

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WITHDRAWN	Noes _____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

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

MR. SPEAKER:

I move that Engrossed Senate Bill 405 be amended to read as follows:

- 1 Page 6, between lines 24 and 25, begin a new paragraph and insert:
- 2 "SECTION 6. IC 4-31-14 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]:
- 5 **Chapter 14. Bankruptcy**
- 6 **Sec. 1. This chapter applies to equity holders and creditors of a**
- 7 **permit holder that becomes a party to a proceeding governed by**
- 8 **Title 11 of the United States Code (the Bankruptcy Code).**
- 9 **Sec. 2. As used in this chapter, "creditor" means the holder of**
- 10 **a debt instrument, including a debt instrument with**
- 11 **non-detachable warrants, issued by a permit holder pursuant to a**
- 12 **plan of reorganization of the permit holder that is approved by the**
- 13 **United States Bankruptcy Court.**
- 14 **Sec. 3. As used in this chapter, "creditor's representative"**
- 15 **means a person appointed by a creditor to serve on the governing**
- 16 **body of a permit holder as authorized by the United States**
- 17 **Bankruptcy Court as part of a plan of reorganization of the permit**
- 18 **holder.**
- 19 **Sec. 4. As used in this chapter, "equity holder" means the holder**
- 20 **of a direct or indirect ownership interest in a permit holder that**
- 21 **acquired the ownership interest by virtue of a plan of**
- 22 **reorganization of the permit holder that was approved by the**
- 23 **United States Bankruptcy Court.**
- 24 **Sec. 5. The commission may, in its sole discretion, exempt a**

1 **creditor from the licensing and investigation requirements of this**  
 2 **article if the commission approves the creditor's representative to**  
 3 **serve on the governing board of the permit holder.**

4 **Sec. 6. A direct or indirect owner of an equity holder must be**  
 5 **licensed by the commission in a manner to ensure that each direct**  
 6 **or indirect owner of the permit holder is a person deemed suitable.**

7 **Sec. 7. This chapter expires January 1, 2015."**

8 Page 7, between lines 20 and 21, begin a new line block indented  
 9 and insert:

10 **"(4) A casino that meets the following requirements:**

11 **(A) A licensed owner has relocated gaming operations**  
 12 **conducted on January 1, 2010, on a riverboat described in**  
 13 **subdivision (1) into the casino.**

14 **(B) The casino is located on property:**

15 **(i) adjacent to the property used by the licensed owner**  
 16 **for the purpose of docking the riverboat on January 1,**  
 17 **2010, in the case of a riverboat operating from a dock**  
 18 **located in a county other than Lake County on January**  
 19 **1, 2010; or**

20 **(ii) located within the city limits of the city in which the**  
 21 **riverboat was docked on January 1, 2010, in the case of**  
 22 **a riverboat operating from a dock located in Lake**  
 23 **County on January 1, 2010.**

24 **(C) The number of gambling games conducted in the**  
 25 **casino does not exceed the number of gambling games**  
 26 **conducted on the riverboat on January 1, 2010."**

27 Page 8, between lines 29 and 30, begin a new paragraph and insert:

28 **"SECTION 14. IC 4-33-4-13 IS AMENDED TO READ AS**  
 29 **FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. (a) This section**  
 30 **does not apply to a riverboat:**

31 **(1) located in a historic hotel district; or**

32 **(2) described in IC 4-33-2-17(4).**

33 **(b) After consulting with the United States Army Corps of**  
 34 **Engineers, the commission may do the following:**

35 **(1) Determine the waterways that are navigable waterways for**  
 36 **purposes of this article.**

37 **(2) Determine the navigable waterways that are suitable for the**  
 38 **operation of riverboats under this article.**

39 **(c) In determining the navigable waterways on which riverboats may**  
 40 **operate, the commission shall do the following:**

41 **(1) Obtain any required approvals from the United States Army**  
 42 **Corps of Engineers for the operation of riverboats on those**  
 43 **waterways.**

44 **(2) Consider the economic benefit that riverboat gambling**  
 45 **provides to Indiana.**

46 **(3) Seek to ensure that all regions of Indiana share in the**

1 economic benefits of riverboat gambling."

