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**TITLE 68 INDIANA GAMING COMMISSION**

**Proposed Rule**  
LSA Document #05-107

DIGEST

Adds 68 IAC 15-5-1.5 to determine the graduated wagering tax by a new licensed owner or operating agent following a transfer of controlling interest in an owner's license or operating agent contract. Effective 30 days after filing with the Secretary of State.

**68 IAC 15-5-1.5**

SECTION 1. 68 IAC 15-5-1.5 IS ADDED TO READ AS FOLLOWS:

**68 IAC 15-5-1.5 Transfer of ownership**

**Authority:** IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21; IC 4-33-13-1.5

**Affected:** IC 4-1-1-1; IC 4-33

**Sec. 1.5. When a controlling interest, as determined by the commission, in an existing owner's license or operating agent contract is purchased or otherwise acquired from a licensed owner or operating agent, the subsequent licensed owner or operating agent must pay a wagering tax in accordance with IC 4-33-13-1.5 at a graduated tax rate to be calculated based upon the cumulative adjusted gross receipts received by both the:**

**(1) previous licensed owner or operating agent; and**

**(2) subsequent licensed owner or operating agent;**

**during the entire fiscal year, as defined in IC 4-1-1-1, in which the transaction occurred. (Indiana Gaming Commission; 68 IAC 15-5-1.5)**

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on September 23, 2005 at 9:00 a.m., at the Indiana Gaming Commission, 115 West Washington Street, South Tower, Suite 950, Indianapolis, Indiana the Indiana Gaming Commission will hold a public hearing on a proposed new rule concerning the calculation of the graduated wagering tax following a transfer of a controlling interest in an owner's license or operating agent contract.*

*These changes will not add any new costs to small businesses.*

*Copies of these rules are now on file at the Indiana Gaming Commission, 115 West Washington Street, South Tower, Suite 950 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Ernest E. Yelton  
Executive Director  
Indiana Gaming Commission