

HOUSE BILL No. 1038

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-33.

Synopsis: Riverboat gaming license. Requires the Indiana gaming commission to accept applications and proposals to award an owner's license to operate a casino in Allen County if certain conditions are met. Requires a license fee for the owner's license to operate in Allen County in the amount of at least \$50,000,000. Requires the fee for the Allen County casino license to be deposited in the state general fund.

Effective: July 1, 2026.

Snow

December 1, 2025, read first time and referred to Committee on Public Policy.



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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1038

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-33-2-17, AS AMENDED BY P.L.293-2019,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 17. "Riverboat" means any of the following on
4 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 under IC 4-33-6.8.**

15 SECTION 2. IC 4-33-6-1, AS AMENDED BY P.L.293-2019,
16 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2026]: Sec. 1. (a) The commission may issue to a person a



license to own a riverboat subject to the numerical and geographical limitation of owner's licenses under this section and IC 4-33-4-17. Not more than ~~ten (10)~~ **eleven (11)** owner's licenses may be in effect at any time. Subject to subsection (d), those owner's licenses may be issued as follows:

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

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

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

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

(5) A total of five (5) licenses for riverboats that operate upon the Ohio River from the following counties:

(A) Vanderburgh County.

(B) Harrison County.

(C) Switzerland County.

(D) Ohio County.

(E) Dearborn County.

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

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

(7) Not more than one (1) license for a riverboat that operates as an inland casino in Allen County under IC 4-33-6.8.

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

(c) A person holding an owner's license may not move the person's riverboat from the county in which the riverboat was docked on January 1, 2007, to any other county.

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

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



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

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

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

SECTION 3. IC 4-33-6-4.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 4.8. (a) This section applies to the licensed owner of an inland casino operated in Allen County under IC 4-33-6.8.**

(b) A licensed owner described in subsection (a) shall enter into a development agreement (as defined in IC 4-33-23-2) with Allen County.

SECTION 4. IC 4-33-6-24, AS AMENDED BY P.L.293-2019, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 24. (a) This section does not apply to:**

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

(2) an inland casino operated in:

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

(B) Allen County under IC 4-33-6.8.

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

(c) A licensed owner may relocate the licensed owner's gaming operation from a docked riverboat to an inland casino if the following conditions are met:

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

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

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

(4) The commission approves the relocation of the licensed



owner's gaming operation.

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

(1) acquire part of the public rights-of-way or railroad rights-of-way to form a contiguous parcel with the property owned or leased by the licensed owner on February 1, 2015; and

(2) subject to the other requirements of this section, situate an inland casino on the contiguous parcel formed under subdivision

(1).

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

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

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

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

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

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

(e) The number of gambling games offered by a licensed owner of an inland casino operated in Allen County 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 JULY 1, 2026]:

Chapter 6.8. Allen County Casino Operations

Sec. 1. As used in this chapter, "legislative body" has the meaning set forth in IC 36-1-2-9.

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

(b) The legislative body of the county may, at a public meeting



1 for which public notice has been provided, adopt a resolution in
 2 support of allowing gaming operations to be conducted at an inland
 3 casino in Allen County.

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

15 (d) If the legislative body of the county, city, or town adopts a
 16 resolution under this section, the applicable legislative body shall
 17 provide a certified copy of the resolution to the commission.

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

29 Sec. 4. The commission shall review applications and proposals
 30 submitted under section 3 of this chapter and determine the
 31 suitability of each applicant. In determining suitability, the
 32 commission shall consider each applicant's financial integrity and
 33 the applicant's ability to operate an inland casino. The commission
 34 shall also consider the factors in IC 4-33-6-4. The commission may
 35 not determine an applicant is suitable if the commission finds that
 36 any of the provisions of IC 4-33-6-3 apply.

37 Sec. 5. (a) An application and proposal must include the
 38 following information:

- 39 (1) The name of the applicant.
- 40 (2) The street address of the applicant's proposed casino.
- 41 (3) A copy of the:
- 42 (A) resolution described in section 2(b) of this chapter; and