2 Page 14, delete lines 28 through 42, begin a new paragraph and  
3 insert:

4 "SECTION 21. IC 4-33-6-4 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) In determining  
6 whether to grant an owner's license to an applicant, the commission  
7 shall consider the following:

8 (1) The character, reputation, experience, and financial integrity  
9 of the following:

10 (A) The applicant.

11 (B) A person that:

12 (i) directly or indirectly controls the applicant; or

13 (ii) is directly or indirectly controlled by the applicant or by  
14 a person that directly or indirectly controls the applicant.

15 (2) The facilities or proposed facilities for the conduct of  
16 riverboat gambling.

17 (3) The highest prospective total revenue to be collected by the  
18 state from the conduct of riverboat gambling.

19 (4) The good faith affirmative action plan of each applicant to  
20 recruit, train, and upgrade minorities in all employment  
21 classifications.

22 (5) The financial ability of the applicant to purchase and maintain  
23 adequate liability and casualty insurance.

24 (6) If the applicant has adequate capitalization to provide and  
25 maintain a riverboat for the duration of the license.

26 (7) The extent to which the applicant exceeds or meets other  
27 standards adopted by the commission.

28 (b) **This subsection does not apply to:**

29 (1) **a person applying for an owner's license to assume control**  
30 **of a riverboat on which gambling games have been conducted**  
31 **under an owner's license issued to another person; or**

32 (2) **a riverboat described in IC 4-33-2-17(4).**

33 In an application for an owner's license, the applicant must submit to  
34 the commission a proposed design of the riverboat and the dock. The  
35 commission may not grant a license to an applicant if the commission  
36 determines that it will be difficult or unlikely for the riverboat to depart  
37 from the dock."

38 Page 15, delete lines 1 through 17.

39 Page 15, line 27, delete "(c)," and insert "**(c) or (d),**".

40 Page 16, between lines 3 and 4, begin a new paragraph and insert:

41 "**(d) A riverboat described in IC 4-33-2-17(4) must comply with**  
42 **all applicable building codes and any safety requirements imposed**  
43 **by the commission.**

44 SECTION 24. IC 4-33-6-10 IS AMENDED TO READ AS  
45 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) An owner's  
46 license issued under this chapter permits the holder to own and operate

1 one (1) riverboat and equipment for each license.

2 (b) The holder of an owner's license issued under this chapter may  
3 implement flexible scheduling for the operation of the holder's  
4 riverboat under section 21 of this chapter.

5 (c) **Except as provided in subsection (d) or (e)**, an owner's license  
6 issued under this chapter must specify the place where the riverboat  
7 must operate and dock. ~~However,~~

8 (d) The commission may permit ~~the~~ a riverboat to dock at a  
9 temporary dock in the applicable city for a specific period of time not  
10 to exceed one (1) year after the owner's license is issued.

11 (e) **An owner's license issued with respect to a riverboat**  
12 **described in IC 4-33-2-17(4) must specify the site of the riverboat.**

13 ~~(d)~~ (f) An owner's initial license expires five (5) years after the  
14 effective date of the license."

15 Page 16, between lines 28 and 29, begin a new paragraph and insert:

16 "**(e) An ordinance adopted before January 1, 2010, authorizing**  
17 **a riverboat to dock in a city or county is sufficient to authorize the**  
18 **operation of a riverboat described in IC 4-33-2-17(4) in the city or**  
19 **county.**

20 SECTION 26. IC 4-33-6-21 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 21. (a) **Except as**  
22 **provided in subsection (c)**, a licensed owner may submit a plan for  
23 flexible scheduling to the commission by a date designated by the  
24 commission. Upon receipt of an appropriate plan, the commission shall  
25 authorize flexible scheduling, and the licensed owner shall implement  
26 the flexible scheduling plan by the date designated by the commission.

