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HOUSE BILL No. 1038

Proposed Changes to January 22, 2026 printing by AM103813

DIGEST OF PROPOSED AMENDMENT

Relocation fee. Provides that the \$50,000,000 fee paid to the commission upon approval of an application for relocation of gaming operations is to be deposited in the prekindergarten program fund.

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,**
15 **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, 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 JC 4-33-6.7.

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

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

(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

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1 conditions are met:

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

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

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

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

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

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

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

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

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

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

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

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

42 (e) **The number of gambling games offered by a licensed owner**

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1 **of an inland casino operated in Allen County, DeKalb County,
2 Steuben County, or Wayne County under IC 4-33-6.8 may not
3 exceed one thousand five hundred (1,500).**

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

7 **Chapter 6.8. Relocation of Casino Operations**

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

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

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

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

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

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

26 **(B) Documented and verifiable information describing**
27 **the following:**

28 **(i) The proposed site of the inland casino.**

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

30 **(iii) Conceptual plans for casino and nongaming**
31 **facilities.**

32 **(iv) Estimated construction and total development**
33 **costs.**

34 **(v) A phased investment and construction timeline.**

35 **(vi) Market and feasibility information.**

36 **(vii) The financial capacity of the applicant.**

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

42 **(i) At least sixty percent (60%) of the amount**

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invested in the initial phase of development.

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

(D) Any other information requested by the commission.

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

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

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

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

(1) an application from a person that is not a licensed owner or permit holder;

(2) subject to section 7 of this chapter, more than one (1) application from a licensed owner or permit holder;

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

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

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

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

(A) the applicant's proposed relocation; or

(B) the relocation of the Ohio County license to an inland casino in the county without identifying a specific applicant.

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

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

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

(2) support or decline to support specific applicants in a

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1 letter or resolution under subsection (a).

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

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

9 The commission may redact information that it determines to be
 10 confidential in the applications or informational summary made
 11 available to the public.

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

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

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

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

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

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

42 (b) The commission may, after making the filed applications

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1 available to the public under section 6 of this chapter, solicit and
 2 accept a supplemental bid from one (1) or more of the licensed
 3 owners or permit holders that submitted an application described
 4 in subsection (a).

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

7 (1) A supplemental bid:

8 (A) must be submitted only to the commission; and
 9 (B) subject to subsection (e), must be sealed and is
 10 confidential.

11 (2) A supplemental bid may include proposed payments to
 12 one (1) or more of the following:

13 (A) The state.

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

16 (C) The city of Rising Sun.

17 (D) Ohio County.

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

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

24 (A) section 4(a)(1)(B)(iii) through 4(a)(1)(B)(v) of this
 25 chapter; and

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

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

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

34 (e) After the commission makes a final decision under section
 35 8 of this chapter, the commission must make public each
 36 supplemental bid received under this section.

37 Sec. 8. (a) After issuing the informational summary required
 38 under section 6(a)(2) of this chapter, and not later than April 15,
 39 2027, the commission shall issue a final decision approving or
 40 denying each application. The final decision must include written
 41 findings explaining the decision.

42 (b) The commission may:

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(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~~ [transfer] the fee received under subsection (a) ~~in the state general~~ [to the state comptroller for deposit in the prekindergarten program fund established by IC 12-17.2-7.2-13.5 to be used for the purposes of the] 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

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1 determined under subsection (a) to the owner of the Ohio County
 2 license.

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

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

11 **(1) The licensed owner or permit holder shall pay a fee of**
 12 **fifty million dollars (\$50,000,000) to the commission before**
 13 **the sale or transfer of the license may be approved by the**
 14 **commission. Any payment required under this subdivision**
 15 **shall be deposited in the state general fund.**

16 **(2) If, at the time of the transfer of ownership, the five**
 17 **hundred million dollar (\$500,000,000) investment to which**
 18 **the licensed owner or permit holder committed under section**
 19 **4(a)(1)(C) of this chapter has not been met, the person**
 20 **acquiring the owner's license shall, not later than ten (10)**
 21 **years from the date the application was approved by the**
 22 **commission under section 8 of this chapter, invest in the**
 23 **casino and nongaming amenities an amount that is at least**
 24 **equal to the difference between five hundred million dollars**
 25 **(\$500,000,000) and the amount actually invested by the**
 26 **person transferring the owner's license.**

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

29 **(1) during the application, review, and approval process**
 30 **under this chapter; and**

31 **(2) if an application is approved under section 8 of this**
 32 **chapter, until 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 **(b) If the commission approves an application to relocate**
 37 **gaming operations under section 8 of this chapter, the following**
 38 **apply:**

39 **(1) The owner of the Ohio County license shall cease**
 40 **gambling operations on the riverboat in Ohio County not**
 41 **later than one (1) day before the date the commission has**
 42 **approved gambling operations to begin under the relocated**



1 owner's license in Allen County, DeKalb County, Steuben
 2 County, or Wayne County.