- 1 (B) if applicable, the resolution described in section 2(c) of
- 2 this chapter.
- 3 (4) A description of the proposed gaming facilities and
- 4 proposed nongaming amenities, including any lodging
- 5 facilities, dining facilities, and retail facilities, at the proposed
- 6 casino.
- 7 (5) The amounts the applicant will invest in the gaming
- 8 facilities and nongaming facilities at the proposed casino.
- 9 (6) A proposed local development agreement with the county.
- 10 (7) Evidence that the applicant's proposed casino will do the
- 11 following:
- 12 (A) Enhance the credibility and integrity of gaming in
- 13 Indiana.
- 14 (B) Promote employment and economic development in the
- 15 area surrounding the proposed casino.
- 16 (C) Optimize the collection of tax revenue under this
- 17 article.
- 18 (8) The applicant's plan for complying with IC 4-33-14 in the
- 19 construction and conduct of the applicant's proposed gaming
- 20 operations in Allen County.
- 21 (9) The fee amount proposed by the applicant to be paid for
- 22 the issuance of the owner's license. The proposed fee amount
- 23 must be in an amount of at least fifty million dollars
- 24 (\$50,000,000).
- 25 (b) A description of an applicant's proposed facilities submitted
- 26 under subsection (a)(4) is a public document. IC 4-33-5 applies to
- 27 an applicant's application for the license and other information
- 28 submitted by the applicant.
- 29 Sec. 6. In determining the applicant best suited for an owner's
- 30 license, the commission shall consider:
- 31 (1) economic benefits;
- 32 (2) tax revenue;
- 33 (3) the number of new jobs;
- 34 (4) whether the applicant plans an investment of at least five
- 35 hundred million dollars (\$500,000,000);
- 36 (5) whether the applicant has a resolution of support from the
- 37 legislative body of the unit in Allen County where it seeks to
- 38 locate;
- 39 (6) the financial stability of the applicant;
- 40 (7) the applicant's history of community involvement; and
- 41 (8) any other factor that the commission considers
- 42 appropriate.



Sec. 7. The commission:

- (1) may issue an owner's license to the person that the commission determines is best suited to hold the license and conduct gaming operations in Allen County;
- (2) shall require a person issued an owner's license under subdivision (1) to promptly deliver to the commission the fee in the amount proposed in the applicant's application and proposal under section 5(a)(9) of this chapter; and
- (3) may impose other requirements that the commission deems necessary and appropriate to protect the interests of the state and the person issued an owner's license under subdivision (1).

Sec. 8. The commission shall deposit the fee received under section 7 of this chapter in the state general fund.

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

(b) Except as provided in ~~subsection (d)~~; **subsections (d) and (e)**, 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:

- (1) the total riverboat admissions tax that the riverboat's licensed owner paid beginning July 1, 2016, and ending June 30, 2017; divided by
- (2) the riverboat's adjusted gross receipts beginning July 1, 2016, and ending June 30, 2017.

(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:

- (1) Four percent (4%) before July 1, 2019.
- (2) Three and five-tenths percent (3.5%) after June 30, 2019.

(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.

(e) The supplemental wagering tax liability of a licensed owner operating an inland casino in Allen County is equal to three and five-tenths percent (3.5%) of the riverboat's adjusted gross receipts for the day.



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

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

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

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

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

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

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

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

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

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

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



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

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

SECTION 9. IC 4-33-12-8.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 8.7. (a) This section applies only to tax revenue collected from an inland casino located in Allen County.**

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

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

(2) Fifty percent (50%) to Allen County.

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

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

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

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

(4) is considered miscellaneous revenue.

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

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



- 1 (A) Before July 1, 2021, the first thirty-three million dollars
 2 (\$33,000,000) of tax revenues collected under this chapter
 3 shall be set aside for revenue sharing under subsection (d).
 4 (B) After June 30, 2021, if the total adjusted gross receipts
 5 received by licensees from gambling games authorized under
 6 this article during the preceding state fiscal year is equal to or
 7 greater than the total adjusted gross receipts received by
 8 licensees from gambling games authorized under this article
 9 during the state fiscal year ending June 30, 2020, the first
 10 thirty-three million dollars (\$33,000,000) of tax revenues
 11 collected under this chapter shall be set aside for revenue
 12 sharing under subsection (d).
 13 (C) After June 30, 2021, if the total adjusted gross receipts
 14 received by licensees from gambling games authorized under
 15 this article during the preceding state fiscal year is less than
 16 the total adjusted gross receipts received by licensees from
 17 gambling games authorized under this article during the state
 18 year ending June 30, 2020, an amount equal to the first
 19 thirty-three million dollars (\$33,000,000) of tax revenues
 20 collected under this chapter multiplied by the result of:
 21 (i) the total adjusted gross receipts received by licensees
 22 from gambling games authorized under this article during
 23 the preceding state fiscal year; divided by
 24 (ii) the total adjusted gross receipts received by licensees
 25 from gambling games authorized under this article during
 26 the state fiscal year ending June 30, 2020;
 27 shall be set aside for revenue sharing under subsection (d).
 28 (2) Subject to subsection (c), twenty-five percent (25%) of the
 29 remaining tax revenue remitted by each licensed owner shall be
 30 paid:
 31 (A) to the city in which the riverboat is located or that is
 32 designated as the home dock of the riverboat from which the
 33 tax revenue was collected, in the case of:
 34 (i) a city described in IC 4-33-12-6(b)(1)(A);
 35 (ii) a city located in Lake County **or Allen County**; or
 36 (iii) Terre Haute; or
 37 (B) to the county that is designated as the home dock of the
 38 riverboat from which the tax revenue was collected, in the case
 39 of a riverboat that is not located in a city described in clause
 40 (A) or whose home dock is not in a city described in clause
 41 (A).
 42 (3) The remainder of the tax revenue remitted by each licensed



