

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed 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 4-31-2-7.5 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2003]: **Sec. 7.5. As used in IC 4-31-3-14, "gross income" means**
6 **all the gross receipts a permit holder receives from the sale,**
7 **transfer, or exchange of:**
8 **(1) property, real or personal, tangible or intangible; or**
9 **(2) a permit to conduct a horse racing meeting issued under**
10 **IC 4-31-5-8.**
11 SECTION 2. IC 4-31-3-14 IS ADDED TO THE INDIANA CODE
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2003]: **Sec. 14. (a) The commission shall impose a transfer fee**
14 **upon a permit holder who sells, transfers, or exchanges a permit to**
15 **conduct a horse racing meeting issued under IC 4-31-5-8. The fee**
16 **imposed under this subsection is equal to:**
17 **(1) the gross income received from a transaction or a series of**
18 **transactions that includes the sale, transfer, or exchange of**
19 **the permit with:**
20 **(A) a person; or**
21 **(B) a person affiliated with that person;**
22 **multiplied by**
23 **(2) six percent (6%).**
24 **The commission shall deposit a fee collected under this subsection**
25 **in the state general fund.**
26 **(b) For purposes of this section, a person "affiliated" with a**
27 **specific person is a person that directly, or indirectly through one**
28 **(1) or more intermediaries, controls, or is controlled by, or is under**

1 **common control with, the person specified.**

2 SECTION 3. IC 4-31-5-8 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) Except as provided in
4 subsection (c), the commission may issue or deny a permit to an
5 applicant to conduct a horse racing meeting after the proper filing of:

- 6 (1) an application for a permit; and
7 (2) the other information required by this chapter.

8 The commission shall meet as soon as practicable after the filing of the
9 application and other information for the purpose of acting on the
10 application.

11 (b) The commission may deny a permit to:

- 12 (1) any applicant if denial of the permit is in the public interest;
13 (2) a permit holder that has defaulted in payments to the public or
14 an employee, a vendor, a supplier, an owner, or a trainer; or
15 (3) the purchaser of a track from a permit holder described in
16 subdivision (2) if defaults at that track have not been satisfied by
17 either the seller or the purchaser.

18 (c) The commission shall deny a permit to:

- 19 (1) a permit holder that has defaulted in payments to the state;
20 (2) the purchaser of a track from a permit holder described in
21 subdivision (1), if defaults at that track have not been satisfied by
22 either the seller or the purchaser; or
23 (3) ~~a person an association, a trust, a limited liability company, or~~
24 ~~a corporation that owns or has one (1) or more members or~~
25 ~~stockholders who own; an more than the total amount of~~
26 **ownership interest in any other permit issued by the commission**
27 **in the same year for any other racetrack in Indiana permitted**
28 **under section 8.5 of this chapter.**

29 (d) The commission may not issue a permit that would allow
30 pari-mutuel racing to be conducted at the same hour at two (2) or more
31 locations in the same county or adjacent counties.

32 (e) A permit issued under this section is valid from January 1 to
33 December 31 of the year for which it is issued. An application must be
34 made for a renewal of a permit.

35 SECTION 4. IC 4-31-5-8.5 IS ADDED TO THE INDIANA CODE
36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
37 1, 2003]: **Sec. 8.5. (a) For purposes of this section, a person is**
38 **considered to have an ownership interest in a permit issued under**
39 **this chapter if the interest is owned directly or indirectly by the**
40 **person or by an entity controlled by the person.**

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

44 (c) **A person may not have an ownership interest in more than**
45 **two (2) permits issued under this chapter.**

46 SECTION 5. IC 4-31-5-13 IS AMENDED TO READ AS
47 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. A permit issued

- 1 under this chapter:
- 2 **(1) is not transferable may not be transferred unless the**
- 3 **transfer is approved by the commission; and**
- 4 **(2) applies only to the racetrack specified in the permit."**
- 5 Renumber all SECTIONS consecutively.
(Reference is to EHB 1528 as printed April 4, 2003.)

Senator LANANE