

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WITHDRAWN	Noes _____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 Delete the amendment made on the motion of Rep. Austin and
2 adopted on February 23, 2010.
- 3 Delete the amendment made on the motion of Rep. Eberhart and
4 adopted on February 23, 2010.
- 5 Page 7, between lines 20 and 21, begin a new line block indented
6 and insert:
- 7 **"(4) An inland casino located within the city limits of Gary."**
- 8 Page 8, between lines 29 and 30, begin a new paragraph and insert:
- 9 "SECTION 13. IC 4-33-4-13 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. (a) This section
11 does not apply to a riverboat:
- 12 (1) located in a historic hotel district; **or**
13 (2) **described in IC 4-33-2-17(4).**
- 14 (b) After consulting with the United States Army Corps of
15 Engineers, the commission may do the following:
- 16 (1) Determine the waterways that are navigable waterways for
17 purposes of this article.
18 (2) Determine the navigable waterways that are suitable for the
19 operation of riverboats under this article.
- 20 (c) In determining the navigable waterways on which riverboats may
21 operate, the commission shall do the following:
- 22 (1) Obtain any required approvals from the United States Army
23 Corps of Engineers for the operation of riverboats on those
24 waterways.

- 1 (2) Consider the economic benefit that riverboat gambling
2 provides to Indiana.
- 3 (3) Seek to ensure that all regions of Indiana share in the
4 economic benefits of riverboat gambling."
- 5 Page 13, line 32, strike "Those ten (10)" and insert "**The owner's**".
6 Page 13, line 32, strike "are" and insert "**may be issued**".
- 7 Page 13, line 35, after "Gary." insert "**However, the commission**
8 **may not reissue a license relinquished to the commission under**
9 **section 24 of this chapter.**".
- 10 Page 14, delete lines 28 through 42, begin a new paragraph and
11 insert:
12 "SECTION 20. IC 4-33-6-4 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) In determining
14 whether to grant an owner's license to an applicant, the commission
15 shall consider the following:
- 16 (1) The character, reputation, experience, and financial integrity
17 of the following:
- 18 (A) The applicant.
19 (B) A person that:
- 20 (i) directly or indirectly controls the applicant; or
21 (ii) is directly or indirectly controlled by the applicant or by
22 a person that directly or indirectly controls the applicant.
- 23 (2) The facilities or proposed facilities for the conduct of
24 riverboat gambling.
- 25 (3) The highest prospective total revenue to be collected by the
26 state from the conduct of riverboat gambling.
- 27 (4) The good faith affirmative action plan of each applicant to
28 recruit, train, and upgrade minorities in all employment
29 classifications.
- 30 (5) The financial ability of the applicant to purchase and maintain
31 adequate liability and casualty insurance.
- 32 (6) If the applicant has adequate capitalization to provide and
33 maintain a riverboat for the duration of the license.
- 34 (7) The extent to which the applicant exceeds or meets other
35 standards adopted by the commission.
- 36 (b) **This subsection does not apply to:**
- 37 (1) **a person applying for an owner's license to assume control**
38 **of a riverboat on which gambling games have been conducted**
39 **under an owner's license issued to another person; or**
40 **(2) a riverboat described in IC 4-33-2-17(4).**
- 41 In an application for an owner's license, the applicant must submit to
42 the commission a proposed design of the riverboat and the dock. The
43 commission may not grant a license to an applicant if the commission
44 determines that it will be difficult or unlikely for the riverboat to depart
45 from the dock."
- 46 Page 15, delete lines 1 through 17.