owner shall be paid to the state general fund. In each state fiscal year, the state comptroller shall make the transfer required by this subdivision on or before the fifteenth day of the month based on revenue received during the preceding month for deposit in the state gaming fund. Specifically, the state comptroller may transfer the tax revenue received by the state in a month to the state general fund in the immediately following month according to this subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

(B) Fourteen and eight-tenths percent (14.8%) shall be paid to



the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this clause among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this clause must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this clause, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this clause were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

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

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

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

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

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

(H) Twenty-six and four-tenths percent (26.4%) shall be paid



1 to the Indiana economic development corporation established
2 by IC 5-28-3-1 for transfer as follows:

3 (i) Beginning after December 31, 2017, ten percent (10%)
4 of the amount transferred under this clause in each calendar
5 year shall be transferred to the South Central Indiana
6 Regional Economic Development Corporation or a
7 successor entity or partnership for economic development
8 for the purpose of recruiting new business to Orange County
9 as well as promoting the retention and expansion of existing
10 businesses in Orange County.

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

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

34 (c) This subsection does not apply to tax revenue remitted by an
35 inland casino operating in Vigo County **or Allen County**. For each city
36 and county receiving money under subsection (a)(2), the state
37 comptroller shall determine the total amount of money paid by the state
38 comptroller to the city or county during the state fiscal year 2002. The
39 amount determined is the base year revenue for the city or county. The
40 state comptroller shall certify the base year revenue determined under
41 this subsection to the city or county. The total amount of money
42 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:

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

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

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

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

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

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

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

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

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

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

- (4) For police and fire pensions.

- (5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county.

Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(f) This subsection does not apply to an inland casino operating in Vigo County **or Allen County**. Before July 15 of each year, the state comptroller shall determine the total amount of money distributed to an



entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year. If the state comptroller determines that the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-9), the state comptroller shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (h), the amount of an entity's supplemental distribution is equal to:

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

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

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

(h) This subsection does not apply to an inland casino operating in Vigo County **or Allen County**. This subsection applies to a supplemental distribution made after June 30, 2017. The maximum amount of money that may be distributed under subsection (f) in a state fiscal year is equal to the following:

- (1) Before July 1, 2021, forty-eight million dollars (\$48,000,000).
- (2) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is equal to or greater than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the maximum amount is forty-eight million dollars (\$48,000,000).
- (3) After June 30, 2021, if the total adjusted gross receipts



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

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

(B) the result of:

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

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

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

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

(1) the remaining amount of the supplemental distribution; or

(2) the difference, if any, between:

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

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

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

(j) Money distributed to a political subdivision under subsection (b):

(1) must be paid to the fiscal officer of the political subdivision and may be deposited in the political subdivision's general fund (in the case of a school corporation, the school corporation may



1 deposit the money into either the education fund (IC 20-40-2) or
 2 the operations fund (IC 20-40-18)) or riverboat fund established
 3 under IC 36-1-8-9, or both;

4 (2) may not be used to reduce the maximum levy under
 5 IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate
 6 of a school corporation, but, except as provided in subsection
 7 (b)(3)(B), may be used at the discretion of the political
 8 subdivision to reduce the property tax levy of the county, city, or
 9 town for a particular year;

10 (3) except as provided in subsection (b)(3)(B), may be used for
 11 any legal or corporate purpose of the political subdivision,
 12 including the pledge of money to bonds, leases, or other
 13 obligations under IC 5-1-14-4; and

14 (4) is considered miscellaneous revenue.

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

17 (k) After June 30, 2020, the amount of wagering taxes that would
 18 otherwise be distributed to South Bend under subsection (d) shall be
 19 deposited as being received from all riverboats whose supplemental
 20 wagering tax, as calculated under IC 4-33-12-1.5(b), is over three and
 21 five-tenths percent (3.5%). The amount deposited under this
 22 subsection, in each riverboat's account, is proportionate to the
 23 supplemental wagering tax received from that riverboat under
 24 IC 4-33-12-1.5 in the month of July. The amount deposited under this
 25 subsection must be distributed in the same manner as the supplemental
 26 wagering tax collected under IC 4-33-12-1.5. This subsection expires
 27 June 30, 2021.

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

