11 reduce the maximum levy of the city, town, or county under
12 IC 6-1.1-18.5.

11 (1) the entity's base year revenue (as determined under
26 IC 4-33-12-9); minus
27

28 (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.

(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.

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

42 (3) After the distributions required in subdivisions (1) and (2)

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1 are made, the remainder shall be paid in equal amounts to the
 2 consolidated city and the county.

3 (h) This subsection does not apply to an inland casino operating
 4 in Vigo County, **Allen County, DeKalb County, [or]Steuben**
 5 **County**~~, or Wayne County~~^[.] This subsection applies to a
 6 supplemental distribution made after June 30, 2017. The maximum
 7 amount of money that may be distributed under subsection (f) in a state
 8 fiscal year is equal to the following:

9 (1) Before July 1, 2021, forty-eight million dollars
 10 (\$48,000,000).

11 (2) 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 equal to or
 14 greater than the total adjusted gross receipts received by
 15 licensees from gambling games authorized under this article
 16 during the state fiscal year ending June 30, 2020, the maximum
 17 amount is forty-eight million dollars (\$48,000,000).

18 (3) After June 30, 2021, if the total adjusted gross receipts
 19 received by licensees from gambling games authorized under
 20 this article during the preceding state fiscal year is less than the
 21 total adjusted gross receipts received by licensees from gambling
 22 games authorized under this article during the state fiscal year
 23 ending June 30, 2020, the maximum amount is equal to the
 24 result of:

25 (A) forty-eight million dollars (\$48,000,000); multiplied by
 26 (B) the result of:

27 (i) the total adjusted gross receipts received by
 28 licensees from gambling games authorized under this
 29 article during the preceding state fiscal year; divided
 30 by
 31 (ii) the total adjusted gross receipts received by
 32 licensees from gambling games authorized under this
 33 article during the state fiscal year ending June 30,
 34 2020.

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

42 (i) This subsection applies to a supplemental distribution, if any,

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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:

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

17 (j) Money distributed to a political subdivision under subsection
18 (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.

36 Money distributed under subsection (b)(3)(B) must be used for the
37 purposes specified in subsection (b)(3)(B).

38 (k) After June 30, 2020, the amount of wagering taxes that would
39 otherwise be distributed to South Bend under subsection (d) shall be
40 deposited as being received from all riverboats whose supplemental
41 wagering tax, as calculated under IC 4-33-12-1.5(b), is over three and
42 five-tenths percent (3.5%). The amount deposited under this

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1 subsection, in each riverboat's account, is proportionate to the
2 supplemental wagering tax received from that riverboat under
3 IC 4-33-12-1.5 in the month of July. The amount deposited under this
4 subsection must be distributed in the same manner as the supplemental
5 wagering tax collected under IC 4-33-12-1.5. This subsection expires
6 June 30, 2021.

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

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

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