

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1528 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-33-2-10.5 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2003]: **Sec. 10.5. As used in IC 4-33-4-21(d),**
- 6 **"gross income" means all the gross receipts a licensed owner**
- 7 **receives from the sale, transfer, or exchange of:**
- 8 (1) **property, real or personal, tangible or intangible; or**
- 9 (2) **an owner's license issued under this article.**
- 10 SECTION 2. IC 4-33-4-21 IS AMENDED TO READ AS
- 11 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. (a) A licensed
- 12 owner or any other person must apply for and receive the commission's
- 13 approval before:
- 14 (1) an owner's license is:
- 15 (A) transferred;
- 16 (B) sold; or
- 17 (C) purchased; or
- 18 (2) a voting trust agreement or other similar agreement is
- 19 established with respect to the owner's license.
- 20 (b) The commission shall adopt rules governing the procedure a
- 21 licensed owner or other person must follow to take an action under
- 22 subsection (a). The rules must specify that a person who obtains an
- 23 ownership interest in a license must meet the criteria of this article and

1 any rules adopted by the commission. A licensed owner may transfer  
 2 an owner's license only in accordance with this article and rules  
 3 adopted by the commission.

4 (c) A licensed owner or any other person may not:

- 5 (1) lease;
- 6 (2) hypothecate; or
- 7 (3) borrow or loan money against;

8 an owner's license.

9 **(d) The commission shall impose a transfer fee upon a licensed**  
 10 **owner who sells, transfers, or exchanges an owner's license. The fee**  
 11 **imposed under this subsection is equal to:**

12 **(1) the gross income received from a transaction or a series of**  
 13 **transactions that includes the sale, transfer, or exchange of an**  
 14 **owner's license with:**

15 **(A) a person; or**

16 **(B) a person affiliated with that person;**

17 **multiplied by**

18 **(2) six percent (6%).**

19 **The gaming commission shall deposit a fee collected under this**  
 20 **subsection as follows:**

21 **(1) Fifty percent (50%) in the state general fund.**

22 **(2) Fifty percent (50%) in the local capital projects fund**  
 23 **established under IC 4-33-16.**

24 **(e) For purposes of this section, a person "affiliated" with a**  
 25 **specific person is a person that directly, or indirectly through one**  
 26 **(1) or more intermediaries:**

27 **(1) controls;**

28 **(2) is controlled by; or**

29 **(3) is under common control with;**

30 **the person specified."**

31 Page 3, after line 12, begin a new paragraph and insert:

32 "SECTION 6. IC 4-33-16 IS ADDED TO THE INDIANA CODE  
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 34 1, 2003]:

35 **Chapter 16. Local Capital Projects Fund**

36 **Sec. 1. As used in this chapter, "fund" means the local capital**  
 37 **projects fund established under section 2 of this chapter.**

38 **Sec. 2. The local capital projects fund is established for the**  
 39 **purpose of funding local capital projects. The fund shall be**  
 40 **administered by the treasurer of state. The expenses of**  
 41 **administering the fund shall be paid from money in the fund.**

42 **Sec. 3. The fund consists of money deposited in the fund under**  
 43 **IC 4-33-4-21 and interest deposited in the fund under section 5 of**  
 44 **this chapter.**

45 **Sec. 4. Money in the fund may be used only for local capital**  
 46 **projects. Expenditures from the fund are subject to appropriation**  
 47 **by the general assembly.**

1       **Sec. 5. The treasurer of state shall invest the money in the fund**  
2       **not currently needed to meet the obligations of the fund in the same**  
3       **manner as other public money may be invested. Interest that**  
4       **accrues from these investments shall be deposited in the fund.**

5       **Sec. 6. Money in the fund at the end of a state fiscal year does**  
6       **not revert to the state general fund."**

7       Renumber all SECTIONS consecutively.  
      (Reference is to HB 1528 as printed February 20, 2003.)

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Representative Kuzman