

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 4-33-2-10.5 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; and**
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
24 any rules adopted by the commission. A licensed owner may transfer
25 an owner's license only in accordance with this article and rules
26 adopted by the commission.
27 (c) A licensed owner or any other person may not:
28 (1) lease;
29 (2) hypothecate; or
30 (3) borrow or loan money against;
31 an owner's license.
32 **(d) The commission shall impose a transfer fee upon a licensed**

1 **owner who sells, transfers, or exchanges an owner's license. The fee**
2 **imposed under this subsection is equal to:**

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

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

7 **(B) a person affiliated with that person; multiplied by**

8 **(2) three percent (3%).**

9 **The gaming commission shall deposit a fee collected under this**
10 **subsection in the state general fund to be used for reading**
11 **diagnostic assessment. The above appropriation is in addition to**
12 **the appropriations in the budget for reading diagnostic assessment.**
13 **Money collected under this subsection for reading diagnostic**
14 **assessment is annually appropriated to the Department of**
15 **Education.**

16 **(e) For purposes of this section, a person "affiliated" with a**
17 **specific person is a person that directly, or indirectly through one**
18 **(1) or more intermediaries, controls, or is controlled by, or is under**
19 **common control with, the person specified."**

20 **Renumber all SECTIONS consecutively.**

(Reference is to EHB 1528 as printed April 4, 2003.)

Senator ALTING