

# STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE



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**TO:** County Auditors and County Treasurers

**FROM:** Timothy J. Rushenberg, Commissioner

JJR 7/9/09

**RE:** Timely Certified Distributions

**DATE:** July 9, 2009

## Purpose

This memorandum provides guidance on three new sections added to the Indiana Code regarding the county auditor's timely certified distributions. Effective on passage, House Enrolled Act (HEA) 1432-2009 added Indiana Code sections 6-3.5-1.1-11.5, 6-3.5-6-18.6, and 6-3.5-7-16.5. The new sections require the county auditor to timely distribute certified distributions to each civil taxing unit, school corporation, city, or town, as applicable. A distribution is timely if it is made not later than ten (10) working days after the date the county treasurer receives the county's certified distribution.

## Application

### **County Adjusted Gross Income Tax**

Indiana Code section 6-3.5-1.1-11.5 requires the county auditor to timely distribute the part of the certified distribution received under section 10 of Indiana Code chapter 6-3.5-1.1 ("County Adjusted Gross Income Tax") that constitutes property tax replacement credits to each civil taxing unit and school corporation that is a recipient of property tax replacement credits as provided in sections 12, 13, and 14 of the chapter. Likewise, the county auditor is required to timely distribute the part of the certified distribution received under section 10 that constitutes certified shares as provided by section 15 of the chapter. A distribution is timely if it is made not later than ten (10) working days after the date the county treasurer receives the county's certified distribution under section 10 of the chapter.

### **County Option Income Tax**

Indiana Code section 6-3.5-6-18.6 requires the county auditor to timely distribute the certified distribution received under section 17 of Indiana Code chapter 6-3.5-6 ("County Option Income Tax") to each civil taxing unit that is a recipient of distributive shares as provided by sections 18 and 18.5 of the chapter. A distribution is timely if it is made not later than ten (10) working days after the date the county treasurer receives the county's certified distribution under section 17 of the chapter.

## **County Economic Development Income Tax**

Indiana Code section 6-3.5-7-16.5 requires the county auditor to timely distribute certified distributions received under section 12 of Indiana Code chapter 6-3.5-7 (“County Economic Development Income Tax”) to each city and town that is a recipient of a certified distribution. A distribution is timely if it is made not later than ten (10) working days after the date the county treasurer receives the county’s certified distribution under section 12 of the chapter.

### **Contact Information**

Questions may be directed to Brian Bailey, General Counsel at (317) 234-5720 or [bbailey@dlgf.in.gov](mailto:bbailey@dlgf.in.gov).

### **Text of Indiana Code Provisions**

#### **IC 6-3.5-1.1-11.5**

##### **Timing of income tax distributions within the county**

Sec. 11.5.

(a) The county auditor shall timely distribute the part of the certified distribution received under section 10 of this chapter that constitutes property tax replacement credits to each civil taxing unit and school corporation that is a recipient of property tax replacement credits as provided by sections 12, 13, and 14 of this chapter.

(b) The county auditor shall timely distribute the part of a certified distribution received under section 10 of this chapter that constitutes certified shares to each civil taxing unit that is a recipient of certified shares as provided by section 15 of this chapter.

(c) A distribution is considered to be timely made if the distribution is made not later than ten (10) working days after the date the county treasurer receives the county's certified distribution under section 10 of this chapter.

*As added by P.L.26-2009, SEC.1.*

#### **IC 6-3.5-6-18.6**

##### **Timing of income tax distributions within the county**

Sec. 18.6.

(a) The county auditor shall timely distribute the certified distribution received under section 17 of this chapter to each civil taxing unit that is a recipient of distributive shares as provided by sections 18 and 18.5 of this chapter.

(b) A distribution is considered to be timely made if the distribution is made not later than ten (10) working days after the date the county treasurer receives the county's certified distribution under section 17 of this chapter.

*As added by P.L.26-2009, SEC.2.*

**IC 6-3.5-7-16.5**

**Timing of income tax distributions within the county**

Sec. 16.5.

(a) The county auditor shall timely distribute the certified distribution received under section 12 of this chapter to each city and town that is a recipient of a certified distribution.

(b) A distribution is considered to be timely made if the distribution is made not later than ten (10) working days after the date the county treasurer receives the county's certified distribution under section 12 of this chapter.

*As added by P.L.26-2009, SEC.3.*