- 1 Page 15, line 27, delete "(c)," and insert "**(c) or (d),**".
- 2 Page 16, between lines 3 and 4, begin a new paragraph and insert:
- 3 "**(d) A riverboat described in IC 4-33-2-17(4) must comply with**
- 4 **all applicable building codes and any safety requirements imposed**
- 5 **by the commission.**
- 6 SECTION 23. IC 4-33-6-10 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) An owner's
- 8 license issued under this chapter permits the holder to own and operate
- 9 one (1) riverboat and equipment for each license.
- 10 (b) The holder of an owner's license issued under this chapter may
- 11 implement flexible scheduling for the operation of the holder's
- 12 riverboat under section 21 of this chapter.
- 13 (c) **Except as provided in subsection (d) or (e),** an owner's license
- 14 issued under this chapter must specify the place where the riverboat
- 15 must operate and dock. ~~However,~~
- 16 (d) The commission may permit ~~the~~ a riverboat to dock at a
- 17 temporary dock in the applicable city for a specific period of time not
- 18 to exceed one (1) year after the owner's license is issued.
- 19 (e) **An owner's license issued with respect to a riverboat**
- 20 **described in IC 4-33-2-17(4) must specify the site of the riverboat.**
- 21 ~~(d)~~ (f) An owner's initial license expires five (5) years after the
- 22 effective date of the license."
- 23 Page 16, between lines 28 and 29, begin a new paragraph and insert:
- 24 "**(e) An ordinance adopted before January 1, 2010, authorizing**
- 25 **a riverboat to dock in Gary is sufficient to authorize the operation**
- 26 **of a riverboat described in IC 4-33-2-17(4) in Gary.**
- 27 SECTION 25. IC 4-33-6-21 IS AMENDED TO READ AS
- 28 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 21. (a) **Except as**
- 29 **provided in subsection (c),** a licensed owner may submit a plan for
- 30 flexible scheduling to the commission by a date designated by the
- 31 commission. Upon receipt of an appropriate plan, the commission shall
- 32 authorize flexible scheduling, and the licensed owner shall implement
- 33 the flexible scheduling plan by the date designated by the commission.
- 34 (b) A licensed owner that:
- 35 (1) submits a plan for flexible scheduling to the commission may
- 36 include provisions; or
- 37 (2) has implemented a flexible scheduling plan may amend the
- 38 plan to include provisions;
- 39 to conduct gambling operations for up to twenty-four (24) hours a day.
- 40 Upon receipt of a plan or an amendment to a plan concerning operating
- 41 hours, the commission shall authorize the licensed owner to implement
- 42 the plan or amendment for the days and hours specified in the plan or
- 43 amendment. The licensed owner shall implement the provisions related
- 44 to operating days and hours by the date designated by the commission.
- 45 If the licensed owner fails or ceases to operate in accordance with the
- 46 authorized provisions concerning operating days and hours, the

1 commission may rescind the authorization.

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

4 Page 17, between lines 13 and 14, begin a new paragraph and insert:
 5 "SECTION 27. IC 4-33-6-24 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: **Sec. 24. (a) This section applies only to a**
 8 **licensed owner operating two (2) riverboats from Gary as of**
 9 **March 1, 2010.**

10 **(b) A licensed owner may relocate the licensed owner's gaming**
 11 **operations from riverboats docked on Lake Michigan to an inland**
 12 **casino located within the city limits of Gary without seeking the**
 13 **commission's approval.**

14 **(c) If a licensed owner elects to relocate the licensed owner's**
 15 **gaming operations under subsection (b), the licensed owner shall**
 16 **relinquish to the commission one (1) of the owner's licenses held by**
 17 **the licensed owner. The licensed owner shall relinquish the license**
 18 **on the date that the licensed owner commences gaming operations**
 19 **at an inland casino.**

20 **(d) A licensed owner may not simultaneously conduct gaming**
 21 **operations at an inland casino and on a riverboat docked on Lake**
 22 **Michigan.**

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

25 Page 18, between lines 32 and 33, begin a new line block indented
 26 and insert:
 27 **"(4) The city in which a riverboat described in IC 4-33-2-17(4)**
 28 **is located."**

29 Renumber all SECTIONS consecutively.
 (Reference is to ESB 405 as printed February 19, 2010, and
 amended on the motions of Rep. Austin, Rep. Eberhart, and Rep.
 Goodin, each as adopted on February 23, 2010.)

Representative Crawford