27 (b) A licensed owner that:

28 (1) submits a plan for flexible scheduling to the commission may  
29 include provisions; or

30 (2) has implemented a flexible scheduling plan may amend the  
31 plan to include provisions;

32 to conduct gambling operations for up to twenty-four (24) hours a day.  
33 Upon receipt of a plan or an amendment to a plan concerning operating  
34 hours, the commission shall authorize the licensed owner to implement  
35 the plan or amendment for the days and hours specified in the plan or  
36 amendment. The licensed owner shall implement the provisions related  
37 to operating days and hours by the date designated by the commission.  
38 If the licensed owner fails or ceases to operate in accordance with the  
39 authorized provisions concerning operating days and hours, the  
40 commission may rescind the authorization.

41 (c) **A licensed owner operating a riverboat described in**  
42 **IC 4-33-2-17(4) shall implement flexible scheduling."**

43 Page 17, between lines 13 and 14, begin a new paragraph and insert:

44 "SECTION 28. IC 4-33-6-24 IS ADDED TO THE INDIANA CODE  
45 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
46 1, 2010]: **Sec. 24. (a) Except as provided in subsection (b), a licensed**

1 owner may relocate the licensed owner's gaming operations from  
 2 a docked riverboat to an inland casino without seeking the  
 3 commission's approval if the licensed owner complies with the  
 4 following requirements:

5 (1) The gaming operations are relocated to a casino:

6 (A) located on property adjacent to the property used by  
 7 the licensed owner on January 1, 2010, for the purpose of  
 8 docking the licensed owner's riverboat in the case of a  
 9 riverboat operating from a county other than Lake County  
 10 on January 1, 2010; or

11 (B) located on property located within the city limits of the  
 12 city in which the licensed owner's riverboat was docked on  
 13 January 1, 2010, in the case of a riverboat operating from  
 14 Lake County on January 1, 2010.

15 (2) The number of gambling games conducted in the casino  
 16 referred to in subdivision (1) does not exceed the number of  
 17 gambling games conducted on the riverboat on January 1,  
 18 2010.

19 (b) The following apply to the relocation of a riverboat gaming  
 20 operation conducted in Gary on January 1, 2010:

21 (1) Only one (1) riverboat gaming operation may be relocated  
 22 from a riverboat operating from a dock on Lake Michigan on  
 23 January 1, 2010.

24 (2) One (1) riverboat gaming operation must remain in  
 25 operation at the riverboat's dock on Lake Michigan.

26 (3) The relocation of a riverboat gaming operation permitted  
 27 by subdivision (1) may be to an inland casino at any site  
 28 within the city limits of Gary.

29 (4) The number of gambling games conducted in the casino  
 30 referred to in subdivision (3) may not exceed the number of  
 31 gambling games conducted on the riverboat on January 1,  
 32 2010.

33 (c) A licensed owner may not simultaneously conduct gaming  
 34 operations at an inland casino and the riverboat from which the  
 35 gaming operations were relocated.

36 (d) The commission may not impose a fee for the privilege of  
 37 relocating a gaming operation under this section."

38 Page 18, between lines 32 and 33, begin a new line block indented  
 39 and insert:

40 "(4) The city in which a riverboat described in IC 4-33-2-17(4)  
 41 is located, if the riverboat is located in:

42 (A) a city adjacent to Lake Michigan; or

43 (B) the largest city of a county adjacent to the Ohio River.

