

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WITHDRAWN	Noes _____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 7, between lines 20 and 21, begin a new line block indented
- 2 and insert:
- 3 **"(4) A casino that meets the following requirements:**
- 4 **(A) A licensed owner has relocated gaming operations**
- 5 **conducted on January 1, 2010, on a riverboat described in**
- 6 **subdivision (1) into the casino.**
- 7 **(B) The casino is located on property:**
- 8 **(i) adjacent to the property used by the licensed owner**
- 9 **for the purpose of docking the riverboat on January 1,**
- 10 **2010, in the case of a riverboat operating from a dock**
- 11 **located in a county other than Lake County on January**
- 12 **1, 2010; or**
- 13 **(ii) located in the city limits of the city in which the**
- 14 **riverboat was docked on January 1, 2010, in the case of**
- 15 **a riverboat operating from a dock located in Lake**
- 16 **County on January 1, 2010.**
- 17 **(C) The number of gambling games conducted in the**
- 18 **casino does not exceed the number of gambling games**
- 19 **conducted on the riverboat on January 1, 2010."**
- 20 Page 8, between lines 29 and 30, begin a new paragraph and insert:
- 21 "SECTION 13. IC 4-33-4-13 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. (a) This section
- 23 does not apply to a riverboat:

- 1 **(1) located in a historic hotel district; or**
 2 **(2) described in IC 4-33-2-17(4).**
 3 (b) After consulting with the United States Army Corps of
 4 Engineers, the commission may do the following:
 5 (1) Determine the waterways that are navigable waterways for
 6 purposes of this article.
 7 (2) Determine the navigable waterways that are suitable for the
 8 operation of riverboats under this article.
 9 (c) In determining the navigable waterways on which riverboats may
 10 operate, the commission shall do the following:
 11 (1) Obtain any required approvals from the United States Army
 12 Corps of Engineers for the operation of riverboats on those
 13 waterways.
 14 (2) Consider the economic benefit that riverboat gambling
 15 provides to Indiana.
 16 (3) Seek to ensure that all regions of Indiana share in the
 17 economic benefits of riverboat gambling."
 18 Page 14, delete lines 28 through 42, begin a new paragraph and
 19 insert:
 20 "SECTION 20. IC 4-33-6-4 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) In determining
 22 whether to grant an owner's license to an applicant, the commission
 23 shall consider the following:
 24 (1) The character, reputation, experience, and financial integrity
 25 of the following:
 26 (A) The applicant.
 27 (B) A person that:
 28 (i) directly or indirectly controls the applicant; or
 29 (ii) is directly or indirectly controlled by the applicant or by
 30 a person that directly or indirectly controls the applicant.
 31 (2) The facilities or proposed facilities for the conduct of
 32 riverboat gambling.
 33 (3) The highest prospective total revenue to be collected by the
 34 state from the conduct of riverboat gambling.
 35 (4) The good faith affirmative action plan of each applicant to
 36 recruit, train, and upgrade minorities in all employment
 37 classifications.
 38 (5) The financial ability of the applicant to purchase and maintain
 39 adequate liability and casualty insurance.
 40 (6) If the applicant has adequate capitalization to provide and
 41 maintain a riverboat for the duration of the license.
 42 (7) The extent to which the applicant exceeds or meets other
 43 standards adopted by the commission.
 44 **(b) This subsection does not apply to:**
 45 **(1) a person applying for an owner's license to assume control**
 46 **of a riverboat on which gambling games have been conducted**

1 **under an owner's license issued to another person; or**
 2 **(2) a riverboat described in IC 4-33-2-17(4).**

3 In an application for an owner's license, the applicant must submit to
 4 the commission a proposed design of the riverboat and the dock. The
 5 commission may not grant a license to an applicant if the commission
 6 determines that it will be difficult or unlikely for the riverboat to depart
 7 from the dock."

8 Page 15, delete lines 1 through 17.

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

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

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

14 SECTION 23. IC 4-33-6-10 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) An owner's
 16 license issued under this chapter permits the holder to own and operate
 17 one (1) riverboat and equipment for each license.

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

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

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

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

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

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

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

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

43 (b) A licensed owner that:

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

46 (2) has implemented a flexible scheduling plan may amend the

1 plan to include provisions;
 2 to conduct gambling operations for up to twenty-four (24) hours a day.
 3 Upon receipt of a plan or an amendment to a plan concerning operating
 4 hours, the commission shall authorize the licensed owner to implement
 5 the plan or amendment for the days and hours specified in the plan or
 6 amendment. The licensed owner shall implement the provisions related
 7 to operating days and hours by the date designated by the commission.
 8 If the licensed owner fails or ceases to operate in accordance with the
 9 authorized provisions concerning operating days and hours, the
 10 commission may rescind the authorization.

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

13 Page 17, between lines 13 and 14, begin a new paragraph and insert:
 14 "SECTION 27. IC 4-33-6-24 IS ADDED TO THE INDIANA CODE
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2010]: **Sec. 24. (a) Except as provided in subsection (b), a licensed**
 17 **owner may relocate the licensed owner's gaming operations from**
 18 **a docked riverboat to an inland casino without seeking the**
 19 **commission's approval if the licensed owner complies with the**
 20 **following requirements:**

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

22 **(A) located on property adjacent to the property used by**
 23 **the licensed owner on January 1, 2010, for the purpose of**
 24 **docking the licensed owner's riverboat in the case of a**
 25 **riverboat operating from a county other than Lake County**
 26 **on January 1, 2010; or**

27 **(B) located on property located in the city limits of the city**
 28 **in which the licensed owner's riverboat was docked on**
 29 **January 1, 2010, in the case of a riverboat operating from**
 30 **Lake County on January 1, 2010.**

31 **(2) The number of gambling games conducted in the casino**
 32 **referred to in subdivision (1) does not exceed the number of**
 33 **gambling games conducted on the riverboat on January 1,**
 34 **2010.**

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

37 **(1) Only one (1) riverboat gaming operation may be relocated**
 38 **from a riverboat operating from a dock on Lake Michigan on**
 39 **January 1, 2010.**

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

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

45 **(4) The number of gambling games conducted in the casino**
 46 **referred to in subdivision (3) may not exceed the number of**
 47 **gambling games conducted on the riverboat on January 1,**

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

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

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

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

(A) a city adjacent to Lake Michigan; or

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

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

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

but

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

Page 41, line 5, delete "The".

Page 41, line 5, strike "interest".

Page 41, line 6, strike "accruing to" and insert "**Money in**".

Page 41, line 17, strike "of interest".

Re-number all SECTIONS consecutively.

(Reference is to ESB 405 as printed February 19, 2010.)

Representative Crawford