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GENERAL ASSEMBLY

Moses backs off efforts to legalize Cherry Masters

By Niki Kelly
The Journal Gazette

INDIANAPOLIS – A key area lawmaker decided Tuesday not to file legislation that would legalize and regulate electronic gaming devices across the state.

Instead, Rep. Win Moses Jr., D-Fort Wayne, wants to create a study committee to analyze the complex details of the situation, a move that Senate President Pro Tem David Long, R-Fort Wayne, said isn't enough.

"I really feel strongly that something needs to happen this year. The status quo is unacceptable," Long said. "They are proliferating like cockroaches."

Some people estimate that 20,000 to 30,000 of the machines exist, and the state could take in \$200 million a year in revenue if the machines legalized and taxed.

Cherry Masters, as they are sometimes called, used to be found primarily in back rooms at service clubs or fraternal organizations. But since the Alcohol and Tobacco Commission cracked down on the machines in 2005, the devices have moved elsewhere into the community – from bars and taverns to laundries, car lots and gas stations.

The problem is exacerbated because the Indiana Excise Police have jurisdiction only if the machines are being used in a place with a liquor license, and local prosecutors have resisted using their resources to fight the illegal gambling.

Long said he would accept a move to legalize and regulate the machines, which currently can be used by children and have no rules on payout, or a stiff effort to enforce the law and get rid of them.

While Moses is backing away, the issue could still move in the Senate, including attaching the language to another gaming proposal to allow slot machines at the state's two horse tracks and off-track betting parlors.

Sen. Robert Meeks, R-LaGrange, has supported a bill to legalize Cherry Masters in the past and might still aid in the effort this year. He was excused from the session Tuesday because of back problems and could not comment.

"Certainly it's not over," said Brad Klopfenstein, executive director of the Indiana Licensed Beverage Association, a group that has spearheaded a coalition in support of such a legalization.

"Gambling is always a lightning rod, and it's going to make some people nervous. I still think any gambling is a long shot this year, whether electronic gaming machines for bars or slots at the tracks or privatizing the lottery. But we're not discouraged. I think we are farther than we were last year."

Moses said he has worked for two years on the issue and the complexity requires a study committee. He said there might be a consensus on the need to legalize and regulate the machines, but not on the details.

"It's almost too complex right now to write a single bill without further study," he said.

For instance, Moses said those involved in the discussions differ on the tax rate that should be used from 10 percent to 40 percent.

And they disagree what number of the machines should be allowed to exist, with one proposal freezing the existing ones in place.

But Moses said many lawmakers won't approve the legalization unless the numbers are reduced from 30,000 to about 15,000. That kind of reduction leaves lawmakers picking and choosing who gets to have the machines, possibly through a bid or lottery process.

There are also questions about how far apart businesses with these machines would have to be, noting that five bars in a row with the devices could constitute a mini-casino in Grabill.

"I have not been able to achieve a consensus," Moses said, noting that leadership is split as well with House Speaker Pat Bauer against such a move and Long being more

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receptive.

Rep. Matt Bell, R-Avilla, will co-author the resolution for a study committee though he prefers a different approach.

"My goal is for a hearing on legalizing and regulating these machines. That's the direction we need to go," he said. "Do we continue to turn a blind eye or engage the General Assembly in a discussion?"

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