44 (5) The county in which a riverboat described in  
 45 IC 4-33-2-17(4) is located, if the riverboat is:

46 (A) located in a county that is adjacent to the Ohio River;  
 47 but

1                   **(B) not located in the largest city of that county."**

2           Page 33, between lines 11 and 12, begin a new paragraph and insert:  
3           "SECTION 40. IC 4-33-22 IS ADDED TO THE INDIANA CODE  
4           AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
5           UPON PASSAGE]:

6           **Chapter 22. Bankruptcy**

7           **Sec. 1. This chapter applies to equity holders and creditors of a**  
8           **licensed owner or operating agent that becomes a party to a**  
9           **proceeding governed by Title 11 of the United States Code (the**  
10          **Bankruptcy Code).**

11          **Sec. 2. As used in this chapter, "creditor" means the holder of**  
12          **a debt instrument, including a debt instrument with**  
13          **non-detachable warrants, issued by a licensed owner or operating**  
14          **agent pursuant to a plan of reorganization of the licensed owner or**  
15          **operating agent that is approved by the United States Bankruptcy**  
16          **Court.**

17          **Sec. 3. As used in this chapter, "creditor's representative"**  
18          **means a person appointed by a creditor to serve on the governing**  
19          **body of a licensed owner or operating agent as authorized by the**  
20          **United States Bankruptcy Court as part of a plan of reorganization**  
21          **of the licensed owner or operating agent.**

22          **Sec. 4. As used in this chapter, "equity holder" means the holder**  
23          **of a direct or indirect ownership interest in a licensed owner or**  
24          **operating agent that acquired the ownership interest by virtue of**  
25          **a plan of reorganization of the licensed owner or operating agent**  
26          **that was approved by the United States Bankruptcy Court.**

27          **Sec. 5. The commission may, in its sole discretion, exempt a**  
28          **creditor from the licensing and investigation requirements of this**  
29          **article if the commission approves the creditor's representative to**  
30          **serve on the governing board of the licensed owner or operating**  
31          **agent.**

32          **Sec. 6. This chapter expires January 1, 2015."**

33          Page 37, between lines 25 and 26, begin a new paragraph and insert:  
34          "SECTION 44. IC 4-35-13 IS ADDED TO THE INDIANA CODE  
35          AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
36          UPON PASSAGE]:

37          **Chapter 13. Bankruptcy**

38          **Sec. 1. This chapter applies to equity holders and creditors of a**  
39          **licensee that becomes a party to a proceeding governed by Title 11**  
40          **of the United States Code (the Bankruptcy Code).**

41          **Sec. 2. As used in this chapter, "creditor" means the holder of**  
42          **a debt instrument, including a debt instrument with**  
43          **non-detachable warrants, issued by a licensee pursuant to a plan**  
44          **of reorganization of the licensee that is approved by the United**  
45          **States Bankruptcy Court.**

46          **Sec. 3. As used in this chapter, "creditor's representative"**  
47          **means a person appointed by a creditor to serve on the governing**

- 1 **body of a licensee as authorized by the United States Bankruptcy**  
2 **Court as part of a plan of reorganization of the licensee.**
- 3 **Sec. 4. As used in this chapter, "equity holder" means the holder**  
4 **of a direct or indirect ownership interest in a licensee that acquired**  
5 **the ownership interest by virtue of a plan of reorganization of the**  
6 **licensee that was approved by the United States Bankruptcy Court.**
- 7 **Sec. 5. The commission may, in its sole discretion, exempt a**  
8 **creditor from the licensing and investigation requirements of this**  
9 **article if the commission approves the creditor's representative to**  
10 **serve on the governing board of the licensee.**
- 11 **Sec. 6. A direct or indirect owner of an equity holder must be**  
12 **licensed by the Indiana horse racing commission in a manner to**  
13 **ensure that each direct or indirect owner of the licensee is a person**  
14 **deemed suitable.**
- 15 **Sec. 7. This chapter expires January 1, 2015."**  
16 Page 41, line 5, delete "The".  
17 Page 41, line 5, strike "interest".  
18 Page 41, line 6, strike "accruing to" and insert "**Money in**".  
19 Page 41, line 17, delete "of interest".  
20 Renumber all SECTIONS consecutively.  
(Reference is to ESB 405 as printed February 19, 2010.)

---

Representative Crawford