



Reprinted
February 20, 2001

SENATE BILL No. 435

DIGEST OF SB 435 (Updated February 19, 2001 3:28 PM - DI 92)

Citations Affected: IC 4-33.

Synopsis: Ownership of riverboats. Removes the prohibition on a riverboat owner from owning more than 10% interest in another riverboat. Permits a person to own up to a 100% interest in not more than two riverboats. Provides that a person may not have an ownership interest in more than two riverboat owner's licenses. Specifies that a person is considered to have an ownership interest in a riverboat owner's license if the interest is owned directly or indirectly by the person or by an entity controlled by the person.

Effective: July 1, 2001.

Server, Rogers, Smith S

January 18, 2001, read first time and referred to Committee on Commerce and Consumer Affairs.

February 8, 2001, amended, reported favorably — Do Pass.

February 12, 2001, read second time, ordered engrossed.

February 13, 2001, engrossed.

February 15, 2001, read third time, call withdrawn. Returned to second reading.

February 19, 2001, reread second time, amended, ordered engrossed.

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SB 435—LS 7562/DI 92+



Reprinted
February 20, 2001

First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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SENATE BILL No. 435

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 4-33-6-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The commission may issue
3 to a person a license to own ~~one~~ **(1)** a riverboat subject to the numerical
4 and geographical limitation of owner's licenses under this section,
5 **section 3.5 of this chapter**, and IC 4-33-4-17. However, not more than
6 eleven (11) owner's licenses may be in effect at any time. Except as
7 provided in subsection (b), those eleven (11) licenses are as follows:
8 (1) Two (2) licenses for a riverboat that operates from the largest
9 city located in the counties described under IC 4-33-1-1(1).
10 (2) One (1) license for a riverboat that operates from the second
11 largest city located in the counties described under
12 IC 4-33-1-1(1).
13 (3) One (1) license for a riverboat that operates from the third
14 largest city located in the counties described under
15 IC 4-33-1-1(1).
16 (4) One (1) license for a city located in the counties described
17 under IC 4-33-1-1(1). This license may not be issued to a city

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1 described in subdivisions (1) through (3).

2 (5) A total of five (5) licenses for riverboats that operate upon the
3 Ohio River from counties described under IC 4-33-1-1(2). The
4 commission may not issue a license to an applicant if the issuance
5 of the license would result in more than one (1) riverboat
6 operating from a county described in IC 4-33-1-1(2).

7 (6) One (1) license for a riverboat that operates upon Patoka Lake
8 from a county described under IC 4-33-1-1(3).

9 (b) If a city described in subsection (a)(2) or (a)(3) conducts two (2)
10 elections under section 20 of this chapter, and the voters of the city do
11 not vote in favor of permitting riverboat gambling at either of those
12 elections, the license assigned to that city under subsection (a)(2) or
13 (a)(3) may be issued to any city that:

14 (1) does not already have a riverboat operating from the city; and

15 (2) is located in a county described in IC 4-33-1-1(1).

16 SECTION 2. IC 4-33-6-3 IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2001]: Sec. 3. The commission may not issue
18 an owner's license under this chapter to a person if:

19 (1) the person has been convicted of a felony under Indiana law,
20 the laws of any other state, or laws of the United States;

21 (2) the person has knowingly or intentionally submitted an
22 application for a license under this chapter that contains false
23 information;

24 (3) the person is a member of the commission;

25 (4) the person is an officer, a director, or a managerial employee
26 of a person described in subdivision (1) or (2);

27 (5) the person employs an individual who:

28 (A) is described in subdivision (1), (2), or (3); and

29 (B) participates in the management or operation of gambling
30 operations authorized under this article;

31 (6) the person owns an ownership interest of more than ~~ten~~
32 **percent (10%) in more than one (1) other person holding an**
33 **owner's license issued under the total amount of ownership**
34 **interests permitted under section 3.5 of this chapter; or**

35 (7) a license issued to the person:

36 (A) under this article; or

37 (B) to own or operate gambling facilities in another
38 jurisdiction;

39 has been revoked.

40 SECTION 3. IC 4-33-6-3.5 IS ADDED TO THE INDIANA CODE
41 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
42 1, 2001]: **Sec. 3.5. (a) For purposes of this section, a person is**

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1 **considered to have an ownership interest in a riverboat owner's**
2 **license if the interest is owned directly or indirectly by the person**
3 **or by an entity controlled by the person.**
4 **(b) A person may have up to a one hundred percent (100%)**
5 **ownership interest in not more than two (2) riverboat licenses**
6 **issued under this chapter.**
7 **(c) A person may not have an ownership interest in more than**
8 **two (2) riverboat owner's licenses issued under this chapter.**
9 **(d) This section may not be construed to increase the maximum**
10 **number of licenses permitted under section 1 of this chapter or the**
11 **number of riverboats that may be owned and operated under a**
12 **license under section 10 of this chapter.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Commerce and Consumer Affairs, to which was referred Senate Bill No. 435, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 1, after "in" insert "**each of**".

and when so amended that said bill do pass.

(Reference is to SB 435 as introduced.)

SERVER, Chairperson

Committee Vote: Yeas 7, Nays 3.

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SENATE MOTION

Mr. President: I move that Engrossed Senate Bill 435, which is eligible for third reading, be returned to second reading for purposes of amendment.

SERVER

SENATE MOTION

Mr. President: I move that Senator Smith S be added as coauthor of Senate Bill 435.

SERVER

SENATE MOTION

Mr. President: I move that Senate Bill 435 be amended to read as follows:

Page 2, line 42, delete "A person may own up to a one hundred percent" and insert "**(a) For purposes of this section, a person is considered to have an ownership interest in a riverboat owner's license if the interest is owned directly or indirectly by the person or by an entity controlled by the person.**

(b) A person may have up to a one hundred percent (100%) ownership interest in not more than two (2) riverboat licenses issued under this chapter.

(c) A person may not have an ownership interest in more than two (2) riverboat owner's licenses issued under this chapter.

(d) This section may not be construed to increase the maximum number of licenses permitted under section 1 of this chapter or the number of riverboats that may be owned and operated under a license under section 10 of this chapter."

Delete page 3.

(Reference is to SB 435 as printed February 9, 2001.)

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