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

10 (3) The licensed owner or permit holder to whom the owner's
 11 license is transferred under subdivision (2) is authorized to
 12 begin gambling operations in a casino in Allen County,
 13 DeKalb County, Steuben County, or Wayne County in
 14 accordance with IC 4-33-6-1(a)(7) and this chapter.

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

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

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

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

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

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

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

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

39 (e) The supplemental wagering tax liability of a licensed owner
 40 operating an inland casino in Allen County, DeKalb County,
 41 Steuben County, or Wayne County under IC 4-33-6.8 is equal to
 42 three and five-tenths percent (3.5%) of the riverboat's adjusted

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1 **gross receipts for the day.**

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

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

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

13 (A) the city in which the riverboat is located, if the city:

14 (i) is located in a county having a population of more
 15 than one hundred twelve thousand (112,000) and less
 16 than one hundred twenty thousand (120,000); or

17 (ii) is contiguous to the Ohio River and is the largest
 18 city in the county; and

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

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

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

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

41 (5) Except as provided in section 9(k) of this chapter, three and
 42 thirty-three hundredths percent (3.33%) of the admissions tax

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

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

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

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

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

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

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

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

29 **(2) may not be used to reduce the unit's maximum levy under**
 30 **IC 6-1.1-18.5 but may be used at the discretion of the unit to**
 31 **reduce the property tax levy of the unit for a particular year;**
 32 **(3) may be used for any legal or corporate purpose of the**
 33 **unit, including the pledge of money to bonds, leases, or other**
 34 **obligations under IC 5-1-14-4; and**

35 **(4) is considered miscellaneous revenue.**

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

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1 the state comptroller shall distribute the tax revenue deposited in the
 2 state gaming fund under this chapter to the following:

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

5 (A) Before July 1, 2021, the first thirty-three million dollars
 6 (\$33,000,000) of tax revenues collected under this chapter
 7 shall be set aside for revenue sharing under subsection (d).

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

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

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

30 (ii) the total adjusted gross receipts received by
 31 licensees from gambling games authorized under this
 32 article during the state fiscal year ending June 30,
 33 2020;

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

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

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

41 (i) a city described in IC 4-33-12-6(b)(1)(A);
 42 (ii) a city located in Lake County, **Allen County**,

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DeKalb County, Steuben County, or Wayne 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.

(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

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1 general fund for the remainder of the state fiscal year.
 2 (3) Forty-three and five-tenths percent (43.5%) shall be paid as
 3 follows:
 4 (A) Twenty-two and four-tenths percent (22.4%) shall be
 5 paid as follows:
 6 (i) Fifty percent (50%) to the fiscal officer of the town
 7 of French Lick.
 8 (ii) Fifty percent (50%) to the fiscal officer of the town
 9 of West Baden Springs.
 10 (B) Fourteen and eight-tenths percent (14.8%) shall be paid
 11 to the county treasurer of Orange County for distribution
 12 among the school corporations in the county. The governing
 13 bodies for the school corporations in the county shall
 14 provide a formula for the distribution of the money received
 15 under this clause among the school corporations by joint
 16 resolution adopted by the governing body of each of the
 17 school corporations in the county. Money received by a
 18 school corporation under this clause must be used to
 19 improve the educational attainment of students enrolled in
 20 the school corporation receiving the money. Not later than
 21 the first regular meeting in the school year of a governing
 22 body of a school corporation receiving a distribution under
 23 this clause, the superintendent of the school corporation
 24 shall submit to the governing body a report describing the
 25 purposes for which the receipts under this clause were used
 26 and the improvements in educational attainment realized
 27 through the use of the money. The report is a public record.
 28 (C) Thirteen and one-tenth percent (13.1%) shall be paid to
 29 the county treasurer of Orange County.
 30 (D) Five and three-tenths percent (5.3%) shall be
 31 distributed quarterly to the county treasurer of Dubois
 32 County for appropriation by the county fiscal body after
 33 receiving a recommendation from the county executive. The
 34 county fiscal body for the receiving county shall provide for
 35 the distribution of the money received under this clause to
 36 one (1) or more taxing units (as defined in IC 6-1.1-1-21) in
 37 the county under a formula established by the county fiscal
 38 body after receiving a recommendation from the county
 39 executive.
 40 (E) Five and three-tenths percent (5.3%) shall be distributed
 41 quarterly to the county treasurer of Crawford County for
 42 appropriation by the county fiscal body after receiving a

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1 recommendation from the county executive. The county
 2 fiscal body for the receiving county shall provide for the
 3 distribution of the money received under this clause to one
 4 (1) or more taxing units (as defined in IC 6-1.1-1-21) in the
 5 county under a formula established by the county fiscal
 6 body after receiving a recommendation from the county
 7 executive.

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

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

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

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

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

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

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

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

23 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:

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

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

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

40 (1) To reduce the property tax levy of the city, town, or county
41 for a particular year (a property tax reduction under this
42 subdivision does not reduce the maximum levy of the city, town,

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1 or county under IC 6-1.1-18.5).

2 (2) For deposit in a special fund or allocation fund created under

3 IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and

4 IC 36-7-30 to provide funding for debt repayment.

5 (3) To fund sewer and water projects, including storm water

6 management projects.

7 (4) For police and fire pensions.

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

9 is appropriated by the fiscal body of the city, town, or county.

10 Money used under this subdivision does not reduce the property

11 tax levy of the city, town, or county for a particular year or

12 reduce the maximum levy of the city, town, or county under

13 IC 6-1.1-18.5.

14 (f) This subsection does not apply to an inland casino operating in

15 Vigo County, **Allen County, DeKalb County, Steuben County, or**

16 **Wayne County**. Before July 15 of each year, the state comptroller shall

17 determine the total amount of money distributed to an entity under

18 IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year. If

19 the state comptroller determines that the total amount of money

20 distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the

21 preceding state fiscal year was less than the entity's base year revenue

22 (as determined under IC 4-33-12-9), the state comptroller shall make

23 a supplemental distribution to the entity from taxes collected under this

24 chapter and deposited into the state general fund. Except as provided

25 in subsection (h), the amount of an entity's supplemental distribution

26 is equal to:

27 (1) the entity's base year revenue (as determined under

28 IC 4-33-12-9); minus

29 (2) the sum of:

30 (A) the total amount of money distributed to the entity and

31 constructively received by the entity during the preceding

32 state fiscal year under IC 4-33-12-6 or IC 4-33-12-8; plus

33 (B) the amount of any admissions taxes deducted under

34 IC 6-3.1-20-7.

35 (g) This subsection applies only to Marion County. The county

36 auditor shall distribute the money received by the county under

37 subsection (d) as follows:

38 (1) To each city, other than the consolidated city, located in the

39 county according to the ratio that the city's population bears to

40 the total population of the county.

41 (2) To each town located in the county according to the ratio that

42 the town's population bears to the total population of the county.

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10 (1) Before July 1, 2021, forty-eight million dollars
11 (\$48,000,000).

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

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

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

(D) the result of:

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

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

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(i) This subsection applies to a supplemental distribution, if any, payable to Lake County, Hammond, Gary, or East Chicago under subsections (f) and (h). Beginning in July 2016, the state comptroller shall, after making any deductions from the supplemental distribution required by IC 6-3.1-20-7, deduct from the remainder of the supplemental distribution otherwise payable to the unit under this section the lesser of:

- (1) the remaining amount of the supplemental distribution; or
- (2) the difference, if any, between:

(A) three million five hundred thousand dollars (\$3,500,000); minus

(B) the amount of admissions taxes constructively received by the unit in the previous state fiscal year.

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

(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;

26 (2) may not be used to reduce the maximum levy under
27 IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate
28 of a school corporation, but, except as provided in subsection
29 (b)(3)(B), may be used at the discretion of the political
30 subdivision to reduce the property tax levy of the county, city, or
31 town for a particular year:

31 to the political subdivision for a particular year;
32 (3) except as provided in subsection (b)(3)(B), may be used for
33 any legal or corporate purpose of the political subdivision,
34 including the pledge of money to bonds, leases, or other
35 obligations under IC 5-1-14-4; and

36 (4) is considered miscellaneous revenue.

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

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1 five-tenths percent (3.5%). The amount deposited under this
2 subsection, in each riverboat's account, is proportionate to the
3 supplemental wagering tax received from that riverboat under
4 IC 4-33-12-1.5 in the month of July. The amount deposited under this
5 subsection must be distributed in the same manner as the supplemental
6 wagering tax collected under IC 4-33-12-1.5. This subsection expires
7 June 30, 2021.

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

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

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